



**Anatomy of Anti-Israel Incitement:
Jenin, World Opinion and the Massacre That Wasn't**

[Israel has been met with] a torrent of lies, distortions, libels, abandonment of objectivity and the substitution of malice and hatred for truth...pouring out of the British and European media and Establishment.

-- Melanie Phillips, *The Spectator* (4/20/02)

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Executive Summary

- This report examines the assault of world opinion against Israel because of its military operations in the Jenin refugee camp in April 2002. International organizations, non-governmental agencies and many foreign governments prematurely and sweepingly attacked the Israelis for committing atrocities. As the evidence became known, it demonstrated that these initial opinions were wrong. Yet the voices that zealously condemned Israel have been largely remiss in publicizing these new facts.
- This report, in its first section, surveys world reaction to the conflict as it unfolded throughout April. Section II establishes the actual facts of the battle and provides Israeli perspectives. Section III enumerates the legal basis for Israel's action.
- **Section One** ("In Their Own Words") begins with observations from Palestinian fighters demonstrating that Israel's actions in Jenin were clearly warranted.
 - The **Palestinian fighters** in Jenin spoke of how they booby-trapped the camp elaborately, armed themselves with explosive belts and grenades and enlisted women and children into the battle.
 - "Believe me, there are children stationed in the houses with explosive belts at their sides." – Abu Jandal, Islamic Jihad commander
 - "We have prepared unexpected surprises for the enemy.... We have prepared a special graveyard in the Jenin camp for them." – Ali Safori, Islamic Jihad Al-Quds Brigades commander
 - "We had more than 50 houses booby-trapped around the camp. We chose old and empty buildings and the houses of men who were wanted by Israel because we knew the soldiers would search for them." – "Omar," Islamic Jihad bomb-maker
 - The reckless and eager rush to condemn Israel was epitomized by the statements of **international organizations**, which attacked Israeli military actions – without knowing the facts – either by equating them with the tactics of suicide-bombers or by demonstrating hostility toward Israel more directly. The report focuses on the **United Nations** and the **European Union**.
 - "Combating terrorism does not give a blank check to kill civilians. However just the causes, there are illegitimate means, and the means that have been used here are illegitimate and morally repugnant."

– Terje Roed-Larsen, U.N. Special Coordinator the Middle East

- “Israelis can’t trample over the rule of law, over the Geneva conventions, over what are generally regarded as acceptable norms of behaviour without it doing colossal damage to their reputation.”
Christopher Patton, European Union External Relations Commissioner
- Non-governmental organizations, including leading human-rights groups like **Amnesty International** and **Human Rights Watch**, also pre-judged Israel’s behavior.
 - “What was striking is what was absent. There were very few bodies in the hospital. There were also none who were seriously injured, only the 'walking wounded.' Thus we have to ask: where are the bodies and where are the seriously wounded?” – Derrick Pounder, a forensics expert working with Amnesty International
 - Both Amnesty International and Human Rights Watch accused Israel of collective punishment of the Palestinian people and wanton destruction in Jenin. Both charged Israel with violations of international law and war crimes. Neither discussed the international law violations involved in arming a refugee camp, or demanded the United Nations be held in any way accountable for its lack of oversight in the camp.
- Some of the world’s **governments** also chose to speak out before the facts were known.
 - The U.N. Commission on Human Rights endorsed a resolution which adopted, by reference, a 1982 resolution recognizing the “legitimacy of the struggle of peoples...by all available means, including armed struggle.” **Austria, Belgium, France, Portugal, Spain** and **Sweden** supported the resolution.
 - “...the kind violence involving suicidal bombings which killed Israelis, Palestinians as well as Chinese, should be condemned. However, what was more shocking to the world was the human tragedy caused by brutal military attacks in Palestinian territories by Israeli forces...” (sic) – Xinhua (Chinese news agency), reporting the comments of Wang Yingfan, **China**’s Permanent Representative to the United Nations
- In the **United States**, the official response to allegations of Israeli human rights violations was restrained. Both the White House and Congress supported Israel’s right to take action in the West Bank to defend itself. The

White House urged that humanitarian workers be allowed into the camp and supported an investigation of the conflict by a U.N. fact-finding team. A few members of Congress were harshly critical of Israel's activities.

- The **media**'s greatest failing in reporting on Israel was ignorance about the complex situation there, made worse by the demand to produce scoops and splashy headlines at the cost of providing context and contrasting points of view. While the American media's coverage was uneven, it was generally fair. Lesser-known online media sources and Anglo-Arab sources were highly one-sided, as was much of the international press. The report focuses on the British press.
 - "Gaunt and exhausted, tormented with worry about his missing family, Jamal Fayed yesterday wandered round the vast heap of reeking detritus where Israel has buried the war crimes of Jenin refugee camp." – *The Independent*
 - "Israeli officials were desperately scrambling to explain the war crimes committed at Jenin refugee camps as the international furore over the devastation rose to new heights yesterday." – *The Independent*
 - "...the evidence of the Israeli army's absolute negligence in trying to protect civilian life is everywhere." – *The Economist*
- **Section Two** ("The Facts") begins by describing Jenin's history as a longtime terrorist stronghold that produced 23 suicide bombers since October 2000 and was highly fortified in preparation for an Israeli incursion.
 - The camp at Jenin was founded by the U.N. and supervised by U.N. officials. According to its own resolution, the U.N. is called upon to "help create a secure environment" in refugee centers; it condemns the arming of these centers. Yet the organization's recent attempt to organize a fact-finding inquiry in Jenin focused only on alleged Israeli violations – failing to acknowledge the possibility of either its own complicity or Palestinian violations.
 - In stark contrast to Jenin, there was not a single Palestinian casualty or any infrastructure damage in other West Bank villages which did not offer armed resistance.
 - **Israeli accounts** of the Jenin battle emphasize the elaborate booby-trapping and constant bombings faced by the soldiers – almost all of which could have been avoided had the army relied on an air attack (a strategy that would likely have killed many more non-combatants) – and the provisions taken to avoid civilian casualties.

- “There was always a soldier who approached the family and tried to calm them, asking about the names of the children, offering them candies, checking if they are in need of anything. A child I smiled at was confused. I’m sure he was raised believing that I’m the devil.” – Shlomi Laniado, field fighter
 - “The soldiers fought without harming civilians. This was noticeable in every place and on every level. I was moved by the sight of soldiers conducting themselves in such a dignified and moral manner. Many of us are reserve soldiers; we are not hotheaded people, and we were all very careful. I was impressed by the great care exercised by the IDF (Israeli Defense Forces) in avoiding civilian casualties – especially in regard to children.” – Dr. David Zangen, lead accompanying medic
- **Palestinian fighters’ accounts** largely corroborate Israeli accounts.
 - Taabat Mardawi, a senior member of Palestinian Islamic Jihad who surrendered to Israeli forces, described the battle as “a very hard fight” but said he didn’t see “tens of people” killed by the Israeli army. Mardawi said he and other fighters expected Israel to attack with planes in order to avoid their casualties; he spoke enthusiastically about Israel’s decision to send in infantry. “It was like hunting...like being given a prize. I couldn’t believe it when I saw the soldiers,” he said. “The Israelis knew that any soldier who went into the camp like that was going to get killed.” He added: “I’ve been waiting for a moment like that for years.”
- Section two goes on describe specific **actions taken by Israeli forces to minimize civilian casualties** as well as **Palestinian actions that endangered civilians. Casualty and physical damage reports** are re-examined, as is **Israel’s actions with regard to providing medical and humanitarian assistance and allowing entry into the camp to outside agencies.**
- **Section Three** (“The Legal Basis for Operation Defensive Shield”) establishes Israel’s legal right to engage in military action in Jenin and demonstrates that the conduct of the IDF in the conflict did not breach the standards of international law. The section also elucidates the several violations of international law by Palestinian forces during the battle.
- In **conclusion**, a massacre of hundreds of Palestinians by Israel was widely alleged, reported and condemned, but did not in fact occur. The tendency of groups and governments to speak prematurely – and of the media to report those comments uncritically – reminds us that, in reporting the news, freedom from bias, seeking context and examining all sides is essential for everyone, especially those with voices that carry weight internationally.

- Finally, while the report remains largely silent on the question of whether some of the zealously anti-Israel reaction to the events in Jenin reflected anti-Semitic attitudes, prejudice undoubtedly informed some of the remarks quoted. Mere criticism of Israel is not bigotry, but the vehemence and reflexiveness displayed by some of those considered here seems indicative of a larger set of beliefs about Jews.

