

ISRAEL, THE OCCUPIED WEST BANK AND GAZA STRIP, AND PALESTINIAN AUTHORITY TERRITORIES

HUMAN RIGHTS DEVELOPMENTS

Many civilians were among the over seven hundred Palestinians and over two hundred Israelis who, by November 2001, had been killed in the violence that followed the eruption of clashes between Israelis and Palestinians in September 2000. In addition, some 16,000 Palestinians and some 1,700 Israelis were injured in the violence. The conflict was marked by attacks on civilians and civilian objects by both Israeli security forces and Palestinian armed groups. Both Israeli and Palestinian authorities failed to take the necessary steps to stop the security forces under their control from committing abuses, and failed to adequately investigate and punish the perpetrators.

Israeli security forces were responsible for extensive abuses, including indiscriminate and excessive use of lethal force against unarmed Palestinian demonstrators; unlawful or suspicious killings by Israel Defense Forces (IDF) soldiers; disproportionate IDF gunfire in response to Palestinian attacks; inadequate IDF response to abuses by Israeli settlers against Palestinian civilians; and "closure" measures on Palestinian communities that amounted to collective punishment. They also mounted a series of killings of suspected Palestinian militants under a controversial "liquidations" policy directed against those they claimed to be responsible for orchestrating attacks against Israelis.

For its part, the Palestinian Authority (PA) did little to exercise its responsibility to take all possible measures to prevent and punish armed attacks by Palestinians against Israeli civilians, including suicide bombings. In addition, the various security forces of the PA carried out arbitrary arrests of alleged Palestinian "collaborators" with Israel. Many were held in prolonged detention without trial and tortured; others were sentenced to death after unfair trials and two were executed. The PA also arrested some Islamist and other militants suspected of responsibility for attacks against Israelis and held them in untried detention.

Israel and the Occupied West Bank and Gaza Strip

The Israeli-Palestinian clashes continued throughout the first ten months of 2001. In December 2000, Israeli Prime Minister Ehud Barak and his Labor Party-led coalition lost office following an early election for prime minister called by Barak. Ariel Sharon, leader of the Likud party, won a decisive victory, replacing Barak as prime minister, and fashioned a governing majority in alliance with Labor and other, mainly rightwing, parties.

The IDF resorted to excessive and indiscriminate use of lethal force, causing civilian deaths and serious injuries and damaging or destroying homes and other

property. In one case directly investigated by Human Rights Watch, on December 22, 2000, IDF soldiers used live ammunition against a stone-throwing crowd of Palestinian youth in Hebron district, killing 15-year-old Arafat al-Jabarin with several shots. The soldiers, equipped with several armored cars and a tank, were located in a defensible position above and nearly 150 meters from the youths. Given the distance and the elevation, the stone throwers did not pose the "grave threat to life" that both the United Nations (U.N.) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the IDF's own open fire regulations require before allowing the use of lethal fire. The subsequent IDF account of the incident did not allege any use of firearms by Palestinians, and said that the IDF had responded "with riot dispersal equipment." In another incident, on June 9, an IDF tank fired flechette shells in a populated area between Gaza City and the settlement of Netzarim. The shells, which spread razor-sharp darts over a wide area, killed three Palestinian women and injured three others. IDF officials initially said they fired in response to Palestinian gunfire from the area, but Prime Minister Sharon acknowledged on June 11 that the killing of the three women "should not have happened." IDF officials said that they opened an internal inquiry, but the results had not been made public as of this writing.

As the clashes continued, Palestinians fired at Israeli settlers and carried out suicide bombings against Israeli civilians while the IDF made increasing use of heavy weaponry, including F-16 fighter jets, combat helicopters, tanks, and light rockets against Palestinian targets, including PA police stations, security offices, prisons, and other installations.

Under Prime Minister Sharon, Israel maintained the "liquidations" policy initiated by the previous Barak administration, targeting individuals whom it accused of planning or carrying out attacks on Israeli security forces or civilians. The IDF used snipers, helicopter-fired missiles, tanks, and explosive devices to carry out the assassinations. When first introduced, Israeli authorities justified the policy as necessary to prevent a "clear, specific and imminent terrorist threat," but then expanded it to include those considered responsible for planning or carrying out attacks on Israelis. In some cases, however, it appeared that those targeted were killed in circumstances where Israeli forces could have arrested them. According to Israeli and Palestinian human rights groups, at least thirty-five Palestinians were targeted under the "liquidations" policy between November 2000 and October 2001. In one case under the Barak government, on December 31, 2000, IDF snipers killed Thabet Thabet, the secretary general of Tulkarem's Fatah branch and director general of the PA's Health Ministry. Israel subsequently accused him of being the regional head of a Palestinian squad responsible for shooting at Israelis. On January 9, Thabet's widow petitioned the Israeli Supreme Court to order Prime Minister Ehud Barak to refrain from "executing people without trial." The court first accepted to hear the petition but then changed its decision when the government contended that the court had no jurisdiction in the matter.

