CANADA REVENUE AGENCY

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

BETWEEN:

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,

Rabbi David Mivasair

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, 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.

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.”

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.”

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.” [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.” [emphasis added]

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


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.  

### 1.3 What is Yahad?

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

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.”

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.”

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

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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. 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.

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2.0 APPLICABLE CHARITY LAW AND GUIDELINES\textsuperscript{14}

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:

\textit{1) Guidelines for registering a charity: Meeting the public benefit test – CPS-024}\textsuperscript{15}

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 19\textsuperscript{th} century decision, \textit{Commissioners for Special Purposes of Income Tax v. Pemsel}, (hereinafter referred to as \textit{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. \textit{Pemsel} categories include:

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

\textsuperscript{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.

\textsuperscript{15} Government of Canada, “Guidelines for registering a charity: Meeting the public benefit test,” Canada Revenue Agency, online: CRA \textless\texttt{http://www.cra-arc.gc.ca/chrts-gvng/chrts/plcy/cps/cps-024-eng.html}\textgreater
• 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-002

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:

• 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-019

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.

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.”

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)

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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 – Canada\(^{22}\) and the CZCA\(^{23}\) share the same address (including suite number) in Ontario. The address is 788 Marlee Avenue, Suite 201, Toronto, ON, M6B 3K1.

iii. **Telephone:** ASI – Canada\(^{24}\) and the CZCA\(^{25}\) share the same telephone number in Ontario. The telephone number is (416) 783-3053.

iv. **Fax:** ASI – Canada\(^{26}\) and the CZCA\(^{27}\) 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:

![Logos](image)

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.\(^ {33}\)

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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.


31 Supra note 1.

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

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.


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

Sample #1 of event advertising by ASI – Canada / CZCA
ASI-Canada and CZCA invite you to a Benefit Concert honouring the Soldiers of the IDF and their Families

GRAMMY AWARD-WINNING VIOLINIST & HUMANITARIAN

MIRI BEN-ARI

ALSO FEATURING GUEST SPEAKERS FROM THE IDF

SUNDAY, OCTOBER 26, 2014 7:30 PM (DOORS OPEN 7 PM)
George Weston Recital Hall, Toronto Centre for the Arts, 5040 Yonge Street

From the Israeli military to Carnegie Hall, Sesame Street and the White House, Miri Ben-Ari has wowed audiences with her unique sound, and has helped sell millions of records by collaborating with artists such as Kanye West, Jay Z, Alicia Keys, Maroon 5, Janet Jackson and John Legend. miribenari.com

DESSERT RECEPTION FOLLOWING THE CONCERT

PRESENTED BY
THE ASSOCIATION FOR THE SOLDIERS OF ISRAEL-Canada
AND THE CANADIAN ZIONIST CULTURAL ASSOCIATION

Tickets start at $250 • For information or to order call:
416.783.3053 or 1.800.433.6226
Tax receipt for the maximum allowable (where applicable).
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):

<table>
<thead>
<tr>
<th>Schedule 2: Activities outside Canada</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Question 1</strong></td>
</tr>
<tr>
<td>200 Total expenditures on activities/programs/projects carried on outside Canada, excluding gifts to qualified donees.</td>
</tr>
<tr>
<td>CANS 1,789,423.00</td>
</tr>
<tr>
<td><strong>Question 2</strong></td>
</tr>
<tr>
<td>218 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)?</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td><strong>Funding arrangements for programs outside Canada</strong></td>
</tr>
<tr>
<td>Total expenditures reported on line 200: CANS 1,789,423.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>List of amount(s) transferred to individuals/organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of individual/organization</td>
</tr>
<tr>
<td>---------------------------------</td>
</tr>
<tr>
<td>Yahad</td>
</tr>
<tr>
<td>Total amount transferred (CANS):</td>
</tr>
</tbody>
</table>
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.


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.”

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.”

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.

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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>

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.”

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.” [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.


49 Supra note 5.
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](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-El:** Sar-El 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](http://www.mahal-idf-volunteers.org/index.html).

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 Avis – 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. 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”.

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”.

