



**This paper was especially developed for the representatives of diplomatic missions to the PNA who visited Beit Hanoun on 14 August 2004.**

**Date: 12 August 2004**

**Al Mezan Center for Human Rights  
A paper on the IOF Invasion of the town of Beit Hanoun (29 June – 5 August 2004)**

**Background:**

Israel occupied the Gaza Strip and the West Bank, including East Jerusalem, referred to as the Occupied Palestinian Territory (OPT), in the aftermath of the 5-10 June 1967 war. Under the agreement between the Palestinian Liberation Organization and the Israeli Government in Oslo, the Palestinian National Authority (PNA) was given jurisdiction over parts of the OPT and other parts remained under full Israeli jurisdiction. On September 28, 2000, the current Al Aqsa intifada (popular uprising) started. Since that date, Israel's violation of Palestinian human rights has increased to unprecedented levels. Much of the IOF's aggression against Palestinian civilians and their property has occurred during their incursions into Palestinian populated areas.

The town of Beit Hanoun<sup>1</sup>, located in the north of the Gaza Strip, has been exposed to frequent incursions by the IOF. Large-scale damage has been done to the town's private property and infrastructure, and especially to cultivated land. The consequences of IOF targeting of land have been severe since agriculture is the main economic activity for the population of Beit Hanoun. On May 15, 2003, the IOF carried out an incursion into this town during which they killed five people, destroyed and damaged 60 homes and numerous commercial and industrial facilities, and leveled an area of 1,818 dunams of land.

**The Recent Thirty-Seven-Day Incursion into Beit Hanoun:**

At approximately 5am on Tuesday June 29, 2004, the IOF invaded the town of Beit Hanoun and the outskirts of the neighboring towns of Jabalia and Beit Lahia in response to what Israeli sources reported as missile attacks on Israeli territory. They imposed a strict siege on the town banning civilian movement into and out of the town for a period of 37 successive days. Movement within the town was also banned and many were killed trying to move around inside this area. The IOF caused severe damage to human life and property during this incursion, in grave breach of International Humanitarian Law (IHL). The following section outlines the results of the IOF's military operation in the town:

- The IOF killed 19 Palestinians, six of whom were children, and injured 139 others, including 65 children.

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<sup>1</sup> Beit Hanoun is one of three towns in the North Gaza Governorate. It is spread over an area of 13,438 dunams (one dunam equals 1,000 square meters) and is populated by about 30,000 Palestinians. 1,500 dunams of the town is used for housing while the remaining area is used for agriculture. Israeli territory borders Beit Hanoun to the north and east. There are three Jewish settlements near the town; all occupy Palestinian territory.

- Al Mezan Center for Human Rights is extremely concerned by the serious escalation of Israeli aggression and protracted violation of Palestinian human rights in the OPT, and in particular by the recent incursion into Beit Hanoun. The Center found evidence that IOF has perpetrated serious, systematic breaches of IHL and, especially, the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Times of War, of 12 August 1949, (hereinafter the Convention) during this incursion. It is worth noting here that the Convention is applicable to the OPT according to the many statements made by different international bodies such as the United Nations and most recently the International Court of Justice. In this context, the Center draws attention to the following points:

- <sup>4</sup> Experts who have explained the texts of the Fourth Geneva Convention agree that military necessity means all the imperative procedures needed to achieve a military purpose necessary for military operations. The word 'necessary' means that the objectives of war can not be achieved without these procedures. It also means that sometimes the neglect of some restrictions is permitted, unless the intent is to carry out procedures aimed solely at punishment or deterrence.



during the incursion, it was noticed that there was almost no resistance to the IOF, making this level of force unnecessary. The IOF used air forces, tanks, and missiles among other heavy arms and caused wide-scale loss of life and property.

- The IOF also violated the principles of proportionality and discrimination<sup>5</sup>, using heavy arms against civilian targets and against persons who were not engaged in any military activity against them.
- Targeting protected civilians is clearly prohibited under the Convention. However, civilians were targeted by Israeli snipers and helicopters.
- The IOF destroyed and/or damaged civilian premises, including homes, schools, mosques, health facilities and kindergartens, in violation of the Convention (Article 53 in the Convention).
- Civilian private property was also targeted by the IOF. Numerous factories, workshops and motor vehicles were destroyed. Homes were also destroyed with civilian belongings still inside them.
- The IOF targeted sources indispensable for civilian life, namely cultivated land, trees and water-wells (Article 54 in the Protocol Additional to the Geneva Conventions).
- On many occasions, the IOF restricted the movement of medical and relief teams. Ambulances were prevented, or delayed for long periods, from trying to reach wounded or sick people. Moreover, several medical teams and ambulances were exposed to IOF fire in a grave violation of the Convention.
- The IOF deliberately damaged infrastructure in the town. Paved roads were ruined and the lines for running water, electricity and telephone were damaged. In several cases, sewage water was mixed with drinking water, incurring risks to health and environment.
- The 37-day siege of Beit Hanoun constitutes collective punishment of the towns entire population, which is prohibited by the Convention (Article 33 of the Convention)

### Notes on Al Mezan's documentation of the Beit Hanoun incursion:

Since the first day of the incursion, Al Mezan kept in continual contact with numerous people in Beit Hanoun, including one member of its staff. Once the IOF had withdrawn from the center of the town, Al Mezan's fieldwork team started an organized process of documentation and collection of information from the victims. To date the unit has not finished full documentation of the violations but has produced initial documentation<sup>6</sup>. Thus, the figures

<sup>5</sup> According to these principles, all actions that may cause losses to souls and/or property that have nothing to do with the operations or the expected results are prohibited. Moreover, during the course of military operations there must be discrimination between civil and military targets, as well as in the use of force in regard to methods and weaponry with the aim of minimizing damage and suffering to the least amount possible

<sup>6</sup> More than 80% of the damage had been fully documented by the time this paper was developed.

The Center also, while appreciates this visit to Beit Hanoun, hopes that the international community will take steps towards effective intervention with regard to Israel's continuous violations of human rights in the OPT, and appeals to the international community to fulfill its legal and moral responsibility under international law. The Israelis who perpetrated and/or ordered perpetration of such crimes should be brought to justice<sup>7</sup>.