



Initial Report: Humanitarian Consequences of the IDF Operation in the Old City of Nablus

26 December 2003 – 06 January 2004

1. Overview

Beginning the 15th of December, the IDF intensified its almost daily incursions into the city of Nablus. On 26 December, the IDF launched a full-scale military operation into the city with a concentration on the Old City. It lasted 12 days until on 6 January 2004. This operation was one of the largest military operations in Nablus since “*Defensive Shield*” started in April 2002.

According to the IDF, this was a continuation of its use of “*all legal means in order to strike at terrorists, their dispatchers, and those who assist them.*”¹ The military operation had followed a suicide attack on 25 December 2003, in Petah Tikva, a suburb north of Tel Aviv which killed 4 people and injured at least 12.

Tensions in the streets of Nablus between the IDF and the local population led to a high number of casualties. The IDF fired live ammunition which resulted in the deaths of 6 Palestinians and over 50 injured.² Several houses and historical buildings in the Qarioun district of the Old City were destroyed or damaged. The IDF placed the Old City under almost continuous curfew during the operation. It evacuated some houses in this area, and used them as military positions. Other houses were completely sealed by the IDF confining the inhabitants for days.

The IDF has closed all entrances and exit into Nablus allowing only humanitarian agencies to travel. Commercial life in the city has come to a near standstill. This report will focus on the humanitarian impact of this operation in Qarioun district of the Old City of Nablus.

Chronology of events

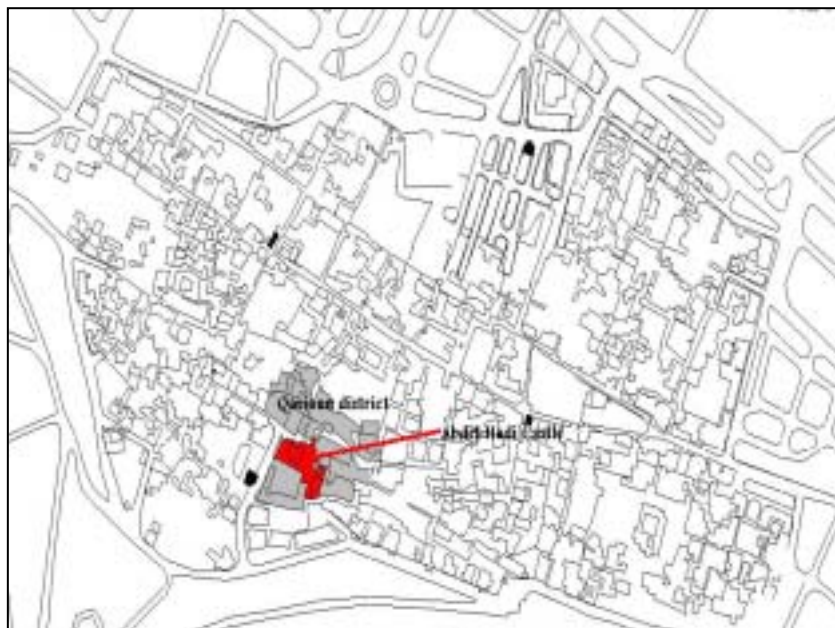
- **26 December 03:** IDF entered Nablus, announcing a curfew on the central and western part of the city including the Beit Iba village. IDF also entered the Balata refugee camp and the Qarioun district in the Old City. Nablus was divided in two by a huge earth mound and a check point erected at the Amman Road. Several houses in Nablus, mainly in the old city, were occupied.
- **27-29 December 03:** IDF continued military operations, with house occupations and demolitions
- **30 December 03:** Intensification of the operation: IDF deployed hundreds of soldiers, tens of military vehicles, tanks and one bulldozer putting the entire city of Nablus under curfew. Several houses in the old city, particularly in the Qarioun district, were occupied and residents were crammed together as IDF used houses as military positions.
- **31 December 03:** Clashes all over Nablus resulted in several injuries caused by live ammunition and tear gas; military operation in the Qarioun district of the old city was escalated, and the Qasr Abdel-Hadi house was subjected to mortar fire causing substantial damage to its construction.
- **01-05 January 04:** Military operations, and clashes between IDF and Nablus inhabitants, continued. Three Palestinians were killed within less than an hour on 3 January by direct live ammunition used by IDF. A fourth Palestinian was killed during the funeral of these.
- **06 January 04:** IDF withdraws from Qarioun. Curfew is lifted.

¹ <http://www.idf.il/english/announcements/2003/december/26e.stm>

² Sources: PRCS, UPMRC

2. Operation in Qarioun district, Old City

Map of the Old City
Source: Nablus Municipality,
edited by OCHA Nablus Office



- House Destruction and Impact on Families

The military operation into the Qarioun district of the Old City resulted in the destruction of a number of inhabited buildings, including some of historical significance (see box 2 and 3).

On New Year's Eve, Qasr Abdel-Hadi – an historic building in the Qarioun quarter of the old city - suffered severe damage when it was hit by mortars fired from a tank (see photo 1). The building was further damaged by a number of internal explosions. Qasr Abdel-Hadi was built approximately two hundred years ago. The three storey house is built on a 5000 square meter site, and an intricate water spring system dating back more than 1000 years back can be found under Qasr Abdel-Hadi (as under many houses in the old city).

