

CANADA REVENUE AGENCY

IN THE MATTER OF a complaint to the Compliance Division of the Charities Directorate

B E T W E E N:

DAVID MIVASAIR and KHALED MOUAMMAR

Complainants

- and -

THE CANADIAN ZIONIST CULTURAL ASSOCIATION

Respondent

REQUEST FOR AN AUDIT UNDER THE *INCOME TAX ACT*, R.S.C., 1985, C. 1. (5TH SUPP.)

July 30, 2021

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Joint Counsel for the Complainants

July 30, 2021

CONFIDENTIAL – BY E-MAIL AND XPRESSPOST

Canada Revenue Agency
Compliance Division of the Charities Directorate
Attention: Robert Delaney, Director of Compliance
320 Queen Street
Ottawa, Ontario
K1A 0L5

Re: Request for an audit of the Canadian Zionist Cultural Association

Dear Mr. Delaney:

Please find enclosed our formal complaint, which sets out concerns regarding the registered status of the Canadian Zionist Cultural Association (CZCA). Based on the information that we have compiled — much of which can be found in publicly available documents — the CZCA appears to be in violation of the *Income Tax Act*, R.S.C., 1985, c. 1 (5th Supp.) (“the *Act*”), Canadian policy, and CRA guidelines.


We are therefore requesting that an audit of the CZCA be initiated by the Canada Revenue Agency. It is our expectation that if the audit confirms the information in the enclosed document, the result will be to commence the formal process of revoking the charitable status of the CZCA.

With regard to sources of information in the enclosed document, please refer to the footnotes, and the full bibliography at the end of the document. There you will find the full list of cited sources, which together with the enclosed document comprise our formal complaint.

Sincerely yours,

DocuSigned by:

4C8C2117E44E494
Rabbi David Mivasair

DocuSigned by:

2EEB483ED6B2417...
Khaled Mouammar

Cc: The Honourable Diane Lebouthillier, P.C., M.P. – Minister of National Revenue

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EXECUTIVE SUMMARY

The Canadian Zionist Cultural Association (CZCA) is a registered charity in Canada governed by provisions of the *Income Tax Act*, R.S.C., 1985, c. 1 (5th Supp.), and subject to oversight by the Canada Revenue Agency (CRA).

We allege that the CZCA is a fundraising office of the Association for the Soldiers of Israel – Canada (ASI – Canada), a non-charitable organization that fundraises on behalf of active-duty soldiers in the Israel Defense Forces (IDF). Alternatively, we allege that even if the CZCA is not a fundraising office of ASI – Canada, its financial support for the IDF and active-duty IDF soldiers is in violation of the *Income Tax Act*, Canadian public policy, and CRA guidelines and policy statements. This financial support is potentially enabling violations of international law by the IDF and active-duty IDF soldiers.

The following are the key findings contained in our formal complaint:

1. The CZCA appears to be operating through an intermediary (ASI – Canada) without the requisite direction and control over its activities and resources. This joint venture arrangement appears to be utilizing charitable funds in a manner that is contrary to the *Income Tax Act* and CG-004, *Using an Intermediary to Carry on a Charity's Activities within Canada*.
2. The CZCA appears to be acting as a conduit for Yahad by funneling resources to it for use in Israel-Palestine without maintaining the requisite direction and control over those resources. Its administrative practices in this regard appear to be in breach of the *Income Tax Act* and contrary to CRA policy guidance, and CG-002, *Canadian Registered Charities Carrying Out Activities Outside Canada*.
3. The CZCA appears to be in violation of the *Income Tax Act*, common law, and CG-002 through its financial support of a foreign army. The support includes being an authorized fundraiser for the IDF, funneling resources to Yahad for use by the IDF, and providing donations to active-duty IDF soldiers (thereby offsetting costs that would otherwise be borne by the IDF).
4. The CZCA appears to be in violation of the *Income Tax Act* and common law by financing entities and activities which are contrary to Canadian public policy and do not meet the public benefit requirement as stated in CRA policy guidance and CPS-024, *Guidelines for Registering a Charity: Meeting the Public Benefit Test*. The CZCA's support for the IDF is wholly incompatible with public policy.

1.0 BACKGROUND

1.1 What is the Canadian Zionist Cultural Association (CZCA)?

The CZCA (business/registration number 108075748 RR 0001) achieved charitable status in 1980,¹ although there is little information readily available online about the CZCA, its origins, and its stated purpose. There is a similar absence of online information about its activities in Canada. The organization's website is inactive, and appears to have been listed as "under construction" since at least 2013.²

A description of the CZCA on the website of the UJA Federation of Greater Toronto describes it as "a registered charity which supports educational and **charitable** programs in Israel." It goes on to state that it "operates camps for widows, orphans, siblings and parents of fallen soldiers and provides scholarships for **former soldiers**."³ [emphasis in original]

1.2 What is the Association for the Soldiers of Israel – Canada (ASI – Canada)?

ASI – Canada describes itself as "the only non-profit organization in Canada supporting the wellbeing of Israeli soldiers on active duty" and states that it "remains in constant contact with the IDF [Israeli Defense Forces] to better respond to the soldiers' needs".⁴

ASI – Canada is "the only non-profit organization in Canada authorized by the IDF to support Israel's soldiers on active duty. We are the Canadian partner of YAHAD - United for Israel's Soldiers."⁵ [emphasis added]

ASI – Canada states that it was established by "Holocaust survivors and Canadian veterans of WWII and Israel's War of Independence, as the Canadian partner of AWIS, now known as YAHAD - United for Israel's Soldiers."⁶ [emphasis added]

¹ 2019 Registered Charity Information Return for the Canadian Zionist Cultural Association.

² Internet Archive - Wayback Machine for www.czca.org (May 27, 2013 to August 10, 2018), online: WayBack Machine <https://web.archive.org/web/2018*/http://czca.org/>

³ UJA Federation of Greater Toronto, Directory listing for Canadian Zionist Cultural Association, online: UJA <<https://jewishtoronto.com/directory/canadian-zionist-cultural-association-czca>>

⁴ Association for the Soldiers of Israel – Canada, "Who We Are", online: ASI <<https://www.asicanada.org/ourmission.html>>

⁵ Association for the Soldiers of Israel – Canada, "ASI Canada Projects and Programs", online ASI: <<https://www.asicanada.org/projects.html>>

⁶ *Supra* note 4.

Donations to ASI – Canada are not eligible for charitable tax receipts. The organization advertises that it donates towards services and infrastructure development on Israeli military bases, including:

- TVs, PlayStations, game tables and lounge seating for soldiers on base.
- Fully-equipped gym facilities for soldiers on base.
- Kitchen and dining spaces on base.
- Essential items for soldiers including fresh clothing and hygiene kits, as well as non-essential items such as leisure kits and snacks.⁷

1.3 What is Yahad?

Yahad is a self-described “registered non-profit association whose aim is raising funds for IDF soldiers.”⁸ [emphasis added]

Yahad is not a charitable organization or program. Instead, it is directly connected to and funded by the Israeli military. As stated on Yahad’s website, “All the organization's expenses related to the fundraising and the implementation of the donations are funded and financed by the Ministry of Defense and not by the donations received. Thus resulting in the fact that 100% of all donations are directed towards soldier needs.”⁹ [emphasis added]

Yahad describes itself as “the joint organization of AWIS (Association for the Wellbeing of Israel’s Soldiers) and The Libi Fund, the official body for donations which benefit the soldiers of the IDF.” Its website further states that “with all overhead costs financed by Israel’s Ministry of Defense, 100% of all donations are utilized for their objectives without any overhead.”¹⁰ [emphasis added]

Yahad is operated by retired General Yoram Yair (who serves as the Chairman) and retired Colonel Sharon Harmon (who serves as the CEO).¹¹

⁷ *Supra* note 5.

⁸ Yahad - United for Israel's Soldiers, “Transparency”, online: Yahad <<https://www.ufis.org/?categoryId=91907>>

⁹ *Ibid.*

¹⁰ Yahad - United for Israel's Soldiers, “About Us”, online: Yahad <<https://www.ufis.org/?categoryId=89948>>

¹¹ *Ibid.*

1.4 What are the Israeli Defense Forces?

The Israel Defense Forces (IDF) is the military of the State of Israel and is subject to the authority of the Israeli government. It consists of the general staff, ground forces, air force, navy, and special forces.¹² It operates within four areas known as “Commands”: Northern, Southern, Central, and Homefront. The IDF is the sole military wing of the Israeli security forces, and has no civilian jurisdiction within Israel.

The IDF is headed by its Chief of General Staff, subordinate to the Defense Minister of Israel. Lieutenant General (Rav Aluf) Aviv Kochavi has served as Chief of Staff since January 15, 2019. He oversees 169,500 active-duty soldiers and 465,000 reserve personnel.

The IDF operates on an annual budget of \$20.5 billion USD, which is ranked as the 15th highest military budget in the world.¹³

¹² Israel Defense Forces – IDF Units, online: IDF <<https://www.idf.il/en/minisites/idf-units/>>

¹³ Tian, Kuimova, Lopes Da Silva, Weseman, SIPRI Fact Sheet, *Trends in World Military Expenditure, 2019*, at pgs. 2 and 11, online: SIPRI <https://www.sipri.org/sites/default/files/2020-04/fs_2020_04_milex_0_0.pdf>

2.0 APPLICABLE CHARITY LAW AND GUIDELINES¹⁴

What are the applicable charity laws and requirements?

Registered charities in Canada enjoy the support of Canadian taxpayers because they provide a common good. The concerns expressed in this document arise from our understanding of charities law in Canada as informed by information available on the CRA's website. In particular, we note the following relevant CRA guidelines and policy statements, taken directly from the CRA's website:

1) Guidelines for registering a charity: Meeting the public benefit test – CPS-024¹⁵

To take advantage of special tax privileges given to charities under the *Act*—the most significant one being the ability to issue tax receipts to donors—charities must first register with the CRA. To do so, an applicant organization must meet the requirements of the *Act*: that it be charitable at law and devote its resources to charitable purposes and activities.

At common law, an applicant organization will be determined charitable only if it meets two fundamental requirements:

- (i) the organization's purposes must be exclusively and legally charitable; and
- (ii) it must be established for the benefit of the public or a sufficient segment of the public.

As part of the first requirement, an organization's purposes are considered legally charitable only if they fall within one of the four categories of charity set out in the 19th century decision, *Commissioners for Special Purposes of Income Tax v. Pemsel*, (hereinafter referred to as *Pemsel*), or within the spirit and intendment of the preamble to the Statute of Elizabeth (the Preamble). As a result, in order to be found charitable for the purposes of being registered under the *Act*, an organization's purposes must be sufficiently similar to others previously recognized to be charitable at law. *Pemsel* categories include:

- purposes for the relief of poverty;
- purposes for the advancement of education;

¹⁴ The content in this section, as well as some of the content in section 3.4, is largely quoted from the Canada Revenue Agency website.

¹⁵ Government of Canada, "Guidelines for registering a charity: Meeting the public benefit test," Canada Revenue Agency, online: CRA <<http://www.cra-arc.gc.ca/chrts-gvng/chrts/plcy/cps/cps-024-eng.html>>

- purposes for the advancement of religion; and
- other purposes beneficial to the community in a way the law regards as charitable.

Within the public benefit requirement, there are several sub-requirements, which are listed below and discussed in more detail later in this document:

- the benefit should generally be tangible;
- the beneficiaries must be the public-at-large or come from a sufficient segment of the public as determined by the charitable purpose being considered;
- the organization may not otherwise benefit private individuals except under certain limited conditions;
- subject to some exceptions, the organization cannot exist for the benefit of its members. Professional associations and trade unions are not typically considered charitable at law;
- the organization cannot restrict delivery of the benefits to a certain group or class of persons without adequate justification; and
- the organization cannot charge fees for its services where the effect of the charge would be to unduly exclude members of the public.

Finally, the following other factors would likely prevent an organization from being registered:

- the organization is established for the purpose of making a profit;
- the organization is set up for illegal purposes or for purposes that are contrary to public policy; and
- the organization is set up for political purposes or is involved in political activities beyond the limits allowed at law.

Requirement that there be a net benefit for the public

The charitable purposes of some organizations may result in a benefit to the public, while at the same time produce some negative effect. Where such a conflict occurs, the public benefit, shown to arise from the charitable purpose, is typically evaluated against any harm that may also arise from the proposed activity.

Restricting or focusing a benefit to a specific group of beneficiaries

The issue of what constitutes the public most frequently arises in the context of an applicant organization placing limitations on the group served by the organization because of, among other things, ethnicity, gender, race, age, sexual orientation, and/or religion. Although the restriction itself may be directly in line with the nature of the charitable purpose, some organizations want to specifically restrict the benefit to a specified group for other reasons. As well, others want merely to focus the intended benefit on, or offer specialized service to, an identifiable group. All types of limitations have the potential of offending the public benefit test, although to differing degrees.

Organizations that want an outright restriction of benefit or exclusion of services have a far greater burden of establishing public benefit than those organizations that want only to focus attention on a specific group, but extend service delivery to the general public.

When a charity proposes to restrict the beneficiaries of the undertaking in any way, the nature of the restriction must be clearly linked to the proposed benefit. Is the restriction relevant to achieving the charitable object? For example, a restriction imposed on eligibility based on a person's religion when the purpose of the undertaking is not religious in nature (for example, the establishment of a science museum) will likely fail the public benefit test and disentitle the applicant from being registered as charitable.

At the other end of the continuum are the organizations whose restrictions are directly linked, or part of the charitable purpose, which will be considered acceptable. An example of this latter scenario would be an organization set up to assist women with ovarian cancer or one set up to assist men with prostate cancer. Those organizations, whose purposes fall between these two extremes, must demonstrate why their proposed restriction on who will directly benefit is necessary in relation to the charitable purpose proposed.

Finally, organizations that seek to restrict benefits must always ensure that the restrictions proposed are not illegal or contrary to public policy. Any such restrictions are incapable of providing a public benefit. Organizations with purposes that are discriminatory or based on notions of racism, may, depending on the nature of the discriminatory purpose, offend the norms in the *Canadian Charter of Rights and Freedoms*. They may also be in contravention of the various human rights regimes either federally or provincially, or contrary to public policy as expressed in those constitutional and legislative regimes.

2) Canadian registered charities carrying out activities outside Canada – CG-002¹⁶

According to the *Income Tax Act*, a registered charity can only use its resources (for example, funds, personnel, and property) in two ways, whether inside or outside Canada:

¹⁶ Government of Canada, "Canadian registered charities carrying out activities outside Canada", Canada Revenue Agency, online: CRA <<http://www.cra-arc.gc.ca/chrts-gvng/chrts/plcy/cgd/tsd-cnd-eng.html>>

- on its own activities (those which are directly under the charity's control and supervision, and for which it can account for any funds expended); and
- on gifts to qualified donees.

Own activities

A charity usually carries on its activities using its staff (including volunteers, directors, or employees), or through an intermediary (for example, an agent or contractor). However, when using an intermediary, it must still direct and control the use of its resources, although it may generally delegate authority to make day-to-day operating decisions. A charity cannot merely be a conduit to funnel money to an organization that is not a qualified donee.

For this guidance, an intermediary is a person or non-qualified donee that is separate from the charity, but that the charity works with to carry out its own activities.

Direction and control when using intermediaries

The Canada Revenue Agency (CRA) requires that a charity take all necessary measures to direct and control the use of its resources when carrying out activities through an intermediary. When carrying out activities through an intermediary, the following steps are strongly recommended:

- create a written agreement with the intermediary, and implement its terms;
- communicate a clear, complete, and detailed description of the activity to the intermediary;
- monitor and supervise the activity;
- provide clear, complete, and detailed instructions to the intermediary on an ongoing basis;
- arrange for the intermediary to keep the charity's funds separate from its own, and to keep separate books and records; and
- make periodic transfers of resources, based on demonstrated performance.

A charity must maintain a record of steps taken to direct and control the use of its resources, as part of its books and records, to allow the CRA to verify that all of the charity's resources have been used for its own activities. For more information on direction and control, see [section 7](#).

What is a conduit?

A conduit is a registered charity that receives donations from Canadians, issues tax-deductible receipts, and funnels money without direction or control to an organization to which a Canadian taxpayer could not make a gift and acquire tax relief. Acting as a conduit violates the *Income Tax Act*, and could jeopardize a charity's registered status.

3) How to draft purposes for charitable registration - CG-019¹⁷

The purposes (sometimes referred to as “objects”) of an organization are the objectives that it is created to achieve. Each of an organization’s purposes must be clearly stated in its governing document, such as letters patent, articles of incorporation, trust, or constitution.¹⁸

To be registered as a charity under the *Act*, Canadian law requires that an organization’s purposes be exclusively charitable and define the scope of activities that can be engaged in by the organization. Subject to limited exceptions, all of a registered charity’s resources must be devoted to these activities. The assessment of the purposes and activities of an organization is referred to as a “two-part test.”¹⁹

An organization’s governing document must contain a clear statement of each of its purposes. If the wording is broad or vague, a purpose is not likely to meet the legal requirements for registration as a charity....

To be eligible for charitable registration, a purpose should identify three elements:

- a) the charitable purpose category—to establish that the purpose falls within one of the four broad categories of charity (for example, “to relieve poverty,” “to advance education,” “to advance religion,” or “to promote health”) (see paragraphs [13-14](#))
- b) the means of providing the charitable benefit—to define the scope of the activities that can be conducted to directly further the purpose and ensure the provision of a charitable benefit (for example, “by providing housing,” “by operating a school,” “by conducting prayer services that advance the teachings of Islam,” or “by operating a hospital”) (see paragraphs [15-19](#))

¹⁷ Government of Canada, “How to draft purposes for charitable registration”, online: CRA <<http://www.cra-arc.gc.ca/chrts-gvng/chrts/plcy/cgd/drftprpss-eng.html>>

¹⁸ Government of Canada, “How to draft purposes for charitable registration” (CG-019), online: CRA <<https://www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/guidance-019-draft-purposes-charitable-registration.html>>

¹⁹ *Ibid.*

c) the eligible beneficiary group—to ensure the charitable benefit is provided to the public or a sufficient section of the public (for example, “for the poor” or “for the general public”)

4) A charitable purpose should not be broad or vague

If the wording is too broad or vague, it will not be clear that a purpose is charitable (i.e. that it falls within a charitable purpose category and provides a public benefit) and defines the scope of the organization’s activities.

“Broad” means the purpose may allow for both charitable and non-charitable activities and/or the delivery of unacceptable private benefits.

“Vague” means the wording may be interpreted in different ways. A purpose that is too broad or vague may not be eligible for registration. On the other hand, purposes that are overly narrow or inaccurate may cause problems for an organization as it tries to carry out its mandate.

3.0 OUR COMPLAINT

3.1 ASI – Canada appears to be acting as an intermediary for the CZCA

There are numerous grounds for believing that ASI – Canada and the CZCA are effectively one in the same organization, and/or for believing that ASI – Canada is utilizing the CZCA for carrying out its fundraising operations in Canada.

A close examination of the two organizations reveals that they appear to be inextricably linked. The grounds for this conclusion include (but are not limited to) the following:

- i. **Administration:** ASI – Canada and the CZCA share the same Administrator – Suellen Boyd.²⁰ The two organizations also share the same Event/Project Coordinator – Mandy Gnesin.²¹
- ii. **Address:** ASI – Canada²² and the CZCA²³ share the same address (including suite number) in Ontario. The address is 788 Marlee Avenue, Suite 201, Toronto, ON, M6B 3K1.
- iii. **Telephone:** ASI – Canada²⁴ and the CZCA²⁵ share the same telephone number in Ontario. The telephone number is (416) 783-3053.
- iv. **Fax:** ASI – Canada²⁶ and the CZCA²⁷ share the same fax number in Ontario. The fax number is (416) 787-7496.

²⁰ LinkedIn profile for Suellen Boyd, online: LinkedIn <<https://ca.linkedin.com/in/suellen-boyd-b3611114>>

²¹ LinkedIn profile for Many Gnesin, online: LinkedIn <<https://ca.linkedin.com/in/mandy-gnesin-7baa34bb>>

²² Association for the Soldiers of Israel – Canada, “Contact”, online: ASI <<https://www.asicanada.org/contact.html>>

²³ *Supra* note 3.

²⁴ Association for the Soldiers of Israel – Canada, “Contact”, online: ASI <<https://www.asicanada.org/contact.html>>

²⁵ Website for the Canadian Zionist Cultural Association – “Under Construction”, online: CZCA <<http://czca.ca/>>

²⁶ *Supra* note 22.

²⁷ *Supra* note 3.

- v. **Logos:** ASI – Canada and the CZCA have logos which are very similar:



- vi. **Directors:** Limited information is available online about who is currently directing ASI – Canada. However, it appears that at least one current or former director of ASI – Canada (Barry Zagdanski)²⁸ currently serves as a Director of the CZCA.²⁹ It also appears that one of the co-founders of ASI – Canada (Irving Buchbinder)³⁰ also serves as a Director of the CZCA.³¹
- vii. **Events:** ASI – Canada and the CZCA regularly host events under the same banner. These events, including an annual gala dinner, feature the names and logos of both organizations. The events appear to be directly or indirectly in support of the IDF. Sponsorship and registration forms provide for the option to make a non-charitable donation to ASI – Canada or a charitable, tax deductible donation to the CZCA.

IDF military officials are regularly featured as keynote speakers at events hosted by ASI – Canada and the CZCA.³²

At the gala dinner hosted by ASI – Canada and the CZCA, sponsorship opportunities are available in amounts ranging from \$2,500 to \$100,000. Most of the sponsorship categories feature a military themed name such as “Minister of Defense”, “Chief of Staff”, “Major General” and so on.³³

²⁸ Association for the Soldiers of Israel – Canada, “Events - Cocktail & Dessert Reception 2012”, online: ASI <<https://www.asicanada.org/events.html>>

²⁹ *Supra* note 1.

³⁰ Rose, Canadian Jewish News, *They are Holocaust Heroes Not Survivors* (January 28, 2020), online: CJNI <<https://www.cjnnews.com/news/canada/they-are-holocaust-heroes-not-survivors>>

³¹ *Supra* note 1.

³² Association for the Soldiers of Israel – Canada, “Events”, online: ASI <<https://www.asicanada.org/events.html>>

³³ Association for the Soldiers of Israel – Canada, “Order Form for 2013 Dinner”, online: ASI <https://asicanada.org/forms/OrderForm_Dinner2013_Everything.pdf>

At the 2018 gala dinner the theme was “70 Years of the IDF: An Evening of Song and Celebration in Support of the Soldiers and their Families”.³⁴

A 2014 benefit concert hosted by ASI – Canada and the CZCA was held for the purpose of “honouring the soldiers of the IDF and their families”. The event, like others, featured a guest speaker from the IDF. Tickets were sold for \$250, with a notation stating “tax receipt for the maximum allowable (where applicable)”.³⁵ In this instance, much like with the annual gala dinner, sponsorship opportunities were available in amounts ranging from \$2,500 to \$50,000, with sponsors having the option of whether or not they wanted a “charitable tax receipt” (by donating to the CZCA) or a “non-charitable/business expense receipt” (by donating to ASI – Canada).³⁶ When another benefit concert took place in 2016 the sponsorship categories included options for \$75,000 and \$100,000 contributions.³⁷

For the reasons outlined above, it is submitted that there are reasonable grounds to believe that ASI – Canada may be utilizing the CZCA as a charitable front. If the organizations are indeed separate entities, it is submitted that there are reasonable grounds to believe that the CZCA’s fundraising efforts are possibly being carried out or directed by ASI – Canada. The direction and control of some or all of the CZCA’s resources appear to be influenced at a core level by ASI – Canada.

As outlined in this complaint, it appears as though the CZCA is acting at the behest of ASI – Canada, or on its own accord, to raise funds for the IDF and funnelling those funds to the IDF via Yahad.

³⁴ Association for the Soldiers of Israel – Canada, “Order Form for 2018 Event”, online: ASI <https://asicanada.org/forms/OrderForm_Event2018.pdf>

³⁵ Association for the Soldiers of Israel – Canada, “2014 Benefit Concert Flyer”, online: ASI <https://asicanada.org/forms/Benefit_Concert_Flyer.pdf>

³⁶ Association for the Soldiers of Israel – Canada, “ASI Gala Order Form”, online: ASI <https://asicanada.org/forms/ASI_Gala_Concert_OrderForm.pdf>

³⁷ Association for the Soldiers of Israel – Canada, “2016 Benefit Concert Form”, online: ASI <https://asicanada.org/forms/OrderForm_BenefitConcert_2016.pdf>

Sample #1 of event advertising by ASI – Canada / CZCA



The Association for the Soldiers of Israel - Canada (ASI-Canada)
The Canadian Zionist Cultural Association (CZCA)



70 years OF THE IDF

AN EVENING OF SONG AND CELEBRATION IN SUPPORT
OF THE SOLDIERS OF THE IDF AND THEIR FAMILIES

11 • OCTOBER • 2018

COCKTAILS • LIGHT DINNER 6:00 PM | PERFORMANCE 7:30 PM

SPONSORSHIP OPPORTUNITIES

- | | | |
|--|---|---|
| <p><input type="checkbox"/> PRIME MINISTER \$100,000
Theatre tickets for 24 guests (premier seating) • 24 tickets for Major Gifts Reception to meet and greet Lior Raz • Double page spread in Tribute Book • Recognition on the video screen • Opportunity to allocate funds to a project • Opportunity to participate in an exclusive IDF experience in Israel</p> <p><input type="checkbox"/> MINISTER OF DEFENSE \$75,000
Theatre tickets for 12 guests (premier seating) • 12 tickets for Major Gifts Reception to meet and greet Lior Raz • Double page spread in Tribute Book • Recognition on the video screen • Opportunity to allocate funds to a project • Opportunity to participate in an exclusive IDF experience in Israel</p> <p><input type="checkbox"/> CHIEF OF STAFF \$50,000
Theatre tickets for 12 guests (premier seating) • 12 tickets for Major Gifts Reception to meet and greet Lior Raz • Double page spread in Tribute Book • Recognition on the video screen • Opportunity to allocate funds to a project • Opportunity to participate in an exclusive IDF experience in Israel</p> | <p><input type="checkbox"/> MAJOR GENERAL \$36,000
Theatre tickets for 12 guests (premier seating) • 10 tickets for Major Gifts Reception to meet and greet Lior Raz • Double page spread in Tribute Book • Recognition on the video screen • Opportunity to participate in an exclusive IDF experience in Israel</p> <p><input type="checkbox"/> BRIGADIER GENERAL \$25,000
Theatre tickets for 10 guests (premier seating) • 8 tickets for Major Gifts Reception to meet and greet Lior Raz • Double page spread in Tribute Book • Recognition on the video screen • Opportunity to participate in an exclusive IDF experience in Israel</p> <p><input type="checkbox"/> COLONEL \$18,000
Theatre tickets for 10 guests (premier seating) • 6 tickets for Major Gifts Reception to meet and greet Lior Raz • Double page spread in Tribute Book • Recognition on the video screen • Opportunity to participate in an exclusive IDF experience in Israel</p> <p><input type="checkbox"/> MAJOR \$10,000
Theatre tickets for 10 guests (premier seating) • 4 tickets for Major Gifts Reception to meet and greet Lior Raz • Full page in Tribute Book • Recognition on the video screen • Opportunity to participate in an exclusive IDF experience in Israel</p> <p><input type="checkbox"/> CAPTAIN \$6,000
Tickets for 8 guests • Full page in Tribute Book • Recognition on the video screen</p> | <p><input type="checkbox"/> LIEUTENANT \$3,600
Tickets for 4 guests • Full page in Tribute Book • Recognition on the video screen</p> <p><input type="checkbox"/> TICKET SPONSORSHIP \$2,500
Sponsor 4 tickets for one of the following groups to attend:
<input type="checkbox"/> Parents of Lone Soldiers
<input type="checkbox"/> Holocaust Survivors OR
Sponsor 8 tickets for one of the following youth groups to attend:
<input type="checkbox"/> Birthright Alumni <input type="checkbox"/> Hillel
<input type="checkbox"/> March of the Living Alumni <input type="checkbox"/> Shinshinim
Full page in Tribute Book • Recognition on the video screen</p> <p><input type="checkbox"/> INDIVIDUAL TICKETS
\$300 x _____ tickets = \$_____</p> <p><input type="checkbox"/> YOUNG LEADERSHIP TICKETS
Up to age 27
\$120 x _____ tickets = \$_____</p> <p><input type="checkbox"/> TRIBUTE BOOK
<input type="checkbox"/> Full page \$1,000 <input type="checkbox"/> Half page \$500
<input type="checkbox"/> Quarter page \$250</p> <p><input type="checkbox"/> DONATIONS
Please accept a donation of \$_____</p> |
|--|---|---|

All sponsorships and tickets include Cocktails, Light Dinner, Performance and Dessert to follow

I WISH TO SUPPORT

- | | |
|--|---|
| <p><input type="checkbox"/> ASI-CANADA projects and receive a non charitable / business expense receipt. Please make cheque payable to ASI-Canada or fill in VISA information.</p> | <p><input type="checkbox"/> CZCA projects and receive a charitable tax receipt. Please make cheque payable to CZCA or fill in VISA/Mastercard information. A tax receipt will be issued for the maximum amount allowed.</p> |
|--|---|

SPONSOR DETAILS AND PAYMENT

Name _____

Company _____

Address _____

Home Tel _____ Bus.Tel _____ Cell # _____

Email _____ Fax _____

Receipt issued to _____

Please be aware that credit cards (Visa or MasterCard only) incur a charge of 2.5% to the organization. Since we want every dollar you donate to go to Israel, we would appreciate payment by cheque. Thank you for your understanding.

☐ Payment by cheque



☐ **VISA**

Card # _____

Expiry Date _____

Signature _____

Tribute Book logo and name submissions by August 31, 2018. Preferred vector format, CMYK with fonts outlined as: .eps, .ai or print quality PDF. Raster images at 300dpi, line art at 1200 dpi. Email to: events@asicanada.org

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3.2 The CZCA appears to be acting as a conduit for Yahad

The connections between the CZCA, ASI – Canada, and Yahad are evident.

Since 2015 the CZCA has used template language to describe its activities in its annual Registered Charity Information Returns. In Section C (Programs and general information) it consistently lists its programs as:

- Run a beveaved [sic] family camp in Israel
- Building and furshing [sic] a kindergarden and synagogue in Yehudit
- Providing scholarships for high school students
- Providing food packages for needy families
- Run a ski program

Curiously, however, Section C does not make any mention of the CZCA providing financial support for active-duty IDF soldiers or the IDF itself, even though in recent years the CZCA has provided increasingly large amounts of money to Yahad.

According to the Registered Charity Information Returns filed with the CRA, in 2017 the CZCA provided \$3,734.00 to Yahad. In 2018 it provided \$122,240.00. And in 2019, the most recent information available, it provided a staggering \$1,789,423.00 (as seen below):

Schedule 2 - Activities outside Canada

▼ Expenditures on programs outside Canada

Question 1
200 Total expenditures on activities/programs/projects carried on outside Canada, excluding gifts to qualified donees.
CAN\$ 1,789,423.00

Question 2
210 Were any of the charity's financial resources spent on programs outside of Canada under any kind of an arrangement including a contract, agency agreement, or joint venture to any other individual or organization (excluding gifts to qualified donees)?
Yes

▼ Funding arrangements for programs outside Canada

Total expenditures reported on line 200: **CAN\$ 1,789,423.00**

List of amount(s) transferred to individuals/organizations

Name of individual/organization	Country where the activities were carried out	Amount (CAN\$)
YAHAD	IL-ISRAEL	1,789,423.00
Total amount transferred (CAN\$):		1,789,423.00

Yahad's website lists both the CZCA and ASI – Canada as “Friends in the World”, and states that “associations of Friends of AWIS [Association for the Wellbeing of Israel's Soldiers] & LIBI were established in 8 countries”. In other words, ASI – Canada (and possibly the CZCA) appears to have been founded for the purpose of supporting Yahad.³⁸

Yahad's activities include what it refers to as “welfare projects”, which consist of providing plane tickets for active-duty “lone soldiers” (foreigners who volunteer for the IDF), providing apartments for lone soldiers, and hosting “fun days” and “appreciation week” activities for soldiers, such as sending them to water parks.³⁹

In its 2019 Registered Charity Information Return the CZCA stated at line 240 that none of its activities outside of Canada were carried out by employees of the charity. It also stated at line 250 that none of its activities outside of Canada were carried out by volunteers of the charity.⁴⁰

It is against the *Income Tax Act* for the CZCA to serve as a conduit for funds used towards Yahad projects. Projects of the CZCA must be led by and come under the direction and control of the CZCA. Based on both materials from the CZCA and Yahad it appears that Yahad has repeatedly been using the CZCA as a conduit.

The CRA, under its guidance document *Canadian Registered Charities Carrying Out Activities outside of Canada* (CG-002), describes a conduit as follows:

*For this guidance, a conduit is a registered charity that receives donations from Canadians, issues tax-deductible receipts, and funnels money without direction or control to an organization to which a Canadian taxpayer could not make a gift and acquire tax relief. Acting as a conduit violates the Income Tax Act, and could jeopardize a charity's registered status.*⁴¹

Under the *Income Tax Act*, as stipulated in CG-002,⁴² it is required that a charity have full control and direction over the projects it is funding. However, it appears that the CZCA is supporting Yahad projects rather than the projects actually being directed and controlled by the CZCA.

³⁸ Yahad - United for Israel's Soldiers, “Friends in the World”, online: Yahad <<https://www.ufis.org/?categoryId=91053>>

³⁹ Yahad - United for Israel's Soldiers, “Welfare Projects”, online: Yahad <<https://www.ufis.org/?categoryId=91006>>

⁴⁰ *Supra* note 1.

⁴¹ Government of Canada, “Public Policy”, Canada Revenue Agency, online: CRA <<http://www.cra-arc.gc.ca/chrts-gvng/chrts/plcy/csp/csp-p13-eng.html>>

⁴² *Supra* note 16.

In the Federal Court of Appeal ruling in the case of *Canadian Tel Aviv Foundation v Canada*,⁴³ the Court agreed with the Minister of National Revenue's decision to revoke the charitable status of an organization due its lack of control over its projects, stating at paragraph 40:

Pursuant to subsection 149.1(1) of the Act, a charity must devote all its resources to charitable activities carried on by the organization itself. While a charity may carry on its charitable activities through an agent, the charity must be prepared to satisfy the Minister that it is at all times both in control of the agent, and in a position to report on the agent's activities.

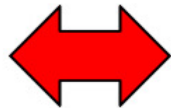
It appears that Yahad, in consultation with the IDF, determines which areas of service delivery and infrastructure development are in need, taking into account location, costs, and logistics. Yahad then solicits financial support from offices abroad, including ASI – Canada and the CZCA, to fund these projects. Yahad and the IDF appear to utilize their discretion to carry out the projects, viewing them as their own as opposed to the projects of independent charities who funnel funds to them from abroad.

However, for the reasons outlined below, it is submitted that the CZCA would still be in violation of the *Act*, the common law, and CG-002 even if it had full control and direction over the money funneled to Yahad.

⁴³ *Canadian Committee for the Tel Aviv Foundation v. Canada*, 2002 FCA 72, online: CanLII <<https://canlii.ca/t/4jd6>>

3.3 The CZCA appears to support non-charitable activities benefitting the IDF

The chart below clearly illustrates how money raised by the CZCA is directed to the benefit of the IDF (with the IDF's full knowledge and authorization) by funneling it through Yahad.



1. Funds are raised by "joint" efforts between the CZCA and ASI - Canada.



2. A significant portion of the charitable donations to the CZCA are sent to Yahad.



3. Yahad uses the funds received to cover the cost of services and infrastructure development for the IDF.

According to the CRA's guideline document CG-002, "the courts have stated that some activities may not be charitable when carried on in a different country. For example, increasing the effectiveness and efficiency of Canada's armed forces is charitable, but supporting the armed forces of another country is not."⁴⁴

There is little question that Yahad serves as a fundraiser for Israel's armed forces. Yahad's website states that its support associations (i.e. the CZCA and ASI – Canada) enable supporters of Israel through "raising donations for the Israeli army earmarked for the welfare of the IDF soldiers, for the sponsoring of specific army units, for educational and Jewish heritage projects, thereby linking and strengthening the bond between the Jewish communities and our soldiers."⁴⁵ [emphasis added]

It appears that money provided by the CZCA funds Yahad projects that benefit or support the IDF by absorbing costs that Israel's armed forces would otherwise be responsible for. These include, but are not limited to, building and infrastructure projects on military bases, consisting of developing and renovating soldiers' clubhouses, gyms and sports fields, synagogue, auditoriums and cultural centres.⁴⁶



Wilf Shiff, the President of the CZCA, standing with IDF soldiers at an event donated by the CZCA.⁴⁷

⁴⁴ *Supra* note 16.

⁴⁵ *Supra* note 38.

⁴⁶ Yahad - United for Israel's Soldiers, "Building and Infrastructure Projects", online: Yahad <<https://www.ufis.org/?categoryId=90237>>

⁴⁷ Shalom Toronto Weekly Newspaper, "IDF Chief of Staff Meets Lone Soldiers from Canada" (April 16, 2014), online: Shalom Toronto <<https://shalomtorontoweeklynnewspaper.blogspot.com/2014/04/idf-chief-of-staff-holds-seder-with.html>>

If the nature of the relationship between the CZCA, Yahad, and the IDF was in doubt, the IDF dispels any questions on its official website where it stated that the Canadian Zionist Cultural Association is an organization “authorized to raise donations for the IDF.”⁴⁸

The IDF updated its website on or about July 15, 2021, to remove this reference to the Canadian Zionist Cultural Association. It appears that this occurred after Stewart Bell – a investigative journalist with Global News – contacted the CZCA about its connections to the IDF. However, a screenshot of the Google Cache version of the original webpage is included below.

Although the IDF’s website listed the Canadian Zionist Cultural Association as an organization authorized to raise donations for it, ASI – Canada describes itself on its own website as “the only non-profit organization in Canada authorized by the IDF to support Israel’s soldiers on active duty.”⁴⁹ [emphasis added] This supports the contention in section 3.1 of this complaint that ASI – Canada and the CZCA are effectively one in the same organization, and/or that ASI – Canada is utilizing the CZCA to carry out its fundraising.

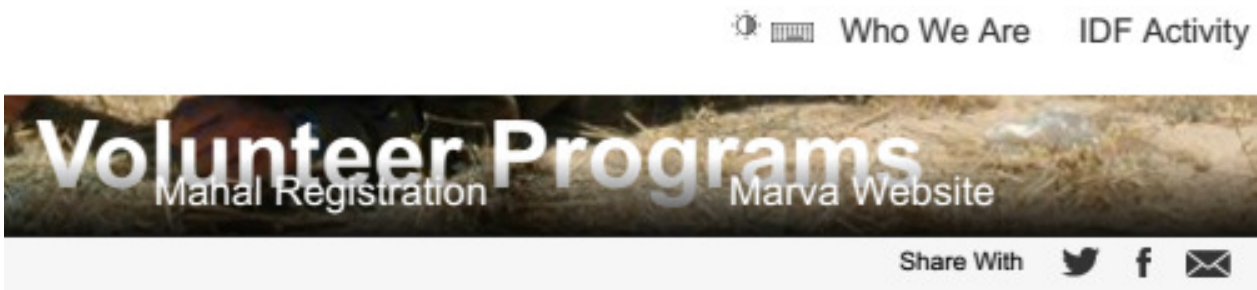
In the case of *Canadian Magen David Adom (CMDA) for Israel v. MNR*, 2002 FCA 323, the CRA took issue with the fact that donated ambulances were being used in the West Bank and were therefore being used to support the permanence of illegal Israeli settlements in that area. It also took issue with a CMDA-purchased ambulance being transferred over to the Israel Defence Forces for their use. The Federal Court of Appeal ultimately upheld the CRA’s revocation of the CMDA’s charitable status. The revocation occurred in part due to the non-charitable transfer of equipment to a foreign military, but also due to the fact that CMDA’s support for illegal settlement activity was contrary to public policy.

It is trite law that projects designed to benefit or support a foreign military are not deemed charitable in Canada. Therefore, we allege that the CZCA’s activities are not exclusively charitable under Canadian law.

⁴⁸ Israel Defense Forces – Volunteer Programs, online: IDF <<https://www.idf.il/en/minisites/how-to-join-us-and-voluntary-programs/volunteer-programs/>>

⁴⁹ *Supra* note 5.

Screenshot of Google Cache copy of the IDF's Volunteer Programs webpage



If you are interested in volunteering for the IDF without becoming an Israeli citizen, there are a few short-term volunteer programs available.

Volunteer IDF Programs:

Mahal: Mahal is an enlistment track dating back to the 1948 War of Independence specifically designed for foreign volunteers wishing to serve in the IDF and full combat and support roles. To apply email: mahal@mod.gov.il For more information: <http://www.mahal-idf-volunteers.org/index.html>

[Please note the Google form on this website is no longer active]

Marva: Marva is an army simulation program run by the IDF and the Jewish Agency for Israel to give you a taste of what army life is like. After eight weeks in this immersive army program, serving alongside fellow Jewish youth from countries around the world, you'll know more about the inner workings of the IDF than you ever dreamed, and you'll have experienced it firsthand.

Sar-Ei: Sar-Ei is a three-week volunteer program that enables participants to volunteer and live with Israelis and volunteers from all over the world on army bases in Israel. Volunteers will work alongside or under the direction of Israeli soldiers, and perform duties such as packing food rations or medical kits, cleaning tanks, painting helmets, radio repairs, gas mask refurbishment, changing spare parts, gardening, or cleaning.

To Enlist:

If you are looking to enlist in the army for a full-time service, visit [this page](#).

To Donate:

These are the organizations authorized to raise donations for the IDF:

- ⦿ FIDF - Friends of the IDF United States and Panama
- ⦿ CAZA – The Canadian Zionist Cultural Association
- ⦿ UK Friends of Awis – Friends of the Association for wellbeing of Israel's soldiers
- ⦿ YLHM – Yahad Lemaan Hajayal Mexico
- ⦿ ILHB – Iachad Lemaan Hachail Brazil
- ⦿ LIBI France

3.4 The CZCA's activities do not appear to satisfy the public benefit test and appear to be contrary to public policy

According to Canadian law, aside from a small portion of political activity (aimed at influencing Canadian policy), the CZCA is required to partake in exclusively charitable activity.

As noted in section 2.0 above, an applicant organization will be determined charitable only if it meets two fundamental requirements:

1. The organization's purposes must be exclusively and legally charitable.

- This part of the test generally requires that a tangible benefit be conferred, directly or indirectly (this requirement has also been described as an “objectively measurable and socially useful benefit”). The eligible purposes can generally be classified into one or more of four categories:
 - i. purposes for the relief of poverty;
 - ii. purposes for the advancement of education;
 - iii. purposes for the advancement of religion; and/or
 - iv. other purposes beneficial to the community in a way the law regards as charitable.

2. It must be established for the benefit of the public or a sufficient segment of the public.

- The necessary public element part of the test is required for all four categories of charity, except for purposes for the relief of poverty (where this part of the test is less rigorously applied).

Conversely, a purpose will not be charitable if it confers private benefits. A private benefit occurs when one of the reasons for the organization's existence is to confer individual benefits to a limited group of persons on the basis of criteria that are not relevant to the charitable purpose at hand.

CPS-024 states that:

The charitable purposes of some organizations may result in a benefit to the public, while at the same time produce some negative effect. Where such a conflict occurs, the public benefit, shown to arise from the charitable purpose, is typically evaluated against any harm that may also arise from the proposed activity. In determining charitable purpose, we are looking to ensure that a substantial net benefit results. [emphasis added]

CPS-024 also states that an organization that is set up for purposes that are contrary to public policy would likely prevent it from being registered as a charity.

The CZCA's Registered Charity Information Returns between 2017 and 2019 reflect that all of its expenditures on work outside of Canada go through Yahad (and consequently the IDF).

While the online information available for the CZCA's Registered Charity Information Returns does not identify how Yahad or the IDF serve a charitable purpose, it is clear that whatever it may claim that purpose to be, the enormous harm that the IDF causes could not possibly result in any objective public benefit.

Not only does the CZCA not satisfy the public benefit test, but its apparent funding of the Israeli military is in fact contrary to public policy. CG-027 defines "public policy" as the "laws, policies, or decisions of a government, in Canada or a foreign country".

Israeli's military annexation of Palestinian land bears every characteristic of an occupying power under international law. Israeli settlements have been built in violation of international law on lands occupied by Israel since the 1967 Six-Day War.⁵⁰ According to data collected in 2017 and reconfirmed in 2019, more than 620,000 Israelis live in over 200 settlements in the West Bank. 209,270 of those individuals live in settlements in East Jerusalem, while 413,400 live elsewhere in the West Bank. The majority of those settlements (131) are officially recognized by the Israeli government. The remaining 110 settlements are not officially recognized and are illegal under Israeli law, but are nevertheless provided with support and services by the Israeli government even though they are colloquially known as "illegal outposts".⁵¹

Article 49 of the *Fourth Geneva Convention* states: "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies." It also prohibits the "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory".⁵²

Article 8(2)(b)(viii) of the International Criminal Court's (ICC) Rome Statute states that "[t]he transfer, directly or indirectly, by the Occupying Power of parts of its own civilian

⁵⁰ "In the June 1967 Six Day War, Israel occupied the Golan Heights, the West Bank, the Gaza Strip, and the Sinai Peninsula. Soon after, it began to build the first settlements for Jews in those areas." Paul Rivlin, *The Israeli Economy from the Foundation of the State through the 21st Century*, Cambridge University Press (2010), at page 143, online: Google <https://books.google.ca/books?id=-viPxTC9_IIC&pg=PA143&redir_esc=y#v=onepage&q&f=false>

⁵¹ B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories, online: B'Tselem <<https://www.btselem.org/settlements>>

⁵² *International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287, online: RefWorld <<https://www.refworld.org/docid/3ae6b36d2.html>>

population into the territory it occupies” constitutes a war crime in international armed conflicts.⁵³

As outlined below by Al-Haq (an independent Palestinian non-governmental human rights organisation based in Ramallah, West Bank),⁵⁴ the IDF is presently under investigation by the Office of the Prosecutor at the ICC for war crimes and crimes against humanity. Al-Haq has special consultative status with the United Nations Economic and Social Council. It works with nine field researchers to monitor and document human rights violations, perpetrated by the Palestinian Authority and the Israeli occupying forces, in the occupied Palestinian territory (Gaza Strip and the West Bank, including east Jerusalem).

