

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JOHN DOE I on behalf of himself and his grandson, BABY DOE I and as next of kin for his deceased daughter, JILL DOE I, JOHN DOE II, JOHN DOE III, JOHN DOE IV, JOHN DOE V, JOHN DOE VI, JOHN DOE VII, JOHN DOE VIII, JOHN DOE IX, JOHN DOE X, JOHN DOE XI, JOHN DOE XII and JOHN DOE XIII on behalf of themselves; JOHN DOE XIV on behalf of himself and his son, BABY DOE II, JOHN DOE XV on behalf of himself and his son, BABY DOE III, JOHN DOE XVI on behalf of himself and his deceased son, BABY DOE IV, JOHN DOE XVII on behalf of himself, JANE DOE I on behalf of herself and the estate of her aunt, JILL DOE II and cousin, BABY DOE V, and JANE DOE II on behalf of herself and the estates of her two deceased sisters, JILL DOE III and JILL DOE IV and as next of kin for her nephew, CHARLES DOE I and niece JILL DOE V,

Plaintiffs,

v.

STATE OF ISRAEL, ARIEL SHARON in his individual capacity and as former Israeli Minister of Defense, NATAN SHARANSKI individually and in his capacity as Israeli Minister of Construction and Housing, BINYAMIN BEN ELIEZER individually and in his capacity as Israeli Minister of Defense, SHIMON PERES individually and in his capacity as Israeli Minister of Foreign Affairs, UZI LANDAU individually and in his capacity as Israeli Minister of Internal Security, MEIR SHEETRIT individually and as Israeli Minister of Justice, THE ISRAELI GENERAL SECURITY SERVICE (the “Shin Bet”), AVI DICHTER, the head of the Shin Bet, ISRAELI DEFENSE FORCES (IDF), LT. GENERAL SHAUL MOFAZ individually and as Chief of the General Staff, MAJOR GENERAL AMOS GILAD individually and as the IDF Coordinator of Government Activities in Judea, Samaria and the Gaza, MAJOR GENERAL AHARON ZE’EVI FARKASH individually and as IDF Director of Military Intelligence, AMOS YARON individually and in his capacity as Secretary General of the Defense Ministry and as former Brigadier General and Commandant of IDF forces in Beirut, Lebanon (collectively the “Israeli Defendants”),

GEORGE W. BUSH, in his individual capacity and as President of the United States,
COLIN POWELL, in his individual capacity and as Secretary of State,

THE BOEING COMPANY, MCDONNELL DOUGLAS HELICOPTER SYSTEMS, TEXTRON, BELL HELICOPTER, COLT’S MANUFACTURING COMPANY, INC., GLEN E. HESS, as former Vice-President of the Boeing Company and current President and Chief Operating Officer of BELL HELICOPTER, JOHN R. MURPHY, Chairman and Chief Executive Officer of BELL HELICOPTER, LEWIS B. CAMPBELL, Chairman and Chief Executive Officer of TEXTRON, PHILLIP CONDIT, Chief Executive Officer of BOEING COMPANY, LT. GENERAL (Ret.) WILLIAM M. KEYS, President and Chief Executive Officer of COLT’S MANUFACTURING COMPANY (collectively the “Arms Defendants”),

Halamish/Neve Tzuf Settlement, Neve Tzuf Foudation (Keren Neve Tzuf), Christ Lutheran Church, Central Fund for Israel, One Israel Fund, CONGREAGATION RINAT YISRAEL, RABBI YOSEF ADLER, ARNON HILLER, JOAV MERRICK, RUTH KOHN, JAY MARCUS (collectively the “Settler Defendants”),

-MOES –1-100,

Defendants,

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I. INTRODUCTION

In the last days of March of this year, the Israeli Defense Forces (IDF), under the command, orders and direction of their Prime Minister Ariel Sharon, launched “Operation Defensive Shield.” This operation took the form of a multiple-pronged military assault on the Palestinian cities of the West Bank—Ramallah, Nablus, Jenin, Bethlehem, Tulkarm and Qalqilya—and incursions of armored divisions for containment and control of all roads and rural and agricultural areas. The operation continued throughout the month of April and concluded after approximately seven weeks, with partial or complete withdrawals from select urban areas, while further re-deployment to other areas was carried out. After some three weeks of slightly decreased tensions, the Israeli Defense Forces renewed operations and re-invaded most of these areas on June 19th purportedly in retaliation for several bombing attacks in Jerusalem and elsewhere. On June 21st the Israeli cabinet announced a plan “for all-out seizure of the West Bank,”¹ and began implementing a new full-scale deployment immediately, sending columns of armor and thousands of troops into seven out of eight West Bank urban areas. During the re-invasion on the night of the 21st of June, ten Palestinian civilian non-combatants were killed by IDF troops, including three children in the marketplace

¹ *New York Times*, June 22,2002, A1.

of Jenin, where Israeli tanks opened fire on a crowd of shoppers attempting to buy food during what they thought was a break in the ‘round-the-clock military curfew. In a rare admission of guilt, an IDF spokesperson said the army had made a mistake.² Then, on June 27th in operations in Qalqilya, IDF forces fired on school children again after a curfew break had been arranged so that students could take final exams. Israel admitted for the second time in a week that its forces had “acted improperly;” as a result, three children were wounded, one with brain damage.³ The government vows to take all Palestinian lands and institute total closure until all armed resistance stops. Apparently, what the government means by this is exemplified by the massive explosion that demolished the four-story Palestinian Authority regional headquarters in Hebron on June 29th, in an attempt to kill ten to fifteen suspects inside who refused to come out. Simultaneously, the government of Ariel Sharon has now announced the commencement of a vast construction project to build a security fence, which may eventually stretch to some 1,400 miles around Palestinian areas, despite the absence of any final-status negotiations on what may legally constitute that border. Finally, Israel appears to be in the final stages of implementing a policy of mass deportations, as the IDF’s highest legal counsel formulates a theory by means of which Israel can justify

² Ibid.

³ Susan Severeid, “Israelis Fire Missiles in Hebron,” June 27, Associated Press.

forcibly relocating perhaps thousands of Palestinians from the West Bank to Gaza.⁴

During the March and April operations, my staff and I were present in the West Bank, working from East Jerusalem, where we met with local human rights activists in an effort to pursue information on Palestinian-American victims of Israeli violence. We had learned of these individuals from a variety of sources in the United States earlier that spring, including their families in various cities in the U.S., and domestic organizations active in the Arab-American community. In our effort to meet and work with the Palestinian-Americans in the West Bank, we encountered many insurmountable obstacles related to Israeli military control of the region at gunpoint. We were repeatedly turned away at checkpoints and security barriers, and impeded by Israeli authorities in all our attempts to physically meet with our fellow American citizens trapped in the military zones of Ramallah, Nablus, Jenin and elsewhere. In addition, officials of the American Consulate in East Jerusalem were unwilling to intercede on our behalf when we met with them in April.⁵ Despite this, we were in extensive telephone contact with a number of plaintiffs and witnesses daily while in the West Bank, and through the use of intermediary Palestinian attorneys and other assistants within the closure areas, we were able to take many statements by telephone and execute several

⁴ “Legal experts address planned deportations,” The Jerusalem Post, 24 June 2002.

⁵ Indeed, consular officials would not even discuss the situation with us (see discussion *infra*, pp. 45-46).

signatures for some of them with great effort. Often, this effort took the form of utilizing the brief curfew-liftings that occurred irregularly every three to five days, when IDF troops would allow civilians out of their homes for only three hours at a time to purchase food or move around within a given area. In some cases, Palestinian assistants trapped within the closure areas received e-mailed text from us, took it during curfew lifting to a plaintiff, the plaintiff read and acknowledged the contents and then executed his signature. Finally, several finished affidavits were posted via the Israeli postal system to our offices in New York. On at least two occasions, these documents were lost, requiring that the process be re-started with great difficulty. Likewise, for at least some of the named plaintiffs, it has not been physically possible to get completed affidavits to them for signatures, as they live in areas under complete military closure, cut off from the outside world for more than five months as of this writing. [A more detailed discussion of the Israeli military practice of comprehensive closure in the Occupied Territories follows below].

Since returning to the United States, my staff and I have made every possible effort to keep in close contact with each of the plaintiffs. My office is constantly monitoring the military situation on the ground in the West Bank, and my staff and I await the moment when we might practicably and safely enter the

cities of the West Bank to meet with our clients and other witnesses. Most of the affidavits submitted herein were, per force, prepared as a result of extensive phone discussions between plaintiffs and myself, lawyers assisting in this litigation and my staff. Unable to meet with plaintiffs and other witnesses to the events complained of herein on a face-to-face basis because of Israeli closures and re-occupation these affidavits have been read back to each plaintiff upon completion and approved by each one of them by telephone. In most of the cases, we have been able to fax a copy of the affidavit to a plaintiff in the Occupied Territories, who signed the signature page in the appropriate spot and returned it the same way, although they were not always able to secure the signature of a notary because of restrictions on their movement.

II. OVERVIEW OF ISRAELI OCCUPATION IN THE WEST BANK SINCE SEPTEMBER 2000

While precise casualty figures will not be known for some time, it is estimated that at least 600, and perhaps as many as 1,000 Palestinian civilians have been killed, with as many as 4,000 injured or seriously wounded and many thousands rendered homeless⁶ in the six weeks of military operations conducted in the Defensive Shield campaign. With the slaying of Randa al-Hindi and her

⁶ "Horror at Jenin 'War Crime,'" The Washington Report on Middle East Affairs, June/July 2002, p. 43.

daughter Nur, age 2, who were killed by the IDF on July 6,2002 when the Taxi they were passengers in near a settlement in Gaza was destroyed by an Israeli tank shell, the total official death figures for both sides of the conflict since September, 2000, is now given as 1,435 Palestinians and 548 Israelis.⁷

International donors—including the World Bank, the United States Agency for International Development, the European Union and the United Nations—at \$361 million, currently estimate physical damage in the cities of the West Bank from the IDF invasion.⁸ This figure extends the already substantial physical damage estimates of \$305 million resulting from the seventeen months of conflict preceding Operation Defensive Shield, a period now referred to as “the second *intifada*,” or uprising.⁹ And while both these figures seek to detail material, on-the-ground destruction of property, neither can approximate the true depth of economic devastation for both the West Bank and Gaza, which will necessarily result in the coming months and years as a result of this terrible Spring. United Nations and European Union sources have recently estimated economic losses since September 2000 in the billions of dollars.

These latest operations, while only the most recent phase in thirty-five years of occupation, have heralded a quantum increase in the level of Israeli violence,

⁷ Reuters, July 7, 2002.

⁸ New York Times, May 16,2002, A12.

illegality, and wholesale violation of human rights against a subjugated population. The widespread, continuing use of indiscriminate military force against civilians, the use of comprehensive and systematic collective punishment against an occupied civilian population, the use of its military for extra-judicial assassinations of militant or nationalist Palestinian activists, and the deliberate rampant destruction of economic, social and political viability—all place the state of Israel in clear violation of many international standards and covenants of legal behavior to which Israel is a signatory, including the United Nations Charter, the Fourth Geneva Convention of 1949, and the Hague Regulations of 1907. For many years, Israel has been declared a gross violator of the human rights of those millions of Palestinians subject to occupation by such august monitoring and research bodies as: the United Nations High Commission on Human Rights, Amnesty International, Human Rights Watch, the Palestine Human Rights Monitoring Group, the International Committee of the Red Cross, Be'Tselem, and the United States Department of State¹⁰. Indeed, for decades Israel's current Prime Minister has best been known to a large part of the international community as an unindicted war criminal for his command role in southern Lebanon, where he presided over the massacres at the Sabra and Shatila refugee camps in 1982. It is

⁹ As distinct from the first intifada of 1987-1992, which ended with the advent of the Oslo peace accords.

¹⁰ See Country Report on Human Rights Practices, 2000—Occupied Territories, U.S. Dept. of State, Feb. 2001.

well documented that Sharon, Israeli Defense Minister at that time, was forced to step down following an investigation by Israel because of the role he played in the massacre, when a thousand or more Palestinians were brutally murdered by a proxy force of IDF Lebanese allies who rampaged through the refugee camps while Israeli tanks surrounded them, barring all exit.¹¹ That the IDF command knew before hand what the militias would do to the unarmed refugees has never been doubted; the craven disregard for human life at the highest levels of the Israeli army in southern Lebanon has become synonymous with its policies towards Palestinian civilians everywhere. Indeed, that same disregard now stains every part of Prime Minister Sharon's policies today in the Occupied Territories.¹²

III. THE PLAINTIFFS

The Plaintiffs in this case are all United States citizens or resident aliens, all Palestinian-Americans who have suffered significant losses to life, limb, family or property as a result of the continuing illegal acts of Israel and its armed forces or settler populations in the Occupied Territories, and in Sabra-Shatila twenty years

¹¹ Another current high-ranking Israeli official, Amos Yaron, Director-General of Israel's Defense Ministry, held a senior military position at the time of the massacre.

¹² On June 30th, 2002, the Israeli daily Ha'aretz reported that Sharon's cabinet voted unanimously that Israel would not join the International Criminal Court in the Hague, which began operations July 1st of this year, out of concern that its activities in the West Bank would be subject to prosecution. A senior government official reportedly indicated that Israel intends to rescind its signing of the landmark Dec. 2000 treaty which established the court to investigate and prosecute, among other crimes, genocide and crimes against humanity. That Israel, of all nations,

earlier. The number of actual Palestinian-American victims is likely in the thousands. The small sampling of named Plaintiffs who join in the above action represents the fruit of only the barest of efforts—conducted by myself and my staff in the midst of military operations in the West Bank—to identify, research and document innocent Americans in the way of a brutal military machine bent on the destruction of an entire people and culture. While the exigencies of time and resources have limited our efforts to document more exhaustively other individuals who may be affected by recent events in the Occupied Territories and the events of twenty years ago in Sabra-Shatila, by any standards the true number of potential plaintiffs is enormous, although they may never be fully known. It is our hope that this action will go a long way in initiating the process of identifying, protecting and vindicating the rights of Palestinians, U.S. citizens and aliens alike, who have been subjected over decades to a systematic pattern of unjustified violence and collective punishment at the hands of the IDF and Israel’s political leadership.

The Plaintiffs and their families have suffered a wide range of victimization and violation: loved ones have been killed, and some Plaintiffs have witnessed their loved ones die before their eyes; some have lost their children; some have been gravely, permanently injured, or have witnessed the same fate befall their

would not join in such a laudable enterprise speaks to the depth of her isolation and burgeoning pariah status in the eyes of the world.

families; some have lost their personal property, their homes, or their automobiles; some have lost their businesses and their life's work and investment; some have lost their land and their olive trees; still others, especially the many children involved in the instant action, have lost their innocence and forever their emotional well-being. A partial list of the specific military means by which they have suffered these losses reads like the pages of *Jane's Defense Equipment* guide: Apache attack helicopters firing 30 mm chain guns (675 rounds per minute) and Hell-Fire air-to-ground missiles; Huey Cobra helicopters firing 20mm chain guns; naval ship artillery including Reshef patrol boats firing 76mm high explosive rounds off the coast of Gaza; M-1A1 Abrams and Merkava Mk2 tanks firing 105mm and 120mm Tungsten carbide DFDS Sabo rounds or high explosive rounds¹³; M203 grenade launchers firing 40mm M406 HE grenades; MK19 Automatic Grenade Launcher firing 40 mm M383 grenades fed with a grenade belt carrying 48 grenades with a shooting range of 2200 meters; light anti-tank weapons (LAW): shoulder-fired, anti-armor weapons with 84mm or 90mm rockets; 5.56 mm bullets fired from M-16 machine guns; 7.62 mm high velocity bullets fired from general purpose machine guns and Galil Sniper rifles; 12.7 mm

¹³ Both Israel's Apache and Abrams weapons systems are known to be supplied with depleted-uranium (DU) armor and ordnance. While it is not clear at this time if the IDF has used DU rounds in live fire in the Occupied Territories, at least one international monitoring group, the DU Educational Project of the International Action Center, has begun to publish its findings.

bullets fired from Browning machine guns and Barret sniper rifles; M114 TOW rockets; 40-90 mm mortar fire; Air Burst grenades; Rapid Detonating Explosives; rubber and plastic coated metal bullets; blank rounds to scare crowds; and CS gas.¹⁴

IV. THE COST TO AMERICAN TAXPAYERS

Nearly all the weaponry listed above, used in the attacks against the Plaintiffs, is manufactured in the United States. Simultaneously, all of this weaponry is purchased by means of funds supplied by the taxpayers of the United States, including the Plaintiffs themselves, to Israel, pursuant to the Arms Export Control Act and the Foreign Assistance Act. While media accounts of the post-1967 fighting in Palestine typically depict the United States as a bystander, desirous only of mediating a peaceful settlement to the conflict, in truth, the United States is a fully-vested partisan, having spent vast sums in arming one party to the conflict.

Direct military aid and foreign assistance used for military purchases has totaled approximately \$91 billion in the last fifty years. Since 1976, Israel has ranked first among recipients of US military aid and economic assistance, typically

¹⁴ See National Lawyer's Guild, *The Al Aqsa Intifada and Israel's Apartheid: The U.S. Military and Economic Role in the Violation of Palestinian Human Rights*, January, 2001, New York.

averaging in recent years about \$3 billion annually, including \$1.8 billion in Foreign Military Financing (FMF) grants from the Department of Defense and \$1.2 billion in Economic Support Funds (ESF) from the Department of State. Since 1992, FMF grants to Israel have totaled \$18.2 billion. Currently, 17% of *all* US foreign aid¹⁵ is disbursed to Israel. US State Department analysts noted in fiscal year 2001 that military assistance to Israel would

enable the Israeli government to meet cash flow requirements associated with the procurement of U.S. origin systems such as F-16 and F-15I fighter aircraft, Apache Longbow upgrades, field vehicles, and advanced armaments. Israel's annual [foreign military financing] level is expected to increase incrementally (by \$60 million each year) to a level of \$2.4 billion in FY 2008, as [economic assistance] is phased out. Israel also will be eligible in FY2001 to receive Excess Defense Articles under section 516 of the Foreign Assistance Act for defense maintenance, spare parts, support equipment and other needs.¹⁶

It should be noted that unlike other foreign countries receiving U.S. military aid, the United States permits Israel to use up to 25 percent of the aid to purchase weapons manufactured in Israel, thus providing a significant subsidy to Israeli military industries.¹⁷

¹⁵ Military and economic or development aid.

¹⁶ U.S. State Dept., Office of the Sec'y of State, Congressional Budget Justification for Foreign Operations, FY 2001, written statement by Asst. Sec'y of State Edward S. Walker Jr. (March 15, 2000), available at http://www.state.gov/www/budget/fy2001/fn150/forops_full/ ("Congressional Budget Justification for Foreign Operations").

¹⁷ McArthur, Shirley, A Conservative Total for U.S. Aid to Israel: \$91 Billion—and Counting, WASH. REP. ON MIDDLE EAST AFFAIRS, at 15, (Jan/Feb 2001).

For example, in the fiscal year ending September, 1997, the U.S. had given Israel \$6.72 billion: \$6.194 billion disbursed under Israel's foreign aid allotment and \$526 million originated from agencies such as the Department of Commerce, the U.S. Information Agency and the Pentagon. It should be noted that the \$6.72 billion figure does not include loan guarantees and annual compound interest totaling \$3.122 billion, which the U.S. pays on money it borrowed to give to Israel. It also does not include the cost to U.S. taxpayers of IRS tax exemptions that donors can claim when they donate money to Israeli charities.¹⁸

To summarize the balance sheet of Israel's "special relationship" with the United States, the following figures, covering the period from 1949-1998, tell the story:¹⁹

**Benefits to Israel of U.S. Aid
1949-1998**

**Cost to U.S. Taxpayers of
U.S. Aid to Israel,
1949-1998**

Foreign Aid Grants and Loans: \$74,157,600,000.00,	Grand Total: \$84,854,827,200
Other U.S. Aid (12.2% of Foreign Aid): \$9,047,227,200.00	
Interest to Israel from Advanced Payments: \$1,650,000,000	Interest Costs Borne by U.S.: \$49,936,680,000

¹⁸ The Washington Report on Middle East Affairs, U.S. Aid to Israel: Facts, Figures and Impact, 2001.

¹⁹ Ibid.

Grand \$84,854,827,200	Total:	Total Cost to U.S. Taxpayers: \$134,791,507,200
Total Benefits per Israeli: \$14,630		Total Cost to U.S. taxpayers, per Israeli: \$23,240

While it is tempting to draw comparisons with other massive U.S. aid programs—for instance, the Marshall Plan to stabilize and re-build post-war Europe cost approximately \$13 billion in grants and loans over the decade following 1947—such an exercise borders on the perverse, insofar as Israel is a country the size of New Jersey, with fewer than six million citizens today (and far fewer than that during much of the period in question).

In 2003, the Bush administration proposes that Israel receive \$2.76 billion in foreign aide, \$2.1 billion in FMF, and \$600 million in ESF. An additional \$28 million is dedicated to the purchase of so-called “anti-terrorism” equipment for Israel. Israel possesses the largest fleet of tactical military fighter jets, mostly F-15’s and F-16’s, outside the United States, more than 200 fighters, with an additional shipment of 102 Lockheed Martin F-16’s currently scheduled for delivery over the next two years.²⁰

United States law authorizes the Congress and the President, under the Arms Export Control Act of 1976 (AECA), 22 U.S.C. 2751 *et seq.*, to sell or lease

²⁰ See Clyde R. Mark, Israel: U.S. Foreign Assistance, CONGRESSIONAL RESEARCH SERVICE (“CRS”), I.B. 85066, at 1 (updated Jan. 5, 2001); cf. Mark, CRS, I.B. 85066, *supra*; and cf. McArthur, *supra* note 9 at 16.

“defense articles and services” to foreign governments, and sets the terms by which such sales may be legally undertaken. The Act defines the term “defense article” as including any weapon or material used for the purpose of furnishing military assistance, while a “defense service” includes, among other things, technical assistance or defense information. The AECA provides that U.S. military assistance to a foreign country must “strengthen the security of the United States and promote world peace.” It must further

the security objectives of the United States and ... the purposes and principles of the United Nations Charter,” and must be “...consistent with...the purposes of the foreign assistance program of the United States as embodied in the Foreign Assistance Act of 1961, as amended...”²¹

The defense articles or services may only be provided for four areas of use by the purchasing country: internal security, legitimate self-defense, participation in regional or collective arrangements consistent with the UN Charter or as requested for international UN peacekeeping duties, and to engage in the construction of public works. Finally, under the Foreign Assistance Act, the US may not provide assistance to any foreign government “which engages in a consistent pattern of gross violations of internationally recognized human rights”²²

Hartung, William, and Berrigan, Frida, “U.S. Arms Transfers and Security Assistance to Israel,” an Arms Trade Resource Center Fact Sheet, May 6, 2002 [available online at www.worldpolicy.org/projects/arms/reports/israel.]

²¹ 22 U.S.C. §2751.

²² 22 U.S.C. §§2152n(a) and 2304.

On all of the critical test points above, Israel's use of U.S.-provided military equipment and aid fails to comply with U.S. law. The plaintiffs in this case are victims of systematic human rights abuses by a well-equipped and financed army made possible by fifty years of American largesse; that these victims are taxpaying Americans themselves can only intensify their pain.

V. THE INDISCRIMINATE USE OF FORCE BY THE IDF

In the nearly two years since the start of the current *intifada*,²³ Israel has continually escalated its level of violence, using regular uniformed military forces, armed with the latest in U.S.-provided armaments, tanks, and helicopters, with overwhelming force against a largely unarmed civilian population. During the period of September 2000 until the end of 2001, the IDF wounded more than 10,000 persons and killed at least 357, most of this violence occurring in the context of IDF raids and attacks on refugee camps.²⁴ Eighty-nine percent of the casualties were civilians, and one-third of these were children below the age of

²³ The present *intifada* has been popularly called "the Al Aqsa *Intifada*," in reference to the mosque that sits atop the Temple Mount in the old city of Jerusalem, and is the center of Islamic life for Palestinians, and one of the holiest shrines in the Muslim world. On September 29th 2000, during his campaign for the Prime Minister, candidate General Ariel Sharon, in what many have described as a grand political gesture, visited the sanctuary of the mosque, accompanied by more than 1,000 Israeli armed security police. The preceding weeks had been tense, and the gesture was taken by the Palestinian community to be a clear act of intimidation and a violation of their religion, thus sparking riots and the present spiral of violence. Reuters reported on October 7th that the week of rioting had left 78 Palestinians dead, including 20 children; and 2000 wounded. Three Israelis died as well.

²⁴ National Lawyers Guild, note *supra*, at 27.

eighteen.²⁵ Many of the dead and wounded during this period were civilian demonstrators, completely unarmed and vulnerable to attack.²⁶ Furthermore, the injuries sustained by Palestinians have been predominantly to the head and upper body. According to a report by HDIP, 146 Palestinians (43.8%) died from head and neck injuries, 109 (32.7%) suffered chest injuries, 30 (9%) were shot in the abdomen, 42 (13%) suffered injuries to multiple parts of their body, and four (1%) died from lower limb injuries.²⁷

Open Fire Regulations governing IDF soldiers in the field specify that soldiers may only shoot under two conditions: when a human life is in jeopardy; or when attempting to apprehend a fleeing suspect, and then only by shooting at their legs. These rules govern all ammunition; in the case of rubber bullets, restrictions are even more specific. Rubber bullets may be used only when there is a clear threat to life, at distances of no less than 40 meters, and they may be aimed only at the lower body, and never used against children.²⁸ Yet on October 22nd, 2000,

²⁵ *Ibid*, at 27.

²⁶ That is not to suggest that Palestinian police officers have been immune to the often indiscriminate and precipitous use of overwhelming firepower which has become synonymous with Israeli operations in the territories. One such egregious example occurred more than a year ago when the IDF killed five Palestinian policemen by “mistake” at an outpost near the West Bank City of Ramallah. According to government spokesperson Raanan Gissan the “death of the five policemen was an error caused by bad information given to soldiers who took part in the operation.” The Guardian, “Israeli Troops shot Five Dead in Error.” May 17, 2001

²⁷ Health Care Under Siege II: The Health Situation of Palestinians During the First Four Months of the Intifada, (HDIP, Ramallah), Feb. 2001, at 4, 6, available at: http://www.hdip.org/reports/Currentintifada_contents.htm (“Health Care Under Siege II”).

²⁸ Be’Tselem notes that while the IDF has traditionally published its Open Fire Regulations, since the start of the al-Aqsa *intifada* Israel has ceased disseminating its current regulations. Col. Daniel Reisner, the head of the IDF’s international law branch, has repeatedly used the justification that “There is a genuine operations problem in disclosing the Open-Fire Regulations... We know that they [the Palestinians] are trying to learn the loopholes and exceptions in our open-fire regulations so as to exploit them against us... This is not done to cover or conceal, but to

Wael Emad, 16, of El-Bireh, Ramallah, was killed by a rubber bullet that hit him in the head; two days later Iyyad Shath, 14, was killed by a rubber bullet in Khan Younis; and on December 16, 2001, Yasser Kussba, 12 years old from Qalandia, was hit in the head with a rubber bullet and died.²⁹ And while these are just three such victims, the numbers of children killed by live rounds is far greater.

The history of the current *intifada*, as well as the earlier uprising in the 1980's, is replete with hundreds of examples that establishing a pattern of deliberate misuse by the IDF of both live rounds and rubber bullets, as documented by many groups. Furthermore, the Israeli human rights group, B'Tselem, has studied the use of rubber bullets extensively, and they report in depth on the essentially indiscriminate nature of such ammunition, even when used according to design, as well as the fundamentally lethal nature of their use by the IDF:

IDF experiments have shown that rubber shot from a range of 40-50 meters will deviate by 2-6 meters from the intended target. According to the director of the IDF central ammunitions laboratory in a testimony before the Or commission there is a "good chance" that fire aimed at a person standing in a group at a distance of 40 meters will strike those standing near him, while the chance of hitting the targeted person is "moderate." This witness stated, "It is difficult to aim at a particular person, and certainly not at the head or legs."

protect and prevent."²⁸ In the absence of a written policy, the IDF now depends upon verbal dissemination from commanders to soldiers in the field. Confronted with such widespread evidence of aiming to kill, one can only conclude that commanders, soldiers, or both have decided to implement their own rules.

