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A Report by the Jenin Inquiry Regarding the Israeli invasion of the Jenin Refugee Camp from 3-18 April 2002

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Introduction: Who we are and what we have done

The Jenin Inquiry, a group of 12 internationals from the US, Britain, Ireland, Canada, and Norway—including an international lawyer—conducted detailed, in-depth interviews with people of the Jenin Refugee Camp from 11 April until mid-May, 2002. We conducted over 40 hour-long interviews in the ongoing process of uncovering gross violations of human rights committed by the Israeli military during their invasion of the camp.

Jenin Inquiry is comprised of concerned human rights workers who came together over a period of weeks both during and immediately after the Israeli military assault on the Jenin Refugee Camp. The assault occurred from 3-18 April 2002. The Jenin Inquiry includes the first international aid workers to enter the camp (Sunday, 14 April, which was before the UN and ICRC), and the first international visitors to the thousands of displaced persons who were forcefully removed from their homes in the camp and eventually released into numerous villages in the Jenin District.

The Jenin Inquiry report differs in detail and scope from other reports. For example, the report by the United Nations of August 2002, whose findings we consider muffled and simplistic, opens with a disclaimer that “the report was written without a visit to Jenin or the other Palestinian cities in question and it therefore relies completely on available resources and information.” By definition, then, the UN report cannot be considered to present a comprehensive picture or final statement on the events in question.

The Jenin Inquiry has chosen not to categorize or label the events of the invasion by normative titles referring to defined war crimes and human rights violations. This was intentionally avoided in order to preserve an emphasis on factual detail. Instead, we have attempted to offer a clear picture in its uncensored and complex detail and to offer a more far-reaching outline of a wide array of issues. Where conclusions cannot be drawn, Jenin Inquiry, in contrast to reports by the UN and Human Rights Watch, has chosen to leave the issue without a final answer.

Other reports submitted by various sources (e.g. UN and Human Rights Watch) have not addressed numerous variables. This oversight impeded the investigative process and, due to continued lack of thorough investigation by trained personnel, means that a number of issues remain unaddressed and facts unestablished. These reports attempt to secure

concrete figures or conclusive assessment where such finalization has not taken into account ongoing developments.

Apart from the tendency of the media and the official sector to rely upon out-dated and inadequately researched statistics, the Jenin Inquiry is generally disappointed that there has not been fuller investigation made into the events in Jenin Refugee Camp by other international organizations whose mandates clearly suggest that they would conduct such an investigation. Many organizations have called for thorough inquiries, but there has been a notable lack of progress on most fronts.

Time and residence are important to establish sufficient detail and corroboration among events in order to determine accurately what happened. While previous reports have involved investigations ranging from days to a few weeks, two of our members spent one month and two months respectively in the camp itself, both communicating with residents in their native language, Arabic. They not only visited the camp in the daylight hours, as most international workers, but also lived with families in the camp, allowing for a larger, more detailed picture to emerge. A third member of Jenin Inquiry lived in the camp from February 2002 until December 2002.

Below is the report compiled from the findings of the Jenin Inquiry to this date. Further facts are likely to emerge in due course.

General facts about the camp and the aftermath of the invasion

Dead, injured, arrested and missing

There is a remarkable lack of statistics about numbers of people killed and injured, people still missing, and people arrested. This lack of information is apparently common in such situations: the Red Cross works to find out such numbers, but then is not able, due to constraints on its operations, to release this information to press, human rights associations, or to any other humanitarian or investigative organizations, including the UN. This means that the burden of finding and publicizing evidence rests entirely on individuals or non-governmental organizations. Due to these regulations, our efforts to get such information from the Red Cross, various branches of the UN, Palestinian human rights organization Al- Haq, and Israeli prisoner rights organization Hamoked turned up no numbers at all.

Palestinians Killed

Who: Men, Women, Elderly, Mentally and physically disabled, and children
How: Missiles, snipers, bulldozing of houses, executions, lack and refusal of medical care. Homes were not only bombed from air by Apache and Cobra helicopters, but were shelled and fired upon by tanks and ground troops. Military bulldozers made by the U.S. company Caterpillar and employed as a weapon of “urban war” also bulldozed them.

Summary Executions

Israeli soldiers executed Palestinians uninvolved in the armed resistance or those that surrendered themselves to the Israeli forces. Several cases have been documented by different organizations, including the Jenin Inquiry. One such witness we interviewed told us the following story of two civilians shot while on a forced march:

“The [Israeli soldiers] forced us to walk 17 km. We were in two columns of 50, all tied together, with soldiers in the middle. While we marched, the soldiers were talking about hitting and killing us. They beat us with their hands and their guns. Two were executed on the march, just as they walked along. They were shot once between the eyes. Even though I was blindfolded, I saw this by pulling my blindfold down to see. For a moment the line marched on, dragging their bodies. Then the soldiers cut them out of the column and left their bodies on the street.”

Total Number of Dead Unknown: The Importance of Further Investigation

United Nation Relief and Works Agency (UNRWA), Human Rights Watch, and other human rights organizations estimated the number of dead between 52 and 66. As of early June, 66 bodies had been identified by the Jenin Hospital, many of which were civilians. However, we believe it is premature to assert the number of dead due to several factors.

- 1) Large areas of the camp were razed and flattened by tanks and bulldozers. Bodies and parts of decomposed bodies have been found in these areas. These razed areas have not been sufficiently dug out or sifted through for human remains. Members of Jenin Inquiry confirmed that the smell of rotting corpses was evident for three months in these bulldozed sections. Though these neighborhoods have now been cleared and the rubble removed, insufficient attempts were made to sort through the rubble before it was relocated.
- 2) Eyewitness reports of seeing bodies taken out of the camp in refrigerated trucks, tanks, and bulldozers have not yet been investigated.
- 3) The Israeli authorities have not provided an accurate and full list of prisoners—whether administrative detainees, political prisoners, or those facing charges—making it impossible to determine the fate of some people.
- 4) Due to the killing or imprisonment of camp leaders and the massive physical destruction of civil infrastructure, Jenin Refugee Camp lacks the institutions, personnel, or trained methodology to conduct an internal investigation.
- 5) The Israeli authorities have not provided a complete and accurate list of bodies they removed from the camp before they withdrew to its outskirts on 18 April 2002.
- 6) As noted above, international organizations have made insufficient investigations to

produce their statistics. The investigations that have been made produced statistics at too early a stage for numbers to remain reliable.

7) Access to the Jenin Refugee Camp has been severely restricted by the Israeli military, making it all the more difficult for journalists and others to conduct proper statistical investigation.

