



AI Mezan Center for Human Rights

## Hiding Behind Civilians

*AI Mezan report on*

# The Continued Use of Palestinian Civilians as Human Shields by the Israeli Occupation Forces

Daily Mail, Friday, April 23, 2004 Page 27

**Teenager tied to police vehicle to stop his friends throwing stones**

## The day Israel used a boy aged 13 as a human shield



**THIS is what happened to a Palestinian child who joined teenagers throwing stones at Israeli border police.** Muhammad Badwan was grabbed by officers and tied by an arm to the grille covering the windscreen of their security vehicle (above).

Last night the 13-year-old's father said the police had illegally used his son as a human shield

From **Matthew Kalman** in Jerusalem

to try to stop the demonstrators throwing stones at them.

"When I see him on the hood of the jeep, my whole mind went crazy," said Saad Badwan, a 30-year-old叔叔. "It's a picture you can't even imagine. He was shooting from him."

Muhammad said: "I was scared when they got me at first. I thought they would put me in prison. I was scared a stone would hit me."

The incident happened in Muhammad's home village of Qibbiya, north-west of Jerusalem, which has become a flashpoint for violence between Israeli forces and demonstrators protesting against the building of an Israeli security fence.

The picture was published by an Israeli human rights group trying to expose the behaviour of some Israeli security personnel.

Rabbi Avik Asherman, director of Rabbits For Human Rights, heard about the boy and tried to intervene with the police, demanding he be released.

The rabbi claimed he was head-butted by one of the officers and arrested. He said he intended to press charges against the police.

"The boy was sitting on the hood of a vehicle, unsuccessfully trying to hold back his tears, shivering with fright, and with one arm tied to the screen protecting the windshield," he said.

"We tried to calm him down and measure him. I asked if he was hurt, he said he had been beaten and was in pain."

"It is very depressing that we have come to this position where this is what we do."

The Israeli police said they were investigating the incident.

July 2008

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## Introduction

*“They handcuffed and blindfolded me. Then, they forced us to move out of the room, pushing me with their hands and guns to move although I was blindfolded and pregnant. I heard them pushing others to hurry up as well. I got exhausted and I fell down many times...I told them that I was four months pregnant and couldn't continue but a soldier threatened to shoot me...”*

**Testimony of woman from As-Sreij neighborhood, April 2008**

Perhaps ultimately, this Al Mezan report attests to the futility of seeking protection for Palestinians through the Israeli legal system. In 2005, after a three-year legal battle waged by Palestinian and Israeli human rights organizations, the Israeli High Court finally banned the Israeli Occupation Forces' (IOF) systematic practice of using Palestinian civilians, including women and children, as human shields. However, as the witness testimonies in this report demonstrate, and in clear contravention of international humanitarian law, this cruel and sometimes lethal practice continues with immunity in the occupied Palestinian territories (oPt), with tragic consequences for its victims.

*Section I* of the report presents the position of international human rights law (IHRL) and international humanitarian law (IHL) on the use of civilians as human shields. It affirms that given the extent of the risk involved in this practice, using civilians as human shields constitutes a gross violation of the norms of IHL, particularly the Fourth Geneva Convention, and is tantamount to the perpetration of war crimes and crimes against humanity. This section also describes the legal battle fought by human rights organizations to ban this practice under Israeli law, and highlights the IOF response to this ruling which demonstrates clearly that the use of human shields is a systematic IOF policy.

*Section II* provides an overview of the use of Palestinians as human shields by the IOF since the second Intifada (which started in September 2000) and demonstrates that despite the 2005 Israeli High Court prohibition, this practice continues on a widespread basis in the oPt. It also explains the different forms of this practice used by the IOF in the oPt.

*Section III* presents a series of case studies from Gaza based on sworn witness testimonies. In one incident, a pregnant woman was blindfolded and forced to accompany IOF soldiers for several hours. In another incident an 11-year-old girl was shot in the stomach after being ordered by Israeli soldiers to go to the home of a relative and instruct him to leave his house. Other case studies record the use of a 14-year-old boy, medical personnel and families at home as human shields.

*Section IV* reminds the international community of their legal obligation to act and calls for immediate and effective action to halt this practice before more innocent lives are destroyed.

## Section I: Legal Context

This section presents relevant provisions in IHRL and IHL; both of which clearly prohibit the use of civilians as human shields. Due to the extent of risk to life involved, the use of civilians as human shields is a war crime and when carried out systematically, a crime against humanity according to IHL. The section also discusses the legal battle waged by human rights organizations to secure a prohibition of this practice under Israeli law.

### **International human rights law and the use of civilians as human shields**

International human rights law applies to territories falling under the jurisdiction of the state; including occupied territories. Israel is a party to several human rights conventions including the International Covenant on Civil and Political Rights. As Israel maintains effective control over the occupied Palestinian territories, it has specific obligations to respect, protect and, when required, to fulfill the rights enshrined in these conventions.<sup>1</sup>

Accordingly, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights oblige Israel to respect and protect the right to life, liberty, safety and decent and humane treatment of Palestinians. Article 3 of the Universal Declaration of Human Rights states: *'everyone has the right to life, liberty and security of person'* and Article 5 states: *'no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment'*. Moreover, Article 9 asserts that *'no one shall be subjected to arbitrary arrest, detention or exile'*.

