



Women's Centre for Legal Aid and Counselling (WCLAC)

Israeli military night-raids on Palestinian residences in the West Bank and East Jerusalem

Submission

Date: 26 June 2015

Submitted to:

1. Special Rapporteur on [violence against women](#), its causes and consequences
2. Special Rapporteur on [torture](#) and other cruel, inhuman or degrading treatment or punishment
3. Special Rapporteur on the situation of human rights in the [Palestinian territories](#) occupied since 1967

The Women's Centre for Legal Aid and Counselling ([WCLAC](#)) is a Palestinian non-governmental organization established in 1991 and based in Ramallah and East Jerusalem. WCLAC aims to address the causes and consequences of gender-based violence within the community as well as the gender-specific effects of prolonged military occupation.

1. Introduction

- 1.1 This submission focuses on night raids conducted by the Israeli military and police on Palestinian homes in the West Bank including East Jerusalem. Evidence collected by WCLAC in 2014 and 2015 indicates that these raids are conducted in a widespread and systematic manner. Further, the evidence indicates that these raids have a profound impact on the affected individuals, households and communities.
- 1.2 Whilst it is difficult to obtain accurate data on the number of night raids conducted by the Israeli military on Palestinian households, based on information released by the military authorities, it is estimated that 1,360 raids were conducted in 2013.¹ This figure does not include East Jerusalem. Whilst it is not possible to independently verify this figure, it does suggest that since martial law was imposed in June 1967, over 65,000 night raids have been conducted by the Israeli military on Palestinian homes in the West Bank (not including East Jerusalem). Due to the relative calm in recent years, the true figure could be significantly higher.²
- 1.3 Whilst questions arise as to why so many night raids are conducted, the evidence does suggest a close correlation between their location and proximity to Israeli settlements built in violation of international law and the road network used to link the settlements to Israel.
- 1.4 This submission is based on 100 testimonies collected from women affected by night-time raids in 34 locations across the West Bank and East Jerusalem between March 2014 and June 2015 (Reporting Period). It should be noted that this is not an exhaustive list and that these testimonies only represent a fraction of the total number of night raids that took place during the Reporting Period. Further, this submission does not include day-time raids by the Israeli military into Palestinian centres of population which make up the vast majority of incursions.
- 1.5 WCLAC requests that the Special Rapporteurs independently assess these claims and issue a public statement with their conclusions, including findings regarding the link between night-raids and the policy of successive Israeli governments of building settlements in the West Bank and East Jerusalem.
- 1.6 Attached to this submission are the following annexures:

[Annexure A](#) – Schedule of evidence (100 testimonies)

[Annexure B](#) – 100 testimonies (2014-2015)

2. Background

2.1 Since June 1967, the situation in Palestine has generally been analyzed in terms of a belligerent occupation, but developing facts on the ground tend to suggest that a more accurate characterization may be one of *de facto* annexation in violation of Article 2 of the UN Charter. The primary evidence to support this submission is:

- (i) Duration;
- (ii) Settlement construction;
- (iii) Control of resources; and
- (iv) Application of Israeli civilian law to some individuals residing in occupied territory.

2.2 According to the latest data, there are now approximately 570,000 Israeli civilians residing in East Jerusalem (205,553) and the West Bank (365,410) in violation of Article 49 of the Fourth Geneva Convention and Article 8 of the Rome Statute of the International Criminal Court.³ The legal status of these settlements is not seriously disputed outside Israel.⁴

2.3 From a military perspective, this situation poses an extraordinary challenge for the Israeli army which has been given the task by successive governments of guaranteeing the protection of its civilians living beyond the Green Line in occupied territory. Although international law imposes a duty on the military to protect Palestinian civilians in the West Bank, East Jerusalem and Gaza, this does not correspond to the reality on the ground where this obligation has been effectively reversed.

2.4 In order to achieve its task, the Israeli military is essentially compelled to engage in a systematic strategy of intimidation and collective punishment in order to implement government settlement policies. The mark of this strategy's success can be measured by the fact that according to the US State Department, no Israeli settlers were killed as a result of the conflict in the West Bank in 2012.⁵ It is submitted that repeated night raids on Palestinian communities located in close proximity to a settlement, or a road used by settlers, forms an integral and necessary part of this strategy and is a direct consequence of government policy.

3. Evidentiary summary

3.1 During the Reporting Period, WCLAC has collected 100 testimonies from women with direct experience of a military night raid on their family home. The testimonies were collected randomly from 34 locations across the West Bank and East Jerusalem, in the sense that no prior inquiry was made as to the nature or seriousness of the raid. It is submitted that this body of evidence, whilst only making up a fraction of the total number of night raids that took place during the reporting period, does highlight the widespread and systematic manner

in which this strategy is implemented, as well as the sense of terror they induce in the affected communities.