Regarding point number one above, bodies were still being recovered from under the rubble as late as early August. On 4 August, the bodies of one young boy and two adult males were discovered when an outer edge of the piles of rubble were sifted through. Four days later, another body was found compacted into the floor of his home. Public discourse about the number of dead has not taken such additional discoveries into account.

The following illustrates points two and three above. Dr. Mohammed Abu Ghali, director of Jenin Hospital, made a journey into the camp with a team of medical personnel on Monday, 15 April. They walked from the hospital, on the northeast corner of the camp, due east along the northern edge of the camp until they reached the northwestern edge of the Hawasheen neighborhood (Al-Saha). Up until that point, they did not see any bodies. The reason for this became clear when they encountered Israeli soldiers at Al-Saha, on the outer edge of the center neighborhood that was totally bulldozed. These soldiers informed them that the area they just walked through was a 'clean area.' Further, they were informed that they could not go any farther because the area up ahead had not been 'cleaned.' Subsequently, it became clear that the term 'clean' used by the soldiers was in reference to the completed removal of bodies from the camp by the Israeli military. Dr. Abu Ghali and the medical team continued around the soldiers for 35 meters and encountered ten bodies.

An example of point number five is the testimony of a young male survivor from the camp. On 8 April, he and other young men gathered 25 bodies to be buried. Upon gathering these bodies, the Israeli military was approaching them, so they had to leave the area. When they returned to the site, all the bodies were missing. Our investigation has not found anybody from the Jenin Refugee Camp who knows the whereabouts of these bodies, not even the Jenin Hospital.

Due to these factors, it is impossible at this time to state with certainty the number of Palestinians killed in the invasion. Publicly discussed figures are, however, certainly under-estimates.

As for injured, our investigation has turned up a singularly low number of Palestinians injured. This is probably due to the fact that, except in the first three days of the invasion, the Israeli military refused to allow anyone into the camp to remove or treat the injured, resulting in numerous unavoidable deaths. Testimonies of survivors have yielded many accounts of people bleeding to death inside the camp for lack of medical care. The Israeli military often expressly forbade access to the injured by medical workers, and prevented the injured from reaching the hospital, even when they were only a few hundred meters

from it. One example comes from a survivor we interviewed:

“I have a neighbor named Miriam. Her aunt, Yusra, [56], and her son Muneer, [16], were with us in the house. They were injured and were bleeding for four days. The soldiers knew they were injured but would not allow the ambulances to come to the house, so they died. The hospital is only 200 meters away but they died in front of me. The soldiers had no mercy. When the ambulance tried to come, the soldiers forced the driver to strip and then held him in the house and forced him to sleep with us. He was taken to Salim [checkpoint 17 km away] with the other detainees.”

The first report issued, that of Human Rights Watch, which was based on seven days of work, assumed that the UN investigation team would be coming to the camp. Upon this expectation, Human Rights Watch called for further investigation into many issues by both national and international organizations and individuals. The Human Rights Watch investigation was conducted while a state of total disorganization prevailed shortly after the destruction of the camp, with the result that it was impossible to reach definitive and lasting conclusions. For example, further dead were being discovered as that report was being compiled and they were not included in the figures.

Although the Human Rights Watch report has the strong merit of having been conducted by experienced investigators on the ground immediately after the destruction, the report was completed quickly and there has been insufficient follow-up investigation of the facts established at that stage. Inevitably, more evidence has been unearthed to reveal the events in the Jenin Refugee Camp, including the discovery of more dead. The investigation into the number of bodies the Israeli authorities removed from the camp and did not identify is still waiting completion at the writing of this report and therefore constitutes one of several reasons why it is impossible to ascertain the number of Palestinians killed in the camp. Misleadingly, the Human Rights Watch casualty statistic—52—is still relied upon today in much public discourse.

Buildings, homes, homeless, and total estimated loss in US dollars:

Note: The following statistics were posted in the UNRWA headquarters in the camp after their initial assessment—April 2002

(The ratio of homes per building is approximately 3:1)

- 2100-2200 buildings existed in the camp on approximately one square kilometer of land (247 acres) prior to the April 2002 invasion
- 250 buildings have been completely destroyed or must be demolished due to extensive damage suffered in the April invasion; more buildings are expected to be found which must be demolished due to damage, as yet undiscovered, sustained from earth tremors by the movement of tanks and other heavy equipment, and from the effects of shelling
- 200 buildings suffered heavy internal damage (to walls, windows, doors, furniture, appliances, etc. from the actions of Israeli soldiers inside the home)

- In all, then, 450 buildings were completely destroyed, need to be demolished, or need significant repairs
- 14,000 camp residents total prior to the April invasion
- 750 - 800 homes destroyed or in need of demolition
- 600 homes in need of significant internal repair and replacement of damaged items
- At least 1400 homes, then, totally demolished or in need of significant repairs
- 4,000 camp residents homeless, (approximately 30% of camp population), the majority of whom are children under the age of 18

On 1 May 2002 in a document hung on the walls of UNRWA headquarters in the camp, UNRWA estimated the damage to the civilian infrastructure and housing for residents of the Jenin Refugee Camp, including roads, telecommunications, electrical, water, and sewage, at \$43.7 million. The UN report released in August 2002 estimated total damage to the camp at \$27 million. We are not aware of any reconciliation between these two estimates, each a UN source. We also note that while attempting to ascertain a dollar value of destroyed infrastructure may be a useful measure for potential reparation claims against the Israeli government, the valuation does not take into account the inability to replace such infrastructure due to IDF restrictions and the value of human life lost.

The water, sewage, electric, telephone, and road systems were damaged or completely destroyed (UN, Human Rights Watch Report, and our own observations). As of mid-June, these systems were slowly getting back to functional use, though continued invasions of various lengths of time and levels of intensity continue to hamper the efforts to repair these civilian infrastructures. For example, on 21 June 2002 the Israeli military again invaded the Jenin Refugee Camp and cut phone and electric lines again and caused further damage to other infrastructure repaired since the invasion in April. In the year after the invasion under question, the Israeli military has invaded the camp dozens of times.

The UNRWA hung a printed map of the camp on the wall of their headquarters inside the camp highlighting the dimensions of the area that was bulldozed. These measurements were 400 by 275 square meters (110,000 square meters). This area is not a perfect square, but by a rough estimate from the Jenin Inquiry, the area that was bulldozed measures some 70,000 square meters, or 17.3 acres. These 17.3 acres were densely populated with housing units.