These rights are affirmed in the ICCPR. Articles 6, 7 and 9 protect the right to life, liberty and security of person as well as the right to not be subjected to inhumane or degrading treatment. Article 17, in particular, states: *'no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence...'*

### **International humanitarian law and the use of civilians as human shields**

While both IHL and IHRL accord protection to the life, well-being and dignity of a person, IHL applies to international and non-international armed conflicts whereas IHRL applies in times of peace as well as in times of war. IHL comprises a number of treaty and customary rules aimed at protecting persons affected by conflict. It also protects property not directly related to military operations.

The Hague Conventions (1899 and 1907) on the Laws and Customs of War on Land restrict military operations and the conduct of belligerents and the Geneva Conventions and their relevant Protocols codify customary rules that apply in times of conflict. These Conventions, which make up the main body of IHL, aim to protect civilians and civilian property. They constitute a consistent legal system aimed at minimizing the effects of war on civilian populations, and striking a balance between military necessity and humanitarian considerations.

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<sup>1</sup> This position has been asserted by all of the UN treaty bodies; including in the 2007 concluding observations by the Committee on the Elimination of Racial Discrimination, of 14 June 2007; available online at <http://daccessdds.un.org/doc/UNDOC/GEN/G07/424/79/PDF/G0742479.pdf?OpenElement>.

The rules of IHL, and particularly the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Times of War, apply to the oPt, which has been under Israeli military occupation since 1967. The international community, including UN bodies and two conferences of High Contracting Parties to the Fourth Geneva Convention held in 1999 and 2001, has repeatedly confirmed the application of this body of law to the oPt. The International Court of Justice also affirmed its application in its Advisory Opinion on the legal consequences of the construction of a wall in the oPt, of 9 July 2004.

The Fourth Geneva Convention provides protection for civilians in war time, including those who live in occupied territories, and places explicit restrictions on the use of force. Israel therefore does not have a free hand in its use of force, or in its formulation of policies and procedures in the oPt. It has clear obligations vis-à-vis the life, well-being and property of the civilian population, and those civilians are entitled to enjoy certain rights and freedoms.

The Fourth Geneva Convention explicitly prohibits the taking of persons who are not directly involved in hostilities as hostages in all times. This prohibition includes combatants who have laid down their arms and those rendered unable to fight because of disease, injury, detention or any other cause.

Article 34 states explicitly that: *'the taking of hostages is prohibited'*, and Article 28 states that: *'the presence of a protected person may not be used to render certain points or areas immune from military operations'*. This clearly establishes the illegality of using civilians as human shields or involving them by any means in military operations with the aim of protecting armed forces.

Whether or not this practice is ordered by government officials or upheld by courts, the use of human shields remains an illegal practice under international law. Article 29 of the Fourth Geneva Convention states that: *'the Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred'*. Further, Article 51, paragraph 7, of Protocol I Additional to the Geneva Conventions states that: *'the presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favor or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations'*.

Article 32 preserves the right of civilians not to be subjected to physical or moral coercion, stating: *'no physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties'*. Moreover, Article 33 asserts that *'no protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited...'*

In addition, Article 8 of the Rome Statute of the International Criminal Court lists the taking of hostages and directing of attacks against civilians as war crimes.

The IOF has continually violated the rights accorded to Palestinians under both IHL and IHRL during its continual invasions of the oPt. Sworn testimonies collected by Al Mezan from civilian victims of the practice of using human shields attest to incidents in which people's homes were seized and converted into military posts for days; and the residents were detained in their homes for prolonged periods of time and beaten, abused and prevented from practicing their normal activities.

### **Israeli law and the use of civilians as human shields:**

Following a long battle by human rights organizations, Israel's High Court finally banned the use of Palestinians as human shields on 6 October 2005. The legal battle commenced in May 2002 when seven human rights organizations filed a petition seeking a ban of the practice. In response, the IOF informed the court that it would partly cease the use of civilians for military tasks, with one exception: the 'neighbor procedure'.<sup>2</sup> Under this procedure, civilians are asked to knock at a neighbor's door, usually at night, and pass orders from the soldiers; usually an order for a person to surrender themselves. A few months later, in August 2002, a young Palestinian man was killed while adhering to soldiers' orders under this procedure. In the same month, human rights organizations filed a new petition and the court issued a temporary injunction prohibiting the use of this procedure. However, evidence from the field demonstrates that the IOF continued to employ it systematically under the cover of new terminology, "the prior warning procedure." In January 2003, the Court reduced the scope of the injunction by excluding cases in which Palestinian civilians consent to 'give assistance to soldiers' and, in doing so, their life is not put at risk. As Amnesty International pointed out in 2005:

*"In practice...Palestinians in the Occupied Territories who Israeli soldiers ordered or asked to carry out certain tasks in support of their military operations were not in a position where they could freely give their informed consent, for fear that any refusal would result in punishment or other reprisals."*<sup>3</sup>

An Israeli soldier, Gideon Etzion, who submitted an affidavit to the 2005 court case even ridiculed this rule writing in his statement: "What civilian would refuse a 'request' at 3am by a group of soldiers aiming their weapons at him?"<sup>4</sup>

It took the court until 6 October 2005 to rule that the use of human shields, including the so-called 'prior warning procedure' is illegal under applicable international law. The response of the military establishment to this ruling was revealing as to the systematic nature of the human shields policy. For years, Israel alleged that this type of practice was carried out by soldiers on an individual basis and did not express or represent official policy. Nevertheless, the Israeli military announced that it would freeze the use of Palestinians as human shields following 2005 ruling and Israel's then Defence Minister, Shaul Mofaz, demanded the Court review the ruling and announced that he would appear before the Court in an attempt to revoke the ruling.<sup>5</sup>

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<sup>2</sup> See B'Tselem, Human Shields Timeline, available online at [www.btselem.org/english/human\\_shields/timeline\\_of\\_events.asp](http://www.btselem.org/english/human_shields/timeline_of_events.asp); (accessed 24 March 2009).