The IDF’s conduct is irreconcilably at odds with Canada’s domestic and foreign policies on human rights generally,⁵⁵ as well as Canada’s policy on key issues in the Israeli-Palestinian conflict.⁵⁶

International Law Background: Israeli Military’s Systemic and Indiscriminate Violations against Palestinians in the occupied Palestinian territory (time period: 2014-2021)

I. Legal Background and the Situation in Palestine before the International Criminal Court

As per Article 42 of the 1907 Hague Regulations, the Palestinian Territory of the West Bank and the Gaza Strip has been under Israel’s protracted military occupation since 1967, marked by systematic and intentional denial of Palestinian civilians’ basic rights. Since 2007, Israel has imposed a military closure over the Gaza Strip, akin to collective punishment that cuts it off from the outside world. As confirmed by the International Court of Justice in its Wall advisory opinion, the occupied Palestinian territory is regulated by international human rights law as *lex generalis* and international humanitarian law as *lex*

⁵³ UN General Assembly, *Rome Statute of the International Criminal Court* (last amended 2010), 17 July 1998, online: RefWorld <<https://www.refworld.org/docid/3ae6b3a84.html>>

⁵⁴ Al-Haq was established in 1979 to protect and promote human rights and the rule of law in the Occupied Palestinian Territory (OPT). The Monitoring and Documentation Department at Al-Haq collects affidavits emanating from witnesses and victims of violations, among other forms of documentation, online: Al-Haq <www.alhaq.org>

⁵⁵ Government of Canada, Human Rights Treaties (January 25, 2019), online: GOC <<https://www.canada.ca/en/canadian-heritage/services/canada-united-nations-system/treaties.html>>

⁵⁶ Government of Canada, Canadian policy on key issues in the Israeli-Palestinian conflict (March 19, 2019), online: GOC <https://www.international.gc.ca/world-monde/international_relations-relations_internationales/mena-moan/israeli-palistinian_policy-politique_israelo-palestinien.aspx?lang=eng>

specialis, in particular the 1907 Hague Regulations and the 1949 Fourth Geneva Convention.⁵⁷

On 1 January 2015, pursuant to Article 12(3) of the Rome Statute, the State of Palestine declared accepting the International Criminal Court (ICC)'s jurisdiction for international crimes committed within its territory from 13 June 2014.⁵⁸ It led Prosecutor Fatou Bensouda to conduct a preliminary examination into war crimes and crimes against humanity in the occupied Palestinian territory from 2015 to 2019.

Upon the conclusion that war crimes were committed in Palestine, the Prosecutor closed the preliminary examination on 20 December 2019.⁵⁹ Requested by the Prosecutor to rule on the ICC's jurisdiction over the Palestine Situation, the Pre-Trial Chamber decided on 5 February 2021 that the Court has full territorial jurisdiction over the West Bank, including East Jerusalem, and the Gaza Strip, and that the Prosecutor should proceed with investigations into allegations of commission of international crimes in the occupied Palestinian territory,⁶⁰ which she announced through the opening of a criminal investigation on 3 March 2021.⁶¹

II. War Crimes and Crimes against Humanity in the Occupied Palestinian Territory since 13 June 2014

Between June 2014 and June 2021, 3,395 Palestinians were killed by the Israeli military forces - 2,941 in the Gaza Strip and 435 in the West Bank - including 804 children and 374 women.⁶² In the Gaza Strip, 2,590 injuries and 290 fatalities occurred as a result of air-

⁵⁷ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, [2004] ICJ Rep, 136, at paras. 178-181, online: International Court of Justice, <<https://www.icj-cij.org/public/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>>

⁵⁸ International Criminal Court, "Palestine Declares Acceptance of ICC Jurisdiction Since 13 June 2014," (5 January 2015), online: International Criminal Court, <<https://www.icc-cpi.int/Pages/item.aspx?name=pr1080>>

⁵⁹ International Criminal Court, "Statement of ICC Prosecutor, Fatou Bensouda, on the Conclusion of the Preliminary Examination of the Situation in Palestine, and Seeking a Ruling on the Scope of the Court's Territorial Jurisdiction," (20 December 2019), online: International Criminal Court, <<https://www.icc-cpi.int/Pages/item.aspx?name=20191220-otp-statement-palestine>>

⁶⁰ Situation in the State of Palestine, No. ICC-01/18, Decision on the 'Prosecution Request Pursuant to Article 19(3) for a Ruling on the Court's Territorial Jurisdiction in Palestine,' ((International Criminal Court, Pre-Trial Chamber I), online: International Criminal Court, <https://www.icc-cpi.int/CourtRecords/CR2021_01165.PDF>

⁶¹ International Criminal Court, "Statement of ICC Prosecutor, Fatou Bensouda, Respecting an Investigation of the Situation in Palestine," (3 March 2021), online: International Criminal Court, <<https://www.icc-cpi.int/Pages/item.aspx?name=210303-prosecutor-statement-investigation-palestine>>.

⁶² OCHA, Data on Casualties, online: OCHA, <<https://www.ochaopt.org/data/casualties>>

launched explosive weapons and live ammunition.⁶³ In the West Bank, 415 out of 435 casualties originated from live ammunition.⁶⁴ Over the same time period, at least 104,486 Palestinians have been injured, mostly as a consequence of tear gas inhalation, rubber bullets, live ammunition, tear gas canisters, physical assault, and air-launched and surface-launched explosive weapons.⁶⁵

In 2020 alone, the Israeli military forces killed 32 Palestinians, including 9 children and one woman. On 28 occasions, Israeli soldiers prevented access to Palestinian ambulances and/or denied life-saving aid to Palestinians, who succumbed to their wounds.⁶⁶

A. Israeli Military-perpetrated War Crimes against the Civilian Population in the Gaza Strip during the 2014 and 2021 Military Offensives

Between 8 July and 26 August 2014, Israel undertook a large military offensive against the Gaza Strip, under the name of ‘Operation Protective Edge.’ The Israeli military forces-led attack resulted in multiple and grave violations of international humanitarian law, amounting to war crimes under Article 8 of the Rome Statute, in particular:

- Intentional and incidental attacks against civilians and civilian buildings, including journalists, namely the targeted killing of 1,639 Palestinian civilians, including 556 children, and the injuring of 10,918 others;⁶⁷ the damaging of 32,028 residential houses, including the complete destruction of 8,359 of them;⁶⁸ the killing of 17 journalists and the injuring of 27 others, the targeting of 5 media offices and 20 media outlets;⁶⁹
- The willful killing of wounded and sick Palestinians by delaying urgent medical aid, and the direct targeting of ambulances and paramedics, including 9 paramedics

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ Al-Haq, *Al-Haq Field Report on Human Rights Violations in 2020*, (Ramallah: Al-Haq, 2020), online: Al-Haq, <https://www.alhaq.org/cached_uploads/download/2021/03/02/2020-al-haq-annual-report-en-1614669977.pdf>

⁶⁷ Al-Haq, *Divide and Conquer: A Legal Analysis of Israel’s 2014 Military Offensive Against The Gaza Strip* (Ramallah: Al-Haq, 2015) at 7, online: Al-Haq, <www.alhaq.org/cached_uploads/download/alhaq_files/publications/DIVIDE.AND.CONQUER.pdf>

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*, at 43.

killed during the offensive, 41 other Palestinians killed while providing medical aid and assistance, and damages to 26 Palestine Red Crescent Society ambulances;⁷⁰

- The extensive destruction of property that do not constitute lawful military targets, especially the partial or total destruction of vital infrastructure - 30 kilometers of water networks, 11 water wells, the Gaza Power Plant resulting in severe power failures, as well as 12 pumping stations and 4 wastewater treatment stations.⁷¹

Similarly, in the course of Israel's military offensive over the Gaza Strip from 10 to 21 May 2021, the Israeli military forces have been indiscriminately and systematically targeting civilians and civilian infrastructures, resulting in the killing of at least 129 civilians (including 66 children), injuring another 1,948 civilians, damaging 58 education facilities, 9 hospitals and 19 clinics, and the destruction of 1,042 housing and commercial units.⁷²

B. The Entrenchment of a Regime of Racial Domination and Systematic Oppression Over the Palestinian People between the Jordan River and the Mediterranean Sea

The Israeli military forces have also massively contributed to a combination of inhuman acts grounded in racial segregation and institutionalised discrimination with the aim of entrenching racial domination and systematic oppression over the Palestinian people, which taken together amounts to a crime against humanity under Article 7(1)(j) of the Rome Statute, including:

- The excessive and discriminatory use of force, and unlawful killings against Palestinian civilians. The Israeli military forces have been systematically and methodically repressing Palestinians peacefully protesting against Israel's oppressive occupation regime, with resort to sound bombs, tear gas, and live ammunition, as well as through the targeting of Palestinians in the back and from afar. Between 7 May and 20 May, 28 Palestinians were killed and more than 5,193 others injured during peaceful demonstrations. 578 of these injuries were sustained from live ammunition.⁷³

⁷⁰ *Ibid*, at 51.

⁷¹ *Ibid*, at 67.

⁷² OCHA, Gaza Strip: Escalation of Hostilities as of 25 May 2021, online: OCHA, <https://docs.google.com/viewerng/viewer?url=https://www.ochaopt.org/sites/default/files/gaza_escalation_of_hostilities_may_2021.pdf>

⁷³ Palestinian Ministry of Health, Report 7 May 2021 - 20 May 2021, online: <<https://m.facebook.com/mohps/photos/pcb.3823065871152596/3823063754486141>>

- The systematic and widespread use of torture and ill-treatment against Palestinians. Psychological and physical torture and ill-treatment, with the complicity of detention doctors, and without legal oversight, resulting in the death of at least 73 Palestinians prisoners since 1967.⁷⁴
- The suppression of resistance by Palestinians through arbitrary arrest and detention. As of July 2021, 4,850 political prisoners, including 225 children, were detained in Israeli military prisons.⁷⁵ 540 of them are detained under the regime of administrative detention, a special procedure enabling the Israeli military forces to hold any prisoner for an indefinite length of time, based on secret information without charge nor trial.⁷⁶ In repression of Palestinian assembly in April - May 2021, the Israeli military forces instigated a repressive campaign of arbitrary arrests of more than 40 Palestinian protestors in Jerusalem, including two journalists.⁷⁷
- Multiple policies of forcible displacement against Palestinians including administrative and punitive demolitions of property. Between 2014 and July 2021, the Israeli military forces destroyed 5,055 civilian structures, including homes, in East Jerusalem and elsewhere in the West Bank, causing the direct displacement of 7,208 persons.⁷⁸

Supporting documentation (working)

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⁷⁴ Addameer - Prisoner Support and Human Rights Association, The Systematic Use of Torture and Ill-Treatment at Israeli Interrogation Centers, online: Addameer, <https://www.addameer.org/sites/default/files/publications/story_based_torture_final.pdf>

⁷⁵ Addameer - Prisoner Support and Human Rights Association, Statistics 14 July 2021, online: Addameer <<http://www.addameer.org/statistics>>

⁷⁶ *Ibid.*

⁷⁷ Al-Haq, "In Repression of Palestinian Assembly, Israel Instigates a Campaign of Collective Punishment in Jerusalem," (5 June 2021), online: Al-Haq, <<https://www.alhaq.org/advocacy/18478.html>>

⁷⁸ OCHA, "Data on Demolition and Displacement in the West Bank," online: OCHA, <<https://www.ochaopt.org/data/demolition>>

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- Al-Haq, Monitoring and Documentation Department, Affidavit 258/2021, 6/6/2021, Destruction of Civilian Property (Health Facilities).
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4.0 CONCLUSION

We are very confident that an audit of the CZCA by the Canada Revenue Agency will confirm the information provided above, and will result in the Government of Canada upholding Canadian law by initiating proceedings to revoke the CZCA's charitable status.

The CZCA knows or ought to know that its activities are the subject of serious public scrutiny and concern. However, after funneling increasingly large amounts of money to the IDF through Yahad in recent years, the CZCA seems to act as though the rules do not apply to it.

We will continue to closely monitor the activities of the CZCA and ASI – Canada, as well as any action taken by the Government of Canada with regard to this complaint.

It would be problematic for the Government of Canada to ignore extensive evidence that Canadians are possibly subsidizing a foreign military through a registered charity. In addition, other organizations that are considered “too political” to obtain tax-deductible status in Canada may wonder why one particular group is being favoured over others.

Currently, the Government of Canada is allowing the interests of the CZCA to be put above those of Canadian taxpayers, and above the interests of our country. To continue to do this would send the message that the CRA has no interest in upholding Canadian law.

The time has come for the Government to make the lawful decision to audit the CZCA and to impose all sanctions and other measures it determines to be appropriate – including revocation of the CZCA's charitable status.

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SUPPLEMENTARY MATERIALS PROVIDED BY AL-HAQ RESEARCHERS

	Tab
Al-Haq Annual Report (2020)	1
Al-Haq Report: Divide and Conquer (2015)	2
Affidavit of Fadi Tayseer Daoud Jarrar declared on 23/5/2021 (Arabic original and English translation)	3
Affidavit of Ahmed Saeed Mohammed Al-Yaqoubi declared on 23/5/2021 (Arabic original and English translation)	4
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TAB 1

Al-Haq Field Report on Human Rights Violations in 2020

Introduction

2020 can be said to be a unique year for the Palestinian people. In addition to ongoing settler colonial policies across the occupied Palestinian territory (OPT), human rights violations were committed inside the Green Line. On a daily basis, the Israeli occupying authorities and settlers launched attacks on and violated Palestinian rights. The coronavirus (COVID-19) pandemic compounded the suffering of the Palestinian people, who are deprived of resources and capacities.

Having spread throughout the OPT since March 2020, Palestinians have been focused on controlling the COVID-19 pandemic. In the meantime, however, the Israeli occupying power has seized the opportunity to advance its settler project and intensify repressive measures against Palestinians in all their places of residence, including inside the Green Line and in the West Bank, including the [occupied city of Jerusalem](#). The blockade on the [besieged Gaza Strip](#) was further tightened in 2020.

In conjunction with the daily Israeli violations throughout Palestine, the Israeli occupying forces (IOF) continued to confiscate land, demolish structures, displace Palestinians, and construct settlements. The IOF also violated the right to freedom of expression, imposed movement restrictions, and violated the right to health and other economic rights. A set of draft laws were presented to the Israeli Parliament (Knesset), reflecting official government approaches towards Palestinians and the question of Palestine in 2020.

Several draft laws were introduced to formally annex the Jordan Valley and Northern Dead Sea, or northern area of the Ma'ale Adumim settlement. While some legislation proposed annexing all Israeli settlements across the West Bank, other draft laws envisaged the annexation of settlements together with Area C. These and other official legal endeavours sought to illegally annex parts of the West Bank by force to the territory of the colonial state. More recently, in July 2020, a draft law provided for annexing the Jordan Valley and Jerusalem Desert. Many similar draft laws were brought forward to enforce annexation in a way or another. For example, legislative acts were proposed, vesting Israeli ministries, rather than the Israeli Civil Administration (ICA), with the power to provide public services to the Israeli settlements. To this avail, in September 2020,¹ a draft law was proposed to replace the ICA by Israeli ministries to supervise settlements. Although draft legislation has not yet passed, these draft laws reflect the current situation and political consensus within the occupying Power.

¹ See “The Legal Monitor”, Palestinian Forum for Israeli Studies (MADAR), at: <https://bit.ly/3acWH3P>.

Regardless of its form and scope, *de jure* annexation has been an object of general agreement in the occupying state of Israel. In 2020, annexation was closer than ever. Experience shows that even though it did not take place in 2020, annexation will likely be implemented in the coming years. This is evidenced by the Basic Law: “Israel as the Nation-State of the Jewish People, which was tabled in the Knesset for the first time in 2011, but was later enacted in 2018.”

Internally, no positive developments were seen in practices of the Palestinian Authority (PA) and Gaza-based *de facto* government towards Palestinians. In relation to civil, political and economic rights, the situation only worsened owing to COVID-19 and the measures taken by Palestinian authorities to limit the spread of the pandemic. In particular, since the beginning of March 2020, a state of emergency has been recurrently declared and extended on unlawful grounds. Freedoms, especially the right to freedom of expression, continued to be suppressed. Economic rights also deteriorated due to the economic downturn caused by closures.² Opportunities for accomplishing Palestinian national reconciliation, unity, and project have dwindled.

This report addresses Israeli violations of Palestinian human rights. It mainly covers Palestinians killed by the IOF and demolitions of private and public structures, all of which Al-Haq documents comprehensively. The report provides a non-exhaustive account of many other Israeli violations, including raids, arrests, movement restrictions, and confiscations. Additionally, the report highlights violations committed by the PA in the West Bank and the *de facto* authority in the Gaza Strip. It presents violations documented by Al-Haq, including arbitrary detention, impingements of the right to humane prison conditions, right to a fair trial, and right to freedom of expression.

Perhaps most remarkable of all Israeli violations in 2020 was the increasing frequency of demolishing Palestinian private and public structures, amounting to twice the average number of structures destroyed on annual basis over the past 10 years. This reflected unrestrained Israeli policies during US President Donald Trump’s final year office. Israel’s impunity was further encouraged by the international community’s neglect of Israeli colonial policies.

Below is an account of key human rights violations in 2020 as documented by Al-Haq.

² According to the Palestinian Central Bureau of Statistics (PCBS), in 2020, GDP dropped by 12 percent because of the COVID-19 pandemic. In various sectors, most economic activities declined in varying proportions. Approximately 66,000 workers lost their jobs, bringing the unemployment rate up to 27.8 percent. See PCBS, *Dr. Awad Demonstrates the Performance of the Palestinian Economy during 2020 & the Economic Forecasts for the Year 2021*, available at: <http://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=3879>.

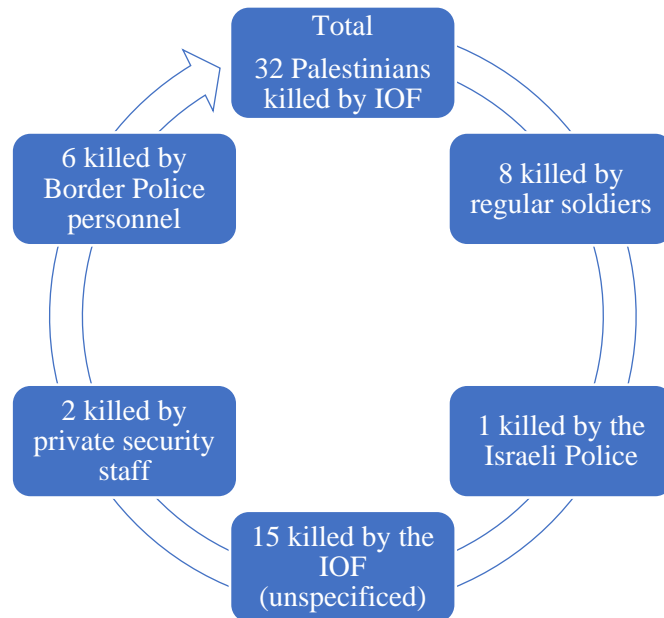
I. Israeli violations

Killings

Excluding deaths inside Israeli prisons, in 2020, 32 Palestinians were killed by the IOF. These included nine [children](#) and one woman.

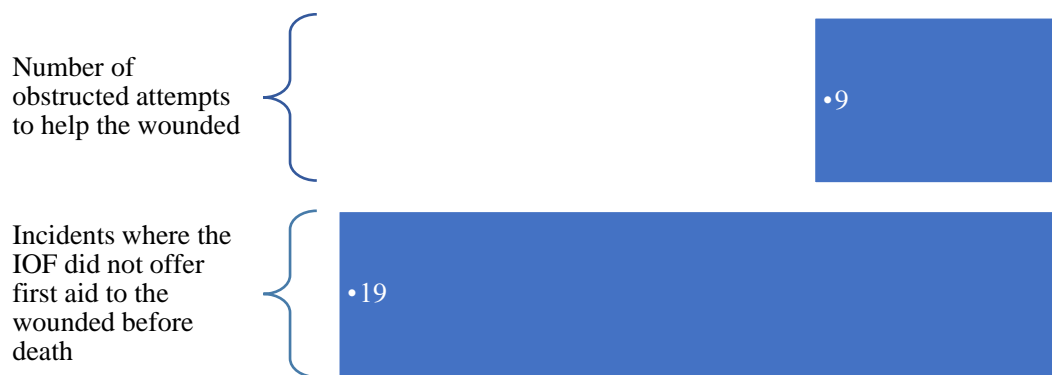
While IOF soldiers implemented a shoot-to kill-policy with impunity, an Israeli draft law was proposed in 2020, inhibiting the ability to hold to account soldiers who killed Palestinians during their military service.³ The draft law is still in the initial stages of approval, and has not yet been enacted. However, in addition to promoting a culture of impunity, the draft law encourages IOF troops to utilize force, in violation of international law, without any expectation of accountability.

Below is a distribution of Palestinians killed by the IOF and related personnel according to perpetrators:



On nine occasions, IOF soldiers prevented Palestinian ambulances from accessing and providing first aid to Palestinians before they succumbed to their wounds. In 19 cases, reflecting the majority of Palestinian's killed in 2020, IOF soldiers did not offer any first aid to wounded Palestinians after they had been shot. No ambulances managed to reach the wounded.

³ MADAR, A Draft Law preventing imprisonment of soldiers who killed Palestinians during military service, available at: <https://bit.ly/3nU5VFQ> (in Arabic) (accessed: 18 January 2021).



A total of 16 Palestinians who were killed sustained bullet wounds in the upper part of the body or were hit by multiple injuries, including in the upper part of the body. Only two Palestinians died of injuries sustained in the lower part of the body. The injuries of 14 of those killed were unspecified, including for such reasons as withholding their bodies. In sum, the vast majority of injuries were sustained in the upper parts of the body.

In 2020, the Israeli occupying authorities withheld the bodies of 18 Palestinians. The bodies of 69 Palestinians continue to be withheld towards the end of 2020. Since the policy was reintroduced following the October 2015 uprising, a total of 245 bodies of Palestinian's have been withheld for various periods before they were released. The longest-held body was apprehended on 20 April 2016. It should be noted that a number of bodies belonged to Palestinians who died in Israeli prisons. The Israeli occupying authorities refuse to release their bodies until they fully serve their prison sentences regardless of the fact that they are dead. Most recently, the Israeli authorities withheld the body of Kamal Abu Wa'ar, who died as a result of illness on 10 November 2020. Arrested in 2003, Abu Wa'ar was sentenced to six terms of life imprisonment as well as 50 years in prison. The above figures do not include those bodies held in the so-called Cemetery of Numbers. According to the Jerusalem Legal Aid and Human Rights Centre (JLAC), 253 bodies of Palestinian's have so far been withheld in this cemetery.⁴

In this context, an Israeli draft law was proposed prohibiting the release of bodies of Palestinian's who were members of any Palestinian faction.⁵ At the same time, the Israeli Cabinet endorsed a proposal by the Israeli Minister of Defence, Benny Gantz, to prevent

⁴ JLAC, *Joint submission to EMRIP and UN experts on the Israeli policy of withholding the mortal remains of indigenous Palestinians*, available at: https://www.jlac.ps/userfiles/200622%20-%20Joint%20submission%20on%20the%20Israeli%20policy%20of%20withholding%20the%20mortal%20remains%20of%20indigenous%20Palestinians_22%20June%202020_FINAL.pdf (accessed: 18 January 2021).

⁵ MADAR, *Ban on the release of the bodies of Palestinian fighters*, available at: <https://bit.ly/3bNOPXH> (in Arabic) (accessed: 18 January 2021).

handing over the bodies of Palestinian's who had carried out operations against the Israeli occupying authorities regardless of their political affiliation and nature of the operation. This proposal superseded a former policy, which prohibited the release of bodies of Palestinians who had been members of Hamas and carried out operations against the occupying state of Israel.⁶

The following highlights the killing of Iyad al-Hallaq (32), a young, disabled Palestinian man. On 30 May 2020, Al-Hallaq was killed at the Lion's Gate to the Old City of occupied Jerusalem. Addressing the circumstances of his death, Al-Haq investigations demonstrated that IOF soldiers extra-judicially killed Al-Hallaq while he was lying on the ground and trembling with fear.

In her sworn testimony to Al-Haq, W. A. recounts:

Before I reached the dumpster on the junction to the Remission Gate, I heard a voice in Hebrew, which I understood: "Vandal, Vandal". Behind me, I saw three Border Police officers of the occupying army. I also saw Iyad al-Hallaq, one of my students at the Elwyn School, running away. I shouted at Iyad to stop running. At the same time, I shouted at the Border Police officers in Hebrew and Arabic: "Disabled. He is disabled". However, my calls were not answered. I did not hear any word of caution addressed to Iyad, telling him to stop. Suddenly, I heard gunshots, but did not know how many bullets were fired. At that time, I had reached the municipal dumpster and saw a cleaner there. "Come and hide here," he told me. I hid behind a barrel. Meantime, Iyad was running. I saw him falling on his back in the yard. He was bleeding from his foot, but I did not know which one in particular. Three Border Police officers arrived. One of them carried a gun and shouted at Iyad and me : "Where is the pistol?" I told him I did not have a gun. I said in Hebrew and Arabic that Iyad was a person with disability. However, he continued to point the gun at Iyad and me. Iyad pointed at me and shouted "I'm with her." This situation continued for about five minutes. Then, I saw the Israeli Border Police officer with the gun shooting three live bullets at Iyad from a distance not exceeding five metres. The Border Policy officer was standing at the entrance to the yard and did not come close to Iyad. Iyad used to work with me in the school's kitchen unit in order to rehabilitate and integrate him into society. He was 32 years old, but his mental age was just seven years. On the day of the incident, he did not carry anything in his hands. He put on a blue mask and black gloves. He dropped them when he fell on the ground in the yard.⁷

Deaths in peculiar circumstances and indirect killings

⁶ Ultra Palestine, "The Israeli Cabinet ratifies the total prohibition on release of the bodies of martyrs", available at: <https://bit.ly/3qoumNc> (in Arabic) (accessed: 18 January 2021).

⁷ Al-Haq, Affidavit I130/2020.

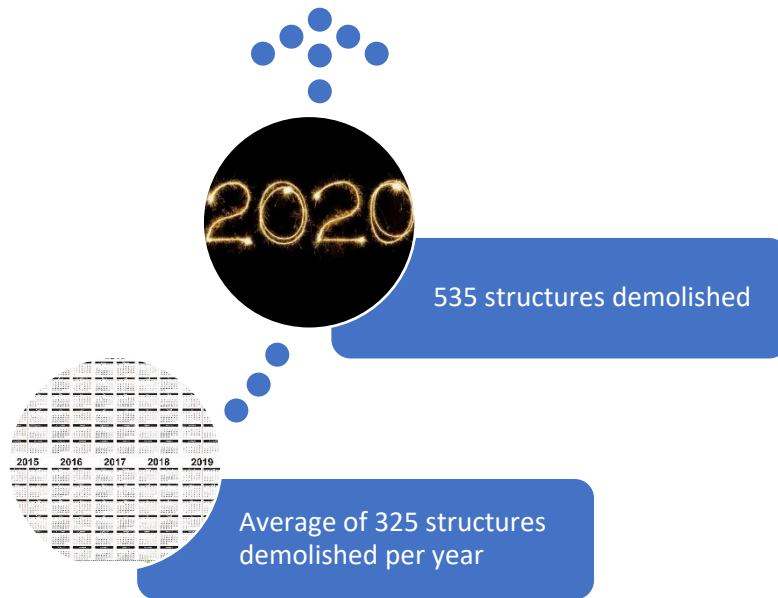
Eleven Palestinians were killed in peculiar circumstances. Of these, four Palestinian political prisoners died in Israeli prisons. These were believed to have been killed as a result of medical negligence. Two Palestinians died of heart attacks while IOF soldiers chased them along the Separation Wall. One Palestinian died because the Israeli occupying authorities had not issued him a permit to exit the Gaza Strip for medical treatment in a hospital in Jerusalem. Another was killed by Israeli explosive remnants of war (ERW). The man found and attempted to dismantle an ERW, which exploded and killed him. In two separate incidents, a young man and woman were also killed in peculiar circumstances. It has not yet been established that they were killed by IOF soldiers. Finally, one Palestinian was killed inside an Israeli settlement, but there has not been any confirmation of who the perpetrator was.

Demolitions



Figure 1: A home demolished in Yatta, Hebron, November 2020

In 2020, the IOF demolished a total of 535 private and public structures, marking a significant increase in comparison to the average of the previous 10 years (2010-2019). During that period, the annual average of demolitions was close to 325 structures. In 2020, the number of demolitions was higher by an average of 210 additional structures.



Demolitions and displacements are on the rise. According to Peace Now, in 2020, the Israeli occupying authorities announced tenders for the construction of 3,512 housing units in Israeli settlements across the West Bank, including in the occupied city of Jerusalem.⁸ The Israeli authorities further expanded settlement activity through draft laws, which provided for resettlement in four small settlements, which were evacuated in the context of the 2005 Disengagement Plan. In line with Al-Haq documentation, however, Israeli settlers did not abandon some of the evacuated settlements, but remained in the areas surrounding them. In particular, it has been constantly monitored that Israeli settlers continued to be present around the evacuated settlement of Homesh and continue to assault Palestinians.

According to the Abdullah al-Hourani Centre for Studies and Documentation, in 2020, the IOF confiscated 20,030 *dunums* of land for settlement expansion throughout the OPT.⁹ At the same time, draft laws were introduced with the aim of limiting the possibility of restoring even small areas of Palestinian land in any future settlement process. Other draft laws provided for the confiscation of privately owned Palestinian land, on which Israeli settlements have been constructed.¹⁰

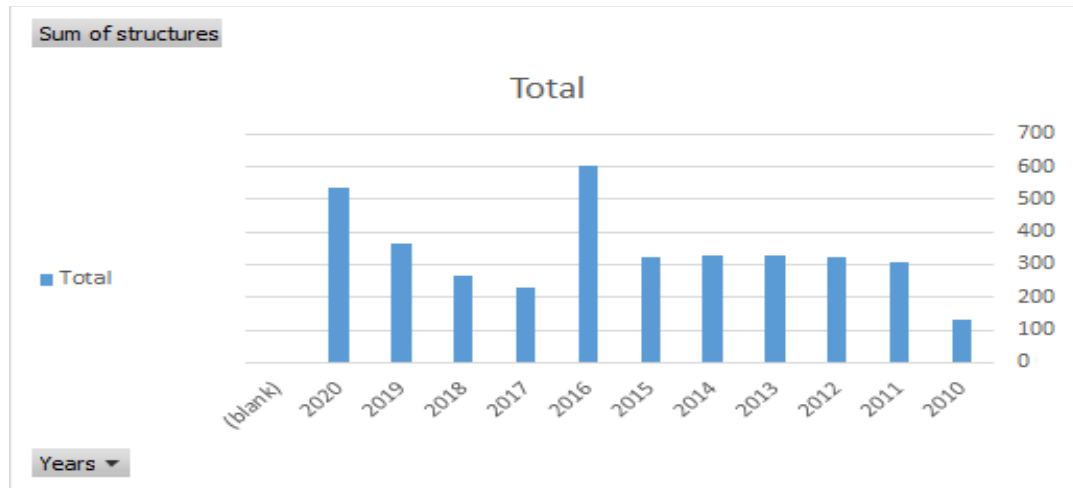
At the same time, the Israeli occupying authorities continued to demolish Palestinian structures inside the Green Line. The latest indications suggest that as many as 50,000

⁸ Peace Now, *Construction*, available at: <https://peacenow.org.il/en/settlements-watch/settlements-data/construction> (accessed: 18 January 2021).

⁹ Arab 48, “2020: 43 martyrs and the occupying authorities demolish almost 1,000 structures and confiscate thousands of *dunums*”, available at: <https://bit.ly/39KVUWi> (in Arabic) (accessed: 18 January 2021).

¹⁰ MADAR, *Draft law requiring referendum on any government decision to hand over lands around any settlement in the West Bank to an “alien entity”, and Draft law on the confiscation of lands on which settlements are constructed*, available at <https://bit.ly/38POq5g> (in Arabic) (accessed: 18 January 2021).

Palestinian homes are at risk of demolition¹¹ under the Chemnitz Law, which was approved several years ago to restrict Palestinian construction. Thanks to unrelenting efforts to resist the legislation by Palestinians inside the Green Line, the law was partly and temporarily suspended.¹²



Homes¹³

During the reporting period, the IOF demolished 248 homes, representing a sharp rise in comparison to 180 homes destroyed in 2019. The vast majority of affected Palestinian homes (242) were demolished citing the lack of Israeli-issued building permits. Six homes were demolished on punitive grounds.

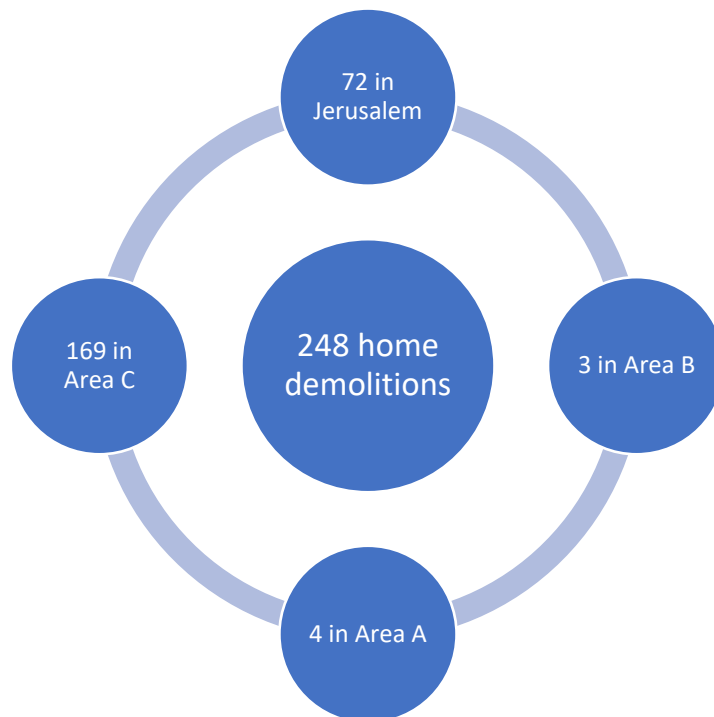
¹¹ Araby 21, “50,000 Arab homes are under the threat of demolition in the Palestinian territory occupied in 1948”, available at: <https://bit.ly/2LXXWdy> (in Arabic) (accessed: 18 January 2021).

¹² The Arab Centre for Alternative Planning, *Suspension of “parts of” Amendment 116 to the Planning and Construction Law (Chemnitz Law) is a very important step in the right direction, but is not enough*, available at: <https://bit.ly/39L8YuQ> (in Arabic) (accessed: 18 January 2021).

¹³ In relation to homes, Al-Haq is informed by two primary criteria: (1) the owner, and (2) status of the home as to whether it is inhabited or not. Accordingly, if three uninhabited housing units belonging to the same owner are demolished, Al-Haq considers of all three units as one home, combining their surface areas as one home. For example, in Wadi al-Humos, the Israeli occupying authorities demolished more than 70 housing units, with multiple uninhabited units belonging to the same owners. Hence, the surface areas of these units were combined and entered as 14 homes only. Likewise, Bedouin homes usually include more than one residential tent. Al-Haq counts all tents, which serve as rooms or other facilities such as kitchens or toilets, of the same structure and household as one home. For instance, if a family live in four tents, including two as rooms, one used as kitchen and the other as a toilet, these are all counted as one home.



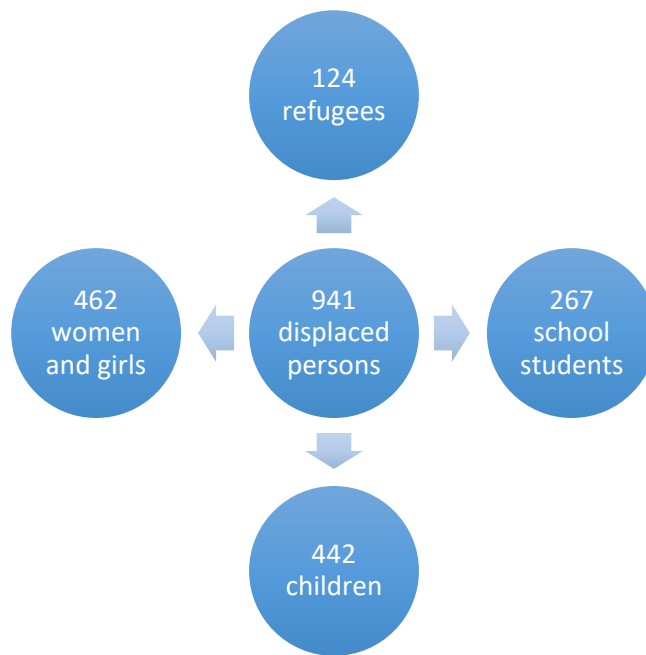
Seventy-two (72) demolished homes were located in the city of Jerusalem, 169 in Area C, three in Area B, and four in Area A.



Home demolitions resulted in the displacement of 941 persons, of which 462 are women and girls, 442 are children, 267 are school students, and 124 are Palestinian refugees already displaced from their original homes.

Palestinians are allowed to file petitions to the Israeli High Court against Israeli displacement policies. However, these petitions serve little purpose as the High Court serves to perpetuate the colonial regime. Additionally, the Israeli occupying authorities have made unremitting efforts to constrain Palestinians' ability to access recourse at the High Court. The last of these was a draft law, which prevents human rights organisations or any other unaffected party from submitting petitions to the High Court on behalf of

affected Palestinians,¹⁴ rendering difficult recourse to the Court which overwhelmingly renders judgements in favour of the occupying Power. However, international law prevents the Israeli occupying authorities from extending the jurisdiction of its courts to the occupied territory. In fact, the reason for this Israeli practice is not attributed to attempts to cripple the ability of Palestinians to go to Israeli courts. Rather, it lies in Israel's attempts to prevent Palestinians from using these formal tools to defend themselves against Israeli practices.



While 55 were under still construction, 193 of the demolished homes were already completed. The majority of the latter were inhabited. The Israeli occupying authorities did not allow an opportunity to the home owners of 69 homes to evacuate their belongings from their homes before the demolitions were carried out. Having received demolition notices, the owners of 118 homes lodged objections to official Israeli authorities to prevent the demolition of their homes. However, these homes were demolished. Fifty-four (54) families had other homes, which had also been demolished earlier.

During home demolitions, members of 27 affected families were violently harassed, attacked, or physically assaulted. Partial curfews were imposed during six incidents of home demolitions. At the time of demolition, three demolished homes were not owned by

¹⁴ MADAR, *Draft law preventing unaffected persons from filing petitions to the High Court against official decisions*, <https://bit.ly/2LIBmp> (in Arabic) (accessed: 18 January 2021).

their inhabitants, causing loss for both the residents and the homeowners. After their homes had been demolished, the vast majority of affected families had to rent residential flats or sought refuge in their relatives, friends or neighbours' homes until such time they could rent a shelter.



Figure 2: A home demolished in Yatta, Hebron, December 2020 – Al-Haq

Self-demolitions are also on the rise,¹⁵ particularly in the occupied city of Jerusalem. In 2020, 49 homes were self-demolished, marking a dangerous escalation of this practice over the past years. Self-demolitions are triggered by the pressure placed by the Israeli occupying authorities. To avoid hefty costs and fines charged by the Israeli Jerusalem Municipality on structures at risk of demolition, the owners are coerced into demolishing their homes by themselves.

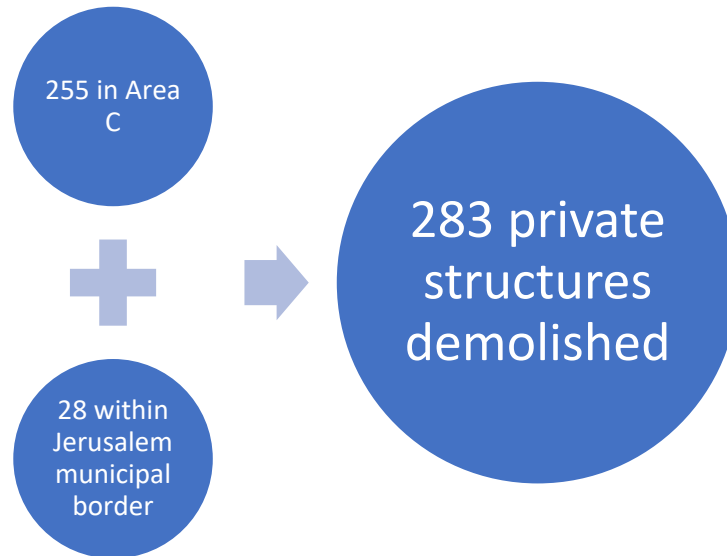
Other private structures¹⁶

¹⁵ After they receive demolition notices from the Israeli occupying authorities, many Jerusalemites are forced to demolish their own structures and homes by themselves to avoid additional fees and fines if the demolition is executed by the Israeli occupying authorities.

¹⁶ In many cases, a commercial premise belongs to the same owner, but consists of, e.g., more than one barracks. This is counted by Al-Haq as one commercial premise despite the fact that it comprises several barracks, tents, or structures unless the owner or type of commercial premise is different. For example, if an animal farm is made up of three barracks, but are all owned by the same owner, the surface area of this farm is combined and entered into the Al-Haq databank only once. This is also the case of storage facilities, which form an integral part of a home. These are counted as an inseparable part of the home.

Compared to 169 in 2019, a total of 283 private structures were demolished in 2020.

Of these, 255 structures were located in Area C, so designated by the Oslo Accords, and 28 within the Israeli municipal borders of Jerusalem.¹⁷



Of all demolished private structures, 139 structures had been used to provide a main source of livelihood to affected family members. These comprised workshops, small factories, animal shelters, poultry farms, and greenhouses. At the time of demolition, 27 private structures were under construction; the others were finished buildings. Published in early 2020, a report by *Haaretz* indicated that, out of 1,485 Palestinian applications for construction in Area C in 2016-2018, the Israeli occupying authorities only approved 21, or approximately 1 percent of all applications.¹⁸ Sixty-eight (68) owners of structures with demolition notices filed challenges against the demolition of their property. However, the Israeli occupying authorities rejected these official petitions and demolished all affected structures. This indicates that recourse to legal mechanisms, which the occupying state of Israel claims that Palestinians can use, does not change Israeli policy. It demonstrates that the Israeli legal apparatus is an institutionalised aspect of the occupation regime.

¹⁷ Areas within the Israeli municipal borders of Jerusalem refer to the territory forcibly and illegally annexed to the Israeli Jerusalem Municipality. These are not part of Area A, B, or C according to the Oslo designation. Since 1967, by a Knesset decision, the occupying Power has appropriated and imposed its sovereignty over this area. In 1980, unlawful annexation was endorsed by a basic law passed by the Knesset.

¹⁸ Hagar Shezaf, "Israel Rejects Over 98 Percent of Palestinian Building Permit Requests in West Bank's Area C," *Haaretz*, 21 January 2020. <https://www.haaretz.com/israel-news/.premium-israel-rejects-98-of-palestinian-building-permit-requests-in-west-bank-s-area-c-1.8403807> (accessed 18 January 2021)

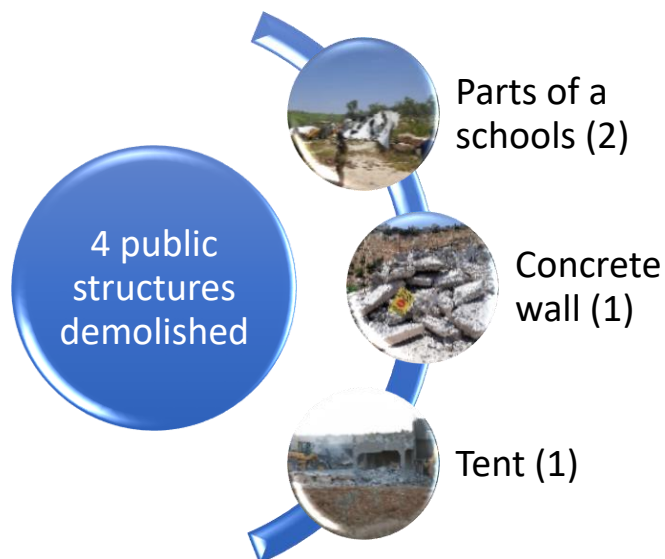


Figure 3: A wedding hall demolished in Khirbet Jubara, Tulkarem, September 2020

Before their private structures had been demolished, 81 affected families were subject to other human rights abuses and attacks by the IOF. These violations were not necessarily related to demolitions. For example, prior to the documented demolition, the IOF had demolished other structures or killed, arrested, or assaulted members of these affected families. Of all demolitions, 42 structures were destroyed for at least the second time after they had been reconstructed and affected families had recovered from previous demolitions. The owners of 149 structures reported that the Israeli occupying authorities did not allow them an opportunity to evacuate their possessions before demolitions were carried out.

Public properties

The Israeli occupying authorities demolished four public facilities, including three in Area C and one in Area B, so designated by the Oslo Accords. Demolished properties included a tent erected for sit-ins in protest against Israeli practices in the town of Dura, foundations of a school, a classroom, and a concrete perimeter wall of a football playground under construction.



Three public structures were located in close proximity to settlements or areas under the threat of settlement construction. The total cost of all four demolished public structures was nearly NIS 451,000 (136,468 USD).

The affected public properties covered an area of some 675 square metres. The cement perimeter wall was 275 metres long. These structures were demolished by bulldozers produced by Volvo and Hyundai. Al-Haq could not ascertain the types of machineries used in the rest of demolitions.



Figure 4: A demolition in Shu'fat refugee camp, June 2020

All four demolitions were carried out by the ICA with support from the IOF. While two were under construction, two public structures were already completed at the time of demolition. Of the four incidents, the Israeli occupying authorities delivered demolition notices for two structures. The others did not receive any notices before the decision on demolition was implemented.