Particularly illustrative of the scale of damage to civilian infrastructure in the camp is an interview with an Israeli soldier who drove one of the armored D-9 Caterpillar bulldozers. The soldier took part in leveling the 17-acre plot at the center of the camp completely and other sections of the camp partially. The interview was given to the Israeli daily *Yehidot Ahronot* by Mr. Moshe Nissim and was published on 31 May 2002. His statements display an inside account of the nature of the Israeli operation in the Jenin Refugee Camp. Mr. Nissim was not trained to drive the 60-ton machine but after days of badgering his officers was granted three hours of training and sent into the Jenin Refugee Camp. For 75 hours straight he did not emerge once from the bulldozer, sat half-naked

and drank whiskey to stay awake, and unabashedly bulldozed civilian homes:

"For three days, I just destroyed and destroyed. I didn't give a damn about the Palestinians, but I didn't just ruin with no reason. It was all under orders. Many people were inside houses we started to demolish. . . . I am sure people died inside these houses. . . . I found joy with every house that came down because I knew they didn't mind dying, but they cared for their homes. If you knocked down a house, you buried 40 or 50 people for generations. . . . [and] if the job [of knocking down a house] was too hard, we would ask for a tank shell. . . . If I am sorry for anything, it is for not tearing the whole camp down. . . . It is true, though, that during the last days we smashed the camp. . . . I had plenty of satisfaction. I really enjoyed it. I had lots of satisfaction in Jenin [Refugee Camp], lots of satisfaction. It was like getting all the 18 years of doing nothing - into three days. . . . As far as I am concerned, I left them with a football stadium, so they can play. This was our gift to the camp."

In addition to the death and damage highlighted above, there are countless other examples of damage to property and infrastructure such as schools that were vandalized or damaged so that classes cannot be held in them. For the remainder of the spring semester and summer sessions, students were on double shifts in UNWRA schools. Many camp residents are without work, having lost their jobs due to absence, destruction of their work places, communication and transportation difficulties, and continued detentions of workers by the Israeli military.

There are also unanswered questions concerning restrictions on the provision of essential resources to the Jenin Refugee Camp during the April invasion. Prior to the April invasion, water supplies were sold to Jenin and Jenin Refugee Camp from the Israeli water company Merikort. The water was taken from its source in the West Bank, pumped to West Bank settlements first, and the remainder was sold to Jenin. "During the 'trouble' the water pressure [to Jenin] was curiously low," said Ken Gibbs, a water expert brought in by the UNRWA to repair the current water system for immediate usage and design a new one for the time when the Hawasheen neighborhood, which was almost totally destroyed, will be rebuilt.

The Hawasheen neighborhood was not bulldozed entirely until after 13 Israeli soldiers were killed on Monday, 9 April. Some houses in the neighborhood were affected prior to that date, but the water system was still functional. Therefore, the water system was basically in tact and the ability for water to flow at a normal pressure throughout the first half of the invasion (from 3-9 April) was not adversely affected by the invasion itself. Further investigation is needed, then, in order to determine the reason the water pressure was 'curiously low' while the Israeli military invaded Jenin, but these indicators point to an intentional reduction in water supplies to Jenin and the Jenin Refugee Camp.

Findings of the Jenin Inquiry Investigation

The Israeli military severely restricted the ability of international organizations to establish the detail of human rights violations and war crimes committed by the Israeli military in the Jenin Refugee Camp. Medical and humanitarian aid workers and

journalists—all of whom would have been potential witnesses to war crimes and human rights violations—were not allowed to enter the camp for the entire time of the invasion.

Residents of the camp were also potential witnesses to the events in question. However, they faced grave threats by Israeli soldiers and snipers for trying to witness what was happening. Residents were frequently shot at and sometimes killed for appearing in their windows while trying to view the situation. A doctor at the Jenin Hospital, which overlooks much of the camp, said that Israeli soldiers forced them to keep their windows closed and the blinds shut the entire time of the Israeli invasion.

A camp resident the Jenin Inquiry spoke with told us of his experience glancing out the hole in his wall to see what was happening outside:

“On Saturday the 6th I was cautiously looking out a window from the upper floor to see what was happening. I heard tanks and bulldozers smashing homes so they could enter [the camp]. At that time I didn’t know there were snipers.

I was in my home like a regular person and I saw that the bulldozers had smashed a door of my home, making a big hole in the wall. I was turned to the side and standing 10 feet away from this opening, peering outside. I couldn’t see the soldiers but they could see me. Suddenly, a shot [from a sniper] came into the room and I began to bleed heavily from my chest. I had no idea what happened but I thought the bullet went straight into my heart and I was going to die. I put my hand over my heart and went downstairs as the blood poured out. I thought I was going to die.”

Further, bulldozing of civilian neighborhoods buried bodies under the ground, some of which may yet be discovered. A thorough search through the rubble—even if it is removed outside the camp—would facilitate conclusion to this remaining question. People saw tanks and bulldozers run over bodies repeatedly in the process of bulldozing homes and moving around, sifting bodies into pieces and scattering them in the rubble. This has made it difficult to identify exactly how many have been killed.

Due to the problem of both Israeli and Palestinian unexploded ordinances in the rubble after the April invasion, the search for bodies was hindered. Only days after the Israeli military pulled out from the center of the camp, the Israeli authorities blocked the efforts of incoming bomb experts from the Norwegian Red Cross to remove and defuse the hundreds of devices. They did not bring fully appropriate equipment, asked the Israeli authorities for the appropriate equipment, and were told they would be permitted to borrow such equipment only if they photographed and documented every ordinance found, removed, and detonated. It was clear that the bomb disposal personnel did not agree to these terms when they subsequently left the site. Prior to their departure, one member of the crew told the Jenin Inquiry that the 300 devices that this team had already removed were buried in an unmarked area of the Jenin district. This was and still may be a serious threat to public health.

Another hindrance to the search for bodies and removal of rubble has been dozens of

Israeli military invasions of the Jenin refugee camp since withdrawing on 18 April. Though this report only regards the large invasion in April, the description is symptomatic in relation to other invasions. In each instance, more homes have been bulldozed or dynamited, men and women have been arrested, civilians have been shot, goods have been stolen and ordinary life has been mostly stopped. Cessation of ordinary life has been largely due to the imposition of 24-hour curfew on the Jenin Refugee Camp and Jenin city for more than half of the days between 18 April and the end of October. By the end of August, at least 40 people had been shot with live ammunition, more than ten suffering fatal wounds, for being outside their homes either when curfew was lifted or for breaking the curfew. The most publicized case was in mid-June when Israeli tanks rolled into Jenin city and opened fire on men, women, and children buying groceries. In that incident, three children—brothers Ahmad and Jamil Gazawi, six and 12 respectively, and Sajdeh Famawi, 6—and one woman, Helal Shetta, 50, were killed.