Anatomy of Anti-Israel Incitement: Jenin, World Opinion and the Massacre That Wasn't

Introduction

International organizations, non-governmental organizations and many foreign governments prematurely and summarily attacked Israel for committing atrocities during its military operations in the West Bank city of Jenin. And the media, especially the international media, credulously reported those accusations, often without presenting corresponding Israeli viewpoints. The facts soon demonstrated that these initial opinions were wrong, yet the voices that zealously condemned Israel have been largely remiss in publicizing these new facts.

After first using the words of some Palestinians to demonstrate that Israel's actions were plainly warranted, this report outlines the outrageous rush to judgment by international bodies such as the United Nations and the European Union and by non-governmental organizations such as Amnesty International and Human Rights Watch. Disregard for evidence – and anti-Israel bias – led these institutions to make extraordinarily irresponsible public statements. Next, the report focuses on the recklessness with which overseas media in particular allowed ideological leanings to shade reportage. The report goes on to demonstrate that several foreign governments reflexively criticized Israel well before the facts were in.

Finally, rather than allowing the errors committed by these NGOs, governments and media outlets to stand as the sole voice in this very complex matter, this report demonstrates that Israel engaged in a fierce but legal and morally acceptable defensive war.

Section One: In Their Own Words

I. Palestinians

Introduction. Before condemning Israel, observers did not need to look far for evidence that pointed to a different story. The observations of several Palestinians clearly established that Israeli actions in Jenin were warranted.

- ***Sheikh Abu Al- Hija***, the commander of the Hamas Izza Al-Din Al-Qassam Brigades in the Jenin refugee camp, explained to Al-Jazeera TV:

“We placed explosive devices on the roads and in the houses; surprises (await) the occupation forces. In several places there are clashes between Mujahideen and the occupation forces. The Mujahideen are using automatic rifles, explosive devices, and hand grenades...” (April 8, 2002, MEMRI translation)

Al-Hija further claimed that:

“The Mujahideen managed to besiege nine Zionist soldiers inside one of the houses, and attacked them using hand grenades and bombs until the entire house went up in flames with the soldiers of the occupation inside. Witnesses said that the occupation forces extracted the soldiers charred and burned.” (Jordanian weekly *Al-Sabil*, cited in *Al-Shaab* (Egypt), April 19, 2002, MEMRI translation)

And:

“The fighting forces, from all the factions in the camp, have been equipped with explosive belts and grenades.” (London-based Arabic language daily *Al-Sharq Al-Awsat*; see also *Al-Hayat*, April 9, 2002: “our fighters are blowing themselves up in front of the soldiers and planting explosive devices on the roads.” MEMRI translation.)

- ***Abu Jandal***, Islamic Jihad commander in the Jenin refugee camp, gave further insight into the offensive and fatalistic nature of their military campaign during an Al-Jazeera broadcast:

“The truth is that our fighters have switched to an offensive; today we went on the offensive. The commander of the battle of the Jenin camp, has chosen for myself the name ‘The Martyr Abu Jandal’ because all the fighters around me are martyrs. Believe me, there are children stationed in the houses with explosive belts at their sides. Today, one of the children came to me with his school bag. I asked him what he wanted, and he replied, Instead of books, I want an explosive device, in order to attack...”

- **Ali Safori**, a commander of Islamic Jihad's Al-Quds Brigades, reported to the Islamic Jihad Web site:

“We have prepared unexpected surprises for the enemy. We are determined to pay him back double, and teach him a lesson he will not forget.... We will attack him on the home front, in Jerusalem, in Haifa, and in Jaffa, everywhere. We welcome them, and we have prepared a special graveyard in the Jenin camp for them.”
(www.qudsway.com, April 3, 2002)

- **Dr. Ramadan Abdallah Shalah**, an Islamic Jihad leader, told the Hizbullah TV channel Al- Manar:

“The fighters in the Jenin camp told us that this is a hit and not run battle, and that they are fighting to the last drop of blood and to the last bullet – and that is what they did.” (April 10, 2002, cited at www.jihadonline.org)

- Another account in a London-based paper reported that a Palestinian woman – **Llham Ali Dasouqi** – had blown herself up among Israeli soldiers, killing two and wounding six. (*Al-Sharq Al-Awsat*, April 7, 2002)

- One of the most far ranging Palestinian accounts of the battle and strategies employed by the Palestinians in Jenin was provided by an Islamic Jihad bomb maker named Omar – “one of the revered bomb-makers from the City of Bombers (Jenin)” – to the Egyptian weekly *Al-Ahram* (April 18-24, 2002). Omar stated:

- The Palestinians booby-trapped Jenin and enlisted women and children in the battles.
- In Jenin all the factions were loyal to only one cause: liberation or death.
- “Of all the fighters in the West Bank we were the best prepared.... We started working on our plan: to trap the invading soldiers and blow them up from the moment the Israeli tanks pulled out of Jenin last month.”
- “We had more than 50 houses booby- trapped around the camp. We chose old and empty buildings and the houses of men who were wanted by Israel because we knew the soldiers would search for them.”
- “We cut off lengths of main water pipes and packed them with explosives and nails. Then we placed them about four meters apart throughout the houses – in cupboards, under sinks, in sofas.”

When asked about the ambush that killed 13 soldiers he answered:

- “They were lured there. We all stopped shooting and the women went out to tell the soldiers that we had run out of bullets and were leaving. The women alerted the fighters as the soldiers reached the booby- trapped area.
 - “When the senior officers realized what had happened, they shouted through megaphones that they wanted an immediate cease- fire. We let them approach to retrieve the men and then opened fire.
 - “Some of the soldiers were so shocked and frightened that they mistakenly ran towards us.” (www.ahram.org.eg/weekly/2002/582/6inv2.htm)
- **Abu Ahmad**, an Al-Aqsa Martyrs Brigades leader, told the Hizbullah weekly *Al-Intiqad*:

"In the Jenin refugee camp, the Palestinian resistance will carry out more operations like the martyrdom operation in Haifa, in order to emphasize that it still exists and that it maintains its strength and its capability in spite of the blows [it has taken]." (April 19, 2002)

II. International Organizations

Introduction. It is unquestionable that the United Nations and the European Union – through key staff and bodies – prejudged the situation at Jenin. Their judgment took two forms: moral equivalency and outright hostility. In the first instance, U.N. officials equated Israel's justified military action with the tactics of the suicide-bomber terrorists. Outright hostility was expressed through the words and actions of key U.N. and E.U. officials who precipitously attacked Israel's actions (without knowing the facts) while failing to address the reasons for those actions.

A. United Nations on Jenin

- "Combating terrorism does not give a blank check to kill civilians. However just the cause is, there are illegitimate means, and the means that have been used here are illegitimate and morally repugnant"
 - **Terje Roed-Larsen**, U.N. Special Coordinator for the Middle East, in *The New York Times*, April 12, 21 and 23, 2002
- "The Israeli Defense Force has made a hellish battleground among the civilians in the Balata and Jenin refugee camps. We are getting reports of pure horror – that helicopters are strafing civilian residential areas; that systematic shelling by tanks has created hundreds of wounded; that bulldozers are razing refugee homes to the ground; and that food and medicine will soon run out. In the name of human decency, the Israeli military must allow our ambulances safe passage to help evacuate the wounded and deliver emergency supplies of medicines and food."

- **Peter Hansen**, Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees, Press Statement, April 8, 2002
- "We urge the Government of Israel to ensure that full respect is given to humanitarian principles, and that relief workers, who are risking their lives to assist the injured, the sick and the needy, are given unimpeded freedom of mobility. The IDF should also desist from the destruction of water pumps, electricity generators and sub-stations, roads, schools, hospitals and business premises.

"The situation will be even more severe, if the actions we are witnessing in Ramallah, Bethlehem, Jenin, Qalqilya and Nablus are sustained, or if closure is tightened further. If this occurs we will witness a steep slide into more widespread poverty and hopelessness."
- Joint Statement by **Terje Roed Larsen**, UN Special Coordinator for the Middle East and **Nigel Roberts**, World Bank Director, West Bank & Gaza, April 5, 2002 (www.escwa.org.lb/information/press/un/2002/april/05.html; the World Bank subsequently noted on its Web site: "Following the release of the above joint statement, Bank management expressed its regret that the statement exceeded the Bank's non-political mandate.")
- "The international community cannot permit the indiscriminate killings of Israeli civilians or the wanton killings of Palestinian civilians and the destruction of the civilian infrastructure to support life. *It cannot be right to wage war on civilian populations*. The international community has a responsibility to protect, which it must discharge" (emphasis added).
 - **Mary Robinson**, "Statement of the High Commissioner for Human Rights on behalf of the visiting mission," April 15, 2002
- "*Condemns* the frightening increase in the loss of life, the invasion of Palestinian cities and villages, the arrest and detention of Palestinians, the restrictions on the movement of residents as well as personnel of the International Committee of the Red Cross and the Palestinian Red Crescent Society, medical personnel, human rights defenders and journalists, the refusal of humanitarian access to United Nations Relief and Works Agency for Palestine Refugees in the Near East, and the serious and systematic destruction of homes, installations and infrastructure in the territory as reported by the High Commissioner for Human Rights"
 - "Situation of human rights in the occupied Palestinian territory," Resolution 2002/1, adopted by the **Commission on Human Rights**, April 5, 2002 (also condemns terrorism but calls for no action from Palestinians, only Israel)

- "The continued deterioration of the situation in the occupied Palestinian territory and the gross violations of human rights and international humanitarian law, in particular, acts of extra-judicial killing, closures, collective punishments, the persistence in establishing settlements, arbitrary detentions, the besieging of Palestinian towns and villages, the shelling of Palestinian residential districts from warplanes, tanks and Israeli battleships, the conducting of incursions into towns and camps and the killing of men, women and children there as was the case lately in the camps of Jenine, Balata, Khan Younes, Rafah, Ramallah, Gaza, Nablus, al-Birah, al-Ama'ri, Jabaliya, Bethlehem and Dheisheh,

"Expresses its grave concern at the deterioration of the human rights and humanitarian situation in the occupied Palestinian territory, and particularly at acts of mass killing perpetrated by the Israeli occupying authorities against the Palestinian people..."