<sup>3</sup> Amnesty International Statement 7 October 2005 [www.amnesty.org/en/library/asset/MDE15/050/2005/en/19bdb402-fa16-11dd-999c-47605d4edc46/mde150502005en.pdf](http://www.amnesty.org/en/library/asset/MDE15/050/2005/en/19bdb402-fa16-11dd-999c-47605d4edc46/mde150502005en.pdf); (accessed 24 March 2009).

<sup>4</sup> [www.guardian.co.uk/world/2005/oct/07/israel](http://www.guardian.co.uk/world/2005/oct/07/israel) (accessed 24 March 2009)

<sup>5</sup> See [www.ynetnews.com/articles/0.7340.L-3154142.00.html](http://www.ynetnews.com/articles/0.7340.L-3154142.00.html). (accessed 24 March 2009).

As the next section of this report demonstrates, the IOF has blatantly disregarded this legal ruling by its own high court, as well as its clear obligations under IHL, and continues to use civilian men, woman and children as human shields.

## Section II: The use of Palestinian civilians as human shields

The widespread nature of the practice of using Palestinians as human shields in the West Bank during the second Intifada and especially during 'Operation Defensive Shield,' prompted Amnesty International to publish the following statement in October 2005:

*"In recent years, Amnesty International investigated tens of cases where the Israeli army used Palestinians, children as well as adults, as "human shields" during military operations in towns and refugee camps throughout the Occupied Territories. Palestinian civilians were forced to walk in front of Israeli soldiers who, at times, fired their weapons while shielding themselves behind the civilians. As well, Palestinian civilians were made to enter houses ahead of Israeli soldiers to check for explosives or gunmen hiding inside, to inspect suspicious objects, to stay in their houses when Israeli soldiers took them over to use as sniper positions, or to enter the houses of wanted, possibly armed, Palestinians to tell them to surrender to Israeli forces."<sup>6</sup>*

An earlier report published by, B'Tselem - The Israeli Information Center for Human Rights in the Occupied Territories, in 2002 pointed to the widespread and systematic nature of these abuses, stating that:

*"Israeli soldiers used the Palestinians as human shields since the beginning of the Al Aqsa Intifada, especially when the army broke into the Palestinian residential areas as was the case of the 'Operation Defensive Wall.'"*

In the same report, B'Tselem noted that the *"use of human shields is an integral part of the orders received by Israeli soldiers and not the isolated actions of a few individuals."*<sup>7</sup> Al Mezan Center documented dozens of cases of the use of civilians as human shields in the Gaza Strip in the same period.

Although the few Israeli court rulings which provide some level of protection to Palestinians are rarely implemented, human rights defenders had hoped that the 2002 legal case would at least bring some level of protection to the victims of this practice. However, evidence collected by Al Mezan, other human rights organizations or defenders and media agencies following the 2005 court ruling proves that the IOF continues systematically employ this practice on a far-reaching scale. For example, on 11 April 2007, this practice was recorded on video by an International Solidarity Movement (ISM) activist. The video showed Israeli soldiers making two Palestinian youths stand in front of a hammer jeep they were boarding to protect them from potential stone-throwing.

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<sup>6</sup>Amnesty International Statement 7 October 2005 (accessed 24 March 2009) [www.amnesty.org/en/library/asset/MDE15/050/2005/en/9e8adfd1-d4a0-11dd-8a23-d58a49c0d652/mde150502005en.html](http://www.amnesty.org/en/library/asset/MDE15/050/2005/en/9e8adfd1-d4a0-11dd-8a23-d58a49c0d652/mde150502005en.html) (accessed 24 March 2009).

<sup>7</sup>B'Tselem Report on Human Shields, 2002; [www.btselem.org/Download/200211\\_Human\\_Shield\\_Eng.doc](http://www.btselem.org/Download/200211_Human_Shield_Eng.doc) (accessed 24 March 2009)



Further, Israeli parliamentarians investigated specific cases and spoke against using Palestinians as human shields, including through the 'neighbor procedure' or 'early warning procedure', which were banned by the court.<sup>8</sup>

