People versus Oppression

March - June 2010. A three months account.
The Palestinian movement against the Wall and the settlements under Israeli repression.
Most photos in this report are taken in Ni’lin by Ahmad Mesleh, human rights defender from Ni’lin, Ramallah district.
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I. Introduction

One year ago, Stop the Wall and Addameer released a report entitled “Repression Allowed, Resistance Denied”, which detailed the repression of Palestinian human rights defenders active against the Wall since 2002. The compilation of the report was spurred by an intensification of repression against human rights defenders, and our belief that killings, injuries, arrests and collective punishment are a sacrifice the communities affected by the Wall are ready to accept in order to assert their rights to their land, livelihoods and national self-determination. Additionally, we assert that this repression amounts to large-scale violations of the civil, political and human rights of activists and communities that are mobilizing against the Wall. These violations compound the dispossession brought upon them by the illegal construction of the Wall.

Six years ago the International Court of Justice (ICJ) affirmed the illegality of the Wall and instructed Israel to dismantle it, repeal all rules and legislations related to the Wall, and pay reparations to the people and communities affected by its construction. However, in defiance of the ICJ decision, Israel continues to build the Wall unabated and all those living in its shadow face additional human rights violations in the form of all out repression.

When Stop the Wall wrote last year’s report, the popular committees active against the Wall and the settlements had already lived through two waves of killings (in 2004/5 and in 2007/8), and were facing a gradual surge of arrests. Yet even despite these heavy-handed tactics, Stop the Wall still did not anticipate the level of repression faced by Palestinian (and international) civil society over the last year: the high level arrests – including the arrests of the coordinator and youth coordinator of Stop the Wall –, the raid at our offices, the mass arrests in villages resisting the Wall, the travel bans, the renewed killings. This was accompanied by the spread of repression against Palestinian organizations within the Green Line and also against international activists – most notable example being the assault on the Gaza Freedom Flotilla. In the following pages we detail only the repressive measures that have occurred over the last three months in the context of the popular struggle against the Wall and the settlements. The extent of violence and dehumanization in this period is staggering.

The last year has undoubtedly marked a qualitative shift in the role that the repression of civil society plays within Israel’s overall policies and strategies.

To be clear, Israeli repression is nothing new. Israel has developed its particular maxim of ‘deterrence’ and repression, as encapsulated in Moshe Dayan’s belief that ‘Israel must be like a mad dog, too dangerous to bother’ since the creation of the state. This doctrine has been integral to Israeli policies towards Palestinians, the Arab people and the international community ever since.

Palestinian citizens of Israel lived under military rule and the verdicts of the military
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However, the current wave - which is focused on human rights defenders and the grassroots movement against the Wall and the settlements, and which is rapidly expanding to other parts of Palestinian, Israeli and international civil society - has several distinct features. It is particularly dangerous for the Palestinian struggle for justice and for all those who work towards a just peace in the region.

Firstly, Israel seems to have lost all qualms and stopped all attempts to appear as a 'Western democracy'. The arrests of internationally known activists, the rising attacks on children (including sexual abuse), the collective punishment of entire communities active against the Wall and the settlements, the deadly attack on the humanitarian aid boat Mavi Marmara in international waters and the latest draft laws introduced to the Knesset to severely limit any opposition to the regime, simply bulldoze each and every one of the freedoms that characterize 'liberal democracies'. Israel is implementing this policy without even attempting to create - perhaps because it is incapable of providing - smokescreens of justification.

Secondly, the fact that Israel, instead of stopping construction and dismantling the Wall and the settlements, insists on clamping down against anybody on the ground who is opposing these war crimes, shows the lack of interest within the Israeli government and society in the materialization of any kind of authentic ‘peace talks’. On the contrary, Israel acts like Moshe Dayan’s mad dog to ensure it is not pressured into concessions. It has now de facto destroyed any possibility of a Palestinian state in order to void

courts until 1965. Since 1967, Israeli military courts have been repressing Palestinians from the occupied West Bank and Gaza. This heavily biased military court system, fails to meet even fundamental international fair trial standards, and due process is largely absent. Many Palestinians are already accustomed to the large-scale arrests of grassroots activists since they swept throughout Palestine during the first Intifada. Since the outbreak of the second Intifada, the number of prisoners has consistently been in the thousands, and today there are over eight thousand Palestinians being held in Israeli jails. Many of them are held in administrative detention, meaning they are detained without being charged with any offence, and without being brought before trial.

Similarly, targeted - or less targeted - assassinations to drown protests in blood or decapitate their leadership are nothing new. One of the most significant instances of this was the killing of 6 Palestinians protesting against large scale land confiscation in the Galilee in 1976. Going back to the year of Israel’s inception, the first assassination of an international figure who was perceived to harm Israeli national interest took place in 1948, when UN envoy Count Folke Bernadotte, who was in Jerusalem to mediate a truce between the Israeli military and the Arab states, was murdered. Like with all the Palestinians or internationals killed before or after Count Bernadotte, the perpetrators have never been held accountable, nor did the international community hold accountable the state which ordered the crimes and protected the perpetrators.

In spite of this long history of repression, however, the current wave - which is focused on human rights defenders and the grassroots movement against the Wall and the settlements, and which is rapidly expanding to other parts of Palestinian, Israeli and international civil society - has several distinct features. It is particularly dangerous for the Palestinian struggle for justice and for all those who work towards a just peace in the region.
negotiations of all substance or meaning. The breakdown of peace talks and the end of a hope for a Palestinian state have also implicitly dismantled the very raison d’être of the Palestinian National Authority. With the large scale repression of civil society and grassroots movements, Israel now wants to complete this strategy of the dismantlement of Palestinian people and its political expressions by targeting alternative political and social organizing mechanisms.

Thirdly, Israel aims to break the bonds of international solidarity and undermine the efforts of international action, by targeting those Palestinian activities, such as the popular protests against the Wall and the settlements, which receive the most international attention and are sending an ongoing message to the world that Palestinians will not surrender to the Israeli policies of occupation, apartheid and colonialism. It imposes travel bans and imprisonment on the Palestinians vocally advocating abroad for their rights, and for the responsibility of the international community to hold Israel accountable, notably through boycotts, divestments and sanctions. Finally, while upholding the racist discrimination between Palestinians and international human rights defenders in their court system, Israel has shown with its attack on the Mavi Marmara that it is ready to kill whoever is determined to oppose their criminal policies.

The various policies targeting grassroots activism of Palestinian and international civil society, which Stop the Wall has documented below, form part of a new Israeli strategy to deal with growing international criticism. This strategy was presented at this year’s Herzeliya conference, Israel's centre stage for the articulation of national policy by its most prominent leaders, in form of the Reut Institute’s „Building a Political Firewall Against Israel's Delegitimization“ report. This report recommended the strategic targeting of civil society at the national and international level, and posed activities such as information collection; developing of new, actionable ideas; initiating of events and protests; awareness raising, building of websites and listserves, writing and publishing of articles and training sessions, as serious threats to be countered. The Reut Report’s recommendations have apparently found quick implementation that extends far beyond the mere repression of protests and grassroots activists. The Israeli government and MKs have also introduced a number of bills that particularly target Palestinian citizens of Israel. They that seek to introduce ‘loyalty oaths’, to criminalize political expression or acts that question the Jewish/Zionist nature of the state, to restrict and impair the freedom of expression and freedom of association of human rights organizations registered with Israeli authorities, and to criminalize the transfer of collected information on war crimes and other violations of international law by Israel to third parties. The latest bill introduced in the Knesset criminalizes the call for boycotts, divestment and sanctions (BDS) and targets international civil society and businesses that support this call.

The Israeli trend to further restrict spaces of freedom of speech and assembly is worrying, and it calls for concrete steps to be taken in order to protect the Palestinian capacity to advocate and achieve our human and national rights. At the same time, this crackdown is also an important sign of
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encouragement: it shows the very success of the current political direction that civil society has taken and the fact that in a reality where institutions and governments are failing, civil society can and must make a difference.

Finally, one cannot deny that the current escalation of Israeli repression against civil society is a product of the complete failure of the international community to hold Israel accountable for its crimes and violations. For decades, it has failed to ensure that Palestinian rights are implemented, to apply and uphold international law and to protect Palestinian human rights defenders and its own citizens from Israeli repression.

Thus, we conclude this report with an overview and evaluation of the international community’s action to protect human rights defenders. Unfortunately, though the relevant UN Rapporteurs have raised the issue, the United Nations has not yet set in function any mechanism of protection from Israeli repression of human rights defenders. The larger international community has been deafeningly silent. It has therefore been all the more encouraging that during the last year, the European Union and some of its member states have taken active and continued action to oppose the repression of democratic freedoms, the failed Israeli legal system and the brutalization of human rights defenders through violence and imprisonment. We hope that the moves by Turkey, South Africa and Nicaragua, which have recalled their ambassadors or cut diplomatic relations in response to the attack on the human rights activists on the Gaza Freedom Flotilla, can become a precedent for further action.