The Israeli authorities forbade bodies and body parts from being removed from the camp for so long that they decomposed and were difficult to identify without special forensic teams. Further, these teams or personnel do not exist in the Jenin area, necessitating their arrival from outside Jenin.

Members of Jenin Inquiry viewed many such partially decomposed bodies and severed, decomposing body parts in homes and in the streets of the camp. Though some of the dead could be buried—usually in shallow, collective graves—others were left in place due to the danger of attempting to gather them. Jenin Inquiry interviewed one resident of the camp who relayed the danger of trying to assist the injured or gather the dead:

“What I will tell you is what I saw with my own eyes I was in my own house and there was a sniper in our neighbor’s house. Inside another house was a man named Omar, 55. He left the house to get something to eat or drink outside the house. The sniper was in the house across from his. Omar opened the door, walked out, and the sniper shot him with no reason and with no warning. He did nothing to deserve it. He was a civilian and he died instantly. I was 10 meters away from him. I did not see the bullet go in but he grabbed his lower back on the right side and fell to the ground.

A neighbor named Abu Khaled, 55, feared that Omar was not actually dead. He went to his body and tried to take him to his home but was also shot by the sniper. This was the afternoon of the 5th day of the invasion (7 April 2002). I was able to see this because there was a huge hole in the wall between my house and my neighbor’s house.

Abu Khaled was injured in his abdomen. He did not die right away. His kids ran out to see him and the sniper shot at them. However, they were not hit. For 10 days the body of Omar lie in the street. If anyone tried to get the body, the sniper shot at them. Abu Khaled, however, returned to his home, as it was very close by. His wound was not very great; someone bandaged him, and he lived.”

Soldiers using civilians as human shields

Israeli soldiers used Palestinian male, female, and children civilians as human shields in three general ways:

1) Israeli soldiers forced civilians to stand between themselves and Palestinian fighters, even using civilians' shoulders as a rest for their guns. One 34-year old male the Jenin Inquiry interviewed said:

“The soldiers took me, untied my hands, took off the blindfold, and said, ‘Do you understand Hebrew?’

‘A little,’ I responded.

‘I will command and you will do.’ They said, ‘See the green door? Take the hammer and break it.’ The door was a multilock. I was trying to break it for 10 minutes. The soldiers hit me while I tried to break the door. Then the fighters began shooting at the soldiers. The soldiers put their M-16s on my shoulders and put me in front of them. For two days after this I couldn’t hear from both ears because of the sound of the guns shooting next to my ears.”

2) Israeli soldiers took civilians from house to house, requiring them to walk in front of the soldiers, and forced them to break down the doors and search the rooms first, before the soldiers themselves would enter. One witness Jenin Inquiry interviewed described being forced, along with his wife holding their four-year daughter in her arms, to walk ahead of a platoon of soldiers to the local grocery store while there was shooting in the area. When the soldiers had broken into and stolen from the shop, they allowed the woman and her daughter to return to their home.

“The soldiers went to my wife’s uncle’s grocery store one night, ten meters from the house. They forced my wife, our four-year old daughter Aseel, and myself to go with them. As we walked to the store from the house, they held their guns in our backs and made my wife go first, holding Aseel, while they crouched down and walked behind us. They made us stand tall and in front of them. There were about 40 soldiers with a meter between each of them. They forced me to go in and help them steal food from the store while they made my wife and our four-year old daughter stand outside the store front as protection. My wife spoke to them in Hebrew and said, “My daughter is scared.” They let them go back to the house. When the soldiers and I came back from the store, we moved in the same fashion as when we went to the store.”

3) When Israeli soldiers occupied Palestinian homes, they locked as many as 100 people in a room of the house, lessening the chance of Palestinian attacks on the house.

Access to toilet, food, water, and medical treatment/medicine

During the 15-day attack, food, water, and access to toilets were almost completely inaccessible to persons in the camp both through the direct refusal of Israeli soldiers and the physical destruction in the camp. Israeli military personnel also refused to allow humanitarian aid from various local and international agencies to enter the camp and

denied people access to food and water inside their own homes. Residents of the camp were forced to sleep in the same room as dead bodies and dogs, were beaten and interrogated by soldiers, and subjected to physical and verbal abuse, including death threats.

Medical care was denied to the injured, sick, and chronically ill—most of whom were civilians—with ailments such as heart disease, diabetes, and dialysis patients. Testimonies of virtually every survivor describe an attempt by themselves or someone in their family to obtain emergency medical services during the invasion that was unsuccessful. Medical personnel were shot at, arrested, beaten, and ambulances were destroyed by Israeli military equipment.

One young Palestinian volunteer with the Red Crescent Society, who was beaten, stripped to his underwear, blindfolded, handcuffed, taken 17 km outside the camp, and interrogated told us about his efforts before being removed from the area.

“We tried to rescue a man without a leg and an injured arm. We were not allowed to rescue him, even though we could see him. The soldiers told us, “Leave him there until he dies.”

“We saw bodies—even a 7 or 8-month old infant—dead in the street. We tried to pick them up but the Israeli soldiers said “No.” We tried to rescue another woman and the soldiers said, “If you try we will shoot you.” Every time we got out of the ambulance the soldiers ordered us to get back in.”

Destruction of civilian homes

According to UNRWA figures that were posted in the camp after the invasion, over 600 homes sustained heavy internal damage. The hands of Israeli soldiers damaged these 600 homes, not military equipment.

Inside the homes, soldiers searched every room by upturning and/or smashing every item in the house, large and small, leaving the home in complete ruins. Of the homes we entered, those that had not suffered significant damage were the exception. Backs of overstuffed chairs and couches were cut open, pictures were slashed with knives, food, dishes, glasses and all kitchen items were thrown onto the floor, smashing everything into small pieces and wasting the little food the people had. It was common for members of the Jenin Inquiry to walk into a kitchen and never touch the floor, but to walk on piles of rice and sugar and broken glass. Dressers of clothing and other household items were broken into and tipped over, often breaking the doors and handles or completely ruining the dresser. Books were thrown around and torn and in at least one case an entire family library was tipped over and left in a huge pile on the floor.

The soldiers put blankets, mattresses, upturned couches and chairs, and closet and dresser doors in house windows so that they could move within the house without being seen from the outside. This usually resulted in the item being irreparably damaged. Israeli soldiers often tore off sides of wooden dressers for the same purpose. They also punched

small holes (the size of two fists) in outer house walls in order to shoot at Palestinian resistance while maintaining protective cover from the outside.