Israeli security forces were responsible for a number of killings and shootings of Palestinian civilians under circumstances that warranted investigation and possible criminal prosecution. In January, the Israeli government publicly categorized the clashes as constituting "armed conflict" and insisted that it was therefore under no obligation to carry out investigations of wrongful deaths at the hands of its secu-

rity forces. There was no investigation, for instance, of a February incident where soldiers opened fire on a minibus carrying sixteen Palestinian workers to their jobs, killing twenty-year-old Ziad Abu Swayyeh and injuring several others, one seriously. The shootings took place when the minibus, after driving around an army roadblock, followed the soldiers' orders and turned around to go back to al-Khadr, near Bethlehem.

The IDF opened investigations in only a few cases that it characterized as "criminal" and "extreme," but did not contact or interview crucial witnesses to the shootings or inform the relatives of the victims. One case the IDF military police did investigate was the wounding of Jad Allah al-Ja'bari, an elderly Palestinian municipal cleaner, after a journalist filmed most of the incident in which he was shot by an Israeli soldier near a checkpoint. The IDF said that the soldiers responsible had received a "severe reprobation" for violating open-fire instructions and that a military police investigation found that, in addition, the soldiers had failed to follow normal arrest procedures and to provide immediate medical care, interfered with the work of an accredited journalist, and provided inaccurate accounts to their superiors about the incident.

According to B'Tselem (the Israeli Information Center for Human Rights in the Occupied Territories), Israeli settlers killed at least eleven Palestinians between September 2000 and September 2001 and injured dozens more. Settlers attacked Palestinian homes, destroyed stores, automobiles and other property, uprooted trees, prevented farmers from reaching their fields, blocked major roads, stoned Palestinian cars, including ambulances, and targeted humanitarian workers, diplomats, and journalists. Following the killing by a Palestinian gunman of an Israeli settler child, one-year-old Shalhevet Pass, in Hebron on March 26, some fifty armed settlers fired on the Palestinian Abu Sneineh neighborhood, burned cars and shops, caused other damage to Palestinian property, and wounded six Israeli border police. The Israeli authorities rarely intervened to stop or prevent settler attacks against Palestinians or to investigate them. When they did, perpetrators received disproportionately light sentences if they were punished at all.

Citing security reasons, Israel imposed the most severe restrictions on West Bank and Gaza Strip Palestinians' freedom of movement since it first adopted its "closure" policy in 1993. Israeli authorities sealed off the West Bank and Gaza Strip, restricting movement of Palestinians between and within those areas as well as into Israel, effectively confining them to their towns and villages for extended periods. The IDF blocked or controlled access to towns and villages by placing cement blocks, boulders, earthen dams, and army checkpoints on roads. The IDF also imposed curfews on certain Palestinian areas in response to stone throwing or shootings to protect settlers' movement along "bypass" roads. The 30,000 Palestinian residents of the Israeli-controlled area of Hebron known as H2 were kept under a nearly continuous round-the-clock curfew, but no restrictions were placed on the five hundred Israeli settlers living in the H2 area. Palestinian drivers complained that soldiers enforcing Israel's closure policy often beat and humiliated them and their passengers, slashed tires, shot at vehicles, and confiscated keys for lengthy periods.

Curfews, closures, and blockades had a devastating impact on Palestinians' lives, obstructing access to health care, schools and universities, businesses, and places of

worship. According to the World Health Organization (WHO), the closures damaged water, electricity, and sanitation services. The Palestine Red Crescent Society (PRCS) said that delays at Israeli roadblocks and checkpoints contributed to a number of deaths of Palestinians in need of medical treatment. In February, the International Committee of the Red Cross (ICRC) initiated a "Closure Relief Program" and said the policy of isolating whole villages for an extended period was "contrary to International Humanitarian Law."