Al Mezan's own human rights monitoring work on the ground demonstrates that the IOF continues to implement a clear policy of using Palestinian civilians as human shields to protect its troops and carry out dangerous tasks on their behalf. The Center has documented dozens of cases where the IOF forced the involvement of Palestinian civilians in its military operations, in a flagrant violation of IHL, IHRL and even Israeli law. This practice is most evident during incursions of the IOF into the Strip's border and residential areas; after each Israeli incursion, the Center's researchers document dozens of cases in which the IOF threatens the lives of civilians. The majority of these cases involve the breaking into of civilian homes, the detention of families inside these homes and the use of these homes as military posts through which to execute military operations against Palestinians. In these cases the IOF forces Palestinian civilians to undertake life-threatening tasks such as checking the rooms for safety. A number of other forms of the practice of using human shields are used. Palestinians are arrested and forced to walk in front of Israeli soldiers to protect them against potential counter-attacks. In urban areas, where civilians are made to walk in front of soldiers, they are forced to enter homes and rooms before them or knock at houses doors to pass messages from the soldiers to other civilians. Palestinians are also forced to enter buildings believed to be booby-trapped or other dangerous places, and ordered to inspect and clear the area before the soldiers enter. The IOF also forces civilians to enter premises where there are persons allegedly wanted by the IOF and instructs civilians to tell them to surrender. Cases have also been documented where the IOF has forced civilians to remove barriers and obstacles – including dangerous obstacles such as suspicious objects or objects thought to be booby-trapped – from its way.

The cases documented in this report refute IOF claims, ironically, that it respects civilians and refrains from exposing them to danger by using them as human shields. While the IOF pretends to adhere to the relevant Israeli Supreme Court rulings, it continues to use civilians as human shields; especially during attempted arrests of 'wanted persons'. The IOF insists that, as the Israeli Minister of Defence clearly explained, the use of local Palestinian civilians is aimed at deterring risks on the innocent civilians and the wanted persons themselves. Violating international human rights law, international humanitarian law and Israeli case law, the use of Palestinian civilians as human shields must end. Those who make such forcible use of civilians must be held accountable for their violation of international as well as domestic law. Israel's failure to effectively investigate and prosecute these violations represents yet another violation by providing impunity for its own soldiers and commanders.

This documentation, combined with the documentation of other organizations, presents incontrovertible evidence that the practice of using Palestinian human shields continues unchallenged in the oPt. Moreover, it is deliberate and systematic, and not the actions of individual IOF soldiers; although in either case Israel bears a clear responsibility to investigate and deter this practice. The following section presents five case studies based on comprehensive field investigations conducted by Al Mezan.

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<sup>8</sup> See generally <http://www.guardian.co.uk/world/2005/oct/07/israel>.

## Section III: Case Studies – Gazan civilians as human shields

This section presents a series of case studies that illustrate the continued IOF use of Palestinian civilians - men, women and children - as human shields. While one of these incidents preceded the Israeli High Court prohibition on this practice, the other four incidents took place after the ruling.

### Case Study 1: Forcing a young girl to carry out life-endangering activities:

On 10 July 2008, IOF Special Forces forced Rana Mofeed Awad An-Nabaheen, an 11-year-old girl, to go to the house of a relative and instruct a relative to leave the house. After completing the order, upon leaving the house of her relative, she was shot in the stomach by another group of soldiers coming in a different direction, who had not been informed that Rana was moving on the orders of Israeli forces stationed in the area.

Al Mezan received a sworn testimony on this incident from an eyewitness, Mahir Hamdan Mheisin An-Nabaheen, 42-years-old, married and living in a five-member household. He lives in one-floor tin house by the Gaza valley, close to Bilal Mosque, in the south east of Al Bureij Camp. The house of his father and brother is located east of his house, and his own house is located in a countryside area surrounded by farms and fig and olive trees.

#### Testimony of Mahir Hamdan Mheisin An-Nabaheen

On Thursday 10 July 2008, at approximately 4:30am, the sound of vehicles, helicopters and gunfire woke me up. I stayed at home ...I heard shouting in Hebrew...I peeked out through a window and saw Israeli soldiers breaking into my family's house and forcing them to get out...I saw the soldiers forcing my family members to sit down outdoors...I started to prepare myself expecting them to break into my house...Fifteen minutes later, I heard knocks at the door...I said: "who is it?" I heard somebody saying: "It's me, Rana". I knew that it was my niece who lives in her grandfather's house. Her name is Rana Mofeed Awad An-Nabaheen. She is 11-years-old. When I opened the door, she said: "uncle, the army tells you to get out and go there"...I knew that the soldiers sent her. I moved two steps back into the house to gather my children together. As Rana was returning, I heard heavy gunfire...I peeked out and saw Rana near the gate screaming and saying: "I am injured"... the gunfire continued. I stepped back into the house and gave her my hand. She held it and I pulled her back into the house. The gunfire became heavier. I left Rana bleeding and took cover behind a wall. Rana crawled two steps and lay on the floor. I screamed and called my father and my brother to come to her aid and to tell the soldiers that she had been hit...A few minutes later, the gunfire calmed down and my brother's wife, Huda, 28-years-old, came and told me to bring her to the soldiers. When I carried her, I saw her entrails coming out of her abdomen. I got out and shouted at an Israeli officer in Hebrew, which I can speak: "Don't you have children? Don't you have children?" The Israeli officer called a soldier who was standing in front of the house and said to him: "Are you crazy? Why did you fire at her? Why? It is me who sent her into the house". I took off my shirt and covered her abdomen. The officer told me not to worry. I saw him taking down a folded carrier off his back and unfolding it on the ground. Then he carried Rana on it...I heard him calling a physician in Hebrew. A physician in military uniform came and brought a piece

of bandage and put it on her abdomen. The commander fastened Rana to the carrier, and then ordered two soldiers to carry her. They asked a woman from the family to accompany them. My in-law, Huda, went with them'.