²⁹ See annexed hereto as Appendix A, data compiled by American Educational Trust, Americans for Middle East Understanding, Inc., Black Voices for Peace, Jews for Peace in Palestine and Israel, and published as "*Who Will Save the Children*," June 2002, Washington, D.C. setting forth a breakdown of Palestinian children killed during the most recent *intifada*.

Another problem with the use of rubber bullets is their frequent misuse. According to testimonies taken by B'Tselem, many soldiers manipulate rubber bullets in order to make them more lethal:

Rubber bullets come in packages of three bullets, which are fired together. However, if a soldier dismantles the packaging and fires the bullets one at a time, then the bullet's [individual] velocity is increased, making them more lethal. The following soldier's testimony provides a disturbing example of the widespread use of this practice:

When the company commander gave us a lesson about rubber bullets, he said that you shoot them together in packets of three, and that is almost ineffective because they are too heavy; but if you separate them – it can kill. He added, with a wink: “I’m not hinting at anything... The guys laughed and said to him: ‘you are not hinting – you’re saying. He didn’t correct them. One day, I got into the “Sufa” jeep that serves as the mobile headquarters for the battalion means of transportation. I saw that lots of separated rubber bullets had been tossed inside. I asked the driver about it, and he said that everyone separates the bullets, even the commander.”³⁰

Indeed, the alarmingly high rate of casualties among Palestinians in the past two years has uniformly led those in the human rights community to conclude that Israel has engaged in a systematic pattern of terror against civilians as a form of collective punishment for the acts of a few Palestinians in clear derogation of several international covenants including Article 33 of the Fourth Geneva Convention.³¹ As explained by the Commentary of the International Committee

³⁰ All information and quotations are taken from B'Tselem's report *Trigger Happy: Unjustified Shooting and Violation of the Open Fire Regulations During the al-Aqsa Intifada*, March 2002.

³¹ In relevant part this Article states: “no protected person may be punished for an offense he or she has not personally committed. Collective penalties and likewise all measures of intimidation or terrorism are prohibited . . . Reprisals against protected persons and their property are prohibited.”

of the Red Cross (ICRC), Article 33 of the Geneva Convention prohibits “penalties of any kind inflicted on persons or entire groups of persons, in defiance of the most elementary principles of humanity, for acts that these persons have not committed.”³²

By words and deeds, for more than two decades Prime Minister Sharon has repeatedly proven himself unwilling to adhere to the most rudimentary covenants of international law in so far as they relate to the treatment of Palestinian civilians, be they in Lebanon or the Occupied Territories. For example, on March 5, 2002 the Prime Minister said, "The Palestinians must be hit and it must be very painful. We must cause them losses, victims, so that they feel the heavy price".³³ These odious words came on the heels of an IDF invasion on February 27, 2002 of various cities and Palestinian sectors (in the Area A category of Palestinian autonomy, according to the Oslo nomenclature) of the Occupied Territories, using tanks, armored personnel carriers and Apache helicopters. In the six weeks up to April 11, 2002 more than 600 Palestinians may have been killed and more than 3,000 injured.³⁴ According to a briefing on March 1st, 2002 by the Commander of the West Bank division Brigadier General Yitzhak Gershon, the aim of the incursions into the

³² ICRC, Commentary IV, p.225. (The ICRC, the body charged with monitoring adherence to the Geneva Convention, has consistently affirmed the application of the Fourth Geneva Convention in all its statements dealing with the Occupied Territories since Israel's occupation of the West Bank and Gaza Strip. Indeed, on December 4, 2001, the Declaration of the Conference of High Contracting Parties to the Fourth Geneva Convention reaffirmed the applicability of the Fourth Geneva Convention to the West Bank, Gaza Strip and East Jerusalem).

³³ Amnesty International online report, "The Heavy Price of Israeli Incursions," April 12, 2002.

Occupied Territories was to root out terrorists and their support network. General Gershon added that "It is important to clarify that this activity is not intended against the population which is not involved in terrorism. We have done all efforts to prevent causing harm to civilians."³⁵ Yet clearly the IDF did not do enough, as attested to by the high numbers of civilian, non-combatant casualties, including the many named plaintiffs in the case before the Court.

According to research by B'Tselem,

Numerous disturbing patterns exist in IDF Open-Fire policies. Soldiers use rubber coated metal bullets in order to disperse crowds, even though these bullets have proven in many cases to be lethal. There is indiscriminate firing at Palestinians in certain "danger areas" without warning, despite the fact that many of these danger areas are either in, or very near to, civilian areas. If a Palestinian civilian enters a danger zone, or is carrying arms or what is thought to be arms or an explosive, then they will be shot to kill. There is evidence of soldiers firing "out of boredom." Soldiers return fire in a sweeping, disproportionate and indiscriminate measure to fire received. Soldiers shoot to kill, even when it would be possible to shoot non-lethally.

In addition, during the full-scale invasions of the urban centers of the West Bank in March—June of this year, all evidence seems to indicate that entire residential neighborhoods and business districts were turned into free-fire, shoot-to-kill zones, neither giving the inhabitants time to leave nor warning them whatsoever.

³⁴ *Ibid.*

³⁵ *Ibid.*, at 2.

Clearly, the phenomenon of the free-fire zone where civilians are targets explains many of the worst reports. **Plaintiff John Doe (I)**, an American citizen from Ramallah, details the death of his daughter in a hail of IDF bullets in the very early hours of the invasion of Ramallah. Jill Doe (I), twenty-two years old and also an American, was fleeing the sound of fighting in the distance, with her husband and infant son in the family car. Attempting to drive around the block from their own apartment to their father's, they were stopped by IDF soldiers only meters from Farhan's door. While they made no threatening gestures, were unarmed, and were complying with all orders, the platoon of soldiers opened fire at close range with machine guns, spraying the family where they sat in their car. Jill Doe (I) was killed, shot multiple times in the head and body, while her husband Charles Doe (II) was shot twice in the head and lived. Miraculously, the baby was unharmed, apparently saved only by her mother's limp body as it fell over the child. Once the shooting had ended, the IDF soldiers began to move on. (See annexed hereto as Exhibit A, affidavit of John Doe (I)]. Further investigation, however, reveals that sometime shortly thereafter, when several witnesses came out of their nearby homes to see if they could help Charles Doe (II), his gravely injured wife, and the crying baby, they were themselves shot and wounded by the Israeli soldiers. Although medics were able to remove Jill Doe's (I) body, because the soldiers fired at the ambulance taking her from the scene, her husband was not

removed or treated for his various injuries for several more hours. Her body lay for days in a morgue at the hospital to where she was removed, and which was already overflowing with dead bodies awaiting burial. Prohibited by the IDF from taking the dead to the cemetery, and fearing an outbreak of disease from the rotting corpses, hospital officials decided to bury Jill Doe (I) and twenty-six others in a mass grave that was constructed by digging up the hospital parking lot.

Shooting out of boredom also explains an alarming number of casualties. **Plaintiff John Doe's (XIV)** seventeen year old son Baby Doe II from the Bronx, New York, who now lives in Ramallah, was driving in his van with his friend, leaving his father's farm where he tended chickens, during the third week of the Spring, 2002, military invasion of the West Bank. He noticed some IDF soldiers near the roadside, but there was no roadblock nor did they order him to stop. Nevertheless, they opened fire on his van without warning, and bullets struck Baby Doe II and his friend. A bullet entered Baby Doe's (II) back and tumbled through his intestines, and liver; IDF troops delayed the arrival of an ambulance by an hour, then delayed its progress further almost another six hours—all for what should be a ten-minute drive to the hospital in Ramallah. As a result of his wounds, Baby Doe (II) will have permanent disabilities: he presently wears a colostomy bag for the excretion of solid waste through a tennis-ball sized hole in his lower abdomen. His friend was struck by two bullets, and in all, the van had

more than twenty bullet holes in it. Neither boy was wanted by the IDF for any reason, nor had they ever taken part in any kind of illegal activity. No reason has been provided by anyone in command of the troops in that area to explain why they shot the boys, nor have any charges been filed against IDF personnel. (See annexed hereto as Exhibit B, affidavit of John Doe (XIV)].

The unthinking, reckless savagery of IDF troops in their assaults on Palestinian cities this past Spring raises serious questions as to whether IDF training is deficient, creating undisciplined fighting units who cannot distinguish between their enemy and those civilians the law says they must protect, or whether their wanton disregard for human life is deliberate, and thus a policy of terror calculated to punish civilian populations with its random, life-shattering brutality. Indeed, one hardened war correspondent, Phil Reeves, writing in *the Times* (London) declared, “Rarely in more than a decade of war reporting from Bosnia, Chechnya, Sierra Leone, Kosovo, have I seen such deliberate destruction, such disrespect for human life.”³⁶ Indeed, speaking of the Israeli operations in Jenin alone, U. N. Middle East envoy Terje Roed-Larsen described the assault as “ a sad and disgraceful chapter ” in the history of the Jewish state.³⁷

Plaintiff Jane Doe (I), an American residing in Alabama, relates a horrific

³⁶ April 16th, 2002.

³⁷ Reuters, April 19, 2002. In describing what he had found after touring the Jenin camp Roed-Larsen noted that he discovered “massive suffering” among the civilian population.” *Ibid.*

scene of IDF violence that can only be described as terror inducing for its unfortunate victims. Much of her family still lives in the Old City of Bethlehem, where IDF troops launched an invasion on April 2nd, 2002. Again, as has been reported countless times in the past weeks, IDF troops assaulted entirely residential areas, pouring rifle and machine-gun fire, rockets and tank shells down blocks of houses and apartment buildings where thousands of civilians lived. As Jane Doe (I) reports, based on accounts provided to her in Arabic by her surviving family members in Bethlehem, IDF troops came to the door of their family's house in the early morning, and set off an explosion to blow open the door. The family, already terrified by the sound of gunfire outside, was huddled together in the inner rooms and had no idea that the IDF was trying to enter. The explosion failed to blow open the door, so the IDF began firing through the windows of the house, though they had no way of seeing within or even of knowing if people were inside or not. The plaintiff's aunt Jill Doe (II), a U.S. citizen, was shot at least once in the head and died on the scene from massive head trauma; her cousin Baby Doe (V), a U.S. citizen, was also shot in the head and died from his wounds.

The family of Jane Doe (I) has never been accused by the IDF of any involvement whatsoever with any nationalist groups; nor have charges against Helwa's family ever been alleged by Israel, nor has any explanation of the shooting been forthcoming from IDF authorities. Rather, the intent on the part of

the IDF appears to have been pure, stark terror, delivered at random to unarmed civilians taking shelter in their own homes. (See annexed hereto as Exhibit C, affidavit of Jane Doe (I)].

VI. DELAY OF MEDICAL TREATMENT, ATTACKS ON AMBULANCES AND EMERGENCY MEDICAL PERSONNEL

Many wounded civilians have died or suffered serious injuries made even worse due to the routine stopping of ambulances and emergency vehicles by the IDF. For example, Plaintiff Baby Doe (II), gravely wounded, lay in a village medical clinic for nearly an hour awaiting an ambulance stopped at a nearby roadblock by the IDF. When the ambulance finally arrived, soldiers jumped out, entered the clinic and made all the personnel and family members present subject to a search. This delayed his transfer to the hospital almost another hour; when Baby Doe II was finally loaded into the ambulance, they were barely underway when the ambulance was stopped at yet another checkpoint, and Baby Doe (II) was stripped naked, removed and left lying in the dirt for several hours. In all, a ten-minute trip to an emergency room would take nearly seven hours.

The deliberate delaying of emergency medical treatment by the IDF has been well documented in hundreds of cases from this spring's invasion. Furthermore, human rights and international medical aid groups have documented many dozens of cases of medical personnel and ambulances not only delayed in

their duties, but also shot at, killed, wounded, arrested and detained. In a Be'Tselem report from March of this year,³⁸ covering only two weeks of Operation Defensive Shield, they detailed five Palestinian medical personnel killed while on ambulance duty, ten Red Crescent Society personnel wounded, twelve ambulances damaged by gunfire, and two ambulances destroyed. Since the beginning of the current *intifada*, the Red Crescent notes that three of its personnel have been killed, 134 wounded, and 174 ambulances damaged.

The Fourth Geneva Convention explicitly forbids attacks of this kind, stating, “The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.”³⁹ Be'Tselem writes “the provision of medical treatment to the wounded and the immunity of medical teams and hospitals are fundamental principles of the laws of war, which bind the combatants in all circumstances.”⁴⁰ The Convention further states that “the Parties to the conflict shall endeavor to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.” For their part, the

³⁸ Be'Tselem report: “Impeding Medical Treatment and Firing at Ambulances by IDF Soldiers in the Occupied Territories—March, 2002.”

³⁹ Geneva Convention relative to the Protection of Civilian Persons in Time of War, Part II, Article 16. Adopted on August 12th 1949 by the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, held in Geneva from April 21st to August 12th, 1949 *entry into force* October 21st 1950.

IDF routinely denigrate the work of ambulance crews and hospitals serving at great risk in the Occupied Territories by claiming that these services are used in a clandestine fashion to transport combatants and materiel through military lines. This cynical claim has never been documented in a single case, though the IDF has been pressured for evidence of their irresponsible claims many times by representatives of the International Committee of the Red Cross/Red Crescent, Amnesty International, Doctors without Borders, and other groups. With respect to medical transport and facilities, the Convention notes that “the fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants which have not yet been handed to the proper service, shall not be considered to be acts harmful to the enemy” which might justify voiding the protections afforded in Articles 16-20.

The capricious, illegal delay of emergency medical treatment is a dangerous precedent set by Israel, if allowed to go unchallenged by the international community and the rule of law. Nor is their wanton disregard merely a reflection of the exigencies of the most recent military operations. Rather, a pattern is demonstrable over much of the entire period of occupation, and the results are

⁴⁰ Be’Tselem, note *supra* at 2.

often tragic and lethal for the wounded civilians whose lives hang in the balance while eighteen-year old IDF troops play God while manning the checkpoints.

Plaintiff John Doe (XVI) lost his sixteen-year-old son Baby Doe (IV) in the first weeks of the current *intifada* when the ambulance taking him to the hospital with a bullet in his head was delayed for approximately an hour by IDF troops in East Jerusalem. Baby Doe (IV), a devout Muslim and American citizen who had lived nearly his entire life in Florida, was on his way to a local mosque to pray one Friday afternoon during the holy month of Ramadan when he noticed a nearby peaceful, if angry, Palestinian street demonstration against the Occupation. Not wanting to get involved, he avoided the demonstration, and was some distance away from it when IDF troops opened fire to disperse the demonstrators with live rounds. Witnesses say a bullet from the IDF position struck Baby Doe (IV) in the head. Bystanders summoned an ambulance, and they started to take him to the Al Maskedas hospital nearby in Jerusalem. Almost immediately, however, the ambulance was stopped at a checkpoint, where it languished for approximately forty-five minutes while IDF troops searched the vehicle and all its personnel. By the time Baby Doe (IV) arrived at the triage unit, the wound to his brain was too edematous, with multiple fractures to his skull and extensive bleeding, for doctors to stabilize him. Baby Doe (IV) died in the ICU an hour later. (See annexed hereto as Exhibit D, affidavit of John Doe (XVI)].

Plaintiff John Doe (IV), a Palestinian-American who taught and practiced pediatrics, internal and emergency medicine at King’s County Hospital in New York City, moved to Ramallah in 2000 to become chief of emergency medicine at a local hospital. During the first weeks of this year’s spring invasion, John Doe (IV) stood by helplessly as his own father, John Doe (III), also an American citizen, suffered irreversible brain damage due to the denial of right of passage to an ambulance. John Doe (IV) was working at the hospital when family members called him to say his father was not feeling well. After listening to the symptoms, John Doe (IV) decided that his father was in the early onset of a stroke, and sent for a Red Crescent ambulance to get his father immediately, some five minutes away. Ramallah was under a comprehensive twenty-four hour curfew at that time, with shoot-on-sight orders for anyone in the street. The Red Crescent called IDF authorities to inform them of the emergency, but they were denied access. John Doe (IV) would not see his father for two more days, when the next temporary curfew lifting allowed him to leave the hospital. By that time, his father had suffered a catastrophic stroke, leaving him with moderate impairment to his brain and faculties—loss of memory, speech and motor control. (See annexed hereto as Exhibit E, affidavit of John Doe (IV)]. **Plaintiff John Doe (III)** notes in his affidavit that on the day he began to suffer from his the onset of stroke, there was

no fighting in his area of the city, and that he cannot understand why he was denied medical care. (See annexed hereto as Exhibit F, affidavit of John Doe (III)].

Finally, the IDF's criminal use of indiscriminate force against civilians and its barbaric denial of emergency medical care come together in the tragic case of **Plaintiff John Doe (XV)**, a resident alien from the Seattle area, whose ten year old son Baby Doe (III) was gravely wounded on May 25 of this year, while outside the family's apartment building in Tulkarm. The family of John Doe (XV) owns a five-story apartment house in Tulkarm where his parents, and three of his brothers (all U.S. citizens) reside with their children. The building has a central courtyard, and on the day of the incident, his uncles had sent Baby Doe (III) to a neighbor's home to get them some tea and coffee. As he was returning, IDF tanks appeared around a corner, some fifty meters away, and opened fire on the boy just as he reached the gate to the courtyard. Baby Doe (III) fell, wounded in the leg, and lay there screaming. His father ran outside and covered the boy with his own body as the IDF continued to shoot at them; John Doe (XV) twisted his ankle and was paralyzed with fear as he lay covering his son, as dozens of heavy machine-gun rounds pock-marked the side of the building. The IDF never ceased firing during the entire episode, despite the fact that no return fire ever originated from their building or courtyard, nor were their combatants anywhere in the vicinity, nor were any of the family of John Doe (XV) armed or belligerent in any way whatsoever.

That they were firing on a boy was almost certainly evident to the tank crew, only a short distance away. John Doe's (XV) brothers eventually dragged the father and son back inside, and the family called for an ambulance from local authorities that act as liaison with the IDF for the evacuation of wounded persons. An ambulance, though only a minute away, was denied entry to the area for a significant period. His son lost a great deal of blood, and his leg was shattered. Doctors at a hospital in Nazareth have diagnosed extensive nerve damage to the boy's leg, and the bone has multiple fractures; it is unclear at this time whether Baby Doe (III) will ever walk again. (See annexed hereto as Exhibit G, affidavit of John Doe XV)].

This policy of delaying medical treatment and emergency vehicles to wounded civilians has especially struck hard among children. An examination of casualty reports since September 2000 for Palestinian and Israeli children under the age of eighteen compiled by a coalition of American peace organizations⁴¹ lists a number of Palestinians children victimized by interference with medical assistance, including: an unnamed infant girl (Obeisi family), dead because her pregnant mother delivered, with complications, at a checkpoint on January 7,2001; Israa Ahmad, age 11, died in an ambulance delayed at a checkpoint on March 17,2001; Zahra Abu Shallouf, age 2, who was denied access to medical care and died on August 11,2001; an unnamed infant (Safdi family), stillborn to her mother at a

⁴¹ American Educational Trust, see Appendix A.

checkpoint near Nablus on September 23,2001; and a newborn named Abed Rabo, who died October 24, 2001, at Bethlehem.

VII. INDISCRIMINATE USE OF OVERWHELMING FIREPOWER IN CROWDED CIVILIAN AREAS

The IDF's routine denial of medical attention to wounded civilians is denounced by many organizations for its patent illegality. To the impartial observer perhaps unacquainted with the rules governing war zones, it must appear as sadistically cruel, and when this practice is applied to wounded children and women, it is surely indicative of a special kind of programmatic depravity. Its crime compounds and intensifies the crime that has come before it: a civilian wounded by gunfire or rocket attacks has already suffered terror, loss and pain, and if conscious, must now feel a new dread at being denied help while being delivered into the hands of those who have done them harm. Yet for its all its person-to-person sadism, it at least affords the victim the chance to look upon the face of her tormentors. Many more Palestinians in the recent months of the fighting have never had any such chance, as random, unannounced death crashes down on them without any warning.

The extensive use by the IDF of sophisticated, tactical combat systems in densely populated, urban areas against civilians is nothing short of criminal. The IDF's increasing willingness to rely on the Lockheed-Martin F-16 armed with air-

to-ground rockets and missiles, or the McDonnell-Douglas Apache attack helicopter, armed with chain-feeding rapid cannon fire, Hydra rockets, Hellfire missiles and heavy machine guns, for population control and retaliatory strikes is most disturbing. For example, on May 18th an F-16 strike on Palestinian Authority buildings in Ramallah and Nablus left twelve dead, forty-seven wounded, including five children, and leveled a police facility in Nablus,⁴² leaving many victims homeless. That same day in Gaza, an attack on the Ansar police station in Gaza City left nineteen injured and completely destroyed the facility.⁴³ Israeli F-16's attacking P.A. buildings in the city of Tulkarem on January 18th of this year killed two persons and wounded over 100; more than seventy shops were destroyed or damaged in the attack on the busy downtown district;⁴⁴ on March 6th an Israeli air strike on the main security headquarters in Gaza City killed a dozen and leveled a city block;⁴⁵ and Apache helicopters attacked two cars in the Rafah

⁴² The IDF claims it launched the F-16 strike—the first such aerial attack inside the Occupied Territories since 1967—in order to kill Mahmoud Abu Hanoud, a Hamas activist being detained there by the Palestinian Authority. Major-General Giora Eiland, head of strategic planning for the Israeli army, justified such disproportionate force targeted at one individual thusly: "When we bomb a target we are trying to show the Palestinian leadership that there are costs on both sides. In the long run, this will create problems for the Palestinian regime and that will help persuade them to stop the violence." This policy, intended to sow fear through a civilian population in order to undermine its leaders, constitutes a form of terror-attack, much as Franco and Hitler's airborne attacks on the Spanish town of Guernica in 1936 were designed to do. [As quoted in Edward Pilkington, "Israel Admits F-16 Attack was Flawed," *the Guardian*, 23 May 2001].

⁴³ LAW: the Palestinian Society for the Protection of Human Rights and the Environment, May 19,2001 press release.

⁴⁴ LAW: press release, Jan. 18,2002.

⁴⁵ I visited the facility almost a month after this attack, and toured the pile of twisted steel and concrete slabs, completely collapsed, covering a city block in a busy commercial district. That a modern air force would launch such an attack against a downtown center without first warning residents to leave the area is unconscionable. I was informed at that time by witnesses to the air-strike that at first a helicopter attacked the site, doing moderate damage that started fires. Once the helicopter had withdrawn, rescue workers and firefighters arrived to fight the fire. At

camp in Gaza on June 23rd of this year, killing six Palestinians and wounding nine.⁴⁶

Israel justifies these attacks by claiming they are pursuing terrorists and eliminating them in self-defense; or alternatively, that they are ensuring their security against the Palestinian Authority, whose ministry buildings, main offices and facilities have nearly all been attacked or destroyed. On the one hand, the civilized, international rule of law cannot countenance extra-judicial state executions of persons wanted for even the gravest of crimes. Even when pursuing armed suspects known to be dangerous, Israel, as the occupying power, must respect the human and civil rights of the civilian population, as instructed by the Geneva Convention, and take care to ensure their safety at all times. Clearly, tactical combat systems like helicopter gunships and fighter jets are entirely inappropriate to the task of pursuing suspects in civilian areas. On the other hand, their justification on security grounds of the zealous destruction of the viability of P.A. governance rings hollow, in light of the fact that the P.A. possesses neither an army nor an air force,⁴⁷ no anti-aircraft defenses, and no means to repel armored invaders.

that point ,an F-16 swooped in and struck with missiles, killing several emergency rescue workers as they worked to save lives.

⁴⁶ "Israeli Missile Attack Kills Six," CNN-Online, June 24,2002.

⁴⁷ Indeed, the Oslo Process explicitly forbids the P.A. from developing any defensive capabilities whatsoever. Only a lightly-armed police force is authorized at all, and much of that has been systematically destroyed by the IDF at the very same time that Israel complains that the P.A. will not pursue and apprehend suspects.

During the Israeli invasion of Nablus on April 3rd of this year, the childhood home of **Plaintiff Jane Doe (II)** was hit by an air-to-ground rocket or missile strike, from either an Apache helicopter or an F-16. No warning was given to any inhabitants of the neighborhood to evacuate or seek shelter, and private homes were damaged throughout the quarter. Jane Doe (II), a forty-six year old American who lives in South Carolina and is co-owner of the family property in Nablus, states that the rocket destroyed the third floor of the building, causing it to collapse on its occupants, killing her two sisters Jill Doe (III) and Jill Doe (IV), who were buried under the rubble. Her nephew Charles Doe (I), age 23, was burned extensively and has lost vision in one eye. Her niece Jill Doe (V), age 26, suffered spinal injuries and is now paraplegic, undergoing treatment in a hospital in Jordan, where she was permitted to travel by the IDF. That American-produced military equipment destroyed the home of Jane Doe (II) and her family bears an added, tragic dimension, in that her husband, Charles Doe (III), retired recently from active duty in the United States Army with an honorable discharge after a proud career of some fifteen years. The depth of her pain can scarcely be imagined, as she struggles to come to grips with the incomprehensible and senseless horror of what has happened to her family in Palestine. As she states so eloquently in her affidavit, “I think of my sisters several times a day. It still seems impossible that this has happened, and I cannot comprehend how the Israeli forces could do this

thing. My sisters were a threat to no one. They have never injured anyone and killing them was senseless in every sense of the word.” (See annexed hereto as Exhibit H, affidavit of Jane Doe (II)].

While employing its high-tech military as judge, jury and executioner may project an image of Israel’s resolute toughness to domestic audiences and the world, the effectiveness of this tactic in eliminating nationalist resistance is entirely debatable. But what is not subject to debate is the undeniable terrorizing effect of this practice on urbanized civilians living in the bull’s eye. The Israeli use of massive, disproportionate retaliation against undefended populations is intended to spread terror through all the cities of the West Bank and Gaza, making thousands pay with their lives, their peace and their sanity for the alleged, unproven crimes of a relatively small number of suspects. In this, it constitutes another arrow in the quiver of collective punishment from which Israel draws all its responses to the political and logistic challenges of ruling as an occupier on someone else’s land.

VIII. EXTRA-JUDICIAL ASSASSINATIONS AND THEIR COLLATERAL CONSEQUENCES

Perhaps the most shocking examples of the use of indiscriminate force are those involving civilians killed or wounded during IDF missile, bomb and rocket attacks aimed at assassinating particular Palestinian individuals, typically alleged militants and political activists. These deliberate extra-judicial executions of

persons against whom no charges or legal proceedings have been brought are in violation of the standards of all decent, law-abiding societies, and have been widely condemned by international opinion. Israel's military intelligence has admitted on a number of occasions that they employ this practice, and that they will continue to do so.⁴⁸ Indeed, as recently as June 24th 2002, an Israeli missile strike in Gaza killed a carload of what IDF spokespersons described as Palestinian militants; as noted in the news reports, "a passenger in a nearby vehicle was also killed."⁴⁹ Similarly, on April 30th of this year, an explosion destroyed a two-story building in Ramallah, some three hundred yards from Yasir Arafat's compound there. According to PA intelligence chief Amin Al-Hindi, the powerful blast struck the building, killing Fatah activist Hasa Al-Qadi, three-year-old Malak Barakat and seven-year-old Shahid Barakat. In addition, a woman and her two-year-old child were injured in the blast. The Israeli army initially issued a routine disclaimer, denying any involvement in the two explosions, but later tacitly admitted responsibility, saying it "felt sorry for the death of the civilians."⁵⁰ Amnesty International, investigating cases of state assassination in Gaza and the West Bank found that in nearly all of the cases, the arrest of the suspected

⁴⁸ BBC News, Feb. 21 2001, "Israeli 'assassination policy' condemned;" quoting Israeli Embassy (London) spokesperson DJ Schneeweis on Israel's "pinpoint killings." See also NY Times, July 6 2002, Israeli Tank Machine-guns Taxi, Killing Woman and Toddler," which reports that Israel has admitted killing "dozens" of deliberately targeted Palestinian leaders and militants.

⁴⁹ Reuters, Nidal al-Mughrabi, June 24,2002, "Israel Kills 6 in Gaza Strike, Surrounds Arafat HQ."