Qasr Abdel-Hadi housed sixteen families; these families were made homeless by the structural damage inflicted upon the building.

Box 3 - Protocol I of the IVth Geneva Convention, Article 53:
"In cases of armed conflict, cultural objects must be respected and safeguarded from the possible effects of war."

Box 2 – UNESCO Report on the protection of cultural and natural heritage in the Palestinian Territories

During the IDF invasion of Nablus in March-April 2002, UNESCO expressed *"grave concern for the continuing loss of all innocent lives and at the destruction and damage caused to the cultural heritage in the Palestinian Territories, in particular the reported damage caused to the Basilica of the Nativity in Bethlehem, birth place of Jesus Christ and one of the most significant and historic sites on earth; the historic centre of Nablus including its mosques and the old city of Hebron."*

UNESCO stated that the historic old city of Nablus was of *"outstanding universal value according to Article 12 of the World Heritage Convention"*, and urged Israel *"to ensure the protection of all heritage in the Palestinian Territories in its multicultural diversity."*

Source: Report of the Rapporteur, UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage, Bureau of the World Heritage Committee, 26th Session, 2-13 April 2002 – <http://whc.unesco.org/archive/repbur02.htm#sec16>

Photo 1 - Qasr Abdel-Hadi



A number of other buildings in the old city suffered structural damage from explosives. 3 houses were destroyed, and the families who lived in them have lost all their belongings. 35 houses were rendered uninhabitable. 10 houses were partially damaged. Tens of houses had their windows blown out. 38 families were directly affected by the operation. The walls of several other homes and buildings were knocked down or blown up during IDF searches.

Table 1 - Summary of examples of Houses Damaged

| | |
|-------------------|--|
| Al Sadiq House | Burned down as a result of tank bombardment |
| Al Kukhun house | Totally demolished by IDF bulldozer |
| Al Hashoush house | Partly damaged by explosives |
| Al Sirisi house | Partly damaged by explosives |
| Qasr Abdel-Hadi | Partly damaged by explosives and tank bombardment |
| Al Najjar house | Partly damaged by explosives |
| Sharaf house | Burned down as a result of tank bombardment, the roof demolished by an IDF bulldozer |

Source: OCHA Field work

- Basic Needs, Access and Provision of Humanitarian Assistance

Photo 2 – Old woman being assisted, source: OCHA

There are approximately 95 families - 600 people - living in the Qarioun district of the old city. 20 – 25 of these families were forced to flee as the operation commenced; these people have now been allowed to return to their homes.

A further 70 families - approximately 400 people – were not allowed to leave their houses as the operation went on.

Some of the people evacuated from their homes or confined by the curfew were elderly. One wheelchair-bound woman in her late seventies unable to walk and to go to the bathroom had been visiting a family in the Qadr house before the operation. The IDF refused to allow her to leave the house, although she lived only two blocks away. After

negotiations with the DCO, she was permitted to leave, but without her accompanying daughter. Additional negotiations were required before her daughter was permitted to leave the house with her mother. The picture above was taken as the elderly woman was helped into an ambulance by the Union of Palestinian Medical Relief Committees.

Table 2 – Details of some families trapped inside their houses

| | | |
|----------------------------------|------------|--------|
| Sirisi | 15 persons | 5 days |
| Abu Zeid, | 4 persons | 3 days |
| Najjar | 8 persons | 3 days |
| Walweel | 2 persons | 2 days |
| Qadr (several families together) | 30 persons | 3 days |

Source: OCHA Field work

The evacuations, and the curfew imposed during the military operation, have put the population of the Old City under tremendous strain. Basic foodstuffs were not available and many people living in the Old City have had little or no access to cooking facilities. After negotiations with the IDF, NGOs were permitted to undertake some limited distributions of bread.

The population suffered also from the cold weather and winter conditions. Gas for heating was not sufficient, and open fires were in some cases the only means of both cooking and heating. Many houses have had their windows blown out by explosions.

Local relief agencies, ICRC and OCHA were in some cases able to obtain access to houses in the Old City through liaison with the IDF, though after delays of up to three hours. The Union of Palestinian Medical Relief Committees was able to evacuate some elderly and pregnant women following negotiations between the IDF and OCHA.

- Relevant Principles of International Humanitarian Law

A number of provisions made in the Geneva Conventions are relevant to the operation in Nablus.

Right to Receive Assistance

The occupying power is under the obligation to provide the necessary supplies to the individuals who are in their power as a result of internment or occupation (IV Geneva Convention, Articles 81, 55, 60).

Internment

If a civilian person can no longer support him- or herself as a result of such measures, the party to the conflict that applied this decision is responsible for supporting this person and his or her dependents (IV Geneva Convention, Article 39).

Daily food rations for internees must be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent nutritional deficiencies. Their customary diet must be taken into account (IV Geneva Convention, Article 89).

Proportionality

Also relevant to the case of Nablus is Protocol I of the IV Geneva Convention, Article 57, which states that *“In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects. With respect to attacks precautions shall be taken, amongst other things, refraining from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated. An attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one or is subject to special protection or that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”*

OCHA oPt, 08 January 2004