

Israeli Use of Palestinians As Human Shields

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Theme: [Crimes against Humanity](#)

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The Al Mezan Center for Human Rights is a Gaza-based Palestinian NGO mandated “to promote, protect and prevent violations of human rights in general, and economic, social and cultural rights in particular, to provide effective aid to those victims of such violations, and to enhance the quality of life of the community in (Gaza’s) marginalized sectors.”

It monitors and documents violations, provides legal aid and advocacy, and helps Gazans on “fundamental issues such as basic human rights, democracy, and international humanitarian” matters. It also produces reports and publications on its work.

In April, it published a seven-case study update of its July 2008 report titled: “Hiding Behind Civilians – The Continued Use of Palestinian Civilians as Human Shields by the Israeli Occupation Forces.” This article reviews both reports to highlight what international law unequivocally prohibits. Nonetheless, it’s customary IDF practice even though Israel’s Supreme Court banned it on October 6, 2005.

One Palestinian woman described her experience:

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

Other witness testimonies related similar stories, at times with tragic consequences for its victims. Israel is a party to various human rights laws and conventions. As a result, it’s obligated to respect and protect the rights of people it controls.

Under Article 3 of the UN General Assembly’s 1948 Universal Declaration of Human Rights (UDHR): “everyone has the right to life, liberty and security of person.”

Under Article 5: “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Under Article 9: “no one shall be subjected to arbitrary arrest, detention or exile.”

The General Assembly’s 1977 International Covenant on Civil and Political Rights (ICCPR) affirms the same rights. Under Article 17: “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence.”

Both international humanitarian law (IHL) and international human rights law (IHRL) protect life, well-being and dignity. IHL deals with armed conflicts while IHRL applies to peace as

well as war. Hague and Geneva Conventions comprise the main body of IHL, and strike a balance between military necessity and humanitarian considerations. As an occupying power, Israel is obligated under them.

Fourth Geneva protects civilians in war time, including those in Occupied Palestine. It restricts the use of force and prohibits seizing non-combatants as hostages, including persons who've laid down their arms or can't fight because of illness, injury or any other reason.

Article 34 states: "the taking of hostages is prohibited." Article 28 states: "the presence of a protected person may not be used to render certain points or areas immune from military operations." Article 29 states: "the Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred."

Protocol I, Article 51, paragraph 7 states: "the presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favor or impede military operations." In other words, using civilians as human shields is prohibited under all circumstances.

Further, the International Criminal Court's (ICC) Rome Statute, Article 8 prohibits the "Taking of hostages." Israel isn't a Court member but is obligated under international law. Nonetheless, it flaunts it with impunity.

Al Mezan collected sworn testimonies of people's homes seized and used as military posts for days with their residents confined for prolonged periods, beaten and abused, prevented from normal activities, and put in harm's way.

Another practice was called the "neighbor procedure," later changed to "the prior warning procedure" to get around a Court prohibition. Israel commandeers civilians, has them knock on neighbors' doors, usually at night, to deliver military orders to submit to arrest. Hostages are put in harm's way when violence at times erupts that may result in deaths or injuries.

Finally the practice was banned, but Israel blatantly disregarded its own High Court ruling as well as its clear obligation under IHL. It continues to use civilian men, women and children as human shields.

During the Second Intifada (especially for Israel's large-scale West Bank Operation Defensive Shield incursion), Amnesty International (AI) said the following in October 2005:

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

B'Tselem reports that Israel routinely uses "human shields (as) an integral part of the orders received by Israeli soldiers...." Al Mezan documented "dozens of cases" in Gaza in spite of

specific High Court prohibitions, usually at times of incursions. Case studies below refute Israeli claims about respecting civilians, not using them as shields, and abiding strictly according to international and its own case law.

Israeli officials lie. As standard practice, they seize Palestinian civilians randomly, including women and young children, then force them into harm's way. Usually to:

- let soldiers commandeer their homes as military posts and for sniper positions;
- check for possible booby-traps in buildings;
- order occupants inside to leave;
- remove suspicious objects anywhere soldiers may go;
- shield them from gunfire or thrown rocks; and
- perform whatever other tasks soldiers order under very real threats they'll be shot if they refuse.

Orders to conduct these practices come from top commanders, not soldiers in the field.