Stop the Wall is truly grateful to all those that have engaged in grassroots mobilizing and lobbying or moved political and diplomatic action, which has led to some very important individual successes.

The three components of this mobilization - the Palestinian struggle on the ground, the international solidarity supporting it and a growing governmental concern about the reality on the ground - will hopefully create the necessary pressure to bring about more than limited protection in individual cases, but also a real change in policy. It is imperative that our goal remains to ensure not only that Palestinian human rights defenders can operate without repression, but that their human and national rights are finally achieved... in a country without walls and free of apartheid, colonialism and occupation.

Notes:


4. Reut Institute, Building a Political Firewall Against Israel's Delegitimization, Conceptual Framework, Version A, Submitted to the 10th Herzliya Conference, Adar 5770/March 2010

II. The Wall and the settlements

The Wall, which is currently projected to run 810 km in length, is not being built on, or in most cases even near, the 1967 Green Line. Instead, it cuts deep into the West Bank, annexing Palestinian land and resources. It consists of a network of walls, fences, military zones, 34 fortified checkpoints, 44 tunnels, 634 checkpoints and obstructions and 1,661 km of settler roads. When completed, the Wall and its associated regime of settlements and "military zones" will de facto annex some 46% of the West Bank, isolating communities into Bantustans and military zones.

The concrete Wall is present in Bethlehem, parts of Ramallah, Qalqilya, parts of Tulkarm and throughout the Jerusalem envelope. It is 8 meters high with watchtowers and a "buffer zone" 30-100 meters wide for electric fences, trenches, cameras, sensors, and military patrols. In other places, the Wall consists of layers of fencing and razor wire, military patrol roads, sand paths to trace footprints, ditches and surveillance cameras.

The Wall's "buffer zone" paves the way for large-scale demolitions and the expulsion of nearby residents, as the Wall is in many places located just meters away from homes, shops, and schools. The land between the Wall and the Green Line has been declared a "seam zone", and all residents and landowners in this area must obtain a permit to remain in their homes and on their lands.
Agricultural "gates" have been installed in the Wall, but these do not provide any guarantee that farmers will have access to their lands. Rather, they strengthen Israel's system of permits and checkpoints where Palestinians are beaten, detained, shot at and humiliated.

Construction of the Wall is continuing consistently, yet slowly due to continuous modifications of the Wall's path. Some 60% of the Wall is currently built and in some places, like in Beit Jala (Bethlehem district), the last gaps within the ghetto structure are being closed. The dire effects of isolation and closure due to the Wall cause intense pressure on Palestinian communities; thousands of Palestinians have been cut off from their land and means of subsistence, had their homes and olive trees demolished, or have been displaced as a result of the Wall's construction. Some 266,442 Palestinians in 78 communities are facing living conditions that will force them to abandon their homes. Accessing education, health care, religious sites and even visiting family members has become increasingly difficult.

Almost everywhere the Wall’s path is built to protect the expansion of the illegal settlements on Palestinian land.
With the protection afforded by the Wall, the settlement movement grows at rapid speed, continually usurping Palestinian lands and livelihoods. As of 2008, there was a total of 500,670 settlers on Palestinian territories, with over 200,000 of these living in East Jerusalem. During 2009, construction began on some 2,316 new housing units in settlements throughout the West Bank (including East Jerusalem), while an additional 2,300 housing units were completed. During the first half of 2010, Jerusalem has particularly been a target of settler colonization. Among the various colonization projects in the city, the eviction and settlement activity in Sheikh Jarrah and Silwan have seen most attention and the most arduous protests on behalf of the Palestinian population. In Sheikh Jarrah, two Israeli societies have been granted eviction orders for another two Palestinian families. These are the second evictions in the area since August 2009, and they aim to make space for the nucleus of a new settlement. Continuous protests have been held in the area since the summer of 2009. The al-Bustan quarter, part of the Silwan neighbourhood outside the walls of the old city, is another target of the Israeli Judaization project of the Palestinian capital. On June 21, 2010, the Building and Planning Committee of the Israeli Municipality of Jerusalem sanctioned a plan to demolish 22 Palestinian houses in Al Bustan to pave the way for the so-called “Kings' Valley”, a tourist park to be built on the ruins of more than 90 Palestinian houses in Al Bustan. Half of the home owners in Al-Bustan received administrative demolition orders in connection to this project. If the Israeli occupation authorities carry out these demolitions in Al-Bustan more than 1,500 Palestinian Jerusalemites will be rendered homeless.

Palestinians are gradually expelled from their capital and their lands in a well planned, low speed ethnic cleansing operation to make space for the expansion and development of a settler population. Through this project, Palestinians are herded into walled-in ghettos, over which the occupation authorities keep full control through checkpoints, gates controlled by the military, raids and incursions.

Israel does not sustain this apartheid system on its own. Both the Wall and the settlements are constructed by Israel with the connivance of international organizations and governments who profit from Israeli Occupation. For instance, international banks and investors possess shares in companies which are responsible for the construction of the Wall, and settler produce is sold in stores across the globe. These economic relationships make the international community complicit in the construction of the Wall and its associated regime, essentially leaving Palestinians alone in the struggle against Israeli apartheid.

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III. Popular Resistance against the Wall and settlements

Since the construction of the Wall began, Palestinian communities have been resisting it through sustained demonstrations on the ground, pursuing legal challenges in the courts, and launching campaigns at the international level.

The first protests against the Wall started in the districts of Qalqiliya and Jenin, where the bulldozers began work in June 2002. These protests aimed to stop the destruction of village land.

In 2004, a large-scale growth of popular action and the first killings of human rights defenders related to the Wall occurred. One year later, the Wall was completed in a number of places and widespread daily mobilization aimed at stopping bulldozers came to an end. Popular action adapted so as to be sustainable and appropriate for long-term effort. Thus, the year 2005 came with the beginning of weekly protests in numerous villages, becoming an established program that gained momentum in 2008 and 2009 and that continues to grow in strength.

Weekly protests have persevered and expanded in spite of growing repression from Israeli Occupation Forces. Stop the Wall’s village popular committees continue to organize and expand the weekly protests in the face of extraordinary Israeli repression, which has perpetually targeted our popular committees’ members and coordinators with arrests and violence. The expansion of popular resistance is reflected in a number of communities. For instance, the village of Beitin (Ramallah District) reflects how mobilization efforts are not only persevering, but are also growing in momentum and innovation. The new initiative to oppose the closing off of Palestinian roads, “Stand up... and Break the Siege,” has gained footing. On June 18th, 2010, the initiative drew in a massive protest at the checkpoint in front of the Bet El settlement which is built on the lands of Beitin. This checkpoint is responsible for cutting off Beitin inhabitants from Ramallah – including its hospitals, employment opportunities and universities - and severely restricting their freedom of movement. Since then, protests have been held continuously each Friday, gathering demonstrators demanding the dismantling of the checkpoint and an end to Israeli Occupation.

Mobilization efforts are also expanding in the Bethlehem District where weekly protests in the villages of al-Ma’sara, Wadi Rahal, al-Walaja, and Beit Jala are gaining momentum in spite of increased violent suppression from Israeli Occupation Forces. In al-Ma’sara, protests have continued and gained strength.
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Palestinian and international HRDs have come out in support of Beit Jala by staging sit-ins in front of Israeli bulldozers, often beginning their activist work at 6 in the morning to ensure their presence before the bulldozers start their destruction.

The Ramallah district remains a main site of popular resistance against the Wall and settlements. The village of Nabi Saleh continues its weekly protests in spite of the particularly harsh repression, including the Israeli Occupation’s issuing of a significant

in spite of the perpetual night raid the village has endured. The raids have specifically targeted the home of Muhammad Brijiyeh, the Bethlehem popular committee coordinator. Wadi Rahal has also seen an increase in popular resistance against the Wall as human rights defenders (HRDs) continue to demonstrate against the Efrat settlement which continually usurps more and more of the village’s agricultural land. Palestinian and international HRDs have come out in support of Beit Jala by staging sit-ins in front of Israeli bulldozers, often beginning their activist work at 6 in the morning to ensure their presence before the bulldozers start their destruction.

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number of demolition orders which serve as severe collective punishment for the village’s activism against the Wall. In addition, the villages of Ni’lin and Bil’in continue to draw in large numbers of demonstrators every week even though they inevitably face many cases of asphyxiation, assaults, injuries from tear gas canisters, arrests, and the destruction of land resulting from the fires ignited by the dispersal of tear gas. Even the continued arrest of the coordinator of the popular committee in Bil’in, Abdallah Abu Rahme, and the recent conviction of Adeeb Abu Rahme to two years of jail because of his participation in anti-Wall protests did not break the determination of the people to continue their resistance.

Popular resistance has grown in the Nablus District as well. This has especially been the case in recent months, as HRDs have come out to confront increasing settler violence against farmers and incursions in their villages. Israeli Occupation Forces wilfully killed two youth in Iraq Burin and two others in Awarta in March (more information available below).