Israeli soldiers moved from house to house in the camp through the walls of the homes, thus avoiding moving through the streets and narrow alleyways. Various instruments, such as sledge hammers and explosive devices, were used to break holes of varying sizes in the walls of homes to provide access from one home to the next. The holes often measured approximately five feet by four feet. This allowed the soldiers to move around the camp, remove their injured and dead, and move Palestinian detainees in the camp without going out onto the streets or small alleyways. As they passed through homes, the soldiers often left contingents of 20-40 soldiers, who remained in the house and turned it into a military base of operation for shooting at the Palestinian resistance and planning/carrying out their plans in the camp.

Symbols and signs were spray painted on outer walls of homes and sometimes inside homes to serve as a road map for soldiers, telling them in Hebrew "Come through here," "No exit from here," or "This way." In many homes, Israeli soldiers spray-painted non-directional graffiti on walls and mirrors. Images spray-painted included penises, stars of David and words in Hebrew, such as "death to Arabs."

Finally, when remaining in the homes, soldiers sometimes cooked meals with the pots, pans, utensils, and food of the homeowner and ate their meals on the homeowner's dishes. Instead of using toilets, soldiers urinated and defecated on furniture, in kitchen pots and pans, and on tile or carpeted floors while inside some homes. Despite the claims of Israeli supporters, who say the Israeli military conducted a very humane operation in Jenin refugee camp, such evidence, as highlighted from inside the homes of the people, demonstrates the racist and very hostile behavior that was generally exhibited towards the inhabitants of the camp.

Theft

Many families reported items stolen from their homes, including, but not limited to: mobile phones, money, jewelry, watches, computers, televisions, stereos, pictures, food, and drinks. Some families lost hundreds of dollars in cash, which had been saved in a cupboard or elsewhere. This facet of the Israeli military operation is illustrated by the child's plastic bank that was cut open with a knife and the small change inside was stolen. Another witness stated to the Jenin Inquiry that as he was waiting to be taken away as a prisoner, he watched tanks and APCs stop at every home they passed, break into the home, and return to their military machinery with large flour sacks full of items from the home. He also overheard soldiers on one occasion deciding how to split up the cash they had just taken from the home.

Thus far, there has been no focused assessment of the theft of personal items by Israeli soldiers in the Jenin Refugee Camp. Based on our interviews, however, the monetary amount is likely to be large, certainly by standards of living within the camp.

Disregard for Holy Places

Witnesses in the camp stated that approximately 40 Israeli soldiers invaded and occupied the Mosque in the upper portion of the camp and from there shot at Palestinians. Snipers were placed in the minaret, the high tower of the mosque from where the call to prayer is issued. Massive damage to the outside of the mosque is evident from the numerous holes and pock marks from bullets. Inside, the entire area of worship was ransacked and broken. The box to receive financial offerings was broken into, the money was stolen, and stars of David were scribbled all over its surface. Dozens of copies of the Qur'an were thrown to the floor; some had bullet holes through their center and others were simply torn apart. Inside the mosque, Israeli soldiers left ten one-and-a-half liter plastic bottles full of urine and food trash. All the windows were broken as well.

In a subsequent invasion in mid-June, Apache and/or Cobra helicopters randomly fired upon the other mosque in the Jenin Refugee Camp with 30 mm rounds, causing significant damage to it as well.

Killing of Animals and Agricultural Loss

Many birds, sheep, goats, cattle and other animals were killed during the invasion. Many of the animals lost represent part of the livelihood of their owners.

In their June report, The Applied Research Institute of Jerusalem stated in the Jenin District alone, the Israeli military destroyed 650 dunums (162 acres) of agricultural land cultivated with olive and almond trees as well as 3000 dunums (750 acres) of crops and vegetable fields. Moreover, 1000 heads of sheep and cows were killed. Many people from the Refugee Camp worked in these fields or owned the animals that were killed. Hence, those individuals lost not only income but also their food supplies.

Detainees

Thousands of men were taken from the camp blindfolded, hands tied behind their backs, and stripped to their underwear. They were forced to march, or were taken part way in tanks or APCs, over the course of several days. During the forced march, their hands were tightly tied behind their backs with heavy, plastic ties. Detainees were often bound together with metal wire into groups of seven to ten. Along the way they were regularly beaten with the butts of soldiers' M-16s, with iron or wooden batons, punched, and kicked and sometimes interrogated by soldiers, apparently at whim. As cited earlier, at least one case of execution occurred during the forced march. Detainees were made to sleep outside on the ground in their underwear, in cold and rain, and were rarely given blankets. For the most part, they were denied access to food and water, or given very little, over a period of one to six days. Occasionally the detainees were given moldy bread as their meal. When they asked to use a bathroom, they were mostly denied permission, and in some cases were explicitly told to urinate and defecate on themselves. Many were forced to remain in a kneeling position for days at a time with their heads bent almost to the ground. If the prisoners moved, they were beaten; if they fell asleep and their heads bent over, they were kicked in the chin.

There were several locations inside the camp and immediately outside where most detainees were first taken. Next, almost all of them were then taken to Al-Sa'adi Forest two kilometers to the west of the camp, and then to an Israeli interrogation center at Salem checkpoint, 17 km west of the camp. At Salem they were interrogated, beaten, denied sleep, water, use of toilet, and food for several days. Finally, they were put on buses and taken in the direction of outlying villages. On being let out of the buses, some were threatened with death if they attempted to return to their homes or if they tried to go to a hospital before they had heard on the news that the Israelis had withdrawn from the camp. Often the men were released from the buses in the middle of the night. They then walked in their underwear the remaining distance to the nearest village, where they were taken in, clothed and fed by the villagers. They remained in these villages for up to ten days, where they experienced further invasions of these areas by the Israeli military.

During all this time, none of the men knew where any members of their families were, whether they were alive or dead. No international aid workers came to visit them, either during the time they being detained or while they were in the villages; this was the work of the villagers themselves. When some men left the villages and attempted to return to their homes, they were shot or re-arrested by the Israeli military. When the Israeli military did withdraw from the camp, most of the men who had been detained returned to the camp to find their homes either damaged or destroyed; one witness could not even find his home because it was so heavily damaged. Some of the detainees could not find all the members of their family for many weeks after returning.

Administrative Detainees and Treatment of Prisoners In Prison

After several days in interrogation centers, some of the detainees were finally transferred to actual prisons. Though they were transferred to prisons, few were charged with any violation of the law. At the end of 2002, the vast majority of prisoners were still awaiting charges. At least 1000 Palestinians held in Israeli jails are still held under administrative detention. In practice, administrative detention generally means that the prisoner is not charged with a crime, is not allowed representation by an attorney, does not appear before a judge, and is not allowed to receive visitors, though he or she remains in prison for indefinite periods of time.