⁵⁰ Al-Ahram Weekly On-line, May 3-9,2001, Issue No. 532.

individuals could have been accomplished or at least attempted by Israeli forces in superior numbers, but was never even attempted in any of the cases.⁵¹

In a recent report on Israel's practice of "liquidating" individuals without trial or charges, B'Tselem reviews nine such deliberate assassinations in the past two years and notes that six innocent civilian bystanders were also killed as a result of those operations. That the level of blatant illegality in such a practice sets a new standard for the criminal misuse of state power is only one component of the moral shortcomings represented by this practice: its indiscriminate disregard for the safety and lives of bystanders is tantamount to barbarism. The assassination policy⁵² not only deprives the intended targets of their lives without judicial process, but all too frequently it deprives "unintended" targets—bystanders whose only "crime" is one of being in their homes or streets—of their lives without any means to seek redress whatsoever. Decisions on assassination targeting operations are made behind closed doors at the highest levels within the military, with the full support of the political leadership of Israel, and there is no means of redress or accountability whatsoever for injured bystanders or the families of the dead.

⁵¹ Amnesty International, "AI Condemns State Assassinations," Feb. 20, 2001.

⁵² That this practice is official policy at the highest levels is not in dispute. In a meeting of the Foreign Affairs and Defense Committee on January 9th 2001, Chief of Staff Shaul Mofaz explicitly admitted that the policy exists. He claimed that his policy is supported by the legal opinion of the Military Advocate General, Brigadier-General Menachem Finklestein, who determined that, "The IDF has the legal right to fight 'hostile elements' in the Occupied Territories in exceptional and extraordinary cases, when the purpose is to save lives and in the absence of any other alternative." (*Ha'aretz*, "Mofaz: IDF jurist approves killings," Jan 11th '01.) This cynical justification not only sacrifices the rule of law to the occupying military's god-like purview, but implicitly values some lives—the Israeli

Rather, by all accounts, the “collateral damage” inflicted on innocents is intentional, as affirmed by a high ranking unnamed official in the security forces⁵³ who told reporters that “the liquidation of persons is proving useful . . . this activity paralyzes and frightens entire villages and as a result there are areas where people are afraid to carry out hostile activities.” In other words, extra-judicial assassination has become a tool of terror and collective punishment against innocent civilians. The special report, “Who Will Save the Children?” lists Ashraf Abu Khader, age 10 and Bilal Abu Khader, age 12, two brothers from Jenin, as killed by Apache rocket attacks aimed at “liquidating” a suspect on July 31st 2001; and on December 10th 2001, a helicopter firing a missile at another suspect killed thirteen year old Shadi Arafah and 3-year old Burhan Himuni, both of Hebron. The slaying of these children, and hundreds of others, at the hands of the IDF stands in stark contrast with Israel’s obligation under Article 38 (4) of the Convention on the Rights of the Child, the most widely ratified human rights treaty, to “[t]ake all feasible measures to ensure protection and care of children who are affected by an armed conflict.”⁵⁴

citizens the IDF would nominally defend—above those of others, namely the unfortunate Palestinians caught in harm’s way when F-16’s fire missiles at targeted suspects.

⁵³ *Yediot Aharonot*, “Seven liquidations in a week,” Dec.19, 2000. This high-ranking official uses language remarkably similar to that used by the 1948 Zionists when they first formulated their plan to clear Arab villages by means of spreading terror, which led to such notorious massacres as that at Deir Yassin.

⁵⁴ While Israel is a state party to the U.N. Convention on the Rights of the Child (opened for signature Jan. 26,1990, G.A. Res. 44/25, U.N. GAOR 61st plen. Mtg. At 166, U.N. Doc. A/44/736 (1989), reprinted in 28 I.L.M. 1448 (1989) with corrections at 29 I.L.M. 1340 (1990)(entered into force Sept. 2,1990) in fairness, it elected not to be a party to Article 77 of additional protocol I of the International Humanitarian Law which, in relevant part, specifies

Plaintiff John Doe (XII), a Palestinian-American from Youngstown, Ohio, owns an apartment building in Ramallah with eight apartments, four of which are rented by Palestinian-American families. One of his other tenants on the top floor had a houseguest staying with him whom Israel apparently targeted for assassination during August 2001. The operation was carried out by at least two Apache helicopters firing two missiles, which destroyed the top of John Doe's (XII) building, shattered the structural integrity of the building, destroyed all the windows on every floor, burned out the topmost apartments, and killed its intended target. At the time of the attack, all the apartments were full. John Doe's (XII) daughter and five of his grandchildren were in the building at the time, and they were terrorized by the catastrophic explosion, the fire and smoke, and the utter chaos that rained down on them from an unseen attacker without warning. John Doe (XII) states that his building and its rent rolls are his principle source of income, and that it cost him in excess of half a million dollars to build between 1972 and 1976. John Doe (XII) worked in grocery stores in Ohio, first as a checker, then eventually as a manager and owner, diligently saving his wages for almost a decade to buy the land and start the building. His tenants have all sensibly moved out now, as the building is unsafe; he paid \$50,000 to stabilize

that " Children shall be the object of special respect and shall be protected against any form of indecent assault . . . [and that] The parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason."

partially the building and replace its windows. In the intervening time, only two tenants have returned. His daughter and grandchildren were severely traumatized by the attack, and the children especially have suffered significant psychological consequences. Two tenants were seriously injured during the attack—an elderly woman who was hit by shrapnel, and her daughter, who broke her arm. (See annexed hereto as Exhibit I, affidavit of John Doe (XII)].

The policy of state assassinations has been universally condemned throughout the world, and its practice deplored by all law-abiding countries. As B'Tselem writes,

Assassinations have been part of Israeli's security policy for many years. Israel is the only democratic country that regards such measures as a legitimate course of action. This policy is patently illegal, according to both Israeli and international law, a policy whose implementation involves a high risk of hurting bystanders and from which there is no turning back even if errors are uncovered after the fact.

Indeed, it is the irreversibility and unaccountability of this practice that makes its effects so much the more tragic for the wounded survivors and the victims' families. Those who have suffered such a brazen, seemingly chance attack of state violence can never again live free of fear or anxiety, not even in their own homes, and must never again see the state in anything but a suspect and frightening light. Such lawlessness and disregard for human life on the part of state entities such as the Israel Defense Forces are calculated to sow terror in the general populace, and

strike at the very foundations of civil society and the hope for peace among nations. Yet while state assassinations may be the most dramatic of means by which Israel inflicts terror on its subject populations in the Occupied Territories, there are many other means at its disposal, both petty and grave. Year in and year out, collective punishment has become Israel's true weapon of choice in its campaign of subjugation against the Palestinians, by which it hopes to extend its occupation indefinitely (now going on thirty-six years) while gradually annexing and absorbing Palestinian lands through "settlement."

IX. CLOSURES, ECONOMIC WARFARE AND COLLECTIVE PUNISHMENT

During my two weeks in the West Bank at the beginning of Operation Defensive Shield, I witnessed first-hand many instances of the IDF treating civilians and their property with reckless disregard in what I can only describe as a calculated effort to humiliate and degrade those persons under Occupation. At Qalandiah checkpoint near Ramallah, I stood for three successive days as soldiers denied access to townspeople and their families, while treating them with utter disdain, throwing their identity papers in the dirt, pushing elderly men and women, often before the eyes of their children, and dumping out their possessions on the ground—food, clothing, water—while "searching" their personal effects. M-16 assault rifles were brandished at elderly women, often pointed in their faces or at

groups of persons, including children. Even U.N. workers and officials were left to wait for hours in the trucks, or in the hot sun, only to be denied entry at the end of the day. In addition, I saw automobiles crushed everywhere along the sides of roads, and elsewhere storefronts smashed open or burned. Often, the level of degrading treatment and humiliation seemed on the point of exploding into lethal violence. On or about April 12, 2002, while leaving the Qalandiah area by car, I watched as IDF troops staked out on hilltops fired without warning on a group of Palestinians who were walking through a nearby out-of-bounds area because they had been turned away at the checkpoint, along with hundreds of others in the hours I stood there. Soldiers opened fire with machine guns on unarmed civilians who were walking through a stone quarry near the checkpoint, and they appeared to shoot with intent to kill or wound. As we started to exit the car to take closer note of what was transpiring, a nearby tank swiveled its turret in our direction, as its spotter locked, loaded and took direct aim at us. Later that evening, I heard through local news services that one person had been killed in the quarry earlier that day by IDF fire.

The U.S. Department of State noted in its annual state-by-state review of human rights records that

There also were many reports that Israeli authorities treat Palestinians in an abusive manner at checkpoints, subjecting them to verbal and physical harassment. Each day, hundreds of thousands of Palestinians who wish to travel between Palestinian towns and villages must pass

through one or more of the approximately 130 Israeli checkpoints across the occupied territories. Credible anecdotal stories of checkpoint abuses recounted by international humanitarian aid groups, and by hundreds of Palestinian citizens throughout the year, suggest that abuse is common and that as many as several thousand Palestinians have encountered some form of abuse from soldiers at checkpoints. In extreme cases, there were numerous reports of soldiers forcing Palestinians to hit or spit on other Palestinians in line, to strip off their own clothing, or to eat or drink during the Ramadan fast before being allowed to pass through the checkpoints. In a case reported by local and international press, and videotaped by an Israeli settler, in February in central Hebron, 50-year-old Palestinian pedestrian Jabilallah al-Jabri was stopped at an IDF checkpoint near an entrance to the H-2, Israeli-controlled section. Although al-Jabri provided all the correct documentation, and reportedly was not acting in a threatening manner, a soldier shot him in his ankle, severely injuring him. The soldiers neglected to provide any medical care to the man for several minutes, despite profuse bleeding. Finally, Palestinian bystanders called for an ambulance.⁵⁵

Such cases have proliferated in the last two years as IDF occupation has exhibited a remarkable willingness to escalate its violence, both calculated and casual. In many of the recent operations undertaken by Israel in the Occupied Territories, the IDF has acted in a way, which leaves little doubt that its primary aim was to punish all Palestinians. Actions have been taken routinely by the IDF with no clear or obvious military necessity; many of these, such as unlawful killings, destruction of property and arbitrary detention, and torture and ill treatment, violate international human rights and humanitarian law. The IDF has

⁵⁵ U.S. Department of State, *Israel and the occupied territories: Country Reports on Human Rights Practices—2001*. Released by the Bureau of Democracy, Human Rights, and Labor, March 4, 2002.

continually instituted closures and strict curfews in most Palestinian cities, and has killed and wounded unarmed Palestinians. In addition they have killed and targeted medical personnel and journalists,⁵⁶ and have fired randomly at houses and people in the streets. Mass arbitrary arrests have been carried out in a manner designed to degrade those detained, and even individual encounters by Palestinian-Americans with the IDF in both Israel and the Occupied Territories are characterized by this impulse to humiliate.

Plaintiff John Doe (V), a Palestinian-American from Winnemucca, Nevada, states in his affidavit that when he arrived at Ben-Gurion airport in Tel Aviv in January, 2000, with his family he was abused by airport security officials there, who demanded a \$200.00 duty for a pocket Nintendo game he had brought for his nephew. When John Doe (V) voiced his concern that such a fee was absurd, the officer slapped him in the face. He complained to the American consular officials in East Jerusalem, but they declined to help him. In May of this year, John Doe (V) was entering Ramallah on his birthday via the Qalandiah checkpoint to visit family. He showed his U.S. passport to the soldiers there, and they shoved him and pointed guns at his head. He protested that he was an American citizen, and one soldier threw him to the ground and kicked him in the back repeatedly and beat

⁵⁶ On March 13th of this year, during the invasion of Ramallah, an IDF tank fired upon and killed Italian photo-journalist Raffaele Ciriello, of *Corriere della Sera*. In the ten months since September, 2001, 47 journalists have

him. He was then made to sit in the hot sun for an hour, his suit torn and dirty; when he rose to ask to speak with the commanding officer, the same soldier struck him in the face with his rifle butt. John Doe (V), age fifty-two, has experienced back pain and considerable hearing loss since his beating, and continues to receive medical care. (See annexed hereto as Exhibit J, affidavit of John Doe (V)].

Amnesty International delegates, who visited the area between March 13th and 21st of this year, likewise saw a trail of mass destruction: homes, shops and infrastructure demolished or damaged; apartments trashed and looted; cars crushed and lamp-posts bent over, walls and shop fronts smashed.⁵⁷ The IDF had deliberately cut electricity and telephone cables and water pipes, leaving whole areas without power and water for up to nine days. David Holley, an independent military expert, one of Amnesty International's delegates, said:

"The military operations we have investigated appear to be carried out not for military purposes but instead to harass, humiliate, intimidate and harm the Palestinian population. Either the Israeli army is extremely ill-disciplined or it has been ordered to carry out acts which violate the laws of war."⁵⁸

been wounded by the IDF in the Occupied Territories. Source: *Informazione Senza Frontiere*, and *Reporters Sans Frontieres*, online journalist association newsletters.

⁵⁷ Of course this type of scorched earth policy is specifically condemned by Article 53 of the Fourth Geneva Convention which in relevant part states "Any destruction by the occupying power of real or personal property . . . is prohibited except where such destruction is rendered absolutely necessary by military operations." (emphasis supplied).

⁵⁸ Amnesty International, *Israel and the Occupied Territories: the Heavy Price of the Incursions*, April, 2002; available online at <http://web.amnesty.org/ai.nsf/recent>.

Since the beginning of the current *intifada*, the occupied territories of the West Bank and Gaza have been under near constant closure—a practice by which the Israeli government cuts off access to areas by means of controlling all the roads, blocking all external trade and economic activity. Access to food, fuel, trade goods and supplies are widely disrupted across entire areas as the Israeli Defense Forces pursue their perceived security imperatives in the occupied territories: securing the highways against all traffic, protecting the illegal settlements and their closed system of settler-only roads, and controlling the high ground of the terrain. In most cases, only goods and material that originate from Israeli manufacturers are allowed to pass into the controlled areas—food, gasoline, supplies and equipment—with substantial added tariffs and costs, thus making the Palestinian residents of the occupied areas *de facto* economic captives of their occupiers. Thousands of Palestinian businesses founded and developed in the calmer, more hopeful days of the Oslo peace process have withered and died in the twenty months since September 2000. Markets cannot get goods cheaply, mechanics cannot buy parts, medical clinics cannot get medicines or equipment, and laborers are not free to travel for work from one part of the West Bank to another. Tractor-trailers full of perishables lose entire loads while waiting in the sun at checkpoints that take days before clearance is denied; restaurants cannot

dependably get supplies, construction companies cannot purchase materials.⁵⁹ Water tankers, delivering drinking water to outlying towns cut off from the network, are unable to enter closed areas, leaving thousands without the essence of life for days on end. Unemployment in the West Bank, though figures are not currently verifiable, has been estimated between sixty and seventy percent.⁶⁰ All movement of Palestinians, in general, has been tightly controlled by means of a type of pass system, whereby a citizen from the Ramallah area may not travel to East Jerusalem, or to Nablus, without special authorization from the Israeli military. In many respects, the IDF system for population control now in place resembles most closely the Bantu/pass system once employed by white South Africa to control the movements of blacks and Asians within the country.

By current estimates, forty-five thousand American citizens presently reside in or visit the West Bank, with a particular concentration in the cities of Ramallah and Nablus.⁶¹ Many Palestinian-American families returned to the West Bank in the wake of the Oslo process of 1993 to establish businesses, re-unite with their families, continue their education, and a variety of other reasons. These families were often coming out of the experience of twenty years or more of residency in the United States. They pursued their university education and professional

⁵⁹ By one estimate more than 1,500 containers of non-perishable raw materials and goods destined for delivery in the territories have been held up by Israel in just one port for “weeks, even months” while Palestinian merchants are required to pay for storage. Ha’aretz, Amira Hass, “No materials to build in Gaza”, July 9,2002.

training at American institutions, married here, and their children were often born on U.S. soil. They come from places such as New Jersey, Ohio, Dallas, Detroit and Virginia. They are Americans in every sense of the word: citizenship, family ties, and property ownership. Yet the unfinished business of Palestine—its halting progress towards statehood and autonomy, its refugee culture of dislocation—remains in the hearts and on the minds of every Palestinian-American. When a kind of *détente* settled in between the Israelis and the Palestinians in the mid-1990's, the temptation to return and create a new Palestinian business and market culture was very strong among these many immigrants. Based on their experiences in America—where they learned English, worked in all manner of jobs from dishwashers to investment bankers, started their own businesses and thrived—the impulse to bring this American style and know-how back to what then appeared to be a nascent country-in-the-making, seemed only to hold great promise.

Yet many of these Palestinian-Americans have suffered total and cataclysmic loss due to the recent direct and indirect actions of the Israeli government, the IDF, groups of illegal settlers, and even the government of the United States. They have been wrongfully detained and imprisoned; they have been arbitrarily subjected to interrogation and intimidation; they have been beaten; they have been shot; they have been killed. Their businesses have been destroyed

⁶⁰ “Palestinian unemployment surges to 60%,” *Middle East News Online*, Jan 29, 2002,

by tanks and helicopters in a capricious, cynical strategy employed by the IDF for no discernible military or security objective, but rather simply to terrorize, to intimidate and to destroy the fabric of stable civilian life. Their property has likewise been destroyed or confiscated by the Israeli military for no other reason than that it was there for the taking. Their homes and apartments have been confiscated at gunpoint by Israeli soldiers for use as bivouacs and sniper-posts, and then left ruined in their wake.

In all this, these Americans have been left unprotected by any mechanism of Israeli civil law, before which they do not have any meaningful standing, as residents of the occupied territories. In addition, their own quasi-governmental institutions of the Palestinian Authority⁶² have been destroyed by Israeli military actions, including courts, police infrastructure, and governmental ministerial offices. There is no public means by which those injured might redress their wrongs or get a fair hearing. Indeed, much of the recent Israeli military campaign in the occupied territories was deliberately directed at destroying those aspects of Palestinian civil polity that might have led to eventual statehood, leaving the

⁶¹ See, American for Middle East Understanding, “The Link”, July 2001.

⁶² The existence of provisional elements of government—police, courts, ministries and the like—are only allowed to the entity known as the Palestinian Authority as a result of the Oslo and Wye River Accords. These state entities are part of the first stage in a three-part process originally designed to create statehood for the Palestinians. Since the beginning of the Al Aqsa *Intifada*, the continuance of this process has been widely called into question, and in many cases repudiated by high-ranking Israeli governmental officials. Though the so-called “peace process” never reached the later stages (resolution of borders, removal of some settlements and final withdrawal by Israel) and appears to be dead at this time, Israel began destroying P.A. security forces and police as early as 1997, and has

average Palestinian once again in the position of stateless refugee with only the international community of charitable and development organizations to help them.

It is well settled that there exists no system, process, or means by which the plaintiffs, indeed any Palestinians, can seek judicial redress in the Occupied Territories or Israel proper for the injuries they have sustained at the hands of Israel or those who act at its behest or with its approval in the bantustans of the West Bank and Gaza. As a matter of law, practice and policy Palestinians have no bona fide judicial vehicle by which to pursue and to obtain justice, let alone to secure just compensation for the massive wrongs they have suffered. Nowhere is the impossibility of redress more painfully evident than in the territories themselves. In short, the “transitional” agreement between Israel and the Palestinian Authority regarding the West Bank and Gaza (Washington, 9/28/95) specifically denies jurisdiction of a Palestinian court over civil suits in which the defendant is the state of Israel, or any other government “affiliated” institution.⁶³ Consequently, suits for any damage caused to Palestinian residents by the Israeli military and its police, or by any of its specialized security services such as Shin bet and the General Security Services, as well as that occasioned by the settlements

continued to strike at any and all aspects of self-governance in the Occupied Territories, including Ministries of Agriculture, Tourism and Transportation offices.

⁶³ Given the union between the state itself and those aspects of Israeli civilian life which are insinuated most directly and provocatively into the life and turmoil of the Territories, i.e., the settlers and settlements, the accords essentially provide full immunity from suit in Palestinian courts to all Israeli institutions and persons coming in contact with Palestinians in the West Bank and Gaza.

and settlers of the West Bank and Gaza cannot be brought in front of a Palestinian court.⁶⁴

For Palestinians injured in the Occupied Territories at the hands of the Israeli state or through any of its numerous government affiliated entities, the promise of justice is no more alluring or consequential in Israel itself. Thus, as a substantive barrier, the “act of war” exception stands as a shield providing full protection to those who would do harm to Palestinians in the context of the *intifada*. In relevant part under sections 5 and 7 (a) of the civil Nezikim (Tort) law of 1952 . . . “The state is not responsible for damages caused by war activity [and] in the case that the state is not found responsible based upon sections 5 and 7, the person responsible for the damage will not be found responsible either.”

Once an action is defined by the Israeli authority as an “act of war”, the state and all of its instrumentalities will not be liable to the injured party no matter the nature or the extent of the harm or its cause; whether the injury was occasioned through negligence or intent. The state essentially has full immunity.

While the definition of war is not specifically set forth in Article 5 of 1952, subsequent decisions of the Israeli Supreme Court have provided for the broadest and most advantageous interpretation for the state of Israel. Thus, in 1983, the

⁶⁴ Indeed, as a practical matter, because as noted Israel has essentially destroyed the entire infrastructure of the PA including its buildings, and idled all of its bureaucratic structure over the last several months, any discussion about a civil court system in the Territories is academic at best.

Israeli High Court opined that the “unique character of fighting and its risks and especially its consequences” defines an act of war. In identifying such examples as “gathering of fighting units, combative assault, exchange of fire, and explosions” as acts of war, the court went on to note that the “[u]nique character of fighting and its risks, and especially its consequences and results are evident and [that] these are the situations to which Article 5 refers.” (Levi v. Israel, 623/83, Chief Justice Shamgar).

On March 20, 2002, the Israeli Supreme Court elected to revisit its definition of an act of war in the context of a series of appeals regarding damage claims dating back to the first *intifada*. (Jamal Uda v. Israel, 5964/92). Constrained, perhaps, by the “evolving” tactics employed against Palestinians during the second *intifada* including such universally condemned activities as extra-judicial assassination and collective punishment, the Court significantly expanded the definition of an act of war thereby providing even greater immunity for the state. Now, according to the High Court, an act of war is no longer to be defined by whether or not it was “typical of war”, but rather whether the nature of the activity itself created an inherent risk.

Consequently, any act or course of conduct, which results in some risk to the party undertaking the act, no matter how negligible it may be, will receive the full benefit of the wartime exemption. In this light one need not be a soothsayer to

predict the practical impact of this new interpretation upon suits brought by Palestinians against the state and its instrumentalities for injuries sustained by them in the Occupied Territories- Israel and the individual perpetrator are now essentially immune from civil process.⁶⁵ Now, to prevail in their courts the putative Israeli defendant essentially need only suggest that the injury --no matter how tragic, unnecessary and appalling; whether caused by design or through negligence--was necessitated as part of the wartime effort to “root out terrorism or to neutralize militants” and that the operation or the individual act itself was wrought with peril and undertaken at risk to the soldier, the police officer, the security agent, the settler.

For the Palestinian-Americans at bar, indeed for all Palestinians, justice for the wrongs they have endured and for the injuries they have sustained is but an empty promise in the courts of Israel and the Occupied Territories of Gaza and the West Bank. By virtue of law and practice these plaintiffs have no rights and no remedies for the terrible losses they have suffered in their ancestral homeland, no matter what the harm or its cause; it is simply futile.⁶⁶

⁶⁵ Not satisfied with the expansive immunity bestowed upon Israel by the most recent decision of the Supreme Court, the Israeli Department of Justice has proposed a new law which is designed to limit the “options” of Palestinian residents to sue for injuries even further. According to this new statute, which is expected to pass and which will be applied retroactively to cases not pending in civil courts, an act of war will include . . . “[a]cts of fighting that were done under a threat of physical harm, against terror, hostile activities or uprising, and including any activities meant to prevent such activities.”

⁶⁶ Without discussing at length the other practical and legal impediments which Palestinians face daily in pursuit of judicial relief, they are many indeed. Several merit discussion. For example, because details about state wrongdoing

As noted, in numerous interviews conducted *in situ* during the recent military operations in April 2002, my staff and I met with or spoke via telephone to numerous Palestinian-Americans in the West Bank. Many of these Americans were still under IDF military closure in Ramallah at that time, unable to leave their houses for five or six days at a time, under twenty-four hour curfew with shoot-on-sight orders for anyone found in the street. On those infrequent days when the IDF curfew was lifted for a few hours so that residents might re-stock their homes with food and necessities, attempts by Palestinian-Americans to leave the closed areas was denied by military officials. In the same type of curfews re-instated now, persons who even inadvertently violate the curfew, or go out to look for food, are shot down in the street. Additionally, those Americans who attempted to enter military zones to visit their relatives or bring food to besieged family members were turned back at military checkpoints.

are generally inaccessible to civil litigants, before a civil action may be brought against an Israeli Palestinian must initiate a formal criminal complaint in order to obtain information about the identity of the wrongdoer and the specific cause of the injury which he or she sustained. That complaint must be lodged with Israel pursuant to Section I (2) of the Washington Agreement because Israel has exclusive jurisdiction over any suspected criminal activity of its citizens in the Territories. These complaints invariably fail. As established by the last *intifada*, virtually all complaints were dismissed without any investigation whatsoever. And even on that extremely rare occasion when a file was opened, the ensuing investigation was superficial and preordained: such cases were routinely closed for investigation for lack of evidence or for lack of "public interest." (See B'Tselem, *Illusions of Restraint*, pp.18-20) (See also, Ha'aretz, *The Army is Acting like a Blindfolded Boxer*. Dec. 12, 2000)(In practice judicial monitoring of the military actions of the lower ranks in the field is simply non-existent). Similarly, financial constraints render it virtually impossible for a Palestinian resident to file a suit against anyone in an Israeli court, including the state itself, as they must deposit a costly performance bond with the court because they are considered to live outside its jurisdiction -whether they reside in the Territories under Palestinian control or under Israeli control. Given the disparity between the per capita income of Israelis, with an average yearly salary of 7000 NIS, and that of Palestinians, who average less than 1000 NIS per year, and the usual demand that Palestinians deposit tens of thousands of dollars with the court as collateral in order to proceed with an action (see, Abu Araman v. Israel,

We heard numerous stories from Palestinian-Americans, who, holding their U.S. Passports in their hands and declaring themselves American, were nonetheless rebuffed at checkpoints, or detained, or even threatened with violence. In my four attempts to enter Ramallah during curfew-liftings between during the second week of April 2002, for the express purposes of visiting clients, I was repeatedly denied entry without cause. My Palestinian-American translator, a resident of East Jerusalem, was similarly denied access, along with the entire international press corps on the scene, UN officials, relief workers and many others.

Unable to meet with many of the Plaintiffs, who were trapped in the closure areas and in fear for their lives, I resolved to visit at their request the offices of the United States Consul General in Jerusalem. Arriving in mid-afternoon one day to find that the Consulate was closed to members of the public, I was told that no walk-in consultations were permitted over the next three or four days. Because many of the Plaintiffs had told me that consular officials had been non-responsive to their attempts to get help, I refused to leave at that time without speaking to someone of ranking stature. Approximately twenty minutes thereafter, a representative of the Consulate came down to meet me on the street, but citing privacy concerns refused to take any specific complaints or names, or to discuss

18537/98) it is little wonder that the docket sheets of civilian courts do not include, or very rarely include, disputes between Palestinians and the state or any affiliated institutions or individuals.

specific individuals with me, unless I possessed written authorization from the person to do so. While this position seemed reasonable at first blush, what ensued proved that the privacy concerns articulated by the representative were entirely pre-textual.

I was informed by her at that time that Americans could call the Consulate and ask for assistance or file complaints directly, and that consular workers had the ability to determine by phone whether the callers were indeed the citizens they claimed to be, and that based on that verification, the Consulate could provide assistance. I then proposed that inasmuch as the Consulate could determine by phone that a caller was a U.S. citizen, that they should be able to orally authorize my role as legal counsel, thereby permitting the consul to discuss their particular case with me. Unfortunately, the consular official rejected this idea, and insisted that any declarations of legal representation had to be submitted by original documents, with verified signatures. No faxes or e-mail or oral communications of any kind, she stated, would be acceptable to the Consulate. As the consular official knew very well, it was impossible for me to gain entry into military zones at that time in order to secure written releases from Plaintiffs. Thus, her refusal to intercede on behalf of these Americans, rejecting out of hand any process by which the Consulate might verify my representation of these citizens, and the fact that the Consulate would be unavailable to take any complaints for three days hence meant

that either the Consulate was acknowledging its powerlessness to help U.S. citizens under siege in the Occupied Territories, or that it was acting complicit in a deliberately obstructionist manner.