Hundreds of demonstrators have taken to the streets of the Nablus District in commemoration of the deaths of these youth and in opposition against the Wall, settlements, and Israeli Occupation.

Finally, Jerusalem has become a major site of popular resistance. As the Israeli Ministry of Interior has issued more settlements and more demolition orders for Palestinian homes in East Jerusalem, activists have flooded the streets in protest against this unjust system. Activists have protested Israel’s discriminating construction permit and zonings policies, which rarely grant Palestinians the right to build on their own land and more often order their expulsion from their homes. Moreover, these protests oppose Israel’s continuously expanding settlement program in East Jerusalem. Silwan has seen weeks of almost daily mobilization especially during June. In fact, 39 residents from the neighbourhood have been arrested for opposing these policies of creeping ethnic cleansing, out of which 14 were minors under 18 years of age.
IV. The ICJ Opinion and its implications for HRDs

The Wall was declared illegal under international law by the International Court of Justice in 2004. The Court reminded the parties to the IV Geneva Convention of their obligation “not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction; [...] to ensure compliance by Israel with international humanitarian law as embodied in that Convention;”

Settlements are illegal as they constitute a grave breach of the IV Geneva Convention and their illegality has been reinforced in numerous UN Resolutions and in the ICJ Advisory Opinion.

In light of Israeli and international non-compliance with their legal obligations, West Bank residents have formed committees of human rights defenders and taken on a campaign of mass civil action against the Wall, engaging in regular demonstrations and international advocacy.

International law, with its focus on the power play between the State and the individual – and in the case of international humanitarian law, inter-State relations – leaves a significant gap with regards to human rights defenders (HRDs) who engage in civil resistance; whilst human rights law in recent years has paid some attention to the role of NGOs and civil society, it has remained silent on social movements such as the civil resistance to the Wall, ignoring the fact that they are becoming increasingly influential in advancing human rights and provoking political change. Such movements are of even more importance in the Occupied Palestinian Territories (OPT) since the Palestinians are denied membership in the United Nations and full recognition as a state.

The actions taken by HRDs to protest against and attempt to dismantle the Wall are non-violent and do not therefore constitute punishable acts under the IV Geneva Conventions, which prohibits specific hostile actions and acts of sabotage against military installations. Furthermore, the ICJ Advisory Opinion has rejected the argument that the Wall constitutes a military structure for defensive purposes. Therefore acts that aim to destroy that structure in any case do not fall under the above-cited provision. The Court stated that it was 'not convinced that the specific course Israel has chosen for the wall was necessary to attain its security objectives' and that 'the infringements resulting from that route cannot be justified by military exigencies or by the requirements of national security or public order'.

The right to resistance can be found in various instruments of international law; Preambular paragraph 3 of the Universal Declaration of Human Rights implicitly acknowledges the right to rebel against
tyranny and oppression where human rights and the rule of law are not protected; the right to resist colonial or alien domination is also invoked in various UN General Assembly resolutions, including Resolution 2625 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations 1970. More recently, the UN Declaration on Human Rights Defenders emphasises the right to peacefully take action against human rights abuses.

The UN has passed numerous resolutions supporting the Palestinian right to self-determination, including General Assembly Resolution 3070 passed in 1973, which supports the use of 'all available means' to realise the right to self-determination. It should also be noted that following the 1967 Arab-Israeli war, several States made statements in support of the Palestinians' right to resist an illegal occupation, with reference to Israeli reprisal attacks on Fatah bases in Jordan following Fatah's own raids into the West Bank. The UN Security Council also recognised the legitimate struggle of Arab guerrilla organisations seeking self-determination following the Israeli attacks and has criticised Israel in the past for its repressive measures taken against demonstrators in the first intifada who, like the HRDs in Bil'in and Nil'in today, were engaged in civil struggle.

The ICJ Advisory Opinion also ruled that the application of International Human Rights Law did not cease in times of armed conflict. Israel's position that human rights law is not relevant in the occupied territories has been rejected by both the ICJ and the Israeli Supreme Court. However, it should also be acknowledged that both International Humanitarian Law and Human Rights Law allow for restrictions or derogations concerning some rights and freedoms in the interests of public security and during times of war or public emergency, including restrictions on civil liberties. Thus protests and direct action can be punishable in such instances, provided principles of proportionality are applied. Nevertheless, international law dictates that certain minimum protections should be maintained under all circumstances, including right to a fair trial and due process.

The case of the HRDs resisting the Wall is however unique as their actions represent efforts to enforce international law: the ICJ Advisory Opinion. Whilst international law places restrictions on the exercise of freedom of assembly and movement in times of public emergency, both international human rights and humanitarian law remain ambiguous as to whether this should apply to actions which are taken by civil society to enforce international law. HRDs in the villages are clearly engaging in direct action which aims to enforce the ICJ Advisory Opinion's recommendations to dismantle the Wall, and are pursuing this strategy because Israel and the international community have failed in their obligations as stated in the Opinion to take measures to bring to an end the construction of the Wall and its associated regime.

The recent case concerning the civil disobedience action against the arms manufacturers EDO MBM Technology near
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existence of Trident weapons. In October 1999 they were acquitted on the grounds that their view - that their act was one of self-defence and crime prevention - was a reasonable one, arguable in a court of law. The Government challenged this decision and eventually overturned the previous ruling in High Court. The High Court summarised the campaigners' position to be that 'if the law is being broken, and is not being enforced by public institutions empowered to enforce it, individuals have the legal right to enforce it, or to take steps contributing to its enforcement, notwithstanding that what they do would otherwise itself be criminal'. The Court overturned the previous ruling based on ambiguities in the interpretation of international law and the ICJ's Opinion on the Threat or Use of Nuclear Weapons and insufficient evidence that the actions of the campaigners would have had the desired effect of preventing more serious crimes being committed by the UK government.

This case follows previous efforts by UK activists to use the 'lawful excuse' defence to justify direct action against military installations. Trident Ploughshares, a civil resistance campaign of people's disarmament, called on the UK Government to decommission British nuclear weapons by 2010, and used the 1996 ICJ Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons to justify its position in their defence during the court case. The campaigners in particular relied on the Court's unanimous decision, in pursuance of Article 6 of the Treaty on the Non-Proliferation of Nuclear Weapons that there is an obligation on all nuclear weapons states to achieve nuclear disarmament, to argue that whilst the British Government failed to fulfil this obligation and instead chose to maintain and develop weapons of mass destruction, they were within their rights to attempt to address this obligation themselves. Trident Ploughshares used civil disobedience measures such as blockades, fence-cutting, dismantling a research lab, and spraying war crimes warnings on military equipment at Trident sites. They argued that such actions were necessary to prevent the threat of armed conflict posed by the continuing

To apply the 'lawful excuse' defence effectively to the anti-Wall protestors, we might ask: does the continuing confiscation of houses, destruction of property and forced evictions taking place in the West Bank in order to build the Wall constitute serious enough crimes or risks to justify the measures taken by Palestinians to dismantle the Wall? Additionally, can these measures be further justified by showing that they have a notable impact on those crimes or risks? The act of throwing stones at the Wall and trying to destroy it with wire cutters could be interpreted as an act of self-defence and necessity against the daily reality of forceful expropriation of land and displacement caused by the continuing
construction of the Wall. To the issue of whether such acts of civil disobedience would actually contribute in some way to averting a greater crime or risk, that parts of the Wall have been brought down in protests in the West Bank, and other parts re-routed following continuous demonstrations, is testament to the fact that such acts of civil disobedience are not done without a considerable measure of impact.

What further reinforces the case for HRDs to continue their actions against the Wall is the fact that the ICJ reached a majority decision that the Wall was illegal under international law. The Israeli State has thus been found guilty of human rights violations and is subject to specific legal obligations as a result, most notably dismantling the Wall. It must justify any restrictions on the exercise of freedom of expression in light of these legal obligations. This principle is reinforced under Article 4 of the ICCPR: derogations must not be inconsistent with a State's other obligations under international law. Whilst Israel fails to fulfil these obligations, it cannot impose restrictions on rights and freedoms which themselves are exercised in order to fulfil a legal obligation to bring down a structure found to be illegal in international law. Whilst the International Court of Justice lacks any powers of enforcement, and in the absence of any prohibition in law of non-violent resistance, the actions of the anti-Wall protesters within the framework of exercising their right to resist alien occupation and right to self-determination would appear to be a legitimate method of enforcing the legal obligations referred to in the Advisory Opinion.

Notes:

* We thank al-Haq for reviewing this paper.
V. Forms of Repression

1. Arrests

"No one shall be subjected to arbitrary arrest, detention or exile" – Universal Declaration of Human Rights, Article IX.