The U.N. special rapporteur on the situation of human rights in the occupied Palestinian territories reported that between September 2000 and October 2001 the IDF demolished more than three hundred Palestinian homes throughout the West Bank and Gaza, for alleged security or for punitive reasons, and uprooted 385,000 fruit and olive trees. Israeli authorities also confiscated Palestinian lands in order to expand Israeli settlements and for the construction of bypass roads, as at Deir Qiddis village near Beit Sefer settlement in June. Prime Minister Sharon authorized the construction of additional settlements and settler housing units in the West Bank, in violation of international humanitarian law.

The clashes involved Palestinian Arab citizens of Israel to an extent unprecedented in earlier periods of unrest affecting the Occupied Territories. In early October 2000, Israeli police gunfire killed thirteen Arab citizens and injured hundreds during demonstrations in Arab towns and villages in northern Israel protesting Israeli policies in the West Bank and Gaza Strip. In response, the Barak government set up a Public Commission of Inquiry headed by Supreme Court Justice Theodore Or. Four special anti-terrorist police snipers later testified that they were ordered to fire at unarmed demonstrators and those wielding slingshots in Nazareth and Um al Fahm, and northern district police commander Alik Ron stated that police had not been provided with sufficient non-lethal equipment and that police snipers used live bullets.

There were new reports of torture of detainees by Israeli security forces after October 2000. The Public Committee Against Torture in Israel (PCATI), an Israeli nongovernmental organization (NGO), reported that Israeli security forces kicked detainees and beat them with rifle butts and other implements, deprived them of food and drink for long periods, exposed them to extreme heat and cold, and used other methods that Israel's High Court of Justice explicitly prohibited in a 1999 ruling, including sleep deprivation and prolonged shackling in contorted positions. In March, according to PCATI, General Security Services (GSS) interrogators forced Iyad Nasser to squat in a painful position for an extended period of time and deprived him of sleep for seven consecutive days. At the end of May, PCATI called for Attorney General Elyakim Rubinstein to intervene on behalf of over three hundred Palestinian minors arrested since October 2000 who were reported to have been doused with freezing water, beaten, deprived of sleep, and had their heads covered with sacks during interrogation. On November 23, the U.N. Committee against Torture expressed its concern that the 1999 Supreme Court decision banning certain interrogation practices did not definitely prohibit torture, and that Israel's policies of closure and house demolitions might, in some cases, constitute cruel, inhuman, or degrading treatment or punishment.

Israel continued to detain Palestinians for extended periods without charge or trial. According to statistics published by B'Tselem in October, Israel held twenty-

seven Palestinians under administrative detention, including Hassan Khader Shtiyeh, held since December 1, 2000. For the first time in four years, two Palestinian Arab citizens of Israel—Ghassan Athamneh and Kamal Obeid—were detained under administrative orders. According to B’Tselem, Israeli authorities held more than 1,700 Palestinians in Israeli prisons as of October 2001. Prisoners complained of food shortages and denial of medical treatment. The ICRC reported that its family visits program to prisoners was severely hampered by Israeli closures and administrative requirements.

Discrimination in law and practice against ethnic and religious minorities and other societal groups, especially on issues of employment and social benefits remained major problems. In July, the High Court ruled unanimously when considering a petition by the Association for Civil Rights in Israel (ACRI) that Palestinian Arab citizens were entitled to fair and proportionate representation on governmental bodies. The court ruled that the principle of affirmative action should apply to the Lands Council, responsible for supervising the Israel Lands Administration (ILA) whose twenty-four members included only one Arab, first appointed in May 2000.

On April 2, 2001, the High Court rejected another petition filed by ACRI against the ILA, the Jewish Agency, and the settlement of Katzir for contempt of court. ACRI claimed these bodies had not carried out the High Court’s precedent-setting Ka’adan ruling of March 2000 banning discrimination between Jews and Arabs in land allocation. The respondents argued that they retained the right to interview the Ka’adan family before reaching a decision. They were instructed to do so by the court within sixty days. In November 2001, the Katzir admissions board rejected the Arab couple’s application.

