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HRW calls on Israel to stop forcing civilians to assist military operations

(Jerusalem, March 16, 2007) – The Israeli army should immediately cease deliberately endangering Palestinian civilians by forcing them to assist military operations, Human Rights Watch (HRW) said March 16. During recent military operations in the Old City of Nablus, Israeli soldiers forced at least three Palestinians at gun point, two of them children, to assist in searching apartments for suspects. International humanitarian law prohibits a party to a conflict from using the civilian population or individual civilians in order to attempt to shield military operations.

“The soldiers’ actions fly in the face of the Geneva Conventions, an Israeli high court decision, and the IDF’s own prior commitments,” said Joe Saunders, deputy program director at Human Rights Watch. “Israel should put an immediate end to this wholly illegal practice which deliberately abuses the immunity to which civilians are guaranteed under international law.”

According to testimonies gathered by the Israeli human rights organization, B’Tselem, on February 25, on the first day of Israel’s military operation in the Old City of Nablus, Israeli soldiers forced two cousins, `Amid and Samah Amirah, ages 15 and 24, to walk at gun point in front of them as they entered and searched nearby homes. `Amid also described how the Israel Defense Forces (IDF) used him at his own house at a time when the IDF apparently believed one or more suspects might be inside, as suggested by the fact that soldiers fired shots during the search: “They aimed their weapons at me. One of them pushed me so that I would go into the house first. I went in first, and then the soldiers entered. One of them pushed me to a corner of the room, and then fired into the house. They fired 5-6 shots inside the house. They told me to go into the rooms and then they came in behind me.”

The soldiers also forced `Amid’s cousin Samah at gun point to enter all the rooms of a house and later fired live shots into the rooms. AP television cameramen filmed and broadcast part of this incident (available at http://news.bbc.co.uk/2/hi/middle_east/6432133.stm).

Three days later, on February 28, Israeli soldiers ordered an 11-year-old girl, Jihan Tadush, to accompany them on a search of a nearby home in the Yasmina quarter of the Old City where she lives. She told B’Tselem: “He [the soldier] ordered me to walk toward the house. Three soldiers walked behind me. At the house, there were lots of soldiers. The soldier ordered me to go inside. The soldiers followed me into the house. The house was dark, and the soldiers lit it up with their flashlights. There were locked rooms and a kitchen. The soldier asked me what room we were in, and I told him it was a kitchen. He asked me about the stairs leading to the roof. I showed them to him, and the soldiers went onto the roof and then came back.” Jihan described her feelings after the incident: “I was shaking with fear. I was afraid they would kill me or put me in jail. The only thing I wanted to do was sleep. I am afraid that the soldiers will come back and take me.” Jihan also provided video testimony, which is available on YouTube, where she describes her ordeal (available at <http://www.youtube.com/watch?v=YiOOGYsyR4A>).

“It is particularly reprehensible that the Israeli army has forced children to act either as

shields or as agents for them in recent military operations," said Saunders. "Children are entitled to special protections under international human rights and humanitarian law, and these actions represent a most serious violation of those protections."

Article 51 of the Fourth Geneva Convention prohibits forcing civilians to partake in its military operations, a basic principle of the laws of war which is absolute and affords no derogation. The convention also prohibits the exercise of "physical or moral coercion against protected persons" (Art. 31), and requires that civilians be protected "especially against all acts of violence or threats thereof" (Art. 27). Article 51 (7) of Additional Protocol 1 sets out the customary law prohibition that parties must 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."

Human Rights Watch said Israeli officials should immediately investigate the IDF's recent operations in the Old City of Nablus, prosecute and sanction anyone responsible for deliberately endangering civilians by forcing them to assist military operations and ensure that military commanders communicate unequivocally any military orders against such practices.

Background

Human Rights Watch and Israeli and Palestinian organizations documented numerous cases of Israeli forces using Palestinian civilians as human shields during the early years of the current intifada. After seven human rights organizations petitioned Israel's High Court of Justice on May 5, 2002, the state told that court that "the IDF has decided to issue immediately an unequivocal order to the forces in the field. The order states that forces in the field are absolutely forbidden to use any civilians as a means of 'living shield' against gunfire or attacks by the Palestinian side." However, the state contended that the IDF's use of the "neighbor" or "early warning" procedure, whereby they used Palestinians to gain entry to other houses during military operations, did not constitute shielding and was lawful. Nonetheless the army declared that where a field commander believed that this practice would endanger a civilian, it would not be used.

Finally after a three-and-a-half-year legal battle, on October 6, 2005, the High Court of Justice ruled that it is illegal for the IDF to use Palestinian civilians during military actions, including through the "neighbor" or "early warning" procedure. However, even since the High Court's ruling, Human Rights Watch and other organizations have documented several cases of Israeli troops using Palestinian civilians in military operations, including during Israel's prolonged incursions into the Gaza Strip during the second half of 2006.

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