There has been a disturbing rise in arrests of HRDS since our last update, as STW has recorded 114 arrests of HRDs from April 5 through June 30, 2010. Considering that STW recorded 89 arrests of HRDs active against the Wall and the settlements in the entire year of 2009 and 43 in the first two months of 2010, the 114 arrests in less than three months constitutes a dramatic increase of repression. Most of those arrested were either minors (under the age of 18) or were in their early 20s. (For more information, see below.) A number of those arrested were in their late 30s or middle-aged, most of whom were journalists. (For more information, see below.) A small number of those arrested were older human rights defenders (over 60 years-old).

As indicated in our previous report, these arrests form part of a cohesive strategy for dealing with human rights activism against the Wall and the settlements. The Israeli military continues to routinely arrest and try individuals involved in civil mobilizing, based on little or no evidence.

On July 10, the Ofar military court demanded convicted grassroots activist Adeeb Abu Rahmah, to one year imprisonment. Abu Rahmah had already spent 12 months behind bars prior to the conviction and sentencing, yet the court still ordered him to remain in prison attending a possible appeal from the prosecution. His arrest and detention are part of Israel’s repressive efforts to criminalize the grassroots popular resistance to the Israeli occupation. Abu Rahmah was arrested during a protest on July 10, 2009, and was later indicted by the military prosecution on grounds of "incitement," "activity against public order," and "being present in a closed military zone." The lawyers underline how the entire legal process was flawed, including the use of confessions by minors given under severe duress and the destruction by the same police of evidence used earlier on in the case against Abu Rahmah by the prosecution. Abu Rahmah's case could also have far-reaching implications for other anti-wall activists currently awaiting trial. As Amnesty International explained, he could be "the first activist against the fence/wall to be brought to a full evidential trial in a case of this kind." Abu Rahmah's conviction could potentially set troubling new precedents for further criminalization of popular resistance.
Another example is the June 11th arrest of Hasan Brijiyyeh, a member of the al-Ma’sara popular committee against the Wall and the brother of Muhammad Brijiyyeh, the Stop the Wall coordinator for the Bethlehem district who has endured continuous repression for his activism (see below). Hasan was arrested and charged with attempting to burn an Israeli soldier and was required to pay a 2000 shekel fine. However, video recordings shown to the court of the demonstration provide substantial evidence that there is no basis for this charge.

Arrests of organizers, like the above, demonstrate how the Israeli military employs a system which specifically targets known human rights defenders as well as their family members in order to pressure HRDs and the entire community to end their human rights activism. The proceedings and decisions of the military court further underline our contention that Israeli military courts do not comply with international standards of fair trial and due process.

During their detention, activists against the Wall and the settlements are under constant threat of torture, ill-treatment and inhumane treatment. In this report we want to particularly

| Case Study: Inhumane treatment of minors |
| (Testimony collected by Defense for Children International - Palestine section³) |

A 15-year-old boy was arrested by Israeli soldiers from the family home in the early morning hours in January 2010. Later on that morning he was taken for interrogation. He recalls what happened next:

“[…] Then the man [the second interrogator] blindfolded me and took me to another room and said "you'll confess against your will." He tied my hands behind my back after they were tied in front of me. He tightened them really hard and I felt extreme pain. He also tied the blindfold hard and I felt pain. Then he ordered me to sit on the floor in squat position. He ordered me to confess but I refused because I didn't do anything, so he started hitting me on my arms and back. He started lifting me from the ties. He put his legs on my back and then sat on my back. He also slammed my neck against the floor. "I'll bring Abu Ahmad to fuck you because he likes to fuck little kids," he said and went to bring Abu Ahmad. While he was hitting me, my trousers came down and he said "Your ass is sweet and I'll open it today." I wasn't aware whether he touched me or not because he was hitting me and I was hurting. After a while he came back and I heard a stick slamming the floor. "I brought the stick to hit you with," he said and he actually hit me hard with the stick on my legs and I felt great pain. "I'll break it on you and then shock you if you don't confess." Because of the beating, I had to confess to throwing stones a year ago. I wanted him to stop hitting me because it was very painful.'

He then was taken out of the interrogation room and signed some papers. He was charged with throwing stones and sentenced by military court in February 2010 to three-and-a-half month imprisonment, plus eight months on probation and a fine of NIS 1,000. He was released in April 2010 after serving his sentence in Rimonim Prison, inside Israel, in contravention of Article 76 of the Fourth Geneva Convention.
highlight the treatment of the large number of minors arrested because of their protests against the Wall and the settlements. Defense for Children International (DCI) - Palestine section has recorded at least five cases of inhumane treatment and sexual assault or threat of sexual assault of children kept in Israeli jails. For more details, see paragraph 4. Case Studies of this chapter.

2. Violence

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” – Universal Declaration of Rights, Article V.

Disproportionate violence remains an integral part of the Israeli military’s policy against villages engaged in human rights activism against the Wall. The Israeli military continues to use the threat of violence or overwhelming aggression as a form of coercion in their hopes of suppressing any opposition.

Threat of violence

In order to invoke fear among those involved in human rights activism against the Wall, the Israeli military employs a system of threats issued to villages and HRDs. Explicit threats of serious injury or death are spread in the villages and among HRDs during night raids and with warnings directly given to village officials or individuals involved in human rights activism.

Overwhelming Aggression

The Israeli military force's continuous use of overwhelming aggression ensures that these threats are not viewed as empty by the villagers and human rights defenders. The use of live ammunition as well as non-lethal weapons such as rubber-coated bullets, high velocity tear gas canisters, and sound bombs continues to inflict lethal or serious injuries among Palestinian villagers, human rights defenders, and also serves to destroy agricultural land.

Wilful killings

As complete findings of a detailed investigation became known only during this period, STW wants to highlight the killing of four youth in the Nablus district: two youth from Iraq Burin on March 20, 2010 and two minors in Awarta on March 21, 2010.

The UNESCO Chair of An-Najah National University describes the killings in Iraq Burin on March 20, 2010 of the two unarmed boys Muhammad (16 years old) and Usaid (19 years old): “One Israeli soldier comes out of one of the army jeeps and positions himself (with one knee on the ground) on the road, directing his weapon towards the western end of the street and crossroad. The distance between the Israeli soldiers and jeeps and the Palestinian boys is approximately 60 meters. Around 15.30h a minibus coming from Nablus arrives at the village’s main road. The passengers, including Muhammad and Usaid, get off the bus and move to the side of the road, close to the mosque. A witness overhears one of the troops say “ten lo” (“give him” in
Hebrew) after which the positioned soldier fires two shots of live ammunition. The first bullet hits Usaid Abd Qadus (19) in the forehead, when walking onto the main street. As Muhammad Ibrahim Abdel-Qadr Qadus (16) rushes to his cousin Usaid and reaches down to help him, he gets shot in the chest with the second metal bullet. The shots that killed Muhammad and Usaid were fired at approximately 15.40h.”

In response to the constant attacks by Israeli settlers, who try to enter and provoke the people from Iraq Burin, particularly on Saturdays, the residents have been mobilizing every week to protect their village and defend their rights to live and tend to their land. However, neither Muhammad nor Usaid participated in clashes with the Israeli army that day.

The death of the two boys was caused by two targeted shots (to the head and chest) with metal bullets, fired by the Israeli forces and not justified by military necessity. Considering the method applied by the army (a positioned soldier shooting at the upper bodies), the intent to cause the deaths of the two civilians becomes apparent. The cases of wilful killings in Iraq Burin are aggravated by the fact that Israeli Occupation Forces did not comply with their obligation to investigate the case, and withheld medical aid for the two youth, which constitutes a breach of their obligation to grant special protection for children in armed conflict under the Convention on the Rights of the Child to which Israel is a signatory.

Regarding the killings in Awarta on March 21, 2010, the Palestinian human rights organization Al-Haq stated that Israeli occupation forces opened fire upon and killed Muhammad Qawariq (18 years old) and Saleh Qawariq (18 years old) from the village of Awarta, Nablus district. Muhammad and Saleh were first detained, and then killed, by Israeli soldiers as they were on their way to search for scrap iron and to work their farmland.

According to an affidavit given to Al-Haq by Hasan ‘Awad, the head of the village local council, an Israeli DCO (District Coordination Office) Officer named Fares, a Captain in the Israeli forces, explained to him the incident in the following terms: “According to Fares, who was speaking in Arabic, the Israeli soldiers came across the young men and considered them to be a threat on the basis that they carried an axe. Fares also stated that the men had with them a bottle. The soldiers asked them both for their IDs and they were then forced to sit on the ground for seven minutes. Officer Fares reported that while under detention, one of the two young men got up and attempted to strike a soldier. The response of the soldiers was to fire around 15 rounds of ammunition at both Muhammad and Saleh resulting in their deaths.”