Case Study Examples - 2008 and 2009

Number 1

On July 10, 2008, the IDF forced Rana Mofeed Awad An-Nabaheen, age 11, to visit a relative's house delivering orders to leave. On return, she was shot in the stomach by other soldiers, unaware she was acting under orders. Family member Mahir Hamdan Mheisin An-Nabaheen provided eyewitness sworn testimony. At about 4:30AM, vehicles, helicopters and gunfire woke him.

"I peeked through a window and saw Israeli soldiers breaking into my family member's house and forcing them to get out." Rana delivered orders to leave. He then heard heavy gunfire. "I peeked out and saw Rana near the gate screaming and saying: 'I am injured.' I stepped back into the house and gave her my hand....I pulled her back into the house. The gunfire became heavier. I left Rana bleeding and took cover behind a wall. Rana crawled two steps and lay on the floor....I saw her entrails coming out of her abdomen.

A physician in military uniform came, brought a bandage, and put it on her abdomen. The commander fastened Rana to a carrier, then ordered two soldiers to carry her." This case is typical of many others.

Number 2

It involves the arrest of civilians, including a pregnant woman, from the As-Sreij neighborhood in eastern Al-Qarara village in Khan Younis. They were held in an agricultural field and forced to accompany soldiers towards the separation border. The men were detained, women and children ordered to leave. They were shot at en route, then used as human shields during the operation. Out of fear of reprisals, the witness remained anonymous.

On April 3, 2008, at 7:30AM, her husband wasn't answering his mobile at the time an Israeli

force entered the area where he was working. She rushed there with his ID card. "When I was on my way, I heard somebody shouting and ordering me to stop and come towards him....I tried to explain that I had come to give my husband his ID card but they threatened to shoot me."

"They led me to a room where I saw seven men and a woman with her two daughters, who were detained. The men were handcuffed and blindfolded. They handcuffed and blindfolded me. Then, they forced us to move out of the room, pushing me with their hands and guns although I was blindfolded and pregnant....They stopped for a while and took off my blindfold....I saw them taking the men across the border, and then heard one of them ordering us to leave the area....I heard heavy gunfire."

"I had to crawl for a long time to leave the area....I found (soldiers) who forced me to stop. I tried to explain what happened but they threatened to shoot me and forced me to sit down with a child of (a) family....One soldier forced the child to take his shirt off and tied his hands with it. There were many explosions and intensive firing."

"I managed to go home at around 13:00 on the same day. My husband returned home at around 21:00 on the same day. I knew he was detained in a military post close to the border line."

This is another human shield example that "demonstrates the complete disregard of the soldiers for the life of a pregnant woman and her unborn child." They were used as cover for Israeli forces to withdraw from the area.

Other cases were of medical teams forced to carry out life-threatening tasks, homes used as military posts and their residents as human shields, and a 14 year old boy used for the same purpose.

On April 9, 2009, Al Mezan presented an updated report, containing seven new case studies "based on comprehensive field investigations and witness statements," these based on incidents during Operation Cast Lead and one earlier in 2008.

"In endangering the lives of civilian men, women and children through systematically using them as human shields, the (IDF committed) crimes against humanity according to IHL." This is one of many violations against non-combatant Palestinian civilians.

Number 1: 15-year-old child used as a human shield

After being used for that purpose, the child was detained in a hole in the ground with about 100 others for four days. He now suffers from serious mental health difficulties and refuses to speak to strangers. With help from his parents, Al Mezan got him to tell his story and presented excerpts from it below. At home with his parents, he was terrified by days of conflict.

"I was lying on the floor sheltering with my mother." His uncle then said: 'Come downstairs.' "So we all went downstairs. As soon as we opened the door, I saw a large number of soldiers. One of them was pointing his weapon at me....I saw my uncle and brothers lined up against the wall. I saw the soldier signaling at me to stand beside them. So I did....he wanted me to put my hands up. So I did. Another soldier came and searched me from top to bottom....He tied my hands to the hands of the people next to me."

"I stood by the wall. A few minutes later one of the soldiers came and kicked me. About two hours later, they ordered us to walk....they made us go into Khalil al-Attar's house....Then they told us all go, as a chain, into one of the rooms." They took us outside the house....I heard the sound of a huge explosion in the area. From there they took us to a farm."