- "Question of the violation of human rights in the occupied Arab territories, including Palestine" Resolution 2002/8, adopted by the **Commission on Human Rights**, April 15, 2002 ("France, Belgium, and four other EU countries yesterday supported a UN Commission on Human Rights resolution that includes a thinly veiled endorsement of Palestinian terrorism," *The Jerusalem Post*, April 16, 2002; notably, this resolution endorsed a 1982 U.N. resolution that "reaffirms the legitimacy of the struggle of peoples for independence, territorial integrity, national unity, and liberation from colonial and foreign domination and foreign occupation by all available means, including armed struggle").
- "I plead, once again, for the respect of international law, including international humanitarian law, whenever force is used – whether by States or by resistance movements."
 - **Kofi Annan** to U.N. Commission on Human Rights, April 12, 2002, suggesting that Israel has violated international laws concerning warfare.
- "The military operation must be brought to an end. Equally, all attacks against Israeli civilians must end."
 - **Mary Robinson**, Report to UN Council on Human Rights, *Agence France-Presse*, April 24, 2002, indicating that Robinson draws an equivalence between Israel's legal, defensive military actions and the illegal use of terror and targeting of civilians by Palestinian suicide bombers.

B. European Union

As noted above, in its positions on anti-Israel U.N. resolutions and in the person of its External Relations Commissioner, Christopher Patten, the European Union has been hostile to Israel.

- "There seems to be a concerted effort to hinder assistance to the wounded. The intentional attacks on medical teams which are prevented from treating the sick and wounded have reached an unprecedented level. Even ICRC who had been granted permission to move freely by the Israeli civilian administration, have had their movements restricted by the IDF, been shot at and threatened at gunpoint while more than 10 ambulances belonging to the organization and the Palestinian Red Crescent have been damaged beyond repair. . . . We hope there will be change in the attitude of the IDF authorities."

- **Romano Prodi**, President of the European Commission, and **Nielson Brussels**, European Union Commissioner, "Euromed -- Statement on the Humanitarian Situation," April 8, 2002

- "I should like to turn now to the situation in the Middle East, which overshadowed our meeting in Valencia. European public opinion has been profoundly shocked by the unfolding tragedy. I have utterly condemned suicide bombings and terrorist acts, and I do it here again. Encouraging children to strap dynamite to themselves and to set out to kill others while killing themselves is deeply wicked. And failure to discourage this is inexcusable.

"But I have also been deeply disturbed by the reports coming out of the West Bank of the behaviour of the Israeli Defense Forces. There are reports, which must be thoroughly investigated, that they have sometimes shown a disregard for civilian life, and they have certainly disregarded UN and ICRC appeals to be allowed to carry out humanitarian duties. Israel, as a democratic country that shares many values with the West, should meet international standards of behaviour."

- **Christopher Patten**, European Union External Relations Commissioner, European Parliament Plenary Address, April 24, 2002

- "It is in Israel's interest to behave like a democracy that believes in the rule of law. There has to be movement, and movement fast, to enable the international community to deal with this calamity. . . . If Israel simply refuses all the genuine calls for humanitarian assistance; if it resists any attempt by the international media to cover what is going on, then inevitably it is going to provide oxygen for all those who will be making more extreme demands. . . . Israelis can't trample over the rule of law, over the Geneva conventions, over what are generally regarded as acceptable norms of behaviour without it doing colossal damage to their reputation."

- **Christopher Patten**, European Union External Affairs Commissioner, in "Israel faces rage over 'massacre': London and Brussels politicians demand UN investigation of Jenin allegations," *The Guardian*, April 17, 2002

- "I am deeply concerned about the way in which basic principles of humanitarian law - in particular regarding access to civilian casualties - are being flouted."

- **Poul Nielsen**, European Union Aid Commissioner, in "Israel faces rage over 'massacre': London and Brussels politicians demand UN investigation of Jenin allegations," *The Guardian*, April 17, 2002

- Interviewer: "What's the point, when Ariel Sharon has made it quite clear he's not listening; he's got his own plan, he's got his own military manoeuvres, he's going to smash the terrorist infrastructure, as he put it, and that's it, he'll go when he's finished."

CP: "Yes. That's the depressing message he's putting out and in the meantime it appears as though the Israeli defense forces are trampling over the Geneva Convention, and any notion of international law is being torn up, so it's extremely depressing. But we have to go on pressing Sharon, and go on pressing the Israeli government, to recognize the good sense of what the whole international community is saying, including friends of Israel. This isn't a hostile world against Israel, it's a world that wants to see Israel able to exist behind secure frontiers, but doesn't think that the lack of proportion, to put it mildly, which Israel is displaying, is going to secure political stability and a secure world for Israeli citizens."

- **Christopher Patten**, European Union External Relations Commissioner, on the BBC's "Hard talk," April 10, 2002

III. Non-Governmental Organizations

Introduction. The non-governmental organizations, in their reports, press releases and statements to the press also exhibited an anti-Israel bias.

A. Amnesty International

- *Amnesty International* exhibited this bias most explicitly. **Derrick Pounder**, a forensics expert who works with Amnesty, was quoted as saying "What was striking is what was absent. There were very few bodies in the hospital. There were also none who were seriously injured, only the 'walking wounded.' Thus we have to ask: where are the bodies and where are the seriously injured." He has also been reported as stating both that "a number" of bodies he examined suggested suspicious deaths, and that two of the bodies he examined had signs of suspicious deaths. Despite the fact that several human rights organizations subsequently acknowledged that there has been no evidence of either a slaughter or mass graves, neither Dr. Pounder nor Amnesty has retracted his comments and insinuations.
- In addition, according to National Public Radio, Amnesty International Secretary-General **Irene Khan** told Israeli television that the destruction caused by the army

was on a scale unimaginable in a manmade event. She failed to note that the destruction was confined to small area of the camp.

- An April 29 Amnesty press release was titled “Hebron must not be another Jenin – Tit-for-Tat Killings must stop,” suggesting an equivalence between Israel’s actions against military targets and the mass killing of civilians by suicide bombers.

B. Human Rights Watch

- *Human Rights Watch* echoed much of Amnesty’s bias in its early press releases, but acknowledged in a May 3 report that there was no evidence a massacre had taken place. It expressed concern that this fact would be used to whitewash the devastation that had actually occurred. Both Amnesty and HRW accused Israel of collective punishment of the Palestinian people and wanton destruction in Jenin. Both charged Israel with violations of international law and war crimes. Neither discussed the international law violations involved in arming a refugee camp, or demanded the United Nations be held in any way accountable for its lack of oversight in the camp. Neither group, when condemning Israeli actions against the Palestinian civilians, mentioned the difficulties involved in sorting out the civilian from non-civilian population of the camp during the fighting. Israel’s evacuation warnings were dismissed as inadequate, although they were frequent and have been verified.
- Both groups called upon Palestinians to stop targeting civilians. However, Amnesty ended its report on the Occupied Territories by stating that human rights violations against the Palestinians constituted the core of the conflict and had to be stopped. Amnesty also refused to acknowledge that Israel could have legitimate military goals in the territories. Its April 2002 report, “Israel and the Occupied Territories: The heavy price of Israeli incursions,” states that “the IDF acted as though the main aim was to punish all Palestinians. Actions were taken by the IDF which had no clear or obvious military necessity; many of these, such as unlawful killings, destruction of property and arbitrary detention, torture and ill-treatment, violated international human rights and humanitarian law.”