- 3.2 The following paragraphs includes a brief summary of the evidence with specific reference to some of the 100 testimonies annexed to this submission. The testimonies referred to are not an exhaustive list of the particular issue referred to, but are presented for illustrative purposes.
- 3.3 The majority of night raids occur between 2.00 a.m. and 4.00 a.m. when the occupants of the targeted household are asleep. The raids are conducted by large numbers of soldiers in full battle gear who often wear camouflage or masks covering their faces. The use of face masks tends to increase the fear factor and also prevents identification in an age of mass access to cameras and social media.
- 3.4 The targeted household will usually wake to the sound of shouting or loud banging at the front door. In some cases the door is simply kicked in or blown off its hinges without further notice. (**Testimonies:** 3, 6, 9, 11, 21, 24, 25, 29, 30, 34, 43, 44, 46, 50, 51, 53, 56, 57, 66, 67, 68, 71, 74, 76, 79, 80, 82, 83, 85, 89, 92, 93, 100)
- 3.5 A common theme throughout the testimonies is the sense of fear and terror experienced by those in the targeted households as large numbers of soldiers enter the house and sometimes the bedrooms. This sense of terror increases when children are involved, with reports of young children wetting themselves. In some cases the soldiers are also accompanied by dogs which increases the tension inside the confined space of the family home. (**Testimonies:** 1, 5, 9, 10, 11, 14, 15, 18, 19, 21, 22, 26, 27, 28, 32, 33, 35, 38, 42, 43, 46, 47, 48, 50, 52, 54, 55, 57, 58, 59, 60, 61, 62, 63, 64, 66, 67, 68, 70, 72, 73, 75, 76, 77, 78, 79, 81, 84, 85, 87, 88, 90, 91, 94, 96, 99)
- 3.6 There is some evidence that night raids increase in frequency and intensity every time the military rotates a new unit into an area. The intention appears to be to stamp the new unit's authority on the region early on during its deployment and to send a clear message to the surrounding Palestinian communities that any form of resistance is futile. (**Testimony:** 1)
- 3.7 In every case documented by WCLAC, the targeted towns and villages are located in close proximity to a settlement; a road used by settlers; or are the focal point of weekly demonstrations against continued military occupation. On average, the affected households are within 2 kilometres of a settlement and usually considerably closer to a road used by settlers. (**Testimonies:** 5, 16, 18, 19, 24, 38)
- 3.8 It is apparent from the testimonies that there is a combination of reasons why the military subjects Palestinian communities to night-time raids, including the following:

- (i) Arrest operations;
- (ii) Search operations;
- (iii) Mapping operations; and
- (iv) Intimidation and retaliation.

The “mapping” operations generally occur in villages involved in weekly protests. During military operations at night soldiers photograph young males apparently to aid in the identification of individuals who have, or may in the future, participate in demonstrations.⁶ In a number of testimonies, women report that shortly after hearing that three Israeli teenagers had been kidnapped in the West Bank in June 2014, they knew that their communities would be targeted by the military. (**Testimonies:** 2, 15, 20, 62, 100)

- 3.9 In cases where houses are searched, the evidence indicates that the family’s clothes and possessions are frequently thrown on the floor and in some cases the furniture is deliberately damaged. (**Testimonies:** 3, 6, 11, 12, 14, 15, 35, 43, 44, 48, 49, 51, 52, 53, 54, 58, 59, 60, 68, 69, 70, 71, 72, 74, 75, 76, 78, 84, 85, 88, 89, 93, 96, 97, 98, 99, 100).
- 3.10 In a number of testimonies the deponents mention that mobile phones and laptops are collected by the soldiers. These items are sometimes returned in a damaged state or not returned at all. In other cases women report that sums of cash has gone missing during these search operations. (**Testimonies:** 3, 5, 10, 12, 18, 48, 57, 59, 72, 85, 93, 100)
- 3.11 In a number of testimonies women report the extensive use of stun grenades and tear gas during the operations. This sometimes occurs after the affected neighbourhood wakes up and clashes erupt between the men of the village and the Israeli military. However, there is also some evidence that indicates stun grenades and tear gas are used in circumstances where it is difficult to discern any legitimate explanation for their use, particularly in and around houses where the soldiers know young children are present. (**Testimonies:** 3, 4, 6, 10)
- 3.12 Finally, there is a significant body of evidence indicating the use of excessive violence and the issuance of threats against targeted households. The use of violence, particularly against women, also appears to be on the increase. In two cases documented by WCLAC, family members died during the course of the night raid. WCLAC has also documented one case of hostage taking potentially amounting to a war crime during the reporting period. (**Testimonies:** 4, 6, 8, 11, 14, 16, 17, 18, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57, 58, 59, 63, 64, 65, 66, 68, 84, 85, 86, 100)