X. GENERAL PRESENT CONDITIONS OBSERVED IN THE OCCUPIED TERRITORIES

The IDF employs three principal means of sealing off areas of the occupied territories, depending on the degree of control desired: comprehensive closure, internal closure and curfew. While in the West Bank and Gaza in April of this year, I observed the most severe form of these three modes in effect in Ramallah, internal closure in East Jerusalem, and general or comprehensive closure in effect in the Gaza Strip. As the Israeli human rights monitoring group B'Tselem writes,

During a comprehensive, or hermetic, closure, there is a prohibition on entry of Palestinians into Israel, no issuance of entry permits, and revocation of the permits previously issued, for whatever purpose: work, medical treatment (except for emergency cases), family visits, travel to Ben-Gurion Airport, etc. This type of closure results in the severance of the West bank from Gaza and it also severs Gaza and the West Bank from East Jerusalem, since travel through parts of Israel is necessary in order to travel between these areas. The second method of siege is "Internal Closure" which constitutes all activities that prevent movement between Palestinian villages and cities, effectively isolating towns and villages from each other. Checkpoints, trenches, roadblocks, etc., all severely limit internal movement. Internal closure is often used as a form of selective punishment when it is believed that a resident of a particular town or village is responsible for an attack that has taken place against Israelis. Internal closures have been

placed on cities and villages in areas A (areas in complete Palestinian control) B and C.⁶⁷ The final and most extreme form of siege is the “Curfew” which imprisons Palestinians within the confines of each person’s house.

During practically the entire time I was in contact with my Palestinian-American clients in Ramallah, they were subject to the stringent constraints of “curfew,” and were entirely unable to leave their homes for up to a week at a time. In many instances, entire extended families of ten people or more were sheltering together in two- or three-room apartments, subsisting on limited food and water, their windows barricaded against shrapnel and stray bullets, while IDF operations in the streets outside continued. Grandparents, infants and parents all remained together in crowded conditions rather than risk separation. Before the initiation of the invasion, Ramallah and its environs were under internal closure for fifteen months, and virtually all business and marketing contact with the outside world had ceased, as amply noted in the affidavit of **Plaintiff John Doe (XIII)**, owner of a tire distribution company in the Ramallah industrial zone.

In 1991 Israel ratified the Covenant on Economic, Social and Cultural Rights. “The CESCR is customarily understood to define a state’s duty regarding all rights, such as the right to work, right to health, right to education. The

⁶⁷ These designations refer, respectively, to post-Oslo mapping of areas under (A) Palestinian Authority control, select urban areas [7.6% of land], (B) partial PA civil control, but shared security with IDF [21.4% of land], and (C) IDF control [71% of land]. See The Taba Agreement, or Oslo II, signed Sept.26 1995.

Covenant examines these rights on three different levels: the duty to take proactive measures to ensure enjoyment of the right, the duty to prevent third parties from violating the right, and the duty of the state itself to refrain from violating the right.”⁶⁸

Israel, as the occupying power in the West Bank and Gaza, explicitly bears responsibility for the welfare of the population it occupies. While it may be argued that since the beginning of the period “governed” by the Oslo Accords,⁶⁹ Israel’s primary duty of acting positively to ensure enjoyment of these basic rights has transformed into the responsibility of the Palestinian Authority, this cannot relinquish Israel’s obligation to maintain her second and third duties—that is, the duty to prevent third parties from violating the right, and the duty to prevent the state itself from violating the right. Yet our investigations and research, taken with the substantial testimony of Plaintiffs and witnesses, provide significant evidence that shows that Israel’s closure and siege policies violate the Palestinians’ right to work, right to health, and right to education.

In addition to the violation of these basic rights, it is clear after examination of Israel’s policy of imposing and lifting sieges that the goal of these policies is not

⁶⁸ Taken from B’tselem’s report “Civilians Under Siege – Restrictions on Freedom of movement as collective Punishment – January 1991.” p. 26. For a discussion on these categories, see Matthew Craven, *The International Covenant on Economic, Social and Cultural Rights* (Oxford, Clarendon Press, 1995), pp. 109-114.

⁶⁹ While that period technically extends to the present moment, the very future of the Oslo process is gravely doubted by all sides, with much analysis suggesting that Israel and the Palestinian Authority have already abandoned all of Oslo’s principles in deed, if not in public declaration.

Israel's security. Rather, sieges and closures serve as a means of collective punishment aimed at subduing a civilian population that understandably chafes at the continued realities of occupation after thirty-five years. The IDF adamantly denies all such claims, stating that the sieges are absolutely necessary in order to protect Israeli citizens and settlers, and that the sieges are implemented in as humane a manner as possible. However, once one looks at the specific reasons for tightening a siege (generally immediately following an attack against Israelis) and for lifting a siege (generally done for diplomatic or political reasons) it is obvious that the siege's intent is not to prevent attacks. There is also a flagrant policy of discrimination in play based on nationality, since settlers living in the West Bank are not subject to sieges, curfews and closures. In fact, closures have been justified by the IDF on the basis of insuring the free movement of settlers.

XI. CLOSURES TRIGGER NEAR-COLLAPSE OF ECONOMY

Researchers at the Israeli human rights organization, B'Tselem, have reported extensively on the effects of closure on the Palestinian economy. In their report *Civilians Under Siege*⁷⁰, they note how “the various restrictions on the movement of people and goods has seriously damaged the Palestinian economy. One of the main reasons is the great difficulty, amounting almost to the total

⁷⁰ B'Tselem, Jan.2001.

impossibility, of workers to get to their job site and of suppliers and dealers to move from place to place.” In addition, the Palestinian economy is almost entirely dependent on its foreign trade. The customary index for evaluating dependence of a particular economy on foreign trade is the segment of its GDP (Gross Domestic Product) comprised of imports and exports together. In the economy in the Occupied Territories, foreign trade comprises 80.4 percent of GDP, whereas that figure is 22.4 percent in Egypt, 60 percent in Syria, and 52.4 percent in Israel. Furthermore, the Palestinian economy is more dependent than any other economy on imports, which comprise 58.4 percent of GDP, compared to 17.2 percent in Egypt, 32.6 in Syria, and 30.6 percent in Israel. Of all imports into the Occupied Territories, an enormous segment - some two-thirds - are raw materials and industrial inputs.⁷¹

The economy in the Occupied Territories is similarly dependent on access to the Israeli economy—its jobs, its ports, its roads and its markets. Some 80 percent of the foreign trade of the Occupied Territories takes place with Israel, whereas only 2.4 percent is with Jordan and one percent with Egypt. It should be noted that though the West Bank shares a nominal boundary with Jordan, as Gaza does with Egypt, neither of these borders are readily accessible to the Palestinian

⁷¹ UNSCO (United Nations Special Coordinator’s Office), *Report on the Palestinian Economy*, Spring, 2000, pp. 35-36. These data relate to 1998, which was the last year for which the Palestinian Central Bureau of Statistics published information on the Palestinian National Accounts.

residents therein, and indeed, Israel continues to maintain wide security buffer zones that cut off the Occupied Territories from their foreign neighbors, “containing” them within Israel’s greater security perimeter. Also, the Occupied Territories’ foreign trade with the rest of the world, some 17 percent, is almost entirely handled via the Israeli container ports of Haifa and Ashdod, with attendant fees, duties and tariffs which all make Palestinian goods less competitive in the global marketplace.⁷²

During the current *intifada*, the dependence on transportation of goods from Israel to the Gaza Strip and to the West Bank has resulted in a severe shortage of raw materials and industrial goods, which has paralyzed many businesses and factories throughout the Occupied Territories. For example, a building company in the West Bank cannot get Jordanian cinder blocks into the Nablus region due to closures and import restrictions by the Israeli military, and for fifteen months cannot build a single structure due to lack of materials. These restrictions also hampered the export of goods from the Gaza Strip and the West Bank to Israel and elsewhere, resulting in heavy losses to the Palestinian economy. Similarly, a fruit grower in Gaza dependent upon transporting his figs or oranges to the West Bank for market cannot get his trucks out of Gaza due to military closure. The Erez military checkpoint at the north end of Gaza was a sixteen-lane wide, bustling

⁷² *Ibid.*, p. 37.

trans-shipment point of all manner of goods when I visited there in 1998, with tractor trailers lined up for nearly two miles, waiting to clear Israeli security and customs. But in April of this year Erez Crossing was completely deserted of all trucks, cars, and any indication of commerce whatsoever, but for desperate taxi drivers awaiting a fare on the Palestinian side of the checkpoint.⁷³ Similarly, at the Qalandiyah checkpoint near Ramallah in the West Bank, on days when the curfew was rumored to lift, no trucks bearing supplies were allowed to move through any of the IDF military crossings in the area.

Beyond the paralyzing effect of closures, the use of other forms of collective punishment by IDF forces also contributes to the overall economic crisis. Selective IDF targeting of particular buildings or districts for military reprisals, demolition or bulldozing has cut a broad swath through the physical terrain of the Palestinian economy and its gradual development, virtually wiping out the very same small industries and manufacturing sectors that are vital to maintaining a stable society, and therefore giving any hope to securing peace. For their part, the Israelis always insist that their actions are predicated on issues of security, but to the average Palestinian living in the Occupied Territories, the destruction of their

⁷³ A comparison of the movement of trucks and goods into Gaza from Israel during April of 2000 and the same month in 2002 is telling indeed. For example, in April of 2000 3,773 trucks brought goods worth NIS 97 million into Gaza while during the same month two years later that figure had dropped precipitously to 979 trucks carrying NIS 27 million worth of goods. The export figures from Gaza to Israel for the same period were no better with NIS transport of goods worth 424,000 compared to NIS 28 Million worth two years previously. Ha'aretz, Amira Hass, "No materials to Build in Gaza", July 9, 2002.

businesses, manufacturing plants, office buildings and service centers must look rather more like a campaign against their very future. The mechanism of these measures, as employed by the IDF, is typically couched in retaliatory terms: on June 16th 2002, the IDF used bulldozers and wrecking equipment to demolish an idled factory in the Gaza Strip that they said had been a favorite vantage point used by roof-top snipers attempting to fire on their military positions.⁷⁴ Because of the Israeli response, the factory will never re-open, and the loss of jobs will be permanent. Similarly, **Plaintiff John Doe (XIII)**, an American from New Jersey who owns a truck tire distribution company in the Bitonia Industrial Park in Ramallah, lost his entire stock, the building that contained it, and his equipment and records when Apache helicopters attacked the industrial park in the early hours of Operation Defensive Shield. As John Doe (XIII) says, witnesses have stated “no weapons were discharged in the moments before the attack from the area of my business, nor was there any return fire directed at IDF operations from the area of [his] business during or after the attack.” He further states that many of the businesses in the industrial park were also destroyed during the attack, though the industrial park had no military value whatsoever. (Indeed, a small amusement park with rides for children and the like, directly next to John Doe’s (XIII) business was

⁷⁴ Hamudah Hassan, Reuters, June 17,2002.

destroyed when it took a direct hit during the attack.) (See annexed hereto as Exhibit K, affidavit of John Doe III)].

So, too, **Plaintiff John Doe (X)**, an American in Ramallah who is a partner in the Max supermarket there states that in the first days of April, during the IDF operations laying siege to Ramallah, his supermarket was blown open by tank fire, then systematically looted by the soldiers. The entrance was destroyed, the office and all his computers and records were destroyed, some food was stolen and the rest left to rot, all the cigarettes were stolen, and finally the safe which held the supermarket's receipts was blown open by military demolitions and emptied of its contents. The electrical system for the building was likewise completely ruined. He estimates his combined losses of goods and physical plant at more than \$50,000 US. (See annexed hereto as Exhibit L, affidavit of John Doe (X)].

Plaintiff John Doe (VIII), a Palestinian-American attorney living in Beit Hanina reports that in February of this year his car was destroyed when he parked it behind the Uncle Same restaurant in Ramallah, after an IDF rocket attack on a nearby building went awry and poured down on the restaurant instead. During the recent siege of Ramallah, in April 2002, IDF soldiers broke into his law office where he maintains a busy practice in commercial contracts, destroying all his office equipment and files, including computers, furniture, a photocopy machine and the essentials of his practice. In 1997, John Doe (VIII) notes in his affidavit,

he was pushed and beaten by IDF soldiers in the hallway outside his own apartment, in full view of his children, and while holding his daughter. The soldiers then demanded the family vacate the apartment immediately, which they proceeded to use as a firing position for four or five days, trashing the place in the process. During all this time, John Doe (VIII), his wife and his children were not permitted to leave the hallway area. (See annexed hereto as Exhibit M, affidavit of John Doe (VIII)].

Plaintiff John Doe (IX), an American living in Ramallah since 1998, states in his affidavit that IDF soldiers in the first week of the Ramallah operation destroyed his jewelry store's windows and wrecked his car parked in front. In addition, while the city was under curfew, tanks repeatedly strafed his apartment block while he was inside with his family, including five children. He states that his children suffer psychologically now from the experience of the siege, and that they display symptoms of post-traumatic stress. (See annexed hereto as Exhibit N, affidavit of John Doe (IX)].

Plaintiff John Doe (XV), whose 10 year old son was severely injured during a savage, unjustified shooting by the IDF earlier this year (see, discussion *infra*, pp. 31-33) suffered further devastating commercial losses shortly after the onset of this *intifada*. Prior to the early winter of 2000, John Doe (XV) and his three brothers had operated a very successful business venture comprised of seven

stores in Tulkarm which supplied more than half the town's wheat, flour, seeds, animal-feed and other basic foodstuffs. Over the course of several weeks in November and December of 2000, four of the stores that were located in an important commercial district of the town were inexplicably shelled and destroyed by Israeli tanks. In addition, because the Israeli army arbitrarily declared that particular area of the town --which coincidentally happens to serve as the commercial heartbeat of Tulkarm--to be a "closed military zone," civilians have been unable to buy supplies at the remaining stores. As a result of the destruction and the loss of commercial business, John Doe (XV) projects he and his brothers have suffered losses of more than a million and a half dollars profit. According to John Doe (XV) it is unknown "when or if " the businesses will reopen. (See, Exhibit G, affidavit of John Doe (XV)].

For their part, the IDF claims all their operations have military value, yet in the absence of any process by means of which a Palestinian might challenge such assertions, the Israeli military behaves with absolute impunity. Yet this marauding tendency is by no means new in the storied history of the Israel Defense Forces. Perhaps none other than the founding architect of Israel, David Ben-Gurion, better indicated the Israeli political endorsement of the indiscriminate use of force when he wrote on January 1, 1948—only three months before the notorious massacre of

some 250 Palestinian men, women and children by Jewish paramilitaries at Deir Yasin—in his Independence War diary these words:

There is no question as to whether a reaction is necessary or not. The question is only time and place. Blowing up a house is not enough. What is necessary is cruel and strong reactions. We need precision in time, place and casualties. If we know the family-- [we must] strike mercilessly, women and children included. Otherwise the reaction is inefficient. At the place of action there is no need to distinguish between guilty and innocent.⁷⁵

Ben-Gurion's words of nearly fifty years ago have apparently been taken to heart by today's IDF, and many times in the intervening years as well—if history's record of Israeli atrocities, extra-judicial murder, systematic forced removal, colonization, civil and economic oppression and military rule is to tell us anything at all.

XII. SETTLERS, THE IDF, AND TERRITORIAL EXPANSION

Admittedly, the specter of a rampaging army bent on terror, humiliation, looting, and the cold-blooded murder of men, women and children recalls the darker eras of European history, when inter-communal violence and the absence of modern states to regulate it was the norm. Or alternatively, such an image recalls the spasms of inter-tribal ethnic hatreds in present-day central Africa. But in this

⁷⁵ Excerpts from the diaries, Yediot Ahronot, April 17, 1983, Independence Day Edition.

case such actions instead describe those of a modern, enlightened, “democratic” state like Israel, which enjoys the international prestige of its cultural achievement in the arts and sciences, its long-term membership in the United Nations, and its status as the most favored ally of the United States. Unfortunately, much of American media response to this reality is to ignore the facts of thirty-five years of occupation. Indeed, such barbaric, illegal behavior by a “civilized” nation of the first order demands explication. To better understand Israel’s otherwise puzzling motivation—as it ignites and ignores international opprobrium in its pursuit of ever-elusive “security” goals while brutally occupying as an invader the West Bank and Gaza—one need look no further than the tragic, misguided and illegal policy of settling hundreds of thousands of Israeli citizens in hundreds of fortified hamlets since 1967 throughout the Occupied Territories. Virtually all of Israel’s perceived security threats today, and the brutal, illegal means to which that state will go to combat them, can be traced to either the efforts by Palestinian nationalist organizations to repel the illegal settlers, or by the IDF’s efforts to protect settlements, extend their dominions, and effectively annex the lands on which settlers live.

In other words, the Israeli campaign of terror against the Palestinians under occupation is explicable as a campaign of territorial expansion. In this regard, Israel’s continuing illegal occupation and the ever-escalating war to extend it can

be viewed alongside every other war of ethnic cleansing, including Serbian efforts in the Balkans, the Hutu attempts to drive Tutsis from their midst in Rwanda, the Turks in Armenia, and other similar events of the not-so-distant past. That Israeli techniques of ethnic subjugation and removal may not yet include machete killings or evidence of mass graves is only an observation as to the degree of their policy's implementation. Israel's intent—to remove Palestinians from their lands by means of terror, violence and oppression, driving them into “refugee” camps or neighboring states such as Jordan, Syria or Lebanon, while settling its population on the land as a precursor to annexation—is fundamentally the same.

While most of the events at bar occurred in the past few years of the ongoing occupation, it is necessary briefly to view them through the delineating prism of the Zionist movement in Palestine: its eastern European origins, its socio-religious aspirations, and its territorial motivations and designs. Historical documents from the earliest days of the Zionist movement, through the period of incipient statehood, up to last week's pronouncements by Prime Minister Sharon and various leaders of the settlement movements all confirm that removal of the Palestinians has always been an explicit objective of the project of Zionism.

For example, Theodore Herzl, a journalist, playwright and lawyer, and founder of the first World Zionist Congress, even at the very start anticipated

privately that the Arab natives would have to be removed, as he wrote in his diary in 1895:

“We must expropriate gently We shall try to spirit the penniless population across the border by procuring employment for it in the transit countries, while denying it any employment in our country Both the process of expropriation and the removal of the poor must be carried out discreetly and circumspectly.”⁷⁶

The gentleness of this expropriation would undergo various adjustments through the next fifty-four years, as successive waves of Zionists applied increasingly militant perspectives to their messianism. In October 1882, Simon Dibnow, an Orthodox Russian of the Biluim movement of Zionists declared

The ultimate goal . . . is, in time, to take over the Land of Israel and to restore to the Jews the political independence they have been deprived of for these two thousand years The Jews will yet arise and, arms in hand (if need be), declare that they are the masters of their ancient homeland.⁷⁷

Similarly, Israeli founding father Eliezer Ben-Yehuda writes in the same month to his Zionist brethren in Lithuania,

There are now only five hundred [thousand] Arabs, who are not very strong, and from whom we shall easily take away the country if only we do it through stratagems [and] without drawing upon us their hostility before we become the strong and populous ones.⁷⁸

⁷⁶ As quoted in Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001*, from Herzl, *Diaries*, vol. I, 88 [June 12, 1895].

⁷⁷ Morris, note supra, at p. 49.

⁷⁸ *Ibid.*

By the late 1930's, responding to Arab uprisings against the British colonizers, Zionist settlers formed offensive paramilitary units in 1937 and '38 to carry out raids against the local Arab population, often in tactical collaboration with British forces. David Ben-Gurion understood explicitly the Arab revolt's ultimate meaning when he wrote, "There is a conflict, a great conflict . . . We and they want the same thing: we both want Palestine. And that is the fundamental conflict."⁷⁹ Indeed, Ben-Gurion's pragmatism took Palestinian nationalism very seriously:

In internal discussions, he noted that "in our political argument abroad, we minimize Arab opposition to us," but he urged, "let us not ignore the truth among ourselves" . . . [that] . . . "politically we are the aggressors and they defend themselves The country is theirs, because they inhabit it, whereas we come here and settle down, and in their view we want to take away from their country, while we are still outside." The revolt "is an active resistance by the Palestinians to what they regard as a usurpation of their homeland by the Jews Behind the terrorism is a movement, which though primitive is not devoid of idealism and self-sacrifice."⁸⁰

Plaintiff John Doe (II), a naturalized American since 1972 who lives in New Jersey (and who also holds a Jordanian passport), owned fifteen acres of farmland in the DeirNitham area of the West Bank. His clan documents their

⁷⁹ Yehoyada Haim, *Abandonment of Illusions: Zionist Political Attitudes Toward Palestinian Arab Nationalism, 1936-1939* (Boulder: Westview Press, 1983), p. 36.

ownership of this land for approximately 1,600 years, and possesses not only Ottoman and Jordanian documents, but ownership documents from the British Mandatory period as well. In 1978, the Israeli government, working in conjunction with the Zionist Organization and the Jewish National Fund, began construction of the settlement today known as Halamish/Neve Tzuf. Farmers and other Palestinians working the land at that time were forcibly removed by the (IDF), and John Doe (II) watched as the settlement grew immediately right up to the property line of his own land. As he states in his affidavit, “Apprehensive of the actions of the incoming settlers, and at the construction of the settlement itself, I wrote the American Consulate, the State Department, the Secretary of State and then-President James Carter. I was given assurances at that time that the settlement would not take my land.”

Unfortunately, successive Israeli governments in the 1990’s, cynically sidestepping the Oslo process to create what Menachem Begin once characterized as irrefutable “facts on the ground,” aided and encouraged the settler movement through official policy, political expediency and willful ignorance.

In 1995, settlers from Halamish moved their perimeter fence so that it cut across John Doe’s (II) land, taking approximately one-fourth of his farms in one

⁸⁰ Noam Chomsky, *The Fateful Triangle: The United States, Israel and the Palestinians*, (Boston, South End Press, 1983), pp. 91-92, citing a 1938 speech by Ben-Gurion recounted in Flapan, *Zionism and the Palestinians*, pp. 141-142.

fell swoop. He formally complained to both the Israeli Committee for the Defense of Land, and the Israeli police, neither of which took any action. As head of the Palestinian American Society, he also made formal inquiries here in the U.S., requesting his government to take action on his behalf. Again, U.S. officials have taken no action in nearly seven years. As he states in his affidavit, to this very day, “men and women who can not possibly make any claim of legitimate occupation continue to use and enjoy the use of my family’s land,” without recompense, any colorable title or permission whatsoever. Furthermore, the settlers have threatened John Doe (II) with murder on at least two occasions. In 1996, he stood “too close” to the settlers’ fence (that bisects his own land) and an armed settler came to within twenty yards, aimed his rifle at the Plaintiff, and while standing on John Doe’s (II) own property said, “If you don’t move I’m going to shoot you. This is my land.” This time, the settler only threw rocks at John Doe II as he left the area. On a second occasion, while walking on the remaining part of his land in the company of his five-year-old son, John Doe (II) was confronted by an armed security officer from the settlement who demanded that he leave the area.

These threats escalated to explicit violence in October 2000, when a group of about twenty armed settlers staged an evening raid on John Doe’s (II) land, crossing over the fence with the intent to burn down his house. At first his trees and other property—including outbuildings and equipment—were destroyed by

arson. Not being satisfied, the settlers surrounded his house, broke its windows and fired at its doors and walls. As they were preparing to ignite his home, John Doe (II) was able to call the American Embassy on his cell phone while he crouched inside with his now nine year old son, also an American citizen, and other relatives. Fortunately, on this occasion, IDF troops arrived and were able to disperse the settlers before they put the torch to his home. No charges were ever filed by the Israeli government against the settlers of Halamish for their rampage. More recently, on June 13th of this year, John Doe (II) received reports from other relatives living under curfew and closure that settlers from Halamish/Neve Tzuf began bulldozing his land, destroying his property, and initiating the first steps of another expansion of the settlement at his expense. He has since learned that Halamish is building two parallel security roads for use by the settlers only.

As a result of the attacks on John Doe (II), his family and their home, his son Baby Doe VI, now ten, has been suffering from nightmares and psychological disturbances, and has become non-responsive in school. He shows a singular obsession with televised news accounts of the troubles in the mideast, and will not watch anything but news programs on television. John Doe (II) reports on other unsought confrontations with armed residents of Halamish, and their continuing threats against his life and safety. On another nearby, non-contiguous parcel of land he owns with his cousin, Halamish settlers have destroyed 108 olive trees.

Olive trees take a generation to become productively fruitful, and are known to live for hundreds of years. In a matter of moments they were gone: razed by settlers, with an insatiable appetite to take and take and take, with the approval and support of the Israeli government and supporters in the United States. (See annexed hereto as Exhibit O, affidavit of John Doe (II)).

XIII. SETTLER TERRORISM

While the thirty-four year history of the settlements in the Occupied Territories has become an emotional and heroic narrative thread woven into the grander fabric of Israeli mythology—how the Zionists settled the empty waste land, made it bloom, and brought forth civilization where none had been before—in truth, the settler movement has evolved amid violence, illegality and terror from the very beginning of the Occupation. Acts of violence by settlers against local Arabs are recorded as early as 1970, and by the end of that decade, the influence of messianic, extremist Orthodox religious groups connected to communities in the United States had risen to the forefront of the settler campaign, and would increasingly come to shape its ideology and tactics.

Today, there are more than 400,000 Israelis settled in more than 200 “purposely built towns, suburbs and villages” in the Occupied Territories,⁸¹ with approximately 200,650 settlers residing in 145 settlements in the West Bank alone,

exclusive of East Jerusalem.⁸² The recent report issued by former U.S. Senator George J. Mitchell's diplomatic mission in April of this year quotes the Palestine Liberation Organization's estimate of the rate of expansion in the 1990's, during the context of the so-called "peace process" thusly:

"In the seven years since the [Declaration of Principles], the settler population in the West Bank, excluding East Jerusalem and the Gaza Strip, has doubled to 200,000 and the settler population in East Jerusalem has risen to 170,000. Israel has constructed approximately thirty new settlements, and expanded a number of existing ones to house these new settlers"⁸³

Fundamentally, the settlement campaign in the Occupied Territories is illegal by several established standards of international law, including the Fourth Geneva Convention and its prohibitions against an occupying force displacing the occupied population from its land, or acting to permanently change the occupied land by force of occupation. While the urgent prominence today of the settlement issue, both within the context of the interim negotiations and the stalled negotiations over final status, might give a disinterested observer the mistaken impression that this problem is new, in fact, its centrality to the post-1967 conflict has always been understood, if little discussed. Moreover, official U.S. government opposition to the settlements has been clear at least since the administration of President Jimmy

⁸¹ Foundation for Middle East Peace, *Report on Israeli Settlement in the Occupied Territories*, Vol. 11, No. 4, July/August 2001.

⁸² Peace Now, report of the Monitoring of Settlements Committee, November, 2000.

⁸³ Report of the Sharm el-Sheikh Fact-Finding Committee, April 30, 2001.

Carter and the Camp David summit talks in the 1970's;⁸⁴ indeed, President Ronald Reagan identified settlements and settlers as key in 1981, stating that “the immediate adoption of a settlement freeze by Israel, more than any other action, could create the confidence needed.” Ten years later, President George H.W. Bush’s administration re-iterated this centrality when Secretary of State James A. Baker III said on 22 May 1991:

Every time I have gone to Israel in connection with the peace process, on each of my four trips, I have been met with the announcement of new settlement activity. This does violate United States policy. It’s the first thing the Arabs—Arab governments, the first thing that the Palestinians in the territories—whose situation is really quite desperate—the first thing they raise when we talk to them. I don’t think there is any bigger obstacle to peace than the settlement activity that continues not only unabated but at an enhanced pace.⁸⁵

As the international community’s near-unanimous condemnation of this Israeli criminality has solidified over time into a substantial force that has pushed Israel into moral isolation—like South Africa before it—the settlement movement has simultaneously hardened into an *explicitly* racist, expansionist, para-militarized militia intent on carrying out the ultra-nationalist objectives of the Israeli state.⁸⁶

⁸⁴ The Foundation for Middle East Peace writes on this point:

“At Camp David in 1979, Jimmy Carter thought that he had won an Israeli commitment to a five year freeze. But Menachem Begin was only prepared to stop for three months. And he forgot to tell Carter that the “thickening” of existing settlements, whose population then numbered 50,000, would continue unabated. FMEP, *op cit*.