C. The International Red Cross and Doctors without Borders

- The *International Red Cross and Doctors without Borders*’ commentary also shows anti-Israel bias. When reporting on their requests for better access to Jenin and an end to delays in ambulance service, neither acknowledged that ambulances have been documented as being used to hide bombs and transport healthy terrorists. Nor did either acknowledge that they agreed to the ambulance searches they later denounced. They also failed anywhere to acknowledge Israel’s security concerns.
- While the IRC demonstrated bias, its language was not as extreme as Amnesty International’s. It refrained from referring to hundreds of deaths and never referred to the situation as a massacre, but it accused Israel of intentionally targeting medical personnel. Moreover, the group’s longtime refusal to admit Israel’s *Magen David*

Adom compromised its self-portrayal as a disinterested philanthropy with regard to the events in Jenin.

D. American Red Cross

- Unsurprisingly, the *American Red Cross* was much more even-handed. On its Web site it calls on all sides to respect international law and let medical services in. Unlike the IRC or Doctors without Borders, it pointed out that free access to ambulances is required everywhere except when they are used in hostilities.

IV. Governments

Introduction. Some of the world's governments also chose to speak out before the facts were known. Through spokespersons or through the actions of their diplomats in such bodies as the United Nations or European Union, several putatively fair-minded countries spoke first and examined facts second.

A. Austria, Belgium, France, Portugal, Spain and Sweden

- The U.N. Commission on Human Rights endorsed a resolution which adopted, by reference, a 1982 resolution that expressly endorses violence by recognizing the "legitimacy of the struggle of peoples... by all available means, including armed struggle." Austria, Belgium, France, Portugal, Spain and Sweden supported the resolution. (See *The Jerusalem Post*, April 16, 2002: "France, Belgium, and four other EU countries yesterday supported a UN Commission on Human Rights resolution that includes a thinly veiled endorsement of Palestinian terrorism...")

B. England

- "“If Israel has nothing to hide they have absolutely no reason not to allow this team to go ahead,” junior Foreign Office minister Ben Bradshaw said.”

- *Daily Telegraph*, April 25, 2002

- "Israel's international reputation slumped to its lowest point for two decades yesterday, amid condemnation in Britain and Europe of the Israeli army's behaviour at the Palestinian refugee camp in Jenin in the West Bank.

“There were calls for a United Nations-led inquiry into allegations that the Israeli army carried out a massacre and that its soldiers were guilty of war crimes. Senior politicians lined up in London and Brussels to express outrage.”

- *The Guardian*, April 17, 2002

- “In the Commons, even the foreign secretary, Jack Straw - in recent months a strong defender in public of Israel - joined in criticism.

“Mr. Straw said he was ‘profoundly concerned’ at the scenes ‘of widespread destruction of densely populated refugee camps. We are doing all we can to obtain an authoritative account of the conduct of the Israeli operation and of its consequences. I have to say as a long-standing friend of Israel that such scenes can only be harmful to Israel's reputation abroad.’

“Mr. [Gerald] Kaufman, a Jewish leader in Parliament, aimed his anger at Mr. Sharon, whom he described as a ‘blustering bully’ and ‘a war criminal.’

“‘Sharon is not simply a war criminal, he's a fool. He says Jerusalem must never again be divided, yet Jerusalem is divided in a way it has not been for 35 years. ...

“‘It's time to remind Sharon that the Star of David belongs to all Jews and not to his repulsive government,’ Mr. Kaufman said. ‘Now, the state of Israel is a ghetto, an international pariah.’”

- *The Washington Times*, April 18, 2002

C. France

- "The increasing violence of the Zionist regime and their military actions against the Palestinians has shattered the hope of the Palestinian youth. Therefore, the very first political step necessary in the occupied territories is to raise hope among the people."

- *Francois Nicoulloud*, French ambassador to Tehran, *BBC Monitoring International Reports*, April 24, 2002

- "France's representative [to the United Nations] expressed concern about the precarious plight of the people inside the Church of the Nativity and the Jenin refugee camp and emphasized that Israel must respect international humanitarian law and the Geneva Convention with regard to civilians and foreign nationals, as well as on the treatment of detainees. It must provide access to medical care and assistance to the Palestinian civilian population.

It was indispensable to establish the full and objective truth about what had happened in Jenin through an independent inquiry, he added."

- April 22, 2002, U.N. Press Release, on M2 PRESSWIRE, April 22, 2002

D. China

- “In a speech at an open meeting of the United Nations Security Council on Israel-Palestine conflict, Chinese Permanent Representative to the United Nations Wang

Yingfan said . . . the kind violence involving suicidal bombings which killed Israelis, Palestinians as well as Chinese, should be condemned. However, what was more shocking to the world was the human tragedy caused by brutal military attacks in Palestinian territories by Israeli forces . . .” (sic)

- Xinhua (Chinese news agency, in English), April 19, 2002

E. Cyprus

- "He [Ioannis Kasoulides, Minister for Foreign Affairs in Cyprus] urged Israel to withdraw from the areas occupied by its troops earlier this month and to desist from extra-judicial executions, attacks on medical and humanitarian institutions and personnel and settlement activities. He expressed full sympathy to President Yasser Arafat, and called on Israel to lift the siege of the Palestinian Authority’s headquarters in Ramallah. The solution of the Middle East problem would bring stability to the region, ensure normal relations and end the violence."
 - “United Nations Meeting on Question of Palestine Opens in Nicosia,” U.N. Press Release, April 16, 2002

V. The United States

With few exceptions, the official response to allegations of Israeli human rights violations and other misconduct in Jenin was restrained. For the most part, administration officials and Members of Congress supported Israel’s right to defend itself, while calling for access for humanitarian organizations and a U.N. Fact-Finding mission.

A. Executive Branch

White House Press Briefings demonstrated a recognition that the Jenin incursion was a military action and an understanding of Israel’s right to take such action to defend itself. The White House also repeatedly called for the Red Cross and other humanitarian workers to be permitted into the camp. White House Spokesman Ari Fleischer stated that in war, “truth is often one of the first casualties.”

The State Department, while citing Assistant Secretary of State Bill Burns’ on-site finding of “disturbing report[s] about the human tragedies,” also withheld judgment, advocating access for international humanitarian organizations and supporting the call for a U.N. Fact-Finding mission to Jenin.

B. Legislative Branch

Members of Congress strongly supported Israel’s right to take military action in the territories in response to repeated terrorist incidents. Few members specifically discussed

the situation in Jenin. However, two members long antagonistic toward Israel, Rep. **Cynthia McKinney** (D-GA) and Rep. **Ron Paul** (R-TX), made harshly critical statements about Israel's activities. McKinney alleged "massive devastation" in Jenin and called for House Foreign Affairs Subcommittee hearings on the treatment of international relief organizations in the territories. Paul alleged, in a broadly anti-Israel statement in the *Congressional Record*, that the United States was "forced, by domestic politics here at home, to support Israel at all costs...."

VI. The Media

Introduction. In many cases, the American media's greatest failing in reporting on Israel was ignorance about the complex situation there, made worse by the demand to produce scoops and splashy headlines at the cost of providing context and contrasting points of view. Indeed, it seemed at times that reportage from "the front lines" (which, in this matter, meant reporting from within Palestinian territory) was more important than having knowledgeable reporters report the established facts.

If elements of American journalism suffered from ignorance, the failings of some of the foreign media was much less benign. In several key instances, ideology and recklessness replaced balance and caution.

A. Domestic Media

- Some publications seemed unduly anxious at times to condemn Israel and especially Prime Minister Ariel Sharon. The **San Diego Union-Tribune** (4/23), in demanding that Israel demonstrate that it made "every effort" to protect civilians, noted portentously that Sharon "has a refugee camp record." Citing the 1983 Israeli investigation implicating Sharon in Lebanon, it said, "We want the truth this time, too."
- The **Minneapolis Star-Tribune** (4/29) exaggerated poll results to conclude that "Americans increasingly feel...that the government of Ariel Sharon is out of control." Faulting President Bush for his alleged lack of fortitude in the Middle East, it said that "Sharon has played Bush like Satchmo played a trumpet."
- In **United Press International's** commentaries on the massacre allegations, Israelis were far outnumbered and outweighed by Palestinian and U.N. accounts. Furthermore, the motive for Israeli military action was rarely discussed; incursion was generally portrayed as an attack rather than a defensive action precipitated by Palestinian violence.
- **National Public Radio** broadcast more than 15 segments about Jenin in April. NPR focused on the mistreatment and suffering of Palestinians without sufficiently explaining the reasons for Israeli actions or the complicity of Palestinian terrorists in the punishment inflicted on the camp's population. While one segment focused on

the killing of 13 IDF soldiers, the longest broadcast (4/19) dealt exclusively with the destruction of parts of the camp by the IDF and the search for Palestinian survivors.