Other Israeli violations¹⁹

The IOF and Israeli settlers committed hundreds of other violations throughout 2020. According to Al-Haq documentation, in addition to killings and demolitions, the IOF perpetrated more than 1,000 other violations, including arrests, confiscation of property, injuries, house raids and searches, beatings, physical violence, and torture. The IOF also assaulted medics, denied access permits or permits to receive medical treatment, placed restrictions on the rights to freedom of movement and peaceful assembly, and committed environmental violations.



Figure 5: Crops damaged by pesticides sprayed by the Israeli occupying authorities in Khuza'a, January 2020

Of all other Israeli perpetrators, Israeli settlers committed the greater portion of violations. Most notably, Israeli settlers stoned Palestinian homes and pedestrians, leaving many Palestinians with injuries. Settlers also attacked Palestinian communities, sprayed racist graffiti on walls and vehicles, and damaged wheel tyres. They made multiple attempts to seize control of Palestinian privately owned land, and harassed and prevented Palestinians

¹⁹ Al-Haq does not provide a full documentation of these violations. Hundreds of abuses are documented as a representative sample, giving an indicator of the nature of these abuses.

from accessing their land. Of particular note, Israeli settlers set fire to Palestinian trees and crops, cut down and uprooted trees, and stole harvest.

A major portion of Israeli settler attacks targeted Palestinian villages in the Nablus governorate, particularly those in the area surrounding the settlement of Yitzhar. Israeli settler violence affected dozens of Palestinian communities.

According to Al-Haq documentation, the most notable Israeli violations can be categorized as follows:

Categories of violations by Israeli duty bearers	
Abducting persons and children	Flooding agricultural land with water and wastewater
Arrests	Forced expulsion
Arson of planted fields and trees	House raids
Assaults on fishers	House searches
Attacks on hospitals	Ill-treatment and torture
Attacks on universities and schools	Imposing collective punishment on communities
Attempting to seize land by creating facts on the ground	Insults and humiliation
Ban on travel	Killing
Beating and physical violence	Land confiscation
Bullet/rubber coated steel bullet wounds	Levelling lands and trees
Chasing workers	Movement restriction/denial between cities
Closing commercial premises	Mutilation of dead bodies
Closing down cultural associations	Obstructing the work of journalists
Confiscating agricultural vehicles and tractors	Opening fire
Confiscating electronic devices	Preventing farmers and workers from accessing their workplaces
Confiscating/looting archaeological artifacts	Punitive demolitions
Confiscating/stealing money	Raiding Palestinian cities and towns
Confiscation of equipment and machinery	Running over livestock
Constructing settlement outposts	Seizing control over water wells and sources
Cutting down and uprooting trees	Setting fire to private and public structures
Damaging agricultural crops	Setting fire to private vehicles and properties
Damaging fishing boats	Setting up flying checkpoints
Damaging homes during search operations	Settlement expansion
Damaging vehicles	Sinking fishing boats
Deliberate vehicular ramming attacks	Spraying lands with herbicides
Demolishing private structures and homes	Spraying racist graffiti
Demolishing public structures	Stabbing attacks
Denial of access permits	Stealing crops
Denial of access to privately owned land	Stealing livestock

Denial or delayed approval of permits to receive medical treatment	Stealing olives
Destroying water pipelines	Stone throwing at homes and vehicles
Direct hit by sound/tear gas grenades	Suppressing peaceful assemblies
Extortion	Withholding the bodies of martyrs

While on the ground, Israeli occupying authorities worked towards legalising these colonial practices at both the legislative and policy levels within the occupying power. In this context, at least three draft laws were proposed with the aim of limiting the possibility of releasing Palestinian detainees. These legislative proposals primarily provided for releasing one detained Palestinian for every Israeli prisoner. This is designed to avoid earlier incidents, which involved the release of thousands of Palestinian prisoners in return for a limited number of captive IOF soldiers.

To further tighten Israel's colonial grip, a draft law was submitted to suppress the Palestinian right to resistance against the Israeli colonial occupation. This legislative act sought to legalise expulsion of the families of Palestinians, so-called "vandals", who carry out operations against the Israeli occupying authorities outside Palestine. This is a more egregious form of collective punishment imposed by the Israeli occupying authorities on the families of those charged with carrying out operations against the Israeli occupation.

In the context of the occupying Power's unrelenting efforts to suppress the right to freedom of expression, particularly arguments against colonial practices, a draft law was presented to the Knesset with the aim of amending the so-called Anti-Terrorism Law. A provision would be added, prescribing a five-year imprisonment for any person who publishes or 'likes' a post on social media networks supporting Palestinian rights and struggle for independence, as enshrined by international law.

This report places a special focus on Israeli attacks on Palestinian fishers in the besieged Gaza Strip. In 2020, Al-Haq monitored over 73 Israeli attacks on Palestinian fishers off the Gaza coast. These included sinking fishing boats, chasing, arresting and opening fire on fishers, and seizing fishing equipment and boats.

Although the Oslo Accords allow Palestinian fishing within 20 nautical miles (approximately 37 kilometres) off the Gaza Strip coast, over the years, the Israeli occupying authorities have reduced and prevented Palestinians from fishing within this area at all. The Israeli authorities officially have permitted fishing within six and 15 nautical miles north and south of the Gaza Strip, respectively, over the past years. However, access to these areas is restricted intermittently, and without warning, depending on developments on the ground. According to Al-Haq documentation and monitoring in 2020, the majority of Israeli attacks on Palestinian fishers took place within the reduced area (six

and 15 nautical miles north and south of Gaza), which is ostensibly allowed by the occupying state of Israel for Palestinian fishing.



Figure 6: Source: United Nations Office for the Coordination of Humanitarian Affairs

In his sworn statement to Al-Haq, R. S. a fisherman, reports on the violations fishers are subjected to. R. S. recounts one incident:

At about 3:30 pm, we were done fishing. We headed north in order to return to the Gaza port. When we were off the Deir al-Balah beach, Central Gaza governorate, and at a distance of seven nautical miles within the permissible area, I saw three Israeli gunboats (one large cruiser and two rubber boats) approaching us from the west and north. The Israeli naval boats surrounded our boat from several directions. Navy officers on board the boats fired rubber coated steel bullets on us from a distance of some six metres. I was hit by a rubber coated steel bullet in the left knee. Majed Miqdad was shot in the right side of the waist and another in his back. My nephew, Ali, was extremely frightened of the horrific incident and sought protection under the engine on board the *hasaka* (fishing boat). Then, the navy officers ordered us to take off our clothes immediately and jump into the cold water. Indeed, Majed and I jumped into the water, but Ali remained on board the boat because he was so scared and shocked. Majed and I got on board a small rubber boat. The officers on the second rubber boat arrested and put Ali on their boat. They tied the fishing boat with a rope to the rear part of the boat. They seized our boat from us, including fishing nets and equipment. Later, the officers blindfolded us and tied our hands with plastic handcuffs. The rubber boat sailed for about 10 minutes. Meanwhile, we were only in our

underwear and it was so cold. When the boat stopped, they removed the blindfolds and handcuffs and moved us to the large cruiser. Then, they gave us clothes (blue and red pants and sweaters). After we put on the clothes, they blindfolded and handcuffed us once again. The cruiser then sailed for almost an hour and 15 minutes. When it stopped, the officers lifted the blindfolds a little bit and dropped us on the Ashdod wharf. I knew the port because I had been arrested twice during my fishing activity. When we were off the cruiser, the officers blindfolded us again and took us to a place inside the port. They left us sitting on the ground for many hours while we were blindfolded and handcuffed. They did not bring in any food or drinks for us. Meantime, we were examined by a doctor while we were also blindfolded and handcuffed. The doctor did not care about Majed's and my injuries despite the pain we felt and the swelling at the place of injuries. Late at night, they put our hands and feet in iron shackles, removed the blindfolds, and took us to a bus, which drove to the Beit Hanun (Erez) crossing, north of the Gaza Strip. There, we were subjected to an intimate body search and briefly interrogated about the reason of our arrest and family members. At about 11:30 pm on the same day, we were released. They confiscated the fishing boat together with the fishing equipment and nets. The cost of these is nearly US \$ 15,000. We have lost our only source of livelihood and subsistence of our families. This was despite the fact that we were fishing within the permissible fishing zone.²⁰

In another statement, M. Z., a fisherman, reported to Al-Haq:

At about 4:45 pm, I saw the swift Israeli rubber boats chasing fishing boats to our west and forcing them to head south in order to keep them away from the area. I was assured because I was working within the permissible area near to the beach. While the Israeli boats were chasing fishing boats which managed to escape to the south, a small rubber boat approached us. Israeli navy officers fired rubber coated steel bullets on us while I was trying to pull the fishing nets out of the water in fear that I would lose them. Then, I was hit by a rubber coated steel bullet in the thigh. My little brother, Maysarah, was too frightened and panicked by the horrible shooting incident. It was the first time he came with me on a fishing trip. Meantime, my fishing nets were torn apart and sank into the sea. A number of fishers also lost their nets as the Israeli boats chased them and deliberately ripped apart and sank the nets into the sea. Later, I managed to get back to the beach and returned home as quickly as possible because I felt immense pain at the place of injury.²¹

Fisher Y. A. recounted his experience, stating:

I was surprised by two Israeli military launches, which had arrived and surrounded our boat. One launch turned around and stopped at a distance of almost 15 metres opposite our boat to the east. This was known to us as the Super Dvora. The other, which was larger and

²⁰ Al-Haq, Affidavit, I52/2020.

²¹ Al-Haq, Affidavit, I274/2020.

known by the name cruiser, stopped at a distance of about 15 metres to the west. On board the two launches, I saw a number of soldiers, including six on the small boat and nine on the large one. They were in black uniforms and heavily armed. Over a loudspeaker, I heard a soldier shouting at us in Arabic: “Stop and don’t move.” A few moments later, the large boat which stopped to the west pumped water forcefully on our boat. While I held the boat engine, my brother Ibrahim and brother-in-law Saleem grabbed the boat and tried to maintain its balance so that it would not sink. The boat continued to pump water on us for about 25 minutes. Meantime, I felt that my hand was injured and felt pain due to the strong water thrust. Still, I did not leave the engine so that I could keep balance of the boat. At that time, I saw our equipment falling off the boat into the sea, including fishing nets and 60-litre gas gallons. Water filled the boat, which was about to sink. Over the loudspeaker, I heard a soldier shouting: “I will make an example of you to all fishers of the Gaza Strip.” Both boats moved over after the cruiser pulled and confiscated the nets. Then, I saw them attacking another fishing boat at a distance of about 40 metres to the west. Four fishermen who were residents of the Gaza city were on board that boat. I realised that from the distinctive yellow colour of the boat. It is known that yellow was the colour of the Gaza city port. The two boats turned around, attacked, and started to pump water on the boat for almost five minutes. As a result, the boat turned over and I saw all four fishermen falling in sea as well. Immediately, fishermen around us rushed to help and managed to rescue them. A number of fishermen also arrived and helped us empty the water from our boat. They tugged my boat to the Khan Yunis port because the engine had broken down. When we arrived at the beach, I was transported by a civilian car to the Nasser Governmental Hospital west of Khan Yunis. After a medical check, it appeared that I sustained a bone fracture in a finger on my left hand as well as contusions and muscle rupture in the back. I received treatment for four hours. Doctors bandaged my hand and I left the hospital. After I came back, I checked my boat and the damage caused to it. The engine broke down. I also lost the boat tarp and all fishing tents, including eight cage traps and two sardine nets, 60 litres of gas, and 60 kilos of fish I had caught. The estimated cost of my losses was around US\$ 3,000. I should note that we are frequently chased. Although we do not go beyond the permissible fishing zone, fire is opened around our boats by Israeli military launches while we are fishing. Almost two months ago, I was chased by an Israeli military launch, which opened fire around my boat. I was at a distance of some four nautical miles west of Khan Yunis. I was forced to leave a 50-metre long fishing net in the sea and leave for the beach in fear that I get injured or arrested.²²

Violations by the Palestinian Authority and *de facto* authority in the Gaza Strip²³

In 2020, Al-Haq documented hundreds of violations committed by the PA and the *de facto* authority in the Gaza Strip. Of particular note, abuses of the PA and the *de facto* authority

²² Al-Haq, Affidavit, I58/2020.

²³ Al-Haq does not provide a full documentation of these violations. Hundreds of abuses are documented as a representative sample, giving an indicator of the nature of these abuses.

were perpetrated under the guise of the state of emergency unlawfully declared and extended by the PA President, beginning on 5 March 2020 towards the end of the reporting period.

Violations were of multiple forms. Most prominent were arbitrary detention; infringements on the right to a fair trial, right to humane prison conditions, and right to freedom of expression; ill treatment, torture; beating; physical violence; and confiscation of devices, funds, and equipment.

The table below shows the distribution of violations documented by Al-Haq:

Violation	Number of violations
Arbitrary detention	100
Violation of the right to a fair trial	71
Violation of the right to humane prison conditions	145
Violation of the right to freedom of expression	37
Ill-treatment and torture	52
Beating and physical violence	49
Confiscation of devices, funds, and equipment	30

A. D. recounts his experience during arbitrary detention:

At about 2:00 pm on Sunday, 13 December 2020, I received a call on my mobile telephone. The caller identified himself as a Palestinian Preventive Security officer in the city of Nablus and told me that I would have an interview on Tuesday, 15 December 2020... In the evening on Monday, 14 December 2020, I fell ill due to tendon rupture in the left foot... As a result, I stayed at home and did not go to the Preventive Security on Tuesday... I decided to go to the interview with and report to the Preventive Security as per their summons in fear that they would raid my home and arrest me from there. At about 11 am on Wednesday, 16 December 2020, I went to the Preventive Security Directorate in Nablus... I was brought into a room, in which there was an officer who did not introduce himself. I sat on a chair and he at a desk with a computer set as well as papers and files in front of him. The interrogation session started when the officer asked about my personal details. He then asked about my detention by the Israeli occupying authorities as I mentioned earlier. He engaged with me in discussing the reconciliation between Fatah and Hamas, and was of view that the reconciliation would not be achieved and that it would fail... About 15 minutes later, he asked me to go back to the waiting room and said he

would call me in. Indeed, I went to the waiting room, where I stayed for almost 45 minutes. Again, I was summoned to the same interrogation officer in the same room. He began interrogating me about the Islamic Bloc activities at the An-Najah National University and talked to me about the anniversary of the Islamic Resistance Movement (Hamas), which was marked on 14 December 2020. I said to the officer I did not have anything to do with these activities or with Hamas. I was detained by the Israeli occupying authorities, fell behind my university studies, and had exams that I wished to take. During the interrogation, the officer was taking notes of my statements that I had nothing to do with his claims. Then, another interrogator got in and also talked to me about political issues and the reconciliation. I told them I had nothing to do with that. “I do not care what you are talking about”, I said. About 40 minutes of interrogation, I was asked to go to the waiting room. Almost half an hour later, a jailer arrived, asked for my personal belongings, and searched me from the top down. “Why?” I asked. “You are under arrest,” he said... The jailer took me to a solitary confinement cell, which was 2x1.20 metres wide and 3 metres high. It had a metal door, with a 15x15 cm. opening. Inside, there was a mattress on the floor. The cell had a malodorous smell and was dirty. I smelled cigarette smoke. There was no bathroom or toilet inside. There was a yellow light that was on all the time. I was held in the cell during the period of detention, which lasted for six days in a row... Three meals, breakfast, lunch and dinner, were provided to me. I considered them bad, insufficient, and unhealthy. At night, although there were blankets, I was so cold in the cell. These blankets also smelled awful and were unclean. My left leg hurt due to the extreme cold. Inside the cell, I suffered from respiratory distress. I asked an interrogator to relocate me to the rooms, but he refused and said there was not space there. During the period of my detention by the Preventive Security agency, I had no contact with my family, neither in person nor by telephone. No Palestinian lawyer visited me at the Preventive Security headquarters. I only had a COVID-19 test on Sunday, 20 December 2020; that is, five days after detention. I had the test at the Zawata COVID-19 testing centre, west of the city.²⁴

Additionally, Palestinian security agencies attacked and/or banned nine peaceful assemblies in 2020. These were as follows:

1. On 15 February 2020, multiple security agencies used force to disperse a peaceful assembly organised by the *Hizb at-Tahrir* (Liberation Party) in the city of Jenin. The assembly was held in protest against the Deal of the Century. Some parties claimed that the demonstration was dispersed because protestors insulted the PA and that a licence had not been issued to organise the peaceful assembly.
2. On 15 March 2020, the Palestinian Police dispersed a peaceful assembly by force in the city of Rafah. The assembly was set to protest against using two of the city schools as quarantine centres in anticipation of the COVID-19 pandemic. Feeling

²⁴ Al-Haq, Affidavit, P185/2020.

apprehensive, the city residents protested against this measure. In response, the authorities dispersed the protest.

3. On 8 July 2020, the General Investigations Department banned an information symposium by Fatah in the city of Gaza. The authorities claimed that the movement had not received a permit to hold the symposium, so it was banned. The event was scheduled to be organised indoors, rather than in a public place.
4. On 24 July 2020, the Palestinian Police dispersed a gathering of worshippers in prayer in the town of Birqin, Jenin. The official authorities alleged that the gathering was dispersed because it violated COVID-19 preventive measures, which banned gatherings. However, the imam claimed he had obtained an authorisation from the Police to hold the prayers on condition of distancing.
5. On 18 June 2002, the Palestinian Police dispersed a family protest in the Al-Bureij refugee camp. The Police attempted to execute a court decision to remove family encroachments on a street in the refugee camp. Family members protested in response.
6. On 5 September 2020, Palestinian Police personnel assaulted a family gathering in Beit Hanoun allegedly because it violated movement restrictions in the context of combating the COVID-19 pandemic. As an ambulance was late to transport a patient in critical condition to hospital, the family in quarantine gathered at the patient's house and took him in a private vehicle to hospital. As a result, Police personnel physically assaulted the family members.
7. On 12 June 2020, the Preventive Security agency banned a funeral wake house of the Secretary General of the Islamic Jihad Movement, Ramadan Shallah, in the town of Tammun. A number of rights holders were detained.
8. On 24 August 2020, in the context of tightening control on Fatah activities in the Gaza Strip, the Internal Security agency banned a peaceful event organised by Fatah in the city of Gaza, on the grounds that no permit had been obtained. The event involved a ceremonial signature of a memorandum of understanding between the Journalists and Lawyers branch offices of the Fatah movement.
9. On 19 July 2020, security agencies banned a sit-in protest against corruption in the city of Ramallah. Many movements had called for the protest, but security agencies banned it by force and detained a number of participants and organisers.

A. A. recounts his experience when security agencies dispersed a peaceful assembly in Rafah:

At about 8:00 am on Sunday, 15 March 2020, two cars of the Palestinian Ministry of Health (MoH) arrived at the Marmarah and Ghassan Kanafani governmental schools of the Ministry of Education in the town of Al-Nasser, northeast of the Rafah city. Both schools were to be prepared as mandatory quarantine centres for persons returning via the Rafah

border crossing. As they informed me, this was a preventive measure against COVID-19. Upon learning this, at about 11:00 pm, hundreds of the town residents, including youth, men, women and children, gathered in front of the schools in protest against the MoH decision and measure. The schools were in close proximity to citizens' homes. A number of protestors burned wheel tyres on the Salah ad-Din main road opposite the schools. They also displayed banners, expressing their rejection of the MoH decision and measure... At about 3:00 pm, a large Special Police force arrived on some 16 Police cars... The force was led by Major General Tawfiq Abu Na'im, Undersecretary of the Ministry of Interior in Gaza. As soon as they arrived, Major General Abu Na'im ordered me to keep women out of the place. Police personnel started to disperse protestors by force. They chased and beat protestors with batons and rifle butts. Civil Defence teams extinguished the fire and moved the tyres away by two loaders. Meanwhile, young men threw stones at the Police personnel. Intermittent protests continued for several hours. The Police continued to chase and physically assault protestors. In addition to arresting a number of protestors, Police personnel opened fire in the air. They also raided a number of homes, including my brother's, and beat inhabitants with batons and rifle butts. They assaulted women and children. I heard them shouting obscenities at citizens. They also arrested a number of citizens from their homes. At about 11:00 pm, the Police managed to disperse protestors by force... Police attacks resulted in the injury of some 12 citizens, including a child, who sustained bone fractures and contusions all over their bodies. Most of these were members of my family. They also arrested 54 citizens, including 15 children. These continue to be detained.²⁵

The majority of human rights violations perpetrated by Palestinian duty bearers were committed by the police in the West Bank (106) and in the Gaza Strip (155); Preventive Security forces (159); Internal Security forces (148); and the General Intelligence (66).

Perpetrator	Number of violations
West Bank-based Police	106
Gaza-based Police	155
Preventive Security	159
Internal Security	148
General Intelligence	66

Internally, most notable was the [Persons with Disability Movement](#). Beginning on 3 November 2020, persons with disabilities declared an open-ended strike inside the

²⁵ Al-Haq, Affidavit, P37/2020.

Palestinian Legislative Council (PLC) offices, demanding a comprehensive health insurance that would cover all [their needs](#). The sit-in protest and events continued for more than two months. Finally, on 14 January 2021, the Palestinian government approved the Regulation on the Comprehensive Health Insurance for Persons with Disabilities, marking the end of the sit-in protest.

In his sworn statement on the movement to Al-Haq, A. A. reports:

On 3 November 2020, a group of four men and women with disabilities and I declared a sit-in protest inside the Palestinian Legislative Council (PLC) offices in the city of Ramallah. We demanded a comprehensive government health insurance for persons with disabilities. Currently, there is no health insurance for persons with disabilities and their needs. We had already carried out a number of peaceful demonstrations in this context. These ranged from protests at the PLC offices to attempts to reach the Palestinian Council of Ministers office, which was far from the PLC. We held a sit-in protest at a distance of some 400 metres from the Council of Ministers. On more than 10 occasions, we tried to reach the Council of Ministers. Each time, the police, including anti-riot police, personnel blocked our access. They placed iron barricades along the road leading to the Council of Ministers... On Monday, 21 December 2020, it was time for the Palestinian Council of Ministers to hold a session. We knew that the Council of Ministers convened every Monday for decision making. We, protestors inside the PLC, decided to head for the Council of Ministers in order to officially request that ministers approve the Draft Regulation on Health Insurance, which we had proposed. We had already submitted the draft regulation to the Council of Ministers almost a month earlier. We were surprised that the Palestinian Ministry of Health (MoH) introduced changes to the draft regulation, which we had prepared, rendering it meaningless. For example, we demanded that needed medicines be distributed to persons with disabilities by the MoH. However, in the amendments it made, the MoH said: "In case the medicine is not on the list of medicines approved by the Ministry, the General Secretariat of the Council of Ministers shall establish a committee to examine if such medicine can be distributed or not." Also, we proposed that the persons with disabilities be referred to medical specialists, who would determine relevant treatment and needs. However, the MoH did not accept this request and kept the matter in the hands of the current committee. It should be noted we have many reservations on that committee. They do not apply clearly defined criteria to determine the degree of disability.²⁶

²⁶ Al-Haq, Affidavit, P178/2020.

TAB 2



AL - HAQ

DIVIDE AND CONQUER

A LEGAL ANALYSIS OF ISRAEL'S 2014 MILITARY
OFFENSIVE AGAINST THE GAZA STRIP

AL - HAQ

2015



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2015

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INTRODUCTION

Between 8 July and 26 August 2014, Israel carried out a massive offensive on the occupied Gaza Strip, codenamed 'Operation Protective Edge'. The offensive, which escalated on 17 July 2014 with the commencing of an Israeli ground invasion, is characterized by Israel's unlawful attacks on Palestinian civilians and civilian objects and infrastructure resulting in a staggering death toll and the devastating destruction of entire neighbourhoods. It is estimated that it will take 20 years to rebuild the

Gaza Strip following 'Operation Protective Edge'.¹ Field documentation demonstrates that Israel, as an Occupying Power engaged in hostilities, did not conduct itself in line with its obligations under international humanitarian law.

According to documentation jointly compiled by the Palestinian human rights organisations Al-Haq, Al Mezan, Aldameer and the Palestinian Center for Human Rights (the Palestinian human rights coalition), a total of 2,215 Palestinians, including 1,639 civilians, were killed during 'Operation Protective Edge'. Of these victims, 556 were children.² And according to data supplied by the Palestinian Ministry of Health, 10,918 Palestinians, including 3,312 children, were injured during the offensive.

In terms of civilian objects, the Palestinian human rights coalition documented damage to 32,028 residential, including 8,359 Palestinian residential houses that were completely destroyed. According to the Palestinian human rights coalition, 5,323 residential houses were directly targeted.

According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 108,000 Palestinians are homeless as a result of the offensive. At its peak, 485,000 Palestinians were internally displaced.³ According to the Palestinian human rights coalition, 43,503 Palestinian families, including 125,079 children, were affected by the destruction and damage to residential house.

¹ Romtveit, G., 'The rebuilding of Gaza will take 20 years', (Norwegian Refugee Council, 11 September 2014), available at: <http://www.nrc.no/?did=9183563> (last accessed 19 January 2015).

² This is the Palestinian human rights coalition's final data as of 6 February 2015. The number of Palestinians killed does not include 6 unidentified bodies that have been buried and a suspected 9 Palestinians missing that crossed into Israel during the offensive.

³ UN Office for the Coordination of Humanitarian Affairs in the occupied Palestinian territories (henceforth OCHA oPt), 'Occupied Palestinian Territory: Gaza Emergency Situation (as of 4 September 2014, 08:00 hrs)' (OCHA, 04 September 2014), available at: http://www.ochaopt.org/documents/ocha_opt_sitrep_04_09_2014.pdf (last accessed 19 January 2015).

Palestinian residential houses destroyed between 7 July and 26 August 2014 *

Per Governorate	Completely destroyed	Partially destroyed	Total
North Gaza	1998	6285	8283
Gaza	2691	7225	9916
Deir al-Balah/Middle Area	1059	3605	4664
Khan Younes	1443	3506	4949
Rafah	1168	3048	4216
Total	8359	23669	32028

Palestinian individuals and families affected by the destruction of houses *

Per Governorate	Number of houses	Number of families	Permanent residents	Women	Children
North Gaza	8283	12333	73195	18326	37760
Gaza	9961	13948	74827	20714	41513
Deir al-Balah/Middle Area	4664	5854	35498	9646	15578
Khan Younes	4949	6278	37579	10721	15864
Rafah	4216	5090	30491	8181	14364
Total	32028	43503	251590	67588	125079

Public Buildings destroyed between 7 July and 26 August 2014 *

Type	Completely destroyed	Partially destroyed	Total
Health Facilities, including hospitals	7	27	34
Mosques	61	120	181
Churches	0	1	1
Banks	1	3	4
Civil society	29	51	80
Schools	7	57	64
Pre-schools	8	44	52
Colleges and universities	0	6	6

* This is the Palestinian human rights coalition's final data as of 6 February 2015. Other bodies may provide higher figures. The Palestinian human rights coalition bases its figures on the destruction of residential houses on ownership of property.

This publication applies Israel's obligations under international humanitarian law (IHL) to select aspects of its conduct of hostilities. Israel's IHL obligations are primarily set out in the 1907 annex to Convention (IV) respecting the Laws and Customs of War on Land (Hague Regulations), the 1949 Geneva Convention Relative to the Protection of Civilian Persons in time of War (Fourth Geneva Convention), and 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I). These instruments are considered to be largely reflective of customary international law.⁴

⁴ While Israel has accepted the applicability of the Hague Regulations on the basis of their customary nature, it has declared that it will only abide by the 'humanitarian provisions' of the Fourth Geneva Convention, although it has refused to specify which provisions it regards as humanitarian. For a recent judgment see *Yesh Din et al. v Commander of the IDF Forces in the West Bank et al*, Israeli High Court of Justice 2690/09, (Judgment, 23 March 2010), para 6.



CONTEXT

‘Operation Protective Edge’ took place in the context of a prolonged belligerent occupation that consistently and intentionally denies the occupied Palestinian people their inherent right to self-determination in the Occupied Palestinian Territory (OPT). The occupation has been marked by Israel’s measured fragmentation of the OPT through the transfer of its citizens into the Palestinian territory; the construction of the Annexation Wall; the annexation of East Jerusalem; and Israel’s exploitation of Palestinian natural resources for its own benefit. Israel

has also ensured a physical separation between Palestinians in the West Bank and Palestinians in the Gaza Strip by prohibiting travel and trade between the areas. Since 2007, Israel has imposed an eight-years-long closure on the Gaza Strip that amounts to collective punishment and isolates its population from the outside world. Nevertheless, on 2 June 2014 - imminently preceding the military operation in the Gaza Strip - the Palestinian Authority (PA) and Hamas formed a unity government, ending years of internal political division. Israel immediately refused to recognise the unity government and cancelled the then on-going peace negotiations whilst threatening to take “measures” against the PA.⁵

The offensive was also closely related to Israel’s parallel military operation in the West Bank codenamed ‘Operation Brother’s Keeper’. On 12 June 2014, three Israeli teenage settlers disappeared near the West Bank city of Hebron. The three individuals were later found dead. Under the pretext of their disappearance and subsequent murder, Israel carried out extensive searches, hundreds of house raids, and thousands of arrests across the West Bank. Within the context of ‘Operation Brother’s Keeper’ and ‘Operation Protective Edge’, Israel also resorted to excessive force against Palestinian in the West Bank. According to OCHA, between 1 June and 31 August 2014, Israel killed 27 Palestinians in the West Bank, including 5 children.⁶ “This is more than double the number of Palestinians fatalities recorded in the first five months of the year, and equals the figure of Palestinians killed by Israeli forces during all of 2013”.⁷

⁵ Hatuqa, D., ‘Palestinians form consensus government’, *Al-Jazeera* (03 June 2014), available at: <http://www.aljazeera.com/news/middleeast/2014/06/palestinians-set-swear-unity-government-20146281348223961.html>, (last accessed 19 January 2015); ‘Israel to suspend talks over Palestinian unity deal’, *BBC News* (24 April 2014), available at: <http://www.bbc.com/news/world-middle-east-27146734> (last accessed 14 October 2014); Rudoren, J., ‘Israel Halts Talks, Citing Palestinian Unity Agreement’, *New York Times* (24 April 2014), available at: http://www.nytimes.com/2014/04/25/world/middleeast/israel.html?_r=0 (last accessed 19 January 2015).

⁶ OCHA oPt, ‘Humanitarian Bulletin, Monthly Report, June – August 2014’ (OCHA, 03 October 2014), p 3, available at: http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_10_03_english.pdf (last accessed 19 January 2015)

⁷ OCHA oPt, ‘Humanitarian Bulletin, Monthly Report, June – August 2014’ (OCHA, 03 October 2014) p 3, available at: http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_10_03_english.pdf (last accessed 19 January 2015).

In relation to Israel's operation in the West Bank, Israel also stepped up its practice of punitive house demolitions. Al-Haq documented the demolition of 11 houses in the West Bank for punitive reasons during 2014. From the outset, Israel blamed Hamas as well as the then recently formed Palestinian unity government for the disappearance and death of the settlers.⁸

The timing of the military operations in the Gaza Strip and the West Bank, Israel's rhetoric, as well as its large-scale and indiscriminate conduct, strongly indicates that Israel's military operations were punitive in nature and motivated by Palestinian reconciliation. In both operations, the entire Palestinian population was made to bear the brunt of Israel's actions. As such, Israel's 2014 offensive on the Gaza Strip forms part of Israel's over-arching policy of separating the OPT and its Palestinian population with the desired end-goal of conquering the entire territory.

On this note, IHL prohibits acts or threats of violence with the "primary purpose of which is to spread terror among the civilian population".⁹

⁸ 'Bodies of missing settlers found in West Bank', *Al-Jazeera* (30 June 2014), available at: <http://www.aljazeera.com/news/middleeast/2014/06/report-israel-finds-three-bodies-hebron-2014630162857704850.html> (last accessed 19 January 2015); Wilner, M., 'Netanyahu to Kerry: PA's Hamas-backed unity government to blame for missing teens', *The Jerusalem Post* (13 June 2014), available at: <http://www.jpost.com/Diplomacy-and-Politics/US-expresses-concern-over-possible-kidnappings-Kerry-confers-with-Livni-Abbas-358281>, (last accessed 19 January 2015); 'Israel accuses Hamas of abducting missing teenagers', *BBC News* (15 June 2014), available at: <http://www.bbc.com/news/world-middle-east-27855994>, (last accessed 19 January 2015); Rudoren, J., 'Netanyahu Says Three Were Taken by Hamas', *The New York Times* (13 June 2014), available at: http://www.nytimes.com/2014/06/16/world/middleeast/netanyahu-blames-hamas-in-kidnapping-of-israeli-youths.html?_r=0 (last accessed 19 January 2015).

⁹ Henckaerts, J., et al., *Customary international humanitarian law: Rules*. Vol. 1. (Cambridge University Press, 2005) (henceforth ICRC Customary IHL), Rule 2.



1

ISRAEL'S CONTINUED OCCUPATION OF THE GAZA STRIP

1.1 ISRAEL'S CONTROL OVER THE GAZA STRIP

During the 1967 Six Day War with Egypt and other countries in the Middle East, Israel seized effective control of the Palestinian territory, including the Gaza Strip.¹⁰ Since then, Israel exercises exclusive control

¹⁰ Dinstein, Y., *The International Law of Belligerent Occupation* (Cambridge University Press, 2009), paras 28 and 30

over the strip's airspace and territorial waters and has full control over its land borders, with the exception of the Rafah crossing.¹¹ In addition, Israel is in charge of the population registry applied to the occupied population. Any changes made to the registry must be approved by Israel, including the registration of births, marriages, deaths and places of residence. Travel documents are further issued on the basis of information in the registry and with additional approval from Israel. As a result, Israel ultimately controls Palestinian movement – including travel through the Rafah crossing.¹²

Israel also sets and collects the customs and Value Added Tax rates for Palestinian goods, thereby affecting the price of goods in the Gaza Strip.¹³ Israel has repeatedly abused its role as tax collector; in May 2011, Israel withheld Palestinian tax revenue in reaction to a unity deal reached between Fatah and Hamas. Similarly, in October 2011, Israel withheld 100 million USD in tax revenue in objection to Palestine's admission to the United Nations Educational, Scientific and Cultural Organisation.¹⁴ Most recently, in 2015, Israel decided to withhold Palestinian revenue in response to Palestine's accession to the Rome Statute of the International Criminal Court.¹⁵

11 UN General Assembly, 'Report of the United Nations Fact Finding Commission on the Gaza Conflict', (25 September 2009) UN Doc A/HRC/12/48 para. 278; 'Al-Haq's Rejoinder to Gisha's 'Scale of Control' Report: Israel's Continued Responsibility as the Occupying Power in the Gaza Strip' (Gisha, 18 December 2011), available at: <http://gisha.org/en-blog/2011/12/18/al-haqs-rejoinder-to-gishas-scale-of-control-report-israels-continued-responsibility-as-the-occupying-power-in-the-gaza-strip/> (last accessed 20 January 2015).

12 UN General Assembly, *Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance* (27 September 2010), UN Doc A/HRC/15/21, para 64; Gisha, 'Scale of control Israel's Continued Responsibility in the Gaza Strip', (Gisha, November 2011), pages 17-18, available at: http://gisha.org/UserFiles/File/scaleofcontrol/scaleofcontrol_en.pdf (last accessed 20 January 2015).

13 Gisha, 'Scale of Control: Israel's Continued Responsibility in the Gaza Strip' (Gisha, November 2011), pages 19-20, available at: http://gisha.org/UserFiles/File/scaleofcontrol/scaleofcontrol_en.pdf (last accessed 19 January 2015).

14 Al-Haq, 'Israel's Illegal Freeze on Palestinian Tax Revenue' (Al-Haq, 06 December 2011), available at: <http://www.alhaq.org/advocacy/targets/european-union/506-israels-illegal-freeze-of-palestinian-tax-revenue-> (last accessed 19 January 2015).

15 Deitch, L., 'Israel Withholds Palestinian Tax Revenues After Move to join ICC', *Huffington Post* (03 January 2015), available at: http://www.huffingtonpost.com/2015/01/03/israel-palestinian-tax-revenues_n_6411010.html (last accessed 19 January 2015).

Israel's continued administration of the above mentioned aspects and its ultimate control over the lives of the Palestinian population of the Gaza Strip, has been maintained despite Israel's 2005 withdrawal from the territory.

1.1.1 The 'Disengagement Plan'

On 6 June 2004, the Israeli Cabinet approved a plan to unilaterally withdraw from the Gaza Strip. The 'Disengagement Plan' encompassed the removal of Israeli settlers and ground forces from the Gaza Strip.¹⁶ Prior to the withdrawal, almost 8,500 Israeli citizens had illegally settled in the Gaza Strip.¹⁷

According to the Israeli Cabinet, its decision to disengage was based on, *inter alia*, the consideration that Israel's illegal settlements in the occupied West Bank and "other places of special interest to Israel" would form part of the Israeli State in the future.¹⁸ Furthermore, the Israeli Cabinet put forward that the completion of its plan "will serve to dispel the claims regarding Israel's responsibility for the Palestinians in the Gaza Strip".¹⁹

Israel's withdrawal was implemented between 15 August and 12

16 Israel Ministry of Foreign Affairs, 'Cabinet Resolution Regarding the Disengagement Plan', Addendum A- revised Disengagement Plan (6 June 2004), Article 2(3.1), available at: <http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/MFADocuments/Pages/Revised%20Disengagement%20Plan%206-June-2004.aspx> (last accessed 19 January 2015).

17 Al-Haq, 'One Year after the 'Disengagement': Gaza still Occupied and under Attack ' (Al-Haq, 2005) available at: <http://www.alhaq.org/images/stories/Publications/Gaza.still.Occupied.and.under.Attack.pdf> (last accessed 20 January 2015).

18 Israel Ministry of Foreign Affairs, 'Cabinet Resolution Regarding the Disengagement Plan' (6 June 2004), Addendum A- revised Disengagement Plan article 1, available at: <http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/MFADocuments/Pages/Revised%20Disengagement%20Plan%206-June-2004.aspx> (last accessed 19 January 2015).

19 Israel Ministry of Foreign Affairs, 'Cabinet Resolution Regarding the Disengagement Plan' (6 June 2004), Addendum A- revised Disengagement Plan article 1, available at: <http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/MFADocuments/Pages/Revised%20Disengagement%20Plan%206-June-2004.aspx> (last accessed 19 January 2015).

September 2005,²⁰ and since then Israel has claimed that it does not occupy the Gaza Strip.²¹ However, the plan itself provided that Israel will continue to “guard and monitor the external land perimeter of the Gaza Strip, will continue to maintain exclusive authority in Gaza air space, and will continue to exercise security activity in the sea off the coast of the Gaza Strip.”²²

On 19 September 2007, Israel declared the Gaza Strip a ‘hostile territory’ in response to the Palestinian legislative elections of 2006 that resulted in the creation of a *de facto* Hamas government in the Gaza Strip.²³ Israel’s declaration came hand in hand with its imposition of an on-going closure on the Gaza Strip.

1.1.2 The Closure

As part of its decision to declare the Gaza Strip a ‘hostile territory’, the Israeli Cabinet announced that it would impose “sanctions [...] on the Hamas regime in order to restrict the passage of various goods to the

Gaza Strip and reduce the supply of fuel and electricity”.²⁴ Israel also announced that it would impose restrictions “on the movement of people to and from the Gaza Strip”.²⁵ In the same vein, Israel’s Deputy Defense Minister Vilnai subsequently stated that Israel “will need to reduce the scope of goods and thus create pressure on the Hamas organization”.²⁶

The so called sanctions have taken the form of an unlawful eight-years-long closure which includes severe restrictions on the freedom of movement of Palestinians and the free flow of goods. The Karm Abu Salem border crossing with Israel remains the only official crossing open for the movement of goods.²⁷ Between 6 July and 2 August 2014, Israel only allowed the restricted entrance of medicine, fuel and food.²⁸ Moreover, whereas prior to the latest offensive small quantities of construction materials entered through the Rafah crossing with Egypt for reconstruction projects funded by Qatar, such materials have not been allowed to enter the Gaza Strip since 30 June 2014. Furthermore, although Israel has at will prohibited the entrance of construction material into the Gaza Strip, it allowed such material destined for international aid organisations and the Palestinian Water Authority to enter as of 2 September 2014.²⁹ The heavy restrictions placed on the entrance of construction materials and humanitarian aid, in particular

20 Al-Haq, ‘One Year after the ‘Disengagement’: Gaza still Occupied and under Attack ‘ (Al-Haq, 2005) available at: <http://www.alhaq.org/images/stories/Publications/Gaza.still.Occupied.and.under.Attack.pdf> (last accessed 20 January 2015)

21 Gisha, ‘Disengaged Occupiers: the Legal Status of Gaza’ (Gisha, January 2007), pages 22-27, available at: http://www.gisha.org/UserFiles/File/publications_english/Publications_and_Reports_English/Disengaged_Occupiers_en.pdf (last accessed 19 January 2015), referring to, *inter alia*: *Mezan Center for Human Rights v. Defense Minister*, Israeli High Court of Justice 2990/06 (State Response, 26 April 2006) ; *Physicians for Human Rights v. Defense Minister*, Israeli High Court of Justice 10265/05 (State Submission, 11 July 2006); *Public Committee against Torture in Israel v Government of Israel*, Israeli High Court of Justice 769/02 (State Submission 5 December 2005); *Hamdan v. Southern Military Commander and related cases*, Israeli High Court of Justice 11120/05 (State Response, 19 January 2006).

22 Israel Ministry of Foreign Affairs, ‘Cabinet Resolution Regarding the Disengagement Plan’ (6 June 2004), Addendum A- revised Disengagement Plan article 1, available at: <http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/MFADocuments/Pages/Revised%20Disengagement%20Plan%206-June-2004.aspx> (last accessed 19 January 2015); article 3.1, available at: <http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/MFADocuments/Pages/Revised%20Disengagement%20Plan%206-June-2004.aspx> (last accessed 19 January 2015).

23 Israel Ministry of Foreign Affairs, ‘Security Cabinet declares Gaza hostile territory ‘ (19 September 2007), available at: <http://www.mfa.gov.il/mfa/pressroom/2007/pages/security%20cabinet%20declares%20gaza%20hostile%20territory%2019-sep-2007.aspx> (last accessed 19 January 2015); Al-Haq, ‘Israel declares Gaza “enemy entity” ‘ (The Electronic Intifada, 23 September 2007), available at: <http://electronicintifada.net/content/israel-declares-gaza-enemy-entity/3282> (last accessed 20 January 2015).

24 Israel Ministry of Foreign Affairs, ‘Security Cabinet declares Gaza hostile territory ‘ (19 September 2007), available at: <http://www.mfa.gov.il/mfa/pressroom/2007/pages/security%20cabinet%20declares%20gaza%20hostile%20territory%2019-sep-2007.aspx> (last accessed 19 January 2015).

25 Israel Ministry of Foreign Affairs, ‘Security Cabinet declares Gaza hostile territory ‘ (19 September 2007), available at: <http://www.mfa.gov.il/mfa/pressroom/2007/pages/security%20cabinet%20declares%20gaza%20hostile%20territory%2019-sep-2007.aspx> (last accessed 19 January 2015).

26 As quoted in ‘Gaza Closure Defined: Collective Punishment’ (December 2008) p 4, available at: <http://www.gisha.org/UserFiles/File/publications/GazaClosureDefinedEng.pdf> (last accessed 19 January 2015).

27 Gisha, ‘Gaza Cheat Sheet’ (Gisha, 19 January 2015), available at: http://www.gisha.org/UserFiles/File/publications/Info_Gaza_Eng.pdf (last accessed 19 January 2015).

28 See e.g.: Gisha, ‘Blackouts approximately 15 hours per day for 400.000 people, Kerem Shalom closed’ <http://www.gisha.org/updates/3018> (last accessed 19 January 2015) ; Gisha, ‘What you need to know about Gaza’ (Gisha, 11 July 2014), available at: <http://gisha.org/en-blog/2014/07/11/what-you-need-to-know-about-gaza/> (last accessed 19 January 2015).

29 Gisha, ‘Gaza Cheat Sheet’ (Gisha, 19 January 2015), available at: http://www.gisha.org/UserFiles/File/publications/Info_Gaza_Eng.pdf (last accessed 19 January 2015).

following the devastating damage and destruction of civilian objects and infrastructure caused by Israel during its military offensives of 2008-09 and 2014, have a detrimental effect on the ability of Palestinians to recover.

In regard to the closure's effects on the movement of people, there are only two crossings that Palestinians can travel through; the Erez border crossing into Israel and the Rafah crossing into Egypt. Palestinians can only travel through Erez "in exceptional humanitarian cases, with emphasis on urgent medical cases", with the exception of some merchants. While Palestinians generally travel abroad through the Rafah crossing, that crossing has not been open for movement at all times. Indeed, Egypt has restricted Palestinian travel through the Rafah crossing due to instability.³⁰

In general, the closure has had all-encompassing effects on Palestinians' access to employment, livelihood, education and health in the Gaza Strip.³¹ For example, according to OCHA, around two thirds of the occupied population in the Gaza Strip received food assistance prior to 'Operation Protective Edge'.³² Furthermore, hospitals and health facilities have suffered from "chronic shortages in medicine, medical supplies and equipment".³³ And according to the International Committee of the Red Cross (ICRC), the closure imposed on the Gaza Strip is "choking

off any real possibility of economic development".³⁴ Moreover, because the "whole of Gaza's civilian population is being punished for acts for which they bear no responsibility", the ICRC considers that the closure amounts to collective punishment.³⁵

Israel's Separation Policy

Israeli military and government officials have over the past years repeatedly stated that Israel is carrying out a separation policy.³⁶ This separation policy – which is applied to the Gaza Strip and the West Bank – has been underlined in court proceedings and the Israeli High Court of Justice has purposefully refrained from interfering in it.³⁷ Most recently, Israel's separation policy was argued before the Israeli High Court of Justice in the 2014 case *Nader 'Abdallah 'Abd al-Razeq Masri v. Minister of Defense et al.* Nader, a Palestinian marathon runner and resident of the Gaza Strip, had requested permission to travel to the West Bank for the purpose of participating in a race.³⁸ The respondents argued that the Gaza Strip is considered a 'hostile territory' and that the separation policy in effect "is highly restrictive and the decision in the petitioner's matter – which is not a humanitarian case – was made by high-ranking

30 Gisha, 'Gaza Cheat Sheet' (Gisha, 19 January 2015), available at: http://www.gisha.org/UserFiles/File/publications/Info_Gaza_Eng.pdf (last accessed 19 January 2015); The Rafah crossing opened in 2010. Before that time, Palestinians could only travel through Erez, see B'Tselem, 'The Siege on Gaza' (B'Tselem, 01 January 2011), available at: http://www.btsselem.org/gaza_strip/siege (last accessed 19 January 2015).