Israel continued to detain Sheikh ‘Abd al-Karim ‘Ubayd and Hajj Mustafa al-Dirani, who were abducted by Israeli forces from Lebanon in 1989 and 1994 respectively. Israel said it was holding them as “bargaining chips” for the release of an Israeli pilot, Ron Arad, missing in Lebanon since 1986. On July 4, the Tel Aviv District Court renewed both men’s detention orders until December 17, 2001, after the state contended that their release endangered national security. On August 23, a five-judge panel headed by Supreme Court Justice Aharon Barak ruled that the two detainees should be permitted visits by the ICRC; four days later, however, the court delayed implementation of this decision at the request of Arad’s family and those of three soldiers abducted by Hizbullah in October 2000 pending further consideration of the case by a full bench of eleven judges. On October 31, 2001, the government stated officially that the three soldiers captured in October 2000 were dead.

In July 2001, the Israeli ministerial committee for legislation approved an application for continuity of an “Intifada Law” that would end compensation payments to Palestinians whose persons or property were harmed during the 1987-1993 intifada and preclude compensation suits by Palestinians injured during the current clashes.

Palestinian Authority

Security and military courts established by the PA continued to issue death sentences after grossly unfair trials, and the PA carried out two executions, both in Jan-

uary. Palestinians alleged to have collaborated with Israel faced arbitrary arrest and detention, torture and ill-treatment under interrogation, unfair trials, and the death penalty. At least five detainees died in custody; in some cases, there was evidence of torture. Some thirty Palestinians, including suspected collaborators, were victims of vigilante killings by other Palestinians; although no one was held to account for these murders. The PA also arrested and held without trial members of Islamist and other groups that claimed responsibility for attacks on Israelis. The PA released most of these detainees in October 2000, soon after the outbreak of the current intifada, despite concerns that some may have been responsible for attacks on Israeli civilians. Some of those released as well as other suspected militants were briefly detained and released periodically during the year. At the end of October 2001, following a series of attacks on Israeli civilians by Palestinian armed groups, the PA began employing administrative detention orders and detaining larger numbers of suspected militants.

In other incidents, Palestinians shot and killed Israeli drivers and passengers and fired at Israeli settlements. Israel cited the PA's failure to prevent such attacks to justify its "liquidations" policy as well as IDF attacks on PA offices and security installations.

Various PA security forces detained and tortured suspected collaborators. Khaled al-Akra, arrested in February, said that interrogators in Nablus Central Prison handcuffed him to a window and punched and beat him with sticks for six days before releasing him. In March, the British Broadcasting Corporation (BBC) reported that a letter smuggled out by inmates of a West Bank Palestinian prison warned that one of their number had been tortured for weeks to the point where his life was at risk.

Vigilante killings by Palestinians resulted in the deaths of some thirty alleged collaborators. In November 2000, Palestinian gunmen shot dead thirty-seven-year-old Kasem Khlef, suspected of collaborating with Israel in its killing of Fatah leader Hussein Abeyat. In reporting his death, Palestinian TV showed a caption that read, "He lived as a beaver and died as a dog." In February, the PA issued a statement urging Palestinians not to take the law into their own hands. Later that month, however, forty-year-old bus driver, Muhammad Musa Abd al-Rahman, was shot to death when he answered his door. The Palestinian media, citing unnamed Palestinian security officials, reported that he had collaborated with Israeli security services. The PA failed to bring to justice those responsible for those killings.

State security and military courts continued to operate despite the fact that they did not meet minimum international fair trial standards. At least thirteen persons were sentenced to death, most of them on charges of collaboration after summary trials.

The PA briefly reverted to a pattern of executions without due process. On January 13, the PA executed Allam Bani Odeh and Majdi Mikkawi after President Arafat ratified their death sentences. Both men were accused of collaboration with Israeli security services. Police firing squads carried out the executions after summary trials before Palestinian Authority security courts without access to lawyers and without the right to appeal. Bani Odeh was shot in front of a crowd of thousands in Nablus. Speaking on Israel's Channel 2 television station, Deputy Qadura Fares, chair of the Human Rights Committee at the Palestinian Legislative Council

said: "In different circumstances, in the future when we have a democratic country, the defendants will receive all their rights in court, which will assure them a just trial."

As of this writing, President Arafat had not ratified eleven other death sentences, and they had not been carried out.

At least five Palestinians died in custody in 2001, bringing to twenty-eight the number of detainees known to have died in custody since the establishment of the PA in 1994. Thirty-six-year-old Salem al-Akra, arrested by Palestinian intelligence officers on February 6 on suspicion of collaborating with Israel, died in a hospital on February 27 after being transferred from Nablus central prison. A witness in Nablus who saw al-Akra's body in the hospital morgue told Human Rights Watch that it bore marks of torture: bruising on the wrists and ankles and head. An autopsy was performed but the results were not made public.