- Of the major networks, **CNN** was least fair. While its coverage varied and included conscientious reporting, the network repeatedly failed to provide Israel's perspective on events.
- **ABC** explained Israel's aims more thoroughly, but blundered on some critical issues. It failed to comment, in one instance, on allegations that the odor of corpses in the camps indicated mass fatalities. (The network did not actually state that atrocities occurred.)

B. Online Domestic Media

- **The Black World Today** and **Blackelectorate.com**, two leading Internet-based African-American-oriented sites, were thoroughly one-sided in their reporting. Articles portrayed Israel as covering up actions depicted as crimes against humanity, a massacre and "ethnic cleansing." The Black World Today printed an article by **Robert Blecher** (4/22) that said, "Calls for Palestinians to 'evacuate' their homes and neighborhoods must be labeled for what they are: a potentially ominous precedent for ethnic cleansing." Throughout both sites, the misconceptions about Jenin are reported as fact.
- **The Nation** published two articles critical of Israel in regard to the events in Jenin. **Graham Usher** (4/29) glorified Palestinian radicals, characterizing them as a "fierce armed resistance" fighting "house to house and sometimes hand to hand to repulse the reconquest of their towns, villages and refugee camps." **Edward Said**, in a piece titled "What Israel Has Done," declared, "Israel's campaign has actually – has always – been about: the irreversible conquest of Palestinian land and society."

C. British Media

- The British press, particularly left-leaning publications, covered Jenin recklessly and with animosity toward Israel. Even the well regarded, center-right **Economist** (4/20), while calling the criticism by some Israelis of the events "a tribute to Israel's democracy," said that "the evidence of the Israeli army's absolute negligence in trying to protect civilian life is everywhere."
- **The Guardian**, a daily newspaper, covered Jenin extensively; its news reporting disproportionately supported Israel's critics. In covering "massacre" allegations, one article (4/17) quoted a Jewish parliamentarian calling the Sharon government "repulsive" and the IDF "barbaric"; a Palestinian official saying that nearly 500 had been killed, with the army transporting corpses out of the camp in "refrigerated trucks"; and a European Union commissioner expressing his concern that "basic principles of humanitarian law...are being flouted." No Israeli was quoted.

While the newspaper published a single piece (4/20) from the “Israeli perspective” that effectively conveyed the viewpoint of an IDF veteran, it also ran irresponsible “special reports” and “analysis” pieces, generally written by **Suzanne Goldenberg**. In an article subheaded “Evidence of Israeli contempt for Geneva Convention,” Goldenberg said that with regard to the safeguarding of civilians, “Israel has failed on a massive scale – and not just in Jenin.” No Israeli was quoted.

In another article (4/27), subheaded “Suzanne Goldenberg reveals the extent of human rights abuses during Israel’s four-week military offensive,” Goldenberg says, “The Israeli army has been engaged in systematic abuse throughout the West Bank.”

- Another prominent daily, **The Independent**, printed some of the most irresponsible journalism in the English press. The commentary of veteran Israel critic **Robert Fisk** was not notably hostile except toward the U.S. (“Israel, it turns out, does indeed run US policy in the region. The Secretary of State sings from the Israeli songbook”), but the newspaper’s reporting of events – especially by **Phil Reeves** and **Justin Huggler** – was rarely distracted by facts or fairness:
 - “Gaunt and exhausted, tormented with worry about his missing family, Jamal Fayed yesterday wandered round the vast heap of reeking detritus where Israel has buried the war crimes of Jenin refugee camp.” No Israeli was interviewed. (4/17)
 - “Israel’s so-called counter-terrorism operation...” (4/17)
 - “Evidence of atrocities by Israeli troops in Jenin refugee camp grew yesterday when a British pathologist [Derrick Pounder] said he found ‘highly suspicious’ wounds during the first autopsy on a victim.’ Pounder...said: ‘Claims that a large number of civilians died and are under the rubble are highly credible.’” No Israeli was interviewed. (4/17)
 - “The Independent, for example, remains deeply sympathetic to the situation of the Israeli people, but it can see that to answer terrorism with atrocity is only to recruit new volunteers for Palestinian martyrdom.” (4/19)
 - “Israeli officials were desperately scrambling to explain the war crimes committed at Jenin refugee camps as the international furore over the devastation rose to new heights yesterday.” (4/19)
 - “Israel has launched a huge publicity drive to counter the international community’s anger over the events of the last fortnight...Israel’s task has been made easier by Palestinian officials who rushed to declare a ‘massacre’ – an allegation which has not been proved.

“Israel’s host of government spokesmen and its media have seized on such claims to mount an argument tantamount to saying that, as there is no

proof of a massacre, there is no case to answer at all. This is akin to a policeman being called out to investigate a murder, and – finding only a rape – ignoring the crime altogether.

“But enough is already known about what went on in Jenin to say Israel has committed an appalling atrocity.” (4/20)

- Even the usually judicious *Times* of London, while carefully framing war crime accusations, rarely provided Israeli perspective. In a 4/20 article, Marie Colvin epitomized the newspaper’s coverage:

“My conclusion after interviewing scores of refugees is that there is no evidence Israeli troops entered the camp aiming to ‘massacre’ Palestinian civilians. But in many cases they shot first and did not take much care to find out if the target was a civilian or not....

“As for the bulldozing of the Hawamish area, this seems to have been out of a combination of fear and revenge rather than premeditated.”

D. Arab Media (Online)

- Anti-Israel allegations were made on most of the online news sites in the Arab world; headlines for many of the articles included “massacre.” Reporting on several of the sites seems to have passed through three stages: 1. The first few days [the first and second weeks of April] were characterized by allegations of massacre. 2. The tone became less certain. Terms like “massacre” were replaced by broader expressions, i.e., “brutal rampage.” 3. Beginning around April 19, far-reaching allegations of human rights violations recommenced.

Section Two: The Facts

I. Background: Jenin

Introduction. Jenin is considered by many in the Middle East as the “capital” of suicide terrorism in the region. Indeed, Jenin has a history as a seedbed of terrorist activities that dates to the 1930’s under British mandatory rule and intensified during the period of 1991-1994 when the Fatah’s Black Panther faction ruled the area with a ruthless terror campaign. For almost a decade since it reverted to Palestinian Authority (herein “PA”) administrative control it has been run and financed in practice by Hamas and Islamic Jihad, both groups labeled as terrorist organizations by the United States and the European Union. Since 2000, twenty-three suicide attackers have originated from Jenin, products of its terror industry – which houses command centers, explosives laboratories and arms caches in the heart of a densely populated refugee camp. During the armed battles between the IDF forces and some one to two hundred Palestinian fighters in the camp, its legacy of suicidal fanaticism was evident: terrorists were given numerous opportunities to surrender but refused, preferring to give up their lives while killing as many Israelis as possible.

Dr. **David Zangen**, a senior Endocrinologist at Hadassah Hospital in Jerusalem and one of the medics who accompanied the combat soldiers, described what IDF forces found in buildings and homes that they entered in the camp:

“We found photo albums with pictures of children wearing explosive belts; studio photographs of future shahidim [martyrs], children aged between 16 and 18, who want to kill Israelis in suicide attacks. All the homes in the refugee camp are covered with wall-to-wall pictures of martyrs. It is unbelievable. These [martyrs] are their heroes.”

A. Terror Operating Base

Since 1993 when Israel turned over the municipal operations in Jenin to Palestinian officials, the refugee camp was designed and fortified by Hamas and Islamic Jihad operatives to conduct terror operations inside Israel and, more recently, to enable the Palestinians to wage a war against Israeli forces, should they enter.

According to engineering experts in the IDF, fortifications were made to residential houses of Palestinian families - stone and cement buildings of 2-3 stories. The houses and alleys were prepared for fighting, using several means including drilling shooting slits in walls facing the alleys. After "Operation Defensive Shield" began, according to Palestinian sources, Palestinians set explosive devices of various sizes throughout the camp and in civilian buildings – for use against tanks and foot soldiers.

Jenin has many distinctions as a center for terror:

- Of the 100 terrorists who committed suicide bombings since October 2000, 23 were from Jenin.
- Of the IDF's Most Wanted list, several were captured or killed in Jenin during the battle, including ten would-be suicide bombers who had already videotaped their farewell statements.
- Scores of violent attacks by Hamas, Islamic Jihad and Fatah were launched from Jenin.
- Jenin was the site of extensive weapons factories located in residential buildings, putting civilians at considerable risk. These factories manufactured explosives for suicide bomber belts and Khassam rockets. Arsenals of machine guns and antitank weapons were also uncovered during the operation.
- Hamas and Islamic Jihad operated openly via mosques and social services to recruit suicide bombers and more generally to incite the local population to martyrdom and Jihad.

