

High Court Voids Section of Separation Barrier

Last week, the High Court of Justice ordered the state to cancel thirty kilometers of the planned route of the separation barrier in the area of Beit Surik, northwest of Jerusalem. The petition dealt with 40 kilometers of the barrier, in the section running from Maccabim to the Givat Ze'ev settlement.

The justices ruled that the planned route does not properly balance security considerations and the rights of Palestinians living along the barrier's path. The justices emphasized that the state must take into account humanitarian law (the Hague Convention and the Fourth Geneva Convention) and Israeli administrative law in establishing the barrier's route.

The day after it made the decision, the High Court issued a temporary injunction freezing completion of the separation barrier near Nu'man, a village located within Jerusalem's municipal area. The temporary injunction also prohibits the state from expelling the residents or from arresting them for illegally entering and staying in Israel.

The decision on the separation barrier and the temporary injunction relating to Nu'man testify to the severe harm to Palestinians resulting from the planned route of the barrier.

According to B'Tselem's figures, more than 800,000 Palestinians will be harmed by construction of the barrier along the planned route.

The severe harm to Palestinians as a result of the barrier stems largely from extraneous, and primarily political considerations. It is neither necessary nor legal. B'Tselem again urges the Israeli government to tear down the sections of the separation barrier already built within the Occupied Territories, and to refrain from building the other sections planned for construction beyond the Green Line.

B'Tselem has published an updated map of the separation barrier. The map delineates the stage of construction in each area and includes a description of the section voided by the High Court. The map can be found on B'Tselem's website.



*Construction of the Separation Barrier in Jerusalem.
Photo: B'Tselem*

Border Police Beat Palestinian Woman on her Way Home

On 18 June 2004, Qahira Muhsan, 42, a resident of al-Funduq, a village near Qalqiliya, was on her way home from work in Israel. When she reached Jaljuliya, she encountered four Border Police officers. One of them asked her how she had managed to enter Israel. Muhsan, who entered through a hole in the barrier surrounding Qalqiliya, responded that, "I got in at the place where the Palestinians enter."

She related to B'Tselem what happened then: "The policeman began to swear at me... He said, 'You are a liar, a slut, the daughter of a whore.' I replied, 'Your mother and your sister are sluts. Would you stand by when somebody curses your mother and your sister?' The policeman punched me in the face and chest... The other policeman kicked me in the legs, and I fell down. Then he stepped on me." Muhsan added that the other two police officers "laughed at me while

the others were beating me and cursing at me. I was unable to get up and stand on my feet."

A farmer who was passing by tried to help Muhsan. She said that one of the policemen shouted at him to leave, and threatened to shoot him. After the farmer left, the policemen continued to beat her for several minutes and then left. Muhsan lay lying on the ground until some Palestinian laborers found her and helped her get to the hospital in Qalqiliya. She was treated at the hospital and told to rest at home.

Muhsan works as a cleaning woman in Israel and is the sole supporter of the thirteen members of her family. Her husband and two of her children are mentally retarded.



Qahira Muhsan. Photo: B'Tselem

In Middle of Night, Soldiers Vandalize House in Palestinian Village



*Umaymah Bashar.
Photo: B'Tselem*

On 7 June 2004, around 4:00 A.M., soldiers broke into the home of the Bani 'Odeh family in the village of Tammun, in the northern part of the West Bank. Here are excerpts from the testimony of Umaymah Bashar, 20: "I was sleeping alone in the bedroom... Around 4 A.M., I woke up to the sound of gunfire, explosions, and

soldiers shouting near the house. I was very frightened and stayed in bed... After about 15 minutes, I got out of bed and went up to the second floor. On the way, I met my mother-in-law, my brother-in-law Bashar, his wife Hanin, and their children. A large group of soldiers stood behind them... The soldiers brought us to the front door and ordered us to go outside. Some of the soldiers stayed inside the house... Outside, I saw six military jeeps and thirty soldiers encircling

the house. Some of the soldiers pointed their guns at us..."

In her testimony, Bashar mentioned that the soldiers forced her brother-in-law Bashar to accompany them in a search of the neighbor's house. She added: "My mother and sister-in-law and I cried the entire time. From time to time, we heard the sound of explosions coming from our house... Around 7:30 A.M., a group of soldiers ordered us to move a couple of meters back from our house. After about fifteen minutes, we heard a blast. The soldiers let us go back inside, then they left. We went into the house and saw that all of our furniture and possessions were strewn all over the floor. The windows were broken, the couches were torn, and the plants were overturned on the floor. We were horrified and didn't know what to do... I went to my bedroom, which was a total mess. Everything was strewn all over the floor. I found my jewelry scattered throughout the room... I searched the whole room to find my money, but I didn't find it. In the afternoon, I straightened up the room and checked every corner... I didn't find the money."