The PA failed to take adequate action against those responsible for killings of Israeli civilians. In January, three members of the Fatah organization's Tanzim militia shot dead sixteen-year-old Israeli Ofir Rahum after he was lured to Ramallah by a Palestinian woman. Six days later, masked Palestinian gunmen apparently belonging to Hamas abducted and killed two other Israelis, restaurateurs Motti Dayan and Etgar Zeitouny, as they dined in Tulkarem. The PA condemned these killings and said it would inquire into them, but no findings of any investigation had been made public by November.

Palestinian militants used firearms and bombings against Israeli settlers traveling on bypass roads and elsewhere. Children were often among the victims, as in an attack in November 2000 near the Kfar Darom settlement in Gaza which killed two adults and injured others, including five children, on a bus. On February 11, Fatah gunmen in Beit Jala shot dead Israeli settler Tsahi Sasson as he drove across a bridge near the Gush Etzion settlement, and continued firing when an ambulance arrived.

At least seventy Israelis were killed and over eight hundred injured in attacks by Palestinian suicide bombers and other militants apparently belonging to groups such as Hamas and Islamic Jihad. On June 1, a suicide bomber killed twenty-one mostly young people and injured over one hundred others outside a Tel Aviv discotheque; on August 9, another suicide bomber, apparently acting on behalf of Hamas, caused an explosion in a Jerusalem restaurant leaving eighteen, including six children, dead and many others wounded. These and other bombings and attacks that targeted or disproportionately affected civilians constituted gross violations of international humanitarian law.

The PA came under severe and repeated pressure from Israel, reinforced by military attacks on PA installations, to arrest those responsible for planning or carrying out suicide bombings and other attacks against Israelis. Under its "liquidations" policy, Israel also directly attacked and killed some of those it said were responsible. The PA took inadequate steps to identify and bring to justice those responsible for attacks on Israeli civilians but it did make some arrests. For example, in October, the PA arrested forty-five people associated with the Popular Front for the Liberation of Palestine (PFLP) after the PFLP claimed responsibility for the October 17 assassination of Israeli Tourism Minister Rehav'am Ze'evi, in retaliation for Israel's "liquidation" of PFLP Secretary General Abu Ali Mustafa a short time earlier. On

November 14, the PA released two PFLP leaders after the High Court ruled that there was no basis in law for the charge brought against them, harming the national interests of the Palestinian people. Also in October 2001, the general director of the Palestinian police issued six-month to one-year detention orders against one Hamas and six Islamic Jihad members; this was the first use of administrative detention by the PA since 1994.

PA police also clashed with Palestinian demonstrators and used excessive force. For example, on October 8, 2001, Palestinian police fired on Islamist students and other stone-throwing demonstrators in Gaza City, reportedly killing a thirteen-year-old boy and a nineteen-year-old student and injuring others.

DEFENDING HUMAN RIGHTS

Israel for the most part permitted human rights organizations to collect and disseminate information in areas under its control, but the policy of closures, blockades, and curfews restricted their freedom of movement within the West Bank and Gaza Strip areas. Palestinian lawyers were unable to visit clients held in prisons in Israel.

Israeli security forces detained several Palestinian and also Israeli human rights activists. The former included Hashem Abu Hassan, a B'Tselem field researcher, as well as Adnan al-Hajjar of the Al-Mezan Center for Human Rights, and Daoud al-Dirawi, a lawyer with the Palestinian Independent Commission for Citizens' Rights (PICCR).

Israeli authorities arrested Abed Rahman al-Ahmar, a Palestinian Human Rights Monitoring Group (PHRMG) researcher, on May 24, and detained him without trial on the basis of secret GSS evidence. His lawyers said he was beaten and shackled in custody. On November 14, a military judge extended al-Ahmar's detention for a further six months.

On June 15, Israeli security forces arrested Sergio Yahni, director of the Alternative Information Center (AIC), during a demonstration organized by Rabbis for Human Rights and the AIC against the confiscation of Palestinian land in the Bethlehem District.