⁸⁵ As quoted in the Mitchell Report, April 30, 2001.

⁸⁶ While the recent controversy attendant upon the United Nations Conference on Racism in Durban, South Africa, and its attempt to reach an acceptable definition of Zionism is reported in the mainstream American media as if the entire issue were inexplicably born, *ex nihilo*, out of some new anti-semitic plot, the international legal and human rights communities have made the connection between the basic tenets of Zionism as practiced in Palestine and

As B'Tselem, the Israeli human rights organization, writes,

Violence by settlers and other Israeli civilians against Palestinians has occurred in the Occupied Territories practically since the occupation began. Major acts of violence that occurred prior to the first *intifada* include the attempted assassination of three West Bank mayors in 1980, the raid on the Islamic College in Hebron in July 1983, in which three students were killed and many others wounded, and the “Jewish Underground,” which planned to bomb a number of Arab buses, and was apprehended by the General Security Service in 1984.⁸⁷

To these accounts we might add from the more immediate past an attack by the settlers of Itamar on Palestinians in the town of Hawara on June 21st of this year, in which several carloads of armed settlers drove to a nearby town and rampaged with guns, killing Adnan Odeh, age 22;⁸⁸ the thwarting by the Israeli security services of an attempt by a Jewish settler network to bomb a Palestinian girls’ grammar school in Jerusalem in May of this year,⁸⁹ and the revelations by the Israeli police on Jan. 27, 1984, that a group of Jews had smuggled 22 pounds of explosives and 18 hand grenades of Israeli army issue onto the Haram al-Sharif (on the Temple Mount in Jerusalem, third holiest site in Islam) in an attempt to blow up the two mosques.⁹⁰

contemporary definitions of racism since at least since 1975, and the formulation of U.N. Declarations condemning the occupation of Palestinian lands.

⁸⁷ B'Tselem, *Tacit Consent: Israeli Policy on Law Enforcement toward Settlers in the Occupied Territories*, Jerusalem, March, 2001.

⁸⁸ *New York Times*, June 22, 2002, A1. See also, June 27, “Jewish Settlers Released on Bail,” AP, detailing how the two suspects from the murderous rampage in custody were released: one on personal guarantee, and the other without any bail or conditions. This, despite the presence of dozens of eyewitnesses, including their fellow-settlers.

⁸⁹ *New York Times*, John Kifner, “Israel Arrests Settlers It Says Tried to Bomb Palestinians,” 19 May 2002, A10. Two of the six suspects taken into custody were prominent leaders of the settlement political movement: Menashe Levenger, a founder of the ultra-provocative settlement in Hebron; and Noam Federman, leader of the outlawed Kach movement, founded by Rabbi Meir Kahane.

⁹⁰ Donald Neff, “Middle East History—It Happened in June,” *Washington Report on Middle East Affairs*, June 1999, pp. 87-88.

Since the uprising of the first *intifada* in 1987, settlers have killed at least 119 Palestinians, of whom twenty-three were under the age of eighteen. Hundreds of Palestinians have been wounded by settlers, and countless incidents of destruction of property have been reported—house burnings, destruction of crops, razing of orchards, looting of Palestinian-owned shops and businesses, destruction of cars and other vehicles, and perhaps most seriously, various attacks on mosques and study centers, ranging from vandalism and spray-painting of offensive slogans to the deadly attack by Kiriath Arba settler Baruch Goldstein on worshippers at the Ibrahimi Mosque in Hebron in 1994, which killed twenty-nine Palestinians as they prayed.

Nor have settlers acted with restraint against Palestinian children of very tender years. As noted by American Educational Trust, et al.,⁹¹ more than a few Palestinian children have been killed by direct settler violence, including: Ahmad Khuffash, age 7, run over by settlers on November 7th 2000; Shadi Zaghoul, age 14, rundown by a settler car and left to bleed to death, November 30th 2000; Muhammad Nasser, age 10, “killed by settlers with stones or sharp implements” on March 17th 2001; Diya Tmeizi, age 3 months, killed by settler gunfire to head, back and body, on July 19th 2001; and Khaled Batsh, age 3, dead from a fractured skull due to fall during settler teargas attack, on September 8th, 2001. Perhaps one of the

⁹¹American Educational Trust, see Appendix A.

most shocking cases in the last six years of settler violence against children is the tragic death of ten-year-old Hilmi Shousa on October 27th 1996, killed by settler Nahum Kurman. Kurman was the security chief of the Hadar Beitar settlement, near Bethlehem; Hilmi had thrown stones near the settlement. For this crime, Kurman chased the boy down, kicked him to the ground, then reportedly removed his shoe and used the heel to beat the boy's head. Once the boy stopped moving, he removed his pistol from his belt, and used the gun-butt to fracture Hilmi's skull several times, killing him. After a trial for manslaughter, Kurman was sentenced to six months of community service by an Israeli judge.⁹²

A cursory examination of the circumstances of this violence reveals that since the 1980's settlers have become increasingly militarized as a force, and a large part of the settler population carries weapons given them by the Israeli Defense Force. As outlined by B'Tselem and others, the armed settlers fall into three broad categories. Chief among them are army regional defense units, organized by the IDF as a reservist army in the Occupied Territories. These units theoretically operate with IDF oversight, though reservists with IDF-issued weapons have been known to take part often in violence or acts of intimidation (roadblocks, land confiscations, provocative parades), when not on actual reserve duty. The second force consists of the settlements' own security forces—each

⁹² BBC News, January 22 2001, "Israeli Child-Killer Escapes Jail."

settlement maintains a coordinator of security and a security office where ammunition and weapons, provided by the IDF, are stored for use by the settlement's residents. Though the security coordinator, in theory, reports to IDF commanders and is not authorized to initiate any actions outside the perimeter of his or her settlement, numerous acts have been recorded in which armed settlers have made forays with their weapons into Palestinian areas outside the settlements proper. Lastly, a third group of armed civilians active in the Occupied Territory includes IDF reservists not on active duty and not part of the regional defense units who reside in the Territories, and have permission to carry their weapons at all times. In addition, under current Israeli civil statutes, any citizen residing or working permanently in the Territories may apply for a pistol permit from the Ministry of the Interior. While it should be noted that only some of the settler violence against Palestinians involves the use of guns—as distinct from the use of stones, sticks, knives, fire or even bulldozers—the presence of so many armed civilians among the settler movement emboldens the extremists among them into ever more deadly acts of violence against Palestinians, armed or otherwise.

B'Tselem records⁹³ reveal that during the period from 29 September 2000, when the latest *intifada* began, through March, 2001, settlers have killed outright more than a dozen Palestinians, duly noting, however, that the number is likely

⁹³ *Ibid.*

substantially higher due to the many cases in which IDF regulars were firing their weapons at the same time as the settlers. Inasmuch as the IDF does not report its own killings of Palestinians, and does not admit culpability for such acts, it is simply impossible to discern clear responsibility for a particular death. B'Tselem lists the following deaths during this period:

- Fahed Mustafa Bacher 'Odeh, 23, killed by gunfire in the village of Bidia, Qalqilya district, on October 7,2000.
- Farid Musa 'Issa Nasasreh, 28, killed by gunfire in Bet Furiq, Nablus district, on October 17,2000.
- Mustafa Mahmud Musa 'Alyan, 47, killed by stone throwing near Kufur Malek, Ramallah district, on November 14,2000.
- Muhammad Juda Abu-'Iasi, 27, killed by gunfire in the Erez industrial area in the Gaza Strip, on December 7,2000.
- Muhammad Hamed 'Ali Shalash, 18, killed by gunfire in the area of 'Abud Village, Ramallah district, on December 17,2000.
- Muhammad Najib 'Abido, killed by gunfire at Beit Hagai, near Hebron on December 22,2000.

These killings are only the ultimate form of settler violence, and must be considered within the context of the general campaign of terror that surrounds them. The Israeli Attorney General's office has identified three general areas of settler violence, in an investigative report it commissioned on the lack of prosecutions of settlers in the Occupied Territories:

- Gunfire and stone-throwing intended to cause bodily harm;

- Rioting in Palestinian communities, including breaking windows, damaging motor vehicles, overturning stands in the market, and the like;
- Blocking roads and initiating disturbances on roadways and intersections.⁹⁴

In addition to these categories we might add assaults on individual houses, calculated to drive the occupants away; assaults on farms and agricultural projects, including destruction of orchards, irrigation systems, killing of livestock and the like; and confiscation of land by settlers to create “security zones” around their settlements, then patrolled by armed settlers to intimidate the rightful owners from returning.

The messianism at the foundation of Israel would find its fullest modern expression at the conclusion of the Six Days’ War in June of 1967. Within two weeks, Israel officially annexed East Jerusalem and the West Bank areas adjacent to it. The rapid success of the war against Israel’s Arab neighbors more than tripled the territorial area now under Israeli control, from the Golan to the Sinai, from the Jordan to the sea. The euphoria was no where more intense than among the orthodox religious movements, who interpreted Israel’s victory against the poorly-equipped, outnumbered and disorganized Arab forces as a divine sign that the new Kingdom of David and the arrival of the Messiah was at hand. As Benny Morris writes,

“religious nationalists . . . declared that the “miraculous” conquests were *at’halta dege’ula*, the start of divine redemption, and that the settlement and annexation of the conquered territories were a divine command The admixture of messianism and nationalism proved heady and powerful. Casting caution and pragmatism to the wind, God’s skull capped legions and the vigorous, bearded rabbis forayed into the hills and dales of Judea and Samaria to choose sites for settlements. They skirted government policies and army roadblocks to map out the new “Greater Israel.” At site after site they coerced the government into giving way to their pioneering zeal and acceding to the establishment of a chain of settlements that would define and secure the new territories. In March 1974 these cadres and this spirit were formally consolidated in an extra parliamentary movement, Gush Emunim (Bloc of the Faithful) The goal was massive, irreversible settlement leading, inevitably, to annexation.⁹⁵

XIV. THE AMERICAN SOURCES OF MONEY FOR SETTLERS

Sadly, in the case of Plaintiff John Doe II and thousands of others similarly affected, that messianic fervor, abetted by decades of government subsidies and policy, has been joined in its support by messianic American Christian groups here in the United States. The settlement, which took John Doe’s (II) land, Halamish/Neve Tzuf, is supported financially by various groups here, including Christ Lutheran Church, of Jacksonville, Florida, and the Jerusalem USA Assistance Fund of Charleston, South Carolina. In addition, conservative American Jewish organizations send money to Halamish/Neve Tzuf, including

⁹⁴ “Law Enforcement Procedures and Arrangement Concerning Israeli Offenders in Judea and Samaria and in the Gaza Strip,” Office of the Attorney General, September, 1998. See also, B’Tselem, *op cit.*

⁹⁵ Morris, *op cit.*, at p. 331-332.

Congregation Rinat Yisrael of Teaneck, New Jersey; the One Israel Fund of New York, New York; and the Central Fund for Israel, also of New York, New York. All of these groups are tax-exempt charitable organizations doing business under §§501(a) and (c) of the Internal Revenue Code. In their many on-line presences, and corroborated in the website of Neve Tzuf itself, these contributions are used for various “security” purposes, including dozens of bullet proof vests and body armor, night-vision goggles, armored jeeps and ambulances, floodlights, ballistic helmets, communications equipment, gun cabinets, generators, and even security fence repairs—perhaps repairs to the very fence that now illegally cuts across the confiscated land of John Doe II..

Various established principles of international law prohibit Israel’s policy of settlements and annexation. The Fourth Geneva Convention explicitly forbids a conquering nation from settling its own population on the lands of the conquered people, when it states in Article 49:

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.
The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.⁹⁶

⁹⁶ UN Office for the High Commissioner on Human Rights, Geneva Fourth Convention, Article 49, 1949.

For its part, Israel claims that settlers have either returned to lands they have historically come from, or that they start their settlements of their own free will, acting individually; in either event Israel, by pure force of willful fantasy, claims that settlers do not displace Arabs. The truth is undeniable; these settlements, which serve as the ultimate tripwire for the pain and suffering in the Occupied Territories, are illegal, and nothing more than a brazen land-grab by a nation which has from its very start planned for the removal of all Palestinians from their ancestral homeland.

XIV.THE USE OF TORTURE AGAINST AMERICANS IN DETENTION

The foregoing analysis of Israeli tactics of collective punishment, indiscriminate violence and assassinations, and their use in terrorizing an civilian population for the calculated goals of ethnic removal and territorial expansion, delineates the many sufferings of Palestinians and American citizens of Arab origin under Israeli occupation. Yet to the outrages of these policies must be added one last, grim indicator that Israel, inasmuch as she enjoys the billions of dollars our taxpayers send her year in and year out, has no compunctions when it comes to violating our citizens' human and civil rights with impunity.

Israel's use of torture against suspects in detention, including Americans, has been extensively documented⁹⁷ in the last thirty years by many human rights groups, non-governmental organizations, and U.S. governmental reports. In 1970, both the United Nations and Amnesty International issued reports charging Israeli authorities with practicing torture in the occupied territories.⁹⁸ The International Committee of the Red Cross and Israeli lawyers also reported the use of torture in Israeli prisons in the early and mid-1970s. For example, in 1977, Israeli lawyer Felicia Langer wrote:

"The use of torture during investigations is a method, and I declare it as a lawyer who has dealt with thousands of cases. I have seen the marks of torture on the bodies of hundreds of my clients ... I knew prisoners who went mad as a result of torture ... Many people have died in prisons as a result of torture, or are condemned to a slow death because of the lack of medical treatment."

Israeli torture of Palestinian detainees became headline news in June 1977, when the *London Sunday Times* printed a detailed report which concluded that

⁹⁷ See, for example, Memorandum to the United Nations Security Council (June 8 1970); Report of the Special Committee to Investigate Israeli Practices Affecting Human Rights of the Population of the Occupied Territories (October 26, 1970 and October 5, 1971); Amnesty International, Report on the Treatment of Certain Prisoners under Interrogation in Israel (1970); Amnesty International Annual Report, (1977-1980, 1982-1986, 1988, 1995-2000, inclusive); Amnesty International, Torture in the Eighties (1984), pp. 233-236; Al-Haw/Law in the Service of Man, The Case of al-Fara'a Prison (1985); *Concluding Observations - Eighteenth session : Israel*. UN Committee against Torture (04/11/97); Oral Statement to the United Nations Commission on Human Rights on the Israeli Occupied Territories, a statement by Amnesty International (March 11, 1997); *Israel's Interrogation Policies and Practices: Israel's Response to Concerns about Interrogation*, prepared by Adv. Tamar Gaulan, Director, Human Rights and International Relations Department, Ministry of Justice, State of Israel (December 1996); *Committee against Torture, Consideration of reports submitted by States Parties under article 19 of the Convention, Israel*, UN Doc. A/49/44 at 24 (Forty-ninth session, 1994); *Stop Torture Now!* Amnesty International's Ongoing Campaign; *Torture and Ill-Treatment: Israel's Interrogation of Palestinians from the Occupied Territories* Human Rights Watch/Middle East Report (June 1994).

⁹⁸ Stephen J. Sosebee, "Speaking About the Unspeakable: Officially-Sanctioned Torture," *Washington Report on Middle Eastern Affairs*, Oct. 1991, p. 41.

"torture of Arab prisoners is so widespread and systematic that it cannot be dismissed as 'rough cops' exceeding orders. It appears to be sanctioned as deliberate policy."

Researcher Stephen J. Sosebee documents that

In a two-year period between 1977 and 1979, the US consulate in East Jerusalem sent more than 40 cables to the State Department reporting that torture is a common practice employed by Israelis to extract confessions and to punish Palestinian prisoners. Documentation of Israeli torture, deaths of Palestinians under detention, and other abuses increased in the late 1970s. The absence of human rights organizations in Palestine in the late 1960s and 1970s makes it difficult to estimate the number of Palestinian prisoners who died in prison in the early years of Israeli occupation.⁹⁹

In 1982, it became clear that widespread use of torture by the IDF was common following the Israeli invasion and occupation of Lebanon, especially at the notorious Ansar detention camp. As Sosebee writes,

An incident in 1984, however, became the turning point in precise documentation of torture in Israel. Majid and Subhi Abujumaa were beaten to death by the Israeli secret police (the Shin Bet) following a failed bus hijacking in Gaza. The truth that the cousins were murdered during interrogation, and not during the storming of the bus as the Israeli government had reported, only surfaced after an Israeli newspaper printed a photograph of one of the men being led away in handcuffs. This incident led to the Landau Commission investigation into the practices of the Shin Bet. The Israeli Government Commission documented the use of torture to obtain confessions from detained Palestinians, yet none of the convictions based upon such coerced confessions reversed.¹⁰⁰

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

During the first *intifada* of the late 1980's, Israel detained thousands of Palestinians in a network of internment camps, many of them under the age of eighteen, for such actions as throwing stones or demonstrating against the Occupation. Recalling his stint as a guard in Gaza Beach "one of the best" of such camps, respected Israeli journalist Ari Shavit wrote of his experiences with rare candor and insight:

Most Palestinians are awaiting trial; most were arrested because they were throwing stones or were said to be members of illegal organizations. Many are in their teens. Among them, here and there, are some boys who are small and appear to be very young. . . . The prison has twelve guard towers. Some Israeli soldiers are struck – and deeply shaken - by the similarity between these and certain other towers, about which they have learned at school. . . . Maybe the Shin Bet is to blame for this- for the arrests it makes and what it does to those arrested. For almost every night, after it has managed in its interrogations, to "break" a certain number of young men, the Shin Bet delivers to the [soldiers] a list with the names of the friends of the young men. . . . [Then] the soldiers . . . go out almost every night to the city and . . . come back with children of fifteen or sixteen years of age. The children grit their teeth. Their eyes bulge from their sockets. In not a few case they have already been beaten And soldiers crowd together in the "reception room" to look at them while they undress. To look at them in their underwear, to look at them as they tremble with fear. And sometimes they kick them- one kick more, before they put on their new prison clothes Or maybe the doctor is to blame. You wake him up in the middle of the night to treat one of the individuals just brought in- a young man, barefoot, wounded, who looks as if he is having an epileptic fit, who tells you that they beat him just now on the back and stomach and over the heart. There are ugly red marks all over his body. The doctor turns to the young man and shouts at him. In a loud, raging voice he says: may you die! And then he turns to me with a laugh: May they all die! Or maybe the screams are to blame. At the end of the watch you some times hear terrible screams hair-raising human

screams. Literally hair-raising . . . In Gaza our General Security Services therefore amount to a Secret Police, our internment facilities are cleanly run Gulags. Our soldiers are jailers, our interrogators torturers . . . Thus in the forty months of the *intifada*, more than ten thousand Israeli citizens in uniform have walked between the fences, have heard the screams, have seen the young being led in and out . . . And the country has been quiet. Has flourished . . . The thousand (if not fifteen thousand, if not twenty thousand) Israelis have done their work faithfully – have opened the heavy iron doors of the isolation cell and then closed it. Have led the man from the interrogation chamber to clinic, from the clinic back to the interrogation chamber. They have looked close up at people shitting in terror, pissing in fear. And not one among them has begun a hunger strike in front of the house of the prime minister. Not one among them that I know has said, this will not happen. Not in a Jewish state.¹⁰¹

According to an I.D.F. report in February 1991, some 75,000 Palestinians had been arrested during the first three years of the Intifada, of whom a yearly average of 15,000 were actually charged each year. The Israeli human rights group B'Tselem estimates¹⁰² that most of these administrative detainees were not interrogated intensely or over long periods, and were released within the first 18-day military detention phase. Others were tried in "quick trials" on the basis of evidence given by the arresting soldier alone. However, B'Tselem researchers have concluded that some 1,600 detainees per year underwent interrogation during that period, and that it is likely most of them experienced some form of physical or

¹⁰¹ Norman G. Finkelstein, *The Rise and Fall of Palestine: A Personal Account of the Intifada*, University of Minnesota Press, Minneapolis and London, 1966, pp.71-73.

¹⁰² B'Tselem, "The Interrogation of Palestinians Under the *Intifada*: Ill-treatment, 'Moderate Physical Pressure,' or Torture?" Comprehensive report, March 1991.

psychological pressure, including: beatings; threats against themselves and their families; sleep deprivation; loud music; denial of medical treatment; prolonged, cruel restraint, or “shabah;” use of the “tiny chair;” extreme cold; hooding the prisoner for days with urine-soaked bags; violent shaking of the prisoner; and other practices.

The General Security Services used and continues to use these methods pursuant to secret procedures that were based on the recommendations of the 1987 judicial commission of inquiry headed by retired Supreme Court Justice Moshe Landau. The Israeli High Court appointed a special body, the Landau Commission, to study allegations of torture and make recommendations. The Commission found that not only were methods of physical abuse and torture used extensively in interrogation, but also that the Shin Bet then routinely lied about the practice in open court whenever asked about the confessions they had extracted by prosecutors. Then, in a stunning development that left many in the human rights and international law communities astonished, the Commission explicitly endorsed the use of physical abuse as part of an interrogation, stating, "The Commission agrees that . . . clearly delineated psychological [and] physical pressures may legitimately be exerted in the interrogation of one suspected of terrorism and has proposed precise guidelines for the Shin Bet adopt."

According to the Landau Commission recommendations, the GSS interrogation methods may combine “non-violent psychological pressure of an intense and prolonged interrogation . . . with a moderate measure of physical pressure.”¹⁰³ The Landau Commission also suggested the legal support for the use of these methods, which contravene various provisions of the Penal Law. The support proposed by the commission is the “defense of necessity,” which removes criminal responsibility where a person “committed an act that was immediately necessary” to save life or property from serious injury, and was done in a reasonable manner under the circumstances.¹⁰⁴ While these procedures are revised periodically by a special ministerial committee, the official guidelines to this day have never been published, and Shin Bet has continued to use many of the practices otherwise banned by the High Court by simply declaring a detainee a terrorist suspect.

The years since the first *intifada* have witnessed various legal struggles by groups within Israel, as well as international groups, which culminated in a second review by the Israeli High Court of torture practices by the General Security Services three years ago. Yet many groups report that as the resistance to the occupation has intensified in the past few years, reports of torture and brutality by

¹⁰³ Report of the Commission of Inquiry in the matter of Interrogation Methods of the General Security Service regarding Hostile Terrorist Activity, First Part (Jerusalem, October 1987), par. 4.7.

the interrogators have become more frequent. B'Tselem estimated on the eve of the High Court's codifying of GSS interrogation rules, based on official sources, human rights organizations, and attorneys, "that the GSS annually interrogates between 1,000-1,500 Palestinians. Some eighty-five percent of them—at least 850 persons a year—are tortured during interrogation."¹⁰⁵ Unfortunately, the procedure rules remain unpublished, and in the permanent emergency climate of the Occupied Territories, the "ticking time-bomb" theory is nearly omnipresent, giving the GSS a free hand to torture any detainee that comes before them.

The U.S. Department of State reported this year that

Israeli laws and administrative regulations prohibit the physical abuse of detainees and a landmark decision by the High Court of Justice in September 1999 prohibited the use of a variety of abusive practices, including violent shaking, painful shackling in contorted positions, sleep deprivation for extended periods of time, and prolonged exposure to extreme temperatures; however, during the year, human rights organizations, including B'Tselem, Human Rights Watch, LAW, and the Mandela Institute for Political Prisoners reported that there was an increase in the number of allegations that Israeli security forces tortured and abused detainees, including using methods prohibited in the 1999 High Court decision. There also were numerous allegations that police officers beat detainees. The Government stated that the security forces have complied with the High Court's decision and that the Attorney General's office investigates any allegations of mistreatment. Human rights groups indicate that the person who is responsible for carrying out the initial investigation into such allegations is a GSS officer, and that, as a result, the GSS provides preliminary research in injuries into its own

¹⁰⁴ Paragraphs 34k and 34q of the current Penal Law. See the detailed discussion in the B'Tselem publications mentioned in fn. 5.

¹⁰⁵ B'Tselem, *Routine Torture: Interrogation Methods of the General Security Service*, 1998, p. 5.

alleged abuses. Human rights groups charge that largely because of their system, few cases have been opened and no GSS agent has been criminally charged with torture or other ill-treatment for the past several years.¹⁰⁶

In addition, the role played by confessions in winning convictions against suspects remains as crucial as ever, if not more so. Palestinian detainees, including American citizens, remain subject to military law and as such cannot avail themselves of anything like the constitutional protections accused persons enjoy here in the United States. As the State Department cautiously puts it,

Most convictions in security cases before Israeli courts are based on confessions. The law prohibits the admission of forced confessions as evidence; however, there have been allegations that this occurs. A detainee may not have contact with a lawyer until after interrogation, a process that may last days or weeks. The Government does not allow representatives of the International Committee of the Red Cross (ICRC) access to detainees until the 14th day of detention. Detainees sometimes state in court that their confessions are coerced, but judges rarely exclude such confessions. According to Palestinian human rights groups, some Palestinian detainees fail to make complaints either due to fear of retribution or because they assume that such complaints would be ignored. During the year, there were no known cases in which an Israeli court excluded a Palestinian confession because of a finding of improper means of investigation or interrogation.¹⁰⁷

Plaintiff John Doe (VII), forty-seven year old Palestinian-American from Chicago, went with his wife in the spring of 1999 to make his religious pilgrimage to Mecca, the historic center of the Islamic world. He was born in a Palestinian

¹⁰⁶ U.S. Department of State, *Israel and the occupied territories: Country Reports on Human Rights Practices—2001*. Released by the Bureau of Democracy, Human Rights, and Labor, March 4, 2002.

West Bank village called Maithalun, and had not been there in many years. He had planned to visit his so after a few weeks in the middle east and a short stay with siblings in Jordan, he traveled on the morning of April 26 to the Hussein/Allenby Bridge border crossing between Jordan and the West Bank, where Israel maintains its port of entry to the Occupied Territories. Though he possesses a U.S. passport, he was detained without explanation, and after fourteen hours, taken to a prison near Haifa. His wife, not yet a U.S. citizen, was admitted to the West Bank without trouble. The next day, an American consular official visited John Doe (VII), gave him some magazines and told him he could not get involved. He was kept in a series of tiny, foul cells, measuring three feet by seven feet, with only a filthy, lice-ridden blanket and a hole in the floor for a toilet, and every day he was interrogated for several hours. Overhead lights blazed all night, and never let him sleep. For approximately six weeks, he was subjected to interrogations using the *shabeh* methods of the GSS—painfully bound and shackled to a chair, hooded with a suffocating, putrid burlap sack, deafened with endless loud music at full volume next to his head, and threatened and insulted. At one point, his interrogator told John Doe (VII), who repeatedly protested that he was an American, that “America is shit.” John Doe (VII) was denied medical treatment for the intense pain in his back, he was denied visits, and he was sometimes left in his tiny cell for days.

¹⁰⁷ *Ibid.*

Eventually, he was transferred to the notorious Moscobiya Prison, stripped naked and humiliated, and on June 2, he was driven back to Allenby and expelled to Jordan with his American passport. (See annexed hereto as Exhibit P, affidavit of John Doe (VII)].

John Doe's (VII) subsequent efforts to get help in this matter from the American government have come to nothing. He can never again visit his childhood home or see his aging parents there, for fear of being detained again. John Doe (VII) has never been accused of any crime, yet he was held for thirty-six days of torture, humiliation and terror. As he attests in his affidavit so movingly, his sister Awina, whom he had hoped to see on his visit home, has passed away in the meantime, and because of his mortal fear of ever setting foot in Palestine again, he never again had a chance to see her.

B'Tselem notes that the GSS still uses all of the methods as a routine matter of interrogation procedure, as we find in John Doe's (VII) affidavit:

The GSS methods include holding the interrogees [sic] in prolonged isolation from the external world and in filthy and unsanitary conditions, sensory isolation, and disorientation. The interrogators deprive interrogees of sleep for extended periods, threaten and curse at them, and shackle them for prolonged periods so tightly as to cause pain. Interrogators compel interrogees to kneel or bind them in positions that lead to extreme pain and exhaustion. They also use direct physical violence, such as shaking, beating, and kicking.¹⁰⁸

¹⁰⁸ B'Tselem, note *supra*, at 6.