B. Lack of Preventive Action by PA

There is an apparent issue of responsibility and accountability regarding the way extensive weaponry and a terror infrastructure were built up in Jenin. The answer is revealed in part by the former Israeli Military Governor of Jenin (1991-1993), Jonathan Feigel, who explained that although the PA assumed the administrative offices of the city, Hamas and Islamic Jihad were given free reign to build the infrastructure and provide services to residents – creating strong loyalties and large among the local population. During the Oslo period, the PA was given money to help build and protect cities like Jenin but instead chose to funnel funds to alternative clients and destinations, including terror organizations.

C. U.N. Failures and the “Unclean Hands Doctrine”

The camp at Jenin was built by the U.N. and is supervised by officials of the United Nations Relief and Works Agency. International law and U.N. both prohibit refugee camps from harboring weapons of any sort because of the threat to civilian lives. U.N. Council resolutions that condemn the arming of refugee centers include an April 19, 2000, measure (No. 1296), that states: in “situations where refugees and internally displaced persons are...vulnerable to infiltration by armed elements and where such situations may constitute a threat to international peace and security,” the U.N. is called upon to “adopt appropriate steps to help create a secure environment for civilians endangered by conflicts.” The resolution also requests that the Secretary-General inform the Council should such a situation arise – something Secretary-General Annan has not done in the case of Palestinian refugee camps.

It is ironic and hypocritical, therefore, given the U.N.'s complicity in the terrorist build-up in the Jenin camp, that the agency's proposed fact-finding inquiry meant to focus only on alleged Israeli violations. Further, it raises the issue that the UN arrives at this investigation not as a neutral party, but as an involved party with "unclean hands."

II. The Conflict

A. Summary of the Conflict

The IDF operations in Jenin were directed against armed terrorists and not against innocent civilians. In stark contrast to the destruction in Jenin, there was not a single Palestinian casualty or any infrastructure damage in Dahaiyah, Tubas and other villages where there was no armed resistance. It is also important to emphasize that the fighting in Jenin occurred only in the area of the refugee camp (one hundred by one hundred meters), separate from the city. In Jenin itself, there were no battles, and the city was left largely untouched. Out of the 1100 homes in the refugee camp, only 95 were damaged in the fighting.

Thus, the claim that Israel has carried out a premeditated "massacre" is a particularly cynical and malicious one. If the IDF had really intended to carry out a massacre, there would have been thousands of casualties in Jenin and all of the other villages as well. Moreover if IDF soldiers had operated for maximum effect without consideration of the civilian population, the toll on Israeli forces would not have reached 23 soldiers killed and 64 wounded. IDF forces were greeted by one to two thousand bombs and booby traps in the camp according to Palestinian sources.

B. Israeli Accounts of the Battle and Battlefield

For Israeli forces, one of the most difficult aspects of the battle was seeking to avoid the booby traps laid in buildings and other tactics employed by suicide attacks. Listed below are various accounts of the battle (and battlefield) translated from articles in the Israeli Hebrew press.

- ***Yehuda Mashav***, Deputy Commander of a division, auditor from Tel Aviv:

“Most of the houses were abandoned and some of them were booby-trapped. We ourselves saw some of the booby-trapping. Others exploded on us. In some of the houses we found sabotage bricks in the drawers and closets.”

- ***Itamar Gamliel***, Commander of a division, security manager at “Amdocs”:

“They cleared half of the camp. Booby-trapped, mined and had snipers on every window. All in order to wear us out and stop us from proceeding.”

- **Dan Swartzkoff**, Deputy to a brigade commander:

“If we have injured soldiers and they are still alive it is because we were as moral as anyone can possibly be.”

- **Shlomi Laniado**, field fighter, CEO of theater production company:

“The division was fired at but we weren’t allowed to fire back without prior permission, because there are civilians in the camp. We were allowed to fire only when the object is clear and it is a terrorist shooting at you.

“We were injured and got killed since we have a heart. We paid this price due to our morality that was seen all through the fighting. We entered the houses. We saw families with children. There was always a soldier who approached the family and tried to calm them, asking about the names of the children, offering them candies, checking if they are in need of anything. A child who I smiled at was confused. I’m sure he was raised believing that I’m the devil.”

- One of the most detailed accounts of the battle, relief efforts and soldier conduct comes from the lead accompanying medic, a senior pediatric physician at Haddassah hospital in Jerusalem, **Dr. David Zangen**:

“I was there during the fighting, and I saw close up what was happening. I know that the IDF did everything it could to prevent civilian casualties. We took risks in the fighting, in an attempt to rescue those innocent civilians that were caught up in the battles. Anyone who says that Israel carried out a massacre is lying and inciting the Arabs. The descriptions of the smell of the bodies in the refugee camp are also exaggerated out of all proportion. A week after the fighting, I walked around the camp without a mask, with journalists from all over the world, and there was no smell. The journalists knew this, but all of a sudden, they claimed that there was a stench in the camp from bodies that had not been evacuated. Twenty-five bodies were found altogether, and most of the bodies were those of the terrorists. There may have been one area in the entire camp in which there were a number of bodies buried under the rubble, and this would explain the smell. However, aside from this case, there was no smell in the refugee camp - this is just a crude lie.

“The soldiers fought without harming civilians. This was noticeable in every place and on every level. I was moved by the sight of soldiers conducting themselves in such a dignified and moral manner. Most of us are reserve soldiers; we are not hotheaded people, and we were all very careful. I was impressed by the great care exercised by the IDF in avoiding civilian casualties - especially with regard to children.”

C. Palestinian Fighters Accounts

At the outset, it is important to note that accounts of Palestinian fighters in Jenin largely corroborate Israeli accounts.

One of the most detailed English language accounts of the battle was obtained in a three-hour interview conducted by CNN with *Thabbat Mardawi*, a senior member of Palestinian Islamic Jihad who surrendered to Israeli forces in Jenin. He described the battle as "a very hard fight" in which both sides suffered casualties, but said he didn't see "tens of people" killed by the Israeli army. Mardawi said he and other Palestinian fighters had expected Israel to attack with planes and tanks to avoid their own casualties. He spoke enthusiastically about Israel's decision to send in infantry. "It was like hunting ... like being given a prize. I couldn't believe it when I saw the soldiers," he said. "The Israelis knew that any soldier who went into the camp like that was going to get killed." He added: "I've been waiting for a moment like that for years."

A review of numerous Arabic language media sources and Web sites also supports Israel's contentions about the conflict in Jenin. Principally, a band of armed resistance fighters and wanted terrorists vowed to fight the Israelis at all costs and with no respect to civilian and children casualties, property damage or even their own lives.

- *Sheikh Abu Al-Hija*, the commander of the Hamas Izza Al-Din Al-Qassam Brigades in the Jenin refugee camp, explained to Al-Jazeera TV:

"We placed explosive devices on the roads and in the houses; surprises (await) the occupation forces. In several places there are clashes between Mujahideen and the occupation forces. The Mujahideen are using automatic rifles, explosive devices, and hand grenades..." (April 8, 2002, MEMRI translation)

- Al-Hija further claimed that:

"The Mujahideen managed to besiege nine Zionist soldiers inside one of the houses, and attacked them using hand grenades and bombs until the entire house went up in flames with the soldiers of the occupation inside. Witnesses said that the occupation forces extracted the soldiers charred and burned." (*Al-Sabil* (Jordan), cited in *Al-Shaab* (Egypt), April 19, 2002, MEMRI translation.)

And:

"The fighting forces, from all the factions in the camp, have been equipped with explosive belts and grenades." (Interview with the London-based Arabic language daily *Al-Sharq Al-Awsat*.)

- On Al-Jazeera, *Abu Jandal*, Islamic Jihad commander in the Jenin refugee camp, gave further insight into the offensive and fatalistic nature of the Palestinian military campaign:

“The truth is that our fighters have switched to an offensive; today we went on the offensive. The commander of the battle of the Jenin camp, has chosen for myself the name ‘The Martyr Abu Jandal’ because all the fighters around me are martyrs. Believe me, there are children stationed in the houses with explosive belts at their sides. Today, one of the children came to me with his school bag. I asked him what he wanted, and he replied, Instead of books, I want an explosive device, in order to attack...”