4. Pilot scheme to limit night arrests of minors

- 4.1 In February 2014, Israel’s military authorities announced the introduction of a pilot scheme to issue written summonses in lieu of arresting minors in the West Bank at night.⁷ This followed a report by UNICEF which detailed the devastating impact of repeated night-time military incursions into Palestinian communities.⁸
- 4.2 On 15 January 2015, the Dutch Foreign Minister, Bert Koenders, provided the Dutch parliament with an update on progress made in implementing the pilot scheme. According to the Foreign Minister’s statement:⁹
- The pilot scheme commenced in February 2014;
 - The pilot scheme was operational in the Nablus and Hebron districts of the West Bank;
 - The pilot scheme was suspended due to “increased violence” during the summer of 2014; and
 - No statistics were kept by the military during the course of the pilot scheme.
- 4.3 During the operation of the pilot scheme available evidence indicates that there was a 7 per cent reduction in the number of minors detained at night.¹⁰ It is not clear from the evidence whether or not the pilot scheme has re-commenced to any significant degree.

5. The link between night raids and the settlements

- 5.1 The evidence collected by WCLAC relates to night-time raids that occurred in 34 separate locations across the West Bank and East Jerusalem. The location of these raids was on average within 2 kilometres from the nearest Israeli settlement. In many cases the distance to the nearest road used by settlers was considerably less.

Table 1: Location of night raid and distance to nearest settlement

#	Location	Nearest settlement	Distance to settlement
East Jerusalem			
1	Al Isawiya	French Hill	0.5 km
2	Silwan	Silwan	0 km
West Bank			
3	Abud	Ofarim	2 km
4	Al Fawwar	Haggay	2.5 km
5	Al Khadr	Efrat	1.5 km
6	An Nabi Saleh	Halamish	1 km
7	Asira	Yizhar	2 km

8	Askar	Elon Moreh	3 km
9	Balata	Bracha	2.5 km
10	Beitillu	Nehali'el	2 km
11	Beit Liqya	Mevo Horon	1.5 km
12	Beit Rima	Arye	3 km
13	Beit Ummar	Karmi Zur	1 km
14	Bil'in	Modi'in illit	2 km
15	Bir Zeit	Ateret	2.5 Km
16	Deir Ballut	Ale Zahav	2.5 km
17	Deir Ibzi'	Dolev	1.5 km
18	Deir Nidham	Halamish	0.5 km
19	Dura	Haggay	3 km
20	Ein Beit	Elon Moreh	7 km
21	Einabus	Yizhar	1.5 km
22	El Far'a	Elon Moreh	5 km
23	Haris	Revava	0.5 km
24	Hebron	Tel Rumeida	0 km
25	Kafr ad Dik	Ale Zahav	1 km
26	Nablus	Bracha	2.5 km
27	Qabalan	Rechalim	2.5 km
28	Salfit	Ari'el	2 km
29	Silwad	Ofra	2.5 km
30	Surif	Gush Etzion	2.5 km
31	Tuqu'	Teqoa	2 km
32	Tura	Rehan	0.5 km
33	Um Al Sharait	Pesagot	3 km
34	Wadi Al Far'a	Elon Moreh	4.5 km

5.2 The extensive use of night raids by the Israeli military into Palestinian communities appears to be part of the well-documented strategy of “making the military’s presence felt” in order to suppress the Palestinian population so that Israeli settlers can go about their daily routine relatively undisturbed in occupied territory. This reality of this strategy was clearly articulated by one former soldier as follows:¹¹

“I think the first case that got me thinking, or rather, the straw that broke the camel's back, happened in the Binyamin district [...] Our mission was to secure the settler access roads from terrorist attacks, shootings, laying explosive charges, all that stuff, which sounds legitimate to me, which is legitimate as far as I'm concerned. As long as Israeli citizens live out there we have to protect them. [...] We got to the edge of