Similarly, **Plaintiff John Doe (VI)**, a thirty-one year old American who is a partner in a pizzeria in Miami, tells a terrifying story of his arrest at Allenby and his subsequent torture and ill treatment at the hands of the GSS. He went to the West Bank in October 1998 to visit his childhood home and see his family there. After about two weeks, he went to visit his sister in Jordan, by means of Allenby Bridge. As in John Doe's (VII) case, John Doe (VI) was detained at the crossing, and arrested, accused of being a member of a terrorist organization. The substance of this absurd charge was eventually revealed to him: his sponsorship, through a charitable group, of an Arab child for twenty-five dollars per month, in the style of the late-night television fund-raising group, "Save the Children," was characterized by his tormentors as sending money to terrorists. But John Doe (VI) would not learn this until he had spent weeks in filthy cells, being interrogated daily and subjected to the harshest treatment. All of the classic repertoire of Israeli torture is on display in the case of John Doe (VI) : the shackling and *shabeh* restraint; the suffocating hood; the blasting rock music; death threats; sleep deprivation and withholding of food; the confession written in Hebrew, which he can't read, urged on him repeatedly; the use of other 'prisoners,' working for his interrogators, to threaten him with violence; the threats against his family; being stripped naked and exposure to cold. At one point in his detention, he was shackled painfully to a small chair and left there alone for three days; his hands swelled up grotesquely,

and John Doe (VI) still has nightmares about the ordeal. Throughout his detention, he demanded a lawyer and visits from the Consular office, but the soldiers and agents mostly laughed at him, and abused him even more. (See annexed hereto as Exhibit Q the affidavit of John Doe (VI)].

Throughout it all, John Doe (VI) states, the image of his eight year old boy sustained him and kept him from losing his mind, giving him the will to resist his torturers. In the end, he spent forty days in extreme treatment, and was released to the West Bank, but with a special restriction on his U.S. Passport that forbade him to leave the area for another thirty to forty-five days. Even in this matter—a situation in which one might think the American Consular officials would show concern for the clear violation of the rights of one of its nationals, with a citizen's human and civil rights so blatantly trampled upon—no assistance from the Consulate was forthcoming. In all, John Doe (VI) would not return home to Miami until late in the following January, some seventy-five days so since he had left home.

The Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, to which Israel is party, defines torture as intentionally inflicted "severe pain or suffering, whether physical or mental" on a person to

obtain, among other purposes, "information from him or a third person."¹⁰⁹ The convention unequivocally prohibits torture under any circumstances. Art. 2 (2). Other conventions, such as the Covenant on Civil and Political Rights (Art. 7), and conventions dealing with the laws of war,¹¹⁰ prohibit torture and other forms of cruel, inhuman, or degrading treatment and punishment (hereafter: ill-treatment) in all circumstances. The prohibition on torture and ill-treatment is, therefore, absolute, and no "exceptional" circumstances may justify derogating from it.

The Washington Report on Middle East Affairs reports that

John Dugard, the United Nations Human Rights Commission special rapporteur in the Occupied Territories, has released a report criticizing both sides of the ongoing conflict and expressing distinct concern over Israel's treatment of Palestinian children held in Israeli prisons. According to the March 28 *Arab News*, Dugard put the number of Palestinians under the age of eighteen arrested or detained since September 2000 at around 1,000. Over 90% of those, Dugard noted, were arrested on suspicion of throwing rocks at Israeli soldiers. The evidence Dugard collected "indicates fairly convincingly that children are subjected to inhuman treatment, probably amounting to torture in terms of the torture convention." He said the children were held for lengthy periods while being interrogated, blindfolded, forced to sit or stand in uncomfortable positions, denied food or sleep, and occasionally assaulted. Israel, Dugard noted, is 'the state in the region that is probably most firmly committed to the rule of law within its own territory. But when it comes to the treatment of Palestinians

¹⁰⁹ Art. 1(1) of the convention was adopted by the UN General Assembly in 1984 and took effect in 1987. Israel ratified the convention in 1991.

¹¹⁰ For example: The Hague Regulations of 1907, art. 4, dealing with prisoners of war, and art. 44, regarding civilians; art 3(1), common to the four Geneva conventions of 1949, regarding a non-international conflict; the Third Geneva Convention, articles 13-17, and others, regarding prisoners of war; the Fourth Geneva Convention, articles 27, 31, and 32, regarding civilians under enemy control.

outside its territory, there seems to be a lack of concern for human rights and this I find very disturbing.’ ”¹¹¹

The official silence on the part of the U.S. government is perhaps even more disturbing, given the extensive documentation of Americans whom Israel has tortured. It is difficult to think of another country that has treated U.S. citizens in such numbers with such a heavy hand in recent times without earning a White House protest or caution. Yet the U.S. has never acknowledged publicly that Israel is a torture regime. Whatever reasons the U.S. might supply for its silence, it cannot claim ignorance. As witness **Jerri Bird**, who has studied the issue of torture in the Occupied Territories for many years (and has had significant contact with the career foreign service culture) notes in her affidavit, by 1978 the consular section of the Jerusalem consulate general had sent over 40 reports on Israeli mistreatment of Palestinian political prisoners in Jerusalem and the West Bank to the State Department. And in the ensuing years, the State Department was informed on at least two occasions by consular staff that Americans had been tortured. (See annexed hereto as Exhibit R, affidavit of Jerri Bird.) Since that time, a steady and solid body of evidence has made its way to Washington indicating that Israel is a torture state and has tortured Americans on many occasions—certainly enough to have warranted after twenty-five years an

¹¹¹ *Washington Report on Middle East Affairs*, June/July 2002—Vol XXI, No.5.

investigation. But sadly, the government apparently does not feel that the vast sums of taxpayer dollars paid to Israel by the U.S. entitles Americans to know about this dirty secret—all our billions do not buy us any truth in this regard.

XVI. THE MASSACRE AT SABRA AND SHATILA REFUGEE CAMPS, SOUTHERN LEBANON, SEPTEMBER 16-18, 1982

Much has been written about the massacre at the Sabra and Shatila refugee camps between the 16th and 18th of September, 1982. Although as many as several thousand civilians were slaughtered and many more injured, to date the victims and survivors of the massacres of Sabra and Shatila, including Americans, have never had their day in court, whether in Lebanon, Israel or elsewhere. This act of genocide could not and would not have occurred without the direct knowledge and approval of then-Minister of Defense Ariel Sharon and others with the IDF. Perhaps no account provides a more powerful and chilling recitation of the absolute evil that unfolded during those seventy-two hours some two decades ago than the complaint recently filed against Ariel Sharon, and others, by counsel for twenty-three plaintiffs in Belgium seeking damages for war crimes and like offenses.¹¹² With their permission we have borrowed liberally from their pleadings as it provides a concise and comprehensive framework upon which to view the

¹¹² The complaint which was initiated against Sharon in Belgium on June 18, 2001 was dismissed on June 26, 2002 by an appeals court not on substantive but procedural grounds because Sharon, who had refused to accept service of

carnage, which ultimately rests at the doorstep of Ariel Sharon, long before he became Prime Minister of Israel.

Israeli ground troops officially began their invasion of southern Lebanon on June 6, 1982 by land, sea and air, aiming to strike a death-blow at the PLO while simultaneously serving the interests of the “Greater Israel” agenda. While Israel suggested that the invasion of 60,000 ground troops led by 500 tanks was in response to the attempted assassination of the Israeli ambassador Argov in London by a dissident Palestinian organization on the 4th of June, there is little credence to that assertion.¹¹³ Indeed, the long-prepared Israeli operation, which was christened “Peace in the Galilee”, had been on the drawing board for months awaiting only a convenient excuse to execute the plan.

Initially, the Israeli government had announced its intention to penetrate “only” 40km into Lebanese territory, ostensibly for “security” purposes. The attack however escalated almost immediately, as Sharon crossed various lines on the map that he had vowed he would not cross in order to undertake a far more ambitious and violent offensive. Having quickly occupied the south of the country where it

the complaint or to travel to Belgium while it pended, “could not be found” in Belgium. The case is currently on appeal to the Supreme Court of Belgium.

¹¹³ It is widely believed that Israel seized upon the attack on the ambassador as a pretext to invade Lebanon not just to crush the PLO --which had begun to resemble very much a regular fighting force based in Lebanon, with uniforms, command structure, transports and logistics, and which was recognized diplomatically by more than fifty states, had established more than 100 missions, had won observer status in the United Nations and had insinuated a loose bureaucratic structure employing some 8,000 civil servants --but to Intervene in the Lebanese civil war, then seven years old, on the side of its allies, the Phalange, a Maronite Christian party that it hoped to use as a hedge against Syrian and Muslim influence in the region.

inflicted widespread injury to Palestinian and Lebanese civilians, Israeli troops soon penetrated as far as Beirut itself. By June 18, 1982 they had surrounded the Palestine Liberation Organization's armed forces in the west side of the town. From that vantage point the IDF not only shelled Beirut by aircraft, artillery and gunboat, but attacked its airport and inserted troops to encircle the southern half of the city.¹¹⁴

According to Lebanese statistics, operation "Peace in the Galilee", caused in excess of 18,000 deaths and 30,000 injuries, largely as a result of Israel's intensive shelling of Beirut, where most of the victims were civilians.

After several months of fierce fighting, a ceasefire among all of the combatants including Israel was eventually negotiated through Phillip Habib, the United States special envoy to the region. Pursuant to the terms of the truce, it was agreed that while the PLO would evacuate Beirut, under the supervision of a multinational force deployed in the evacuated part of the town, West Beirut was to be garrisoned by the Lebanese army. Most important, the Palestinian leadership was given American guarantees for the safety and security of the civilians who remained in the camps after their departure. The evacuation of the PLO concluded on September 1, 1982, leaving the refugee population of the camps—mostly

¹¹⁴ In addition to this offensive, Israeli troops simultaneously pushed as far northeast as the Bek'aa Valley and crossed the Damascus Highway thereby flirting with a full-scale confrontation with Syria.

women, children and the old and infirm— to fend for themselves, without their Palestinian protectors.

On September 10, 1982, the multinational forces left Beirut. The following day, Mr. Sharon unilaterally announced that "2,000 terrorists" had remained inside the Palestinian refugee camps around Beirut. This refrain, which continues to be Ariel Sharon's call to arms some twenty years later in the Occupied Territories, proved ominous indeed as it set the stage for what was quickly to follow. On Wednesday September 15, after the previous day's assassination of Phalangist President-elect Basher Gemayel, the Israeli army occupied West Beirut, "surrounding and sealing" the camps of Sabra and Shatila, which were inhabited entirely by a population of Palestinians and Lebanese civilians, the entirety of armed resistors (more than 14,000 people) having evacuated Beirut and its suburbs pursuant to the armistice.

Historians and journalists agree that it was probably during a meeting between Ariel Sharon and Bashir Gemayel, the leader of Arab Christians, in Bikfaya on the 12th of September that an agreement was concluded to authorize the "Lebanese forces" to "mop up" these Palestinian camps. Sharon's intention to send the Phalangist forces into West Beirut had however already been announced by him on July 9, 1982 and in his biography, he confirms having finalized the operation during his meeting in Bikfaya.

According to Ariel Sharon's declarations in the Knesset (Israeli parliament) on September 22,1982, the entry of the Phalangists into the refugee camps of Beirut was decided on Wednesday September 15,1982. Also according to General Sharon, the Israeli commandant had received the following instruction: "The Tsahal¹¹⁵ forces are forbidden to enter the refugee camps. The "mopping-up" of the camps will be carried out by the Phalanges or the Lebanese army." Having been advised by Sharon that the Phalanges were preparing to enter the camps his chief of staff Lt. General Rafael Eitan responded, "They're thirsty for revenge. There could be torrents of blood."¹¹⁶ Yet Sharon ignored this and subsequent warnings, clearly preferring that Israel's allies clean out the camps.

At dawn on September 15, 1982, Israeli fighter-bombers began flying low over West Beirut in order to assist Israeli ground troops as they made their way into that district of the war torn capital. Encountering little or no resistance at all, General Sharon was present to personally direct the Israeli penetration, installing himself by 9:00 a.m. in the general army area at the Kuwait embassy junction situated at the edge of Shatila. From the roof of this six-story building, it was possible to clearly observe the town and the camps of Sabra and Shatila.

By early afternoon, the camps of Sabra and Shatila—in reality a single zone of refugee camps in the south of West Beirut divided by a narrow street—were

¹¹⁵ In Hebrew, Tsahal is the acronym for the Israeli Defense Forces, Tsavah Haganah L'Israel.

completely surrounded by Israeli tanks and soldiers, who had installed checkpoints all around the camps thereby permitting for surveillance of the entrances and exits. No resistance whatsoever was encountered from the camps. During the late afternoon and evening, the camps were bombarded with shells.

By Thursday September 16, 1982, the Israeli army controlled all of West Beirut. In a release, the military spokesperson declared, "Tsayal controls all the strategic points of Beirut. The refugee camps, including the concentrations of terrorists, are surrounded and closed." In the morning of September 16, the following order was issued by the army high command: "The searching and mopping up of the camps will be done by the Phalangists/Lebanese army." The operation itself was carried out under the direct supervision of Elie Hobeika, the long time leader of the Phalangist militia.

During the morning, shells were fired down towards the camps from high locations and Israeli snipers were shooting down at people in the streets. At about midday, the Israeli military command under the direct control of Defense Minister Sharon and commanded by General Amos Yaron, field commander for West Beirut, in concert with forces under the command of Major Sa'ad Haddad, the commander of Christian forces in Lebanon, gave the Phalangist militia a green light to enter the refugee camps. As evening fell, the IDF forces allowed a unit of

¹¹⁶ Morris, *op cit.*, p. 541.

approximately 150 heavily armed Phalangists to pass through their lines and to enter the camps from the south and southwest- while the IDF provided air and ground support—all of this battle preparation was readied for the camps' thousands of unarmed inhabitants.

At that point, General Drori, the commander of the Israeli army in Lebanon, telephoned Ariel Sharon and announced, "Our friends are advancing into the camps. We have coordinated their entry." Sharon replied, "Congratulations! Our friends' operation is approved."

For the next 40 hours inside the surrounded and sealed camps, the Phalangist militia raped, killed and injured a large number of unarmed civilians, mostly children, women and old people.¹¹⁷ More than a few bodies were left booby trapped with explosives. These actions were accompanied or followed by systematic roundups, backed or reinforced by the Israeli army, resulting in dozens of disappearances.

Throughout the course of the massacre the Israeli army knew perfectly well what was going on in the camps as its leaders were in constant contact with the militia leaders. As noted, the IDF not only took up positions surrounding the two neighboring camps thereby preventing civilians from escaping a certain death, but ensured that the dark alleys and streets of the crowded refugee camps remained

¹¹⁷ In addition to the thousands of Palestinian victims, several foreign nurses and doctors were killed as well.

illuminated throughout the night of the attack by shooting flares into the sky from helicopters and mortars. General Yaron's command staff, having been informed of the killings while they were in progress, even allowed the Phalange to re-enter the camps with a bulldozer, presumably to dispose of the mass of corpses.¹¹⁸ No resistance was ever offered by the camp's inhabitants; indeed, as noted, the PLO had long since retreated from the area, and there were no weapons found among the residents.

Journalist Robert Fisk was one of the first people to enter the Shatila camp as the Phalangists were finishing their work and withdrawing. He describes in detail the position of the Israeli forces and the comportment during the massacre, and their clear view of all the events that transpired within; but most of all, he gives a Breughelian vision of the hell-on-earth that the camp became for its inhabitants:

They were everywhere, in the road, in laneways, in back yards and broken rooms, beneath crumpled masonry and across the top of garbage tips. The murderers—the Christian militiamen whom Israel had let into the camps to “flush out terrorists”—had only just left. In some cases, the blood was still wet on the ground. When we had seen a hundred bodies, we stopped counting. Down every alleyway, there were corpses—women, young men, babies and grandparents—lying together in lazy and terrible profusion where they had been knifed or machine-gunned to death. Each corridor through the rubble produced more bodies. . . . Perhaps a thousand people were butchered, probably half that number again. . . . Even while we were there, amid the evidence of such savagery, we could see the Israelis watching us.

¹¹⁸ Chomsky, *The Fateful Triangle*, p. 362.

From the top of the tower block to the west . . . we could see them staring at us through field-glasses, scanning back and forth across the streets of corpses, the lenses of the binocular sometimes flashing in the sun as the gaze ranged through the camp.¹¹⁹

Fisk describes scenes of surreal devastation as he walks the corpse-littered streets of Shatila camp in those first hours of the massacre's aftermath. During the long night and part of a day, Phalangists had separated the men left in the camp and summarily executed many of them against walls; others were taken to a nearby sports stadium and kept in "cells" for interrogation by Shin Bet and militia men, or simply executed. But the bodies of murdered women, children and the elderly provided the images that seared people's minds with the horror of mass murder.

The massacre of between 700 (the official Israeli figure) and 3,500 (notably in the inquiry launched by the Israeli journalist Kapeliouk) shocked the world in its savage barbarity, as millions of people saw televised images of the carnage. The camps themselves were already devastated by weeks of fighting, and were a "scarcely inhabitable"¹²⁰ ruin of huts to which many homeless Palestinians had returned over the summer out of desperation. The exact figure will never be determined because in addition to the approximately 1,000 people who were buried in communal graves by the ICRC or in the cemeteries of Beirut by members of their families, a large number of corpses were buried under bulldozed buildings by

¹¹⁹Fisk, *op. cit.*, at p. 359.

¹²⁰*Ibid.*, pp. 403-405.

the militia themselves.¹²¹ Also, throughout the 17th and 18th of September, hundreds of civilians were carried away alive in trucks as they passed through Israeli checkpoints towards unknown destinations, never to return.

Plaintiff John Doe (XVII), a resident alien and soon to be U.S. citizen, was twenty-one years old at the time of the massacre, and had been living in the Sabra camp with relatives for a short period of time. That afternoon, he witnessed an initial air attack by helicopters on the camp that came from the direction of a nearby football stadium. He states that approximately five minutes later a rocket or a missile tore into the building where he was located although he cannot say with any degree of certainty whether the building was hit by air or ground fire. While he was watching a helicopter with his two cousins and a fifteen year old neighbor from a second story window, an explosion tore the head off the older boy; John Doe (XVII) and his cousins were also wounded, one cousin very seriously with extensive wounds to the abdomen, and they jumped out the window of the building and ran to safety. John Doe (XVII) had many shrapnel wounds in his limbs and feet. Down in the street, he immediately saw militia men running and shooting everywhere, killing the Palestinians wherever they found them—Palestinians whom he knew as neighbors. With three others, he made his way by dark to the camp dump and hid there among the debris. While hiding in the dump

¹²¹ Some twenty years later this practice has become standard fare for the IDF, most notably during the siege of the

for more than twenty-four hours, he was able to watch the carnage as the Phalange militia killed with abandon. John Doe (XVII), these twenty years later, still sees those corpse-strewn alleys with the clarity of one who can never forget such horror. He specifically recalls today the pregnant women slaughtered like animals. He also recalls that many of the marauding troops wore Israeli uniforms; this curious fact has been recorded by others,¹²² and it is known that Israel supplied everything from boots to uniforms to rifles to the Christian forces in Beirut. But John Doe (XVII) mentions that at least some of the soldiers wearing Israeli uniforms were speaking Hebrew, a language he is very familiar with from his childhood in Jerusalem. Following the withdrawal of the Phalangists and their Israeli protectors, other survivors of the bloodbath took John Doe (XVII) to a nearby hospital where he was admitted and received treatment for some three weeks for his various injuries. (See annexed hereto as Exhibit S affidavit of John Doe (XVII)].

Today, John Doe (XVII) continues to carry the physical and emotional scars that he and countless others¹²³ suffered under the gaze of Ariel Sharon during the fateful period of the 16th through the 18th of September of 1982: they remain vivid and clear, as if inflicted yesterday; they stand as a stark and ever present reminder

Jenin refugee camp, in the West Bank, during Operation "Defensive Shield."

¹²² See, for example, Fisk, *op cit.*, at p. 369.

of the horror he experienced as a young man in two refugee camps known as Sabra/Shatila while the world watched, largely in silence.

On September 19, 1982 the United Nations Security Council condemned the massacre with Resolution 521. This condemnation was followed by a General Assembly resolution on December 16, 1982 qualifying the massacre as an “act of genocide.”

After 400,000 people took to the streets in protest over the massacre, the Israeli parliament (Knesset) named a commission of inquiry presided over by Mr. Yitzhak Kahan in September 1983. Israel’s role in the massacre has never been in doubt, and was demonstrated by abundant evidence at the Kahan Commission when the Israeli judiciary examined the IDF’s complicity in the atrocities at Sabra and Shatila. As Israeli historian Benny Morris recounts regarding evidence adduced at the Commission

At. 6:50 [Gen.] Yaron’s aides monitored an exchange between Khobeika and one of his subordinates, who asked what to do with fifty women and children he had rounded up. Khobeika: “That’s the last time you ask me. You know what to do.” The next morning, reports continued to filter in to the IDF headquarters. A tank company commander, looking into one of the camps, noticed Phalangists leading away some Palestinians. He then heard shots and saw the Phalangists return without their captives. That afternoon, he saw Phalangists shooting a group of women and children. Ze’ev Schiff, the military correspondent of *Ha’Aretz*, spoke with officers in

¹²³ For additional first hand accounts of the events at Sabra and Shatila during the period of September 16-18 of 1982 see Appendix B containing the personal recollections of more than two dozen survivors of the massacre who are plaintiffs and witnesses in the suit pending against Ariel Sharon in Belgium.

general staff headquarters in Tel Aviv and, worried, contacted Communications Minister Zippori. In turn Zippori contacted Foreign Minister Shamir—but Shamir did nothing. Yaron, though sensing that something was wrong, allowed a second, fresh force of Phalangists, led by the [Lebanese Forces] chief of operations, Fuad Abu Nader, into the camps to complete the “cleanup.”¹²⁴

Noam Chomsky, writing in *Fateful Triangle*, his study of Israeli-U.S. relations against the background of the Lebanon war, cites Professor Yeshayahu Leibovitz of the Hebrew University, and the editor of the *Encyclopedia Hebraica*, as drawing the only fit moral conclusion about Israel’s culpability:

. . . the massacre was done by us. The Phalangists are our mercenaries, exactly as the Ukrainians and the Croatians and the Slovaks were the mercenaries of Hitler, who organized them as soldiers to do the work for him. Even so we have organized the assassins in Lebanon in order to murder the Palestinians.¹²⁵

In spite of the judicial limitations of the Kahn commission's mandate which was purely political in nature and the total absence of the voices and demands of the victims themselves, the Commission concluded that while Phalangist leader Elie Hobeika bore direct command responsibility for what had occurred in the camps,¹²⁶ the Minister of Defense, Ariel Sharon was personally culpable as well for

¹²⁴ Morris, *op cit.*, p. 541-2.

¹²⁵ Chomsky, *op cit.*, p. 386-7.

¹²⁶ On June 24, 2002, shortly after the final pretrial hearing before the Belgian court that was handling the case against Ariel Sharon, Hobeika and five others were killed in a mysterious car bombing in Beirut. Hobeika’s assassination followed a widely reported interview with the English language newspaper, *The Daily Star*, in which he indicated that he possessed new taped evidence that would further implicate Sharon “more directly” in the massacres. Hobeika’s claim was reiterated soon thereafter during a meeting he held with two Belgian Senators, including Sen. Josy Dube, when he noted his willingness to testify against Ariel Sharon at his up-coming trial.

the massacre at Sabra and Shatila. With regard to Sharon's responsibility the Commission specifically found:

that responsibility is to be imputed to the minister of defense for having disregarded the danger of acts of vengeance and bloodshed by the Phalangists against the population of the refugee camps, and having failed to take this danger into account when he decided to have the Phalangists to enter the camp Responsibility is to be imputed to the minister of defense for not ordering appropriate measures for preventing or reducing the danger of a massacre as a condition for the Phalangists entry into the camps. These blunders constitute the non-fulfillment of a duty with which the defense minister was charged.

Upon the insistence of the Commission, Mr. Sharon resigned from his post of Minister of Defense.

XVII. CONCLUSION

The Plaintiffs in this case collectively present a profile of the American immigrant or child of immigrants who has embraced this country to partake in its freedoms and contribute to its strength. Yet simultaneously, each carries within himself the memory of dark days in their homeland, or family tragedy bound up with history, or worse still, the memory of sheer terror. Many of these Americans share the common burden of the Palestinian experience of statelessness, disenfranchisement and subjugation. Many of the Plaintiffs spent considerable

Agence France Press, 25 January, 2002. After his murder, Hobeika was described by the legal team prosecuting Sharon as not just a "key protagonist" in the events, but one who had offered to assist them in the upcoming trial.

time reinventing themselves as Americans, succeeding in business, achieving material success and personal triumph. All kept their ties to their troubled homeland intact and vital, and some of the Plaintiffs even took some of the American experience and exported it to the place of their birth.

Yet while their individual achievements in becoming Americans, raising families and contributing to this country's richness is testament to the opportunity that is this country's chief national value, they need only travel home to their ancestral Palestinian farms or villages or cities to find themselves stripped of all dignity and humanity at the hands of an occupation force that sees them collectively as little more than fodder for its machinery of war.

The plaintiffs in this case were not and are not militants or terrorists, labels which Israel and others all too often and easily assign to their victims out of a desperate need to dehumanize them; to justify the crimes which they perpetrate against them no matter what their age, their gender, their position, their beliefs-their individual conduct. Most of the victims in this case are American citizens. Several are resident aliens. None of them or the persons they survive perpetrated any crime, committed any wrongdoing, or posed any threat before they were killed, injured or tortured; before their homes were bombed, their businesses razed and their property taken; before their lives were forevermore torn asunder, if not destroyed. They are young, they are old. They are male, they are female. They

are mothers, they are fathers; they are sons they are daughters. They are students, workers, professionals and farmers. They are pious, they are secular. They are urban, they are rural. They have lived different lives in different places in different times. Although they are as different as different can be, one thread binds their common experience and thus their common suffering—they are Palestinian. These Palestinian-Americans seek nothing more of this Court than that which they have been denied for more than five decades in their ancestral homeland— justice.

STANLEY L. COHEN, Esq., an attorney admitted to practice as such, hereby affirms under pain and penalty of perjury and pursuant to the Federal Rules of Civil Procedure that the herein information is true based upon personal knowledge or upon information and belief, the sources being investigation of the facts and circumstances related to the instant complaint and discussions had with plaintiffs and witnesses to the events complained of.

Dated: New York, New York
on this day of July, 2002

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APPENDIX A

DEATHS OF PALESTINIAN CHILDREN AT THE HANDS OF THE IDF & SETTLERS

SEPTEMBER 2000 - 2002¹²⁷

DATE	NAME	AGE	CAUSE OF DEATH	PLACE
9/30/ 2000	Nizar Aida	16	Killed by Israeli forces gunfire to chest	Ramallah
9/30	Khaled Bazyan	15	Killed by Israeli forces gunfire to head	Nablus
9/300	Muhammad Al-Durrah	12	Killed by Israeli forces gunfire to abdomen and chest	Bureij camp, Gaza
10/1	Muhammad Dawood	15	Killed by Israeli forces gunfire to head	el-Bireh
10/1	Sara Hassan	18 mos.	Killed in car by Israeli settler gunfire to head	Nablus
10/1	Samer Tabanja	10	Killed by Israeli forces helicopter gunfire to head	Nablus
10/1	Sami Taramsi	17	Killed by Israeli forces gunfire to head	Gaza
10/2	Wael Qattawi	16	Killed by Israeli forces gunfire to head	Balata camp
10/2	Muhammad Sajdi	17	Killed by Israeli forces gunfire to abdomen	Jericho
10/3	Husam Hamshari	16	Killed by Israeli forces gunfire to head	Tukarm
10/3	Ammar Rifai	17	Killed by Israeli forces gunfire to head	Maghazi camp
10/4	Muhammad Abu Asi	9	Killed by Israeli forces gunfire to chest	Khan Younis
10/6	Majdi Misilmani	15	Killed by Israeli forces gunfire to heart	Beit Hanina

¹²⁷This list which ends with March of this year does not purport to be a complete accounting of all the children who have been killed during the *intifada* as it does not include those who are missing, or those for whom there is incomplete information, or those who are the children of families which have been displaced.