- **Ali Safori**, a commander of Islamic Jihad’s Al-Quds Brigades, reported to the Islamic Jihad Web site:

“We have prepared unexpected surprises for the enemy. We are determined to pay him back double, and teach him a lesson he will not forget.... We will attack him on the home front, in Jerusalem in Haifa, and in Jaffa, everywhere. We welcome them, and we have prepared a special graveyard in the Jenin camp for them.”
(www.qudsway.com, posted April 3, 2002)

- **Dr. Ramadan Abdallah Shalah**, Islamic Jihad leader, in interview with Al-Manar, the Hizbullah TV channel:

“The fighters in the Jenin camp told us that this is a hit and not run battle, and that they are fighting to the last drop of blood and to the last bullet- and that is what they did.” (April 10, 2002, cited at www.jihadonline.org)

- Another account in a London based paper reported that a Palestinian woman – **Lillham Ali Dasouqi** – had blown herself up among Israeli soldiers, killing two and wounding six. (*Al-Sharq Al-Awsat*, April 7, 2002)
- One of the most far-ranging Palestinian accounts of the battle and of the strategies employed by the Palestinians in Jenin was provided by an Islamic Jihad bomb maker named Omar – one of the “revered bomb-makers from the City of the Bombers (Jenin)” – in an interview in the Egyptian weekly *Al-Ahram* (April 18-24, 2002). Omar stated:
 - The Palestinians booby-trapped Jenin, and enlisted women and children in the battles.
 - In Jenin all the factions were loyal to only one cause: liberation or death...
 - “Of all the fighters in the West Bank we were the best prepared.... We started working on our plan: to trap the invading soldiers and blow them up from the moment the Israeli tanks pulled out of Jenin last month.
 - “We had more than 50 houses booby- trapped around the camp. We chose old and empty buildings and the houses of men who were wanted by Israel because we knew the soldiers would search for them.”

- “We cut off lengths of main water pipes and packed them with explosives and nails. Then we placed them about four meters apart throughout the houses – in cupboards, under sinks, in sofas.”

When asked about the ambush that killed 13 soldiers he answered:

- “They were lured there. We all stopped shooting and the women went out to tell the soldiers that we had run out of bullets and were leaving. The women alerted the fighters as the soldiers reached the booby- trapped area.

“When the senior officers realized what had happened, they shouted through megaphones that they wanted an immediate cease- fire. We let them approach to retrieve the men and then opened fire.

“Some of the soldiers were so shocked and frightened that they mistakenly ran towards us.” (www.ahram.org.eg/weekly/2002/582/6inv2.htm)

- **Abu Ahmad**, an Al-Aqsa Martyrs Brigades leader:

“In the Jenin refugee camp, the Palestinian resistance will carry out more operations like the martyrdom operation in Haifa, in order to emphasize that it still exists and that it maintains its strength and its capability in spite of the blows [it has taken].” (*Al-Intiqad*, April 19, 2002)

D. Actions Taken by Israeli Forces to Minimize Civilian Casualties

The moral standard of Israel's soldiers is among the highest in the world. Under the circumstances described above, it is impossible to prevent all civilian casualties. However, Maj. General Amos Gilad argues that “when civilians are being killed it is the result of a mistake.” Gilad, the director of Israeli action in the Palestinian territories, said that Israeli forces suffered many casualties in order to protect Palestinian civilians from harm, choosing to move carefully from room to room rather than using safer but more indiscriminate firepower. Moreover, every two hours, even at the height of the battle in Jenin, the IDF called via loudspeakers for the residents of the camps to leave their homes, for their own safety.¹ Those who did so suffered no harm. Moreover, the terrorist leaders and other armed Palestinians who surrendered were arrested and also went unharmed. During the operation, by fighting face-to-face and door-to-door with its infantry, IDF forces took great caution not to harm innocent civilians. This approach cost the lives of many IDF soldiers.² In the Jenin refugee camp alone, 23 IDF soldiers died. Nevertheless,

¹ Loudspeakers were also used to request the fighters to surrender. However this practice was complicated early in the battle when in response to the calls, a group of five Palestinian suicide bombers mixed themselves with a surrendering group of Palestinians. Reported in testimony to the Knesset Foreign Affairs and Defense Committee by IDF Chief of Staff Lt. Gen. Shaul Mofaz. See Arye Bender, “Palestinians Who Surrendered in Jenin Blew Themselves Up on the Soldiers,” *Maariv*, April 10, 2002.

² The extra risk was not lost upon the soldiers. According to Sergeant Shlomi Lanyado, “All the time the soldiers asked me, ‘Why aren’t we using more strength? ... Why do I have to go from house to house and maybe not come back?’” See John Lancaster, “Israeli reservists tell of Jenin assault,” *Washington Post*,

the IDF favored this kind of warfare over air raids or tank shelling which would have resulted in greater civilian damage and fewer Israeli army casualties.

Additionally, medical facilities and hospitals were specifically avoided as targets. Hadassah hospital's **Dr. David Zangen** said: "IDF soldiers did not enter the Jenin hospital, and ensured that the hospital could operate without disruption. No IDF soldier set foot in the hospital. The Palestinians hid there in the knowledge that we would not enter. Everyone knows this, and anyone who says otherwise is lying and inciting."

E. Actions Taken by Palestinians Endangering Civilians and Children

It is impossible to discuss civilian casualties in the Jenin battle without reference to the specific tactics employed by Palestinian fighters to use civilians as "human shields." Fighters operated from inside civilian populated houses, and activated explosives to detonate and destroy the houses and property of civilians. **Taabat Mardawi** told CNN that he personally detonated gas cylinders that destroyed civilian homes. Other efforts included blocking civilians who sought to leave the camp during the battle: "Our (Islamic Jihad) commander in Jenin, Muhammed Tawalbeh, had prevented civilians from leaving the camp" (www.jihadonline.org, April 10, 2002). Dr. Zangen added:

"Their aim was to carry out suicide attacks against the IDF soldiers. If there were innocent civilians in the area, they were either the hostages of the terrorists or collaborators. In any case, during each stage of the fighting, we called out to all those who did not want to fight – to leave the homes. The terrorists exploited the departure of these people, and they were shooting at us."

In addition, children were cruelly and cynically recruited and used as active participants in arms smuggling and armed attacks against invading soldiers. **Sheikh Abu Al-Hija**, commander of the Hamas Izza Al-Din Al-Qassam Brigades in the Jenin refugee camp, said: "Some of the youths steadfastly filled their school bags with explosive devices" (www.palestine-info.info, April 20, 2002). Dr Zangen concluded: "As a pediatrician, it was terrible to see such a thing, and I am appalled by the very thought of a killing machine that exploits innocent children."

F. Casualty Figures

By the end of May, according to both Israeli and Palestinian sources, fifty-six bodies of Palestinians had been found. The vast majority of those killed were armed, and some were wearing explosive belts.

April 28, 2002. The article continues: "Lanyado said he has been shocked since hanging his uniform by the international storm of criticism over Israeli tactics in Jenin. "I'm ready to speak with anyone, to look them in the eye and tell them that I and my soldiers, we were as clean as we could be; he said." A similar account was provided by an Israeli lieutenant: "All we did was reach our goal, which was to find and destroy terrorist infrastructure, including people- terrorists- and factories manufacturing explosives. And I think we did it with maximum caution, saving our own lives, and causing minimum damage to innocent civilians. See Cameron Burr, "What really happened in Jenin," *Christian Science Monitor*, April 19, 2002.

Israel's casualty figures during the battles numbered 23 killed and 75 wounded; thirteen were killed in a double ambush on April 9 when militant Palestinian gunmen falsely posed as surrendering civilians.

G. Physical Damage Reports

In Jenin itself, there were no battles, and the city was left largely untouched. The fighting occurred only in the area of the refugee camp, separate from the city, in approximately 100 meters by 100 meters combat zone. Out of the 1100 homes in the camp, only 95 were damaged in the fighting. The IDF's practice was to call for all non-combatants to leave the area, and it escorted those wanting to leave via the safest route. There is simply no truth to claims that the entire refugee camp was destroyed. The physical destruction in Jenin was inflicted in part by Israeli bulldozers used in places Palestinians refused to evacuate. In some cases, fighters who continued to fire from buildings were killed when the buildings collapsed and they were trapped in the rubble.

III. Israeli Medical and Humanitarian Assistance and Cooperation

A. Direct Provision of Medical Assistance by Israeli Military Services

Haddasah hospital's Dr. Zangen explained how Israeli medics and paramedics treated Palestinian casualties where possible.

“I am infuriated by the claims of a massacre in Jenin, for another reason. The paramedics and I risked our lives to treat the wounded Palestinians. As well as the wounded, we also treated the sick. The Palestinian doctors did not come to their aid, and we could not leave them without medical treatment. The Palestinian doctors were unable to reach a girl who had an attack of appendicitis. The soldiers brought the girl over to us and we treated her. In another case, a youngster came to us with a neck wound. We saved his life, in spite of his Islamic Jihad tattoo. We tried to provide full treatment for every Palestinian, and I am proud of it. I am in no doubt: the Americans would not have taken such risks, and would have acted differently. We acted in this way, simply to avoid civilian casualties.”

On one occasion Israeli offers to provide units of blood were rejected by Palestinian authorities who claimed they “did not want Jewish blood.”