31 See OCHA oPt, 'Gaza Initial rapid Assessment' (27 August 2014), page 6, available at: http://www.ochaopt.org/documents/gaza_mira_report_9september.pdf (last accessed 19 January 2015).

32 OCHA oPt, 'Gaza initial Rapid Assessment' (27 August 2014), page 4, available at: http://www.ochaopt.org/documents/gaza_mira_report_9september.pdf (last accessed 19 January 2015).

33 OCHA, oPt, 'Gaza initial Rapid Assessment' (27 August 2014) page 3, available at: http://www.ochaopt.org/documents/gaza_mira_report_9september.pdf (last accessed 19 January 2015).

34 ICRC, 'Gaza Closure: Not Another Year!' (ICRC, 14 June 2010), available at: <https://www.icrc.org/eng/resources/documents/update/palestine-update-140610.htm> (last accessed 19 January 2015); ICRC, 'Practice relating to Rule 103, Collective Punishments', available at: https://www.icrc.org/customary-ihl/eng/docs/v2_rul_rule103 (last accessed 20 January 2015).

35 ICRC, 'Not another Year!' (ICRC, 15 June 2010), available at: <https://www.icrc.org/eng/resources/documents/update/palestine-update-140610.htm> (last accessed 20 January 2015); ICRC, 'Practice relating to Rule 103, Collective Punishments', available at: https://www.icrc.org/customary-ihl/eng/docs/v2_rul_rule103 (last accessed 20 January 2015).

36 For a list of statements made by Israeli military and government officials, please see http://gisha.org/UserFiles/File/publications/separation_policy_2014.pdf (last accessed 20 January 2015).

37 Gisha, 'The Separation Policy: List of references prepared by Gisha' (Gisha, July 2014), pages 4-5, available at: http://gisha.org/UserFiles/File/publications/separation_policy_2014.pdf (last accessed 19 January 2015).

38 *Nader 'Abdallah 'Abd al-Razeq Masri v. Minister of Defense et al.*, Israel Supreme Court Sitting as the High Court of Justice, HCJ 2486/14, para 1, unofficial translation available at: http://gisha.org/UserFiles/File/LegalDocuments/2486-14/verdict-Nader-al-Masri_en.pdf (last accessed 20 January 2015).



officials inside the security establishment”.³⁹ The High Court went on to confirm that the decision to deny Nader the possibility to travel to the West Bank and participate in the race was approved by Israel’s Minister of Defense.⁴⁰ The High Court further explained in its five-paragraph judgment that “[o]ne hopes, of course, for an improvement in the security situation in the future, one that will bring with it relief in this area as well”,⁴¹ without looking into the legality of the separation policy and the way that it had been applied to Nader – effectively depriving him of an individual judicial review on the infringement of his freedom of movement.

³⁹ *Nader ‘Abdallah ‘Abd al-Razeq Masri v. Minister of Defense et al*, Israel Supreme Court Sitting as the High Court of Justice, HCJ 2486/14, para 2, unofficial translation available at:

http://gisha.org/UserFiles/File/LegalDocuments/2486-14/verdict-Nader-al-Masri_en.pdf (last accessed 20 January 2015).

⁴⁰ *Nader ‘Abdallah ‘Abd al-Razeq Masri v. Minister of Defense et al*, Israel Supreme Court Sitting as the High Court of Justice, HCJ 2486/14, para 3, unofficial translation available at:

http://gisha.org/UserFiles/File/LegalDocuments/2486-14/verdict-Nader-al-Masri_en.pdf (last accessed 20 January 2015).

⁴¹ *Nader ‘Abdallah ‘Abd al-Razeq Masri v. Minister of Defense et al*, Israel Supreme Court Sitting as the High Court of Justice, HCJ 2486/14, para 4, unofficial translation available at:

http://gisha.org/UserFiles/File/LegalDocuments/2486-14/verdict-Nader-al-Masri_en.pdf (last accessed 20 January 2015).

Israel’s separation policy comes to light through a variety of Israeli measures,⁴² such as Israel’s blanket prohibition against students from the Gaza Strip to access education in the West Bank.⁴³ As part of the policy, Israel further treats Palestinians in the West Bank that are listed as residents of the Gaza Strip in the Palestinian population registry - which is controlled by Israel – as “illegal aliens”. Simultaneously, Israel has made it virtually impossible for Palestinians in the Gaza Strip to relocate to the West Bank.⁴⁴ Compounded by Israel’s closure, including a general ban on Palestinian travel between the West Bank and the Gaza Strip, it is not possible for Palestinian family members that are split between the two Palestinian areas to unite.⁴⁵ Furthermore, the separation policy is realized through Israel’s prohibition against the free flow of goods between the Gaza Strip and the West Bank since 2007.⁴⁶

In essence, the separation policy aims at maintaining a *de facto* division

⁴² Gisha, ‘What is the “separation policy”?’ (Gisha, June 2014), available at: <http://www.gisha.org/UserFiles/File/publications/Bidul/bidul-infosheet-ENG.pdf> (last accessed 19 January 2015); OCHA oPt, ‘The Gaza Strip:

The Humanitarian Impact Of Movement Restrictions On People And Goods’ (OCHA, July 2013), available at: http://www.ochaopt.org/documents/ocha_opt_gaza_blockade_factsheet_july_2013_english.pdf (last accessed 19 January 2015).

⁴³ Al Mezan Center for Human Rights (henceforth Al Mezan), ‘Students from Gaza: Disregarded victims of Israel’s siege of the Gaza Strip’ (Al Mezan, July 2010), available at: <http://www.mezan.org/upload/10683.pdf> (last accessed 19 January 2015); Abu Rahma, M., ‘Fact Sheet: Gaza Students Anxious to Complete Their Educations in the West Bank’ (Al Mezan 14 June 2012), available at: http://www.mezan.org/en/details.php?id=14407&ddname=Crossings&id_dept=22&p=center (last accessed 20 January 2015); Geisha, ‘Student Travel between Gaza and the West Bank 101’ (Gisha, September 2012), available at: <http://www.gisha.org/UserFiles/File/publications/students/students-2012-eng.pdf> (last accessed 20 January 2015); Gisha, ‘The Impact of Separation’ (Gisha, May 2010), available at: <http://www.gisha.org/userfiles/file/safepassage/InfoSheets/English/students.pdf> (last accessed 20 January 2015).

⁴⁴ Hamoked Center for the defense of the Individual (henceforth Hamoked), ‘Israel continues to pursue its policy of separation between the West Bank and the Gaza Strip: the Coordinator of Government Activities in the Territories presents a revised procedure for the passage of Palestinians from Gaza to the West Bank for the purpose of relocation, which proves to be no less draconian than the original procedure’ (Hamoked, 01 November 2011), available at: <http://www.hamoked.org/Document.aspx?dID=Updates1257> (last accessed 19 January 2015).

⁴⁵ Hamoked, and B’Tselem, ‘So Near and Yet So Far: Implications of Israeli-Imposed Seclusion of Gaza Strip on Palestinians’ Right to Family Life’ (B’Tselem, January 2014), available at: http://www.btselem.org/publications/201401_so_near_and_yet_so_far (last accessed 19 January 2015).

⁴⁶ Gisha, ‘Gaza Cheat Sheet’ (Gisha, 19 January 2015), available at: http://www.gisha.org/UserFiles/File/publications/Info_Gaza_Eng.pdf (last accessed 19 January 2015).

between the Gaza Strip and the West Bank and driving a wedge between their respective residents, thereby encroaching on the territorial integrity of the OPT and denying Palestinians' their right to exercise self-determination in the Palestinian territory.

1.1.3 The Buffer Zone

The buffer zone is an imprecise military no-go area that reinforces Israel's grip on the Gaza Strip's borders, both at land and sea.⁴⁷ Although Israel's imposition of the buffer zone on Palestinian land in the Gaza Strip can be traced back to the year 2000,⁴⁸ its parameters are generally unknown.⁴⁹ Nevertheless, certain Israeli practices do provide some guidance on the existence of the buffer zone at any particular point of time: in areas close to the border, the Israeli Occupying Forces (IOF) carries out regular incursions into what would be the buffer zone. Palestinians are also shot at within certain distances of the border with Israel.⁵⁰ In addition, the buffer zone is discerned by the leveling of farmland and destruction and damage of private property located

47 Diakonia, 'Within range' (Diakonia, January 2011), page 11, available at: http://www.diakonia.se/globalassets/documents/ihl/ihl-in-opt/within_range_legal_analysis_of_the_gaza_buffer_zone_on_land_diakonia_sept2011.pdf (last accessed 19 January 2015).

48 Diakonia, 'Within range' (Diakonia, January 2011), page 11, available at: http://www.diakonia.se/globalassets/documents/ihl/ihl-in-opt/within_range_legal_analysis_of_the_gaza_buffer_zone_on_land_diakonia_sept2011.pdf (last accessed 19 January 2015); OCHA oPt, 'Between the Fence and a Hard Place' (OCHA, August 2010), page 8, available at: http://www.ochaopt.org/documents/ocha_opt_special_focus_2010_08_19_english.pdf (last accessed 19 January 2015).

49 Diakonia, 'Within range' (Diakonia, January 2011), page 11, available at: http://www.diakonia.se/globalassets/documents/ihl/ihl-in-opt/within_range_legal_analysis_of_the_gaza_buffer_zone_on_land_diakonia_sept2011.pdf (last accessed 19 January 2015); OCHA oPt, 'Between the Fence and a Hard Place' (August 2010), page 8, available at: http://www.ochaopt.org/documents/ocha_opt_special_focus_2010_08_19_english.pdf (last accessed 19 January 2015).

50 Al-Haq, 'Shifting Paradigms' (Al-Haq June 2011), pages 9-27, available at:

<http://www.alhaq.org/publications/publications-index/item/shifting-paradigms-israel-s-enforcement-of-the-buffer-zone-in-the-gaza-strip> (last accessed 20 January 2015); Diakonia, 'Within range' (Diakonia, January 2011), pages 19-21, available at: http://www.diakonia.se/globalassets/documents/ihl/ihl-in-opt/within_range_legal_analysis_of_the_gaza_buffer_zone_on_land_diakonia_sept2011.pdf (last accessed 19 January 2015); OCHA oPt, 'Between the Fence and a Hard Place' (August 2010), pages 8-9, available at: http://www.ochaopt.org/documents/ocha_opt_special_focus_2010_08_19_english.pdf (last accessed 19 January 2015).



in proximity to certain parts of the border.⁵¹ Additionally, in May 2009 and March 2011, Israel dropped leaflets from the air over the Gaza Strip warning Palestinians not to go within 300 meters of the land border between Israel and the Gaza Strip or risk being fired upon.⁵² In reality, before 'Operation Protective Edge', Israel appeared to impose the buffer zone in areas ranging between 300 meters and 2 kilometers off the land border with Israel.⁵³

At sea, Israel has steadily decreased the area that Palestinians can access and fish in. Whereas the 1995 *Interim Agreement* stipulates that

51 Al-Haq, 'Shifting Paradigms' (Al-Haq, June 2011), page 10, available at: http://www.alhaq.org/publications/publications-index?task=callelement&format=raw&item_id=100&element=304e4493-dc32-44fa-8c5b-57c4d7b529c1&method=download (last accessed 19 January 2015); OCHA oPt, 'Between the Fence and a Hard Place' (OCHA, August 2010), page 16, available at: http://www.ochaopt.org/documents/ocha_opt_special_focus_2010_08_19_english.pdf (last accessed 19 January 2015); Diakonia, 'Within range' (Diakonia, January 2011), pages 22-26, available at: http://www.diakonia.se/globalassets/documents/ihl/ihl-in-opt/within_range_legal_analysis_of_the_gaza_buffer_zone_on_land_diakonia_sept2011.pdf (last accessed 19 January 2015).

52 Diakonia, 'Within range' (Diakonia, January 2011), pages 11-12, available at: http://www.diakonia.se/globalassets/documents/ihl/ihl-in-opt/within_range_legal_analysis_of_the_gaza_buffer_zone_on_land_diakonia_sept2011.pdf (last accessed 19 January 2015).

53 Palestinian Center for Human Rights (henceforth PCHR), 'The Buffer Zone in the Gaza Strip' (PCHR, May 2010), available at: <http://www.pchrgaza.org/facts/factsheet-bufferzone-2.pdf> (last accessed 19 January 2015).

Palestinians are allowed to access 20 nautical miles off the coast,⁵⁴ the 2002 *Bertini Commitment* restricted Palestinian access to 12 nautical miles.⁵⁵ In October 2006, Israel further restricted access to 6 nautical miles and in 2007 the accessible area was decreased to 3 nautical miles.⁵⁶

During 'Operation Protective Edge', Israel declared that 44 per cent of the entire Gaza Strip formed part of the buffer zone.⁵⁷ The expansion of the buffer zone, contributed significantly to the internal displacement of Palestinians during the offensive.

1.2 LEGAL ANALYSIS

Article 42 of the Hague Regulations of 1907, which reflects customary international law, provides that:

Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised.

The essential ingredient necessary to determine the existence of belligerent occupation is effective control over an area where authority has been established and can be exercised.⁵⁸ Effective control is established when the Occupying Power has "sufficient force present, or the capacity

⁵⁴ The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, Annex I, Protocol Concerning Redeployment and Security Arrangements, Article XIV, available at: <http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/THE%20ISRAELI-PALESTINIAN%20INTERIM%20AGREEMENT%20-%20Annex%20I.aspx> (last accessed 20 January 2015).

⁵⁵ Commitments made by the State of Israel to the Ms. Catherine Bertini, Personal Humanitarian Envoy to the Middle East for the Secretary-General (OCHA, 31 May 2003), available at: <http://unispal.un.org/UNISPAL.NSF/0/3C484FF2A4F05BF285256D58004FF446> (last accessed 14 January 2015).

⁵⁶ PCHR, 'The Buffer Zone in the Gaza Strip' (PCHR, May 2010), available at: <http://www.pchrgaza.org/facts/factsheet-bufferzone-2.pdf> (last accessed 19 January 2015).

⁵⁷ OCHA oPt, 'Occupied Palestinian Territory: Gaza Emergency Situation Report (as of 22 July 2014, 1500 hrs)' (OCHA, 23 July 2014), page 1, available at: http://www.ochaopt.org/documents/ocha_opt_sitrep_23_07_2014.pdf (last accessed 19 January 2015).

⁵⁸ Dinstein, Y., *The international law of belligerent occupation* (Cambridge University Press, 2009), pages 43 and 47; According to Dinstein, "[b]elligerent occupation is forged by effective control in land areas. When effective control is established on land, it attaches itself also to any abutting maritime areas and to the superjacent airspace".



to send troops within a reasonable time to make the authority of the occupying power felt".⁵⁹ Indeed, the American Military Tribunal found in the *Hostages* trial that "[w]hile it is true that partisans were able to control sections of [Greece and Yugoslavia] at various times, it is established that the Germans could at any time they desired assume physical control of any part of the country".⁶⁰ Considering the aforementioned, effective control can therefore, to some degree, be remote.⁶¹ This understanding is echoed in State practice. For example, the UK military manual establishes that a territory is occupied when "the former government has been rendered incapable of publicly exercising its authority in that area: and secondly that the occupying power is in *a position to substitute its own authority* for that of the former government [italics added]".⁶² Moreover, as outlined by the *International Court of Justice in its Advisory Opinion on the Wall*, the transfer of certain governmental powers to local authorities does not

⁵⁹ *Prosecutor v. Naletilic et al.*, (Judgment), IT-98-34, ICTY, 31 March 2003, para 217; US Department of the Army, *Field Manual: The Law of Land Warfare*, (Department of the Army, 18 July 1956) p 139.

⁶⁰ *Hostages* trial (List et al.) (US Military Tribunal, Nuremburg 1948), 8 LRTWC 34, page 56.

⁶¹ Dinstein, Y., *The international law of belligerent occupation* (Cambridge University Press, 2009), p 44.

⁶² UK Ministry of Defence, *The Manual of the Law of Armed Conflict* (Oxford; New York: University Oxford Press, 2004), at 11.3.

bring an occupation to an end.⁶³

Israel's control over the Gaza Strip rises to the level of effective control within the meaning of Article 42 of the Hague Regulations of 1907; first, Israel's 2008-09 and 2014 ground invasions of the Gaza Strip show that Israel can assume physical control over the territory at will. Second, the imposition of the closure as well as the buffer zone illustrate that Israel continues to control the Gaza Strip's land, airspace and territorial waters. Third, Israel exerts paramount authority over the population registry, VAT rates, customs, currency and otherwise the movement of goods and people. As such, Israel's control is both 'felt' and real.

The conclusion that Israel occupies the Gaza Strip is coherent with the positions taken by the United Nations,⁶⁴ the European Union,⁶⁵ and the ICRC.⁶⁶

⁶³ *Advisory Opinion Concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, International Court of Justice, (9 July 2004), Despite the fact that certain governmental powers had been transferred to the Palestinian Authority, the Court applied the laws of occupation to the entire West Bank.

⁶⁴ UN Security Council Resolution 242 (22 November 1967), UN Doc S/RES/242, available at: <http://unispal.un.org/unispal.nsf/d744b47860e5c97e85256c40005d01d6/7d35e1f729df491c85256ee700686136?OpenDocument> (last accessed 19 January 2015); Security Council Resolution 1860 (8 January 2009), UN Doc S/RES/1860, available at: <http://unispal.un.org/unispal.nsf/d744b47860e5c97e85256c40005d01d6/96514396e8389a2c852575390051d574?OpenDocument> (last accessed 19 January 2015).

⁶⁵ Council of the European Union, Council Conclusions on the Middle East Peace Process, Foreign Affairs Council Meeting (22 July 2014).

⁶⁶ Maurer, P., 'Challenges to international humanitarian law: Israel's occupation policy', *International Review of the Red Cross* 94.888 (2012) at 1503-1510, available at: <https://www.icrc.org/eng/assets/files/review/2013/irrc-888-maurer.pdf> (last accessed 19 January 2015).



2

TARGETED KILLING OF CIVILIANS

2.1 ISRAELI POLICIES AND PRACTICES REGARDING CIVILIANS

According to the Palestinian human rights coalition's documentation, 2,215 Palestinians were killed, including 1,639 civilians, over the course of Israel's offensive on the Gaza Strip in 2014. Of these victims, 556 were children.⁶⁷

⁶⁷ This is the Palestinian human rights coalition's final data as of 6 February 2015. The number of Palestinians killed does not include 6 unidentified bodies that have been buried and a suspected 9 Palestinians missing that crossed into Israel during the offensive.

The high death toll can be attributed to Israel's unlawful combat policies. Such policies include Israel's alarming redefinition of who is considered a legitimate target and the morphing of a civilian into a combatant. Moreover, such policies include the prioritization of the security of an Israeli soldier above the lives of Palestinian civilians.

Palestinians killed by Israel between 7 July and 26 August 2014 *					
Per Governorate	Palestinians	Palestinians linked with the resistance**	Unknown***	Children	Women
North Gaza	369	98	18	97	49
Gaza	514	83	51	125	57
Deir al-Balah/Middle Area	286	61	22	75	48
Khan Younes	602	123	33	128	60
Rafah	444	55	32	131	79
Total	2215	420	156	556	293

*This is the Palestinian human rights coalition's final data as of 6 February 2015. The figures provided do not include 6 unidentified bodies that have been buried and a suspected 9 Palestinians missing that crossed into Israel during the offensive.

** These are Palestinians that were killed in circumstances related to the resistance, including 31 Palestinians that were assassinated by Israel.

*** These are Palestinians that were killed amongst civilians and further investigations are required into their status.

Palestinian civilians killed whilst at home *

Per Governorate	Number	Women	Children
North Gaza	155	39	71
Gaza	224	49	84
Deir al-Balah/Middle Area	154	46	58
Khan Younes	271	55	96
Rafah	206	57	81
Total	1010	246	390

2.1.1 Enemies as 'Automatic' Legitimate Targets

According to a long-standing Israeli policy, all members of Hamas - including civilian members - are considered legitimate targets.⁶⁸ For example, on 20 August 2014, Israel's Prime Minister Netanyahu stated in a press conference that "[n]o Hamas member is immune".⁶⁹ By extension, Israel views facilities and objects with a connection to Israeli defined enemy organisations like Hamas, as military targets. Israel therefore targeted so called "symbols of the Hamas government"⁷⁰ - such as government buildings, police officers and stations, as well as homes

68 Human Rights Watch (henceforth HRW), 'Israel/Palestine, Unlawful Israeli Airstrikes Kill Civilians' (HRW, 16 July 2014), available at: <http://www.hrw.org/news/2014/07/15/israel-palestine-unlawful-israeli-airstrikes-kill-civilians> (last accessed 19 January 2015); Al Mezan, 'Death Toll Rises to 210 as IOF Intensify Attacks on Gaza, More Arbitrary Warnings Spread Panic but Offer no Safe Shelters for Civilians' (Al Mezan, 16 July 2014), available at: http://www.mezan.org/en/details.php?id=19238&ddname=IOF&id2=9&id_dept=9&p=center (last accessed 19 January 2015).

69 Lewis, R., 'Netanyahu: All Hamas members legitimate targets for Israeli attacks', *Al Jazeera America* (20 August 2014), available at: <http://america.aljazeera.com/articles/2014/8/20/israel-hamas-assassination.html> (last accessed 19 January 2015).

70 Sfard, M., 'A Targeted Assassination of International Law', *Haaretz* (04 August 2014), available at: <http://www.haaretz.com/opinion/.premium-1.608744> (last accessed 20 January 2015).

of members of Palestinian political parties in the Gaza Strip - during the latest offensive.⁷¹ For example, on 8 July 2014, Israel admitted that its forces bombed four houses belonging to the families of members of Hamas, thereby killing innocent civilians.⁷²

Police Officers

During 'Operation Protective Edge', the Palestinian human rights coalition documented direct attacks against 22 police stations. The coalition also documented the killing of 3 police officers.

In terms of Israel's attacks on police stations, Al-Haq recorded two incidents where civilians were killed during strikes on police stations, including police officers. On Saturday 12 July, one missile struck and killed three police officers evacuating al-Tuffah Police Station: Ibrahim Hamada, 22 years old, Hasan Abu-Ghosh, 28 years old, and Ahmad al-Bal'awi, 24 years old.⁷³ On Wednesday 23 July Al-Haq documented an attack where an unmanned drone struck the police station in al-Qarara, killing Hassan Abu-Jamus, 29, and injuring six others.⁷⁴

In the same vein, Israel targeted and attacked the Director General of the Gaza police who was visiting relatives, killing eighteen members

of his family, including nine children.⁷⁵ OCHA documented that the Director General of the Gaza police was reportedly the intended target of the attack.⁷⁶ The Palestinian human rights coalition considers that the Director-General was a civilian.

2.1.2 Voluntary human shields

Israel has applied a policy of unquestionably transforming the status of a civilian into that of a combatant and legitimate target if he/she does not leave his/her home or neighbourhood following warnings issued by the IOF. In essence, Israel claims that Palestinians become 'voluntary human shields' that do not enjoy the protection of civilians following advance warnings.⁷⁷ This policy was made clear during Israel's 2009 offensive on the Gaza Strip, when representatives of Israel's international law division of the office of the Israeli Military Advocate General stated that:

The people who go into a house despite a warning do not have to be taken into account in terms of injury to civilians, because they are voluntary human shields. From the legal point of view, I do not have to show consideration for them. In the case of people who return to their home in order to protect it, they are taking part in the fighting.⁷⁸

71 Sfar, M., 'A Targeted Assassination of International Law', *Haaretz* (04 August 2014), available at: <http://www.haaretz.com/opinion/premium-1.608744> ; HRW, 'Israel/Palestine, Unlawful Israeli Airstrikes Kill Civilians' (HRW, 16 July 2014) <http://www.hrw.org/news/2014/07/15/israel-palestine-unlawful-israeli-airstrikes-kill-civilians> (last accessed 19 January 2015).

72 B'Tselem, 'Protect civilians from the impact of hostilities' (B'Tselem, 08 July 2014), available at: http://www.btselem.org/gaza_strip/20140708_gaza_operation (last accessed 19 January 2015); B'Tselem, 'Death Foretold: the inevitable outcome of bombing homes and inhabited areas of the Gaza Strip' (B'Tselem, 12 August 2014), available at: http://www.btselem.org/gaza_strip/20140811_a_death_foretold (last accessed 19 January 2015).

73 Al-Haq, 'Al-Haq Field Updates from the Gaza Strip' (Al-Haq, 10 July 2014), Saturday 12 July Gaza Governorate, available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 19 January 2015).

74 Al-Haq, 'Al-Haq Field Updates from the Gaza Strip' (Al-Haq, 10 July 2014), Wednesday 23 July Khan Younes Governorate, available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015).

75 "10:15 P.M. A residence was struck and destroyed, injuring approximately 50 people, most of whom belong to the same family and killing 18 members of the same family (al-Batsh), including nine children: Nahed, 41 years old, Majed, 28, Qusay, 12, Muhammad, 17, Samah, 22 years old, and her eight-month-old unborn baby, Yahya, 18, Ibrahim, 18, Manar, 13, Amal, 49, Anas, 12, Aziza, 55, Amal, one year and a half, and Abdallah, three years old. Three neighbouring residences were damaged", Al-Haq, 'Al-Haq Field Up-dates from the Gaza Strip', Saturday 12 July Gaza Governorate, available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015); Laub, K., 'Gaza Police Chief Survives Israeli Airstrike on Family Home - but Bombs Kill 18 Relatives including Children', *National Post* (13 July 2014), available at: http://news.nationalpost.com/2014/07/13/gaza-police-chief-survives-israeli-airstrike-on-family-home-but-bombs-kill-18-relatives-including-children/?_federated=1 (last accessed 19 January 2015).

76 OCHA oPt, 'Gaza Emergency Situation Report' (OCHA, 13 July 2013), page 2, available at: http://www.ochaopt.org/documents/ocha_opt_sitrep_14_07_2014.pdf (last accessed 19 January 2015).

77 'Israel army tells all north Gaza residents to flee their homes', *Ma'an News Agency* (28 July 2014), available at: <http://www.maannews.net/eng/ViewDetails.aspx?ID=716715> (last accessed 19 January 2015).

; Al-Haq, 'An Open Letter from Al-Haq to the Media on "Operation Protective Edge"' (Al-Haq, 24 July 2014), available at: <http://www.alhaq.org/advocacy/topics/gaza/829-an-open-letter-from-al-haq-to-the-media-on-operation-protective-edge> (last accessed 20 January 2015).

78 Feldman, Y, and Uri Blau, 'Consent and advise', *Haaretz* (29 January 2009), available at: <http://www.haaretz.com/consent-and-advise-1.269127> (last accessed 19 January 2015).

This policy was implemented in the Gaza Strip during 'Operation Protective Edge'. Remarkably, the Palestinian human rights coalition documented the killing of 1010 Palestinians whilst in their homes during the offensive.

2.1.3 The Hannibal Directive

The Hannibal directive was reportedly coined in mid-1986 by the former Head of the IDF's Northern Command, Yossi Peled, following the capture



Chicken farm destroyed by Israel. Al-Shawka, Rafah. 5 August 2014. (c) Al-Haq

of an Israeli soldier in southern Lebanon. Although the order is open to interpretation, it essentially obliges Israeli soldiers to risk the life of a soldier that may be captured.⁷⁹ In 2009, the Israeli Brigadier-General, Mori Baruch, elaborated on the Hannibal Directive, stating that:

no soldier is to be captured, and that is an unambiguous message. In the end, an incident like this is first and foremost an encounter with the enemy; you must think about the enemy before the capture soldier.⁸⁰

⁷⁹ Pfeffer, A., 'The Hannibal Directive: Why Israel risks the life of the soldier being rescued', *Haaretz* (03 August 2014), available at: <http://www.haaretz.com/news/diplomacy-defense/premium-1.608693> (last accessed 19 January 2015).

⁸⁰ Pfeffer, A., 'The Hannibal Directive: Why Israel risks the life of the soldier being rescued', *Haaretz* (03 August 2014), available at: <http://www.haaretz.com/news/diplomacy-defense/premium-1.608693> (last accessed 19 January 2015).

According to Israeli army sources, leaked IDF communications the Hannibal Directive was implemented in Rafah during the 2014 offensive.⁸¹

The Killing of Palestinian Civilians in Rafah

On 1 August 2014, at 8:00 a.m., a 72-hour humanitarian ceasefire came into force in the Gaza Strip. In light of the agreed upon ceasefire agreement, many internally displaced Palestinians returned to their homes for the first time in weeks. Fishermen also went into the sea.⁸² However, the ceasefire didn't hold and fighting resumed on the same day with the IDF quickly reporting the disappearance of Israeli Lieutenant Goldin.⁸³

In an attempt to prevent his abduction, the IDF resorted to disproportionate and indiscriminate force. Sources within the Israeli army divulged to the media that the IDF had activated the Hannibal directive to the fullest extent during the search for the missing soldier and that "heavy fire was inflicted on the area".⁸⁴ Furthermore, according to army sources, "almost all the fire means that were located in the center-southern part of the strip were now shifted to Rafah" and

⁸¹ Zitun, Y., 'Hannibal Directive: Exclusive tapes reveal details of IDF's Black Friday' *Ynet News* (31 December 2014), available at: <http://www.ynetnews.com/articles/0,7340,L-4609436,00.html> (last accessed 19 January 2015).

⁸² OCHA oPt, 'Occupied Palestinian Territory: Gaza Emergency Situation Report (as of 1 August 2014, 1500 hrs)' (OCHA, 02 August 2014), page 1, available at: http://www.ochaopt.org/documents/ocha_opt_sitrep_02_08_2014.pdf (last accessed 19 January 2015).

⁸³ Israel Defense Forces, "'If I'm not back in 5 minutes, I'm dead': Testimony of Lt. Eitan' (15 August 2014), available at: <http://www.idfblog.com/blog/2014/08/15/im-back-5-minutes-im-dead-testimony-lt-eitan/> (last accessed 19 January 2015); OCHA oPt, 'Occupied Palestinian Territory: Gaza Emergency Situation Report (as of 1 August 2014, 1500 hrs)' (OCHA, 02 August 2014), page 2, available at: http://www.ochaopt.org/documents/ocha_opt_sitrep_02_08_2014.pdf (last accessed 19 January 2015).

⁸⁴ Cohen, G., 'Dozens of innocent people were hurt from the operation of "Hannibal" in the Rafah area', *Haaretz* (03 August 2014), available at: <http://www.haaretz.co.il/news/politics/premium-1.2396220> (last accessed 19 January 2015); Harel, A. and Cohen, G., 'What happened in Gaza's Rafah on "Black Friday"?' *Haaretz* (08 August 2014), available at: <http://www.haaretz.com/news/diplomacy-defense/premium-1.609533> (last accessed 19 January 2015); The testimony of fellow soldier Lt. Eitan can be found on <http://www.idfblog.com/blog/2014/08/15/im-back-5-minutes-im-dead-testimony-lt-eitan/> (last accessed 20 January 2015).

massive fire was opened “from every direction”.⁸⁵ Subsequently leaked communications within the IDF during the time of the assault also reveal the massive and indiscriminate force employed by the Israeli forces in order to hinder the abduction of Lieutenant Goldin.⁸⁶

Israel’s heavy assault on Rafah lasted from 1 until 3 August 2014. During that time, Israeli ground forces went into the most densely populated areas.⁸⁷ According to the Palestinian human rights coalition, Israel resorted to a wide range of weaponry against Palestinians in Rafah, including tanks, artillery, warplanes, ground forces, navy ship missiles and mortars. Furthermore, the same source documented how the IDF employed their weapons indiscriminately - shooting at anything and anybody.

As a result of the IDF’s activation of the Hannibal Directive, the Palestinian human rights coalition documented Israel’s killing of 225 Palestinians between 1 and 3 August alone. Most of these Palestinians lost their lives during the first day of the assault. In the meantime, the main hospital in the area, the Abu Yousef Al Najjar hospital, was evacuated and closed on 1 August due to threats of upcoming attacks.⁸⁸ Israel also destroyed 2,579 houses during those three days.

⁸⁵ Cohen, G., ‘Dozens of innocent people were hurt from the operation of “Hannibal” in the Rafah area’, *Haaretz* (03 August 2014), available at: <http://www.haaretz.co.il/news/politics/.premium-1.2396220> (last accessed 20 January 2015).

⁸⁶ Zitun, Y., ‘Hannibal Directive: Exclusive tapes reveal details of IDF’s Black Friday’, *Ynet News* (31 December 2014), available at: <http://www.ynetnews.com/articles/0,7340,L-4609436,00.html> (last accessed 19 January 2015).

⁸⁷ OCHA oPt, ‘Occupied Palestinian Territory: Gaza Emergency Situation Report (as of 2 august 2014, 1500 hrs)’ (OCHA, 03 August 2014), page 1, available at: http://www.ochaopt.org/documents/ocha_opt_sitrep_03_08_2014.pdf (last accessed 19 January 2015).

⁸⁸ World Health Organisation, OCHA, and UNRWA, ‘United Nations warns of “rapidly unfolding” health disaster in Gaza’ (2 August 2014), available at: http://reliefweb.int/sites/reliefweb.int/files/resources/Press_Release_UN_warns_of_imminent_health_disaster_in_Gaza.pdf (last accessed 22 January 2015).

Palestinians killed and houses destroyed in connection with Hannibal Directive *			
	Rafah 1 August 2014	Rafah 2 August 2014	Rafah 3 August 2014
Palestinians Killed	127 (9 died later of injuries sustained)	61 (1 died later of injuries sustained)	37 (4 died later of injuries sustained)
Residential houses partially or completely destroyed	2201	240	138

*This is the Palestinian human rights coalition’s final data as of 6 February 2015.

2.2 LEGAL ANALYSIS

According to Pictet’s *Commentary IV Geneva Convention*, a general principle embodied in all four Geneva Conventions of 1949 provides that “every person in enemy hands must have some status under international law [...] nobody in enemy hands can be outside the law”.⁸⁹ According to the rules of customary international law, parties to a conflict must distinguish between combatants and civilians.⁹⁰ An individual’s status determines the degree of protection afforded.

The characterization of Palestinians as either civilians or combatants at any given time depends on the typology of the on-going armed

⁸⁹ Pictet, J., ed. *The Geneva Conventions of 12 August 1949: Geneva convention relative to the protection of civilian persons in time of war*. Vol. 4. International Committee of the Red Cross, 1958, at 51.

⁹⁰ Henckaerts, J., Doswald-Beck, L., and Alvermann, C., eds. *Customary international humanitarian law: Rules Vol. 1*. (henceforth ICRC customary IHL) (Cambridge University Press, 2005) Rule 1.

conflict.⁹¹ According to common Article 2 of the Geneva Conventions, international armed conflicts arise between two or more States, even in cases where the state of war is not recognized by one party to the conflict, and in cases of total or partial belligerent occupation.⁹² As such, in the case of Israel's occupation of the Palestinian territory, the parties are involved in an international armed conflict and the laws governing such a situation must be respected.

2.2.1 Characterization of Civilians

According to the rules of customary international law, civilians are negatively defined as "persons who are not members of the armed forces" and the civilian population "comprises all persons who are civilians".⁹³ Article 3 of the Hague Regulations establishes that the armed forces may consist of combatants and non-combatants who have rights to prisoner of war status when captured.⁹⁴ Under customary law, all members of the armed forces are considered combatants with the exception of medical and religious personnel. The latter are considered non-combatants for the purposes of the principle of distinction.⁹⁵

Essentially, combatants are legitimate targets during war whereas civilians enjoy general protection against the "dangers arising from military operations" and "shall not be the object of attack".⁹⁶ Civilians

91 International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts* (henceforth additional Protocol I), 8 June 1977, 1125 UNTS 3, Article 43 and 50; International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Treatment of Prisoners of War* (henceforth Third Geneva Convention), 12 August 1949, 75 UNTS 135, Article 4A(1)(2)(3)(6); International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts* (henceforth Protocol II), 8 June 1977, 1125 UNTS 609, Article 1.

92 Common Article 2, Four Geneva Conventions (1949); The ICTY considered that an international armed conflict exists "whenever there is a resort to armed force between States", *The Prosecutor v. Dusko Tadic*, Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction, IT-94-1-A, 2 October 1995, para. 70.

93 ICRC Customary IHL, Rule 5; Additional Protocol I, Article 50.

94 *Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land* (henceforth Hague regulations) 18 October 1907, article 3.

95 ICRC Customary IHL, Rule 3, Definition of Combatants.

96 Additional Protocol I, Article 51(1)(2).

and non-combatants lose the protection that is afforded to them "unless and for such time as they take a direct part in hostilities".⁹⁷

2.2.2 Protection of Civilians and Advance Warnings

Israel has invested a lot of effort in categorizing Palestinians that do not leave their homes following warnings about upcoming attacks as legitimate targets. With respect to these individuals the starting point is that civilians and non-combatants⁹⁸ only lose their protection against direct attacks "for such time as they take a direct part in hostilities", thereby becoming legitimate subjects of attack.⁹⁹ In doubt as to whether an individual is a civilian, that person shall be considered to be a civilian.¹⁰⁰ In *Tadic*, the International Criminal Tribunal for the former Yugoslavia (ICTY) established that the presence of non-civilians within the civilian population does not change the overall character of the civilian population.¹⁰¹ Similarly, the Special Court for Sierra Leone considered that the presence of members of resistance groups within the civilian population does not alter the nature of the civilian population.¹⁰² Thus, in stark contrast to Israel's viewpoint, advance warnings do not affect the civilian status of persons or the protection that international

97 Additional Protocol I, Article 51(3); Hague Regulations, Article 3; Additional Protocol II, Article 13(3).

98 Non-combatants being religious and medical personnel accompanying armed forces as per ICRC, Customary IHL, Rule 3.

99 Additional Protocol I, Article 51(3); Hague Regulations, Article 3; Additional Protocol II Article 13(3) (1977).

100 *Prosecutor v. Galic*, Judgment (*Trial Judgment*), IT-98-29-T, ICTY, 5 December 2003, para 15; Schmitt, M. N., ed. *Talinn Manual on the International Law Applicable to Cyber Warfare* (Cambridge University Press, 2013) p 115; Additional Protocol I, Article 50(1).

101 *Prosecutor v. Dusko Tadic (Opinion and Judgment)*, IT-94-1-T, ICTY, 7 May 1997, paras 644-646; ICRC Customary IHL, Rule 6; Additional Protocol I, article 50(1).

102 *The Prosecutor v. Fofana and Kondewa (Judgment)* SCSL-04-14-A, Special Court for Sierra Leone, 02 August 2007, paras 116-117, and 136-137. "116. The term "civilian population" must be interpreted broadly. The Chamber is satisfied that customary international law, determined by reference to the laws of armed conflict, has established that the civilian population includes all of those persons who are not members of the armed forces or otherwise recognised as combatants. 117. In order for a population to be considered "civilian", it must be predominately civilian in nature; the presence of certain non-civilians in their midst does not change the character of the population. In determining whether the presence of soldiers within a civilian population deprives it of its civilian character, the Chamber must examine, among other factors, the number of soldiers as well as their status. The presence of members of resistance armed groups or former combatants who have laid down arms, within a civilian population, does not alter its civilian nature."



Collection of bodies from under rubble. Khuza'a. 3 August 2014. (c) Al-Haq

humanitarian law affords them.

That being said, Israel is under an obligation to issue effective advance warnings of attacks that may affect the civilian population, unless circumstances do not permit.¹⁰³ The consequential refusal or inability of Palestinians to leave their homes and neighbourhoods does not absolve Israel from abiding by the principle of distinction and to protect civilians from the dangers of war.¹⁰⁴ This is the case even in the event that civilians are in proximity to a military objective. Palestinians might not leave the vicinity of a military objective for many compelling reasons; it might be too dangerous, there might be elderly or infirm persons not willing or able to depart and those tending to their needs may not willing to leave them behind.¹⁰⁵ Indeed, civilians that receive warnings about upcoming attacks are under no obligation to leave their homes and do not *per se* become voluntary human shields and in turn legitimate targets of attack.¹⁰⁶

¹⁰³ ICRC Customary IHL, Rule 20.

¹⁰⁴ ICRC Customary IHL, Rule 20; Additional protocol I, Article 51(8).

¹⁰⁵ Schmitt, M. N., 'Human shields in international humanitarian law', *Essays on Law and War at the Fault Lines*, (TMC Asser Press, 2012) pp 547-586.

¹⁰⁶ ICRC Customary IHL, Rule 20.

Nevertheless, international humanitarian law recognizes instances where civilians may voluntarily act as human shields in violation of international customary law.¹⁰⁷ For example, Article 28 of the Fourth Geneva Convention provides that "the presence of a protected person may not be used to render certain points or areas immune from military operations".¹⁰⁸ Additionally, Article 51(7) of Additional Protocol I provides that "the presence or movements of the civilian population or individual civilians" shall not be used to shield military objectives from attack.¹⁰⁹ The *ICRC Interpretative Guidance on the Notion of Direct Participation in Hostilities* suggests, however, that there must be an intention on the part of the individuals to act as voluntary human shields.¹¹⁰ The *ICRC Commentary to Additional Protocol I* considers "movements" to mean "cases where the civilian population moves of its own accord".¹¹¹ Certainly, children do not have the capacity to intentionally become voluntary shields and Israel cannot target children for 'direct participation in hostilities' on this basis.¹¹²

Neither, can civilians present on rooftops be considered as voluntarily shielding property from aerial attacks. Here, the *ICRC Interpretative Guidance on the Notion of Direct Participation in Hostilities* makes a distinction between voluntary shielding in ground operations where civilians granting physical cover to combatants may qualify as direct participation in hostilities, and voluntary shielding during air or artillery attacks, where "the presence of voluntary human shields often has no

¹⁰⁷ ICRC, Customary IHL, Rule 97.

¹⁰⁸ International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War* (henceforth *Fourth Geneva Convention*), 12 August 1949, 75 UNTS 287 Article 28.

¹⁰⁹ Additional Protocol I, Article 51(7).

¹¹⁰ Melzer N., *Interpretative Guidance on the Notion of Direct Participation in Hostilities*, (ICRC, 2009) pp 56-57; Schmitt, M.N., 'Human Shields in International Humanitarian Law' *Israel Yearbook on Human Rights*, Volume 38 (2008) 39.

¹¹¹ ICRC Commentary, *Protection of the Civilian Population, Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, para 1988.

¹¹² UN General Assembly, *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, 25 May 2000 A/RES/54/263.

adverse impact on the capacity of the attacker to identify and destroy the shielded military objective”.¹¹³ In such cases, civilians are factored into a proportionality analysis, weighing the expected incidental harm against anticipated military advantage”.¹¹⁴

In any case, Israel is and was strictly prohibited from directly targeting Palestinian civilians, despite IOF-issued warnings. As has been established above, according to international humanitarian law, advance warnings do not strip the civilian population of their status or protection.

2.2.3 Distinction and Proportionality

With respect to the Hannibal directive, Israel has implemented a policy that unequivocally violates the core principles of distinction and proportionality during hostilities. Whereas international humanitarian law accepts incidental loss of civilian life, injury to civilians and damage to civilian objects that is not excessive in relation to the concrete and military advantage,¹¹⁵ it strictly prohibits *direct* attacks against civilians and civilian objects. As such Palestinian civilians must not be targeted with a view of saving an Israeli soldier or preventing his/her abduction. Indeed, international humanitarian law protects civilians rather than combatants from the dangers of war.

2.2.4 Police Officers' Civilian Status

During an international armed conflict, police officers do not form part of the armed forces of the State and are accorded civilian status on this basis.¹¹⁶ While members of the police force may, like other civilians lose their civilian immunity should they take a direct part in hostilities, this is considered on an individual case-by-case basis.¹¹⁷ Previously, during

¹¹³ Melzer N., *Interpretative Guidance on the Notion of Direct Participation in Hostilities*, (ICRC, 2009), pp 56-57.

¹¹⁴ Melzer N., *Interpretative Guidance on the Notion of Direct Participation in Hostilities*, (ICRC, 2009), p 57.

¹¹⁵ Additional Protocol I, article 51(5)(b).

¹¹⁶ Additional Protocol I, article 43(1); ICRC Customary IHL, Rule 4.

¹¹⁷ Additional Protocol I, article 51(3).

‘Operation Cast Lead’, Israel categorized the police force in the Gaza Strip as a legitimate military target fulfilling “combat functions”, arguing that some individual members of the Gaza police force were also members of the al-Qassam Brigades.¹¹⁸

However, there is no justification in international law for stripping the entire police force of their civilian immunity from attack on the grounds that it is affiliated with the civil organization of Hamas, even where some individual members hold dual membership of organizations such as the al-Qassam Brigades. In accordance with Article 4 of the Third Geneva Convention, the police force will only lose its civilians status if it is incorporated into the states armed force in.¹¹⁹ It is worth noting that the 2009 United Nations Fact Finding Commission on the Gaza Conflict found the civil police force did not meet the threshold of that article.¹²⁰ As such, the targeting and killing of civilian policemen and the targeting of police stations as civilian objects are prohibited under international humanitarian law.¹²¹

¹¹⁸ Israel Ministry of Foreign Affairs, ‘The Operation in Gaza Factual and Legal Aspects’ (29 July 2009), para. 246, available at: http://www.mfa.gov.il/mfa/foreignpolicy/terrorism/pages/operation_gaza_factual_and_legal_aspects_use_of_force_idf_conduct_5_aug_2009.aspx (last accessed 20 January 2015).