As well as illustrating how Palestinian civilians – even very young children – are used as human shields, and confirming the continuation of this practice and the flagrant disregard by the IOF of the life of civilians, this incident is an example of the indiscriminate and unnecessary targeting of civilians

### **Case Study 2: Forcing medical teams to carry out life-endangering tasks**

The IOF also forces medical teams to carry out life-threatening tasks. The following testimony from Mr. Khalil Mustafa Hassan As-Sidawi, a former Health Emergency Coordinator (the Palestinian Ministry of Health official in contact with Israel authorities to coordinate the movement of ambulances during incursions) in north Gaza, explains how the IOF forced him to transport arms and explosives belonging to two resistance fighters killed near the borders. He was forced to take the clothes off the fighters' bodies and walk for a long time before telling them where the bodies were located. Below are excerpts from Mr. As-Sidawi's testimony:

### **Testimony of Khalil Mustafa Hassan As-Sidawi**

"...On Tuesday 20 November 2007, at approximately 11:00am, I and a rescuer (ambulance medic), Mohammed Nassar, headed to 'Nisanit', the former Israeli settlement, in a Health Emergency Department ambulance...I arrived at an uneven area where the ambulance couldn't go any further...the DCO officer (Israeli liaison officer), with whom I was in contact, asked us to walk to the northern area...We did, and then he asked me to return to the ambulance and then head west towards the northern Bedouin village...I arrived at the Hamdoush neighborhood at approximately 3:00pm...We started to search for the bodies near the separation fence on foot. We didn't find the bodies...the Israeli officer asked me to go north...We arrived at the separation border...I saw around seven people in civilian clothes, who entered inside the border line when they saw us. I also saw cameras spread along the borders and one satellite dish...I stepped forward following the Israeli officer's orders until I arrived at the border line...I saw two bodies on the ground, beside each one there was a firearm...the DCO officer ordered me not to touch the firearms or take them with the bodies. Then he asked me to remove their military vests they were wearing...I did...He showed me a black trash can near the border line ... He ordered me to put the firearms and hand grenades in it. I did this against my will ... He ordered me to carry the trash can and put it near a small gate on the borders. I did that...He ordered me to move a wooden ladder towards the same gate and I did...We were allowed to carry the two bodies to my ambulance that was around 2000 meters away from the place...While I was carry the bodies, two military vehicles that were passing near the border approached us...One officer asked us: "what are you doing here?" I explained to him what happened .. He asked me to take the clothes off the two bodies...I asked the DCO officer about this and he told me to do it...I did. I took them [the clothes] to the same gate. Then I carried the first body of the killed man with my colleague for 500 meters away from the separation border. Then I returned to take the body of the second man to the same place in order to take them far from the dangerous area. I asked for a second ambulance. I waited for it then we transported the two bodies. We left the area at approximately 4:30pm the same day."

### **Case Study 3: Forcing women and children to walk in front of the IOF**

This victim testimony records an incident in which the IOF arrested a group of civilians, including a pregnant woman, from As-Sreij neighborhood located in the eastern Al-Qarara village in Khan Yunis, held them in an agricultural field and forced them accompany the soldiers towards the separation border. Then, they detained the men and ordered the women and children to leave. The IOF shot at them on their way back and another force operating in the area stopped them and used them as human shields in an agricultural field before withdrawing from the area.

In fear of reprisals from the IOF which continually enters the area in which she lives, the witness preferred to conceal her name and names of the other women involved in the incident. The witness is a woman is from As-Sreij neighborhood. Her house is two kilometers away from the eastern separation border, and her family has agricultural land located around 700 meters from the border.



### **Testimony of female witness from As-Sreij – Al-Qarara**

'While I was in my house on Thursday 3 April 2008, at approximately 7:30am, one of my relatives came and said that he was trying to call my husband but that he was not answering his mobile. The news was saying that a special Israeli force had entered the lands close to the area where my husband was working...I got worried and took my husband's ID card (as he leaves it at home when he goes to the field)...I rushed to our field. When I was on my way, I heard somebody shouting and ordering me to stop and to come towards him...I stepped towards the sound and I saw one soldier wearing military clothes and holding a gun inside one of the olive fields...When I came close, I saw other soldiers in the field...I tried to explain to them that I had come to give my husband his ID card but they threatened to shoot me...They led me to a room where I saw around seven men and a woman with her two daughters, who were detained. The men were handcuffed and blindfolded...They handcuffed and blindfolded me. Then, they forced us to move out of the room, pushing me with their hands and guns to move although I was blindfolded and pregnant. I heard them pushing others to hurry up as well. I got exhausted and I fell down many times...I told them that I was four months pregnant and couldn't continue but a soldier threatened to shoot me...They stopped me for a while and took off my blindfold and also did so with the woman with her two daughters. I found myself near the border. I saw them taking the men across the border, and then I heard one of them ordering us to leave the area. He pointed at a different route. While I was walking with the woman and her daughters, I heard heavy gunfire. It was from the west towards the east and I knew it was the resistance fighters. I had to crawl for a long time to leave the area ... I arrived to the place where I was held and I found an IOF special force, who forced me to stop. I tried to explain to them what happened but they threatened to shoot me and forced me to sit down with a child of [...] family. I saw them inside the fields piling sand bags among the trees and setting military meshes to take cover. One soldier forced the child to take his shirt off and tied his hands [handcuffed] him with it. There were many explosions and intensive firing towards the field. Thirty minutes later, I heard a group of young men calling my husband ... I saw a group of soldiers jumping out of the field and shouting at them and ordering them to stop. Then I heard more gunfire. I saw the soldiers capturing two of them and forcing them to sit down away from them. Then they hid inside the field again ... an ambulance arrived and transported two injured young men, who refused to stop ... an hour later, I saw a number of Israeli bulldozers and tanks approaching. I saw the soldiers collecting their equipment, emptying the sand bags and folding the military meshes. A tank was generating excessive white smoke. I saw the soldiers were boarding a military vehicle then all vehicles withdrew towards the border line ... I managed to go home at around 13:00 on the same day ... my husband returned home at around 21:00 on the same day. I knew he was detained in a military post close to the border line.'