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

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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=-vJPxTC9_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

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\(^{54}\) 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>


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-


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>


62 OCHA, Data on Casualties, online: OCHA, <https://www.ochaopt.org/data/casualties>
launched explosive weapons and live ammunition.\textsuperscript{63} In the West Bank, 415 out of 435 casualties originated from live ammunition.\textsuperscript{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.\textsuperscript{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.\textsuperscript{66}

\textbf{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;\textsuperscript{67} the damaging of 32,028 residential houses, including the complete destruction of 8,359 of them;\textsuperscript{68} the killing of 17 journalists and the injuring of 27 others, the targeting of 5 media offices and 20 media outlets;\textsuperscript{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

\textsuperscript{63} Ibid.

\textsuperscript{64} Ibid.

\textsuperscript{65} Ibid.


\textsuperscript{67} Ibid.

\textsuperscript{68} Ibid.

\textsuperscript{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;\textsuperscript{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.\textsuperscript{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.\textsuperscript{72}

\textbf{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.\textsuperscript{73}

\textsuperscript{70} Ibid, at 51.

\textsuperscript{71} Ibid, at 67.


\textsuperscript{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

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76 Ibid.


78 OCHA, “Data on Demolition and Displacement in the West Bank,” online: OCHA, [https://www.ochaopt.org/data/demolition](https://www.ochaopt.org/data/demolition)
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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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<td>Affidavit of Nihad Ziyad Saadi Al-Sawafiri declared on 15/6/2021 (Arabic original and English translation)</td>
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</table>
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, 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.

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1 See “The Legal Monitor”, Palestinian Forum for Israeli Studies (MADAR), at: https://bit.ly/3ucWH3P.
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.

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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.

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


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**

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\(^7\) Al-Haq, Affidavit II30/2020.
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](image_url)

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

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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 demolition 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.

Homes

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.

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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 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, 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

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.

Self-demolitions are also on the rise, 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 structures

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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.\(^\text{17}\)

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.\(^\text{18}\) 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.

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.
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 violations

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](image)

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

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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:

<table>
<thead>
<tr>
<th>Categories of violations by Israeli duty bearers</th>
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<tbody>
<tr>
<td>Abducting persons and children</td>
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<tr>
<td>Arrests</td>
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<tr>
<td>Arson of planted fields and trees</td>
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<tr>
<td>Assaults on fishers</td>
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<tr>
<td>Attacks on hospitals</td>
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<tr>
<td>Attacks on universities and schools</td>
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<tr>
<td>Attempting to seize land by creating facts on the ground</td>
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<tr>
<td>Ban on travel</td>
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<tr>
<td>Beating and physical violence</td>
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<tr>
<td>Bullet/rubber coated steel bullet wounds</td>
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<tr>
<td>Chasing workers</td>
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<tr>
<td>Closing commercial premises</td>
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<tr>
<td>Closing down cultural associations</td>
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<tr>
<td>Confiscating agricultural vehicles and tractors</td>
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<tr>
<td>Confiscating electronic devices</td>
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<tr>
<td>Confiscating/looting archaeological artifacts</td>
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<tr>
<td>Confiscating/stealing money</td>
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<tr>
<td>Confiscation of equipment and machinery</td>
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<tr>
<td>Constructing settlement outposts</td>
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<tr>
<td>Cutting down and uprooting trees</td>
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<tr>
<td>Damaging agricultural crops</td>
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<tr>
<td>Damaging fishing boats</td>
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<tr>
<td>Damaging homes during search operations</td>
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<tr>
<td>Damaging vehicles</td>
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<tr>
<td>Deliberate vehicular ramming attacks</td>
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<tr>
<td>Demolishing private structures and homes</td>
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<tr>
<td>Demolishing public structures</td>
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<tr>
<td>Denial of access permits</td>
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<tr>
<td>Denial of access to privately owned land</td>
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<tr>
<td>Denial or delayed approval of permits to receive medical treatment</td>
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</tr>
<tr>
<td>Destroying water pipelines</td>
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<tr>
<td>Direct hit by sound/tear gas grenades</td>
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<tr>
<td>Extortion</td>
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</tbody>
</table>

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.