¹¹⁹ ICRC Customary IHL, Rule 4, Definition of Armed Forces.

¹²⁰ Additional Protocol I, article 43(3); UN General Assembly, ‘Report of the United Nations Fact Finding Commission on the Gaza Conflict’, (25 September 2009) UN Doc A/HRC/12/48, para 433.

¹²¹ ICRC Customary IHL, Rule 7.



Funeral of journalist Halid Ahmed killed during Israeli attack. 20 July 2014. (c) Gettys.

3

ATTACKS AGAINST JOURNALISTS AND MEDIA BUILDINGS

3.1 ATTACKS AGAINST JOURNALISTS AND THE DESTRUCTION OF MEDIA PROPERTY

The Office of the High Commissioner for Human Rights (OHCHR) concluded that Israeli forces attacked several media offices and journalists in the context of the 2012 one-week military operation “Pillar of Defense”. As a result, two cameramen travelling in a press-

marked car were killed and at least eight journalists were injured during the offensive.¹²² In a very similar yet more extensive manner, the Palestinian Center for Development and Media Freedoms (MADA) report that 17 journalists were killed and 27 journalists were injured during ‘Operation Protective Edge’.¹²³ Whereas, the Palestinian human rights coalition documented the Israeli attacks against 5 media *offices*, MADA reports that 20 media *outlets* and 37 houses belonging to journalists were shelled during the offensive.¹²⁴

On 20 July 2014, Al-Haq documented an Israeli airstrike that hit a press car, killing 25-year old Khaled Hamad. Khaled, a photographer with the Continue Agency, was on his way to al-Shuja’iyya neighbourhood for work.¹²⁵ Khaled Hamad was reportedly travelling in a press-marked car when it was hit. On Wednesday, 30 July, Al-Haq documented the killing of three journalists during the time of a four-hour ceasefire announced by Israel. The three journalists were killed at approximately 4:30 p.m. when Israeli tanks situated at the eastern buffer zone fired artillery shells at the al-Bastat market in Shuja’iyya. During the shelling another thirty civilians were killed.¹²⁶ Notably, the three journalists were identifying press insignia on their clothes. The identifying press

¹²² Humane Rights Council, ‘Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council Resolutions’, para 23, available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.35.Add.1_AV.pdf (last accessed 20 January 2015).

¹²³ Bani Odeh, G., ‘The Media in Gaza, Caught in the crossfire’, (Palestinian Center for Development and Media Freedoms, 2008), p 8, available at: http://www.madacenter.org/images/text_editor/Gazaspecialrep1.pdf (last accessed 20 January 2015).

¹²⁴ Bani Odeh, G., ‘The Media in Gaza, Caught in the crossfire’, (Palestinian Center for Development and Media Freedoms, 2008), page 8, available at: http://www.madacenter.org/images/text_editor/Gazaspecialrep1.pdf (last accessed 20 January 2015).

¹²⁵ Al-Haq, ‘Field Updates from the Gaza Strip’ (Al-Haq, 10 July 2014), Friday 18 July, available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015).

¹²⁶ Al-Haq, ‘Field Updates from the Gaza Strip’ (Al-Haq, 10 July 2014), Friday 18 July, available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015).

insignia was evident from a video recording of one of the deaths.¹²⁷

Indiscriminate attacks on media buildings were a significant feature of 'Operation Protective Edge'. On Friday 18 July 2014, Al-Haq documented an airstrike that hit an office in the al-Jawhara building in which several media and press offices were located. One journalist was injured during the attack.¹²⁸ On 22 July 2014, Al Jazeera staff members were forced to evacuate their premises after two shells were fired into their offices on the eleventh floor of a commercial center.¹²⁹ Israel further bombed the al-Wattan Voice TV headquarters in Gaza on four separate occasions.¹³⁰ On 27 July 2014, the offices of Al-Aqsa TV station in Burj Al-Shrouq were hit by Israeli rocket fire. Two days later Al-Aqsa TV headquarters in Nasser were bombed and partially destroyed.¹³¹ According to Jim Boumelha, President of the International Federation of Journalists, the Israeli army had been made aware of the location of the media outlets and the coordinates of the media buildings identifying their location in the Gaza Strip.¹³²

127 Fung, K., 'Journalist Rami Rayan Killed in Gaza Attack', *Huffington Post* 30 July 2014. available at: http://www.huffingtonpost.com/2014/07/30/rami-rayan-killed-dead-gaza-attack_n_5634548.html (last accessed 20 January 2015); 'Israel Bombs Gaza Radio Station', *Ma'an News Agency* 16 July 2014, available at: <http://www.maannews.net/eng/ViewDetails.aspx?ID=713640> (last accessed 20 January 2015); Cullen, C., 'YouTube video shows young journalist killed in missile strike in Gaza' *Independent.ie*, (01 August 2014), available at: <http://www.independent.ie/world-news/middle-east/youtube-video-shows-young-journalist-killed-in-missile-strike-in-gaza-30477011.html> (last accessed 20 January 2015).

128 Al-Haq, 'Field Updates from the Gaza Strip', (Al-Haq, 10 July 2014), Friday 18 July, available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015).

129 The Foreign Press Association, 'Statements 2014' (The Foreign Press Association 23 July 2014), available at: <http://www.fpa.org.il/?categoryid=73840> (last accessed 20 January 2015).

130 Carlson, C., '9 Palestinian Journalists Killed Since July 7', International Middle East Media Center (01 August 2014), available at: <http://www.imemc.org/article/68706> (last accessed 20 January 2015); 'Three Journalists Killed During Wednesday's Shujayea Massacre in Gaza', *Wafa, Palestinian News and Info Agency* (31 July 2014) available at: <http://english.wafa.ps/index.php?action=detail&id=26080> (last accessed 20 January 2015).

131 'Reporters Without Borders: Israeli Occupation Army Targets Palestinian Reports', *Wafa Palestinian News and Info Agency*, (30 July 2014) available at: <http://english.wafa.ps/index.php?action=detail&id=26058> (last accessed 20 January 2015).

132 Boumelha, J., 'IFJ President Details Attacks on Journalists in Gaza', (AUSPalestine, 22 July 2014), available at: <http://auspalestine.org/2014/07/23/ifj-president-details-attacks-on-journalists-in-gaza/>. (last accessed 20 January 2015).

Attacks against journalists and media buildings have been accompanied by a wave of anti-press sentiment by Israeli politicians who have publicly branded certain news agencies as anti-Israeli and as 'enemy' broadcasters.¹³³ The Israeli Minister of Communications recommended to the Cable and Satellite Broadcasting Council that Al Jazeera broadcasts not be aired while 'Operation Protective Edge' was ongoing, arguing that the broadcasts were biased.¹³⁴ Similarly, the Israeli Minister for Foreign Affairs reportedly encouraged closing down Al Jazeera media operations in Israel, suggesting that the news organization's broadcasts were an "encouragement to terrorists".¹³⁵ The Israeli army has reportedly justified attacks against the Al-Aqsa television and radio stations on the basis that they had "propaganda dissemination capabilities" used to incite hatred against Israelis, and deliver messages to Hamas operatives.¹³⁶

3.2 LEGAL ANALYSIS

The ability of journalists to continue reporting during armed conflict is a necessary component of the right of freedom of expression enshrined in Article 19 of the International Covenant on Civil and Political Rights and Article 19 of the Universal Declaration of Human Rights. According to international customary law, journalists engaged in dangerous professional missions of armed conflict are considered civilians and must be protected as such, provided that they take no action adversely affecting their status.¹³⁷ Additionally, the ICRC considers that there is a

133 Black, I., 'Al-Jazeera Gaza offices evacuated after direct hit by Israeli fire', *The Guardian*, (22 July 2014), available at: <http://www.theguardian.com/world/2014/jul/22/al-jazeera-gaza-offices-hit-israeli-fire> (last accessed 20 January 2015).

134 Yonah, J., 'IDF Denies any direct attack on Al Jazeera or other press offices in Gaza', *The Jerusalem Post* (22 July 2014) available at: <http://www.jpost.com/Operation-Protective-Edge/IDF-denies-any-direct-attack-on-Al-Jazeera-or-other-press-offices-in-Gaza-368432> (last accessed 20 January 2015).

135 'Gunshots Fired at Al Jazeera bureau in Gaza', *Al Jazeera*, (22 July 2014), available at: <http://www.aljazeera.com/news/middleeast/2014/07/gunshots-fired-at-al-jazeera-bureau-gaza-2014722829152765.html> (last accessed 20 January 2015).

136 'Israeli Airstrikes target Palestinian TV Station in Gaza', *Ma'an News Agency* (30 July 2014), available at: <http://www.maannews.net/eng/viewdetails.aspx?id=716837> (last accessed 20 January 2015).

137 ICRC Customary IHL, Rule 34.

practice “which indicates that journalists exercising their professional activities in relation to armed conflict must be protected”.¹³⁸ This places an onus on Israel to refrain from targeting civilian journalists, but also indicates that there is an obligation to protect journalists while they are carrying out their professional activities. Israel’s deliberate targeting of journalists travelling in distinctive press-marked cars and wearing press-marked clothes highlights Israel’s failure to do either. A direct attack on civilian journalists may amount to a war crime under Article 8(2)(b)(i) of the Rome Statute of the International Criminal Court, and constitutes a grave breach of the Geneva Conventions and Additional Protocol I.

Similarly, media property, such as television and radio station buildings, are protected as civilian objects that can only be the target of an attack if they are considered a military objective. A military objective is limited to objects, which by their nature, location, purpose or use, would make an effective contribution to military action.¹³⁹ As such, the targeting of such property is only permissible on the narrow grounds that the total or partial destruction of the property offers a definite military advantage.¹⁴⁰ Furthermore, attacks on legitimate military objectives will be limited by the principles of proportionality and precaution. The former prohibits the launching of an “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”.¹⁴¹ The latter obligates Israel to take all feasible precautions to protect civilians and civilian property against attacks.¹⁴²

Given that the coordinates of media buildings were supplied to Israel in order to ensure their protection as well as that of the civilians present,

¹³⁸ ICRC Customary IHL, Rule 34.

¹³⁹ Additional Protocol I, Article 52(2).

¹⁴⁰ Additional Protocol I, Article 52(2); ICRC Customary IHL, Rule 8.

¹⁴¹ ICRC Customary IHL, Rule 14.

¹⁴² ICRC Customary IHL, Rule 15 and 22.

any direct attack carried out against such buildings constitutes an unjustifiable breach of humanitarian law. Accordingly, the bombing and destruction of media property such as al-Jawhara building, the al-Wattan Voice TV headquarters, the Al-Aqsa TV station in Burj Al-Shurouq, and the Al-Aqsa TV station in Nasser, not rendered absolutely necessary by military operations may amount to a breach of Article 53 of the Fourth Geneva Convention and Article 23(g) of the Hague Regulations, and may constitute a grave breach of the Geneva Conventions.

The ‘propaganda argument’ leveled at Al-Jazeera and Al-Aqsa TV and radio is reminiscent of the type of arguments employed by NATO to justify the bombing of RTS (Serbian TV and radio station) in Serbia in 1999.¹⁴³ In that instance, the ICTY Committee Established to Review the NATO Bombing Campaign against the Federal Republic of Yugoslavia considered that there was a distinct difference between television and radio stations being biased as opposed to being used as military communication networks.¹⁴⁴ The former does not meet the criteria of “effective contribution to military action” and “definite military advantage” necessary to elevate the property to a military objective under Article 52(2) of Additional Protocol I. Furthermore, according to the ICRC Commentary on Article 52(2), any military advantage must be ‘concrete and direct’. The use of media stations for propaganda purposes alone would not fulfill this requirement. Accordingly, the argument that the Al Aqsa television and radio broadcasters contained ‘propaganda dissemination capabilities’ does not justify the targeting of television and radio stations.¹⁴⁵

¹⁴³ Amnesty International, ‘NATO/Federal Republic of Yugoslavia: Violations of the Laws of War by NATO during Operation Allied Force’, (Amnesty International, 05 June 2000), p 42 available at: <http://www.amnesty.org/es/library/asset/EUR70/018/2000/en/e7037dbb-df56-11dd-89a6-e712e728ac9e/eur700182000en.pdf> (last accessed 20 January 2015).

¹⁴⁴ ‘Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign against the Federal Republic of Yugoslavia’, paras 75-76, available at: <http://www.icty.org/x/file/Press/nato061300.pdf> (last accessed 20 January 2015).

¹⁴⁵ ‘Israeli Airstrikes target Palestinian TV Station in Gaza’, *Ma’an News Agency* (30 July 2014), available at: <http://www.maannews.net/eng/viewdetails.aspx?id=716837> (last accessed 20 January 2015).

The protection of journalists during hostilities is particularly significant given that international tribunals may compel journalists to give evidence at international trials.¹⁴⁶ In a conflict situation, journalists may have evidence of war crimes that cannot reasonably be obtained elsewhere and are of important value in determining a core issue of an international criminal case.¹⁴⁷ Therefore, it is imperative that there is no impunity for crimes committed against civilian journalists. Furthermore, the General Assembly Resolution on the Safety of Journalists and the Issue of Impunity underscores the need for States to ensure accountability for crimes against journalists falling within their jurisdiction.¹⁴⁸



Ambulance destroyed by Israel. Shuja'iyya, 20 July 2014. (c) AP

4

ATTACKS AGAINST PARAMEDICS AND AMBULANCES AND DELAYS IN THE DELIVERY OF AID

4.1 ATTACKS AND INTERFERENCE WITH AMBULANCES

During the recent hostilities numerous ambulances tending to the needs of the occupied population were either damaged or destroyed. Furthermore, Israel directly targeted paramedics trying to evacuate the

¹⁴⁶ *Prosecutor v Radoslav Brdjanin, Momir Talic*, (decision on Interlocutory Appeal), ICTY, IT-99-36-AR73.9 11 December 2002, paras 48-49.

¹⁴⁷ *Prosecutor v Radoslav Brdjanin, Momir Talic*, (decision on Interlocutory Appeal), ICTY, IT-99-36-AR73.9 11 December 2002, para 50.

¹⁴⁸ UN General Assembly, *The safety of journalists and the issue of impunity : resolution / adopted by the General Assembly* (21 February 2014), A/RES/68/163.

wounded and the sick. As a result, emergency workers were themselves killed or injured.¹⁴⁹ Israel also hindered paramedics from delivering medical aid resulting in the death of Palestinians in urgent need of medical attention.

Ambulances damaged per governate between 7 July and 26 August 2014 *	
Governate	Number
North Gaza	11
Gaza	5
Deir al-Balah/Middle Area	4
Khan Younes	3
Rafah	1
Total	24

*This is the Palestinian human rights coalition's final data as of 6 February 2015.

4.1.1 Delays in the Delivery of Medical Aid

During 'Operation Protective Edge', Israel significantly disrupted the delivery of aid and the evacuation of casualties. According to the Palestinian human rights coalition, 407 Palestinians died as a result of delays in the delivery of aid. For example, Israeli forces delayed two Red Crescent ambulances carrying 10 paramedics, along with two other Red Cross ambulances carrying two people, for two hours from entering Khuza'a for the purpose of evacuating casualties. The ambulances had

149 ICRC, 'Gaza: ICRC Appalled by Damage to Premises and Property of Palestinian Red Crescent' (ICRC, 1 August 2014) available at: <http://www.icrc.org/eng/resources/documents/news-release/2014/08-01-gaza-prcs-property.htm> (last accessed 20 January 2015).

secured coordination ahead of time.¹⁵⁰ Meanwhile, on 22 July 2014, Al-Haq field researchers documented an incident in al-Shawka where Israeli forces refused to coordinate ambulances for a period of six hours, leaving four injured civilians to bleed to death. Similarly, on 25 July 2014, Al-Haq documented two separate incidents in Khan Younes Governorate where Israeli forces prevented ambulances from reaching two wounded men resulting in their deaths.¹⁵¹

4.1.2 Attacks on Ambulances and the Killing of Paramedics

In addition to delaying the work of paramedics, Israel directly targeted ambulances and paramedics during its offensive on the Gaza Strip. According to the Palestinian human rights coalition, 9 paramedics were killed during the offensive, as well as 41 Palestinians that were killed whilst providing medical aid and assistance. And according to the ICRC, in July alone, more than 40 on-duty emergency workers were injured. Furthermore, at least 26 ambulances belonging to the Palestine Red Crescent Society were damaged.¹⁵²

On 20 July, at approximately 10.00 a.m., an ambulance entered the Shuja'iyya neighbourhood to evacuate the injured and dead during a lull in hostilities, and was targeted in an airstrike, killing 27-year old paramedic Fu'ad Jaber. On 23 July, artillery shells hit two ambulances that were travelling to Beit Hanoun Crossing to recover bodies, injuring the paramedics.¹⁵³ On the same day, Israeli forces situated southeast of Khuza'a fired artillery shells at hundreds of people fleeing their homes,

150 Al-Haq, 'Field Updates from the Gaza Strip', (Al-Haq, 10 July 2014), 24 July, Khan Younis Governorate, available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015).

151 Al-Haq, 'Field Updates from the Gaza Strip', (Al-Haq, 10 July 2014), 24 July, Khan Younis Governorate, available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015).

152 ICRC, 'Gaza: ICRC Appalled by Damage to Premises and Property of Palestinian Red Crescent', (ICRC, 01 August 2014), available at: <http://www.icrc.org/eng/resources/documents/news-release/2014/08-01-gaza-prcs-property.htm> (last accessed 20 January 2015).

153 Al-Haq, 'Field Updates from the Gaza Strip', (Al-Haq, 10 July 2014) Thursday 24 July North Gaza Governorate, available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015).

also hitting ambulances there.¹⁵⁴

Furthermore, Al-Haq's field researchers documented a grave series of attacks on ambulances in the North Gaza Governorate. On 25 July, at approximately 4:30 p.m., an artillery shell struck a Red Crescent ambulance on its way to recover the wounded in al-Masriyin Street in Beit Hanoun. One paramedic was killed, and another two were injured. Following coordination through the Red Cross, another ambulance was sent to recover the paramedic's body. That ambulance was shot at, injuring another paramedic and damaging the ambulance.¹⁵⁵ Later that night, Israeli forces opened fire at a Red Crescent ambulance in al-Qarara, injuring a paramedic. In that instance the Red Cross had coordinated for the ambulance to enter the area.¹⁵⁶

Israel also damaged ambulances as a result of its attacks on nearby objectives. On 9 July, Al-Haq's field researchers documented an air strike on agricultural land near the Palestinian Red Cross, damaging three ambulances and injuring paramedics.¹⁵⁷ Meanwhile, on 24 July, three ambulances were damaged when a missile struck and destroyed a house in Jabaliya refugee camp.¹⁵⁸ On 2 August, an ambulance was struck in the midst of heavy shelling and airstrikes in the Misbeh neighbourhood

¹⁵⁴ Al-Haq, 'Field Updates from the Gaza Strip', (Al-Haq, 10 July 2014) Wednesday 23 July, Khan Younis Governorate, available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015).

¹⁵⁵ Al-Haq, 'Field Updates from the Gaza Strip', (Al-Haq, 10 July 2014), Friday 25 July North Gaza Governorate available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015).

¹⁵⁶ Al-Haq, 'Field Updates from the Gaza Strip', (Al-Haq, 10 July 2014) Friday 25 July Khan Younis Governorate available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015).

¹⁵⁷ Al-Haq, 'Field Updates from the Gaza Strip', (Al-Haq, 10 July 2014), Wednesday 9 July North Gaza Governorate, available from: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015); ICRC, 'Israel/Occupied Territory: Civilians and medical workers pay price of conflict' (ICRC, 10 July 2014) available at: <http://www.icrc.org/eng/resources/documents/news-release/2014/israel-palestine-gaza-civilian-medical.htm> (last accessed 20 January 2014).

¹⁵⁸ Al-Haq, 'Field Updates from the Gaza Strip', (Al-Haq, 10 July 2014), Thursday 24 July North Gaza Governorate, available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015).

of Rafah, killing three paramedics; 'Atef al-Zamali, Yousef al-Zamali, and Yousef Drabih.¹⁵⁹

4.2 LEGAL ANALYSIS

4.2.1 Delays and the Inviolability of the Wounded and Sick

Article 12 of the First Geneva Convention provides the general principle on the inviolability of the wounded and sick who are to be respected and protected in all circumstances.¹⁶⁰ Article 12 applies to combatants as well as non-combatants and civilians.¹⁶¹ Furthermore, Article 16 of the Fourth Geneva Convention establishes that the "wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect".¹⁶² As such, international humanitarian law obliges Israel to ensure that wounded combatants, non-combatants, and civilians, including civilian paramedics, are respected and protected in all circumstances. IHL further prohibits the intentional killing of civilians and non-combatants with reckless disregard for human life.¹⁶³ In particular, wilful killing is listed as a war crime under the Rome Statute and amounts to a grave breach of the Geneva Conventions.¹⁶⁴

Delays in the delivery of aid to the wounded and the sick during 'Operation Protective Edge' resulted in Palestinians dying from their injuries. Although delays may be warranted in situations of suspicion

¹⁵⁹ Al-Haq, 'Field Updates from the Gaza Strip', (Al-Haq, 10 July 2014) Friday 01 August Rafah Governorate 2014 available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015).

¹⁶⁰ ICRC, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 12 August 1949, 75 UNTS 31(1949) (henceforth first Geneva Convention), Article 12.

¹⁶¹ Pictet, J., *Commentary: I Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* (ICRC, Geneva, 1952): 25, article 12.

¹⁶² Fourth Geneva Convention, article 16.

¹⁶³ ICTY, Celebici Case, Trial Judgment, 16th November 1998, IT-96-21-T, para 439, available here: http://www.icty.org/x/cases/mucic/tjug/en/981116_judg_en.pdf (last accessed 10 January 2015); ICRC, Customary IHL, Rule 89.

¹⁶⁴ UN General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July 1998 (henceforth Rome Statute), Article 8(2)(a)(i).

of perfidy or for legitimate security concerns,¹⁶⁵ there was no legitimate justification for Israeli forces to hinder ambulances from reaching injured Palestinians in the cases cited above. The lack of legitimate justification for delaying the delivery of aid is particularly evident when prior security coordination has taken place.

In killing wounded and sick Palestinians by denying them the aid that could have saved them, Israel has committed wilful killing, a grave breach of the Geneva Conventions and crime of the Rome Statute.¹⁶⁶



Paramedics recovering body during offensive. Tal Al Hawa. (c) Al-Haq

4.2.2 Unlawful Attacks on Ambulances

Direct Attacks against Ambulances and Paramedics

Israel is absolutely prohibited from targeting ambulances and paramedics engaged in medical duties. Article 19 of the First Geneva

¹⁶⁵ Any attempt to use an ambulance in an attempt to kill, injure or capture the enemy amounts to perfidy and is prohibited under customary international law and Article 37 of Additional Protocol II(1977); ICRC Customary IHL Rules, 65; ICRC, 'Ambulance and Pre-Hospital Services in Risk Situations' (ICRC, November 2013) paras 4.2 and 4.4, available form: <http://www.icrc.org/eng/assets/files/publications/icrc-002-4173.pdf> (last accessed 20 January 2015).

¹⁶⁶ Pictet, J., *Commentary: I Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, (ICRC, Geneva 1952): 25, article 50.

Convention emphasizes that fixed establishments and mobile units "may in no circumstances be attacked" and that they shall be "respected", the latter meaning they shall not be harmed or attacked in any way.¹⁶⁷ Article 22(5) of the First Geneva Convention, extends the humanitarian activities of medical units and establishments to the care of civilian wounded and sick.¹⁶⁸ While Article 12 of the First Additional Protocol protects all civilian medical units from attack.¹⁶⁹

Paramedics that fall within the definition of medical personnel belonging to "National Red Cross or Red Crescent Societies and other voluntary aid societies duly recognized and authorized by a party to the conflict, including the ICRC" must be protected in all instances.¹⁷⁰ Such paramedics, that are not members of the armed forces or assigned by a party to the conflict as medical personnel, are considered civilians unless they are actively participating in hostilities.¹⁷¹ In accordance with the principle of distinction, Israel must not direct its attacks against civilians.¹⁷²

By targeting ambulances carrying paramedics tending to the medical needs of the wounded and the sick and as a result killing paramedics, Israel has violated its obligation to protect medical personnel and civilians. Israel's attacks against paramedics in the cases described above arguably amount to wilful killing as a grave breach of the Geneva Conventions. Moreover, there is some evidence from the nature of the targeted areas, that ambulances and paramedics were subjected to 'follow-up' attacks, where they were hit more than once. These attacks are of grave concern as they are designed to delay the treatment and evacuation of wounded victims in the area and form part of military

¹⁶⁷ First Geneva Convention, Article 19 ; Pictet, J., *Commentary: I Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, (ICRC, Geneva 1952): 25, article 19.

¹⁶⁸ First Geneva Convention, Article 22(5).

¹⁶⁹ Additional Protocol I, Article 12.

¹⁷⁰ ICRC Customary IHL, Rule 25; First Geneva Convention, Article 24 and 26.

¹⁷¹ ICRC Customary IHL, Rules 25, 3, 6.

¹⁷² ICRC Customary IHL, Rule 1.

strategy.¹⁷³

The Destruction of Ambulances and Collateral Damage

Article 19 of the First Geneva Convention provides the general rule that “fixed establishments and mobile medical units of the Medical Service may in no circumstances be attacked, but shall at all times be respected and protected by the Parties to the conflict”.¹⁷⁴ Furthermore, the core international humanitarian law principle of distinction, proportionality and precaution, require that Israel distinguish between legitimate civilian objects and military objectives.¹⁷⁵

Nevertheless, IHL does recognize incidental damage to civilian objects and injury to civilians that is not excessive in relation to the concrete and direct military advantage anticipated. In the case of the airstrike on agricultural land located near the Palestinian Red Cross on 9 July 2014, the incidental damage caused to three nearby ambulances and the civilian injury to tens of paramedics,¹⁷⁶ cannot be considered proportional. Furthermore, Israel does not appear to have complied with the principle of precaution in relation to the damage and injury caused; the location of the Palestinian Red Cross is well established and there is no evidence that Israel issued a warning for the purpose of safeguarding ambulances and paramedics prior to the attack. As such, Israel did not undertake the requisite precautionary measures in planning the attack with a view “to avoid, and in any event to minimize [...] damage to civilian objects”.¹⁷⁷

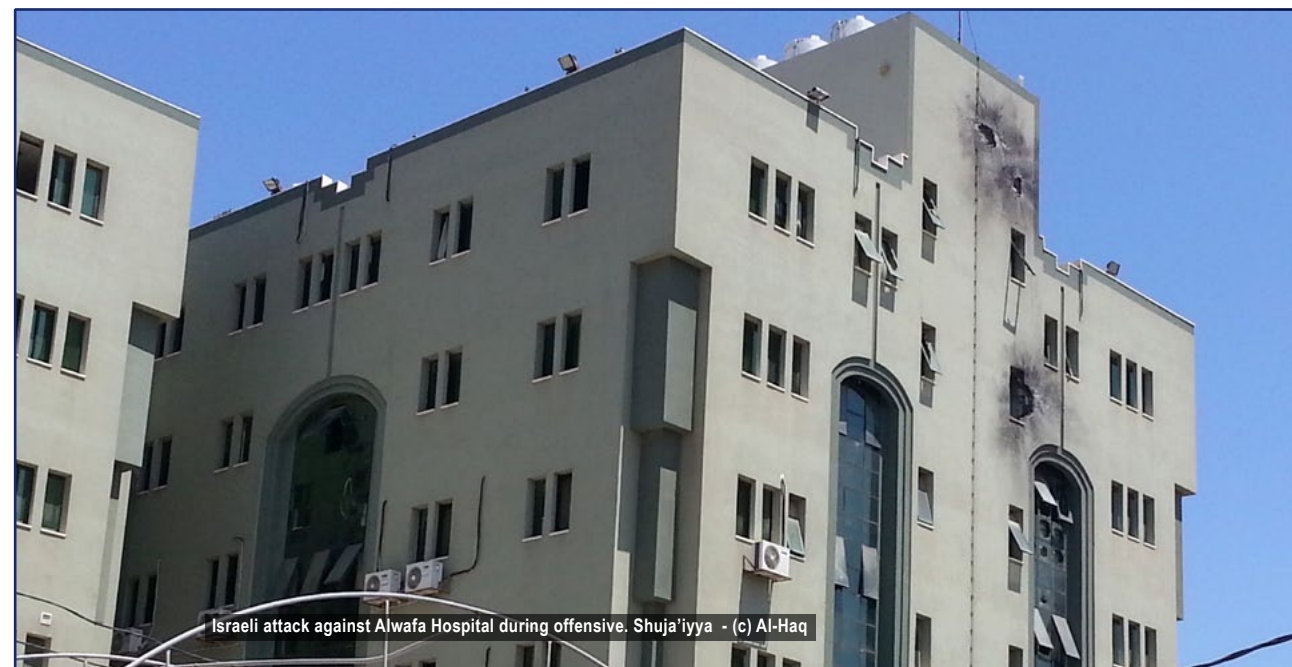
¹⁷³ ICRC, ‘Ambulance and Pre-Hospital Services in Risk Situations’ (ICRC November 2013), para 4.3, available at: <http://www.icrc.org/eng/assets/files/publications/icrc-002-4173.pdf> (last accessed 20 January 2015).

¹⁷⁴ First Geneva Convention, article 19.

¹⁷⁵ ICRC Customary IHL, Rule 1.

¹⁷⁶ ICRC, ‘Israel/Occupied Territory: Civilians and medical workers pay price of conflict’, (ICRC 10 July 2014), available at: <http://www.icrc.org/eng/resources/documents/news-release/2014/israel-palestine-gaza-civilian-medical.htm> (last accessed 20 January 2015).

¹⁷⁷ ICRC Customary IHL, Rule 15.



5

ATTACKS AGAINST HEALTH FACILITIES

5.1 DAMAGE TO HEALTH FACILITIES

According to the World Health Organisation and the Palestinian Ministry of Health, Israel damaged at least 17 out of 32 hospitals during ‘Operation Protective Edge’. Israel also damaged 45 primary health centers.¹⁷⁸ Due to the damage caused, 6 hospitals and 17 primary health centers were closed down during the offensive. “Consequently, patients had to be discharged prematurely or were deprived of appropriate care

¹⁷⁸ OCHA oPt, ‘Gaza Initial Rapid Assessment’, (OCHA, 27 August 2014) p 14, available at: http://www.ochaopt.org/documents/gaza_mira_report_9september.pdf (last accessed 20 January 2015).

for their condition, with potential long-term negative consequences”.¹⁷⁹ Furthermore, an increasing number of Palestinians had to be referred to facilities outside of the Gaza Strip.¹⁸⁰

Health facilities also had to deal with disruptions to water supplies, sanitation, and electricity and fuel. A month after hostilities came to an end, on 22 September 2014, OCHA reported that there was not enough fuel to power the Gaza Power Plant leading to 18 hour electricity outages, impacting directly on the pumping of water, treatment of sewage and the running of hospitals.¹⁸¹

5.1.1 Attacks against Health Facilities

During the 2014 offensive on the Gaza Strip, health facilities caring for Palestinians in need of medical attention were often attacked. On 12 July 2014, the Al-Rahma Association for the Disabled was struck by a missile, resulting in the killing of two disabled persons and injuring others.¹⁸² The following week, Al-Shifa Hospital in Rafah was struck in an aerial attack and Beit Hanoun Governmental Hospital was hit by a missile, causing damage to the building. On Monday 21 July, Israeli tanks situated in the eastern buffer zone fired at least four artillery shells at Shuhada’ Al-Aqsa Hospital in Deir al-Balah, causing extensive damage to the building and two ambulances outside. The attack against Shuhada’ Al-Aqsa Hospital resulted in the killing of three civilians, including one child. Approximately another 40 people were injured, most were

patients.¹⁸³ According to Al-Haq’s field researchers, the shelling took place without prior warning.¹⁸⁴

Following heavy artillery shelling of hospitals and health facilities located in the North Gaza Governorate, the Palestinian Ministry of Health decided to evacuate and close Beit Hanoun Governmental Hospital. The hospital was shelled on five separate occasions.¹⁸⁵ For example, on 25 July at approximately 11:00 p.m., dozens of artillery shells struck Beit Hanoun Hospital for several hours, damaging the upper floor including the surgical and women’s units. Three workers were injured during the shelling.¹⁸⁶

Similarly, on 24 July at 3:10 p.m., two artillery shells struck the second floor of Balsam Hospital in Beit Hanoun, causing damage to the surgical unit.¹⁸⁷ Later that day, at around 7:30 p.m., dozens of artillery shells struck and damaged the premises of al-Durra Hospital in al-Tuffah. During this attack, two-year old Ibrahim Omar was killed and another 30 people were injured. Ibrahim was receiving medical treatment in the

¹⁷⁹ OCHA oPt, ‘Gaza Initial Rapid Assessment’, (OCHA, 27 August 2014), p 13, available at: http://www.ochaopt.org/documents/gaza_mira_report_9september.pdf (last accessed 20 January 2015).

¹⁸⁰ OCHA oPt, ‘Gaza Initial Rapid Assessment’, (OCHA, 27 August 2014), p 13, available at: http://www.ochaopt.org/documents/gaza_mira_report_9september.pdf (last accessed 20 January 2015).

¹⁸¹ OCHA oPt, ‘Protection of Civilians, Reporting Period: 16-22 September 2014’ (OCHA, 27 September 2014), available at: http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2014_9_27_english.pdf (last accessed 20 January 2015).

¹⁸² Al-Haq, ‘Targeting of Health Facilities in the Gaza Strip May Amount to War Crimes’ (Al-Haq, 25 July 2014) available at: <http://www.alhaq.org/advocacy/topics/gaza/831-targeting-of-health-facilities-in-the-gaza-strip-may-amount-to-war-crimes> (last accessed 20 January 2015).

¹⁸³ Al-Haq, ‘Targeting of Health Facilities in the Gaza Strip May Amount to War Crimes’ (Al-Haq, 25 July 2014) available at: <http://www.alhaq.org/advocacy/topics/gaza/831-targeting-of-health-facilities-in-the-gaza-strip-may-amount-to-war-crimes> (last accessed 20 January 2015).

¹⁸⁴ Al-Haq, ‘Targeting of Health Facilities in the Gaza Strip May Amount to War Crimes’ (Al-Haq, 25 July 2014) available at: <http://www.alhaq.org/advocacy/topics/gaza/831-targeting-of-health-facilities-in-the-gaza-strip-may-amount-to-war-crimes> (last accessed 20 January 2015).

¹⁸⁵ Al-Haq, ‘Field Updates from the Gaza Strip,’ (Al-Haq, 10 July 2014), Sunday 27 July North Gaza Governorate, Tuesday 22 July North Gaza Governorate, Thursday 24 July Gaza Governorate, available from: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015).

¹⁸⁶ Al-Haq, ‘Field Updates from the Gaza Strip,’ (Al-Haq, 10 July 2014) 25 July North Gaza Governorate, available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015); Ministry of Health, ‘Emergency Operation Room Sitrep on Gaza’ (July, 27th 2014) available at: <http://www.moh.ps/attach/685.pdf> (last accessed 20 January 2015); PCHR, ‘Weekly Report on Israeli Human Rights Violations in the Occupied Palestinian Territory (24 July – 03 August 2014)’ (PCHR, August 2014) available at: http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=10645:weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-24-july-03-august-2014-&catid=84:weekly-2009&Itemid=183 (last accessed 20 January 2015).

¹⁸⁷ Al-Haq, ‘Field Updates from the Gaza Strip,’ (Al-Haq, 10 July 2014), Thursday 24 July Gaza Governorate, available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015).

intensive care unit.¹⁸⁸ On 1 August, Abu Yusuf al-Najjar Hospital was shelled in Rafah. A number of civilians were injured despite evacuation orders by Israeli forces.¹⁸⁹ The Palestine Red Crescent Society reported that Al Quds Hospital in Tal Al Hawa and Khalil Al Wazir Clinic in Sheikh Ajleen in Gaza city had been targeted in an Israeli strike on August 2, resulting in damage to and destruction of hospital equipment. Al Quds hospital and clinic clearly displayed the Red Crescent emblem at the time of the attack.¹⁹⁰

5.2 LEGAL ANALYSIS

5.2.1 Targeting of Civilian Health Facilities

The deliberate targeting of health facilities in the Gaza Strip is a serious violation of international humanitarian law. Article 27 of the Hague Regulations, which is reflective of customary international law, provides that during sieges and bombardments all necessary steps must be taken to spare, as far as possible, “hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes”.¹⁹¹ In addition, Article 18 of the Fourth Geneva Convention provides that civilian hospitals sheltering the wounded, sick, infirm and maternity cases, may not be the object of attack and must be protected and respected under all circumstances.¹⁹² Similarly,

188 Al-Haq, ‘Field Updates from the Gaza Strip’, (Al-Haq, 10 July 2014), Thursday 24 July Gaza Governorate, available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015).

189 PCHR, ‘Heinous Crimes against Humanity, On the 26th Day of the Israeli Offensive: Massacre in Rafah, Most Violent Since the Beginning of the Offensive: Rafah Isolated and Unprecedented War Crimes Committed’ (PCHR, 2 August 2014) available at: http://www.pchrgaza.org/portal/en/index.php?option=com_content&id=10558:heinous-crimes-against-humanity-on-the-26th-day-of-the-israeli-offensive-massacre-in-rafah-most-violent-since-the-beginning-of-the-offensive-rafah-isolated-and-unprecedented-war-crimes-committed&Itemid=194 (last accessed 20 January 2015).

190 Palestine Red Crescent Society, ‘Al Quds Hospital and Khalil Al Wazeer Clinic in Gaza City Targeted in an Israeli Strike’ (Ammado, 2 August 2014). available at: <https://www.ammado.com/nonprofit/145912/articles/104891> (last accessed 20 January 2015).

191 Hague Regulations, article 27.

192 Fourth Geneva Convention, article 18.

Article 25 of the Rules of Aerial Warfare,¹⁹³ and Article 5 of the 1907 Hague Convention IX Concerning Bombardment by Navel Forces in Time of War,¹⁹⁴ require that all necessary steps are taken to spare, as far as possible, hospitals and other places where the sick and wounded are collected.

In considering the obligation “to spare as far as possible, hospitals and other places”, a distinction may be drawn between the use of hospitals to house troops and military offices, which would serve a legitimate military purpose, and the use of hospitals to treat wounded combatants and civilians, which by contrast serve a humanitarian purpose.¹⁹⁵ “The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants and not yet handed to the proper service, shall not be considered to be acts harmful to the enemy” and thus such a hospital may not be the subject of attack.¹⁹⁶ Combatants wounded in hospitals must be respected and protected within the context of Article 12 of the First Geneva Convention.¹⁹⁷ Significantly, there is a customary international law prohibition on attacks against persons who are *hors de combat* and defenseless due to unconsciousness, wounds or sickness.¹⁹⁸ In any case, the protection afforded to hospitals may not cease unless “due warning has been given, naming, in all appropriate cases, a reasonable time limit, and

193 Rules concerning the control of Wireless Telegraphy in Times of War and Air Warfare, the Hague (December 1922- February 1923), Article 25.

194 Convention (IX) Concerning Bombardment by Navel Forces in Time of War, The Hague (18 October 1907), Article 5.

195 Greenspan, M., *The Modern Law of Land Warfare* (University of California Press, 1959), p 341.

196 Fourth Geneva Convention, article 19,

197 First Geneva Convention, article 12; There is an obligation on the party to the conflict to treat the wounded and sick humanely. Accordingly, Pictet suggests that the obligation to respect and protect, derive from the authoritative French version ‘respecter’ or “to spare, not to attack” and ‘protéger’ which translates “to come to someone’s defence, to lend help and support”. Pictet, J., *Commentary: I Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* (ICRC, Geneva 1952): 25, article 12.

198 ICRC Customary IHL, Rule 47.

after such warning has remained unheeded.”¹⁹⁹

Israeli attacks against hospitals in the Gaza Strip are not justifiable under international humanitarian law. Furthermore, many hospitals, such as Al Aqsa hospital in Deir al-Balah, were shelled without prior warning resulting in massive civilian casualties. Moreover, while doctors at Abu Yousef al-Najjar hospital did receive prior warning, there was not sufficient time to evacuate the hospital fully and as a result numerous civilians were killed. In general, the excessive number of civilian casualties, including approximately 40 civilians injured in the shelling of Al-Aqsa hospital and 30 civilians injured at al-Durra hospital, indicates that Israel did not comply with the principle of proportionality.²⁰⁰ That being said, a hospital will not lose its protective status on the basis that it has received prior warning – a hospital will only lose its protective status when used to commit ‘acts harmful to the enemy’.²⁰¹

While civilian hospitals are generally protected under Article 18 of the Fourth Geneva Convention, Israel has additional obligations to ensure the safety of persons with disabilities during armed conflict. In particular, Article 11 of the Convention on the Rights of Persons with Disabilities requires that Israel takes “all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict”.²⁰² Notably, the unjustified shelling of the Al-Rahma Association for the Disabled, demonstrates that Israel did not have taken all necessary measures to protect persons with disabilities from attack.

199 Fourth Geneva Convention, Article 19.

200 Al-Haq, ‘Targeting of Health Facilities in the Gaza Strip May Amount to War Crimes’ (Al-Haq, 25 July 2014) available at: <http://www.alhaq.org/advocacy/topics/gaza/831-targeting-of-health-facilities-in-the-gaza-strip-may-amount-to-war-crimes> (last accessed 20 January 2015); Al-Haq, ‘Field Updates from the Gaza Strip’ (Al-Haq, 10 July 2014), Thursday 24 July North Gaza Governorate available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 20 January 2015).

201 Pictet, *Commentary IV Geneva Convention* (ICRC, 1958) 154.

202 UN General Assembly, *Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly* (24 January 2007), UN Doc A/RES/61/106, Article 11.

Hospitals featuring distinctive emblems have been targeted during ‘Operation Protective Edge’. The property of civilian hospitals marked by the Red Crescent emblem, governed by Article 38 of the First Geneva Convention, or black and white triangles, according to Article 5(2) of Hague Convention IX,²⁰³ may in no circumstances be the object of an attack.²⁰⁴ For example, reports that the Al Quds Hospital in Tal Al Hawa was targeted despite having displayed the prominent Red Crescent emblem indicates that Israel may have violated the principle of distinction and as such may have unlawfully attacked it.²⁰⁵

Israeli attacks against hospitals and health facilities have resulted in unlawful damage to and destruction of property, including equipment. “[E]xtensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly” is considered a war crime and a grave breach of the Geneva Conventions. A single act of destruction of a hospital is sufficient for such a characterization.²⁰⁶ Accordingly, the shelling of Al-Shifa Hospital in Rafah, the repeated attacks on Beit Hanoun Governmental Hospital, the destruction of property at Shuhada’ Al-Aqsa Hospital in Deir al-Balah, damage to the premises of al-Durra Hospital in al-Tuffah, and structural damage to Al Quds Hospital in Tal Al Hawa and Khalil Al Wazir Clinic, individually amount to grave breaches of the Geneva Conventions.

203 Convention (IX) Concerning Bombardment by Naval Forces in Time of War, The Hague (18 October 1907), Article 5.

204 Fourth Geneva Convention, article 18; First Geneva Convention, article 39.

205 ICRC Customary IHL, Rule 8.

206 ICRC Customary IHL, Rule 50; *Prosecutor v. Tihomir Blaskic*, (Trial Judgment), IT-95-14-T ICTY, 3 March 2000, para 239.

5.2.2 Provision of Medical Supplies

Israel, as an Occupying Power, is obligated “to the fullest extent of the means available to it” to supply the necessary minimum amounts of food and medical supplies for the maintenance of public health facilities and hospitals.²⁰⁷ Moreover, Article 14(1) of Additional Protocol I establishes that the belligerent occupant has a “duty to ensure that the medical needs of the civilian population in occupied territory continue to be satisfied”.²⁰⁸ The occupant must ensure the continuation of medical needs without qualification.²⁰⁹ As such, Israel must permit the free and rapid passage of all consignments of medical and hospital stores into the Gaza Strip necessary for the civilian population.²¹⁰

²⁰⁷ Fourth Geneva Convention, articles 55 and 56.

²⁰⁸ Additional Protocol I, article 14(1).

²⁰⁹ Dinstein, Y., *The International Law of Belligerent Occupation* (Cambridge University Press, 2009), at 188.

²¹⁰ Fourth Geneva Convention, article 23.



6

DESTRUCTION OF ELECTRICITY, WATER AND SEWAGE INFRASTRUCTURE

6.1 DESTRUCTION OF VITAL INFRASTRUCTURE

In the context of past Israeli offensives on the Gaza Strip, Israel has deliberately destroyed and damaged structures facilitating the provision of vital resources to the occupied Palestinian population in

the Gaza Strip.²¹¹ According to the Emergency Water, Sanitation and Hygiene Group (EWASH), Israel damaged or destroyed 30 kilometers of water networks and 11 wells operated by the Gaza water authorities during the 2008-09 offensive on the Gaza Strip.²¹² Much of the damage and destruction caused during that offensive was not repaired when 'Operation Protective Edge' took place.²¹³ Moreover, Israel caused extensive damage and destruction to then functioning electricity, water and sewage infrastructure during its 2014 offensive.