DATE	NAME	AGE	CAUSE OF DEATH	PLACE
10/6 2000	Muhammad Tammam	17	Killed by Israeli forces gunfire to chest	Tulkarm
10/9	Yusif Khalaf	17	Killed by Israeli forces gunfire to head	Rafah
10/11	Sami Silmi	17	Killed by Israeli forces gunfire to chest	Tulkarm
10/12	Sami Abu Jazar	12	Killed by Israeli forces gunfire to head	Rafah
10/14	Ala Ahmad	10	Died of burst appendix after Israeli forces denied access to hospital	Nablus
10/16	Muayad Abu Jawarish	14	Killed by Israeli forces gunfire to head	Aida camp, Bethlehem
10/20	Muhammad Abu Tahun	17	Killed by Israeli forces gunfire to chest and neck	Tulkarm
10/20	Samer Awaisi	15	Killed by Israeli forces gunfire to upper body	Qalqilya
10/20	Ala Bani Nimra	13	Killed by Israeli forces gunfire to chest	Salfit
10/21	Omar Ibheisi	16	Killed by Israeli forces gunfire to upper body	Deir el-Balah
10/21	Majid Hawamdeh	15	Killed by Israeli forces gunfire to head	el-Bireh
10/22	Salah Nijmi	15	Killed by Israeli forces gunfire to heart	Maghazi camp
10/22	Wael Emad	16	Killed by Israeli forces rubber coated bullet to head	Jabalyah camp
10/23	Ashraf Habayeb	15	Killed by Israeli forces gunfire to head	Nablus
10/24	Nidal Dbeki	17	Killed by Israeli forces gunfire (fragmenting bullet) to abdomen	Gaza
10/24	Iyyad Shath	14	Killed by Israeli forces rubber coated bullet to head	Khan Younis
10/26	Ala Jawabra	14	Killed by Israeli forces gunfire to head	Hebron
10/27	Bashir Shalawit (Deaf)	16	Killed by Israeli forces gunfire to abdomen	Qalqilya

DATE	NAME	AGE	CAUSE OF DEATH	PLACE
10/29 2000	Husni Najjar	14	Killed by Israeli forces gunfire to head	Rafah camp
11/1	Ahmad Abu Tayeh	13	Killed by Israeli forces gunfire to head	Shati camp
11/1	Muhammad Hajjaj	15	Killed by Israeli forces gunfire to head	Gaza
11/1	Ibrahim Omar	15	Killed by Israeli forces gunfire to chest	Shati camp
11/2	Khaled Khatib	17	Killed by Israeli forces gunfire to chest	Jerusalem
11/3	Rami Abdel-Fattah	15	Killed by Israeli forces gunfire (fragmenting bullet) to upper body	Jerusalem
11/5	Maher Saidi	16	Killed by Israeli forces gunfire to head	Bureij camp
11/6	Wajdi Hattab	13	Killed by Israeli forces gunfire to chest	Tulkarm
11/6	Muhammad Jazar	16	Killed by Israeli forces gunfire to head	Rafah camp
11/6	Muhammad Taban	17	Killed by Israeli forces gunfire to back	Deir el-Balah
11/7	Ahmad Khuffash	7	Hit by a car driven by Israeli settlers	Salfit
11/8	Ibrahim Qassas	17	Killed by Israeli forces gunfire to head	Khan Younis
11/8	Muhammad Abu Ghali	15	Killed by Israeli forces gunfire to chest	Khan Younis
11/8	Khalil Abu Saad	15	Killed by Israeli forces gunfire to chest	Shati camp
11/8	Khaled Abu Zahra	17	Killed by Israeli forces gunfire to upper body	Nur Shams camp
11/8	Raed Dawood	14	Killed by Israeli forces gunfire (fragmenting bullet) to pelvis	Salfit
11/8	Fares Audeh	16	Killed by Israeli forces gunfire to upper body	Hebron
11/10	Usama Azouka	14	Killed by Israeli forces gunfire to upper body	Jenin

DATE	NAME	AGE	CAUSE OF DEATH	PLACE
11/10/2000	Usama Jirjawi	17	Killed by Israeli forces gunfire to chest	Gaza
11/11	Musa Dibs	15	Killed by Israeli forces gunfire to chest	Jabliyah campt
11/12	Mahmoud Abu Naji	16	Killed by Israeli forces sniper fire to chest	Khan Younis
11/13	Yahya Abu Shamalah	17	Killed by Israeli forces sniper fire to back and heart	Khan Younis
11/14	Muhammad Ajla	13	Killed by Israeli forces gunfire to head	Gaza
11/14	Saber Barash	15	Killed by Israeli forces gunfire to upper body	Amari camp
11/15	Jadou Abu Iqbash	16	Killed by Israeli forces gunfire to chest	Hebron
11/15	Ahmad Basal	13	Killed by Israeli forces gunfire to heart and back	Deir el-Balah
11/15	Ibrahim Jeaidi	15	Killed by Israeli forces gunfire (fragmenting bullet) to upper body	Qalqilya
11/15	Muhammad Shurafi	17	Killed by Israeli forces gunfire to head	Gaza
11/16	Jihad Abu Shahmeh	11	Killed by Israeli forces gunfire to head	Khan Younis
11/17	Muhammad Abu Rayan	16	Killed by Israeli forces gunfire to face	Halhoul
11/19	Abdul Rahman Dahshan	14	Killed by Israeli forces gunfire to chest	Maghazi camp
11/20	Ibrahim Othman	16	Killed by Israeli forces gunfire to upper body	Rafah
11/21	Yasser Abdul Rahim	16	Killed by Israeli forces gunfire to chest	Tulkam
11/22	Ibrahim Moqanan	15	Killed by Israeli forces gunfire to head	Khan Younis
11/23	Maram Hassouna	3	Died of asphyxiation after inhaling Israeli forces tear gas	el-Bireh
11/24	Majdi Abed	15	Killed by Israeli forces gunfire to head	Gaza

DATE	NAME	AGE	CAUSE OF DEATH	PLACE
11/25	Abdul Minem Izzidin	17	Killed by Israeli forces gunfire to head	Jenin
11/28	Karam Kurd	14	Killed by Israeli forces gunfire to head	Rafah
11/29	Muhammad Mashrawi	14	Killed by Israeli forces gunfire to head	Gaza
11/30	Wael Badan	17	Killed by Israeli forces gunfire to upper body	Bethlehem
11/30	Shadi Zaghoul	14	Hit by a car driven by Israeli settler and left to bleed to death	Husan
12/1	Muhammad Arja	12	Killed by Israeli sniper fire to neck	Rafah
12/5	Ramzi Bayatnah	15	Killed by Israeli forces gunfire to head	Ramallah
12/8	Ammar Mashni	16	Killed by Israeli forces gunfire to head	Jerusalem
12/8	Mutaz Teilakh	16	Killed by Israeli forces gunfire to head	Rammallah
12/9	Salim Hameida	13	Killed by Israeli forces gunfire to head	Rafah
12/11	Ahmad Qawasmi	14	Killed by Israeli forces (point blank) gunshot to head	Hebron
12/15	Muhammad Dawood	16	Killed by Israeli forces gunfire to upper body	Nablus
12/20	Hani Sufi	14	Killed by Israeli forces gunfire to upper body	Rafah
12/22	Arafat Jabarin	16	Killed by Israeli forces gunfire to head	Hebron
12/31	Munther Abu Wahdan	13	Killed by Israeli forces gunfire to head	Hebron
1/7 2001	Infant Girl Obeisi		Died because Israeli forces denied mother access to medical care	Nablus
1/14	Omar Khaled	10	Killed by Israeli forces gunfire to head	el-Bireh
1/21	Muhammad Sharif	16	Killed by Israeli forces gunfire to chest	Rafah

DATE	NAME	AGE	CAUSE OF DEATH	PLACE
2/9/2001	Ahmad Abu Huli	16	Killed by Israeli forces gunfire to abdomen	Deir el-Balah
2/13	Bilal Ramadan	14	Killed by Israeli forces gunfire to chest	Burej camp
2/26	Husam Deesi	15	Killed by Israeli forces gunfire to various parts of the body	Qalandiya
3/2	Ubay Darraj	9	Killed by Israeli forces or settler gunfire to chest	el-Bireh
3/2	Muhammad Hellis	13	Killed by Israeli forces gunfire to upper body	Gaza
3/17	Murtaja Amer	17	Killed by Israeli forces rubber coated bullet to head	Qalqilya
3/20	Muhammad Nasser	10	Killed by Israeli settlers with stones or sharp implements	Jerusalem
3/23	Israa Ahmad	11	Died after being delayed from reaching hospital at Israeli checkpoint.	Nablus
3/27	Mahmoud Daraweesh	14	Killed by Israeli forces gunfire to chest	Hebron
3/28	Yehya Eid	12	Killed by Israeli forces exploding mine/shell lacerating his abdomen	Rafah
3/29	Mahmoud Abu Shehadeh	15	Killed by Israeli forces gunfire to upper body	Jabalyah camp
3/30	Ahmad Marahil	16	Killed by Israeli forces gunfire to abdomen	Nablus
4/1	Luay Tamimi	11	Killed by Israeli forces gunfire to head	Ramallah
4/5	Ahmad Attar	15	Killed by Israeli forces gunfire to chest	Deir el-Balah
4/11	Mahmoud Barakat	15	Killed by Israeli forces gunfire to head	Shati camp
4/12	Shawqat Alami	14	Killed by Israeli forces gunfire to neck	Hebron
4/17	Baraa Shaer	10	Killed by Israeli forces gunfire to head	Rafah

DATE	NAME	AGE	CAUSE OF DEATH	PLACE
4/17 2001	Hamza Ubeid	14	Killed by Israeli forces explosive bullet to chest	Gaza
4/17	Rami Gharib	16	Killed by Israeli forces gunfire to chest	El-Khader
4/23	Muhannad Muhareb	14	Killed by Israeli forces gunfire to head	Khan Younis
4/30	Malak Barakat	3	Killed by an explosion most likely caused by Israeli forces	Ramallah
5/5	Iman Hajjo	4 mos.	Killed by Israeli forces artillery shrapnel to back, head; severed limbs	Khan Younis
5/8	Hashem Mamlouk	17	Killed by Israeli forces gunfire to head	Gaza
5/11	Husam Tafesh	16	Killed by Israeli forces gunfire to waist, heart	Gaza
5/15	Muhammad Abu Jaser	17	Killed by Israeli forces gunfire to chest, heart	Jabalyah camp
5/16	Muhammad Salim	14	Killed by Israeli forces gunfire or sniper fire to back, abdomen	Bureij camp
5/24	Ala Buji	15	Killed by Israeli forces gunfire to heart	Rafah
5/31	Khalil Afana	13	Killed by shrapnel when Israeli forces blew up his home on May 30 th	Gaza
5/31	Ahmad Abu Hilu	17	Killed by Israeli forces gunfire to head, right eye	Hizma
6/10	Hikmat Malalha	17	Killed by Israeli forces artillery shrapnel to various parts of the body	Gaza
6/16	Suleiman Masri	12	Killed by Israeli forces gunfire or sniper fire to heart	Rafah
6/17	Ali Abu Shawish	12	Killed by Israeli forces gunfire to abdomen, heart, chest	Khan Younis
6/18	Adel Muqanan	16	Killed by Israeli forces gunfire to abdomen, heart, chest	Khan Younis
6/27	Mahmoud Imteir	17	Killed by Israeli forces gunfire to head, left eye, brain	Qulandiya

DATE	NAME	AGE	CAUSE OF DEATH	PLACE
7/1 2001	Ahmad Yassin	15	Killed by Israeli forces gunfire to neck	Gaza
7/7	Murad Masri	14	Killed by Israeli forces gunfire to head	Khan Younis
7/7	Khalil Moghrabi	11	Killed by Israeli forces gunfire to head	Rafah
7/17	Tarek Abu Dabaat	17	Died of a heart attack following Israeli forces shelling	Hebron
7/19	Diya Tmeizi	3 mos.	Killed by Israeli forces gunfire to head, back, various parts of body	Hebron
7/23	Rifat Nahhal	15	Killed by Israeli forces gunfire to back and heart	Rafah
7/31	Ashraf Abu Khader	10	Killed by Israeli forces helicopter fire during targeted assassination	Jenin
7/31	Bilal Abu Khader	12	Killed by Israeli forces helicopter fire during targeted assassination	Jenin
8/10	Ahmad Saqqa	17	Killed by Israeli forces silenced gunshot to abdomen	Gaza
8/11	Zahra Abu Shallouf	2	Died after Israeli forces denied access to medical care	Rafah
8/12	Sabreen Abu Sneineh	9	Killed by Israeli forces gunfire to forehead	Hebron
8/19	Muhammad Abu Arrar	13	Killed by Israeli forces gunfire or sniper fire to upper body	Rafah
8/19	Inas Abu Zeid	7	Killed by shrapnel from Israeli forces ground-to-ground missiles	Rafah
8/19	Suleiman Abu Zeid	6	Killed by shrapnel from Israeli forces ground-to-ground missiles	Rafah
8/22	Abdallah Atatrah	3	Died of drowning after Israeli forces denied access to medical care	Jenin
8/23	Muhammad Zurob	12	Killed by Israeli forces sniper shot to chest	Khan Younis
8/28	Tamer Zurob	17	Killed by Israeli forces gunfire to head	Rafah

DATE	NAME	AGE	CAUSE OF DEATH	PLACE
9/8 2001	Muhammad Abu Libdeh	13	Killed by Israeli forces gunfire to abdomen	Rafah
9/8	Khaled Batsh	3	Died of fractured skull due to fall during army/settler tear gas attack	Hebron
9/12	Balqis Arda	14	Killed by Israeli forces artiller shrapnel, to neck	Jenin
9/13	Ramzi Hassounah	16	Killed by Israeli forces gunfire to abdomen	Gaza
9/15	Imad Zurob	15	Killed by Israeli forces gunfire to abdomen	Khan Younis
9/23	Safdi Infant, Stillborn		Died after Israeli forces delayed mother access to medical care	Kablus
9/26	Mahmoud Qishta	16	Killed by Israeli forces gunfire to head	Rafah
9/27	Muawiya Nahhal	14	Killed by Israeli forces gunfire to upper body	Rafah
9/28	Muhsin Arrar	17	Killed by Israeli forces gunfire to upper body	Ramallah
9/28	Muhammad Tarayra	11	Killed by Israeli forces heavy tank fire to abdomen	Hebron
9/29	Khalil Fayyad	17	Killed by Israeli forces gunfire to head	Deir el-Balah
9/29	Mahmoud Sawwaf	12	Killed by Israeli forces gunfire to upper body	Gaza
10/3	Ibrahim Rayan	16	Killed by Israeli forces gunfire (20 shots) to various parts of body	Jabalyah camp
10/7	Issa Abu TabeeKh	17	Died of heart attack after Israeli forces denied access to medical care	Hebron
10/18	Riham Ward	12	Killed in her classroom by Israeli forces gunfire to upper body	Jenin
10/19	Basil Mubasher	13	Killed by Israeli forces explosive booby trap, various injuries	Khan Younis
10/20	Yusef Abayat	10	Killed by Israeli forces gunfire to upper body	Beit Sahur

DATE	NAME	AGE	CAUSE OF DEATH	PLACE
10/20 2001	Johnny Thaljia	17	Killed by Israeli forces gunfire to chest	Bethlehem
10/21	Ahmad Abu Mandil	17	Killed by Israeli forces gunfire to abdomen	Mahhazi camp
10/23	Nasser Qaran	14	Killed by Israeli forces gunfire to chest	Qalqilya
10/24	Abed Rabo Infant,Newborn		Died after Israeli forces denied access to medical care	Bethlehem
10/26	Fuad Dahshan	17	Killed by Israeli forces gunfire to various parts of the body	Gaza
11/12	Ahmad Abu Mustafa	13	Killed by Israeli forces gunfire to head	Khan Younis
11/18	Taher Kilani	17	Killed by Israeli forces gunfire to head	Jenin
11/22	Akram Astal	6	Killed by Israeli forces explosive device	Khan Younis
11/22	Anis Astal	10	Killed by Israeli forces explosive device	Khan Younis
11/22	Muhammad Naim Astal	13	Killed by Israeli forces explosive device	Khan Younis
11/22	Muhammad Sultan Astal	11	Killed by Israeli forces explosive device	Khan Younis
11/22	Omar Astal	12	Killed by Israeli forces explosive device	Khan Younis
11/23	Wael Radwan	15	Killed by Israeli forces gunfire to head	Khan Younis
11/25	Kifah Obeid	13	Killed by Israeli forces gunfire to chest	Kheisheh camp
12/1	Muhammad Abu Shahla	13	Killed by Israeli forces gunfire to head	Jenin
12/4	Muhammad Marsa	12	Killed by Israeli forces artillery shrapnel to various parts of the body	Shati camp
12/4	Nasser Qizmar	8 mos.	Died after Israeli forces denied access to medical care	Qalqilya

DATE	NAME	AGE	CAUSE OF DEATH	PLACE
12/10 2001	Shadi Arafeh	13	Killed by Israeli forces helicopter missile during targeted assassination	Hebron
12/10	Burham Himuni	3	Killed by Israeli forces helicopter missile during targeted assassination	Hebron
12/10	Muhammad Zakin	8 Hrs.	Died after Israeli forces denied access to medical care	Yamoun
12/11	Said Infant, Stillborn		Died after Israeli forces denied his mother access to medical care	Yamoun
12/13	Ahmad Masri	15	Killed by Israeli forces helicopter gunfire to upper body	Khan Younis
12/15	Mahmoud Ahmad	17	Killed by Israeli forces helicopter gunfire to head	Beit Hanoun
12/15	Imad Ghaleez	15	Killed by Israeli forces helicopter gunfire to head	Gaza
12/16	Suleiman Abu Hassan, Premature		Died after Israeli forces denied mother access to medical care	Qalandiya
12/16	Yasser Kussba	12	Killed by Israeli forces rubber coated bullet fired close-range to head	Qalandiya
12/20	Mahmoud Muqayyad	14	Killed by Israeli forces gunfire to chest	Gaza
12/21	Abdul Aziz Swarkeh	17	Killed by Israeli forces gunfire to chest	Gaza
12/21	Habib Radwan	14	Killed by Israeli forces gunfire to abdomen	Gaza
12/21	Khalil Saifi	17	Killed by Israeli forces gunfire to face	Gaza
12/21	Zakaria Nawajha	17	Killed by Israeli forces gunfire to chest	Gaza
12/21	Riad Ahel	17	Killed by Israeli forces gunfire to head	Gaza
12/21	Abdul Karim Ashqar	16	Killed by Israeli forces gunfire to chest	Gaza
12/30	Muhammad Madhoun	16	Killed by Israeli forces gunfire to various parts of the body	Gaza

DATE	NAME	AGE	CAUSE OF DEATH	PLACE
12/30 2001	Muhammad Labad	16	Killed by Israeli forces gunfire to various parts of the body	Gaza
12/30	Ahmad Banat	15	Killed by Israeli forces gunfire to various parts of the body	Gaza
1/18/ 2002	Muhammad Jawdeh	16	Killed by Israeli artillery wounds in various parts of the body	Rafah
1/25	Samer Kussba	14	Killed by Israeli forces gunfire to head	Ramallah
1/27	Safwat Khalil	17	Killed by Israeli forces explosion causing multiple injuries	Nablus
1/30	Tamer Kashour	17	Killed by Israeli forces gunfire to head	Jerusalem
2/1	Luay Adili	15	Killed by Israeli forces gunfire to head	Nablus
2/6	Fadi Azazi	16	Killed by Israeli forces gunfire to chest	Rafah
2/16	Masud Abu Jalal	16	Killed by Israeli forces gunfire to head	Gaza Wusta
2/18	Mona Bajasah	14	Killed by Israeli forces gunfire to head	Khan Younis
2/19	Muhammad Hashash	17	Killed by Israeli forces artillery shrapnel to heart	Nablus
2/21	Basil Attar	17	Killed by Israeli forces gunfire to chest	Rafah
2/21	Ihab Abdul Wahab	16	Killed by Israeli forces gunfire to chest	Rafah
2/23	Nora Shalhoub	15	Killed by Israeli forces gunfire to various parts of the body	Jenin
3/1	Ibrahim Tallaka	14	Killed by Israeli forces gunfire to back	Northern Gaza
3/1	Maria Abu Sariéh	9	Killed by Israeli forces gunfire	Jenin refugee camp
3/2	Inas Salah	7	Killed by Israeli forces gunfire shrapnel to various parts of the body	Northern Gaza

DATE	NAME	AGE	CAUSE OF DEATH	PLACE
3/3 2002	Ahmad Hashash	15	Killed by Israeli forces gunfire to abdomen	Nablus
3/4	Ayman Alem	17	Killed by Israeli forces gunfire to various parts of the body	Qalqilya
3/4	Shaima Masri	4	Killed by Israeli forces gunfire shrapnel to various parts of the body	Ramallah
3/4	Arafat Masri	16	Killed by Israeli forces gunfire shrapnel to various parts of the body	Ramallah
3/4	Aziza Abu Kweik	17	Killed by Israeli forces gunfire shrapnel to various parts of the body	Ramallah
3/4	Baraa Abu Kweik	14	Killed by Israeli forces gunfire shrapnel to various parts of the body	Ramallah
3/4	Muhammad Abu Kweik	8	Killed by Israeli forces gunfire shrapnel to various parts of the body	Ramallah
3/6	Khaled Subeih	16	Killed by Israeli forces gunfire to the head	Ramallah
3/8	Khaled Khairallah	10	Killed by Israeli forces gunfire to various parts of the body	Tulkarm
3/8	Said Abu Sufyan	15	Killed by Israeli forces gunfire to head	Jenin
3/9	Nidaa Izza	15	Killed by Israeli forces gunfire shrapnel to various parts of the body	Bethlehem
3/10	Muhammad Ghanem	16	Killed by Israeli forces gunfire to heart	Nablus
3/12	Rawan Jabrili	15	Killed by Israeli forces gunfire shrapnel to neck and chest	Hebron
3/15	Amani Awawdah	12	Killed by Israeli forces exploding mine	Deir el-Balah
3/15	Salem Awawdah	10	Killed by Israeli forces exploding mine	Deir el-Balah

DATE	NAME	AGE	CAUSE OF DEATH	PLACE
3/15 2002	Tarek Awawdah	9	Killed by Israeli forces exploding mine	Deir el-Balah
3/17	Shaima Hamad	11	Killed by Israeli forces gunfire to head	Rafah
3/17	Mujahed Abu Shabab	2	Killed by Israeli forces shelling	Rafah
3/20	Muhammad Mughrabi	11	Killed by Israeli forces gunfire to various parts of the body	Askar refugee camp
3/23	Riham Abu Taha	4	Killed by Israeli forces gunfire to head	Rafah
3/25	Mahmud Abu Yassin	15	Killed by Israeli forces gunfire	Jabalya refugee camp
3/31	Hamadeh Sikli	13	Killed by Israeli forces gunfire	Rafah

APPENDIX B

ACCOUNTS OF SOME SURVIVORS OF SABRA AND SHATILA

1. Samiha Abbas Hijazi:

On the Thursday, there was shelling when the Israelis came, then it got worse so we went down into the shelter. (...) We learnt on the Friday that there had been a massacre. I went to my neighbours'[sic] house. I saw our neighbour Mustapha Al Habarat; he was injured and lying in a bath of his own blood. His wife and children were dead. We took him to the Gaza hospital and then we fled. When things had calmed down, I came back and searched for my daughter and my husband for four days. I spent four days looked for them through all the dead bodies. I found Zeinab dead, her face burnt. Her husband had been cut in two and had no head. I took them and buried them.¹²⁸

Madame Abbas Hijazi lost her daughter, her son-in-law, her daughter's godmother and other loved ones.

2. Abdel Nasser Alameh:

On the night of the carnage, we were at home and we heard that there was a massacre at Shatila. (...) We kept watch on the road all night, taking turns to sleep a few hours, until daybreak when some people managed to escape. I thought my brother had gone ahead of us to West Beirut. We waited for him but he didn't come. In fact my brother was one of the ones they took away, and we never even found his body.

Mr Alameh lost his brother, who was 19 years old.

3. Wadha Hassan Al Sabeq:

We were at home on Friday 17 September; the neighbours [sic] came and they started to say: Israel has come in, go to the Israelis, they are taking papers and stamping them. We went out to see the Israelis. When we got there, the tanks and the Israeli soldiers were there, but we were surprised to see that they had Lebanese forces with them. They took the men and left us women and children together. When they took the children and all the men from me, they said to us, "Go to the Sports Centre,"[sic] and they

¹²⁸ This statement and those which follow have been digested from the complaint filed against Ariel Sharon in Belgium. Because they were originally provided in Arabic, converted to French and then translated to English, in several places there are difficulties with syntax and spelling.

took us there. They left us there until 7pm, then they told us, "Go to Fakhani and don't go back to your house," then they started firing shells and bullets at us.

On one side there were some men who had been arrested; they took them and we have never found out what happened to them. To this day we know nothing about what happened to them; they just disappeared.

Mrs Al Sabeq lost two sons (aged 16 and 19), a brother and about 15 other relatives.

4. Mahmoud Younis:

I was 11 years old. It was night and we could hear shelling and gunfire. (...) We took refuge in the bedroom and stayed there. As soon as they arrived, they went straight to the living room, and they tore down the photos from the walls, including the one of my brother who was killed in "Black September." They ransacked the living room, cursing and swearing. After having looked for us without finding us, they went up to the roof and stayed there all night long. We spent that night in terror in our hiding place, listening to the shooting and people screaming, while Israel fired flares to light the sky until sunrise.

The next morning they started saying, "give yourself up and your life will be spared." My nephew was 18 months old. He was hungry and we were far from the kitchen. My sister wanted him to quieten [sic] down, and she put her hand over his mouth for fear that they would hear. Her husband decided that we would have to give ourselves up, adding that each person's fate was anyway preordained by God. The women went out first, my brothers, my father, my brother-in-law and other members of the family followed. My brother was ill. As soon as they heard our voices, they shot in our direction and came straight back inside the house. They asked us where we had been the day before when they had come in and not found anyone there. Then they ordered the women and children to go out. My brother-in-law started kissing his little girl as if he were saying goodbye. An armed man came towards my niece, tied a rope around her neck and threatened to strangle her if her father didn't let go of her. He let go of her and gave her to me. They wanted to take me too but my mother told them I was a girl. They made my mother and the women walk to the Sports Centre. While I was walking I saw my aunt's husband, Abu Nayef, killed near our house with blows of an axe to his head. The dead bodies were disfigured. While I was carrying my niece, I bumped into a dead body that had been hit with an axe and I fell over. They knew then that I was a boy, and one of them put me up against the wall; he wanted to fire a bullet into my head. My mother begged him and kissed his feet so that he would let me go. He pushed her away. When he did that, he heard the clinking of some money she had hidden next to her chest. He asked her what that meant. She replied that he could have all the money he wanted but he had to let me stay with her. In this way we carried on our way and

we arrived at the Sports Centre. The Israeli bulldozers were busy digging large trenches. We were told that we all had to get in because they wanted to bury us all alive. My mother started begging him again, and then she asked for a mouthful of water before dying.

At the Sports Centre, I saw the Israeli military, as well as tanks, bulldozers and artillery, all Israeli. We also saw groups of Phalangists with the Israelis.

The Sports Centre was packed with women and children. We stayed there until sunset. An Israeli came then and he said, "Everyone go to the Cola region, whoever comes back to the camp will die." We left, as they fired shots in our direction.

Mr Younis lost his father, three brothers, his maternal uncle, his maternal cousin, two paternal cousins and other members of his family.

5. Fadia Ali Al Doukhi:

When the shelling started and we knew that Israel had surrounded the camp, my father told us to escape. We asked him to come with us, but he refused because he wanted to protect the house. We escaped, leaving him in the house. Later, we found out that a massacre had taken place. We found out that my father was dead and we saw his picture in the newspaper. His foot had been cut off. Our neighbour in the house where my father had sheltered told us how they killed him.