In early April, the Israeli military enacted an emergency law that allowed detainees to be held for 18 days without charges. This initial period ended and was subsequently extended by Israeli authorities in three-month increments. A vast majority of the prisoners taken from the Jenin Refugee Camp to Israeli prisons spent at least the initial 18-day period plus two, three-month extensions in administrative detention. After several months, some were allowed to make and receive phone calls to immediate family members.

By late August, a one-hour a week visiting period for immediate family members only was established. However, due to the fact that prisoners are generally held in Israel (not in the Occupied Territories), where access for Palestinians from the Occupied Territories

is restricted, family members have generally been unable to visit their loved ones in prison or take them basic clothing or hygienic supplies (these are not necessarily provided for Palestinian prisoners in Israeli jails).

The Jenin Inquiry spoke to one young man of 18 years, who was transferred from military bases to interrogation centers and finally to two different prisons over a period of 22 days. During this period of detention, he was interrogated six times in three different locations and regularly beaten. On the fifth day of his detention, Israeli interrogators poured an acidic substance over his chest and neck, trying desperately to coax information from him. After creating the burns, they tried to assuage the pain by offering medicine for the burns if he would give them information. According to his testimony, he had no information to give them and was not involved in any violation of the law; he is a peasant who sells vegetables. Immediately after the incident in which they poured the acidic substance on him, he was placed in solitary confinement for three days. The Jenin Inquiry observed the burns on the young man's chest and neck.

Attempts by the Israeli authorities to recruit Palestinians to collaborate with them were made in the prisons. This is a common situation for a Palestinian prisoner to face in an Israeli jail. The same witness referenced above told the Jenin Inquiry that after having acid poured on his face and stuck in solitary confinement for three days, he was later given clothes and placed with men who tried to bribe him. One 'spy', as the witness called them, looked religious and had a beard. He prayed and read Qur'an with the Palestinian detainees and offered to help them make any calls to their friends in various political parties. They were also treated to high quality food and offered anything they wanted over a four-day period.

Those we interviewed were clearly suffering distress as a result of their treatment, and appeared to be suffering from other psychological disorders, such as traumatic stress disorder. The psychological effect of torture was in addition to extensive physical abuse they suffered.

Explanations Provided for Israeli Actions

Israeli soldiers told many people in the camp that their purpose for ransacking the homes and movement from house to house was a search for weapons. The official Israeli military and governmental position was that they were "uprooting terrorist infrastructure." The credibility of this claim is severely undermined by the extent of unnecessary damage, the thoroughness of the destruction to civilian property, civil infrastructure, and the community organization, and large-scale theft that occurred. It is evident from the overall harm to civilians and damage to their property that the Israeli soldiers did not discriminate between fighters and the unarmed population.

Behavior of the soldiers on the ground appear to be a result of stated objectives by the Israeli government, including Prime Minister Ariel Sharon and Minister of Justice Meir Shehtrit, four weeks prior to the invasion. An article in the L.A. Times on 5 March 2002

entitled “‘Heavy Blows’ Fall Upon Palestinians” captured these aims:

“Palestinians must be dealt a heavy blow, which will come from every direction....Anyone wishing to conduct negotiations with the Palestinians must first hit them hard...If it is not made clear to them that they are overpowered, we will be unable to return to negotiations....We must inflict heavy losses on their side.”

Minister of Justice Sheerit said, “I support every move that would worsen the situation for the Palestinians until they cry out, ‘We want a cease-fire....All our efforts have failed and I have no doubt that we should punish them badly.’”

An Israeli intelligence official repeated this sentiment of nondiscrimination between armed resistance and the civilian population while interrogating one Palestinian civilian detainee the Jenin Inquiry interviewed. He was forcibly taken from his home in mid-April, stripped, beaten, tortured, forced to break into several of his neighbors’ homes, and used as a human shield for 38 hours. The conversation went like this:

Detainee: “What I have done wrong that you treat me this way? I’m a peaceful man and was sitting with my family.”

Israeli interrogator: “You didn’t come out of your house. This is war. We cannot separate fighters from civilians.”

Conclusion

Numerous issues must be addressed, thoroughly investigated, and brought to conclusion by appropriate personnel or organizations. Some of the main subjects are: The number of dead, an Israeli list of bodies removed and their current location, executions of civilians or surrendered fighters, the restrictions that were placed on water resources coming from Merikort to the Jenin Refugee Camp and Jenin city, accountability for military commanders and governmental ministers that were responsible for the operation, administrative detainees, reparations, and the construction of war crimes cases.

The number of dead is still unknown. One main activity that will help to finalize this question would be the compilation and release by the Israeli authorities of a complete list of bodies that the Israeli military removed from the camp. In addition to this list, the declaration of the location of the remains of those removed would facilitate examination by forensics teams, help to determine the cause of death, and further concretize the number of dead. This would also allow the families to bury their loved ones and grieve accordingly.

Why were the water supplies to Jenin Refugee Camp and Jenin City ‘curiously low’ during the invasion in April? Camp residents have testified to the difficulty of obtaining water. A thorough investigation of Merikort records and discussion with officials from Merikort are vital aspects of this question that must be pursued.

Administrative detention must be ended by the release of administrative detainees or charges being filed against them. Legal proceedings must take precedence over political practices. Detainees should be able to visit with family and legal counsel if they are not going to be released. Prisoners should be given weather-dependent clothing or allow it to be brought to them from family members. Adequate caloric intake must be provided to maintain weight and diminish the spread of sickness in the prisons. Prisoners should be protected from beatings and harassment at the hands of their captors.

Reparations to the people of Jenin Refugee Camp and Jenin city must be made in order to conclude the process that began 3 April 2002. The people lost entire homes, shops, agricultural land and fruit-bearing trees, household items, cash savings, and any of a number of personal material items, such as mobile phones and important family or government documents. Restitution to the health sector, who lost whole refrigerators of vaccinations, three ambulances, medical staff—including the director of the Red Crescent Society for Jenin, Dr. Khalil Suleiman—and sustained damage to their facilities must also be appropriated. Funds must be given by those responsible to rebuild the mosques and schools that were damaged or destroyed. Individual soldiers who defecated and destroyed the inside of the mosque in the upper part of the camp must be held accountable.

Executions of civilians and surrendered fighters are well documented by numerous international human rights organizations. Despite that there were heavy battles in Jenin refugee camp, there is no justification for the wanton execution of individuals who had either no involvement with the armed conflict or those who had surrendered themselves to the Israeli military. Individuals who performed such actions and those, if any, who ordered them to be done, should submit to legal proceedings in an international court of law and stand trial.