6.1.1 Attacks on the Gaza Power Plant

Water pumps and wastewater treatment plants depend on electricity to function. The Gaza Power Plant is responsible for supplying one third of the energy needs in the Gaza Strip.²¹⁴ However, Israel intentionally fired eight missiles at the Gaza Power Plant's transformers in 2006 and since then has restricted the import of fuel as well as spare parts and equipment necessary to fully repair the damage incurred.²¹⁵ As a result, in March 2014, electricity supplied by the Gaza Power Plant and purchased from Israel and Egypt, met approximately 46 per cent of the

estimated demand in the Gaza Strip.²¹⁶

To make matters worse, the Palestinian human rights coalition documented four separate attacks against the Gaza Power Plant during the offensive. On 29 July 2014, the Gaza Power Plant was forced to shut down following one attack. On 4 September 2014, the OCHA reported that the shutdown of the Gaza Power Plant resulted in power outages of 18 hours a day.²¹⁷ The shutdown of the Gaza Power Plant "had a devastating effect on the water, sanitation and hygiene (WASH) and health sectors and has left Gaza on the brink of a public health crisis".²¹⁸

6.1.2 Attacks on water and sewage infrastructure

On 14 September 2014, the Palestinian Water Authority (PWA) announced that 11 water wells were completely destroyed and 15 were partially destroyed during Israel's 2014 offensive. In addition, 17 kilometres of water supply networks were completely destroyed and another 29 were partially destroyed. PWA also stated that 5 water containers were completely destroyed and 11 were partially or severely damaged, while two desalination units were completely destroyed and 4 were partially damaged during the same offensive. Furthermore, more than 7 kilometres of sewage networks were completely destroyed and 10 kilometres were partially destroyed. Another 12 pumping stations were severely damaged and 4 wastewater treatment stations were partially destroyed.²¹⁹

211 UN General Assembly, 'Report of the United Nations Fact Finding Commission on the Gaza Conflict', (25 September 2009) UN Doc A/HRC/12/48, paras 50-54 and paras 962-968, available at: <http://unispal.un.org/UNISPAL.NSF/0/25184E52D3E5CDBA8525763200532E73> (last accessed 20 January 2015); Li, D., and Lein, Y, 'Act of vengeance - Israel's Bombing of the Gaza Power Plant and its Effects' (B'tselem, September 2006), available at: http://www.btselem.org/download/200609_act_of_vengeance_eng.pdf (last accessed 20 January 2015); OHCHR, 'Report of the United Nations High Commissioner for Human Rights on the Implementation of Human Rights Council resolutions' UN Doc S-9/1 and S-12/1, paras 30 at: http://www.ohchr.org/documents/hrbodies/hrcouncil/regularsession/session22/a.hrc.22.35.add.1_av.pdf (last accessed at 20 January 2015).

212 Wash Emergency Water Sanitation Hygiene In The Opt (henceforth EWASH), 'Gaza Strip', available at: <http://www.ewash.org/en/?view=79Y0cy0nNs3D76djuYAnkDDT> (last accessed at 20 January 2015).

213 EWASH, 'Gaza Strip', available at: <http://www.ewash.org/en/?view=79Y0cy0nNs3D76djuYAnkDDT> (last accessed at 20 January 2015).

214 EWASH, 'Gaza Strip', available at: <http://www.ewash.org/en/?view=79Y0cy0nNs3D76djuYAnkDDT> (last accessed at 20 January 2015).

215 OCHA oPt, 'The Humanitarian Impact of Gaza's Electricity and Fuel Shortages' (OCHA, March 2014), available at: http://www.ochaopt.org/documents/ocha_opt_electricity_factsheet_march_2014_english.pdf (last accessed 20 January 2015).

216 OCHA oPt, 'The Humanitarian Impact of Gaza's Electricity and Fuel Shortages' (OCHA, March 2014), available at: http://www.ochaopt.org/documents/ocha_opt_electricity_factsheet_march_2014_english.pdf (last accessed 20 January 2015).

217 OCHA oPt, 'Occupied Palestinian Territory: Gaza Emergency Situation Report (as of 4 September 2014, 08:00 hrs)' (OCHA, September 2014), p 2, http://www.ochaopt.org/documents/ocha_opt_sitrep_04_09_2014.pdf (last accessed 20 January 2015).

218 OCHA oPt, 'Gaza Crisis Appeal' (OCHA, 05 August 2014), available at: <http://www.unocha.org/cap/appeals/gaza-crisis-appeal-august-2014> (last accessed 20 January 2015); HRW, 'Gaza: Widespread Impact of Power Plant attack' (HRW, 10 August 2014), available at: <http://www.hrw.org/news/2014/08/10/gaza-widespread-impact-power-plant-attack> (last accessed 20 January 2015).

219 'Authority: \$34.4 million worth of damages to Gaza water sector', *Ma'an News Agency* (14 August 2014), available at: <http://www.maannnews.net/eng/ViewDetails.aspx?ID=720672> (last accessed 20 January 2015).

As a result, on 27 August 2014, OCHA stated that “[a]pproximately half a million people were directly affected by damage to water facilities, and one million were affected due to damage to the wastewater plant and wastewater pumping stations”²²⁰ caused during “Operation Protective Edge.



Destroyed drinking water tank during offensive. Al-Mintar. (c) Al-Haq

The PWA has announced that the water distribution network in the Gaza Strip suffered 34.4 million dollars’ worth of damage during ‘Operation Protective Edge’.

6.2 LEGAL ANALYSIS

Article 43 of the Hague Regulations requires that the Occupying Power restores and ensures, as far as possible, public order and civil life in the occupied territory. As such, Israel must ensure the welfare of the occupied population. This obligation requires that Israel ensures that Palestinians enjoy water, sanitation and electricity services. In addition, Article 53 of the Fourth Geneva Convention prohibits the destruction of real or personal

²²⁰ OCHA oPt, ‘Gaza Initial rapid Assessment’ (OCHA, 27 August 2014), page 4, available at: http://www.ochaopt.org/documents/gaza_mira_report_9september.pdf (last accessed 20 January 2015).

property belonging individually or collectively to private persons or to the State or other public authorities except where such destruction is rendered absolutely necessary by military operations whilst taking into consideration the welfare of the occupied population.²²¹ In this regard, while military necessity may in some instances justify intervention, the striking of this careful balance “should never result in total disregard for the interests and needs of the population.”²²²

Israel’s destruction of and damage to water and sewage infrastructure cannot reasonably meet the criteria of military necessity and is not in line with the principles of distinction and proportionality. Israel is required to distinguish between civilian and military objects.²²³ Accordingly, Israel must limit its attacks to military objectives, which make an effective contribution to military action and offer a definite military advantage by their nature, location, purpose or use.²²⁴ Israel must also take into consideration any “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” and take all feasible measures to ensure that civilian objects are not subject to attack.²²⁵

The specific obligation to take constant care to spare the civilian population and civilian objects, and minimize incidental loss and damage is a rule of customary international law.²²⁶ In particular, Article 54(2) of Additional Protocol I establishes a narrower proportionality test prohibiting attacks during hostilities that “destroy, remove or render useless objects indispensable to the survival of the civilian population”

²²¹ Arai, Y., *The Law of occupation: Continuity and Change of International Humanitarian Law, and its Interaction with International Human Rights Law* (Martinus Nijhoff Publishers, 2009), p 170.

²²² Cassese, A., *The Human Dimension of International Law: Selected Papers of Antonio Cassese* (Oxford University Press, 2008), p 251.

²²³ Additional protocol I, article 48.

²²⁴ Additional Protocol I, article 52(2); ICRC Customary IHL, Rule 8.

²²⁵ Additional Protocol I, article 57 (2) (iii).

²²⁶ ICRC customary IHL, rule 15.

such as water installations, supplies and irrigation works “whatever the motive”.²²⁷ Indeed, as held by the UN Bureau of Committee on Exercise of Inalienable rights of Palestinian People, Israel’s destruction of ‘critical civilian infrastructure’ is in violation of Israel’s obligations as an Occupying Power under the Fourth Geneva Convention.²²⁸

The extensive destruction of property in this manner, not justified by military necessity and carried out unlawfully and wantonly, constitutes a grave breach of the Geneva Conventions and is subject to universal jurisdiction as a war crime. While Israel is not a party to Additional Protocol I of 1977 the rule is considered declaratory of customary international law and it is featured in Israel’s military manual.²²⁹ Additionally, intentionally directing attacks against civilian objects, which do not constitute military objectives is a war crime under Article 8(2)(b)(ii) of the Rome Statute.²³⁰

Furthermore, the deliberate targeting of civilian infrastructure to purposefully inflict hardship on the civilian population may amount to collective penalty in violation of Article 33 of the Fourth Geneva Convention of 1949 and customary international law and also amounts to a war crime.²³¹

Finally, Article 23 of the Fourth Geneva Convention and Article 70 of Additional Protocol I, requires the rapid and free passage, of essential foodstuffs, medical and hospital stores, which Israel has violated since the beginning of the closure on the Gaza Strip.

²²⁷ Additional Protocol I, article 54 (2).

²²⁸ ‘Statement by Bureau of Committee on Exercise of Inalienable Rights of Palestinian People on Situation in Gaza Strip’ (UN, 11 July 2014) UN Doc GA/PAL/1310, available at: <http://www.un.org/News/Press/docs/2014/gapal1310.doc.htm> (last accessed 20 January 2015).

²²⁹ Israel, *Rules of Warfare on the Battlefield*, Military Advocate General Corp’s Command, IDF School of Military Law, (Second Edition, 2006) para 364.

²³⁰ Rome Statute, article 8(2)(b)(ii).

²³¹ ICRC Customary IHL, rule 103.



7

FORCIBLE TRANSFER AND EVACUATION OF PALESTINIANS

7.1 DISPLACEMENT OF PALESTINIANS

OCHA estimated that at its peak, 485,000 Palestinians were displaced during ‘Operation Protective Edge’ and that 270,000 of the displaced Palestinians were hosted in shelters belonging to the United Nations Relief and Works Agency for Palestinian Refugees in the Near East

(UNRWA).²³² During the first five days of Israel's ground invasion, 120,000 Palestinians fled their homes.²³³ According to OCHA, approximately 108,000 Palestinians remain homeless following the end of hostilities due to severe damage or destruction of their homes.²³⁴

The overwhelming number of displaced Palestinians fled their homes due to the expansion of the Israeli-imposed buffer zone during the offensive, advance IOF-warnings, and the devastating destruction of civilian objects and infrastructure. In fact, according to the Palestinian human rights coalition, 43,503 Palestinian families were affected by destruction of residential houses.

7.1.1 Expansion of Buffer Zone

Prior to Israel's ground invasion on 17 July 2014, Israel announced the expansion of the buffer zone from 300 metres to 3 kilometres.²³⁵ In total, the Israeli extended buffer zone covered an area of 162 square kilometers, further restricting civilian access to 44 per cent of the Gaza Strip where approximately 250,000 people reside.²³⁶ Israel maintained the expanded buffer zone for the duration of its ground invasion, which came to an end on 5 August 2014.²³⁷

As part of the expansion of the buffer zone, Israel forced the evacuation

232 OCHA oPt, 'Gaza Emergency Situation Report' (OCHA, 3 August 2014) available at: http://www.ochaopt.org/documents/ocha_opt_sitrep_04_08_2014.pdf (last accessed 20 January 2015).

233 OCHA, 'Gaza Emergency Situation Report' (OCHA, 23 July), page 1 available at: http://www.ochaopt.org/documents/ocha_opt_sitrep_23_07_2014.pdf (last accessed 20 January 2015).

234 OCHA, 'Occupied Palestinian Territory: Gaza Emergency Situation Report' (as of 28 August 2014, 08:00 hrs) (OCHA, Augsut 2014), available at: http://www.ochaopt.org/documents/ocha_opt_sitrep_28_08_2014.pdf (last accessed 20 January 2015).

235 OCHA, 'Occupied Palestinian Territory: Gaza Emergency Situation Report (as of 18 July 2014, 1500 hrs)' (OCHA July 2014), p 2 http://www.ochaopt.org/documents/ocha_opt_sitrep_18_07_2014.pdf (last accessed 20 January 2015).

236 OCHA, 'Occupied Palestinian Territory: Gaza Emergency Situation Report (as of 30 July 2014, 1500 hrs)' (OCHA, 30 July 2014), available at: http://www.ochaopt.org/documents/ocha_opt_sitrep_31_07_2014.pdf (last accessed 20 January 2015).

237 OCHA oPt, 'Occupied Palestinian Territory: Gaza Emergency Situation Report (as of 5 August 2014, 0800 hrs)' (OCHA, August 2014), available at: http://www.ochaopt.org/documents/ocha_opt_sitrep_05_08_2014.pdf (last accessed 20 January 2015).

of large portions of the Palestinian population residing in the occupied Gaza Strip. Most notably, Palestinians in the northern Gaza Strip - in Shuja'iyya, Zaitoun, Jabaliya, Beit Hanoun, and Beit Lahiya - received notices to evacuate to areas east of the then newly expanded three-kilometer buffer zone.²³⁸ To the south of the Gaza Strip, residents in East Khan Younis were advised to evacuate to the city center, and to Rafah in the South.²³⁹ The districts of Shuja'iyya, Zeitoun,²⁴⁰Beit Hanoun,²⁴¹Jabaliya,²⁴²and Beit Lahia²⁴³ have a combined population of 298,137 residents.

Given the large number of civilians, United Nations Secretary-General warned that the evacuation of northern Gaza would have a "devastating humanitarian impact on the beleaguered citizens of those areas".²⁴⁴

238 OCHA oPt, 'Occupied Palestinian Territory: Gaza Emergency Situation Report (as of 28 July 2014, 1500 hrs)' (PCHA, July 2014), available at: http://www.ochaopt.org/documents/ocha_opt_sitrep_29_07_2014.pdf (last accessed 20 January 2015); 'Israel Army tells all North Gaza Residents to flee their homes', *Ma'an News Agency* (29 July 2014) available at: <http://www.maannews.net/eng/ViewDetails.aspx?ID=716715> (last accessed 20 January 2015); 'IAF delays strikes in Northern Gaza to allow residents time for evacuation', *The Jerusalem Post* (16 July 2014), available at: <http://www.jpost.com/Operation-Protective-Edge/IDF-alerts-northern-Gaza-residents-to-evacuate-homes-362956> (last accessed 20 January 2015).

239 , Zitun, Y., 'IDF calls South Gaza Strip residents to evacuate to central Khan Younis', *Ynet News* (29 July 2014), available at: <http://www.ynetnews.com/articles/0,7340,L-4551719,00.html> (last accessed 20 January 2015); OCHA oPt, 'Gaza Crisis Humanitarian Snapshot' (OCHA, 10 July 2014) available at: http://www.ochaopt.org/documents/humanitarian_Snapshot_11July2014_oPt_V1.pdf (last accessed 20 January 2015).

240 The districts of Shuja'iyya, Zaitoun, have a combined population of 100,000 residents; Reuters, 'Israel Sends out Evacuation Warnings Ahead of Potential Incursion after Truce Collapses' *Newsweek* (16 July 2014) available at: <http://www.newsweek.com/israel-send-out-evacuation-warnings-ahead-potential-incursion-after-truce-259134> (last accessed 20 January 2015).

241 BeitHanoun has a population of 32,597, OCHA oPt, 'Beit Hanoun: Northeast Gaza Strip Satellite Image Analysis of Vegetation Loss 2001- 2004' (OCHA, 23 August 2005) available at: http://www.ochaopt.org/documents/OCHAoPtBeitHanoun0805_HiRes.pdf (last accessed 20 January 2015).

242 Jabaliya has a population of 106,000. Badil, 'This is Disengagement? - Israeli Military Operations in Jabalyia Refugee Camp and North GazaStrip' (Badil, 4 October 2004), available at: <http://www.badil.org/en/press-releases/57-press-releases-2004/1567-press-364-04> (last accessed 20 January 2015).

243 Beit Lahia has a population of 59,540. Palestinian Central Bureau of Statistics 2006, available at: http://www.zobbel.de/stamp/pna_18.htm (last accessed 20 January 2015).

244 UNSG Ban Ki-Moon, 'Statements' (UN, 28 July 2014), available at: <http://www.un.org/sg/statements/index.asp?nid=7892> (last accessed 20 January 2015).

7.1.2 Advance Warnings

One of the main triggers for the displacement of hundreds of thousands of Palestinians was IOF-issued warnings informing Palestinian residents of entire neighbourhoods or individual homes of future Israeli assaults.²⁴⁵

During the offensive, Israel issued warnings in the form of text messages, phone calls, and so called 'knock-on-the-roof missiles' or 'fake' warnings. 'Knock-on-the roof' warning is a procedure in which Israel fires a small missile at the roof of a building to warn its occupants that a fully armed larger missile attack is imminent. 'Fake' warnings relate to instances where Israel informs families that their homes will be bombarded without actually carrying out the attack. For example, residents of Shuja'iyya, Zeitoun, Jabaliya, Beit Hanoun, and Beit Lahia neighbourhoods were issued with evacuation warnings via text message and telephone by the Israel forces.²⁴⁶

During the offensive, knock-on-the-roof missiles resulted in the death of numerous Palestinians and the intentional damage and destruction of civilian homes.²⁴⁷ For example, on 9 July 2014, Israeli air forces struck the house of Sa'id Ghafour in Khan Younes with a non-explosive missile meant to warn its residents of an upcoming attack. Such an attack followed within five minutes, leaving almost no time for the inhabitants of the house and their neighbors to escape. Sa'id Ghafour's relatives, including Amal Yousef 'Abd-al-Ghafour who was six months pregnant, as well as her 1-year-old daughter Ranin Jawdat Abd-al-Ghafour were

²⁴⁵ UNSG Ban Ki-Moon, 'Statements' (UN, 28 July 2014), available at: <http://www.un.org/sg/statements/index.asp?nid=7892> (last accessed 20 January 2015).

²⁴⁶ 'Israel Army tells all North Gaza Residents to Flee their Homes', *Ma'an News Agency* (29 July 2014), available at: <http://www.maannews.net/eng/ViewDetails.aspx?ID=716715> (last accessed 20 January 2015).

²⁴⁷ Al Mezan, 'Gaza Diaries 4: When the Protection of Home is Lost: IOF Attacks Kill Women in Their Homes', (Al Mezan, 14 July 2014), available at: http://www.mezan.org/en/details.php?id=19228&ddname=&id_dept=22&p=center (last access 20 January 2015); PHROC, 'Open Letter to UN Secretary-General on Hostilities in the Gaza Strip', (July 2014) available at: <http://unispal.un.org/UNISPAL.NSF/0/68DC087B23E8E68485257D1C005DD0F4> (last access 20 January 2015).

killed in the attack.²⁴⁸ They lived across the street from Sa'id. Two homes next to, and one house across from Sa'id's house were severely damaged.²⁴⁹

7.1.3 Destruction of Civilian Objects

Israel targeted civilian objects throughout its 2014 military offensive on the Gaza Strip. In particular, Israel attacked UN facilities, such as UNRWA shelters hosting displaced Palestinians, were also attacked by Israel. On 3 August, Israel attacked a UNRWA Boys' Prep School in Rafah, killing nine persons and injuring an additional 27 persons.²⁵⁰ On 24 July, Israel shelled a UNRWA shelter in Beit Hanoun, killing at least 13 people and injuring an additional 200. Meanwhile, the al-Maghazi refugee camp, a United Nations designated shelter, was shelled on two occasions.²⁵¹ UNRWA had formally conveyed the coordinates of the shelter's location to Israel on twelve separate occasions.²⁵²

The wide scale destruction of and damage to civilian objects is illustrative of Israel's non-compliance with the principle of distinction and its policy of collective punishment. The indiscriminate destruction of and damage to civilian objects significantly contributed to the displacement of hundreds of thousands of Palestinian civilians, many

²⁴⁸ Al-Haq, 'Field Updates from the Gaza Strip', (Al-Haq, 10 July 2014), Wednesday 9 July Khan Younis Governorate, available at: <http://www.alhaq.org/documentation/weekly-focuses/821-al-haq-field-updates-from-the-gaza-strip> (last accessed 10 January 2015).

²⁴⁹ HRW, 'Israel/Palestine, Unlawful Israeli Airstrikes Kill Civilians' (HRW, 16 July 2014), available at: <http://www.hrw.org/news/2014/07/15/israelpalestine-unlawful-israeli-airstrikes-kill-civilians> (last accessed 20 January 2015).

²⁵⁰ UNRWA, 'UNRWA Condemns Israeli Strike next to UNRWA School killing Civilians' (UNRWA, 03 August 2014) available at: <http://www.unrwa.org/newsroom/official-statements/unrwa-condemns-israeli-strike-next-unrwa-school-killing-civilians> (last accessed 20 January 2015).

²⁵¹ Al-Haq, 'UNRWA Emergency Shelter Bombed: 13 Civilians Killed and 200 Injured' (Al-Haq, 26 July 2014), available at: <http://www.alhaq.org/advocacy/topics/gaza/834-unrwa-emergency-shelter-bombed-13-civilians-killed-and-200-injured> (last accessed 20 January 2015); Amnesty International, 'Israel/Gaza Conflict: Questions and Answers' (Amnesty International, 25 July 2014), available at: <http://www.amnesty.org/en/news/israelgaza-conflict-questions-and-answers-2014-07-25> (last accessed 20 January 2015).

²⁵² UNRWA, 'Statement by the UNRWA Commissioner-General Pierre Krähenbühl' (UNRWA, 24 July 2014), available at: <http://www.unrwa.org/newsroom/official-statements/statement-unrwa-commissioner-general-pierre-krähenbühl> (last accessed 20 January 2015).

of whom sought shelter in UNRWA designated shelters and schools. On 29 September 2014, UNRWA documented that a remaining 57,006 displaced persons were being sheltered in 19 schools that cannot now be used for schooling.²⁵³ In the aftermath of the hostilities, schools in Gaza opened three weeks late, with UNRWA conducting classes in shifts to accommodate numbers.²⁵⁴

7.2 LEGAL ANALYSIS

7.2.1 Evacuation of Protected Persons

During 'Operation Protective Edge', the buffer zone was widened to three kilometers around the entirety of the Gaza Strip and Palestinians residing within this area were advised to leave their homes.

Article 49(1) of the Fourth Geneva Convention prohibits the forcible transfer and deportation from occupied territory. However, Israel "may undertake total or partial evacuation of a given area" during conflict.²⁵⁵ Such evacuation must however be of a temporary nature and is only permitted "if the security of the population or imperative military reasons so demand".²⁵⁶ For example, the military commander may evacuate the population if there is danger due to "military operations",²⁵⁷ where "intense bombing" is necessary or for humanitarian reasons, such as the outbreak of epidemics or natural disasters.²⁵⁸ Nevertheless,

253 OCHA oPt, 'Protection of Civilians, Reporting Period 23-29 September 2014' (OCHA, 03 October 2014), available at: http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2014_10_03_english.pdf (last accessed 20 January 2015).

254 Gisha, 'The School Year Began This Morning in Gaza Three Weeks Late' (Geisha, 14 September 2014), available at: <http://gisha.org/updates/3477> (last accessed 20 January 2015).

255 Fourth Geneva Convention, article 49; Additional Protocol II, article 17.

256 Fourth Geneva Convention, article 49; Additional Protocol II, article 17.

257 Hague Regulations, article 23(g).

258 *Prosecutor v Blagojevic*, Judgment, IT-02-60-T, 17 T. International Criminal Tribunal for the former Yugoslavia (henceforth ICTY) 17 January 2005, para 598; For example, the hostile army may legitimately displace the civilian population, for humanitarian reasons such as the outbreak of epidemics or natural disasters, or for the security of the civilian population. *Prosecutor v Blagojevic*, (Judgment, Trial Chamber) ICTY-02-60-T (17 January 2005) para 600; *Prosecutor v Milutinovic*, (Judgment, Trial Chamber) ICTY-05-87-T (26 February 2009), para 166.

the evacuation of protected persons is always considered an extreme measure.²⁵⁹ In such cases, there must be an overriding, imperative reason for the evacuation.²⁶⁰ Furthermore, Article 49 of the Fourth Geneva Convention requires that "persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased."²⁶¹

Israel claimed that the incursion of ground troops into Gaza was aimed at destroying tunnels in the Gaza Strip, and necessitated the evacuation of those areas.²⁶² Based on the narrow criteria set forth above, it is unlikely that the discovery and destruction of tunnels would reach the threshold of an 'overriding imperative reason' allowing Israel to evacuate hundreds of thousands of Palestinian civilians. While the IOF orchestrated a mass evacuation through warnings and military bombardment causing massive destruction with the stated objective of locating tunnels, as of 20 July 2014, only ten tunnel openings were reportedly found.²⁶³ Furthermore, the existence of the tunnels was already known to the IOF and Netanyahu prior to the military operation and was not considered a serious threat.²⁶⁴ The transfer of Palestinians was therefore grossly disproportionate to any

259 *Prosecutor v Blagojevic*, Judgment, IT-02-60-T, 17 T. International Criminal Tribunal for the former Yugoslavia (henceforth ICTY) 17 January 2005, para 598; For example, the hostile army may legitimately displace the civilian population, for humanitarian reasons such as the outbreak of epidemics or natural disasters, or for the security of the civilian population. *Prosecutor v Blagojevic*, (Judgment, Trial Chamber) ICTY-02-60-T (17 January 2005) para 600; *Prosecutor v Milutinovic*, (Judgment, Trial Chamber) ICTY-05-87-T (26 February 2009), para 166.

260 *Prosecutor v Blagojevic*, (Judgment, Trial Chamber) ICTY-02-60-T (17 January 2005) para 598.

261 Fourth Geneva Convention, article 49.

262 Zion et al., 'IDF Tackles Tunnels on First Full Day of Ground Op; Livni: "All Options Open" to Fight Hamas', *The Times of Israel* 18 July 2014, available at: <http://www.timesofisrael.com/as-conflict-with-hamas-goes-into-day-11-israel-launches-gaza-ground-offensive/> (last accessed 20 January 2015); Al-Mughrabi et al., 'Netanyahu vows to complete Gaza tunnels destruction', *Reuters* 31 July 2014, available at: <http://in.reuters.com/article/2014/07/31/mideast-gaza-idINKBN0G008520140731> (last accessed 20 January 2015).

263 Israel Defense Forces, "'Shuj'iya: Hamas' Terror Fortress in Gaza' (IDF, 20 July 2014), available at: <http://www.idfblog.com/blog/2014/07/20/shujaiya-hamas-terror-fortress-gaza/> (last accessed 20 January 2015).

264 Sharon, I. et al., 'Government Resolves to Intensify Gaza Offensive, after 3 Soldiers Killed', *The Times of Israel* (30 July 2014); Harel, A., 'The Israeli Army and Intelligence's Costly Battle over who gets Credit' *Haaretz* (13 November 2014), available at: <http://www.haaretz.com/news/diplomacy-defense/premium-1.626322> (last accessed 20 January 2015).

direct military advantage gained,²⁶⁵ and therefore cannot be justified as an evacuation undertaken for the protection of the Palestinian population but as a form of collective punishment.

In any case, Israel must ensure, as far as practicable, that the evacuation of Palestinians does not result in the separation of families. Moreover, Israel is obligated to ensure the accommodation, health, hygiene, safety and nutrition of the civilian population in case of evacuation.²⁶⁶ These obligations follow from Article 27 of the Fourth Geneva Convention, including the obligation on Israel to respect family rights. In light of shortages of safe water and electricity, the lack of a functioning sewage system, coupled with Israeli attacks on UN shelters for displaced persons and the closing of the borders, there is compelling evidence that Israel failed to safeguard minimum humanitarian rights.

The evacuation of Palestinians for the purpose of attacking civilian objects must further be viewed against the prohibition of the destruction of real or personal property belonging individually or collectively to private persons, the State, or other public authorities. Such destruction is only permissible when rendered absolutely necessary by military operations whilst taking into consideration the welfare of the occupied population.²⁶⁷ In this regard, while military necessity may in some instances justify intervention, the striking of this careful balance “should never result in total disregard for the interests and needs of the population.”²⁶⁸ The targeting of schools, mosques, hospitals, cemeteries, industrial facilities, offices of welfare organisations, banks, and other civilian infrastructure in the absence of military necessity may constitute

²⁶⁵ ICRC Customary IHL, rule 14, available at: http://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter4_rule14 (last accessed 20 January 15).

²⁶⁶ Fourth Geneva Convention, articles, 27 and 49(3); Pictet, J., *Commentary: I Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* (ICRC, Geneva 1952): 25, article 49(3); J. Pictet et al., *Commentary on the Additional Protocols* of 8 June 1977 to the Geneva Conventions of 12 August 1949, 1987, pp 694-1473; Additional Protocol I, article 58.

²⁶⁷ Arai, Y., *The Law of occupation: Continuity and Change of International Humanitarian Law, and its Interaction with International Human Rights Law* (Martinus Nijhoff Publishers, 2009), p 170.

²⁶⁸ Cassese, A., *The Human Dimension of International Law: Selected Papers of Antonio Cassese* (Oxford University Press, 2008), p 251; Prosecutor vKrstic. Judgment, IT-98-3R-T, ICTY, 2 August 2001, para 526.

war crimes and grave breaches of the Fourth Geneva Convention.²⁶⁹

7.2.2 Forcible Transfer

Forcible transfer may be distinguished from deportation, in that deportation requires the displacement of protected persons across a border,²⁷⁰ while forcible transfer relates to displacement within a State.²⁷¹ Additionally, forcible transfer may constitute a grave breach of Geneva Conventions,²⁷² and could be considered a war crime or a crime against humanity.²⁷³ *The Final Report of the Special Rapporteur on the Freedom of Movement, Human Rights and Population Transfer to the Sub-Commission on Prevention of Discrimination and Protection of Minorities* further indicated that the right not to be forcibly displaced

²⁶⁹ Al-Haq, ‘UNRWA Emergency Shelter Bombed: 13 Civilians Killed and 200 Injured’, (Al-Haq, 26 July 2014), available at: <http://www.alhaq.org/advocacy/topics/gaza/834-unrwa-emergency-shelter-bombed-13-civilians-killed-and-200-injured> (last accessed 20 January 15).

²⁷⁰ The crime of deportation was held by the Trial Chamber of the ICTY in the *Stakic* judgment to include transfer over *de facto* boundaries, which are not internationally recognized, but this was later reversed on Appeal. *Prosecutor v Stackic* (Judgment, Appeals Chamber) ICTY-97-24-A (22 March 2006), paras 300-303, 321; However the point is not quite settled. For example, in *Cyprus v Turkey*, the European Commission of Human Rights described the forcible displacement of Greek Cypriots from Turkish Cypriot controlled territory, “across the demarcation line” (effectively a front line), as deportation. *European Human Rights Reports*, Vol. 4 (1982), 428 at 520.

²⁷¹ *Prosecutor v Krstic* (Judgment, Trial Chamber), ICTY-98-3R-T (2 August 2001), para 521. Deportation was recognized as a crime against humanity in the Nuremberg Charter, the Charter of the International Military Tribunal for the Far East, the Allied Control Council Law No. 10, and the Rome Statute.

²⁷² Furthermore, Article 85(4)(a) of Additional Protocol I prohibits and considers a grave breach the ‘deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, in violation of Art. 49 of the Geneva Convention’.

²⁷³ *Prosecutor v Stackic* (Judgment, Appeals Chamber) ICTY-97-24-A (22 March 2006), para 317; *Prosecutor v. Kupreskić* (Judgment, Trial Chamber) ICTY-95-16-T (14 January 2000) para 621. For the war crime of unlawful deportation and transfer, there must be a nexus with an armed conflict, while crimes against humanity must take place within the context of a widespread and systematic attack against the civilian population. Article 8(2)(a) (vii)-1, Elements of Crimes <http://www.icc-cpi.int/nr/rdonlyres/336923d8-a6ad-40ec-ad7b-45bf9de73d56/0/elementsofcrimeseng.pdf> (last accessed 20 January 2015); Wemmers, J., *Reparation for Victims of Crimes Against Humanity: The Healing Role of Reparation* (Routledge, 2014), at 22; *Prosecutor v. Blaškić*, (Judgment, Appeals Chamber) ICTY-95-14-A, (29 July 2004), paras 103-116 and 135-139; Deportation and forcible transfer are acts comprising a crime against humanity under Article 7(2)(d) of the Rome Statute and also have the status of customary international law.

is a fundamental human right.²⁷⁴ During armed conflict, international human rights law is applicable concurrently with international humanitarian law.²⁷⁵ However the ICJ has indicated that “some rights may be exclusively matters of international humanitarian law; others may be exclusively matters of human rights law; yet others may be matters of both these branches of international law”.²⁷⁶

Forcible transfer exceeds the parameters of permitted evacuation by permanently removing protected persons to other locations against their will. This is characterized by a measure of ‘involuntariness’ described in the *Krnojelac* case of the International Tribunal for the Former Yugoslavia (ICTY) as the “absence of a genuine choice that makes the displacement unlawful”.²⁷⁷ The main factors in establishing involuntariness are physical force, the threat of force, or coercion.²⁷⁸ Pre-Trial Chamber II of the International Criminal Court (ICC) has considered the acts of burning and destroying civilian houses and businesses, and killing as acts triggering the forcible displacement of civilians.²⁷⁹ Likewise, orders to attack and destroy property, to expel civilians from one municipality to another, or preventing a person from exercising their right to stay in their home or community, may amount to forcible transfer.²⁸⁰ This may take the form of shelling and burning of

²⁷⁴ Final Report of the Special Rapporteur on the Freedom of Movement, Human Rights and Population Transfer to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, E/CN.4/Sub/1997/23, section 12, available at: <http://unispal.un.org/UNISPAL.NSF/0/480844B6EC1F52A905256500004CCF31> (last accessed 20 January 2015).

²⁷⁵ *Legality of the Threat or Use of Nuclear Weapons*, para. 25, and *Legal Consequences of the Construction of a Wall*, para. 106; General comment No. 31 (2004), para. 11.

²⁷⁶ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, para 106.

²⁷⁷ *Prosecutor v Milorad Krnojelac*, Appeals Judgment, IT-97-25-A, ICTY, 17 September 2003, para 229.

²⁷⁸ *Prosecutor v Milorad Krnojelac*, Trial Judgment, IT-97-25-T ICTY, 15 March 2002, para 475; *Prosecutor v Ruto et al.*, Decision on the Confirmation of Charges pursuant to Article 61(7)(a) and (b) of the Rome Statute, Pre-Trial Chamber II) ICC-01/09-01/11, 23 January 2012, (henceforth *Prosecutor v Ruto*) para 245.

²⁷⁹ ICC, *Prosecutor v Ruto*, paras 248-267.

²⁸⁰ *Prosecutor v Naletilic*, (Judgment, Trial Chamber) ICTY-98-34-T (31 March 2003), para 672; *Prosecutor v Naletilic*, (Amended Indictment) ICTY-98-34-PT, para 25; *Prosecutor v Simic* (Judgment, Trial Chamber II) ICTY-95-9-T (17 October 2003) para 130.

civilian property.²⁸¹

The disproportionate targeting of civilian homes in the Gaza Strip, combined with the targeting of civilians attempting to return to their homes, indicates that Israel forcibly transferred Palestinians.²⁸² In particular, the destruction of entire neighbourhoods in the Gaza Strip prevents the repatriation of persons to their homes thus lending the displacement a permanency indicative of forcible transfer. Moreover, the extensive destruction of civilian property, not justified by military necessity and carried out unlawfully and wantonly, constitutes a grave breach of the Fourth Geneva Convention.

7.2.3 Precautionary measures

With the view of sparing the civilian population, civilian lives and objects, international humanitarian law provides that parties to a conflict must take precautions in attacks. Article 57 of Additional Protocol I, reflective of customary international law,²⁸³ provides a list of precautionary measures that those who plan or decide upon an attack must undertake. In particular, this rule of international customary law provides that Israel must verify that the objectives of attack are not civilian. Israel must also “take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss or civilian life, injury to civilians and damage to civilian objects [and] refrain 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”.²⁸⁴

Rules of customary international law, Article 26 of the Hague Regulations,

²⁸¹ *Prosecutor v Simic* (Judgment, Trial Chamber II) ICTY-95-9-T (17 October 2003) para 126.

²⁸² OCHA oPt, ‘Gaza Emergency Situation Report’ (OCHA, 18 July 2014), available at: http://www.ochaopt.org/documents/ocha_opt_sitrep_19_07_2014.pdf (last accessed 20 January 2015).

²⁸³ ICRC Customary IHL, Rule 15.

²⁸⁴ Additional Protocol I, article 57(2)(a)(ii).

and Article 57(2)(c) of Additional Protocol I further oblige Israel to issue effective advance warning of attacks which may affect the civilian population, unless circumstances do not permit.²⁸⁵

Israel's 'knock-on-the roof' procedure must be considered unlawful in and of itself. The practice of dropping bombs on civilian homes as a warning for larger bombs yet to come, amounts to an attack on civilian persons and property as distinct from an actual precautionary warning. The procedure is in stark contradiction with Israel's obligation not to directly target civilians and civilian objects as well as its obligation to take precautionary measures. Furthermore, there is no obligation on civilians to leave their homes even where a warning has been issued and Israel is obligated to apply the requisite proportionality assessments in relation to anticipated military advantage as warranted under Article 51(5)(b) of Additional Protocol 1. Furthermore, Article 57(2)(b) requires that an attack be cancelled or suspended where 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".²⁸⁶

In this manner, Israel is intentionally causing unnecessary damage to civilian objects as well as posing an unjustified threat to civilian lives by firing missiles at the homes of Palestinians. Furthermore, Israel willfully killed Palestinians when 'knock-on-the-roof' missiles resulted in the loss of Palestinian civilian life. It must be underscored that precautionary measures do not absolve Israel from fully abiding by its obligation to comply with the principles of distinction and proportionality.²⁸⁷

²⁸⁵ ICRC Customary IHL, rule 20.

²⁸⁶ Additional Protocol I, article 57(2)(b).

²⁸⁷ Additional Protocol I, article 57(2)(b).



CONCLUDING REMARKS

International customary law provides that Israel must provide reparation for its violations of international law.²⁸⁸ Reparation may take the form of restitution, compensation or satisfaction.²⁸⁹ Moreover, international law has put in place mechanisms that will hold to account perpetrators of grave breaches of the Geneva Conventions and international crimes.

²⁸⁸ ICRC Customary IHL, Rule 150.

²⁸⁹ Draft Articles on State Responsibilities, Article 34.

Article 146 of the Fourth Geneva Convention establishes that “[e]ach High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts.” Furthermore, following Palestine’s accession to the Rome Statute of the ICC and its submission of an Article 12(3) Declaration, the ICC is capable of prosecuting and punishing Israelis that committed war crimes, crimes against humanity and the crime of genocide during Israel’s 2014 offensive.

Simultaneously, on 23 July 2014, the United Nations Human Rights Council established an international Commission of Inquiry mandated to investigate:

all violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military operations conducted since 13 June 2014, whether before, during or after, to establish the facts and circumstances of such violations and of the crimes perpetrated and to identify those responsible, to make recommendations, in particular on accountability measures, all with a view to avoiding and ending impunity and ensuring that those responsible are held accountable, and on ways and means to protect civilians against any further assaults.²⁹⁰

This Commission of Inquiry follows in the footsteps of previous bodies mandated by the United Nations (UN) to address various aspects of Israel’s occupation of the Palestinian territory. Such bodies include the 2013 International Fact-finding mission on Israeli settlements in the OPT, the 2009 UN Fact-finding mission on the Gaza Conflict, and the

²⁹⁰ Human Rights Council, A/HRC/RES/S-21/1, 23 July 2014, at 13.

2006 High-level Fact-finding mission to Beit Hanoun.²⁹¹

Unlike its predecessors, the current Commission of Inquiry has an unprecedented accountability-oriented mandate. Whereas the report of the 2009 Fact-finding Mission on the Gaza Conflict repeatedly noted that the Commissioners did not attempt to identify individuals suspected of having committed offences,²⁹² the current Commission of Inquiry is explicitly mandated “to identify those responsible [...] all with a view to avoiding and ending impunity and ensuring that those responsible are held accountable”.

²⁹¹ See, in particular, Report of the high-level fact-finding mission to Beit Hanoun established under the Human Rights Council’s resolution S-3/1, A/HRC/9/26, 1 September 2008; Report of the United Nations Fact-Finding Mission on the Gaza Conflict, A/HRC/12/48, 25 September 2009; Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, 31 January 2013.

²⁹² Report of the United Nations Fact-Finding Mission on the Gaza Conflict, A/HRC/12/48, 23 September 2009, at 25.

ABBREVIATIONS

EWASH	The Emergency Water, Sanitation and Hygiene Group
ICC	International Criminal Court
ICRC	International Committee for the Red Cross
ICTY	International Criminal Tribunal for the former Yugoslavia
IDF	Israeli Defense Forces
IHL	International Humanitarian Law
IOF	Israeli Occupation Forces
MADA	Palestinian Center for Development and Media Freedoms

ABBREVIATIONS

OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
OPT	Occupied Palestinian Territory
UN	United Nations
UNRWA	United Nations Relief and Works Agency for Palestinian Refugees in the Near East
PA	Palestinian Authority
PWA	Palestinian Water Authority

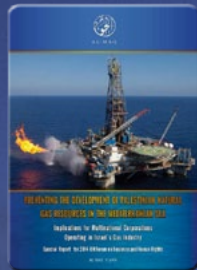
GLOSSARY

Bertini Commitment	Commitments made by the Government of Israeli to the Ms. Catherine Bertini, Personal Humanitarian Envoy to the Middle East for the Secretary General. These commitments were reconfirmed to Ms. Bertini in August 2002
Buffer Zone	An imprecise military no-go area that runs inside and along the Gaza Strip's borders, both at land and at sea.
EWASH	A coalition of 28 agencies, including national and international NGOs, UN agencies, academic and research institutions, and Palestinian institutions, working in the water and sanitation sector in the OPT.
Interim Agreement	The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip that was agreed upon on 28 September 1995.

GLOSSARY

Operation Protective Edge	The Israeli military offensive against the Gaza Strip lasting from 8 July until 26 August 2014.
Operation Brother's Keeper	The Israeli military operation in the West Bank in response to the abduction of three Israeli settlers on 12 June 2014.
Operation Cast Lead	The Israeli military offensive against the Gaza Strip lasting from 27 December 2008 until 18 January 2009.
Palestinian Human Rights Coalition	A coalition of four Palestinian human rights organisations – Al-Haq, Aldameer, Palestinian Center for Human Rights and Al Mezan - that collectively monitored and documented violations of international law committed during 'Operation Protective Edge'

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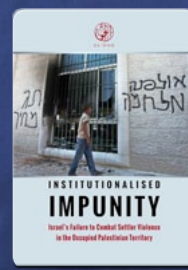
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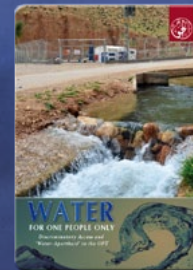
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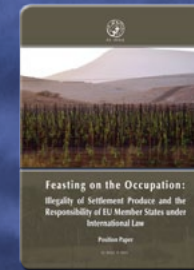
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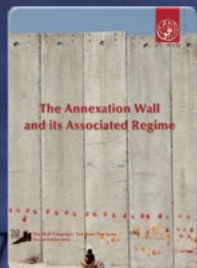
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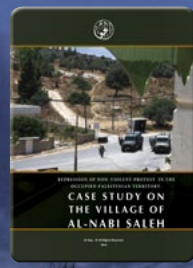
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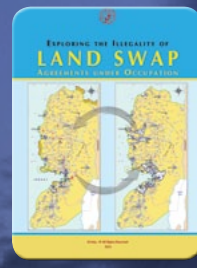
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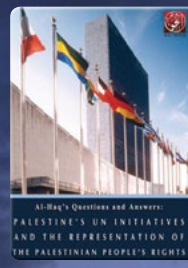
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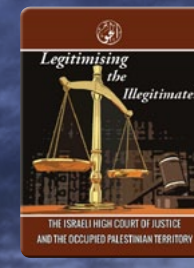
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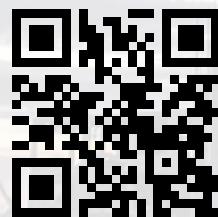


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SMART PHONES



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AL - HAQ

About AL-HAQ

Al-Haq is an independent Palestinian non-governmental human rights organisation based in Ramallah, West Bank. Established in 1979 to protect and promote human rights and the rule of law in the Occupied Palestinian Territory (OPT), the organisation has special consultative status with the UN Economic and Social Council.

Al-Haq documents violations of the individual and collective rights of Palestinians in the OPT, regardless of the identity of the perpetrator, and seeks to end such breaches by way of advocacy before national and international mechanisms and by holding the violators accountable. The organisation conducts research; prepares reports, studies and interventions on the breaches of international human rights and humanitarian law in the OPT; and undertakes advocacy before local, regional and international bodies. Al-Haq also cooperates with Palestinian civil society organisations and governmental institutions in order to ensure that international human rights standards are reflected in Palestinian law and policies. The organisation has a specialised international law library for the use of its staff and the local community.

Al-Haq is also committed to facilitating the transfer and exchange of knowledge and experience in IHL and human rights on the local, regional and international levels through its Al-Haq Center for Applied International Law. The Center conducts training courses, workshops, seminars and conferences on international humanitarian law and human rights for students, lawyers, journalists and NGO staff. The Center also hosts regional and international researchers to conduct field research and analysis of aspects of human rights and IHL as they apply in the OPT. The Center focuses on building sustainable, professional relationships with local, regional and international institutions associated with international humanitarian law and human rights law in order to exchange experiences and develop mutual capacity.

Al-Haq is the West Bank affiliate of the International Commission of Jurists - Geneva, and is a member of the Euro-Mediterranean Human Rights Network (EMHRN), the World Organisation Against Torture (OMCT), the International Federation for Human Rights (FIDH), Habitat International Coalition (HIC), and the Palestinian NGO Network (PNGO).