The PA continued to allow human rights organizations to operate in the territory under its jurisdiction, but continued to deny human rights workers access to prisons. On March 24, Palestinian security forces arrested lawyer Nasir al-Rifa'i at a court in Ramallah: he was reportedly held incommunicado at the Ramallah military intelligence headquarters and lawyers were denied access to him.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

After visiting Israel and the Occupied Territories at the request of the October 2000 special session of the U.N. Commission on Human Rights (CHR), U.N. High

Commissioner for Human Rights Mary Robinson issued her report on November 27. She pointed to a range of abuses, including excessive use of force, restrictions on freedom of movement, and the impact of the conflict on children, and said “the bleak human rights situation in the occupied territories” warranted urgent international attention. She called too for an international monitoring presence to be deployed in the territories and for the states that are high contracting parties to the Geneva Conventions to take action “to reduce the terrible violence.”

At the behest of the October 2000 special session, the U.N. established a commission of inquiry composed of three independent experts to investigate human rights and humanitarian law violations in the territories; this reported to the CHR in March. It said the “IDF, assisted by settlers on occasion” was responsible for most violations but noted that Palestinians had also committed violations, either under the authority of the PA or acting in their individual capacity. It too called for an “adequate and effective international presence” to be established “to monitor and regularly report on” continuing violations. Prior to the CHR, European Union (E.U.) ambassadors in Israel jointly confirmed that “the issues and findings” in the report “truly reflected facts on the ground” and said all its recommendations could be fully endorsed by the E.U. However, the subsequent CHR resolution 2001/7, while condemning and deploring Israeli human rights violations identified in the inquiry’s report, omitted any reference to Palestinian violations; although the resolution was adopted by the CHR in April, the United States and Guatemala voted against, and twenty-two states, including the E.U. countries, abstained.

Earlier, in late 2000, the Security Council informally considered draft proposals to establish a U.N. military and police observer force in the Occupied Territories but did not proceed to a vote when the U.S. indicated that it would exercise its veto. In March 2001, the U.S. did veto a draft Security Council resolution calling for the secretary-general to consult with the parties to the conflict and recommend “an appropriate mechanism to protect Palestinian civilians, including through the establishment of a U.N. observer force.” Explaining the veto, chief U.S. delegate James Cunningham said the resolution prescribed a role for the secretary-general that was not realistic, given Israel’s staunch opposition to a U.N. observer role, and criticized its failure to call for the protection of all civilians.

In his October 4, 2001 report to the General Assembly, the U.N. special rapporteur on the situation of human rights in the occupied Palestinian territories also raised the issue of an international monitoring presence. Noting that “International monitors or peacekeepers have been employed in many less threatening situations in the world,” he questioned the failure of “the international community to persuade Israel to accept such a presence.”

In November, after reviewing Israel’s report on compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the U.N. Committee against Torture welcomed the Israeli Supreme Court’s 1999 decision banning the application by interrogators of “moderate physical pressure” against persons in custody but expressed concern that the court had not expressly prohibited torture, that Israeli interrogators reportedly continued to use banned methods, and that the authorities had mounted few prosecutions of alleged perpetrators of torture or ill-treatment.

In its annual report to the General Assembly in September 2001, the U.N. Relief

and Works Agency for Palestinian Refugees in the Near East (UNRWA) complained that it had encountered serious problems in providing humanitarian assistance in the July 2000 to June 2001 period due to Israeli restrictions on the freedom of movement of its staff, denial of access to UNRWA staff members who Israel detained, and threats by IDF personnel against UNRWA staff members, including Commissioner General Peter Hansen.

On October 25, 2001, the Security Council issued a Presidential Statement that reproduced and “supported all elements” of a statement that representatives of the U.S., E.U., Russia, and the U.N. issued earlier in the day in Gaza. This urged the PA to ensure “strict implementation of the ceasefire” and called on Israel to halt extrajudicial killings, ensure greater restraint by the IDF, fully respect the ceasefire, and “move swiftly to ease the closures.”

European Union

The E.U. continued to be the major donor to the Palestinian Authority. Total project support by the European Commission for the year 2000 amounted to U.S. \$119 million; \$80 million represented a “special cash facility” for the PA’s Ministry of Finance. The E.U. increased its support to compensate in part for the PA’s loss of \$226 million—approximately 60 percent of its public revenue—in customs and tax revenues withheld by Israel following the outbreak of the intifada. European Commission funding to the PA amounted to U.S. \$106 million from January to October 2001, but this was conditioned on the PA’s adoption of an austerity budget, a freeze in public sector employment, and consolidation of all PA public revenues into a single Ministry of Finance account. The E.U. also conditioned its assistance for the judiciary on the PA’s implementation of a judicial reform draft law enacted by the Palestine Legislative Council but still awaiting President Arafat’s approval. Other large donors to the PA judiciary, notably Japan via the U.N. Development Program and Saudi Arabia via the World Bank, did not insist on similar conditions.