Mrs Al Doukhi, who was 11 years old at the time, lost her father.

6. Amina Hasan Mohsen:

We were at home the Thursday when the shelling started. I didn't know what was going on outside. When the shelling intensified, I tried to go out to save myself and the children. When we went out, the dead bodies were spread out over the street. My children were afraid. An Israeli told us to go out. Then we saw someone speaking Lebanese. When we went out under cover of the Israelis, they started shouting at us. At that moment I counted my children and I saw that Samir was missing; when he saw the dead people on the ground he got scared and ran away. At that moment I didn't have the presence of mind to go looking for him because the whole area was full of Israeli and Lebanese troops. We escaped, and when the massacre was over I looked for Samir, but the corpses were so mutilated I couldn't recognise [sic]him among them.

Mrs Mohsen lost her 16-year-old son.

7. Sana Mahmoud Sersawi:

We lived in the Said area of Sabra, and when the shelling started we sought refuge at my parents' house in Shatila. This happened on the Wednesday. At about midnight, some women who came from the western quarter said that there was killing. We escaped once again, towards the interior of the camp. Then, when daybreak came, we hid ourselves in the shelter of the rest home. I was pregnant at the time, and I had two daughters who were still taking milk. We stayed in the rest home for two days, until Saturday. We didn't have any more milk. My husband went out to get some for the girls. That night was so long, and the Israelis were firing flares to illuminate the sky. It was like this when my husband went to Sabra. The Israelis had come as far as the Gaza hospital. After that, I went out to look for him, and my sister went to look for her husband. We arrived at the entrance to Shatila. There, they had put the men on one side and the women on the other side. I started looking among all the men. I saw him, and I said to him, "You know, these are Phalangists." He replied, "What happened at Tel al Zaater will happen to us." The armed men ordered us to walk in front, and the men behind. We walked like this until we arrived at the communal grave. There, the bulldozer had started digging. Among us was a man who was wearing a white nurse's shirt; they called him and filled him with bullets in front of everyone. The women started screaming. The Israelis posted in front of the Kuwait embassy and in front of the Rihab station requested through loudspeakers that we be delivered to them.

That's how we found ourselves in their hands. They took us to the Sports Centre, and the men were supposed to walk behind us. But they took the men's shirts off and started blindfolding them with them. In that way, at the Sports Centre, the Israelis submitted the young people to an interrogation, and the Phalangists delivered 200 people to them. And that's how neither my husband nor my sister's husband ever came back.

Mrs Sersawi lost her 30-year-old husband and her brother-in-law.

8. Nadima Yousef Said Nasser:

It was the Thursday. Suddenly the street was deserted. My mother went to the neighbours' house, and the shelling started. About 10 families were gathered at the neighbours' house. A little while later, a woman came in from the Irsan quarter. She shouted, "They've killed Hassan's wife!" She was carrying her children and shouting that it was a massacre. I picked up one of my twin daughters, she was a year old, and I went to my husband and said, "They say that there's a massacre." He replied, "Don't be silly." I took one of my daughters and gave him the other one, but the shelling got stronger and we went back to the neighbours in the shelter. The shelter was full of women, men and children; a woman from Tel Al Zaater was crying, saying, "This is what happened at Tel Al Zaater."

A little later, I went out of the shelter, and I saw armed men who were putting the men against the walls. I saw a neighbour; they tore open her stomach. Some women came out of the house opposite and started waving her scarf around, saying, "We must give ourselves up." Suddenly I heard my sister shouting, "They've cut his throat!" I thought that my parents had been killed. I rushed to see them, carrying my daughter. They killed my sister's husband in front of me. I went up, I saw them shooting at the men. They killed them all. I fled. My other daughter stayed with her father. The armed men left, taking the men out of the shelter. My husband was among them. On entering the camp a Lebanese woman came; she had seen my husband holding my daughter. She saw how my husband was killed by a Phalangist, with the blow of an axe to his head. My daughter was covered in blood. The man gave her to the Lebanese woman, who came back to the camp and gave her to some relatives of mine. I fled to Gaza hospital. When they entered the hospital, I escaped a second time.

Mrs Said Nasser lost her husband, her father-in-law, three of her husband's nephews and five other relatives.

9. Mouna Ali Hussein:

I was in my house in Horch, I was 4 months pregnant and I had an 8-month-old son. We lived peacefully. We heard the Israeli aeroplanes [sic] flying intensively overhead, their noise got louder and then the shooting started. I took my son and I said to my husband, "I want to go to my parents' house in the Western quarter." We went, and when we were there, the shooting increased. We stayed with neighbours who had a ground floor house with two floors. When the shelling got worse, we stayed inside. It was six o'clock. We closed the door and stayed inside. There were only women and children there, except for my husband and a young man. We heard people shouting outside, and the armed men said, "Don't shoot, use the axe. If they hear shooting they will escape. A bomb exploded near the house, and everyone started screaming. They heard us, and started shooting at us. The young man was killed while he was trying to put the candle out. We shouted even louder when he was killed in front of us. They carried on shooting, and when they heard us they threw a bomb at us. A woman was injured, and so was my mother. The bedroom became a river of blood. The soldiers started shouting at us, "Come out! If you don't come out we will dynamite the house!" They insulted us. My mother opened the door, saying that she would sacrifice herself. She saw ten armed men. She said to one of them, "Don't kill us." He replied, "Everyone out, get in a line." One after the other we went out. I stayed with my husband and with my other son, and then we went out. They said to my husband, "Come here, you." My husband was carrying our son, so he gave him to me. The armed man said to him, "Get back." My husband thought he wanted his ID card. As he was backing away, they machine-gunned him down in front of me. He didn't say a word; he fell. I waited for

my turn. They insulted me. I followed my mother and my sister to the orphanage, and we fled. The children lived alone, their father didn't have any brothers or close relatives. They had no one at their side. Other orphans will find an uncle, but my children have only me. God help us. My son, even at his age, really needs a father to help him, someone he can talk to about his problems. When you're an only child, what a huge empty space that would leave.

Mrs Ali Hussein lost her husband and her brother-in-law.

10. Shaker Abdel Ghani Natat:

It was Saturday 18 September and we were at home when I went to check the car outside. That's when I saw some soldiers; I thought they were from the Lebanese army. They demanded to search the house; the family was asleep so I woke them up and we all went outside. They took us towards Shatila camp. As we were walking, we passed people who had been killed and corpses and I realised [sic] then that there was a massacre. They drove us to the Rihab station; they wanted to take us to the Kuwait embassy. That's when the cars stopped and loaded up with youths, nothing but youths, including my son.

As for us, they delivered us to the Israelis and the Israelis took us to the Sports Centre, where they kept us.

That's how they took some people away, while they left others. My son was put in a car in front of me; I saw them take him, but I have no idea what became of him that day.

Mr Abdel Gahni Natat's son was 22 years old at the time.

11. Su'ad Srour Meri:

On Wednesday, after Bashir Gemayel had been killed, we heard Israeli helicopters flying overhead at a low altitude, and on Wednesday night the Israelis started firing illumination flares, which lit up the camp as though it was day. Some of my friends went down into the shelter. On Thursday evening I went with my brother Maher to see some friends and tell them to come and sleep at our house; on the way the road was full of corpses. I went into the shelter but I didn't find anyone there, so we went back. Suddenly I saw our neighbour, who was injured and had been thrown on the ground. I asked him where our friends were, he replied that they had taken the girls and asked me to help him, but I couldn't rescue him and I went straight back home with my brother. Maher immediately told my father that there was a massacre. I found out from our neighbour that the Phalangists were there. When my father found out, he said that we had to stay inside the house. Our neighbour was also there. We stayed in the house all night long. On Friday morning my brother Bassam and our neighbour climbed up to the roof to see what was happening, but the

Phalangists spotted them straight away. A few moments later, around 13 men knocked on the door of our house. My father asked who they were, they said, "Israelis." We got up to see what they wanted; they said, "You're still here," and then they asked my father if he had anything. He said he had some money. They took the money and hit my father. I asked them, "How can you hit an old man?" Then they hit me. They lined us up in the living room and they started discussing whether or not to kill us. Then they lined us up against the wall and shot us. Those who died, died; I survived with my mother. My brothers Maher and Ismail were hiding in the bathroom. When they [the soldiers] left the house, I started to call my brothers' names; when one of them replied I knew he wasn't dead. My mother and my sister were able to escape from the house, but I was incapable. A few moments later while I was moving, they [the soldiers] came back, they said to me, "you're still alive?" and shot me again. I pretended to be dead. That night I got up and I stayed until Saturday. I pulled myself along crawling into the middle of the room and I covered the bodies. As I put out my hand to reach for the water jug they shot at me immediately. I only felt a bullet in my hand and the man started swearing. The second man came and he hit me on the head with his gun; I fainted. I stayed like that until Sunday, when our neighbour came and rescued me.

Mrs Al Meri lost her father, three brothers, (aged 11, 6 and 3) and two sisters (18 months and 9 months).

12. Akram Ahmad Hussein:

[The twelfth plaintiff, Mr Akram Ahmad Hussein, was not at Sabra and Shatila at the time of the events, cf. infra, part B3 of this submission.]

13. Bahija Zrein:

We were at home and we got wind of a massacre, but we didn't believe it. In the night, two young men came to our house and told us that there was a massacre in the camp. We then went outside to see what was happening. We saw the Lebanese Forces standing outside; they called us. There were a lot of people and we thought they were Israelis. When we heard their Lebanese accents I ran away, but they followed me and arrested us, young people, both men and women. All this happened at about 5 o'clock in the morning.

They went into the area and took away about 18 young people, while confining us - men, women and children - in the camp. I saw my brothers and some children among the men they took away. While we were walking, we saw people who had been killed with axes. Among them were doctors from Gaza hospital. They lined them up and slaughtered them; then they started shooting at us and killed a large number of people, including 18 of our neighbours' sons. While they were shooting, the whole camp was surrounded by Israeli tanks and all the diggers were Israeli. An

Israeli patrol presented itself to us and asked us to go to the Sports Centre. The men went, while we women were taken to the Kuwait embassy.

That's how we saw them loading the young people into the cars. Among those young people was my brother. They blindfolded them and they loaded my brother in the car. That's how he disappeared and I have never seen him again since.

Mrs Zrein's brother was 22 years old at the time of the events.

14. Mohammed Ibrahim Faqih:

That morning, they started shelling around the outside of the camps, including Shatila, and we could hear the sustained shooting. The shelling reached the main roads and we didn't know what the reason for it was. It was incredible. We couldn't even move from one place to another or escape because of the shells and machine-gun fire.

We stayed at home and suddenly a shell hit our neighbours' house. Some of the shrapnel hit my son in the chest and the leg, and we took him to Akka hospital, but they wouldn't admit him because of the large number of injured people already there. We took him to Gaza hospital. My brother and I stayed with him at the hospital, but the shelling of Sabra and Shatila camps intensified. A woman came to tell us that she had seen them coming; I fled but I saw how they entered and took away all the injured and sick people. So I escaped and I came back three hours later. They had taken away many people and the only one left was my injured son. I don't know how many people they took away alive.

Then we took my son to a hospital in Hamra, and the next day I heard that they had come to Sabra and they had taken away the girls. When I came back here I saw my daughter Fatima had been hit with an axe, along with my little girl. I noticed that they had dug a ditch in the ground and they had buried them alive in the ditch. The baby's throat had been slit. I also saw people who had been killed and pregnant women with their stomachs ripped open. About thirty young people had been massacred near our house, without any distinction made as to whether they were Lebanese or Palestinian. They didn't spare anyone; they killed everyone they came across. In the home of our neighbour Ali Salim Fayad, they had killed his wife and children.

My God, what can I say, what can I tell you? They had demolished the shops in Sabra road and dug large ditches where they had buried the victims. I saw about 400 children's corpses. They upturned the earth and buried them. From the twelve members of our neighbour's family, eleven were killed and only one escaped.

Mr Faqih's two daughters were aged 2½ and 14 at the time of the events.

15. Mohammed Shawqat Abu Roudeina:

I was at home with my father, my mother and my sister. When the shelling started, we were at the home of my father's uncle. There, the shelling started again, and we went into the bedroom, the men staying in the salon. Then we went to a neighbour's house. There were about 25 or more of us. A little later, we heard the cries of a girl who had been injured in the back. Armed men had stationed themselves in the area. Then we heard shooting, screams and strange voices. Aida, my cousin, went up to the shop and turned on the light. A man slit her throat and they dragged her by her hair. She started screaming "Daddy!" then her voice went dead. Her father wanted to follow her. They killed him immediately. That's how they understood that we were in the house. They came down to the floor above us, where they broke and ransacked everything and we heard them calling out to each other, "George, Tony..." When we heard them breaking everything our voices rose, and that's how they knew that we were on the floor below. One of them came down and saw us. He immediately told the others, and they all came down. My father was sitting on a chair, and as soon as he saw them, he kissed me, put some cologne on me and told my mother to take good care of the children. My father's cousin said to his wife, "the children are your responsibility."

I won't forget. The image of that day is engraved in my memory. They ordered the men to stand against the wall. They made us go out behind them into the road. When I got to the door, I looked up at the red sky, red streaked with flare grenades. Once we arrived at the beginning of the road, we heard the shots aimed at my father and my uncle, as well as some shouting. We walked several metres, flanked by armed men. My cousin saw her father and she started screaming. I saw my father's car, which they had opened and were sitting in. That image is also engraved in my memory, because I asked my mother what they were doing with my father's car but she didn't reply. As we walked along we saw the dead people.

They took us to the Sports Centre, and they placed us there in a room where there was a woman and her children. They brought people there. They took some of them away in cars and killed the others. At that moment, the Israeli tanks were there. Suddenly a mine from the beginning of the Israeli invasion exploded. They ran away, and so did we.

Mr Abu Roudeina lost his father, his pregnant sister, his brother-in-law and three other members of his family.

16. Fadi Abdel Qader Al Sakka:

We had spent the whole of Friday hidden in the house, thinking that the Israelis were going to penetrate the camp.

On Saturday at about midday, while we were still at home, we saw the Israelis arriving at our house. They told us all to come out. I was a little boy of 6 at the time. We came out and they took us to the road to the western side. My father was carrying my little brother; they told him to give the child to my grandmother, who was also with us. They wanted to take away my father and my uncle, so my grandmother asked where they were taking them. Someone told her that they would be back soon. While we were walking, the roads were strewn with dead people and I saw how they were treating people. My father and my uncle never came back after that day when they were taken away.

Mr Al Sakka lost his father and an uncle.

17. Adnan Ali Al Mekdad:

At about 3 pm on Thursday, after the death of Bashir, Sharon made some worrying transfers. There were foreign men surrounding the region. Some people found out about this and fled. My mother saw the armed men, made them some tea and told them she was Lebanese. They told her that they were only after the Palestinians, and that, being Lebanese, she could stay in the area, no-one would bother her, she just had to keep her ID papers with her.

And we were looking for family members, until I saw her hanging from a tree. After that we set about gathering the corpses and burying them.

Mr Adnan Ali Al Mekdad lost his father, his mother and more than forty members of his family.

18. Amal Hussein:

On the Wednesday, Israeli aeroplanes started flying over the area and the shooting and shelling began. My brothers and sisters were scared. Those who were scared went down into the shelter next to our house. That way, one group slept in the shelter and the other group slept in the house. The aeroplanes continued hovering, and there were more and more of them. My three-moth-old nephew, who was with my sister in the shelter, started crying. He wanted to eat. She came out with him and four others, and they all came into the house. As soon as she came in - this was on the Thursday - we heard shouting, it was coming from the women in the shelter, which we could see from our bathroom window. All of a sudden, the armed Phalangists invaded the area. No one could leave the house. All we could hear was babies and women screaming. They started killing people. We stayed in the house; we opened the doors and then went into the bathroom with my little nephew. We had gagged his mouth for fear that they would hear his voice and come to kill us. We stayed in the bathroom; they came in and searched the house, but they didn't find us. We heard the screams and the massacre through the bathroom window. That's how we knew that

they had gone into the shelter and taken everyone they found there, including my relatives. On the Saturday, we escaped into the interior of the camp. After that, my mother went back to see my brothers and sisters, but she couldn't recognise them because they were so disfigured. All that we knew was that they had been buried in the mass grave. My father taught the child who survived (my father's nephew) to call him Daddy.

Mrs Amal Hussein lost a brother, two sisters and several other relatives.

19. Noufa Ahmad Al Khatib:

Two days before the massacre, the Isarelis [sic] came to our area. They came, took us, lined us up and then let us go. The next day they withdrew and went into a hospital. We fled, and the day after that I learnt that there had been a massacre. Then the next day I was told the story of the massacre. I was in Shatila, I saw the victims, and I started to look for my relatives. I saw my mother, she was dead and I saw her and recognised her. I saw all the victims who died and those who were still against the walls.

Mrs Noufa Ahmad Al Khatib lost her mother, her sister, and several other close family members.

20. Ali Salim Fayad:

We were in the house and we had some people there. There was a car across the way and we went to move it. As we were coming back, there were some armed men in front of the house, that Thursday. They ordered the separation of the men from the women and children. They lined the men against the wall as well as our Palestinian neighbour and his family and they shot them. The women and children were slaughtered in the road. Before shooting, they asked for their identity cards and they kept those. The Phalangists searched the house and the Israelis protected them with their tanks and their flares. When they shot us I was hit in the back, the thigh and the hand. The night was lit up by the flares. I stayed spread out on the ground. Later I called out to someone who was passing and asked him to call an ambulance. A short while later my daughter came and took me to Akka hospital. The next day the Phalangists came to the hospital and asked my son, who was in the room next door, about me. They took away some of the injured Palestinians. I saw them dragging a wounded man out of his bed and hitting him on the head with an axe. He was young, and they killed him.

Mr Ali Salim Fayad lost his wife, his two daughters, his son and his sister-in-law.

21. Ahmad Ali Al Kahtib:

It was between five and six o'clock on Thursday. We were in the area and there was some shooting. A young man from our area was injured. We took him to Gaza hospital. During the time the massacre took place, we tried to go back but the road was closed. I spent three days away from home.

Mr Ahmad Ali Al Khatib lost his father, his mother, four brothers, three sisters and his grandmother.

22. Nazek Abdel Rahman Al Jamal:

My eldest son went to bring the car so we could escape; they came and arrested him at Sabra Square. My second son went to get bread and food, we were at home, and the Israelis and the Phalangists took us away from the house and made us walk in a line to Sabra. While we were walking I saw my eldest son walking in another line and my sisters saw my other son. They made us walk as far as the Kuwait embassy, and when we got there they said, "Women go home." There was an explosion and the people ran, on the way back I saw dead bodies on both sides of the road, women and old people. They had blown up the corpses and the children were dead. I went home and the children weren't there. I spent four days looking for the children; my brother brought my youngest son's dead body; I had already seen my eldest son dead in the pit.

Mrs Nazek Abdel Rahman Al Jamal lost her two sons aged 20 and 22.

B2. Testimonies, survivors of Sabra and Shatila.

In addition to their own statements, the plaintiffs present a series of statements from other survivors of the massacre.

1. Mohammed Raad:

On Wednesday we were at home waiting for the visit. I was at Sabra and the roads were empty. When I arrived at Ali Hender's cafe, I met some young men who called me over and asked if I knew. I said no. They said that the Israelis had entered with the Phalangists and that they were destroying things. I went straight home, got my wife and we went to her brother's house. We said to him, "Abu Suheil, let's get away from here." He replied, "We are Lebanese, they won't bother us." I was with another relative and I said to him, "Leave your children and go." He called me a coward. My wife and I started walking until we reached the airport bridge, and from there I saw the Israelis surrounding the area. An Israeli soldier shouted at me. The Israelis started asking me where I had come from and where I was going; then they said to my wife and to another woman passing by to stay where they were before ordering me to follow them and wait by the mountain. But I was directly behind Harat Horeik and we escaped to Ghobeireh.

On Saturday we went back to see my relatives. What can I say; people were on their backs, black. I found my brother-in-law dead, he had been hit on the head with an axe; we found thirty other members of the family dead.

2. Jamila Mohammed Khalife:

On the Thursday at about 4 o'clock pm, they were at Al Horch, and we knew that there was a massacre, but we also knew that the Israelis were in the Sports centre; but we were asked not to do anything.

A short while later, the shelling intensified but we thought that things would quieten down soon. We went to seek shelter at our neighbours' house. While looking towards the Sports Centre, we saw hundreds of armed elements descending to it in just a few moments; they appeared in front of the house inside which were many people. We started shouting that the Israelis had attacked us. When they reached the house they started insulting us, blaspheming, and then our neighbours' son shut the door in their faces and we fled through another door to hide in the shelter, which was full of people.

The Israelis and the Phalangists came back a short while later with a loudspeaker, through which they asked us to give ourselves up, promising that our lives would be spared if we came out of the shelter. We waved a white flag, but when we came out of the shelter my father said that our lives would not be spared and that they were going to kill us. I told him not to be scared and to come with us. They dragged us all along; women, children and men; my father tried to escape and they killed him in front of my mother and my little sister. They made us all walk; our injured neighbour was with us, carrying her intestines and haemorrhaging[sic]. She and I escaped to the interior of Shatila camp, and from there we sought refuge in Gaza hospital. When they arrived near Gaza hospital, we ran away once again.

When the massacre was over, we went back and saw the corpses of the dead, including our neighbours' son Samir, murdered. And under the corpses, they had placed bombs as booby-traps.

3. Shahira Abu Roudeina:

On Thursday 15 September, after sunset, the Israeli air force carried out some raids on us. We lived in the western part of the camp, and when the shelling started drawing nearer, we - my husband, my children and I - went to my parents' home at the entrance of the camp, to see where they wanted to go. But we all stayed at my parents' house until 7 o'clock pm, at which time, seeing as the shelling kept intensifying, my sister went to see what was happening outside. They immediately shot at her. She shouted, "Daddy!" and didn't come back. Hearing her cry, my father went out. He

saw her and said, "Our little girl is dead." Then they shot at him, and he fell. The whole camp was lit up by light flares, and none of us could go outside. We stayed locked in like that until 2 o'clock am. Then we understood that there had been a massacre.

The noise of the killing and the screams accompanied us until dawn. At five in the morning, they came down by the roof, and suddenly we saw them on the stairs in front of the door of the bedroom where we were. About fifteen armed men stationed themselves at the windows, and four of them came in. The children screamed and cried, and we women joined our screams to theirs. They put the men against the wall - my husband, my paternal cousin and my brother - and they pumped them full of bullets in front of us. They made us come out and lined us up in our turn against the wall, wanting to pump bullets into us as well, but then they started arguing about who would be the first to shoot. Then they took us to the Sports Centre and took us into a room full of men, women and children. While guarding that room, they were also sharpening their axes and preparing their guns. It was Friday, at about five in the morning. At midday, they brought back the young men and the women from the rest house, as well as some people from the Kuwait embassy. In the middle of the Sports Centre there were mines dating from the beginning of the Israeli invasion. One of the mines exploded. People fled, and we were among them. What can I say? When we were at the Sports Centre, the Israelis were securing the protection of the Phalangists, and Israeli tanks were stationed there. Also, it was the Israelis who shouted into the loudspeakers, "Give yourselves up and your lives will be spared."

4. Hamad Mohammed Shamas:

On Wednesday, when the Israeli army arrived at the Sports Centre with its tanks, and when we found out that the Israelis were there, I went with a friend to ask them what was going on.

They asked me if I was a terrorist, I said no. Then they said to us, stay at home, there's nothing happening. I went home. It was the 15th of September.

On Thursday 16 September, I was talking to Abu Merhef and Abu Nabil when suddenly we heard the sound of bombs falling on the houses, and the screams of injured people. We ran to help the wounded, and to drive them the Akka and Gaza hospitals. Afterwards, I suggested to my father that he go down into the shelter. The shelling kept intensifying, and we went down into the shelter. The children were thirsty. I went to get some water and blankets. My brother had been away from the house for 15 days because of his job. He came, and stood with us at the door to the shelter. Suddenly, we saw some Israelis and some Phalangists coming towards us, swearing and cursing. They told us to come out. We did. They placed us against the wall and pointed at Abu Merhef; he had 500 pounds in his pocket. Abu

Merhef told them to take 250 pounds and to leave him with 250 pounds for the children. When they heard that, they immediately shot at the men. I was hit and I pretended to be dead. Three or four others fell on top of me. They were dead - it was Abu Hassan Al Bourgi, Kassem Al Bourgi, Abu Nabil and Ali Mehanna. I remember that Ali Mehanna survived his injuries for at least an hour; when he regained consciousness he started calling for help and asking if there was anyone still alive. I said, "I am," and he said, "who?" I said, "Hamad." He said, "Please Hamad, I am injured in the stomach and in the hand. Say hello to my mother, my sister, so-and-so, and tell them Ali sends his love." I said, "How do you know that I'm going to live? Is there anyone else alive near you?" He was sitting up and I was still lying down. A little while later they came back and said to Ali, "Are you still calling?" They insulted him and hit him on the head. But he got up again and he said to them, "Is that how you treat us, you sons of bitches?" because he thought they weren't supposed to attack Lebanese. They then resumed their task, 5 or 6 times. They shot to make sure that everyone was dead. They pointed the gun at my thigh and fired. In that way, they had come back to make sure everyone was dead. At about five in the morning, I tried to get up from where I was. There was a wall next to me. I moved along the road and I heard the sound of the tanks. I went to hide in the home of Osman Houhou, which had been destroyed. Suddenly I heard an Israeli on a microphone saying, "Give up your weapons, you will have your lives spared and those of your family."

I tried to climb up the slope in order to give myself up like they said. When I was almost there, I looked and I saw them placing the men on one side and the women on the other. Then I saw them shooting them. That's the reason why I went back to hide in the house I had left a little while earlier. I stayed there until the evening. They were sitting around a table drinking alcohol, there was only a wall separating me from them. The wall was cracked; I could see what was happening. They were saying to each other, "don't leave anything that moves."

In that way I remained sleeping in the house until 10 o'clock on Sunday morning. I lost hope and I couldn't handle any more, I decided to go out even if it meant being killed. I tried to go back to our house, but I found it destroyed. I couldn't walk because of all the dead people strewn over the road. And every time my hand touched one of them, I found their flesh between my fingers.

I saw Um Bashir who had been killed with her seven children. It was as if she was sleeping with her seven children around her. I went back home and sat down with the dead. The Makdad girl came to call for help, and that's how they took me to the hospital.

5. Milaneh Boutros:

We were at home that Thursday. There was shelling, and we went into the shelter. The place was packed with men, women and children.

A little later, someone from, I believe, Rashidiya camp came to take his family. Mohammed Shamas' brother also came and suggested that he leave. But Mohammed refused and we stayed in the shelter. I picked up my 2-year-old daughter and went out. I saw armed men and Israeli soldiers calling people.

I went out first, thinking that they were there to protect us. I said to one of them, "You're here to protect us." He said, "Shut up!" and started insulting and swearing. "Shut up! Are you pretending to be Lebanese now?" I told him that I was from Zghorta and that my mother was Lebanese. He took us away. I was carrying one of my daughters, another one was holding my hand, and the other children were clinging to my clothes. We stepped over the corpses. The area was light as day because of the illumination flares. When we got to the Kuwait embassy, they took Ali, my husband's nephew, and they loaded us into trucks. We headed towards Dora and then Bickfayya. There, a woman stood on a balcony and said, "you're bringing me women; I want men." With us was a small boy of 13, Ali Zayyoun, who was cowering in a corner of the bus. As soon as they saw him, they took him and killed him. Then they took us to Ouzai. The next day they asked us to go back to our houses. Israeli patrols and Phalangist blockades were everywhere. The ground was littered with corpses. At the door of the shelter I saw my husband, my son and other murdered people. Another corpse had been thrown on top of my son, who had been killed by an axe to his head.

6. Najib Abdel Rahman Al Khatib:

Before entering our house, the Israelis started firing flares to light the sky. When the shelling got nearer, my father took us into the shelter until the shelling calmed down a little.

We went to Akka hospital, where we slept one night. But at about 5 in the morning, they penetrated the hospital and we fled again. On the Saturday, I came back to the house to pick up some things. I saw only dead bodies on the ground, and I saw the Israelis and the Phalangists passing by. I went back again and I entered directly into the garden of our house; that's when I saw my dead father. I went to the house and I saw a basin. It was full of people's heads. I fled.