The live bullet penetrates Mohammad Qaddous’ chest and exits at the back. (Iraq Burin, March 2010)
The Israeli military first publicized the news of a pitchfork attack but later had to retract this account as it became clear that no pitchfork attack had ever taken place. The only clearly established facts seem to be that the Israeli military has killed two unarmed youngsters, who were already detained, with some 15 live rounds at short range in a clear act of wilful killing. The fact that in both cases, the Israeli internal investigations have not shed any further light on the events in Awarta and that in both cases it only lead to a rebuke of responsible officers is another clear example of Israel’s refusal to duly investigate and punish those responsible. Palestinians are consequently left without remedy or recourse to justice.

Excerpt from the recommendations of the UNESCO Chair of An-Najah National University:

„In response to these killings, the Chair called upon the international community to hold the perpetrators of war crimes, such as the forces who operated in Iraq Burin on March 20, 2010, accountable through the principle of compulsory universal jurisdiction. The Chair also stated that it is the legal responsibility of the international community to sanction the state of Israel and hold it accountable for its acts in violation of international humanitarian law. Moreover, he asserted that the Prosecutor of the International Criminal Court, Mr. Moreno-Ocampo, should initiate preliminary investigations, proprio motu, into war crimes committed by Israel throughout the Occupied Palestinian Territory on an ongoing basis. The killing of Usaid and Muhammad Qadus would be one of the many cases falling into the Court’s jurisdiction.

The wilful killing of civilians constitutes a grave breach of the Fourth Geneva Convention (under Article 147 thereof), which consequently constitutes a war crime, and is subject to compulsory universal jurisdiction.“

Tear Gas

Although the Israeli military posits the use of tear gas as an essentially harmless way to disperse a crowd, tear gas canisters have resulted in a significant number of serious injuries over the last three months. Beyond the hundreds of cases of asphyxiation, the Israeli military’s tendency to fire the high velocity tear gas canisters directly into crowds of people has had devastating effects.

We have recorded 13 cases of HRD’s hospitalized after being hit with tear gas
People versus Oppression

the Israeli military hit five Palestinian HRDs and one Italian HRD with rubber-coated bullets during a weekly protest in the village of Bi‘lin (Ramallah District).

On April 24, 2010, 14-year-old Ahmad Ayyad was hospitalized for burns sustained when the Israeli military fired a sound bomb directly at him. Although this is the only recorded case of an injury sustained through sound bombs between the months of April and June, this example still reflects how dangerous the Israeli Occupation Force’s repressive tactics are. In the way the Israeli Occupation Forces use tear gas, sound bombs and other crowd control and crowd dispersal weapons, they are inflicting serious injuries to human rights defenders. This forms part of an ongoing strategy of disproportionate violence and continuous patterns of aggression against HRDs, which violate fundamental human rights.

HRDs Used as Test Subjects for New Weaponry

Reports from HRDs raise suspicions that the weekly protests against the Wall also serve as a testing ground for the Israeli military to try out new forms of violent suppression. Stop the Wall’s popular committees throughout the Palestinian villages have recorded many instances where unknown weapons have been used to suppress the weekly protests.

On April 24, 2010, our reports indicate that the Israeli military used two new weapons to suppress the weekly march in Bil‘in (Ramallah District): one produced thick smoke clouds while the other sprayed canisters during the villages’ weekly protests in the months of April, May, and June of 2010. Tear gas canister injuries have been the most concentrated and consistent in Bil‘in (Ramallah District), in which 9 people have been hospitalized after being hit with the weapon. Some of these cases have been very serious. For instance 43-year-old Imad Rizqa suffered from a fractured skull and brain hemorrhaging after the Israeli forces fired tear gas canisters directly at protestors during an anti-Wall demonstration on April 23. The Israeli military fired a tear gas canister and injured the foot of Tariq Adnan, a 14-year-old disabled boy, during the May 21 weekly protest against the Wall in Bil‘in. This reflects how the Israeli Occupation Force also targets youth who do not pose any threat.

If the Israeli military used tear gas according to their stated purpose of crowd control, they would avoid firing the tear gas canisters directly into crowds. However, the significant number of people who have been hospitalized after being hit with tear gas canisters reflects how the Israeli military actually uses tear gas as a weapon to inflict serious injuries and not merely as a means to disperse a crowd.

Sound Bombs and rubber-coated bullets

The use of sound bombs and rubber coated bullets have also resulted in the hospitalization of human rights defenders. We have recorded eight people hospitalized with serious injuries after being hit with rubber bullets during the villages’ weekly protests. On April 23, 2010, six of these individuals suffered injuries sustained when
shrapnel in all directions as it exploded. The following day (April 25, 2010), we recorded a case wherein the Israeli military used a new type of tear gas. Israeli soldiers sprayed this gas directly in the face of the protestors causing them severe breathing problems during a protest in the village of Al-Walajeh (Bethlehem District).  

In May, we recorded two cases of use of new and unknown weapons. On May 13, 2010, the Israeli military confronted protestors in the village of Nabi Saleh (Ramallah District) with a new explosive device. Eyewitnesses described how the device was particularly powerful and detonated through an electrical wiring system. On May 21, 2010, our reports indicate that the Israeli military used a new type of tear gas to suppress the weekly demonstration against the Wall in al-Ma'sara (Bethlehem District). Eyewitnesses described how the new tear gas canisters followed movement until they hit a target.  

A testing field for the arms industry

The fact that Israeli military technology firms boast about how the superiority of their weapons is demonstrated through their performance in “the field” (i.e., against Palestinians), corroborates our fear that Israel tests new military technology in Palestinian communities.

This is reflected in statements like that of Ran Galli, the Corporate Vice President of Major Campaigns for Elbit Systems, who stated that because the Israeli military is constantly “fighting terror”, Israeli companies have an advantage when it comes to the “development of new systems, testing them in real-time and adapting and fine tuning following feedback from performance in the field.” This same sense of pride in the military technology developments that are gained through participating in the repression and occupation of the Palestinians is also demonstrated in the statements issued about the Tavor assault rifle. In a short promotional video for the Tavor weapon, Israel Weapons Industries (IWI) stresses how the Tavor is “battle tested,” “combat proven” and built by a company with “years of experience.”

If Israel wants to keep profiting from its military industrial complex, it will continue to seek “experience” for its new military technology to ensure their success in the weapons market.
3. Collective Punishment

„Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. [...] Reprisals against protected persons and their property are prohibited.“ Fourth Geneva Convention, Art. 33

It is not only individuals who are targeted. Various means of collective punishment are employed against entire villages:

**Night raids**

The village of al-Ma’sara has been subject to continuous night raids in the past three months. The Israeli military has repeatedly raided the village, and specifically the home of Muhammad Brijiyyeh, the Bethlehem coordinator for the popular committee against the Wall, with devastating effects on the entire family. On April 15, 2010, during another night raid soldiers explicitly told Brijiyyeh that their aim is “to wear him out.” These night raids do not only burden him, his wife and his elderly mother, but also his one and a half year old daughter and infant twins.

**Skunk water**

In the beginning of April, eyewitnesses described how the Israeli military sprayed “skunk water” into workshops and homes in the village of Nabi Saleh (Ramallah District). Although this is the only case of the use of “skunk water” as means of suppression we have recorded between the months of April and June, it was also used in isolated circumstances in 2008. In the last eight months since the beginning of the protests, it was used twice in Nabi Saleh prior to the April occurrence. However, in April the Israeli army sprayed the “skunk water” for the first time inside the homes. According to the village council the water was of a phosphorous green colour and similar to that used previously in the villages of Bil’in and Ni’lin. The stench emitted from the water remained the homes for a month and constituted an unhealthy environment for parents and children living in those homes. The use of wastewater is not only aimed at causing damage to property, but it also constitutes a degrading treatment of Palestinians that poses a direct threat to human health.

**Military zones**

The Israeli military continues to enact closures on entire villages, effectively turning them into isolated military zones. The Ramallah District villages of Ni’lin and Bil’in have especially suffered from these closures. The Israeli military has issued an order that both villages would be ‘closed military zones’ every Friday between 8 a.m and 8 p.m. for a period of six months.
Damage of property through fires

The use of tear gas fired randomly into agricultural fields, especially during these last few months as the weather grew warmer and the land dryer, has resulted in the destruction of land due to the outbreak of fires. The use of tear gas and sound bombs most often spreads fire across the dry land, destroying significant sources of agricultural output.

The Ramallah District has been especially impacted from tear gas and sound bomb-provoked fires. The villages of Ni’ilin, Bil’in, and Nabi Saleh have lost huge swaths of agricultural land to the fires ignited by tear gas and sound bombs. On May 14, 2010, the Tamimi family from Nabi Saleh lost 400 to 500 dunams of land in this way. The fires spread so rapidly that they nearly burned down homes and a gas station at the edge of the village.

The destruction caused by tear gas and sound bombs is devastating especially considering that Palestinians are already rapidly losing their land to the construction of the Wall and settlements. The fires started by tear gas and sound bombs are destroying what little land is left for agriculture, one of Palestine’s main sources of livelihood.