Not only does this testimony again illustrate the continued use by the IOF of civilians as human shields, it demonstrates the complete disregard of the soldiers for the life of a pregnant woman and her unborn child. The only explanation for the detention of these civilians was their value to the soldiers as human shields to cover their withdrawal from the area.

### **Case Study 4: Using homes as military posts and their residents as human shields**

The most common practice of using civilians as human shields is the breaking into homes in order to transform them into military posts. This practice constitutes a flagrant violation of the protection of civil property and of the principal of distinction between military and civilian targets, provided for by the Fourth Geneva Convention and its Additional Protocol I. In most cases, the IOF enters a house, forces the head of the household or another family member to walk in front of the soldiers, enter the rooms one by one (turning on the lights each time) to check they are free from any form of threat to the soldiers. The residents are then held in one room of the house, which is usually the room most exposed to danger of attack, thereby preventing resistance fighters from targeting soldiers or at least reducing their capacity to effectively use their weapons.

In the following testimony, an eyewitness explains how his own and his family's lives were threatened after the IOF broke into their home in Al-Bureij refugee camp located 100 meters from the National Security Maqboula base in Block 8 of the camp.

#### **Testimony of male witness from Al-Bureij refugee camp**

"While I was sleeping at home on Thursday, 5 July 2007, at approximately 3:00am, the sound of heavy gunfire woke me up...I was scared and stayed home...My children woke up frightened and started to cry. I tried to calm them down...Thirty minutes later, I heard knocks on the door. I asked who it was. Someone said: "we are the army"...I opened the door and saw a number of IOF soldiers (around ten). The leading soldier ordered me to raise my arms. I did. He ordered me to step back in the house in front of them and enter each room and switch on all the lights...I saw the soldiers coming in behind me and searching the rooms...The search operation lasted ten minutes, and then one of them ordered me to place all my family members in a room located in the northern part of the house, which is the most dangerous as resistance members are positioned at the northern part near the camp...A soldier ordered me to stand in front of a north-facing window, while soldiers were making holes low-down close to the floor to use it for sharp-shooting. Then they ordered me to return to the room...I could hear gun shots and the sound of explosions. The house shook because of an explosion...At approximately 6:00am, the IOF soldiers brought two members of a medical team and held them in the same room that we were locked in. Their clothes were not fitting properly and had been messed up, especially their trousers. They were handcuffed. They were released nearly three hours later. A military vehicle came to the house at approximately 3:00pm. The soldiers forced me to get in...It moved towards the border where I found fifty people from my residential area [in the camp]...I was interrogated in a detention center after they forced me to wear a overall. I was released the next morning from an area near Kissufim Crossing, in western Deir al-Balah.'

One of the medical team members mentioned above gave the following testimony on the same incident:

#### **Testimony of medic**

'On Thursday, 5 July 2007, at approximately 4:30am, while I was at work in an ambulance station in Deir al-Balah, the headquarters operation room received a call that there were injured persons near Maqboula base of the National Security, to the