![Map of Gaza and surrounding areas showing prohibited and accessible areas for fishing.](image)

**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. They 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 a 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

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

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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:

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

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.

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

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.  

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).

<table>
<thead>
<tr>
<th>Perpetrator</th>
<th>Number of violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Bank-based Police</td>
<td>106</td>
</tr>
<tr>
<td>Gaza-based Police</td>
<td>155</td>
</tr>
<tr>
<td>Preventive Security</td>
<td>159</td>
</tr>
<tr>
<td>Internal Security</td>
<td>148</td>
</tr>
<tr>
<td>General Intelligence</td>
<td>66</td>
</tr>
</tbody>
</table>

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

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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.

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TAB 2
A LEGAL ANALYSIS OF ISRAEL’S 2014 MILITARY OFFENSIVE AGAINST THE GAZA STRIP

AL-HAQ
2015
ACKNOWLEDGMENTS

The authors would like to thank:

Al-Haq, Al Mezan, Aldameer and the Palestinian Center for Human Rights, in particular their field researchers in the Gaza Strip who gathered and processed invaluable information under the most stringent of circumstances. Ali Hassan Jadallah, Mohammad Abu Rahmeh and Tareq Zaqqoot for capturing what happened in the Gaza Strip. Maha Abdallah, Rula Majrouh, Mahmoud AbuRahma, and Nuriya Oswald for channeling the collected data. Dr. Robert Heinsch for providing external advice. And Hamza Dado for his patience and design, and Wesam Ahmad for his guidance.
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      1.1.3 The Buffer Zone
   1.2 Legal Analysis

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   2.1 Israeli Policies and Practices Regarding Civilians
      2.1.1 Enemies as ‘Automatic’ Legitimate Targets
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      2.2.3 Distinction and Proportionality
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Concluding Remarks

Abbreviations

Glossary
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’. 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. 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. 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.

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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.

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

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

**Palestinian individuals and families affected by the destruction of houses**

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

**Public Buildings destroyed between 7 July and 26 August 2014**

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

* 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.
'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.

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. "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."
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

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Israel’s continued occupation of the Gaza Strip

12

As a result, Israel ultimately controls Palestinian movement – including travel through the Rafah crossing. 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. 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.

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. 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. 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.


Israel’s withdrawal was implemented between 15 August and 12

over the strip’s airspace and territorial waters and has full control over its land borders, with the exception of the Rafah crossing. 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.

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. Prior to the withdrawal, almost 8,500 Israeli citizens had illegally settled in the Gaza Strip.

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. 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”.

Israel’s withdrawal was implemented between 15 August and 12

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. Prior to the withdrawal, almost 8,500 Israeli citizens had illegally settled in the Gaza Strip.

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. 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”.

Israel’s withdrawal was implemented between 15 August and 12
September 2005, and since then Israel has claimed that it does not occupy the Gaza Strip. 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 ongoing 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 de facto Hamas government in the Gaza Strip.23

Israel’s declaration came hand in hand with its imposition of an ongoing closure on the Gaza Strip.


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. 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...
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.

In general, the closure has had all-encompassing effects on Palestinians’ access to employment, livelihood, education and health in the Gaza Strip. For example, according to OCHA, around two thirds of the occupied population in the Gaza Strip received food assistance prior to ‘Operation Protective Edge’. Furthermore, hospitals and health facilities have suffered from “chronic shortages in medicine, medical supplies and equipment”. 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”. 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.

**Israel’s Separation Policy**

Israeli military and government officials have over the past years repeatedly stated that Israel is carrying out a separation policy. 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. 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. 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
Israel’s separation policy comes to light through a variety of Israeli measures, such as Israel’s blanket prohibition against students from the Gaza Strip to access education in the West Bank. 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. 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. 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.

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

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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 2015), available at: http://www.hamoked.org/Document.aspx?DD=Updates&ID=2257 (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. Although Israel’s imposition of the buffer zone on Palestinian land in the Gaza Strip can be traced back to the year 2000, its parameters are generally unknown. 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. In addition, the buffer zone is discerned by the leveling of farmland and destruction and damage of private property located in proximity to certain parts of the border. 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. 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.