B. Direct Provision of Relief Services and Cooperation with International Relief activities

The ability to conduct humanitarian assistance during and immediately following the battles in Jenin presented an unprecedented situation because of the intensity of the terror attacks and the large number of terrorists. The distribution of humanitarian aid was hampered by continued terrorist shooting at IDF checkpoints. The IDF cooperated with the Red Cross in transferring blood donations, blankets, medical supplies and toys. Additionally, Israel transferred donations to the Palestinians via countries with which it

has no formal relations. According to IDF sources, hundreds of transactions of humanitarian aid took place, including many that did not receive media attention. For example, ten dialysis patients were transferred by the Red Cross to Jenin Hospital; twelve patients were taken to Augusta Victoria hospital and other patients were transferred to hospitals in Israel. In an attempt to address intermittent electricity disruptions, the IDF transmitted power generators to Jenin, Hebron and other areas of need. Further, in conjunction with the Red Cross the IDF transmitted 19 oxygen tanks to the Palestinian Authority. Israel also helped evacuated foreign staff of UNRWA and other organizations to Jerusalem.

Rescue efforts, as well as transportation of supplies into the area, were further complicated by the bombs and mines planted by Palestinian fighters. Sometimes bodies were booby-trapped, which delayed removal of the dead and wounded. Even after international aid organizations returned to the camp, rescue efforts were slowed by active booby traps not yet dismantled.

Given the clear pro-Palestinian biases of most UNWRA and International Committee of the Red Cross and Red Crescent staffers, there were also concerns that these individuals might tamper with, remove or destroy the evidence relating to the operating infrastructure of the terrorist network.

IV. Palestinian Hindrances of Relief activities

“The IDF evacuated bodies, many of which were booby-trapped, and organized the restoration of water and electricity, the director of the hospital thanked the Israelis, contrary to his denials in the media, for treating 70 wounded people. When Jenin was handed over to the Palestinians, the rehabilitation activity was halted, at the order of Palestinian Authority Chairman Yasser Arafat, in order to perpetuate the destruction....

“It is important to emphasize that there is considerable evidence that the Palestinian Authority deliberately rejected humanitarian assistance in Jenin as part of an effort to reverse a military defeat. It seems more important for the Palestinians to document the case of Jenin than it is to relieve the suffering there...” (Amir Oren, “Good Morning Vietnam,” *Haaretz*, April 26, 2002.)

As this passage indicates, in the broader battle for international validation, Yasir Arafat actions suggest that that he would like to use the mythic version of Jenin – the Israeli “massacre” of innocents – as leverage in rallying the community of nations.

A. Employing Red Crescent Ambulances for Terror Attacks

When the fighting began, the IDF coordinated entry for the Palestinian ambulances into the refugee camp. However, the ambulance crews refused to cooperate, fearing that they would be harmed in the fighting. Further, Red Crescent ambulances had been used in the past to transport Palestinian terrorists and their operational back-up, as well as weapons

and explosives, and therefore it was necessary for the IDF to search these vehicles and workers. There were also concerns that ambulances might be used to transport terrorists out of Jenin. Many “humanitarian teams” rejected such inspections as a condition of entry into Jenin.

B. Delaying Burials

On April 8, IDF representatives contacted all the relevant Palestinian health authorities in the Jenin area, including the PA Ministry of Health, Palestinian hospitals and the Red Crescent, in order to facilitate the evacuation of the dead and wounded, while guaranteeing safe passage and protection to the emergency personnel. None of the Palestinian health authorities contacted were willing to cooperate with Israel, preferring to leave their dead and wounded lying in the field.

V. Co-operation with Media

During the fierce fighting, Jenin was declared a military zone, closed to the media and international activists. Palestinian sniper gunfire and booby traps rendered the area unsafe. IDF sources said many of the bodies of Palestinians killed in the fighting were booby-trapped and, until the bodies were deactivated, journalists and teams were not allowed into the camp.

Section Three: Legal Basis for Operation Defensive Shield

I. Legal Considerations Regarding the Death of Civilians

- Once Israel's right to engage in self-defensive warfare is established (as it had been, see below), civilian deaths and casualties do not *ipso facto* mean that war crimes have occurred.
- Civilian population zones, which are permeated by an enemy power, are the legitimate objects of military attack. Jenin, an area which housed a terrorist infrastructure that was targeting Israel and its civilians, was the legitimate focus of Israel's military actions.
- International law recognizes that civilian deaths will inevitably occur in such instances. It does not condemn all such deaths as illegal, but rather asks whether the deaths of civilians occurred because of illegal activities by the belligerent. The standard to assess this is whether the civilian deaths were the product of “unnecessary killing and devastation,” that is, whether the deaths were the result of actions that were excessive in relation to the concrete and direct military advantage expected to be gained.
- Thus, when NGOs, the media, the belligerent PA and others publicly castigated Israel for committing a “massacre” in Jenin, they carry a burden of proof much greater than merely showing that civilian deaths occurred. Rather, they must demonstrate that either Jenin was not a camp supporting a terrorist infrastructure (thus was an improper target) or that Israel wantonly killed civilians in excess of its legitimate and legal military objective of rooting out the terrorist infrastructure that targeted its civilians. Given the facts as reported, either would be very difficult to establish; Israel has made a very strong case that it destroyed certain houses and property in an effort to proceed safely and with the least civilian death possible.
- Urban, door to door combat is a legal method of warfare that produces a high level of civilian casualties. Indeed, in World War II, the Allied powers (the United States, United Kingdom and the Soviet Union) engaged in extremely heavy door-to-door fighting as they moved through various urban centers including Berlin. In Jenin, such door to door fighting was necessitated by the nature of the Palestinian belligerents: terrorists who hid among a civilian population.

II. The Right to Engage in Military Action in the West Bank

- International law expressly recognizes the right of a sovereign state, such as Israel, to use force in defense against armed attack. Nothing in the UN charter abrogates this right.

- Actions under the self-defense doctrine must be *proportional* to the offense and must be *necessary* to stop further offenses. Israel's actions are both: they are *necessary* to stop the further killing of Israeli civilians and they are *proportionate* in that Israel's activities are limited to activities related to the rooting out of terrorists and are being done in the least harmful means possible, such as searching door to door in various cities instead of random bombing or missile attacks.
- Israel's right to self defense is subject to no prerequisite or precondition of compliance with other resolutions and vests automatically. Even if Israel were out of compliance with such resolutions as 238 or 242 (which it is not), its right to self-defense does not require that it come into compliance.
- No doctrine of international law, including the right to self-determination, justifies the use of violence by the PA. Israel's good faith negotiation and far-reaching offers at Camp David II removes and all of the preconditions for the right of secession. No plausible conception of the right to self-determination and subsequent secession can include the use of violence to force closure to what amounts to a negotiating gap -- even a serious negotiating gap.
- Even if the Palestinians had the right to engage in a war of secession (which they do not) they use illegal means of waging war, and thus should receive international condemnation. The patent violations of international law by Palestinians include, but are not limited to:
 - a) *Express targeting of civilians.*
 - b) *Use of illegal weapons.* The use of terrorism and terror bombings is itself an illegal weapon of warfare.
 - c) *Use of illegally enhanced weapons.* The suicide bombers have used nails and other shrapnel in their explosive belts, which are illegal.
 - d) *Illegal use of children.* The use of children -- whether through encouraging them to blow themselves up and kill civilians or deploying them as shields -- is also plainly illegal. Moreover, using children in warfare represents both the height of immorality and the depth of political depravity.
 - e) *Use of arms in violation of treaty obligations.* The Palestinians foreswore the right to bear or use arms outside of the policing context when they agreed to the various peace frameworks (including the Oslo Agreement).

Conclusion

This report presented a case study in the demonization of Israel at the hands of those who spoke before the facts were in.

International organizations, non-governmental organizations, and many foreign governments prematurely and summarily attacked Israel for committing atrocities during its military operations in the West Bank. But while a massacre of hundreds was alleged, reported and condemned, it is now essentially certain that no such massacre occurred.

The American Society of Newspaper Editors' Statement of Principles is instructive to all offending parties in this matter – journalists, governments and NGOs alike: “Every effort must be made to assure that the news content is accurate, free from bias and in context, and that all sides are presented fairly.” (<http://www.ijnnet.org/5188.html>). The tendency of groups and governments to speak prematurely -- and of the media to report those comments uncritically – reminds us that in reporting the news accuracy, freedom from bias, seeking context and examining all sides is essential for everyone, especially those with voices that carry weight internationally.

Finally, while this report has remained largely silent on the question of whether some of the anti-Israel zeal reflected anti-Semitic attitudes, prejudice undoubtedly informed some of the remarks reported above. Merely criticism of Israel is not bigotry, but the vehemence and zeal displayed by some of those considered here seems indicative of a larger set of beliefs about Jews.