Finally, it is necessary to act on the recommendations of reports by Human Rights Watch, Amnesty International, and others, who have stated unequivocally and provided evidence for war crimes violations by the Israeli military. To follow up on their recommendations means to build legal cases against the perpetrators of identified war crimes and allow the accused to defend themselves with legal representation in an international court of law. Prosecutors need not limit themselves to individual soldiers. Moreover, it is important to determine the extent of knowledge and participation of commanding officers and political leaders and bring all responsible to stand trial in reaching a resolution to the events that occurred in Jenin refugee camp. Anything else would defy the judicial process that occurs in every democratic location today.

The events that occurred in the Jenin Refugee Camp in April 2002 detailed in this report were horrific by any standards. It is important, however, to step beyond the sheer horror to consider questions of accountability. Accountability is traditionally a matter of law and legal process, and in cases such as this, we are concerned with the precepts of

international humanitarian law.¹ Before discussing accountability under international humanitarian law, however, it is important to consider two contextual factors.

First, while analyzing international legal norms is useful, it must not distract from the broader fundamental moral reality. The people who live in the Jenin Refugee Camp were either born there or fled there in fear when the state of Israel was originally forged. Many came from Haifa, now in northern Israel. They have suffered an historic injustice that has never been righted. They have never been offered any hope that the wrongs inflicted upon them originally, and from time to time since the establishment of the camp, would be righted.

Apart from the delivery of humanitarian aid by way of food and basic needs under the United Nations and similar programs, these refugees have no prospect of a future other than the squalor in which they have lived for decades. Their very continued existence is an uncomfortable testimony to the world, and to the occupiers of their land, that something fundamentally wrong has been allowed to happen and indeed to take root.

Any discussion of international legalities must take place in this broader historic and moral context. Despite the potential for disagreement about historical, factual, legal and moral interpretation, the members of the Jenin Inquiry who spent weeks in the refugee camp were unanimously left with a deep impression of the continuing wrong imposed upon the people in the camp for decades, and the wrongfulness of the crimes inflicted during April 2002.

Second, Israel has tended to engage in detailed argumentation over international legalities and its obligations. Israel has argued, for example, that the conflict is not an “international armed conflict” between two states (although it is also clearly not an “internal armed conflict”) and so is not subject to the laws of war. Arguments also rage over whether Israel had the right to conduct the specific incursions in April in “self defense” in response to Palestinian suicide bombings and whether the Palestinian people have a right to use force for “self determination”.

Israel has argued further that the presence of the IDF and the related building of Israeli settlements is not an “occupation” of the Palestinian territories since the land was not occupied by Jordan (in the case of the West Bank) or Egypt (in the case of Gaza) when Israel occupied it in 1967. Israel has also argued that it is not an “occupying power” since it does not have “effective control” over the territories, or at least did not in the case of Jenin, for example, prior to April 2002. Thus, argues Israel, it does not bear the responsibilities of an “occupying power” under the Fourth Geneva Convention and customary international law, and the Palestinians in the territories do not have the consequent rights and immunities of “protected persons”. Israel has also argued that, when detained, the Palestinians do not have the rights of “prisoners of war” since they were not organized, uniformed combatants but civilians, indeed “terrorists”. Arguing that it is not an “international armed conflict” but an internal matter, Israel also argues that the

¹ The main provisions of international humanitarian law are available at the website of the International Committee of the Red Cross (www.icrc.org).

detainees are instead subject to special Israeli laws designed for “security prisoners”.

The purpose of this report is not to engage with these legal arguments. Analyses of the legalities of the events of April 2002 in the Jenin Refugee Camp have been prepared by better qualified commentators.² This report has simply described the facts as uncovered by the members of the Jenin Inquiry during their stay in the Jenin Refugee Camp. This conclusion aims simply to hold up those facts against the broad precepts of international law in situations of armed conflict.

International humanitarian law serves both to classify and name particular crimes, as well as to require accountability from perpetrators. Increasingly, the name given to actions which violate the precepts discussed below is “war crime” and the name given to perpetrators is “war criminals”.

- Overall Treatment of Civilians. As detailed throughout this report and below, the Israeli army failed to distinguish adequately between military and civilian targets and to avoid military operations that cause disproportionate harm to civilians. These are fundamental principles of the Geneva Conventions, embodied in Articles 48³ and 51⁴ of the First Additional Protocol to the Geneva Conventions (the “First Additional Protocol”). These are regarded as customary international law and binding on Israel despite Israel not having signed the Additional Protocols.
- Indiscriminate Attacks on Civilian Population. Article 51(4) and (5)⁵ of the First Additional Protocol prohibits indiscriminate attacks on civilian populations. The

² See, for example: “Shielded from Scrutiny: IDF Violations in Jenin and Nablus”, Amnesty International Report November 2002 (available at [http://web.amnesty.org/aidoc/aidoc_pdf.nsf/index/MDE151432002ENGLISH/\\$File/MDE1514302.pdf](http://web.amnesty.org/aidoc/aidoc_pdf.nsf/index/MDE151432002ENGLISH/$File/MDE1514302.pdf)); “Jenin: IDF Military Operations”, Human Rights Watch Report May 2002 (available at <http://hrw.org/reports/2002/israel3/israel0502.pdf>); and generally www.amnesty.org; www.icrc.org; and www.crimesofwar.org.

³ Article 48 -- Basic rule: “In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.”

⁴ Article 51(1): “The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, the following rules, which are additional to other applicable rules of international law, shall be observed in all circumstances.” (The other provisions of Article 51 are set forth in the following footnotes.)

⁵ Article 51(4): “Indiscriminate attacks are prohibited. Indiscriminate attacks are: (a) those which are not directed at a specific military objective; (b) those which employ a method or means of combat which cannot be directed at a specific military

intensity of the bombardment by F-16 fighter jets and Apache and Cobra helicopters of the Jenin Refugee Camp, a densely populated urban area, in the days prior to the invasion by Israeli army ground forces was such that loss of civilian life was foreseeable in a manner that would be excessive in relation to any concrete and direct military advantage anticipated.