At sea, Israel has steadily decreased the area that Palestinians can access and fish in. Whereas the 1995 Interim Agreement stipulates that...
Palestinians are allowed to access 20 nautical miles off the coast, the 2002 Bertini Commitment restricted Palestinian access to 12 nautical miles. 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. 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. Effective control is established when the Occupying Power has “sufficient force present, or the capacity to send troops within a reasonable time to make the authority of the occupying power felt”. 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”. Considering the aforementioned, effective control can therefore, to some degree, be remote. 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]”. 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


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/0/3C484FF2A4F05BF2F285256D58004FF46 (last accessed 14 January 2015).


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.

bring an occupation to an end.\textsuperscript{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,\textsuperscript{64} the European Union,\textsuperscript{65} and the ICRC.\textsuperscript{66}

\begin{footnotesize}
\begin{enumerate}
\item 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.
\item Council of the European Union, Council Conclusions on the Middle East Peace Process, Foreign Affairs Council Meeting (22 July 2014).
\end{enumerate}
\end{footnotesize}
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 *

<table>
<thead>
<tr>
<th>Per Governorate</th>
<th>Palestinians</th>
<th>Palestinians linked with the resistance**</th>
<th>Unknown***</th>
<th>Children</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Gaza</td>
<td>369</td>
<td>98</td>
<td>18</td>
<td>97</td>
<td>49</td>
</tr>
<tr>
<td>Gaza</td>
<td>514</td>
<td>83</td>
<td>51</td>
<td>125</td>
<td>57</td>
</tr>
<tr>
<td>Deir al-Balah/Middle Area</td>
<td>286</td>
<td>61</td>
<td>22</td>
<td>75</td>
<td>48</td>
</tr>
<tr>
<td>Khan Younes</td>
<td>602</td>
<td>123</td>
<td>33</td>
<td>128</td>
<td>60</td>
</tr>
<tr>
<td>Rafah</td>
<td>444</td>
<td>55</td>
<td>32</td>
<td>131</td>
<td>79</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2215</strong></td>
<td><strong>420</strong></td>
<td><strong>156</strong></td>
<td><strong>556</strong></td>
<td><strong>293</strong></td>
</tr>
</tbody>
</table>

*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 Israeli.

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

2.1 Enemies as ‘Automatic’ Legitimate Targets

According to a long-standing Israeli policy, all members of Hamas - including civilian members - are considered legitimate targets. For example, on 20 August 2014, Israel's Prime Minister Netanyahu stated in a press conference that "[n]o Hamas member is immune". 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" – such as government buildings, police officers and stations, as well as homes.

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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

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75 “10:15 PM. 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-Batshh), including nine children: Nahed, 41 years old, Majed, 20, 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 Abdulrahim, three years old. Three neighbouring residences were damaged”, Al-Haq, ’Al-Haq Field Updates 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-strap (last accessed 20 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 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. 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.

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

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. However, the ceasefire didn’t hold and fighting resumed on the same day with the IDF quickly reporting the disappearance of Israeli Lieutenant Goldin.

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”. 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”.

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

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. 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. Israel also destroyed 2,579 houses during those three days.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Palestinians Killed</td>
<td>127 (9 died later of injuries sustained)</td>
<td>61 (1 died later of injuries sustained)</td>
<td>37 (4 died later of injuries sustained)</td>
</tr>
<tr>
<td>Residential houses partially or completely destroyed</td>
<td>2201</td>
<td>240</td>
<td>138</td>
</tr>
</tbody>
</table>

*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”. According to the rules of customary international law, parties to a conflict must distinguish between combatants and civilians. 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

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conflict.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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.\textsuperscript{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.\textsuperscripts{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.”\textsuperscript{96} Civilians and non-combatants lose the protection that is afforded to them “unless and for such time as they take a direct part in hostilities.”\textsuperscript{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-combatants\textsuperscript{98} only lose their protection against direct attacks “for such time as they take a direct part in hostilities”, thereby becoming legitimate subjects of attack.\textsuperscript{99} In doubt as to whether an individual is a civilian, that person shall be considered to be a civilian.\textsuperscript{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.\textsuperscript{99} 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.\textsuperscript{102}

Thus, in stark contrast to Israel’s viewpoint, advance warnings do not affect the civilian status of persons or the protection that international legal norms provide for civilians.