4. Case Studies

Repression of minors\(^\text{12}\)

Stop the Wall all recorded a significant number of minors arrested for their activism against the Wall. Defence for Children International – Palestine section provides more detailed data, which more cohesively reflects the repression of minors through their Detention Bulletins for April and May.

![Curfews particularly target children. (2009)](image)

In the month of April, 2010, DCI recorded 335 children detained. Thirty-two of these youth were between the ages of twelve and fifteen, two of them were held in administrative detention without charge or trial, and one girl was held in detention. In May, DCI recorded 305 children detained. Of these 305, twenty-five were between the ages of twelve and fifteen, two were held in administrative detention without charge or trial, and no girls were detained during this time.

The reports indicate that most children are arrested and detained for participation in activism against the Wall and the settlements, often accused of having thrown stones.
DCI expresses their concern that Israeli authorities have returned to imprisoning children without charge or trial. The detention of the girl reflects a further increase in repression since she was the only Palestinian girl detained for the first time in six months. Moreover, most of the minors are held in detention centers in Israel in violation of Article 76 of the Fourth Geneva Convention and family visits are subject to a permit system.

The inhuman treatment of youth detained by Israeli Occupation Forces is represented in DCI’s data which presents the accounts of 100 sworn affidavits collected by the organization’s lawyers and fieldworkers from Palestinian children detained in the Israeli military court system in 2009:

<table>
<thead>
<tr>
<th>Ill-treatment</th>
<th>Number of cases out of 100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hand ties</td>
<td>97</td>
</tr>
<tr>
<td>Blindfolding</td>
<td>92</td>
</tr>
<tr>
<td>Confession during interrogation</td>
<td>81</td>
</tr>
<tr>
<td>Beaten or kicked</td>
<td>69</td>
</tr>
<tr>
<td>Arrested between midnight</td>
<td>65</td>
</tr>
<tr>
<td>Verbal abuse</td>
<td>50</td>
</tr>
<tr>
<td>Threats or inducements</td>
<td>49</td>
</tr>
<tr>
<td>Signed confession in Hebron</td>
<td>32</td>
</tr>
<tr>
<td>Position abuse</td>
<td>26</td>
</tr>
<tr>
<td>Solitary confinement</td>
<td>14</td>
</tr>
<tr>
<td>Threat of sexual assault</td>
<td>12</td>
</tr>
<tr>
<td>Sexual assault</td>
<td>4</td>
</tr>
</tbody>
</table>

Clearly, this data represents severe repression of minors in need of urgent attention. The abuse of minors cannot be tolerated by the international community.

**Arrests and violence against the press**

In its monthly updates, the Palestinian Centre for Development and Media Freedoms (MADA) reported that in April 2010, all West Bank related attacks on freedom of the press by the Israeli occupation authorities were related to journalists covering activities against the Wall and the settlements.

In April, there were five press workers arrested and two injured for covering the weekly protests against the Wall. Agence France-Presse correspondent and cameraman Hazem Bader was arrested on April 10 in Beit Safa, Hebron; Al-Hayat Al-Jadedah correspondent Muheeb Al-Barghouthi was arrested covering the weekly Bil’in rally on April 23; Al-Jazeera crew, including cameraman Majdi Bannourah and technical assistant Nadir Abu Zer were arrested in Bil’in on April 30; and APA photographer Najeh Hashlamoun was arrested on April 24 in Beit Ummar, Hebron. AFP photographer Abbas Moumni was injured in Bil’in on April 23 and Associated Press photographer Mahfouz Abu Turk in Eissawiya was injured in Occupied East Jerusalem, on April 9 as he covered clashes in the area.

During May, MADA recorded one arrest and four injuries of press workers. Al-Sharqyia channel cameraman Ala’ Abu Sood
was arrested by the Israeli Occupation Forces while he was filming the weekly march in Bil’in on May 14. WAFA Agency/APA photographer Muammar Jamil Awad (25 years-old) was hit by a tear gas canister in the head while covering a protest against the Wall in Beit Jala on May 2; Palestine TV correspondent Haroon Amayreh lost consciousness for a short period of time because of tear gas shot at him while doing an interview at the Bil’in weekly march on Friday, May 14; Pal Media cameraman Yousef Shaheen was targeted with tear gas (even though he was away from the protest), briefly losing consciousness, and suffering from suffocation while he was filming a protest march in Beit Jala on May 23; and WAFA Agency photographer Ayman Nubani (even though he was away from the protest) was shot at by the Israeli Occupation Forces with a tear gas canister, suffering a leg wound and burns on his leg and back, while he was covering the Iraq Burin weekly march on May 29.

During June the physical attacks on the media by the Israeli Occupation Forces continued. All of the attacks occurred while the media were covering mobilizations against the Wall and the settlements. On June 2nd, Associated Press photographer Arif Toufaha and WAFA News agency Ayman Nubani were attacked by the Israeli settlers, in the town of Asira near Nablus, when they went to cover a protest against the burning of village lands by the settlers. On June 4th Palestine, TV cameraman Fadi AlJayousi was attacked and used as a human shield by the Israeli Occupation Forces at the Friday protest in Bil’in. AlJayousi reports that he was standing with a group of journalists who were attacked by Israeli forces in an apparent attempt to arrest them. Occupation forces managed to get hold of him and used him as human shield between them and the demonstrators. AlJayousy added: “I was bruised all over my body and transferred to the Sheikh Zayed hospital in Ramallah. My camera was also broken.” On June 20th, Pal Media cameraman Yousef Shaheen, ABA photographer Najeh Hashlamoun; European Agency (EPA) photographer Abdel-Hafiz Hashlamoun; APA photographer Mamoun Wazwaz; AP photographer Nasser Al-Shuokhi; and France press photographer Mousa Al-Sha’er were attacked by the Israeli Occupation Forces when they were covering a weekly march against the Wall in Beit Jala. Shaheen said that he was standing with a group of journalists to cover the weekly march events in Beit Jala when a group of Israeli soldier approached, cursed, and beat them with sticks on their legs, causing bruises on his and some of his colleagues’ legs. Al-Shuokhi said: “The Israeli soldiers have used a new method to attack us today, where they tried to stop us from filming by beating us with sticks.”

From the data given above, it becomes clear that Israeli Occupation Forces are systematically attacking media that covers the events organized by human rights defenders active against the Wall and the settlements. While arrests have decreased, the media is increasingly physically attacked. In many cases it is clear that Occupation Forces have directly attacked media that were standing apart from the rest of the protests and were amply recognizable as press.
The phenomenon is a clear infringement of the right to freedom of expression and information. It further highlights that exposure to the world of the methods and repression the Israeli occupation forces are using is perceived as a threat to Israel. However, violations of human rights and international law must be exposed and the work of those doing so protected.

**Arrest of HRDs in Jerusalem**

One new trend reflected in our reports is the huge spike in arrests of human rights defenders in Jerusalem. The escalation of Israeli Occupation policies in East Jerusalem, which include forced house demolitions of Palestinian homes, the colonization of settlers, as well as raids and closures, has been met with significant resistance from the Palestinian Jerusalemites under siege. Residents of Jerusalem, particularly in areas such as Silwan and Sheikh Jarrah, have engaged in protests against the burgeoning apartheid system in Occupied Jerusalem. In turn, Israeli Occupation Forces have responded to this resistance with unrelenting repression characterized by heightened arrests, violence and harassment of communities. In Silwan alone, 39 cases of arrests have been documented during the reporting period, out of which 14 were minors under 18.

In April of 2010, four families in Sheikh Jarrah were given demolition orders. As a result, the Al Kiswani house was demolished for the second time and the Salah family will not only be forcibly evicted from the home they have been living in for over 40 years, but they are also required to pay a large fine. These demolition orders were accompanied by other transgressions including raids in which a number of people were assaulted, and eight human rights defenders—including two children—were arrested. In the same month in Silwan, 11 residents were arrested for their participation against the illegal settlement activity of the Occupation Forces in their area. One of the children arrested on April 2, 15-year-old Yazan Siyam, was taken from the al Mada Creative Center in a raid where several staff members were beaten. The young boy was arrested under the pretext of being a “threat to Jerusalem’s Jews during the current religious holiday of Passover.”

The following month, only one demolition order was issued by the Jerusalem Municipality. However, May ushered in 22 raids, in which children particularly suffered. Reports indicate that Israeli Occupation Forces coerced children to admit to crimes they did not commit (like throwing stones), by promising that they would let the children go home if they confessed. However, instead of releasing the children, the Israeli Occupation Forces would detain them as soon as they acquired the forced confession. Moreover, a significant number of raids, which most often occurred during the night, as well as clashes with settlers, resulted in the arrests of 11 human rights defenders.