the [Palestinian] village, there were two houses and we took out the people there and began to question them. [...] So nothing was found, and we find ourselves walking on in those streets, very aggressively. I mean, not casually walking down, but flaunting our presence. It's important to note that it was about 1:30 a.m., if not 2, in the morning. Wee hours of the night. And we find ourselves in the middle of that village, at its main junction. Lots of our forces were already there. [...] Then the battalion commander arrives and says words that I'll never forget, I can quote him. I mean, I remember it with full certainty. He says, "Okay, guys, enter the houses so they'll understand. Make them understand." These were the two phrases uttered, this was the order. To my utter amazement, this was the order. Forces take off immediately, as if they know what... I don't know, to me this order sounded very bizarre. I mean, to do what? [...] And then I began to realize what's happening as soon as I enter the home of the first family. I go in there and suddenly see myself there with a gang of thugs, when I say "thugs", I mean these are excellent, obedient soldiers standing behind me all wrapped up in bullet-proof vests and masses of mud on our feet. Incredible. The staircase is already full of mud, to say nothing of the carpets. I enter the apartment and begin to use mime so they'll understand. I mean, I want them to understand what's happened and I can't manage to communicate with them. I don't speak Arabic. No one spoke Arabic, no one understood Arabic. So I don't understand what they want. I sense their panic. I sense my own panic, because I have to be aggressive, and I am. I have to watch out for myself and I do. On the other hand, they are scared. And I think to myself, for heaven's sake, what am I doing? I don't explain, I'm not functioning properly, I don't know what to do, and I am very aggressive, I dirty up their place, and it's two o'clock in the morning. I decide to leave the family."

- 5.3 It is submitted that repeated military night raids on Palestinian homes is one of the direct consequences of the policy of successive Israeli governments to encourage and permit Israeli citizens to live in occupied territory. Under this policy the settlers must be protected by the army, and to do that, the army must intimidate and terrorise the local population into submission. This policy does not simply target militants, but the entire civilian population of men, women and children.

5. Concluding words

- 5.1 The testimonies annexed to this submission provide a small insight into the devastating impact that Israeli military night-raids have on Palestinian communities in the West Bank and East Jerusalem. It is relevant to note that it is conservatively estimated that these stories have been repeated on perhaps 65,000 occasions since June 1967, affecting upwards of 400,000 individuals, and in all likelihood, many more.¹²

- 5.2 It is submitted that the security imperative that drives the military to conduct these raids is directly linked to the implementation of the policy of successive Israeli governments of encouraging and permitting some of its civilian population to reside across the Green Line in occupied territory.
- 5.3 WCLAC requests that the Special Rapporteurs independently assess these claims and issue a public statement with their conclusions, including findings regarding the link between night-raids and continued settlement construction in the West Bank and East Jerusalem.

End notes

¹ At a briefing conducted by the Israeli military authorities at Ofer on 26 February 2014, data was released indicating that 8,000 Palestinian men, women and children from the West Bank were detained by the military in 2013. It was stated that out of the 1,004 children detained, 17 per cent were taken into custody during night-time raids. WCLAC's estimations are based on an assumption that the same percentage of adults were also detained at night.

² Current detention rates are towards the lower end of the historical range and were significantly higher during two intifadas.

³ B'tselem, Settlements: statistics on settlements and settler population. The data is current up to the end of 2013 and a growth rate of 4.4 per cent has been used for 2014. Available at: <http://is.gd/SXlpEt>

⁴ See for example: UN Security Council resolutions 252, 267, 271, 298, 446, 452, 465, 471, 476, 478, 484, 592, 605, 607, 636, 641, 672, 681, 726, 799, 1322, 1435 and 1544; International Court of Justice advisory opinion on the Wall; and a legal opinion from the Legal Advisor to the Israeli Ministry of Foreign Affairs dated 21 September 1967. Available at: <http://is.gd/NF3TBK>

⁵ US Department of State, Country Reports on Human Rights Practices (2012). Available at: <http://is.gd/WJLScl>

⁶ Video footage of an Israeli military "mapping" operation in the West Bank village of An Nabi Saleh - <http://is.gd/802qmG>

⁷ Jerusalem Post, "Chief West Bank Prosecutor says IDF may end long-standing night-arrests of Palestinians", 18 February 2014. Available at: <http://is.gd/c9JC8d>

⁸ UNICEF: Children in Israeli Military Detention (February 2013). Available at: <http://is.gd/Yu59IN>

⁹ Military Court Watch statement, "Dutch Foreign Minister issues statement on child detention", 27 January 2015. Available at: <http://is.gd/vEOqHW>

¹⁰ Military Court Watch Progress Report, April 2015. Available at: <http://is.gd/hQBwJq>.

¹¹ Breaking the Silence, testimonies: "Guys, cheer up. That's how it is". Available at: <http://is.gd/RgNAkn>. Further video testimonies from former soldiers, including night raids, are available at: <http://is.gd/gYTotW>

¹² This estimate is based on a household of six persons. It does not take into consideration the impact on neighbours and others residing in close proximity.