Israel was not eligible for direct E.U. financial aid. According to press reports in December, France declined to sell Israel tear-gas launchers and grenades that it had requested.

The E.U. strongly criticized the PA’s execution of two alleged collaborators with Israel in early 2001 and called for an end to such executions. Subsequently, the State Security Court imposed further death sentences but they were not ratified by President Arafat and the PA had carried out no further executions as of November.

The Swedish government, then holding the presidency, delivered the E.U.’s most comprehensive statement on human rights violations by Israel and the PA at the CHR in April. In this, the E.U. reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Territories as “binding international humanitarian law,” praised the balanced nature of the high commissioner’s November 2000 report, and regretted Israel’s refusal to cooperate with the special rapporteur. The statement criticized and called for an end to abuses by both sides. With regard to Israel, the E.U. specifically criticized disproportionate and indiscriminate use of force, extrajudicial executions, closures as a form of collective punishment, and the retention of laws that discriminate against Palestinian Arab citizens of Israel. With regard to the PA, the E.U. criticized torture, deaths in detention, use of the death

penalty, and restrictions on freedom of expression. During the CHR session, the E.U. abstained on a resolution that condemned Israeli human rights and humanitarian law violations in the Occupied Territories but sponsored another that expressed “grave concern” at continuing Israeli settlement activities “since all these actions are illegal, constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, and are a major obstacle to peace.”

In a May 17 resolution, the European Parliament expressed its “deep consternation” at the number of civilian victims of the clashes, condemned excessive use of force by Israel, Palestinian attacks against Israeli civilians, called for the U.N. Security Council to authorize the dispatch of an observer mission, and regretted the decision of some states not to support the CHR resolution condemning human rights violations in the Occupied Territories. The parliamentary resolution also urged the European Commission and E.U. member states to “avoid any indirect complicity in illegal settlements” by strictly applying rules-of-origin regulations to E.U. duty-free imports from Israel.

On November 24, a spokesman for the European Commission stated that the E.U.’s executive arm had decided to advise the customs authorities of member states to require Israeli exporters to deposit funds to cover duties that might be imposed retroactively on imports that are determined to originate from illegal settlements. Some member states, however, reportedly remained reluctant to implement this decision on the grounds that it would impede E.U. efforts to persuade Israel to resume peace negotiations with the PA.

On June 18, lawyers representing twenty-eight survivors of the 1982 Sabra and Shatila massacres in Lebanon in 1982 filed a complaint against Prime Minister Sharon, who was Israel’s defense minister at the time, accusing him of war crimes, crimes against humanity, and genocide. The suit was filed in Belgium under legislation allowing prosecution of such crimes in Belgian courts even if they were committed elsewhere and neither the perpetrators nor the victims were Belgian nationals. A court heard opening arguments from the Belgian prosecutor and Sharon’s attorney on November 27 on the issue of whether a Belgian magistrate could continue his investigation into the charges and start legal proceedings in Belgium. Belgian officials expected a decision in late January.

On the day before the November 27 hearing, lawyers representing some thirty Israelis filed a complaint in a Brussels court accusing President Arafat and other Palestinian officials and leaders of “murder, crimes against humanity, and genocide.” The complaint named Arafat as the “principal conspirator” in a number of attacks on civilians carried out by Palestinians since 1966 in both Israel and other countries.

In Denmark, there were protests after Israel named Carmi Gillon, former head of the General Security Services, or Shabak, as its ambassador beginning in August. On July 9, Gillon was reported in Denmark’s *Jyllands Posten* newspaper to have acknowledged his direct involvement in a hundred interrogations of Palestinian security detainees using techniques widely held to amounting to torture or ill-treatment. In a statement, the Danish Foreign Ministry, which had recently accepted Gillon’s accreditation, said the government “strongly oppos[ed] all forms

and acts of torture” but that it was a foreign government’s “own responsibility” to decide who represented it in Denmark.

United States

Israel, the largest recipient of U.S. military and economic assistance, received an estimated \$1,980 million in military assistance and \$840 million in Economic Support Funds for fiscal year (FY) 2001, ending in September. The administration requested \$2,040 million in military aid and \$720 million in support funds for FY 2002, beginning in October. According to the State Department, these funds “will enable the Israeli government to meet cash flow requirements associated with the procurement of U.S. origin systems such as F-16 fighter aircraft, the Apache Longbow attack helicopter, field vehicles, and advanced armaments.”