southeast of the Al Bureij Camp. I put on my uniform and took an ambulance with my colleague Mohammed Khamis as-Salhi, the driver. We switched on the ambulance lights and siren. We arrived at the area...I looked through my window and saw a number of Israeli soldiers sitting in the field near the road. I informed the station that we had arrived at an area where there were Israeli soldiers. The head of the station ordered me to come back immediately. I told my colleague to return to base. When he turned the ambulance around to return to base, one of the soldiers raised his hand and ordered us to stop. Another one raised his hand so we could proceed. I asked my colleague to pull over. I looked out of my window and talked to them in English. I told them that we came to evacuate the injured but that we hadn't found any and we wanted to return to base...one soldier yelled in Hebrew so I didn't understand him...I looked out of the window and said "do you want us to go or to stop?"...we received a radio message to withdraw immediately, I lowered the volume of the radio...Three soldiers stepped forward and fired shots beneath the ambulance. I heard the wheels bursting, so I knew that the soldiers had shot them. One soldier yelled at us again. I looked out of the window and asked him what he wanted me to do. At that moment I saw water dripping from the front of the vehicle. I saw the soldier throwing something at the driver...I heard a big bang and a lot of smoke covered the ambulance. Two soldiers pointed their guns at me inside the ambulance... one of them gestured for me to get out of the ambulance...I stepped out with my hands raised. He ordered me to take my clothes off. Another ordered me to open the ambulance door. I did. Then he ordered me to walk in front of him towards the field and I did. He ordered me to sit down with other soldiers. He took off my glasses. They did the same thing with my colleague. They handcuffed and blindfolded me. A soldier ordered me to get up. I was moving around naked. One of them pushed me and I stumbled on a concrete flight of stairs. A soldier helped me up. While climbing the stairs, I heard some one saying "I swear to God I will..." I was pushed into a room. I heard somebody talking to other people and saying "don't worry". Then he talked to me and my colleague. It was the owner of the house. I heard him saying: "guys don't worry. Calm down". An hour later, my colleague told me that he couldn't feel his arm. I said to the owner of the house, who speaks Hebrew well, to ask the soldiers to remove our cuffs. He told me the soldier said "tell them to shut up. They're lucky I didn't kill them". While we were in the room, a soldier would come and point the muzzle of the gun at my head, neck, back and chest, saying: " Hamas son of a ..." He would also spit on us. While I was held inside the room, I heard shots hitting the walls near us, so I crouched down. I heard footsteps running away. I knew it was the soldiers running away (because of the sound of heavy footsteps of military boots). The soldiers returned to the room and took the house owner. They brought him back and then took him again. It happened a few times. I heard the man reassuring his wife and children that he would be fine when the soldiers took him away. They returned and took the man's wife and I didn't hear her coming back. They returned to the room...The man told me they would release me and my colleague. He said that the soldiers warned us not to look behind us while we were walking away. A soldier helped us put on our clothes. They took off the blindfolds but we remained handcuffed. We got out and walked for 200 meters".

As mentioned above, storming into houses, transforming them into military posts and holding the residents in one room is the most common form of the practice of using human shields in the Gaza Strip. This practice widely used during the incursion commonly referred to as the 'Holocaust incursion' that the IOF carried out in Jabalya

town in northern Gaza in March 2008.<sup>9</sup> The following affidavit of 44-year-old Iyad Saleh Abdallah Abed-Rabbo, who lives in a four-story house with his family in the center of Ezbet Abed-Rabbo illustrates this practice. He is married with five children.

#### **Testimony of Iyad Saleh Abdallah Abed Rabbo**

'On Saturday, 1 March 2008, at approximately 2:25pm, I heard gun shots. I tried to peek through the window ... I saw a number of the IOF soldiers gathering in front of our house, and then I heard loud knocks on the door ... I saw my 71-year-old father opening the door. Once the door was opened, they got in and started beating him violently ... I saw them storming into the ground floor. I went into my apartment, I gathered my children and my wife and we stayed in one room ... My children were scared ... I tried to calm them down ... a few minutes later, I heard my father calling me and saying: "come down with your children, your wife and your brothers". At the bottom of the stairs, I saw my father standing beside the house door surrounded by around 20 soldiers in green camos, camouflage face paint and canopy helmets. One of them with a police rank patch on his shoulder ordered us to raise our hands. We did as we were going downstairs. They placed us in a room on the ground floor ... They asked my father about the neighboring house. He told them that it is his brother's. He ordered him to go and bring all its occupants ... A few minutes later, my uncle's family came and were placed in the same room ... We were around 53 people, including children, in a 20 square meters room ... There was no enough room for all of us. The soldiers locked one of the room's two doors and let the other one open ... I saw two soldiers sitting on two chairs by one of the room's two doors, while other soldiers were deployed all over house. I heard them moving around while our children were continuously crying ... I asked a soldier to separate women and children from men so we could have enough room. After asking the commander, they separated us. While they were at our home, they prevented us from moving around. Whoever wanted to go to bathroom had to ask for permission. A soldier would accompany us to the bathroom ... At meal times, we asked for milk for the children and food for us ... Women went with the soldiers to bring food but they found nothing but bread and Duqqa (ground wheat and herbs). We were not ready for this ... About two hours later the commander asked who speaks Hebrew. I said I speak it a little. He asked me to tell everybody that all of us would sleep here ... I asked for mattresses. He didn't allow us to bring any and ordered his soldiers to do after he asked about its location ... He asked for a bucket. We brought it to him. He ordered us to leave it at women's room so that children would pee in it ... This hard time lasted until 1:15pm the next day [Sunday]. We ran out of food and water ... We had to drink old water stored in an abandoned tank ... We stayed without food for a long time as we didn't have food and the Israeli soldiers refused to bring us food. They stayed at our house until they withdrew on Monday, 3 March 2007 ... They arrested my brother and took him away with them while withdrawing ...'

#### **Case Study 5: The use of a 14-year-old boy as a human shield**

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<sup>9</sup> This name comes from the threat by the Israeli deputy Minister of Defence that the population of the Gaza Strip would suffer a Holocaust if rocket fire on Israel continued. The statement was widely quoted in the media during and after the incursion, which took place in March 2008.



In this incident, the IOF forced a 14-year-old boy to accompany them for a long period of time, during which they forced him to carry out life-endangering tasks and executed an injured resistance fighter in front of him. The IOF then forced the boy to bring the fighters gun and accompany them. When the brothers of the killed fighter were looking for his body, the IOF caught and detained them in areas where they were deployed until they withdrew from the area. The child, Nidal Dawood Abdel Aziz Wahdan, lives with his family in al-Amal district in Beit Hanoun. He has a six member family who work on farms one kilometer from the separation border.