"They made us sit on the ground until dawn the following day. Then they took us outside the field (and) blindfolded my eyes....they led us to a low-lying area. They made us sit on the ground....They tied my hands in front of my stomach. They searched me a third time and made me sit on the ground....After they took of my blindfold....I realized where the low-lying area was. It was a hole made by Israeli forces....south of the American school."

"We spent the whole night in this hole. I couldn't sleep. The weather was really cold and I wasn't wearing a lot of clothing. We stayed in this hole for four days....I could hear the sound of shooting and explosions" close by. We got one meal each afternoon...."On the third day I saw a soldier making a wire fence around the hole (and bring) a lot of people to the hole until the number reached around 100. On the morning of the fourth day, an Israeli soldier untied me, my brother Ali, my cousins Hussein and Khalil. They told us and the women to go to Jabalia.

Case 2: Majdi al-Abed Ahmed Abed Rabbo, male, age 40

On January 5 at 9:30AM, he was at home when he heard a loud sound and someone say, "Open the door....I arrived at the door and opened it. I was surprised to see an (IDF) soldier hiding behind a man in his twenties and pointing a gun at me. He said in Arabic, 'Take off your pants.' I took" them off. He ordered him to strip naked, then get dressed. About "15 - 20 Israeli soldiers then entered the courtyard of my house....one grabbed my neck from behind and put his gun to the back of my head."

"Two other soldiers hid behind me....They told me to lead them to the roof, where they searched pigeon coups that I keep in two rooms there." A soldier then asked about the adjacent house, belonging to his cousin and connected to his home by a common roof. "There's no space between the two houses, just the wall."

"After that, one of the soldiers brought a demolition tool and said, 'Drill a hole there.'....Then three soldiers went through the hole to (his cousin's) house." He was told to come as well along with more soldiers, then told, "Get up. Get up," and grabbed violently. "I got up and entered with them through the hole back to my roof, and they all went as a group down the stairs. This happened quickly....The whole group was running."

"The soldiers led me outside. I found myself in a mud road....One of the soldiers was holding me and making me run with him. Another soldier was bringing the young man with him the same way, and (he) had his hands tied. They pushed me in the mosque through its main door to the north....They tied my hands in front of my stomach and tied my legs and sat me down (in one corner). We entered the house adjacent to the mosque. They took us out and turned us toward another house," then sat us down nearby.

In one house, a soldier said, there were gunmen and we killed them. "Go take their clothes off and bring their guns and come back."

"I refused. I asked him to let me return to my family. I said to him:" going into that house "means death, and I don't want to die." The soldier responded, 'You are here to do what we

tell you (and said) Go.'

"I walked about 200 meters to the house....I went in...I went alone....but couldn't find anyone. I expected the worst." He encountered three armed men wearing badges saying Al Qassam Brigades. He said he was forced to come. They told him to go back and say what he saw - "three gunmen in the house, still alive....then the soldier said to me, 'The officer says he's crazy and if you are lying to him he swears by his mother he will shoot you.'"

"A short time later, I heard the sound of heavy gunfire nearby. Twenty minutes passed....and a soldier said to me; 'We killed them now. Go get them.' I refused. I told them that they had told me that if I returned they would kill me, and he shouted at me: 'We killed them.' "

He went again and found one man seriously injured and bleeding and the others alive. He reported back what he saw, then heard heavy gunfire and a very loud explosion. A soldier said; 'Go and make sure they are dead. We bombed the house again with planes...."With difficulty, I entered the apartment. Inside, I saw the three men still living, but they were under the rubble."

Majdi al-Abed Ahmed Abed Rabbo located his wife and children after the IDF released him. His home was totally destroyed by military bulldozers, and he's deeply distressed. Numerous other examples are similar to his account - human shields illegally used by IDF soldiers in violation of international law and Israel's High Court ruling.

Conclusions

The above cases are examples of customary Israeli practice in gross violation of international law and Israel's High Court ruling. They endanger civilian lives and cause "long-lasting psychological trauma."

IHL considers using civilian human shields a war crime and when used systematically against non-combatants a crime against humanity. It's essential to hold parties guilty of these crimes accountable as the way to stop this heinous practice.

Al Mezan condemns Israel's disregard for the law and says that "the continued failure of the international community to fulfill its obligations and its silence on Israeli violations encourages" similar acts in the future - by Israel and others engaged in this outrageous practice.

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