The U.S. provided an estimated \$85 million to the West Bank and Gaza in FY 2001; \$75 million was budgeted for FY 2002. This assistance was channeled through U.S. private voluntary organizations and Palestinian NGOs, and was not provided directly to the Palestinian Authority.

The Clinton administration continued its efforts to broker peace talks between Israel and the PA even in its final weeks. On December 23, 2000, President Clinton orally presented “a series of options” to Palestinian and Israeli negotiators in Washington, D.C. These proposals reportedly called for Palestinian refugees to be able to return to their homeland, defined as a “viable and contiguous” Palestinian state comprising approximately 95 percent of the West Bank and Gaza, while land annexed by Israel would include 80 percent of the settler population. Further Israeli-Palestinian talks in Taba, however, failed to reach agreement before President Clinton (and Prime Minister Barak) left office.

The Bush administration conspicuously declined to replicate the same level of involvement in trying to bring the two sides together and confined itself to promoting the recommendations of the Sharm al-Sheikh Fact-Finding Committee, whose report was issued on April 30. The committee, a five-member international body set up at the Sharm al-Sheikh summit in October 2000 and headed by former U.S. senator George Mitchell, proposed sequential steps towards a resumption of peace talks, starting with a ceasefire and “cooling-off” period. The committee, in its introduction to the report, wrote that a resolution to the conflict required that “agreed commitments be implemented, international law respected, and human rights protected.” Although its recommendations were not framed in terms of human rights and humanitarian law, many were broadly consistent with those principles, such as adopting non-lethal IDF responses to unarmed demonstrators, conducting impartial investigations into alleged unlawful deaths, and effective PA steps to halt armed attacks against Israeli civilians.

Following the attacks of September 11, the Bush administration intensified its efforts to secure a ceasefire and to restart political negotiations. On November 19, in a major foreign policy speech, Secretary of State Colin Powell called on the PA to “arrest, prosecute and punish the perpetrators of terrorist acts,” criticized Israeli settlements, and said that “the occupation must end.” He announced that retired Marine Corps Gen. Anthony Zinni would travel to the region as his special advisor

to “get that ceasefire in place.” Powell later said that Zinni would remain in the region “as long as it takes.” As of late November, however, the first steps toward a ceasefire remained elusive.

The State Department’s *Country Reports on Human Rights Practices for 2000* was comprehensive in its treatment of Israeli and PA human rights violations. However, generally, the State Department’s criticism in response to specific violations was couched in language that labeled them “provocative” or “unhelpful,” rather than as violations of international human rights or humanitarian law. Former assistant secretary of state Edward Walker, speaking about Israeli use of U.S. helicopter gunships in residential areas, told the *Baltimore Sun* on May 27, shortly after he left office, “It was a clear administration position that this was an excessive use of force.” The public comments of the press spokesperson, however, were typically limited to expressions of “concern,” although a press briefing given by State Department spokesman Philip Reeker on October 23, 2001, was a notable exception, Reeker stating: “We deeply regret and deplore Israeli Defense Force actions that have killed numerous Palestinian civilians over the weekend. The deaths of these innocent civilians under the circumstances reported in recent days are unacceptable, and we call upon Israel to ensure that its armed forces exercise greater discipline and restraint.”

Israeli use of U.S.-supplied weapons in the clashes, and in particular the use of helicopter gunships in targeted killings of individual Palestinian militants, raised questions among several members of Congress and in the public as to whether such use violated the Arms Export Control Act (AECA). In a September press briefing, State Department spokesman Richard Boucher said, “We’ve made it quite clear that we are opposed to the use of heavy weaponry and in these circumstances, particularly in populated areas where the risk of innocent casualties is very high,” but he did not comment on this as a possible violation of the AECA on the grounds that he wished to avoid “pushing this into a legalistic discussion.”

On September 9, the State Department released an August 17 response of Secretary of State Colin Powell to U.S. Representative John Conyers, who had raised the question of possible AECA violations in a public letter to Powell. “Based on our assessment of the totality of the underlying facts and circumstances,” Powell wrote, “we believe that a report [to Congress] under section 3c of the AECA is not required.” The administration “has been monitoring Israeli actions carefully and will continue to do so,” Powell added.

Relevant Human Rights Watch Reports:

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