In June, a demolition plan passed an initial hearing in the municipality’s Local Planning and Construction Committee. It focuses on the El- Bustan section of the neighborhood, where 88 Palestinian homes are threatened.
with demolition orders on the grounds that they were built without proper permits and considered illegal by the city. This has led to weeks of mobilization among the Palestinian residents and an unprecedented number of arrests, estimated as high as 60. Stop the Wall has been able to verify only 18 arrests between June 1 and July 1, which still indicates a sharp increase in arrests. Further, the month of June saw severe injuries inflicted upon human rights defenders. On June 25, Muhannad Qawasmi (16 years old), lost his right eye after Israeli Occupation Forces shot him directly with a tear gas canister in his eye on June 27. Between June 26 and 27, some fifty people were injured by the Occupation Forces.

Reports also indicate how Israel often enacts closures in East Jerusalem. On almost a daily basis, the Israeli Occupation Forces set up roadblocks at the entrances to Silwan. For instance, the entrance of Wadi Hilweh is often the site of Israeli mobile checkpoints in which Palestinian vehicles are routinely stopped and inspected, thus delaying people for long periods of time and preventing them from getting to their work on time. Moreover, Palestinian Jerusalemites are often ticketed and fined for supposedly having a car unfit for driving.

A major source of repression in Jerusalem is Israel’s Occupation Forces’ enablement of settler violence toward Palestinians. The Israeli Occupation Forces perpetually protect the settlers who are increasingly invading Palestinian East Jerusalem. The settlers routinely provoke Palestinians and incite violence in the community. Settlers often try to instigate a Palestinian response by holding provocative demonstrations in their neighbourhoods. For instance, On April 5, 2010, a group of Jewish extremists tried to provoke the Palestinian citizens by using racist posters, and shouting "Death to all Arabs," "Leave Jerusalem now," and "go to Amman," and then proceeded to hurl stones at the Palestinians and international volunteers who were present. Israeli forces protected the settlers and even arrested a Palestinian youth instead of holding the real perpetrators accountable.

Israeli transgressions in Jerusalem are increasing. However, Palestinian Jerusalemites and their international supporters are resisting the oppressive systems of Israeli Occupation and will continue to stand in solidarity for Palestinian human rights even though their activism comes at a huge cost.
Repression of International HRDs

Israel’s attack of the Gaza-bound Freedom Flotilla represents the continuation of a trend in which internationals are targeted for their activism against Israeli transgressions. The attack itself demonstrates how Israel does not attempt to moderate its repressive tactics amongst international presence. The fact that Israel is not concerned with preserving its international reputation speaks volumes about the failure of the international community to hold Israel accountable for its human rights abuses. Although Israel does employ a court system which treats international human rights defenders much better than Palestinian activists, they nonetheless, target international activists who protest against the Wall, settlements, and other repressive measures of Israeli Occupation.

On May 31, 2010, 21-year-old Emily Henochowicz, a US citizen and human rights defender was standing peacefully during a demonstration at Qalandiya checkpoint when Border Police fired a large number of tear gas canisters directly at the heads of Emily and other international HRDs. Emily lost her left eye and sustained several fractures when one struck her in the face. “They clearly saw us,” said Sören Johanssen, a Swedish citizen standing with Henochowicz. “They clearly saw that we were internationals and it really looked as though they were trying to hit us. They fired many canisters at us in rapid succession. One landed on either side of Emily, then the third one hit her in the face.”

Israel’s repression of international activists, like Emily Henochowicz and the human rights defenders onboard the Gaza Flotilla,

Protest to remember Tristan Anderson, who was hit in the head in Ni’lin on March 13, 2009 and has remained in a semi-conscious state for months.
reflects their confidence that they will never have to face serious consequences for their actions. However, this confidence is understandable when considering the international community’s track record of enabling the continuation of Israeli transgressions by not holding Israel accountable for its actions. Although the international community clearly has an obligation to protect its own citizens and to prevent any further violations of their human rights by Israeli military or authorities, they most often prioritize Israel’s interests above the wellbeing of their own citizens. These priorities are founded on the misguided notion that Israel preserves democratic interests in the Middle East. However, as the report has indicated, Israel’s countless human rights abuses far from reflect the values of liberal democracies.

Notes:

1. STW’s recording system has improved since July 2009. Yet, the dramatic rise in recorded arrests cannot be explained only by a better recording system. The same recording system was in place in the first months of 2010.

2. For a detailed account see: http://electronicintifada.net/v2/article11365.shtml

3. Further details are withheld to protect the boy. Defence for Children International – Palestine Section holds further details and has submitted a Complaint Submission to the Special Rapporteur on Torture and Other Cruel, inhuman or Degrading Treatment or Punishment, Acts and threats of sexual assault against children in detention, May 2010.


8. Reported by the Al-Walajen Popular Committee on April 25th, 2010 (contact details available with STW).

9. Reported by the Nabi Saleh Popular Committee on May 13th, 2010 (contact details available with STW).

10. Reported by the al-Masara Popular Committee on May 21st, 2010 (contact details available with STW).


12. Most data given here can be found at: http://www.dci-pal.org. Further information can be obtained at: RIA@dci-pal.org

13. The demolition orders were issued on the grounds of lacking building permits. However, these families were constantly rejected permission to expand their homes to accommodate their growing families. The denial of building permits by the Israeli authorities is a key tool in the expulsion of the Palestinian residents from their city.


VI. Global Action: Successes and Failures

Individuals, governments and the United Nations have increasingly taken up the question of protection of human rights defenders against Israeli repression over the last years, and in particular during 2009/10. Stop the Wall has been able to count on the concerted efforts of Palestinian human rights organizations, such as Addameer Prisoners’ Support and Human Rights Association, to build a strong basis for advocacy. Built on the information and calls from Stop the Wall’s popular committees and the expertise of Palestinian human rights organizations, a sustained effort to provide information, promote calls for action, raise awareness and lobby decision makers has originated from Palestine.

The response from people, organizations, diplomats and decision makers has been widespread and encouraging. It has been crucial in buffering the impact of Israeli repression and has ensured that those struggling on the ground know that they are not alone in their efforts for justice. Yet there is still much work to be done. Therefore, in the following sections, we offer a short assessment of the work done so far in order to be able to strengthen cooperation and the effectiveness of international support.

Global Civil Society

Solidarity groups, campaigns and social justice organizations have initiated manifold and diverse campaigns to pressure for the release of Palestinian human rights activists. Organizations in the US and the UK have started impressive letter writing campaigns. Tens of thousands of letters have been sent to MPs, foreign offices and diplomatic missions. A number of protests have been staged around the globe. Others have worked through lobbying networks targeting their governments.

On 16 and 17 October 2009, a 48 hour BDS (Boycott, Divestment and Sanctions) marathon was organized to draw attention and international solidarity to the case of Mohammad Othman and to oppose the Israeli crackdown on human rights defenders and activists. The global BDS marathon saw more than 20 activities held on four continents of the globe, a testimony to a world increasingly less willing to stand by in silence whilst Israeli violations of Palestinian human rights continue.

These grassroots efforts have been supported by the fact that international human rights organizations, such as Amnesty International, Human Rights Watch, Frontline Defenders, OMTC/FIDH have been vocal against repressive Israeli policies and on particular cases of arrests.

Adding to this, a number of mainstream newspapers in Europe and the US have taken up the issue and have profiled - perhaps for the first time - Palestinians in prison as prisoners of conscience, unjustly imprisoned for their commitment to a just cause.

The United Nations

Several United Nations bodies have shown their support for Palestinian rights, including
People versus Oppression

the relevant Special Rapporteurs, who have addressed Israel repeatedly on the issue.

The Goldstone report already captured in great detail the increase of Israeli repression against human rights defenders during and after the assault on Gaza in 2008/9. In its conclusion it states among other things that: “The dispersal by Israeli security forces of demonstrations in the West Bank is prima facie in violation of the rights to freedom of expression and to peaceful assembly. Insofar as the protesters were protesting against the violation of human rights in Gaza, the activities of the security forces in dispersing demonstrations ran counter to the provisions of the Declaration on Human Rights Defenders. Regardless of whether the facts indicate that the above mentioned rights could be permissibly limited under the terms of the International Covenant on Civil and Political Rights, the methods and means of dispersal are questionable. The use of force described to the Mission against peaceful demonstrations is clearly prohibited in such situations, in particular the lethal use of tear gas canisters against demonstrators, of live ammunition (including .22 ammunition), and of snipers.”

Richard Falk, the UN Special Rapporteur on Human Rights in the Palestinian Territories, details in chapter IV of his report, which he presented to the UN Human Rights Council in June of this year, the repression of the demonstrations against the Wall in the West Bank, and concludes in particular regarding the arrests of high level activists, that “the manifest absurdity of such charges [as carried against them] strongly suggests that Israeli intention is to demoralize the anti-wall campaign by criminalizing the non-violent human rights activism, a pattern that should be a matter of grave concern to the Human Rights Council.”

However, the request to the then Human Rights Commission by the Special Rapporteur on HRDs issued in 2005 after her visit to Palestine “to take particular note of the situation of human rights defenders in the Occupied Palestinian Territory and to adopt measures for their protection and for facilitating their work” (emphasis added) has clearly not been heeded by the Human Rights Council.