- Terrorism of the Civilian Population. Article 51(2)⁶ of the First Additional Protocol prohibits “acts or threats of violence the primary purpose of which is to spread terror among the civilian population”. It is clear that the combination of the indiscriminate bombing of the Jenin Refugee Camp and the massive unnecessary demolition of the southern part of the camp were intended to inflict a damage with a direct psychological dimension fairly describable as spreading terror among the civilian population.
- Use of Palestinians as Human Shields. The Israeli army usage of Palestinian non-combatants as human shields is a clear violation of Article 51(7) of the First Additional Protocol⁷ and Article 51 of the Fourth Geneva Convention.⁸ A particularly grave example recorded by the Jenin Inquiry and documented in this report was a mother forced to carry her small child in her arms down the street ahead of a platoon of Israeli soldiers. Jenin Inquiry and other groups have recorded a clear and systematic pattern of this tactic, plainly suggesting orders for

objective; or (c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol; and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.”

Article 51(5): “Among others, the following types of attacks are to be considered as indiscriminate: (a) an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects; and (b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”

⁶ Article 51(2). “The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.”

⁷ Article 51(7): “The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.”

⁸ Article 51: “Protected persons may not be compelled to undertake any work which would involve them in the obligation of taking part in military operations.”

this measure come from the highest levels of the military and perhaps the government.

- Deliberate Damage to Civilian Property. Article 52 of the First Additional Protocol prohibits attacking civilian property which does not make an effective contribution to military action. In particular, reprisals against civilian property are prohibited.⁹ Where there is doubt as to whether houses are being used for civilian or military purposes, the presumption must be that they are being used for civilian purposes.¹⁰ Much damage to civilian property clearly had no military objective.¹¹ The indiscriminate bombardment of the dense urban area of the Jenin Refugee Camp, followed by the bulldozing of a large portion of the camp containing houses after the fighting had ceased, is clearly a violation of Article 52. The fact that there had previously been fighting in this area is not relevant. The Jenin Inquiry recorded many other instances of damage to civilian property in addition to the flattening of the large portion of the camp: destruction of furniture and personal possessions within houses, slashing of pictures, graffiti (including spray painted penises on the walls), and numerous other examples detailed in this report. The destruction of the inside of the mosque violated the protection afforded to religious buildings under the 1899 Hague Conventions and Article 52 of the First Additional Protocol.
- Collective Punishment. Article 33 of the fourth Geneva Convention prohibits collective punishments and all measures of intimidation and terrorism, as well as reprisals against the property of people.¹² The destruction of a large portion of the Jenin Refugee Camp and the property within the houses after the fighting rendered many homeless and without possessions. The fact that much of the

⁹ Article 52(1): “Civilian objects shall not be the object of attack or of reprisals.” The Hague Conventions of 1899 and 1907 also forbid deliberate damage to civilian or civic property without military justification.

¹⁰ Article 52(3): “In case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used.”

¹¹ Article 52(2): “Attacks shall be limited strictly to military objectives. In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.”

¹² Article 33: “No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited.”

bulldozing occurred after the Israeli army had effective control of the area suggests that these were deliberate reprisals intended to scar the camp, intimidate and terrorize the inhabitants, and inflict reprisals upon them in a manner that violated Article 33.

- Treatment of Detainees. The classification under international humanitarian law of persons captured or detained, and the required standard of treatment of such persons, depends in large part upon whether they are “combatants”.¹³ There is extensive argument regarding the status of captured Palestinian fighters, in particular whether they are combatants who have the rights to protection as prisoners of war, or civilians who have relinquished their rights to protection by taking up arms. Whether the lack of a command and organizational system, internal disciplinary system and uniforms removed a prisoner of war status is often debated. There is no argument, however, regarding members of the civilian population who are not fighters but who are detained. This report has documented the inhuman treatment of many such persons who were not fighters but were detained by the Israeli army. Such treatment violated Israel’s responsibilities to the civilian population as a party to the conflict in whose hands they found themselves and as an occupying power.¹⁴
- Denial of Access to Medical Treatment and Humanitarian Relief. In addition to the general inability of medical and humanitarian relief to gain access to the camp, this report has documented the refusal by the Israeli army in specific instances to allow injured persons access to medical treatment, including refusing them access to the hospital with the result that such persons died on the hospital steps. The Fourth Geneva Convention obliges Israel to respect and protect the wounded¹⁵ and emergency medical personnel,¹⁶ and to permit recognized national Red Cross and Red Crescent societies to carry out their operations. While the Israeli army directly controlled Jenin camp, Israel was also under an obligation to ensure that the civilian population had adequate access to food and medical

¹³ See generally the Third Geneva Convention.

¹⁴ [citation to come]

¹⁵ Article 2: “The wounded and sick shall be collected and cared for.” Article 16: “As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.”

¹⁶ Article 20: “Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases shall be respected and protected.”

supplies.¹⁷ As documented in this report, Israel failed to fulfill these obligations, particularly in such instances where military objectives would not have been prejudiced by permitting such medical and humanitarian support.

- The Civilian Population was not Party to the Hostilities. Although certainly hostile to the invasion by the Israeli army, the civilian population did not take a direct part in the hostilities and so had not forgone its rights under the Geneva Conventions.¹⁸ To argue the contrary would be misleading and untrue. It became clear during the interviews conducted by the Jenin Inquiry that there were individuals in the Jenin Refugee Camp who were “fighters” and that these comprised a very small portion of the camp. (The interviews conducted included interviews with such fighters.) The remainder of the population had not relinquished their rights to protection under the Geneva Conventions.

In order for international law to retain any standing as a legal basis, the violations of its statutes by the Israeli military in the case of Jenin refugee camp must be rectified. War crimes were clearly committed. Those who committed them—war criminals—are yet free individuals in Israel. Moreover, some of them are conducting the affairs of the Israeli military and its government from the upper levels of the hierarchy.

War criminals must be brought to international courts and tried for the crimes they have committed. If the international community absconds from its duty to bring fairness to the victim and judicial sentence to the criminal, the situation in the Middle East, and the world in general, will continue to deteriorate.

With the help of the United States, Israel has successfully violated dozens of UN Security Council Resolutions for over a half century. This has set a very negative precedent regarding the ability of international opinion to govern international affairs. In the case of Israel, the legal basis for international relations has time and again been ignored or avoided, especially those regarding treatment of civilians in times of conflict.

It is high time that this trend is reversed and all states are bound by the agreed upon norms of international law and the consequences when in violation. This would be a beginning step to ending long-standing conflicts in the Middle East and ensure a safer world for all its citizens. As safety and security are top priorities across much of the globe

¹⁷ Articles 55: “To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.” Article 59: “If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.”

¹⁸ Article 51(3): “Civilians shall enjoy the protection afforded by this Section, unless and for such time as they take a direct part in hostilities.”

today, it is past time to enforce international law. This is the only way to bring restoration to the people of Jenin refugee camp and one of the responsibilities of the international community in assisting the people of that camp in rebuilding their homes and their lives.