TAB 3



Affidavit number: 201/2021

Sworn Statement**I, the undersigned, Fadi Tayseer Daoud Jarrar****Telephone number: 0568888101****Holder of ID No.: 939440251****Nationality: Palestinian****Date of Birth: 9/26/1969****Occupation: ambulance officer****Place of residence: Governmental Hospital Street, Jenin District****I, the undersigned, whereas I was warned to tell the truth, otherwise, , I shall be subject to criminal responsibility and punishment as set by law, hereby declare as follows:**

At about four o'clock in the morning on Friday, May 14, 2021, I received a call from the Palestinian Red Crescent Center, in the city of Jenin, and was asked to drive my ambulance to the Israeli Al-Jalama Crossing, located north of the city of Jenin, where confrontations between Palestinian youth and men and the soldiers of the Israeli military force took place. It is noteworthy that I own a private licensed aid center, called Al-Hayat Aid Center, and two ambulances, one of Volkswagen 2016 model, the external structure of which indicates that it's an ambulance. I arrived in front of the Al-Jalama Crossing along with ambulance officer Amjad Tawfiq Qassem. I saw hundreds of young men, and a large number of Israeli soldiers (around 20-25 soldiers) in military uniforms and full equipment deployed in the site, specifically to the southern side of the Al-Jalama Crossing, where confrontations were taking place. Men were throwing stones towards the soldiers who were firing live bullets and tear gas canisters, as I could hear the sounds of gunfire and see the soldiers pointing their weapons and their bullets at the Palestinian protestors. I stopped the vehicle next to Al-Jalama roundabout, which is a main roundabout that leads to the Al-Jalama Crossing from its north, and into Al-Jalama village from its east, and to the city of Jenin from its south. The ambulance officer accompanying me screamed as he saw one of the protestors being shot and falling to the ground, at the entrance of the street leading to the Al-Jalama village to the eastern side of the roundabout and to the eastern side of us. I was standing about 50 –60 meters away from the injured and with the street lights, I actually saw a young man lying on the ground in the middle of the main street. I started moving towards him to provide him with first aid. In those moments, I no longer saw the occupation soldiers, as all my focus was on reaching the injured person to help him. I reached him and stopped the vehicle next to him. As I stopped the vehicle, I heard gunfire sounds, but could not identify the location they were being fired from. The paramedic, Amjad Qassem, got off to transfer the injured to the vehicle, and I remained in the driver's seat to start the vehicle as soon as the injured person was on board. We then left the site in a hurry towards the Jenin City Governmental Hospital in Jenin. The injured person was taken to the emergency room. Here I was surprised by many citizens who were gathering in front of the emergency door telling me that the external structure of my ambulance was hit by bullets. Indeed, I found that about 7 bullets hit the left side of the ambulance's outer structure from the driver's side, diagonally; which means that the Israeli soldiers who targeted me were standing behind me to the

northwestern side. I do not know the distance between me and them. I also believe that the bullets that hit the ambulance hit him [the injured person] after transporting the injured to it as it was moving, fortunately for me and the ambulance officer accompanying me, we were not shot. there The Israeli soldiers did not give us a warning to stop or not to move the injured person prior to the shooting.

And a notice to that effect signed on this corresponding day: 23/5/2021

Signature: _____

Name: Not withheld from publication

Name of Guardian: _____

Signature: _____

Field researcher: Tareq Al-Haj Mahmoud

رقم الإفادة ٢٠١ / ٢٠٢

تصريح مشفوع بالقسم

أنا الموقع اسمي أدناه: فادي تيسير داوود جرار
حامل هوية رقم: ٩٣٩٤٤٠٢٥١ الجنسية: فلسطيني
وأعمل: ضابط اسعاف من سكان: شارع المشفى الحكومي قضاء: جنين
هاتف: ٠٥٦٨٨٨٨١٠١ والمولود بتاريخ: ١٩٦٩/٩/٢٦

أصرح بعد أن حذرت أن أقول الصدق وإلا عرضت نفسي للعقاب الجزائي بما يلي:

انه وفي حوالي الساعة الرابعة من فجر يوم الجمعة الموافق ٢٠٢١/٥/١٤م تلقيت اتصال من قبل مركز الهلال الأحمر الفلسطيني في مدينة جنين وطلب مني التوجه بمركبة الإسعاف الخاصة بي الى امام معبر الجملة الإسرائيلي الواقع شمال مدينة جنين حيث كانت تقع هناك مواجهات بين فتية وشبان فلسطينيين وبين جنود قوه عسكرية إسرائيلية، اشير هنا الى انني امترك مركز اسعاف خاص في مدينة جنين يدعى مركز اسعاف الحياه وهو مركز مرخص وامترك مركبتي اسعاف الأولى من نوع فولكس فاجن موديل ٢٠١٦ والهيكل الخارجي الخاص بها يشير ويدل بشكل قاطع على طبيعة عملها من إشارات وإضاءات خاصة بمركبات الإسعاف، فعلا توجهت الى الموقع المذكور وبرفتي كان ضابط الإسعاف امجد توفيق قاسم من جنين ويعمل في مركز الإسعاف الخاص بي وفور وصولي الى امام معبر الجملة شاهدت المئات من الفتية والشبان وشاهدت عدد كبير من الجنود الإسرائيليين بالزى العسكري والعتاد الكامل ينتشرون في الموقع وتحديدا امام معبر الجملة الى الجهة الجنوبية له وكان عدد الجنود الذين شاهدتهم حوالي ٢٠ - ٢٥ جندي، كانت المواجهات تدور في ذلك الموقع والتي كان خلالها الفتية والشبان يلقون الحجارة وما شابه نحو الجنود الذين كانوا يطلقون الرصاص الحي وقنابل الغاز المسيل للدموع حيث انني كنت اسمع أصوات الطلقات النارية واشاهد الجنود وهم يصوبون أسلحتهم ورصاصهم نحو المتظاهرين الفلسطينيين ، توقفت بالمركبة بجوار دوار الجملة وهو دوار رئيسي يؤدي الى معبر الجملة الى الشمال منه ويؤدي الى داخل قرية الجملة من جهته الشرقية امام من جهته الجنوبية يؤدي الى مدينة جنين، في تلك اللحظات وقع اطلاق رصاص من قبل جنود الاحتلال الإسرائيلي نحو بعض المحتجين والمتظاهرين الفلسطينيين حيث صرخ ضابط الإسعاف الذي كان برفقتي انه شاهد احد المحتجين يصاب بالرصاص وانه سقط على الأرض وذلك في بداية الشارع المؤدي الى قرية الجملة الى الجهة الشرقية للدوار والى الجهة الشرقية لنا حيث كانت المسافة بيني وبين المصاب حوالي ٥٠ - ٦٠ متر على الأكثر ونتيجة لتوفر الانارات في الشوارع شاهدت فعلا شاب ملقى على الأرض وسط الشارع الرئيسي وهنا بدأت فعلا بالتقدم نحوه لتقديم الإسعافات له ولم اعد اشاهد في تلك اللحظات جنود الاحتلال حيث كان كل تركيزي على الوصول الى المصاب واسعافه، فعلا وصلت اليه وتوقفت بالمركبة بجواره وترجل المسعف اجد قاسم لنقل المصاب الى المركبة وانا

وإشعاراً بذلك أوقع في هذا اليوم الموافق: ٢٠٢١/٥/٢٤

التوقيع: - فادي تيسير داوود جرار - الاسم: الاسم غير محجوب عن النشر

□ □

اسم ولي الامر: التوقيع: -

الباحث الميداني: طارق الحاج محمود



بقيت في مقعد القيادة للانطلاق بالمركبة فور نقل المصاب الى داخلها، هنا وفور توقفي بدأت اسمع أصوات اطلاق رصاص متلاحق في الموقع الا انني لم ادرك تحديدا موقع الاطلاق لاسيما وان أصوات مركبة الإسعاف كانت فعالة وهي ذات صوت مرتفع، تم نقل المصاب الى المركبة وغادرت الموقع مسرعا نحو مشفى مدينة جنين الحكومي في جنين وتم نقل المصاب الى قسم الطوارئ وهنا فوجئت بالعديد من المواطنين الذين كانوا يتجمعون امام باب الطوارئ يقولون لي ان الهيكل الخارجي لمركبة الإسعاف الخاصة بي قد أصيبت بإطلاق رصاص وهنا وعندما تفقدت المركبة تبين لي فعلا ان حوالي ٧ رصاصات قد اصابت الهيكل الخارجي لمركبة الإسعاف من الناحية اليسرى للسائق من جهة السائق كما تبين لي ان تلك الرصاصات قد اصابت الهيكل في الجهة المذكورة بشكل مائل ولذلك فان الجنود الإسرائيليين الذين استهدفوني بذلك الاطلاق كانوا يقفون الى الخلف مني الى الجهة الشمالية الغربية لي دون معرفتي بالمسافة بيني وبينهم كما انني اعتقد ان الرصاصات التي اصطدمت بالهيكل اصابته خلال سير المركبة بعد نقل المصاب لها، لحسن حظي انا وضابط الإسعاف المرافق لي لم نصب بالرصاص كما انه لم يسبق ذلك الاطلاق أي تحذير مسبق لنا من قبل الجنود بالتوقف او عدم نقل ذلك المصاب.

وإشعاراً بذلك أوقع في هذا اليوم الموافق: ٢٠١٥/١٠/٢٤



التوقيع: - جادي بـ... الاسم: الاسم غير محجوب عن النشر

اسم ولي الامر: التوقيع: -

الباحث الميداني: طارق الحاج محمود

TAB 4



Affidavit number: 205/2021

Sworn Statement**I, the undersigned, Ahmed Saeed Mohammed Al-Yaqoubi****Telephone number: 0599425726****Holder of ID No.: 926265448****Nationality: Palestinian****Date of Birth: 20/12/1951****Occupation: former Director General of the Water Authority, currently a consultant in the water sector****Place of residence: Al-Shati' Refugee Camp – Al-Susi Mosque, Gaza District****I, the undersigned, whereas I was warned to tell the truth, otherwise, I shall be subject to criminal responsibility and punishment as set by law, hereby declare as follows:**

My name is Ahmed Saeed Mohammed Al-Yaqoubi. I am 70 years old, married with 4 children, a resident of Al-Shati' refugee camp, west of Gaza City, which is one of the most densely populated areas in the Gaza Strip. I live in a 3-storey concrete house, in which the families of my three brothers, the youngest being 65 years old, and the oldest being 72 years old. Our house includes 10 residents, mostly adults. Our house is about three meters northward from our neighbor's house| Alaa Abu Hatab, who is about 33 years old,, which consists of 3 floors of concrete. Alaa Abu Hatab "Abu Youssef" is married and has 5 children, the youngest is about 4 years old, and the oldest is about 10 years old. At about 1: 40 am on Saturday 15/5/2021, while I was sleeping, I woke up terrified, to the sound of several successive explosions - I estimate about 4 explosions - that shook the corners of my house, and smoke and dust spread intensely into my house, and rubble, stones and glass were blasting and shards of glass hit my right arm and right eye, and from the horror of the explosions I didn't know where they had fallen, and I didn't know where to walk and the rubble was all around me. I was able to find my way, and went down the stairs of the house to check on my family. It turned out that Abd al-Rahman, my nephew, about 17 years old, had been injured in his left eye by flying glass shards and rubble, which necessitated his transfer to the hospital for treatment. In the meantime, I could hear the screams of the neighbors, and fear and panic spread with the sound of successive explosions, and I went down the steps of the house, and checked the family members, and then tried to get out of the house, and found stones and two-meter high concrete blocks, covering the entrance of the our house, so I went out to the street through a side door of my brother's house, and then I saw the house of our neighbor Alaa Abu Hatab completely destroyed and flattened, because it was directly bombed by Israeli warplanes. Meanwhile, a number of neighborhood residents gathered at the house of our neighbor Alaa. Immediately, the residents of the neighborhood began searching for the family of Alaa Abu Hatab, because they knew that they were in their house at the time of the bombing. At first, the people of the neighborhood found a baby who was alive on



top of the rubble – it turned out that he was the nephew of Alaa Abu Hatab. And it turned out that his sister and her children were in his house, as he was her only brother, and she stayed with him since the beginning of the aggression on Gaza. The residents of the neighborhood were able to pull out other children from under the rubble, and then the rescue teams of the Civil Defense arrived with a bulldozer, and they continued to search until 7:30 am, and over time they were able to recover Alaa's wife and her four children, as well as his sister, who is married to a man from the Al-Hadidi family, and her four children. They were taken to the hospital in body parts, and Alaa Abu Hatab's daughter, Maria, 5 years old, was alive and was pulled out from the rubble. After that, I was busy removing rubble and stones from our house, and it turned out that the house was uninhabitable, due to the destruction caused by the bombing of the occupation warplanes on the house of Alaa Abu Hatab, which forced us to leave the house and live with relatives of ours. I witnessed the funeral of the ten martyrs (Alaa's wife and her four children, his sister and her four children) pass in front of my house, and the people of the neighborhood prayed for them in the nearby Al-Susi Mosque, before their bodies were buried.

And a notice to that effect signed on this corresponding day: 23/5/2021

Signature: Ahmed Saeed Mohammed Al-Yaqoubi

Name: Not withheld from publication

Field researcher: Muhammad Abu Rahma

Event title: 10 civilians killed as a result of bombing by the occupation warplanes of Alaa Abu Hatab's house in Gaza City

السيد

AL-HAQ

Affiliate, International Commission of Jurists - Geneva
NGO in consultative status with the Economic and Social Council of the United Nations

فروع لجنة الحقوقيين الدولية
تتمتع الحق بصفة استشارية لدى المجلس الاقتصادي والاجتماعي في الأمم المتحدة



رقم الإفادة: 2021/205/5

تصريح مشفوع بالقسم

هاتف: 0599425726

أنا الموقع اسمي: أحمد سعيد محمد اليعقوبي

حامل هوية رقم: 926265448 الجنسية: فلسطيني والمولود بتاريخ: 1951/12/20 م

وأعمل : مدير عام سلطة المياه سابقاً، حالياً استشاري بقطاع المياه من سكان: مخيم الشاطئ- مسجد السوسي قضاء: غزة

أصرح بعد أن حذرت أن أقول الصدق وإلا عرضت نفسي للعقاب الجزائي بما يلي:

اسمي أحمد سعيد محمد اليعقوبي، أبلغ من العمر 70 عاماً، متزوج ولدي 4 أبناء، من سكان مخيم الشاطئ للاجئين غرب مدينة غزة، الذي يعد من أكثر المناطق الشعبية المكتظة بالسكان في قطاع غزة. وأسكن في منزل مكون من 3 طوابق من الباطون، ويسكنه عائلات 3 إخوة، أصغرهم عمره 65 عاماً، وأكبرهم 72 عاماً، وعدد أفراد سكان منزلنا 10 أفراد أغلبهم كبار في السن. ومنزلنا مجاور لمنزل جارنا علاء أبو حطب نحو 33 عاماً، من جهة الشمال، ومنزل علاء يبعد عن منزلنا نحو ثلاثة أمتار، وهو مكون من 3 طوابق من الباطون، وعلاء أبو حطب "أبو يوسف" متزوج ولديه 5 أطفال، أصغرهم بعمر 4 سنوات تقريباً، وأكبرهم عمره تقريباً 10 سنوات. في حوالي الساعة 1:40 من فجر يوم السبت الموافق 2021/5/15، أثناء ما كنت نائماً، نهضت من نومي مفزوعاً، على صوت عدة انفجارات متتالية - أقدرها بنحو 4 انفجارات-، هزت أركان منزلي، وانتشر الدخان والغبار بشكل كثيف في منزلي، وتطاير الركام والحجارة والزجاج، وضربت شظايا لزجاج ذراعي الأيمن وعيني اليمنى، ومن هول الانفجارات لم أعلم أين وقعت، ولم أعرف أين أمشي والركام في كل مكان من حولي. وقد تمكنت من تحسس طريقي، ونزلت عبر سلام المنزل لتفقد أفراد عائلتي، وتبين بأن عبد الرحمن ابن أخي، وعمره 17 عام تقريباً، قد أصيب في عينه اليسرى بجرح، من جراء تطاير شظايا الزجاج والركام، ما استدعى نقله للمستشفى لتلقي العلاج. في الأثناء كنت أسمع صوت صراخ الجيران، وانتشر الخوف والهلع مع صوت الانفجارات المتتالية، ونزلت على درجات المنزل، وتفقدت أفراد العائلة، ثم حاولت الخروج خارج المنزل، فوجدت الحجارة وأعمدة الباطون على ارتفاع مترين تقريباً، كانت تغطي مدخل منزلنا، فخرجت للشارع من باب جانبي لبيت أخي، وحينها شاهدت منزل جارنا علاء أبو حطب مدمراً بالكامل وقد سوي بالأرض، بسبب تعرضه للقصف المباشر من الطائرات الحربية الإسرائيلية، ونحن وأهالي الحي، كنا نعلم وقتها بأن أسرة جارنا علاء نائمين في منزلهم. في الأثناء تجمهر عدد من أهالي الحي عند منزل جارنا علاء الذي تعرض للقصف، وعلى الفور، بدأ أهالي الحي في البحث تحت الركام، عن أسرة علاء أبو حطب، كون أنهم يعرفون بأنهم كانوا في منزلهم وقت القصف، حيث عثر أهالي الحي في البداية، على طفل رضيع كان حياً فوق الركام- اتضح لاحقاً بأنه ابن أخت علاء أبو حطب، وتبين بأن أخته وأطفالها في منزل علاء، لأن علاء أخيهما الوحيد، وليس لديهما أب أو أم، وكانت عنده منذ بداية أحداث العدوان على غزة- ثم تمكن

وإشعاراً بذلك أوقع في هذا اليوم الموافق : 2021/5/23

الاسم: غير محجوب عن النشر

التوقيع: أحمد سعيد محمد اليعقوبي

الباحث الميداني: محمد أبو رحمة



أهالي الحي من انتشال أطفال آخرين من تحت الركाम، وبعدها وصلت طواقم الانقاذ التابعة للدفاع المدني، وكان معهم كباش وجرافة، وواصلوا البحث، حتى الساعة 7:30 صباحاً تحت الأنقاض، وتمكنوا بمرور الوقت من انتشال زوجة علاء وأولادها الأربعة الأطفال، وكذلك أخته المتزوجة من رجل من عائلة الحديدي، وأولادها الأربعة الأطفال، وتم نقلهم للمستشفى عبارة عن أشلاء، واتضح بأن بنت علاء أبو حطب الطفلة ماريًا نحو 5 سنوات كانت حية وتم انتشالها من تحت الركام. بعد ذلك انشغلت في رفع الركام والحجارة من منزلنا، فاتضح بأن المنزل غير صالح للسكن، بسبب الدمار الذي خلفه قصف طائرات الاحتلال لمنزل علاء أبو حطب، ما اضطرنا لترك المنزل والاقامة عند أقارب لنا. وقد شاهدت جنازة الشهداء العشرة (زوجة علاء وأولاده الأربعة، وشقيقته وأطفالها الأربعة) تمر من أمام منزلي، وقام أهل الحي بالصلاة عليهم بمسجد السوسي القريب، ثم جرى تشييع جثامينهم ودفنهم.

وإشعاراً بذلك أوقع في هذا اليوم الموافق : 2021/5/23

الاسم: غير محجوب عن النشر

التوقيع: أحمد سعيد محمد اليعقوبي

الباحث الميداني: محمد أبو رحمة

TAB 5



Affidavit number: 2021/206

Sworn Statement**I, the undersigned, Ahmed “Noor Al-Huda” Hassan Salah****Telephone number: :0597679610****Holder of ID No.: 402992879****Nationality: Palestinian****Date of Birth: 14/6/1997****Occupation: unemployed****Place of residence: Al-Shati’ Refugee Camp – Al-Susi Mosque, Gaza District****I, the undersigned, whereas I was warned to tell the truth, otherwise, I shall be subject to criminal responsibility and punishment as set by law, hereby declare as follows:**

My name is Ahmed "Noor Al-Huda" Hassan Salah. I am 23 years old, from Al-Shati’ refugee camp, near Al-Susi Mosque, west of Gaza City. Our house is in Al-Shati’ refugee camp, located in the middle of a popular, densely populated neighborhood. At approximately 1:40 am on Saturday, 15/5/2021, and during the last Israeli aggression on the Gaza Strip, while I was near my house, to provide assistance to tens of families of civilians, children, women, old persons and youth, who fled their homes under the brunt of continuous Israeli bombardment for several days, targeting separate areas of Gaza and northern Gaza governorates. They stayed in UNRWA schools located in the vicinity of our house in search of safety. I heard the sound of several successive and very strong explosions that shook the area, so I was afraid because the sound of the explosions was close to where I was standing. I started running and looking in all directions to see the location of explosions of Israeli warplane bombardments near me. In the meantime, I watched a cloud of smoke and dust rising from the house of our neighbor Alaa Abu Hatab “Abu Youssef”, as well as traces of rubble, stones and glass, which had flown apart in all directions due to the violent bombing, and when the smoke and dust cleared, and the vision began to become clearer, I saw the house of Alaa Abu Hatab utterly destroyed and flattened. Neighbors began to gather at Alaa Abu Hatab’s house. We knew that Alaa Abu Hatab’s family was present and sleeping in their house at the time of bombing. I personally know our neighbor Alaa and his family well; he is married and a father of five children | Youssef, Bilal, Yamen, Mariam and Maria, owner of a three-storey concrete house, the youngest of his children was approximately 4 years old, and the eldest was approximately 10 years old. I and a number of the residents of the neighborhood were hesitant to approach the house of Alaa Abu Hatab, which was heavily bombarded by the occupation warplanes, for fear that the bombing would resume again, or that one of us would fall among the rubble or craters caused by the missiles that targeted the house. Then an ambulance came at the sound of shelling, and stopped in front of the Al-Susi Mosque, near the house of Alaa Abu Hatab. People from the neighborhood, whose neighboring houses were damaged by the bombing that targeted the house of Alaa Abu Hatab, were screaming and



crying, confirming the presence of Alaa's family inside the house before the bombing. I and the people of the neighborhood began searching under the ruins of Alaa's house, which was flattened, for members of his family, so the people of the neighborhood brought simple tools such as trowels, shovels and hammers, to help lift the rubble, stones and concrete columns to search under them. We heard the sound of a little baby crying, so we traced its source, and found a small baby, no more than 6 months old, lying near a tree on a pillow on the top of the rubble of Alaa's destroyed house. I carried the baby and handed him over to the paramedics. It turned out that he was Alaa's nephew. Alaa's sister was living in Alaa's house before it was bombed along with her 5 children, and everyone realized at the time that a horrific massacre had been committed by the occupation forces by bombing the inhabited house with its residents inside. The people of the neighborhood and I continued searching under the ruins of Alaa's destroyed house, and during the search under the rubble, stones and concrete columns, we found Maria, about 5 years old, the daughter of Alaa Abu Hatab, she was alive and wounded in her face and her body was covered with dust and dirt. Then we found a small child whose body was torn to shreds, especially the hands and feet, and his face was recognizable, it was Bilal, the 9-year-old son of Alaa Abu Hatab. He did not show any sign of life. We found a small child whose body was also torn, and he is from Al-Hadidi family, and he was about 11 years old. Then, the search work continued under the rubble, and civil defense vehicles and rescuers arrived. They brought heavy equipment such as bulldozers, breaching rams and hammers, and the pace of the search increased under the rubble for the residents of Alaa's house. Then the husband of Alaa's sister, Muhammad Al-Hadidi, arrived on the site, screaming and crying, saying: "My children...my children are under the ground." Rescuers managed to lift Alaa Abu Hatab's wife and two children, and they did not show any sign of life, their bodies were torn. For about 6 continuous hours of searching under the rubble of the targeted house, the rescuers of the Civil Defense, with the help of the people of the neighborhood, were able to recover the four children of Alaa Abu Hatab (Youssef, Yamen, Mariam and Bilal) and his wife, as well as his sister and her four children – the names of whom I do not know. Their bodies had been torn to shreds from the intensity of the bombing that destroyed the house while they were sleeping inside it, and they did not show any sign of life, and with this, the number of people "martyrs" who died as a result of the occupation warplanes' targeting of the house of Alaa Abu Hatab, reached (10). Among them are (8 children) and (two women), - Alaa's wife and sister. The only two surviving were the infant child Omar Al-Hadidi, the son of Alaa's sister, and his daughter Maria. After the ten martyrs were transferred to Al-Shifa Hospital, I went to the hospital, and participated in the funeral of the ten martyrs and their burial in Al-Falouja cemetery in Jabalia city northern Gaza, and prayed for them in Al-Susi Mosque, accompanied by our neighbor Alaa Abu Hatab, who was not at home when his house was bombed.

And a notice to this effect is signed on this corresponding day: 23/5/2021

Signature: Ahmed "Noor Al-Huda" Hassan Salah

Name: Not withheld from publication

Field researcher: Muhammad Abu Rahma

رقم الإفادة: 2021/206

تصريح مشفوع بالقسم

أنا الموقع اسمي: أحمد "نور الهدى" حسن صلاح
 هاتف: 0597679610
 حامل هوية رقم: 402992879 الجنسية: فلسطيني والمولود بتاريخ: 14/6/1997م
 وأعمل : عاطل عن العمل من سكان: مخيم الشاطئ- مسجد السوسي قضاء: غزة

أُصرح بعد أن خُذرت أن أقول الصدق وإلا عرضتُ نفسي للعقاب الجَزائي بما يلي:

اسمي أحمد "نور الهدى" حسن صلاح، عمري 23 عاماً، من سكان مخيم الشاطئ، قرب مسجد السوسي، غرب مدينة غزة، ومنزلنا في مخيم الشاطئ للاجئين، يقع وسط حي شعبي مكتظ بالسكان. في حوالي الساعة 1:40 من فجر يوم السبت الموافق 2021/5/15، وأثناء العدوان الإسرائيلي الأخير على قطاع غزة، بينما كنت أتواجد قرب منزلي، لتقديم المساعدة، لعشرات العائلات من المدنيين، أطفال ونساء ومسنين وشباب، والذين هربوا من منازلهم، تحت وطأة القصف الإسرائيلي المتواصل منذ عدة أيام، على مناطق متفرقة من محافظتي غزة وشمال غزة، ولجؤوا للاقامة في مدارس الأنروا الكائنة في محيط منزلنا بحثاً عن الأمان، سمعت صوت عدة انفجارات متتالية وقوية جداً، هزت المنطقة، فشعرت بالخوف لأن صوت الانفجارات كان قريباً من مكاني، وبدأت أركض وأنظر في كل الاتجاهات لمعرفة مكان الانفجارات الناتجة عن قصف الطائرات الحربية الإسرائيلية لمكان قريب مني. في الأثناء، شاهدت ألسنة الدخان والغبار تتصاعد من مكان منزل جارنا علاء أبو حطب "أبو يوسف" ورأيت آثار ركام وحجارة وزجاج، قد تطايرت في كل الاتجاهات بسبب القصف العنيف، وعندما انقشع الدخان والغبار، وبدأت الرؤية تضح أكثر فأكثر، شاهدت منزل علاء أبو حطب مدمراً بالكامل وقد سوي بالأرض، وبدأ أهالي الحي يتجمعون ويتوافدون لمكان منزل علاء أبو حطب المستهدف بالقصف، لأننا في الحي، كنا نعلم بأن أسرة علاء أبو حطب متواجدين ونائمين في منزلهم، الذي تعرض للقصف فوق رؤوس ساكنيه، وأنا شخصياً أعرف جارنا علاء وأسرته جيداً، وهو متزوج وأب لخمس أطفال هم يوسف وبلال ويامن ومريم وماريا، ومنزلهم مكون من 3 طوابق من الباطون، وأصغر أولاده بعمر 4 سنوات تقريباً وأكبرهم تقريباً بعمر 10 سنوات. وكنت أنا وعدد من أهالي الحي، مترددين في الاقتراب من منزل علاء أبو حطب، الذي تعرض للقصف الجوي العنيف من طائرات الاحتلال، خوفاً من معاودة القصف مرة أخرى، أو سقوط أحدنا بين الركام أو الحفر التي أحدثتها الصواريخ التي استهدفت المنزل، ثم حضرت سيارة إسعاف على صوت القصف، وتوقف الإسعاف مقابل مسجد السوسي القريب من منزل علاء أبو حطب. وقد تعالت حينها صرخات أهالي الحي ممن تضررت منازلهم المجاورة، من جراء القصف الذي استهدف منزل علاء أبو حطب، وبعض من أهالي الحي كانوا يصرخون ويؤكدون وجود أسرة علاء بداخل المنزل قبل القصف. وقد شرعت أنا وأهالي الحي، في البحث تحت أنقاض منزل علاء الذي سوي بالأرض، للبحث عن أفراد أسرته، فأحضر أهالي الحي أدوات بسيطة مثل الكريك والطورية والشواكيش، للمساعدة في رفع الركام والحجارة وأعمدة الباطون للبحث تحتها، وعندما بدأنا نبحث تحت الأنقاض،

سمعنا صوت بكاء طفل صغير، وتتبعنا مصدر صوت البكاء، فوجدنا طفل صغير رضيع عمره لا يتجاوز 6 أشهر تقريباً، وكان ملقى قرب شجرة فوق مخدة أعلى ركام منزل علاء المدمر، وحملت الطفل وسلمته للمسعفين، حيث اتضح بأن هذا الطفل هو ابن أخت علاء أبو حطب المتزوجة، وتبين بأن أخته وأطفالها الخمسة من عائلة الحديدي، كانوا مقيمين بمنزل علاء قبل تعرضه للقصف، وأدرك الجميع حينها بأن مجزرة مروعة ارتكبتها قوات الاحتلال بقصف المنزل المأهول فوق رؤوس سكانه. وواصلت أنا وأهالي الحي البحث تحت أنقاض منزل علاء المدمر، وخلال البحث تحت الركام والحجارة وأعمدة الباطون، عثرنا على الطفلة ماريما نحو 5 سنوات وهي بنت علاء أبو حطب، وكانت حية ومصابة بجروح في وجهها وجسمها يغطيه الغبار والتراب، ثم عثرنا على طفل صغير شاهدت جسمه ممزقاً إلى أشلاء وخاصة اليدين والقدمين، وكان وجهه واضح، وتعرفت عليه وهو بلال نحو 9 سنوات ابن علاء أبو حطب، ولم يكن يبداً عليه أي علامات حياة، ثم عثرنا على طفل صغير كان جسمه ممزق أيضاً، وهو من عائلة الحديدي وعمره نحو 11 عاماً، ثم تواصلت أعمال البحث تحت الأنقاض عن باقي سكان المنزل، ووصلت عربات الدفاع المدني ورجال الانقاذ، وأحضروا المعدات الثقيلة كالجرافة والكباش والمطارق، وزادت وتيرة البحث تحت الأنقاض عن سكان منزل علاء، ثم وصل للمكان زوج أخت علاء ويدعى محمد الحديدي، وكان يصرخ ويبكي ويقول: "ولادي .. ولادي تحت الأرض" حيث تمكن رجال الانقاذ بمساعدة من أهالي الحي بمرور الوقت، من رفع زوجة علاء أبو حطب وطفلان كانا بجوارها، ولم يكن يظهر عليهم أي علامات حياة، فأجسامهم كانت ممزقة، وخلال نحو 6 ساعات متواصلة من البحث تحت أنقاض منزل علاء أبو حطب المستهدف، تمكن رجال الانقاذ في الدفاع المدني بمساعدة أهالي الحي، من انتشال أولاد علاء أبو حطب الأربعة (يوسف ويامن ومريم وبلال) وزوجته، وكذلك أخته وأولادها الأربعة الأطفال – ولا أعرف أسمائهم-، حيث كانت أجسامهم ممزقة إلى أشلاء من شدة القصف الذي دمر المنزل فوقهم وهو نائمين بلا رحمة، ولم تكت تظهر أي علامات حياة عليهم، وبهذا وصل عدد القتلى "الشهداء" الذين سقطوا من جراء استهداف طائرات الاحتلال بالصواريخ، لمنزل علاء أبو حطب، إلى (10) منهم (8 أطفال) و(سيداتان) هما زوجة علاء وأخته، وقد تدخلت العناية الإلهية ونجى من القصف، الطفل الرضيع عمر الحديدي ابن أخت علاء وابنته ماريما. وبعد نقل الشهداء العشرة لمستشفى الشفاء، ذهبت للمستشفى، وشاركت في تشييع جثامين الشهداء العشرة، والصلاة عليهم بمسجد السوسي رفقة جارنا علاء أبو حطب الذي لم يكن متواجداً في المنزل وقت قصف منزله، وشاركت في تشييع جنازتهم، ودفنهم في مقبرة الفالوجا ببلدة جباليا شمال قطاع غزة.

وإشعاراً بذلك أوقع في هذا اليوم الموافق : 2021/5/23

الاسم: غير محجوب عن النشر

التوقيع: أحمد "نور الهدى" حسن صلاح

الباحث الميداني: محمد أبو رحمة

عنوان الحدث: مقتل 10 مدنيين بقصف طائرات الاحتلال منزل المواطن علاء أبو حطب بمدينة غزة

موضوع الإفادة: قصف طائرات الاحتلال الحربية، منزل سكني مأهول فوق رؤوس سكانه وقتل 10 مدنيين بينهم 8

أطفال وسيداتان



التصنيف: انتهاكات الحق في الحياة. قتل عمد. قتل مستهدف/اغتيال. انتهاكات الحق في سكن ملائم. هدم مسكن عادي.

مكان الانتهاك: منزل المواطن علاء أبو حطب المكون من ثلاث طوابق بمخيم الشاطئ غرب مدينة غزة

تاريخ الانتهاك: نحو الساعة 1:40 من فجر يوم السبت الموافق 2021|5|15

المنتهاك: قوات الاحتلال – سلاح الجو

اسم الضحية: الشهداء هم| زوجة صاحب المنزل المستهدف، وتدعى| ياسمين محمد خميس أبو حطب (30 عاماً)، وأولادها الأربعة الأطفال وهم| يوسف علاء محمد أبو حطب (10 أعوام)، بلال علاء محمد أبو حطب (9 أعوام)، مريم علاء أبو حطب (7 أعوام)، يامن علاء أبو حطب (5 أعوام). شقيقة صاحب المنزل المستهدف| مها محمد عبد العال أبو حطب "الحديدي" 34 عاماً، وأولادها هم| صهيب محمد صبحي الحديدي (12 عاماً)، عبد الرحمن محمد صبحي الحديدي (7 أعوام)، أسامة محمد صبحي الحديدي (5 أعوام)، ويحيى محمد صبحي الحديدي (10 أعوام).

تصنيف الضحية: مدنيين

خلفية الانتهاك: العدوان الإسرائيلي على غزة

حجة الانتهاك: قتل مستهدف

TAB 6



Affidavit number: 237/2021

Sworn Statement

I, the undersigned, Mahmoud Musa Fayed Abu Fayed

Telephone number: 0594487945

ID holder: 405841743

Nationality: Palestinian

Date of Birth: 25/8/2000

Occupation: unemployed

Place of residence: Al-Bureij refugee camp, Central Governorate

I, the undersigned, whereas I was warned to tell the truth, otherwise, I shall be subject to criminal responsibility and punishment as set by law, hereby declare as follows:

My name is Mahmoud Musa Fayed Abu Fayed. I am 20 years old, single and unemployed, and I live with my family of 8 in our two-storey 125 square meters house, located in Block 7 in Al-Bureij camp in the Central Governorate. I live with my father, mother, and two siblings, Bisan, 17 years old, and Rama, 11 years old, on the ground floor of the house. My older brother Jihad, 26, lives on the first floor with his wife and their two-month-old baby, Musa. At about 4:30 pm on Thursday 13/05/2021, on the fourth day of the Israeli aggression against the Gaza Strip that began on 10/5/2021, while I was performing the afternoon prayer in my father's room, located in the eastern part of the ground floor of the house overlooking the street from the east side. Suddenly, I heard the sound of a strong and very close explosion, and from the force of the explosion I bent down a little, then I stood and saw dust and thick smoke filling the house and I looked from the eastern window overlooking the street and saw thick dust filling the street as well. My family and I stormed out of the house, and I learned that the explosion had occurred in the house of our neighbor Muhammad Mahmoud Issa, 43 years old, which is adjacent to our house from the north. Then I realized that my brother's wife and his child did not leave the house, so I went up to the first floor and helped his wife to get out and carried my nephew and accompanied them 20 meters away from the house. I asked my brother's wife to head to my cousin Atallah Fayed's house, which is located about 100 meters from our house to the west. Then I went back to the explosion location, and as soon as I arrived, I saw the house of our neighbor Muhammad Issa completely destroyed into a pile of rubble. I saw fires burning in the corner of the destroyed house. I immediately brought a blanket to put out the burning fire and was able to extinguish the fire with the help of a neighbor, Mazen Abdel Razek Abu Libaida, 24 years old. Then, I moved and climbed over the rubble to search for the residents of the house, and found our neighbor Muhammad Issa lying over the rubble, with some rubble on top of him. He was alive. I and a number of persons lifted him out of the place, and found that he had a shoulder injury. He spoke to us and told us that his wife and daughter Lina, 14 years old, were under the rubble. About 10 minutes later, ambulances arrived and he was taken away. I went back to inspect the place and search among the rubble, and I saw his daughter Lina under the rubble, and the lower part of her body was sticking out the rubble, and her knee was crushed. I continued my search and saw Muhammad Issa's wife under the rubble with nothing but her head sticking out covered with black dust and smoke. 20 minutes later, Civil Defense teams arrived with a bulldozer and a fire truck. Meanwhile, I heard a number of neighbors saying that there was a warning that Israeli warplanes would target the house of Muhammad Issa's father, which is about 30 meters south of the destroyed house, so I moved away from



the place about 20 meters to the north, while the civil defense personnel continued their work in searching among the rubble and after about 20 minutes, they were able to pull out the girl and her mother and took them by ambulance, after which the civil defense staff left the place. I remained in the area to inspect our house, and I found two stones on my bed and the pillow on which I lay my head, which had fallen due to the rubble, noting that I was sleeping on my bed and got up only a few minutes before the bombing to perform the afternoon prayer. Fate really wanted to keep me alive. Then, I inspected the rest of the house and saw cracks in some of the walls, and damage to the water tanks on the roof of the house. Then, I learned that the medical staff confirmed the death of the wife of our neighbor Muhammad Issa. Her name is Manar Issa, 38 years old, as well as his 14-year-old daughter, Lina. As it turned out, the house was bombed over their heads without prior warning. I later learned that the moment the house of our neighbor Muhammad was bombed, he, his wife and daughter Lina were the only persons inside the house. The rest of his children, Mahmoud, 10, Ahmed, 9, and Adam, 7, had left the house a few minutes before the bombing to buy some groceries. Fate wanted them to survive and stay alive.

A notice to this effect is signed on this corresponding day: 26/5/2021

Signature: _____



Name: Not withheld from publication

I, the undersigned,: _____

Guardian of the Child:

I hereby confirm that this statement was taken in my presence,

Signature:

Field researcher: Tarek Zaqout

رقم الإفادة: 0021/2341

تصريح مشفوع بالقسم

أنا الموقع اسمي أدناه: محمود موسى فايد أبو فايد
 هاتف: 0594487945
 حامل هوية رقم: 405841743 الجنسية: فلسطيني
 وأعمل: بدون عمل من سكان: مخيم البريج قضاء: المحافظة الوسطى

أصرح بعد أن خذرت أن أقول الصدق وإلا عرضت نفسي للعقاب الجزائي بما يلي:

اسمي محمود موسى فايد أبو فايد، عمري 20 عام، أعزب، بدون عمل، وأسكن مع أسرتي المكونة من 8 أفراد في منزلنا المكون من طابقين ومقام على مساحة 125 متر، يقع في بلوك 7 بمخيم البريج في المحافظة الوسطى. وأسكن مع والدي ووالدتي وشقيقتي بيسان 17 عاماً، راما 11 عاماً، في الطابق الأرضي من المنزل، ويسكن في الطابق الأول شقيقي الأكبر جهاد 26 عاماً مع زوجته وطفلهما موسى وهو رضيع ويبلغ من العمر شهرين. في حوالي الساعة 4:30 مساءً يوم الخميس الموافق 2021/5/13، في اليوم الرابع للعدوان الإسرائيلي على قطاع غزة الذي بدأ منذ 2021/5/10، أثناء أدائي صلاة العصر في غرفة والدي الواقعة في الجزء الشرقي في الطابق الأرضي من المنزل والمطلّة على الشارع من الجهة الشرقية وكنت واقفاً في الركعة الثانية، فجأة سمعت صوت انفجار قوي وقريب جداً، ومن قوة الانفجار انحنيت قليلاً للأسفل، ثم وقعت فشاهدت غبار ودخان كثيف يملأ المنزل. نظرت من النافذة الشرقية المطلّة على الشارع، فشاهدت غبار كثيف يملأ الشارع أيضاً، خرجت مسرعاً من المنزل إلى الشارع لمعرفة مكان الانفجار وخرج أفراد أسرتي أيضاً، وعرفت أن الانفجار وقع في منزل جارنا محمد محمود عيسى 43 عاماً، الملاصق لمنزلنا من الجهة الشمالية، ثم انتهت أن زوجة شقيقي وطفله لم يخرجوا من المنزل، فصعدت للطابق الأول وساعدت زوجته للخروج وحملت ابن شقيقي وأخرجته برفقة أمه من المنزل وأبعدتهما لحوالي 20 متر، وطلبت منها التوجه إلى منزل ابن عمي عطا الله فايد، الذي يبعد عن منزلنا حوالي 100 متر غرباً، ثم عدت مرة أخرى للمكان، وفور وصولي شاهدت منزل جارنا محمد عيسى مدمر بالكامل وعبارة عن كومة من الركام، وشاهدت نيران تشتعل في زاوية المنزل المدمر، وعلى الفور أحضرت بطانية ووضعتها على النار المشتعلة وتمكنت من اخماد النيران بمساعدة أحد الجيران وهو مازن عبد الرازق أبو لبيدة 24 عاماً، ثم انتقلت وصعدت فوق الركام للبحث عن سكان المنزل، فشاهدت صاحب المنزل جارنا محمد عيسى، ملقى فوق الركام وجزء بسيط من الركام على جسده وكان على قيد الحياة، وقمت مع عدد من المواطنين باخراجه من المكان، وكان مصاباً في كتفه وتحدث معنا وقال لنا بأن زوجته وابنته لنا 14 عاماً، تحت الركام، وبعد حوالي 10 دقائق وصلت سيارات الإسعاف وتم نقله من المكان. ثم عدت لأتفقد المكان والبحث بين الركام فشاهدت ابنته

لينا وإشعاراً بذلك أوقع في هذا اليوم الموافق : 2021/5/26

الاسم: غير محجوب عن النشر ☐

ولي أمر الطفل:

التوقيع:

التوقيع: محمود موسى فايد

أنا الموقع اسمي أدناه:

أؤكد أن هذه الإفادة أخذت بحضوري،

الباحث الميداني: طارق زقوت



أسفل الركاب والجزء السفلي من جسدها خارج الركاب وكانت ركبته مهشمة، كما واصلت البحث وشاهدت زوجته أسفل الركاب وكان رأسها فقط ظاهرة وآثار الغبار والدخان الأسود يملأ وجهها وكان باقي جسدها أسفل الركاب، وبعد نحو 20 دقيقة حضرت طواقم الدفاع المدني ومعهم جرافة وسيارة إطفاء، وفي الأثناء سمعت عدد من الجيران يقولون أنه يوجد تحذير بأن الطائرات الحربية الإسرائيلية تستهدف منزل والده الذي يبعد حوالي 30 متر جنوب المنزل المدمر، فابتعدت عن المكان حوالي 20 متر شمالاً، بينما واصل أفراد الدفاع المدني عملهم في البحث بين الركاب وبعد حوالي 20 دقيقة تمكنوا من انتشال الطفلة ووالدتها وتم نقلهما بسيارات الإسعاف، وبعدها غادر طاقم الدفاع المدني المكان. وبقيت في المنطقة لأتفقد منزلنا، وشاهدت على فراشي والوسادة التي أضاع رأسي عليها، حجرين سقطا بفعل تطاير الركاب، علماً بأنني كنت نائماً على فراشي ونهضت قبل عدة دقائق من القصف لأداء صلاة العصر، ليشاء القدر أن لا أصاب بأذى. ثم تفقدت باقي المنزل وشاهدت تصدع في بعض الجدران، وأضرار لحقت في خزانات المياه على سطح المنزل. وبعدها علمت بأن الطواقم الطبية أكدت استشهاد زوجة جارنا محمد، وهي منار عيسى 38 عاماً، وابنته الطفلة ليلى 14 عاماً، حيث تبين أنه تم قصف المنزل فوق رؤوس سكانه دون انذار مسبق، وعلمت لاحقاً انه لحظة قصف منزل جارنا محمد كان هو وزوجته وابنته ليلى داخل المنزل فقط؛ وباقي أطفاله وهم محمود 10 أعوام، وأحمد 9 أعوام، وأدم 7 أعوام، كانوا قد خرجوا من المنزل قبل عدة دقائق من القصف لشراء بعض الاحتياجات من البقالة. ليشاء القدر أن ينجوا ويبقوا على قيد الحياة.

وإشعاراً بذلك أوقع في هذا اليوم الموافق : 2021/5/26

الاسم: غير محبوب عن النشر ☐

التوقيع: صبور محمد فايز

ولي أمر الطفل:

أنا الموقع اسمي أدناه:

التوقيع:

أؤكد أن هذه الإفادة أخذت بحضوري،

الباحث الميداني: طارق زقوت

TAB 7



Affidavit number: 258/2021

Sworn Statement**I, the undersigned, Moatasem Saeed Zuhdi Salah****Telephone number: 0594045051****Holder of ID No.: 903087005****Nationality: Palestinian****Date of Birth: 14|10|1979****Occupation: Director in the Ministry of Health, Head of the Emergency Operations room in the Ministry****Place of residence: Sheikh Rawdan neighborhood, Gaza District****I, the undersigned, whereas I was warned to tell the truth, otherwise, I shall be subject to criminal responsibility and punishment as set by law, hereby declare as follows:**

At approximately 16:45 pm on Monday, 17/05/2021, during the Israeli aggression on the Gaza Strip, and while I was in the office of the Assistant Undersecretary of the Ministry, which is a wing located on the fourth floor of the building of Al-Rimal Clinic “Al-Rimal Martyrs Health Center”, the administrative building of the Palestinian Ministry of Health in the Gaza Strip, which includes administrative rooms for everything related to ambulance and emergency in the Gaza Strip. Al-Rimal Clinic building consists of 4 floors. On the ground floor, there is a primary care center, which provides health services on everything related to maternal and child health, a pharmacy, and an ambulance and emergency room. On the first floor there is a telemedicine service, where my fellow doctors, including Dr. Majed Salha, administrative colleagues and health staff were present. On the second floor, there is the only central laboratory in the Gaza Strip for coronavirus tests. On the third floor, there are administrative rooms and offices, and on the fourth floor, I was present along with three of my colleagues in the management team, managing events relating to the Israeli aggression on the Gaza Strip. Suddenly, I heard the sound of a very strong explosion in the area, which was caused by Israeli warplanes bombings, the resulting shards flew into the building, shattering walls, breaking glass, shattering furniture, and spreading very thick smoke and dust all over the building. Minutes later, I felt a shrapnel injury in my left arm. We were afraid that the occupation warplanes would re-target the building, and while we were evacuating the building, I saw my colleague Dr. Majed Salha lying on the ground, with serious head injuries, so I provided him with first aid, then an ambulance took him to the nearby Al-Shifa Hospital, and he was immediately admitted to intensive care in the hospital. I went down the building, and saw rubble and glass covering the entire building yard. It turned out that the bombing targeted Ghazi Al-Shawwa's building, opposite Al-Rimal clinic building, specifically, the upper floors of the building; the administrative building of the Ministry of Health was also targeted, destroying its front façade and that of the health center; all windows, doors and offices, including computers, furniture, as well as air conditioners, were destroyed. The bombing also caused a complete suspension of the health services provided in the Al-Rimal



clinic, and the only central laboratory in the Gaza Strip, which conducts coronavirus tests, forcing us to transfer all services in the Ministry building and the Primary Care Center to other places, in order to continue providing health services to citizens, during the ongoing Israeli aggression on the Gaza Strip, and for the Ministry to continue managing the health system in the Gaza Strip during the aggression. We hold the Israeli occupation fully responsible for deliberately targeting the Ministry of Health buildings, and causing serious damage to the Ministry buildings, and the injury of a number of medical staff who were on the job serving citizens during the Israeli aggression on the Gaza Strip.