It is more urgent than ever that appropriate mechanisms for the protection of human rights defenders from Israeli repression are set in place.

International Governments

While some governments have been taking up the issue, only Europe had been ready to seriously take action to attempt at least ease off the worst parts of Israeli repression of Palestinian human rights defenders with specific action. Recently, however, other countries from the global south have also started taking action against the repression of human rights defenders after the Gaza Flotilla attack. Notably, Nicaragua has suspended diplomatic relations with Israel; South Africa and Turkey have recalled their respective ambassadors from Tel Aviv; and the Turkish parliament has given out a unanimous call to "revise the political, military and economic relations with Israel" and to "seek justice against Israel through national and international legal authorities."
The EU raised the issue with the Israeli authorities prior to 2008, as the European Neighbourhood Policy Progress Report on Israel in 2008 notes that “Human rights defenders are being subject to unjustifiable restrictions on freedom of movement, violence and ill-treatment by Israeli settlers as well as Israeli security forces.” During 2009/10, the European Union and its member states have shown increased concern regarding repression of HRDs and the 2009 ENP Progress report notes that arrests and administrative detention of HRDs were increasingly used particularly towards the end of 2009. The rising awareness within the EU and its member states has been matched with concrete engagement of the diplomatic staff on the ground. Foreign ministries of EU member states have raised the issue repeatedly with Israeli authorities and the EU diplomatic missions have participated in field visits and are engaged in monitoring trials of human rights defenders. The creation of this monitoring mechanism of trials of HRDs in front of Israeli military courts has given more visibility to the failure of those courts to uphold international standards of due process and fair trial.

**Successes**

The widespread civil society efforts have clearly brought about a change of perception within governments and some mainstream media. Numerous articles have been published in Western alternative and mainstream media highlighting the Israeli repression of human rights defenders, the failed Israeli legal system and the lack of democracy within the Israeli system. The pressure that has been put on governments by tens of thousands of letters has brought about a clear shift in understanding and policy within some European countries.

The combined action between civil society and governments has lead to a certain amount of individual successes. The release of Jamal Juma’a and Mohammad Othman on January 12th and 13th, respectively, can at least partially be attributed to the intervention of diplomatic missions and foreign offices, together with a widespread civil society campaign which pressured international governments and raised the visibility of their cases.

An intensive wave of arrests in the village of Ni’lin, where 11 human rights defenders were arrested in a single week, was effectively halted immediately following a field trip of EU diplomatic missions. In the same way, the once-regular Thursday night raids in al Ma’sara have been interrupted for several weeks after diplomats came to the village for a field visit to Bethlehem district on April 20th.

**Shortcomings**

However, the current policy of protection of HRDs in Palestine is severely lacking, and it shows a clear overall failure to adequately protect Palestinian human rights. As this report demonstrates, the level of repression of HRDs is intensifying. Numbers of arrests are rising and the scope of the repression is broadening. Cases of torture, inhumane treatment of minors and killings are still occurring. A number of activists that the EU has shown interest in protecting, in particular Abdallah Abu Rahme, are still in Israeli jails and military courts still show no
signs of fairer treatment or due process in keeping with international standards.

Further, the repression of HRDs active against the Wall and the settlements is today complemented by the repression of Palestinian organizations registered in Israel and Israeli organizations opposing Israeli policies. This includes proposed laws such as the bill entitled "Associations (Amutot) Law (Amendment - Exceptions to the Registration and Activity of an Association), 2010", which was introduced to the Knesset on April 28th, 2010 by 19 members of Parliament. This bill aims to prohibit the registration of, or to close down any existing non-governmental organisations (NGOs), if there are reasonable grounds to conclude that the association is providing information to foreign entities or is involved in legal proceedings abroad against senior Israeli government officials or IDF officers, for war crimes." In a further attempt to reduce freedom of speech and political space for any form of opposition, on June 9th, 2010, 25 Knesset members introduced a bill which criminalizes Israeli citizens who initiate, encourage, or aid a boycott against the State of Israel. As to individuals who are not citizens or residents of Israel, their right to enter the country will be deprived for at least 10 years should they be involved in a boycott. This bill also attempts to criminalise non-Israeli citizens through banning foreign entities engaged in boycott or anyone on their behalf from engaging in any actions using Israeli bank accounts, Israeli stocks, or Israeli land. Both bills clearly ban or criminalize legitimate forms of lobbying and advocacy and reveal the anti-democratic traits of the state of Israel.

These are but a few instances of the many assaults the fundamental principles of basic rights and international law that Israel has committed over the past year. However, as worrying and as dangerous as these policies are, it is also important to understand the increased repression as a sign of weakness on Israel’s part. In light of the continuing strength and steadfastness of Palestinian resistance, as well as the surge in global mobilization in support of Palestinian rights, Israel is increasingly desperate to silence and clamp down on Palestinian HRDs by any means necessary. These tyrannical measures are in no way sustainable, as each new act of repression only engenders more resistance on the ground, and stronger solidarity for Palestine around the world. As Palestinian civil society and the international community continue to find common cause in their rejection of Israeli violations, and continue to struggle towards Palestinian liberation, it is surely only a matter of time before we are able to bring Israeli apartheid, colonialism, and occupation to an end.

Notes:
VII. Calls for Action

Stop the Wall contends that the ongoing construction of the Wall and the settlements as well as the repression of human rights defenders active against these Israeli violations of international law are direct consequences of:

- The **failure of the international community** to ensure Israeli compliance with and respect for the Fourth Geneva Convention, the Advisory Opinion of the International Court of Justice on the illegality of the Wall, and UN Security Council and General Assembly resolutions.

- **Ongoing Israeli impunity** for violations of international law and human rights.

- **Lack or insufficient implementation of the EU Guidelines for the protection of human rights defenders** and the UN Declaration on Human Rights Defenders.

Stop the Wall therefore calls on **international civil society** to:

- Raise awareness about the repression of Palestinian human rights defenders.

- Promote lobbying strategies and campaigns to ensure the international community effectively protects human rights defenders and civil society against Israeli repression.

- Build an international network of organizations ready to give effective and coordinated emergency response in case of repression and to jointly promote campaigns to ensure their governments hold Israel accountable.

- Engage in large scale boycott, divestment and sanctions campaigns to stop international complicity with Israeli violations of Palestinian rights and repression; in particular to promote BDS campaigns against corporations such as Elbit Systems, Veolia and Alstom, which actively contribute to the construction of the Wall and the settlements. For more information about companies involved in the construction of the Wall, see: [http://www.stopthewall.org/downloads/pdf/companiesbuildingwall.pdf](http://www.stopthewall.org/downloads/pdf/companiesbuildingwall.pdf)

Stop the Wall urges:

- The relevant **United Nations bodies** to build up effective protection mechanisms as requested by the Special Rapporteur in 2005.

- The **EU and member states** to fully implement the EU Guidelines for the protection of HRDs.

- **International diplomatic missions** to the OPT and Israel to actively engage in protection of HRDs.

In particular, we urge that **governmental and intergovernmental actors**:

- Carry out field visits, meet with HRDs under threat, give public support to HRDs and human rights organizations.
under threat and attend court hearings of HRDs.

- Question the appropriate Israeli authorities for clarifications on the patterns of repression of Palestinian human rights defenders engaged in the anti-wall movement spearheaded by Stop the Wall, and demand immediate release of all HRDs in Israeli jails.

- Issue public statements of condemnation of the repression of HRDs and express concern over the Israeli judicial system, including the existence and arbitrary recourse to the military court system.

- Insist on independent, international and credible investigations of all cases of wilful killings, torture and other grave breaches of the Fourth Geneva Convention by the Israeli Occupation Forces, and hold the perpetrators accountable through international legal forums and domestic court action based on the principle of universal jurisdiction.

- Review existing agreements, and condition any military or economic cooperation with Israel on its upholding of international law and respect for human rights.
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Six years ago the International Court of Justice (ICJ) affirmed the illegality of the Wall and instructed Israel to dismantle it, repeal all rules and legislations related to the Wall, and pay reparations to the people and communities affected by its construction. However, in defiance of the ICJ decision, Israel continues to build the Wall unabated and all those living in its shadow face additional human rights violations in the form of all out repression.

The three components of the resistance against Israeli repression of human rights defenders - the Palestinian struggle on the ground, the international solidarity supporting it and a growing governmental concern about the reality on the ground - will hopefully create the necessary pressure to bring about more than limited protection in individual cases, but also a real change in policy. It is imperative that our goal remains to ensure not only that Palestinian human rights defenders can operate without repression, but that their human and national rights are finally achieved... in a country without walls and free of apartheid, colonialism and occupation.

The last year has undoubtedly marked a qualitative shift in the role that the repression of civil society plays within Israel’s overall policies and strategies.

This crackdown is also an important sign of encouragement: it shows the very success of the current political direction that civil society has taken and the fact that in a reality where institutions and governments are failing, civil society can and must make a difference.