### **The testimony of Nidal Dawood Abdel Aziz Wahdan**

'On Tuesday, 22 June 2004, at approximately 8:00am, I was working in the field and I knew that the IOF was stationed near the field to the west bulldozing...While I was in the middle of the field, I heard someone saying in Arabic: "Stop! Come here."...I looked to the left where the voice came from and saw more than ten people wearing military clothing and a black police dog, carrying equipment similar to a camera on its head...A white, short soldier with a military patch on his shoulder asked me: "What is your name? Why did you come here? Do you have your ID card?" I answered: "I work here but I don't have my ID card"... One of the soldiers stepped forward, and handcuffed and blindfolded me. They took me with them among the trees. One of them ordered me in poor Arabic not to talk. This lasted until after the noon prayer time. Every time I tried to speak, they scolded me and ordered me to remain silent ... I heard gunfire near to me and blank cartridges were hitting my head ...I heard somebody close to me screaming and hardly breathing, as if he was dying. Five minutes later, the soldiers started to speak in Hebrew in a way that give me the impression that they were afraid... One of them, with a star on his shoulder, removed my handcuffs and blindfold. He was blonde, tall and green-eyed. He ordered me in poor Arabic to go forward and bring the gun of the person who was killed. I found a masked gunman wearing black clothing. He was still alive. I heard him breathing and he made a slight move...Before I reached him, the commander ordered me to return to them...I saw a soldier pointing his gun at the masked man. I heard a gun shot. I saw his masked face bleeding...The commander yelled at me to bring the gun and then ordered me to put the gun down and drag it. I took the mask off and recognized the guy's face. He was Khaled Jamal as-Shinbari...I took the gun from his belt and brought it to them...They handcuffed and blindfolded me again...They started to run and took me with them. They were dragging me by force...One of them was holding my shoulder... We walked for a long time. Fifteen minutes later, we arrived at a place ...They sat me down. I tried to peek and saw the separation border. They spoke on the radio in Hebrew, which I don't understand. I stayed there for nearly 30 minutes and then they started to run again and took me with them...They put me in another place. I sat under a tree...When the night came...they took off the blindfolds. It was around 8:00pm... The soldier with a military patch brought me bread, luncheon meat and water...They blindfolded me again...They dragged me once again and put me in another place. They did that more than once for short distances...This was repeated many times until Al-Fajr (Dawn) prayer...They placed me in a place for a long time. I fell asleep during this time... One of them woke me up after the sunrise...They were cutting off tree branches and making barricades...I heard someone saying "Stop! Stop!" and their guns were raised ... I heard the voice of my brother, Dawood, near to me ... I shouted "this is my brother". I was not blindfolded... They arrested him

after he unknowingly came close to them. We were among trees. I watched them handcuffing him after forcing him to take off his clothes...I saw them taking and placing him under a tree far from me...One hour later, my brother Khalil came to search for me. They arrested him the same way they did with my brothers Mohammed and Kamel, the wife of my brother Nabil (Majda Wahdan) and my sister (Suad). They were all arrested and taken away from me. I managed to see them but they could not see me ... Two hours later, at approximately 10:00am on Wednesday, they told me to stand still and not to move out for 30 minutes. During this time, I heard intensive gunfire ... Later on I met my brothers, sister and my sister-in-law. We went home ..."

## Conclusions

This Al Mezan report demonstrates that the IOF continues to use Palestinian civilians – men, woman and children – as human shields. The report also illustrates how the IOF disregards civilian life and deliberately exposes civilians to life-threatening situations in order to protect its military troops, usually in assault operations. The case of 11-year-old Rana Mofeed Awad An-Nabaheen, is just one example of the IOF's disregard for the life of a young child. The commanding officer did not even take the time to inform other troops stationed in the area that the girl was moving on his orders. She was then deliberately shot in the stomach by soldiers who must have been able to see she was just a young girl.

The practice of using civilians as human shields is a war crime according to IHL, and when used in a systematic manner – as is the case with IOF practices towards Palestinians – constitutes a crime against humanity. Palestinian and Israeli human rights organizations have taken all steps within their power to protect Palestinian civilians from this terrifying and lethal practice. The Israeli authorities continue to refuse to implement the orders of their own highest judicial body, let alone adhere to their clear obligations as an occupying power under IHL.

These practices compel the international community to act, and especially the High Contracting Parties to the Fourth Geneva Convention. The international community must act immediately to prosecute Israeli war criminals who perpetrate or order these crimes. The practice of using human shields is just one of many grave violations perpetrated against Palestinian civilians in the oPt. The State of Israel continues to impose a near total blockade on Gaza, carry out expulsions and home demolitions in West Bank (including East Jerusalem), shell civilian property in the Gaza Strip and kill civilians on a daily basis.

Al Mezan Center for Human Rights strongly condemns Israel's continued disregard for the rules of international humanitarian law when dealing with civilians in the oPt, and its non-compliance with international human rights law.

Al Mezan Center calls on the international community, particularly the High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilians in Times of War, to fulfill their legal and moral obligations to immediately stop the ongoing Israeli war crimes and to provide protection to civilians in the oPt.

Al Mezan Center emphasizes that the continued failure of the international community to fulfill its obligations and its silence on Israeli violations encourages Israel to proceed with its crimes.

End