A notice to this effect is signed on this corresponding day: 2/6/2021

Signature: Moatasem Saeed Zuhdi Salah

Name: Not withheld from publication

Field researcher: Muhammad Abu Rahma

Event title: Al-Aqsa Intifada, the Israeli aggression on the Gaza Strip 2021

إسرائيلي

AL-HAQ

Affiliate, International Commission of Jurists - Geneva
NGO in consultative status with the Economic and Social Council of the United Nations

فروع لجمعية المحققين الدوليين
تتمتع الحق بصفة استشارية لدى المجلس الاقتصادي والاجتماعي في الأمم المتحدة



رقم الإفادة: ١٥٥٢١/٢٥٨

تصريح مشفوع بالقسم

هاتف: ٥٩٤٠٤٥٠٥١

أنا الموقع اسمي أدناه: معتصم سعيد زهدي صلاح

حامل هوية رقم: ٩٠٣٠٨٧٠٠٥ الجنسية: فلسطيني والمولود بتاريخ: ١٤/١٠/١٩٧٩ م

وأعمل : مدير بوزارة الصحة، ورئيس غرفة عمليات الطوارئ في الوزارة من سكان: حي الشيخ روضان قضاء: غزة
أصرح بعد أن خذرت أن أقول الصدق وإلا عرضت نفسي للعقاب الجزائي بما يلي:

مع حوالي الساعة ١٦:٤٥ من مساء يوم الاثنين الموافق ٢٠٢١/٥/١٧، خلال العدوان الإسرائيلي على قطاع غزة، وأثناء ما كنت متواجداً في مكتب وكيل الوزارة المساعد، وهو عبارة عن جناح يقع في الطابق الرابع من مبنى عيادة الرمال "مركز صحي شهداء الرمال، والمبنى الإداري لوزارة الصحة الفلسطينية في قطاع غزة. ويضم غرف إدارية لكل ما يتعلق بالإسعاف والطوارئ في قطاع غزة، حيث مبنى عيادة الرمال مكون من ٤ طوابق، ويوجد في الطابق الأرضي مركز رعاية أولية، يقدم خدمات صحية، حول كل ما يتعلق بصحة الأم والطفل، والصيدلية، وغرفة إسعاف وطوارئ. وفي الطابق الأول يوجد خدمة التطبيب عن بعد، وكان يتواجد فيه زملائي الأطباء، ومن بينهم د. ماجد صالحة، وزملاء إداريين وطاقم صحي. وفي الطابق الثاني يوجد المختبر المركزي الوحيد في قطاع غزة، الخاص بفحوصات كورونا، وفي الطابق الثالث يوجد غرف ومكاتب إدارية، وكان معي في الطابق الرابع، ثلاثة من زملائي في فريق إدارة كل ما يتعلق بإدارة الأحداث خلال العدوان الإسرائيلي على قطاع غزة. وفجأة سمعت صوت انفجار قوي جداً في المكان، وكان ناجماً عن قصف من الطائرات الحربية الإسرائيلية، ونتج عنه دخول عديد الشظايا للمبنى، وتحطم الجدران، وأدى إلى تكسير الزجاج، وتحطم الأثاث، وانتشر الدخان والغبار بشكل كثيف جداً في المكان. وبعد دقائق أحسست بإصابة بشظية في الذراع الأيسر، وكان لدينا مخاوف من معاودة طائرات الاحتلال استهداف المبنى من جديد، وأثناء ما كنا نخلي المبنى خوفاً من معاودة القصف، شاهدت زميلي د. ماجد صالحة ملقى على الأرض، وكان مصاباً بإصابات خطيرة في الرأس، فقدمت له الإسعافات الأولية، ثم نقلته سيارة إسعاف لمستشفى الشفاء القريب، وأدخل فوراً للعناية المركزة في المستشفى. وعندما نزلت من المبنى، شاهدت الركام والزجاج يغطي ساحة المبنى بالكامل، واتفق لنا بأن القصف استهدف عمارة غازي الشوا المقابلة لمبنى عيادة الرمال، وتحديد الطوابق العلوية من العمارة، واستهدف أيضاً المبنى الإداري لوزارة الصحة. بحيث شاهدت الواجهة الأمامية للمبنى الإداري لوزارة الصحة والمركز الصحي، قد تحطمت فيها كل النوافذ والأبواب والمكاتب بما فيها من أجهزة حواسيب وعفش وأثاث، وكذلك المكيفات. كما تسبب القصف في توقف الخدمة الصحية في عيادة الرمال بالكامل، وتوقف المختبر المركزي الوحيد في قطاع غزة، الخاص بإجراء فحوصات كورونا، ما اضطرنا لنقل كافة الخدمات الموجودة في مبنى الوزارة ومركز الرعاية الأولية إلى أماكن أخرى، من أجل الاستمرار في تقديم الخدمة الصحية للمواطنين، أثناء العدوان الإسرائيلي المتواصل على قطاع غزة، وبهدف استمرار الوزارة في إدارة

وإشعاراً بذلك أوقع في هذا اليوم الموافق : ٢٠٢١/٦/٢

الاسم: غير محجوب عن النشر

التوقيع: معتصم سعيد زهدي صلاح

الباحث الميداني: محمد أبو رحمة



النظام الصحي على مستوى قطاع غزة خلال العدوان، ونحن نحمل الاحتلال الإسرائيلي كامل المسؤولية عن استهداف الطائرات الحربية لمباني وزارة الصحة بشكل متعمد، والتسبب في وقوع أضرار جسيمة في مباني الوزارة، وإصابة عدد من الطواقم الطبية المتواجدين على رأس عملهم في خدمة المواطنين خلال العدوان الإسرائيلي على القطاع،

وإشعاراً بذلك أوقع في هذا اليوم الموافق : ٢٠٢١/٦/٢

الاسم: غير محجوب عن النشر

التوقيع: معتصم سعيد زهدي صلاح

الباحث الميداني: محمد أبو رحمة

TAB 8



Affidavit number: 302/2021

Sworn Statement

I, the undersigned, Jarir Zakaria Nazmi Qandilou

Telephone number: 0599877057

Holder of ID No.: 948315742

Nationality: Palestinian

Date of Birth: 24/8/1967

Occupation: Driver and ambulance officer

Place of residence: Nablus City, Nablus District

I, the undersigned, whereas I was warned to tell the truth, otherwise, I shall be subject to criminal responsibility and punishment as set by law, hereby declare as follows:

I am Jarir Zakaria Nazmi Qandilou, 53 years old, and a resident of Nablus. I have worked as a driver and an ambulance officer in the Palestinian Medical Relief Society since 2003. At about 12:05 pm on Tuesday, June 8, 2021, I went to the town of Beita, southeast of Nablus, in order to cover a peaceful march that will be organized at the entrance of Beita town, in protest of the occupation's construction of the bypass road that will link the Za'tara military checkpoint south of Nablus via the towns of Beita, Hawara, Odala and Burin, all the way to the Yitzhar roundabout, north of the town of Hawara, south of Nablus. As the main entrance to the town of Beita was closed by the occupation with concrete cubes, I took an alternative road from the village of Odala to the town of Beita, in which the peaceful march will be organized. When I arrived at the mentioned hour, I was driving the ambulance of the Palestinian Medical Relief Society, which is a 2012 Ford Transit, white color and has the Society's logo and the crescent and cross logo, which shows that the vehicle I drive provides medical services and first aid, and on it is written "Ambulance" in Arabic and English. I was accompanied by two young volunteers in the Relief Society, who are Muhammad Toukan and Omar Al-Baz and their mission was to provide first aid. I parked the ambulance at a distance of approximately 50-60 meters from the eastern side of the main entrance to Beita that was closed with concrete cubes. Around 15 Israeli soldiers from the regular army were present, and between 3-4 Israeli military patrols standing behind the concrete cubes near the main street called "Nablus - Ramallah." At the main entrance to the town of Beita, there was a gathering of tens of citizens near Beita grocery shop, located east of the main entrance and about 500 meters away from it. About 20 minutes after my arrival, confrontations began between the youths and the occupation soldiers, the youths ignited the tires and the occupation soldiers started firing tear gas canisters and rubber bullets towards the young protesters, then I drove the ambulance backwards to take cover to the east, at a distance of only 10 meters. I was watching the events from inside the ambulance, the occupation soldiers were firing tear gas canisters very intensely. Consequently, a journalist was suffocating, and came over the ambulance to seek aid. The two volunteers provided her with first aid. As a result of the heavy firing of tear gas canisters by the occupation soldiers, I felt something hit the windshield of the ambulance, I bent down on the driver's seat for protection, and moments later I lifted



myself and saw fractures. The windshield was smashed and I saw glass spray flying inside the ambulance and I recognized thick white smoke around the ambulance I was driving. About 10 minutes after the windshield of the ambulance was hit by a gas bomb, I got out of it and when I approached the front of the ambulance I saw a large black sponge bomb. It was cylindrical in shape and about 20 cm in length. It fell between the hood and the windshield, which was broken and smashed. I also saw silver cylindrical gas canisters around the ambulance, then I left the site and moved away from the place of confrontations about 100 meters. Then at about 2:00 pm, I left the town of Beita in order to replace the windshield after informing the ambulances of the Palestinian Red Crescent Society to replace me in covering the confrontations. The Israeli occupation soldiers targeted the ambulance I was driving directly and deliberately, despite the visible and clear special medical signs attached on the ambulance. I was repeatedly directly attacked by the occupation soldiers with live bullets and rubber bullets, and the soldiers fired at the ambulance while I was performing my duties and my medical work in the field covering the confrontations.

And a notice of that effect signed on this corresponding day: 9/6/2021 AD

Signature: Jarir Qandilou

Name: Not withheld from publication

Field researcher: Mohamed Raee



رقم الإفادة 2021/302

تصريح مشفوع بالقسم

أنا الموقع اسمي أدناه: جرير زكريا نظمي قناديلو
 هاتف: 0599877057
 حامل هوية رقم: 948315742
 الجنسية: فلسطيني
 من سكان: مدينة نابلس
 وأعمل: سائق وضابط اسعاف
 والمولود بتاريخ: 8/24/1967 م
 قضاء: مدينة نابلس

أصرح بعد أن حذرت أن أقول الصدق وإلا عرضت نفسي للعقاب الجزائي بما يلي:

انا المواطن جرير زكريا نظمي قناديلو 53 عاما ومن سكان مدينة نابلس، اعمل سائق وضابط اسعاف في جمعية الإغاثة الطبية الفلسطينية منذ العام 2003م، ما وقع انه وعند حوالي الساعة 12:05 ظهر يوم الثلاثاء الموافق 2021/6/8م توجهت الى بلدة بيتا الواقعة جنوب شرق مدينة نابلس وذلك من اجل تغطية مسيرة سلمية سوف يتم تنظيمها على مدخل بلدة بيتا وذلك احتجاجا على شق الاحتلال الشارع الالتفافي الذي سيربط ما بين حاجز زعترة العسكري جنوبي مدينة نابلس مروراً ببلدة بيتا وحوارة وادلا وبورين وصولاً الى دوار يتسهار الواقع شمال بلدة حوارة جنوبي نابلس، بسبب اغلاق المدخل الرئيسي لبلدة بيتا من قبل الاحتلال بالمكعبات الاسمنتية قمت بأخذ طريق بديل من قرية اودلا وصولاً الى بلدة بيتا التي سيتم تنظيم بها المسيرة السلمية، عند وصولي بالساعة المذكورة كنت اقود سيارة الإسعاف التابعة لجمعية الإغاثة الطبية الفلسطينية وهي من نوع فورد ترانزيت موديل 2012م لون ابيض وعليها شعار الجمعية وشعار الهلال والصليب الذي يوضح ان السيارة التي اقودها تقدم الخدمات الطبية والاسعافات ومكتوب عليها اسعاف باللغة العربية والانجليزية، كان برفقتي في سيارة الاسعاف شابان متطوعان في جمعية الإغاثة الطبية وهما محمد طوقان وعمر البظ ومهمتهم تقديم الإسعافات الأولية، قمت بوضع سيارة الإسعاف على مسافة ما بين 50-60 متر تقريبا من الجهة الشرقية للمدخل الرئيسي لبيتا المغلق بالمكعبات الاسمنتية وكان هنا تواجد لجنود إسرائيليين من الجيش النظامي وقدرت عددهم بحوالي 15 جندي إسرائيلي وما بين 3-4 دوريات عسكرية إسرائيلية تقف خلف المكعبات الاسمنتية قرب الشارع الرئيسي المسمى "نابلس - رام الله" وعلى المدخل الرئيسي لبلدة بيتا، كان هناك تجمع لعشرات المواطنين بالقرب من حصة خضار بيتا الواقعة شرقي المدخل الرئيسي وعلى البعد منه مسافة 500 متر تقريبا، بعد حوالي 20 دقيقة تقريبا من وصولي بدأت تحدث مواجهات ما بين الشبان وجنود الاحتلال حيث انني شاهدت قيام الشبان بإشعال الإطارات المطاطية وبدأ جنود الاحتلال بإطلاق قنابل الغاز المسيل للدموع والاعيرة المطاطية تجاه الشبان المحتجين، عند ذلك تراجعت بسيارة الإسعاف الى الخلف لأخذ ساتر نحو الشرق مسافة 10 امتار فقط وكنت اراقب الاحداث من داخل سيارة الإسعاف، كان جنود الاحتلال يطلقون قنابل الغاز المسيل للدموع بشكل كثيف جدا وخلالها حضرت صحفية كانت تشعر بالاختناق وساعدها المتطوعين بالإسعافات الأولية بتقديم مادة الكحول لها وعلاجها، من كثرة اطلاق جنود الاحتلال لقنابل

2021 / 6 / 9 م

وإشعاراً بذلك أوقع في هذا اليوم الموافق:

الاسم غير محجوب ☒الاسم محجوب ☐

التوقيع: جرير زكريا نظمي قناديلو

التوقيع:

اسم ولي الامر:

الباحث الميداني: محمد علي



الغاز المسيل للدموع شعرت بشيء ضرب الزجاج الامامي لسيارة الإسعاف وعندها انحنيت على كرسي السائق من اجل الحماية وبعدها بلحظات رفعت نفسي وشاهدت كسور للزجاج الامامي وكان مهشم وشاهدت رذاذ الزجاج قد تطاير داخل سيارة الإسعاف وميزت دخان كثيف ابيض حول سيارة الإسعاف التي كنت اقودها، بعد حوالي 10 دقائق تقريبا من إصابة الزجاج الامامي للإسعاف بقنبلة غاز ترجلت منها وعند اقترابي من مقدمة سيارة الإسعاف شاهدت قنبلة اسفنجية سوداء اللون كبيرة الحجم واسطوانية الشكل وطولها حوالي 20 سم تقريبا وكانت قد سقطت بين غطاء المحرك والزجاج الامامي الذي كسر وتهشم وشاهدت قنابل غاز اسطوانية فضية اللون كانت حول سيارة الإسعاف، بعدها غادرت الموقع وابتعدت عن مكان المواجهات مسافة 100 متر تقريبا وبعدها عند حوالي الساعة 2:00 ظهرا غادرت بلدة بيتا وذلك من اجل تبديل الزجاج الامامي بعد ان أبلغت سيارات الإسعاف في جمعية الهلال الأحمر الفلسطيني ان تحل محلي في تغطية المواجهات، ان جنود الاحتلال الإسرائيلي قاموا باستهداف سيارة الإسعاف التي اقودها بشكل مباشر ومتعمد علما بان الإشارات الخاصة الطبية ظاهرة وواضحة على الإسعاف لهم، تعرضت للعديد من الاعتداءات من قبل جنود الاحتلال بشكل مباشر بالرصاص الحي والاعيرة المطاطية وكان الجنود يطلقون على سيارة الإسعاف خلال ادائي مهامهم وعلمي الطبي في الميدان بتغطية المواجهات.

9/5/2021 م

الاسم غير محجوب ☒

الاسم محجوب ☐

التوقيع:

وإشعاراً بذلك أوقع في هذا اليوم الموافق:

التوقيع:

اسم ولي الامر:

الباحث الميداني:

TAB 9

Affidavit number: 307/2021**Sworn Statement****I, the undersigned, Rami Sadiq Musa Washaha****Telephone number: 0598223707****Holder of ID No.: 943448902****Nationality: Palestinian****Date of Birth: 2/6/1973****Occupation: musical composer****Place of residence: Birzeit , Ramallah District****I, the undersigned, whereas I was warned to tell the truth, otherwise, I shall be subject to criminal responsibility and punishment as set by law, hereby declare as follows:**

I am the brother of the young man, Fadi Sadiq Musa Washaha. He was a 34-year-old student of political science at Birzeit University. About a year and a half ago, my brother Fadi became wanted by the Israeli occupation authorities, after he was hit by a rubber bullet fired by the occupation soldiers at close range, while participating in a march with Birzeit University students, at the northern entrance to the city of Al-Bireh. The occupation soldiers arrested Fadi for a short period before some young Palestinians managed to set him free. After that, the Israeli intelligence agents stormed the family's house in Birzeit several times in search of him, and always failed to arrest him. The Israeli intelligence also handed us several notifications for him to turn himself in, and called Fadi, our brothers Musa, 35, and Nadi, 41, to demand Fadi's surrender. They also threatened us, his brothers, telling us that we have to hand him over because we are his brothers., otherwise, the matter will be handed over to the IDF special units. he intelligence officer who identifies himself as "Abu al-Nour", and who is responsible for the Birzeit area and the Jalazun camp, told me this during a three-hour interrogation at the Intelligence Center in Ofer, on 8/4/2021. He told me that I am the eldest of my siblings and that I am responsible for Fadi, I told him that I can only advise Fadi and that Fadi is afraid to surrender himself because he would be sentenced to indefinite administrative detention. The intelligence officer told me that he promised not to send him to administrative detention, and when I asked him what was Fadi being charged with, he told me that the charges against him were minimal and that they did not want to escalate the issue. At the end of the interrogation, he told me to hand him over, and I told him, "this is your job, not mine." He told me, "You want to see him chopped on the ground?" I asked him "what has he done to be chopped on the ground?" and he answered that he will not wait for him to do anything for that to happen. On Saturday, 5/15/2021, it was the third day of Eid al-Fitr, and there was a demonstration at the northern entrance to the city of Al-Bireh in solidarity with Gaza and Jerusalem and against the war waged by the occupation. I went there to watch the demonstration. I stood on the hill in front of the Beit El



settlement, which the occupation erected near the northern entrance to the city of Al-Bireh. I was there around four o'clock in the afternoon. I noticed that there were dozens of young men throwing stones at the occupation soldiers from three points. The first point was towards the top of the City Inn roundabout at the northern entrance to Al-Bireh, near Al-Huda Gas Station. The second point was in the middle of the street leading to the "DCO" military checkpoint, and the third point was at a house located in the middle of a piece of land located between the street leading to the DCO checkpoint and a street leading to the city of Al-Bireh from the side of the military medical services. As I noticed, the occupation soldiers were firing tear gas, rubber-coated metal bullets and "Tutu" bullets, as I heard the young men say, and a drone was flying in the sky, throwing tear gas canisters at the demonstrators. There were hit-and-run movements between the young men and soldiers, the distance between them ranging from one hundred to fifty meters, and I was standing at distance of about 700 meters as I could watch what was happening, and after about half an hour of standing in the area to watch, I saw a military-colored, Hummer-type vehicle with a wide bodywork, I was surprised by the presence of this car because this type of car is not usual in such confrontations. Three soldiers boarded the vehicle from the mountain area near the Civil Administration buildings, where concrete blocks had been erected for the occupation soldiers. The vehicle went down an unpaved road below the main road after the "DCO" checkpoint, onto the main road that comes exiting the Ramallah area where there is a sharp turn. There, I saw the three soldiers descending from the Hummer car, next to the cement blocks on the closed side of the street, adjacent to which lies the aforementioned street that leads to Al-Bireh, where a number of young men were throwing rocks at the soldiers. When the three soldiers arrived, I saw they were stationed behind the cement blocks. About ten minutes later, at around 4:45 pm, there was an attack by soldiers who were standing 100 meters ahead of those three soldiers, where there were other fortifications closer to the young men throwing rocks. About ten soldiers attacked the young men with tear gas and rubber bullets, and then I heard amidst the sounds of rubber and gas bombs a very strong gunshot sound, a distinguishable live, stronger sound. After that attack, I saw the young men escaping, and then thirty seconds later, I heard a voice saying, "someone has been shot, someone has been shot." The young men ran towards the injured person and I saw them carrying him and putting him in the ambulance, which was about a hundred meters away, and the young men shouted, "A martyr, a martyr." I heard a young man calling a phone asking about the injured, then I heard his voice saying 'Washaha', and then I screamed, "what is the name of the martyr?" The young men said to me, Fadi Washaha, then I went to the hospital quickly, and then I saw the paramedics take Fadi out of the emergency door of the Palestine Medical Complex to take X-Rays pictures of him. I knew that Fadi arrived to the hospital with his heart stopping, but the doctors succeeded in resuscitating his heart. I learned that he was hit by a bullet from the back-right side of his head and exited from the back-left side top of the head, where it hit the brain stem. As a result of the injury, parts of his brain and skull came out. After the X-rays, Fadi was admitted to the intensive care department, where the doctors were not able to perform surgery because of his unstable medical condition, and the doctors told us that his condition was hopeless, and he remained under artificial respiration and resuscitation devices for 19 days. The doctors announced his death on 2/6/2021 at 11 am. The day Fadi was injured, that is on 5/15/2021, and immediately

after he had entered the resuscitation room, specifically at 6:36 pm, I received a phone call on my mobile phone from the number 0525593491. Immediately when I said hello, he replied, “Should we pay our respects?,” I said “Excuse me, who is talking to me?,” he replied, “our condolences,” I told him “who is talking to me on the phone,” and he said to me in a reproachful tone: “Listen Rami, isn’t that what you wanted, and what Fadi wanted.” I said to him, “Yes,” meaning that I knew who was talking to me. He said to me: “Yes, Abu Al-Nour.” as in the Israeli intelligence officer, and I hung up the phone. Two minutes later, while I was talking to another person on the phone. “Abu Al-Nour” interrupted the call and said to me: “Listen, listen. I am Abu Al-Nour, and I wanted to express my condolences.” I then hung up the phone. It is reported that several days later, while Fadi was in the hospital, the Israeli intelligence summoned the secretary of the Fatah movement in Birzeit, whose name was Riyad Safi, for an interview. As Riyad told me after the interview, the intelligence officer, “Abu al-Nour,” asked him what was intended for Fadi’s funeral. Riyad Safi responded that Fadi was recovering “what funeral are you talking about?” “Abu Al-Nour” told him, laughing hard “I closed Fadi's file” five days ago.

And a notice to that effect signed on this corresponding day: 8/6/2021

Signature: _____

Name: Not withheld from publication

I, the undersigned: _____

Name of Guardian: _____

I hereby confirm that this statement was taken in my presence.

Signature: _____

Field researcher: Omran Risheq



رقم الإفادة: 2021/307

تصريح مشفوع بالقسم

هاتف: 0598223707

أنا الموقع اسمي أدناه: رامي صادق موسى وشحة

والمولود بتاريخ: 1973/6/2

الجنسية: فلسطيني

حامل هوية رقم : 943448902

قضاء: رام الله

من سكان: بيرزيت

وأعمل: مؤلف موسيقي

أُصرح بعد أن حُذرت أن أقول الصدق وإلا عرضتُ نفسي للعقاب الجزائي بما يلي:

انا شقيق الشاب فادي صادق موسى وشحة (34 عاما) وهو كان طالب في جامعة بيرزيت يدرس تخصص العلوم السياسية في جامعة بيرزيت، واخي فادي اصبح منذ نحو عام ونصف العام مطلوبا لسلطات الاحتلال الاسرائيلي وذلك بعد ان اصيب برصاصة مطاطية اطلقها جنود الاحتلال عليه من مسافة قريبة، اثناء مشاركته بمسيرة مع طلاب جامعة بيرزيت على مدخل مدينة البيرة الشمالي، وقد اعتقله جنود الاحتلال لفترة قصيرة قبل ان ينجح الشبان في تخليصه من ايديهم، وبعدها بدأت المخابرات تقتحم منزل العائلة الواقع في بلدة بيرزيت عدة مرات بحثا عنه وكانوا يفشلوا في القبض عليه في كل مرة، كما سلمونا عدة تبليغات له كي يسلم نفسه، اضافة الى الاتصال هاتفيا بفادي وبأخي موسى (35 عاما) وبأخي نادي (41 عاما) من قبل المخابرات الاسرائيلية لمطالبة فادي بتسليم نفسه، الى جانب تهديدنا نحن اخوته بأننا علينا ان نسلمه كوننا اخوته والا فإن الموضوع سيخرج من يد المخابرات الاسرائيلية ويصبح بيد الوحدات الخاصة الاسرائيلية، وهذا الامر قاله لي حريبا ضابط المخابرات الذي يعرف نفسه "ابو النور" وهو المسؤول عن منطقة بيرزيت ومخيم الجلزون، وذلك اثناء استجواب لي لمدة ثلاث ساعات تقريبا في مركز المخابرات في عوفر، وذلك بتاريخ 2021/4/8، اذ قال لي انت كبير اخوتك وانت المسؤول عن فادي فقلت له انا املك فقط ان انصحك عمل بها كان ذلك وان لم يعمل بها فهو حر، وانا قلت له ان فادي خائف ان يسلم نفسه وبعدها يحكم عليها بالسجن الاداري مرارا وتكرارا، فقال لي وعد مش راح اعطيه اداري، وعندما كنت اسأله ما تهم فادي يقول لي التهم التي عليه صغيرة ولا نريد لها ان تكبر، وفي اخر الاستجواب قال لي رامي جيبو فقلت له هذا شغلك وليس شغلي، فقال لي انتم حابين تشوفوه مقطوع على الارض، فقلت له لماذا يعني ما الذي فعل ليقطع على الارض، فقال لي لن انتظر عليه حتى يفعل شيئا. يوم السبت الموافق 2021/5/15، وقد كان ثالث يوم عيد الفطر، وكان ثمة مظاهرة عند المدخل الشمالي لمدينة البيرة تضامنا مع غزة والقدس وضد الحرب التي يشنها الاحتلال عليهما، وانا ذهبت في ذلك اليوم لمشاهدة المظاهرة، حيث وقفت في منطقة الجبل المقابل لمستوطنة بيت ايل التي اقامها الاحتلال قريبا من المدخل الشمالي لمدينة البيرة، وقد كنت هناك قرابة الساعة الرابعة عصرا، وكما رأيت فقد كان ثمة عشرات الشبان يرشقون الحجارة على جنود الاحتلال في ثلاثة

إشعاراً بذلك أوقع في هذا اليوم الموافق: 2021/6/8 م

غير محجوب

الاسم:

التوقيع:

ولي أمر الطفل:

التوقيع:

أؤكد أن هذه الإفادة أخذت بحضوري،

الباحث الميداني: عمران الرشق



محاور، المحور الاول الى الاعلى من دوار السيتي ان عند المدخل الشمالي للبيرة، قريبا من محطة وقود الهدى، والمحور الثاني في وسط الشارع المؤدي الى حاجز "الدي سي او" العسكري الاسرائيلي، والمحور الثالث عند منزل يقع في منتصف قطعة ارض بين الشارع المؤدي الى حاجز الدي سي او وشارع يؤدي الى مدينة البيرة من ناحية الخدمات الطبية العسكرية، وكما لاحظت فقد كان جنود الاحتلال يطلقون قنابل الغاز والرصاص المعدني المغلف بالمطاط ورصاص "التوتو" كما منت اسمع الشباب يقولون على الشبان، وكانت تحلق بالسماء طائرة بدون طيار "درون" تقوم بالقاء قنابل الغاز فوق المتظاهرين. وقد كانت تحدث حالات كر وفر بين الشبان والجنود بحيث تتراوح المسافة بين الطرفين من مائة الى خمسين مترا، وانا كنت من بعيد عن مسافة نحو 700 متر كما اقدر اشاهد ما يحصل، وبعد نحو نصف ساعة من وقوفي بالمنطقة للمشاهدة، رأيت سيارة عسكرية لونها جيشي من نوع همر هيكلا عريض، وانا استغربت حضور تلك السيارة كون هذا النوع من السيارات غير معتاد حضورها في مثل تلك المواجهات، حيث اخت تلك السيارة ثلاثة جنود من منطقة الجبل القريب من مباني الادارة المدنية حيث يوجد هناك استحكامات اسمنتية لجنود الاحتلال، ونزلت بالجنود من شارع ترابي اسفل الشارع الرئيسي بعد حاجز الدي سي او، على الطريق الرئيسية التي تخرج من منطقة رام الله حيث يوجد هناك منعطف حاد. وهناك رايت السيارة الهمر تنزل الجنود الثلاثة عند استحكامات اسمنتية في الجهة المغلقة من الشارع، والتي على جانبها الشارع المذكور المؤدي الى البيرة حيث يوجد عدد من الشبان يرشقون الحجارة على الجنود، وعند وصول الجنود الثلاثة رأيت يتمركزون خلف الاستحكامات الاسمنتية، وبعدها بنحو عشرة دقائق، وكانت الساعة قد اصبحت 4:45 مساء، حصلت هجمة من قبل جنود كانوا يقفون الى الامام من اولئك الجنود الثلاثة بنحو مائة متر حيث يوجد استحكامات اخرى اقرب الى الشبان راشقي الحجارة، وحيث هجم نحو عشرة جنود على الشبان بقنابل الغاز والرصاص المطاطي، وعندها سمعت من بين اصوات المطاط وقنابل الغاز صوت طلق ناري قوي جدا، وانا ميزت انه من النوع الحي من شدة الصوت ونوعه الذي يظهر انه اقوى من الاصوات الاخرى، وبعد تلك الهجمة انا رأيت الشبان يهربون ثم بعد ذلك بثلاثين ثانية سمعت صوت يقول "اصابة اصابة"، والشباب ركضوا نحو المصاب ورايتهم يحملونه ويضعونه في سيارة الاسعاف التي كانت بعيدة عنه نحو مائة متر، والشبان صاروا يصيحون "شهيد شهيد"، وانا سمعت عندها شاب يتصل هاتفيا يسأل من المصاب ثم سمعت صوته يقول وشحة، وعندها انا وقفت صارخا من وشحة ما اسم الشهيد فقال لي الشبان فادي وشحة، عندها انا توجهت للمستشفى بسرعة، وعندها رأيت المسعفين يخرجون فادي من باب الطوارئ بمجمع فلسطين الطبي لاجراء صور اشعة له، وكما علمت فقد وصل فادي المستشفى وقلبه واقف، لكن الاطباء نجحوا بانعاش قلبه، وكما علمت فإنه كان مصاب برصاصة دخلت من رأسه من الخلف من الجهة اليمنى وخرجت من اعلى الرأس من الخلف من الناحية اليسرى، حيث اصابت جذع الدماغ وخرجت اجزاء من الدماغ وعظم الجمجمة نتيجة

إشعاراً بذلك أوقع في هذا اليوم الموافق: 2021/6/8 م

التوقيع: الاسم: غير محجوب

أنا الموقع اسمي أدناه: ولي أمر الطفل:

التوقيع:

أؤكد أن هذه الإفادة أخذت بحضوري،

الباحث الميداني: عمران الرشق

الاصابة، وبعد الصورة تم ادخال فادي لقسم الانعاش المكثف حيث لم يكن ثمة قدرة لاجراء عملية جراحية له بسبب وضعه الغير مستقر من الناحية الطبية، وقد اخبرنا الاطباء ان حالته ميؤوس منها، وبقي تحت اجهزة التنفس الاصطناعي واجهزة الانعاش لمدة 19 يوما، الى ان اعلن الاطباء بتاريخ 2021/6/2 الساعة 11 صباحا خبر استشهاده فادي. يذكر انه في نفس يوم اصابة فادي اي 2021/5/15، وبعد دخول فادي للانعاش مباشرة، وبالتحديد الساعة 6:36 مساء، تلقيت اتصالا هاتفيا على هاتفي النقال من رقم 0525593491، حيث مباشرة عندما قلت الو رد علي "تقول الله يرحمه" فقلت له عفوا مين الي بيحكى، فرد علي "الله يرحمه"، فقلت له مين مين بيحكى مين معي عالتلفون، فقال لي بلهجة معاتبة: "اسمع رامي مش انتو بدكم هيك وفادي بدو هيك" فقلت له "اه" بمعنى انه عرفت من يتكلم معي، فقال لي: "اه ابو النور" يقصد انه ضابط المخابرات الاسرائيلي، وانا قمت باغلاق الهاتف بوجهه، بعدها بدقيقتين وكنت اتحدث مع شخص اخر هاتفيا، دخل "ابو النور" على المكالمة وقال لي: "اسمع اسمع انا ابو النور معك بس حبيت اقلك الله يرحمه" وانا قمت عندها باغلاق الهاتف بوجهه. يذكر انه بعد ذلك بعدة ايام واثاء وجود فادي بالمستشفى، استدعت المخابرات الاسرائيلية امين سر حركة فتح ببيرزيت واسمه رياض صافي لمقابلة، وكما اخبرني رياض بعد المقابلة فقد قال له ضابط المخابرات "ابو النور" ماذا تتوون القيام به بجنابة فادي، فقال له رياض صافي الشب يتعافى ما الجنابة التي تتحدثون عنها، فقال له "ابو النور" وهو يضحك بشدة انا ملف فادي من خمسة ايام شلتو عن الرف.

إشعاراً بذلك أوقع في هذا اليوم الموافق: 2021/6/8 م

غير محجوب

الاسم:

التوقيع: 

ولي أمر الطفل:

أنا الموقع اسمي أدناه:

التوقيع:

أؤكد أن هذه الإفادة أخذت بحضوري،

الباحث الميداني: عمران الرشق

TAB 10

**Affidavit number: 319/2021****Sworn Statement****I the undersigned, Nihad Ziyad Saadi Al-Sawafiri****Telephone number: 0599793339****ID holder: 900973496****Nationality: Palestinian****Born: 1|2|1976****Occupation: owner of a furniture factory****Place of residence: Al-Zahra village, Gaza District****I the undersigned, after being warned that I must tell the truth and that if I do not do so, I shall be subject to punishment set by statute, hereby declare as follows:**

My name is Nihad Ziyad Saadi Al-Sawafiri, I am 45 years old, married and father of four children. I own a furniture factory in the name of Nihad Al-Sawafiri Furniture Company, located in the Gaza Industrial Zone "Pedco", east of Al-Shuja'iya neighborhood, east of Gaza City, about 300 meters from the border fence. My factory is built on an area of 1150 m², and the factory was established 12 years ago, and my factory contains fixed assets of machines and machines for the manufacture of furniture, to serve the local market in the Gaza Strip with the highest quality. It includes administrative offices, and employs 36 workers and employees, and the factory operates at full capacity 24/24, in the production of furniture, to meet the needs of homes and institutions, and my factory production is estimated at 6-8 million dollars a year, because the factory is contracted with the largest companies and institutions in the Gaza Strip, such as the Qatari Committee for Reconstruction, Hamad Residential City, Jawwal, Beach Hotel, Mercy Core, UNDB. The cost of the factory is estimated at about one million two hundred thousand dollars (\$1,200,000). Since I established the factory here in the industrial zone, which contains about 54 factories, commercial and economic facilities, years ago, the area had never been bombed by the Israeli occupation forces over the past three previous wars on the Gaza Strip, and so because the industrial zone was opened by the late President Yasser Arafat "Abu Ammar" and former US President Bill Clinton, within the understandings of the Oslo Accords. The industrial zone is completely closed off, and only its employees can enter, under strict security measures and strict control, and I used to consider the industrial zone to be safer than my home. Dozens of foreign delegations from the World Bank, the European Union, and the International Quartet visit the industrial zone every year, and it is considered the largest gathering of factories in the Gaza Strip, and the economic showcase of all local industries in the Strip. About a year ago, the World Bank installed solar energy with a capacity of 8 megawatts, for all factories located in the industrial zone, to overcome the electricity crisis in the Gaza Strip, and to ensure the flow of local production to factories and companies, which have suffered the most for nearly 14 years, due to the Israeli blockade: the suffocation on the Gaza Strip, the halting of exports, the repeated



closure of the crossings, and the prevention of the entry of raw materials needed for manufacturing. And around 5:00 am on Thursday 20/05/2021, during the Israeli offensive on the Gaza Strip, I received a call from the workers in the industrial zone, and they informed me that the occupation tanks stationed behind the border and that they were bombing my factory, as well as a number of nearby factories, and with a number of incendiary artillery shells, what caused the destruction of the factory. When I went to the factory the same morning, the occupation tanks were still bombing it and the neighboring factories. My factory as well as a number of other factories were on fire, and the civil defense crews tried for long hours to quench the fire, until I managed, with great difficulty, to control the fire caused by the Israeli shells, after they completely destroyed my factory, the Abu Iskandar factory for translucent nylon, and also the Keefer Detergent Manufacturing Company, Maatouk Ice Cream Factory, Ice Man Ice Cream Factory, Silk Chips Factory Stores, Foam Line Company for the Production of Cork Dishes, and Arqeq Company for Textiles and Clothing Industry. The bombing also caused damage to a large number of factories and companies inside the industrial zone, including the Al-Wadi Company for Food Industries, the National Beverage Company "Coca-Cola", and the Bashir Al-Siksk Company for the manufacture of plastic pipes and barrels. After the destruction of our factory and a number of neighboring factories, deliberately by the occupation forces, with the aim of destroying what remained of the local economy in the besieged Gaza Strip, we stopped working completely, and hundreds of workers and employees were laid off, burdened in the Gaza Strip by the continuous Israeli siege for years.

And a notice to that effect signed on this corresponding day: 15/6/2021

Signature: Nihad Ziyad Saadi Al-Sawafiri

Name: Not withheld from publication

Field researcher: Muhammad Abu Rahma

Event title: The Jerusalem Intifada, the Israeli aggression on the Gaza Strip 2021

١ سائر

AL-HAQ

Affiliate, International Commission of Jurists - Geneva

NGO in consultative status with the Economic and Social Council of the United Nations

فروع لجنة المحققين الدوليين
تتمتع الحق بصفة استشارية لدى المجلس الاقتصادي والاجتماعي في الأمم المتحدة



رقم الإفادة: ١٢٥٢١/٣١٩

تصريح مشفوع بالقسم

هاتف: ٥٩٩٧٩٣٣٣٩

أنا الموقع اسمي: نهاد زياد سعدي السوافيري

والمولود بتاريخ: ١٩٧٦/٢/١ م

حامل هوية رقم: ٩٠٠٩٧٣٤٩٦ الجنسية: فلسطيني

قضاء: غزة

من سكان: مدينة الزهراء

وأعمل: صاحب مصنع موبيليا ومفروشات

أصرح بعد أن خُرت أن أقول الصدق وإلا عرضت نفسي للعقاب الجزائي بما يلي:

اسمي نهاد زياد سعدي السوافيري، أبلغ من العمر ٤٥ عاماً، متزوج وأب لأربعة أطفال، وأملك مصنع مفروشات "موبيليا وأثاث" باسم شركة نهاد السوافيري للمفروشات، يقع في منطقة غزة الصناعية "بيدكو"، شرق حي الشجاعة شرق مدينة غزة، على بعد نحو ٣٠٠ متر من الشريط الحدودي الفاصل. ومصنعي مقام على مساحة ١١٥٠م^٢، وتم إنشاء المصنع منذ ١٢ عاماً، ويحتوي مصنعي على أصول ثابتة من آلات وماكينات لتصنيع المفروشات والموبيليا، لخدمة السوق المحلي في قطاع غزة بأعلى جودة، ويضم مكاتب إدارية، ويعمل فيه ٣٦ عامل وموظف، ويعمل المصنع بطاقة كاملة ٢٤ ساعة، في إنتاج المفروشات والأثاث، لتلبية احتياجات المنازل والمؤسسات، ويقدر إنتاج مصنعي في العام ٦-٨ مليون دولار، لأن المصنع متعاقد مع أكبر الشركات والمؤسسات في قطاع غزة، مثل اللجنة القطرية لاعادة الاعمار، مدينة حمد السكنية، شركة جوال، فندق البيش، ميرسي كور، UNDB. وتقدر تكلفة المصنع بنحو مليون ومئتان ألف دولار (١.٢٠٠.٠٠٠ \$). حيث أنني قمت بإنشاء المصنع هنا في المدينة الصناعية، والتي تحتوي على نحو ٥٤ مصنع ومنشأة تجارية واقتصادية، منذ سنوات، بحثاً عن الأمن، فلم يسبق وأن تعرضت المدينة الصناعية للقصف من قوات الاحتلال الإسرائيلي، على مدار ثلاث حروب سابقة على قطاع غزة، لأن المدينة الصناعية تم افتتاحها عام ١٩٩٨ على يد الرئيس الراحل ياسر عرفات "أبو عمار، والرئيس الأمريكي الأسبق بيل كلينتون، وكانت قد أنشأت ضمن تفاهات اتفاقية أوسلو. والمنطقة الصناعية مغلقة من حدودها الأربعة، ولا يدخلها سوى العاملين فيها، ضمن إجراءات أمنية مشددة ورقابة صارمة، وأنا كنت أعتبر المنطقة الصناعية أكثر أماناً من بيتي. ويتردد على زيارتها كل عام عشرات الوفود الأجنبية، من البنك الدولي، والاتحاد الأوروبي، والرباعية الدولية، وتعتبر التجمع الأكبر للمصانع في قطاع غزة، والوجه الاقتصادي لكافة الصناعات المحلية في القطاع. وقد قام البنك الدولي منذ عام تقريباً، بتركيب طاقة شمسية بسعة ٨ ميغا واط، لكافة المصانع الموجودة في المدينة الصناعية، للتغلب على أزمة الكهرباء في قطاع غزة، وضمان تدفق الانتاج المحلي للمصانع والشركات، التي تعاني أشد معاناة منذ نحو ١٤ عاماً، بسبب الحصار الإسرائيلي الخانق على قطاع غزة، ووقف التصدير، والاعلاق المتكرر للمعابر، ومنع إدخال المواد الخام اللازمة للتصنيع. وفي حوالي الساعة ٥:٠٠ من صباح يوم الخميس الموافق ٢٠٢١/٥/٢٠، خلال العدوان الإسرائيلي على قطاع غزة، تلقيت اتصال من العاملين في المنطقة الصناعية، وأبلغوني بأن دبابات الاحتلال المتمركزة خلف الشريط الحدودي، قامت بقصف

وإشعاراً بذلك أوقع في هذا اليوم الموافق: ٢٠٢١/٦/١٥

الاسم: غير محجوب عن النشر

نهاد زياد سعدي السوافيري

الباحث الميداني: محمد أبو رحمة



مصنعي، وعدد من المصانع المجاورة، بعدد من القذائف المدفعية الحارقة، ما تسبب في تدمير المصنع واشتعال النيران فيه، حيث عندما ذهبت للمصنع صباح اليوم نفسه، كانت دبابات الاحتلال لا تزال تقصف المصنع والمصانع المجاورة، وكانت النيران مشتعلة بمصنعي وبعدد من المصانع، وقد حاولت طواقم الدفاع المدني لساعات طويلة إطفاء النيران المشتعلة في المكان، إلى أن تمكنت بصعوبة بالغة، من السيطرة على الحرائق التي سببتها القذائف الاسرائيلية، بعد أن دمرت مصنعي بالكامل، ومصنع أبو اسكندر للنابليون المجلور، وكذلك مصنع شركة كيليفر لصناعة المنظفات، ومصنع معتوق للبوظة، ومصنع أيس مان للآيس كريم، ومخازن مصنع الحرير للشيبس، وشركة فوم لاين لانتاج أطباق الفلين، وشركة اريقق للنسيج وصناعة الملابس. كما تسبب القصف نفسه، في تضرر عدد كبير من المصانع والشركات بداخل المدينة الصناعية، منها شركتي الوادية للصناعات الغذائية، شركة المشروبات الوطنية "كوكا كولا"، شركة بشير السكسك لصناعة مواسير البلاستيك والبراميل. وبعد تدمير مصنعنا وعدد من المصانع المجاورة، بشكل متعمد من طرف قوات الاحتلال، بهدف تدمير ما تبقى من اقتصاد محلي في قطاع غزة المحاصر، توقفنا تماماً عن العمل، ودخل مئات العمال والموظفين على بند البطالة، المتقل في قطاع غزة بفعل الحصار الإسرائيلي المستمر منذ سنوات طويلة.

وإشعاراً بذلك أوقع في هذا اليوم الموافق : ٢٠٢١/٦/١٥

الاسم: غير محجوب عن النشر

التوقيع: نهاد زياد سعدي السوافيري

الباحث الميداني: محمد أبو رحمة