\textsuperscript{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 44 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 44(1)(2)(3)(4); 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.

\textsuperscript{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.

\textsuperscript{93} ICRC Customary IHL, Rule 5; Additional Protocol I, Article 50.

\textsuperscript{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) 19 October 1907, article 3.

\textsuperscript{95} ICRC Customary IHL, Rule 3, Definition of Combatants.

\textsuperscript{96} Additional Protocol I, Article 51(1)(2).

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

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

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


\textsuperscript{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).

\textsuperscript{102} The Prosecutor v. Fojana and Kondeva (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.”
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. 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. 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. 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.

Nevertheless, international humanitarian law recognizes instances where civilians may voluntarily act as human shields in violation of international customary law. 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". 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. 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. The ICRC Commentary to Additional Protocol I considers "movements" to mean "cases where the civilian population moves of its own accord". 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.

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

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103 ICRC Customary IHL, Rule 20.
104 ICRC Customary IHL, Rule 20; Additional protocol I, Article 51(8).
106 ICRC Customary IHL, Rule 20.
107 ICRC, Customary IHL, Rule 97.
109 Additional Protocol I, Article 51(7).
adverse impact on the capacity of the attacker to identify and destroy the shielded military objective". In such cases, civilians are factored into a proportionality analysis, weighing the expected incidental harm against anticipated military advantage. 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, 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. 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. Previously, during ‘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.

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. It is worth noting that the 2009 United Nations Fact Finding Commission on the Gaza Conflict found the civilian police force did not meet the threshold of that article. As such, the targeting and killing of civilian policemen and the targeting of police stations as civilian objects are prohibited under international humanitarian law.

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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).  
119 ICRC Customary IHL, Rule 4, Definition of Armed Forces.  
121 ICRC Customary IHL, Rule 7.
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. 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’. 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.

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. 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. Notably, the three journalists were wearing identifying press insignia on their clothes. The identifying press insignia


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 deliberately affecting their status.\(^{137}\) Additionally, the ICRC considers that there is a

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\(^{137}\) ICRC Customary III, 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, 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

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

<table>
<thead>
<tr>
<th>Governate</th>
<th>Number</th>
</tr>
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<tbody>
<tr>
<td>North Gaza</td>
<td>11</td>
</tr>
<tr>
<td>Gaza</td>
<td>5</td>
</tr>
<tr>
<td>Deir al-Balah/Middle Area</td>
<td>4</td>
</tr>
<tr>
<td>Khan Younes</td>
<td>3</td>
</tr>
<tr>
<td>Rafah</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>24</strong></td>
</tr>
</tbody>
</table>

*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 secured coordination ahead of time.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{153} On the same day, Israeli forces situated southeast of Khuza’a fired artillery shells at hundreds of people fleeing their homes.


also hitting ambulances there.\textsuperscript{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-Masryin 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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{157} Meanwhile, on 24 July, three ambulances were damaged when a missile struck and destroyed a house in Jabaliya refugee camp.\textsuperscript{158} On 2 August, an ambulance was struck in the midst of heavy shelling and airstrikes in the Misbeh neighbourhood of Rafah, killing three paramedics; ‘Atef al-Zamali, Yousef al-Zamali, and Yousef Drabih.\textsuperscript{159}

\section*{4.2 Legal Analysis}

\subsection*{4.2.1 Delays and the Inviolability of the Wounded and Sick}

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 of attacks against paramedics and ambulances and delays in the delivery of aid

\begin{itemize}
\item Article 12 applies to combatants as well as non-combatants and civilians.\textsuperscript{161}
\item 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”.\textsuperscript{162}
\end{itemize}

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.\textsuperscript{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.\textsuperscript{164}

\begin{itemize}
\item 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
\end{itemize}

\begin{itemize}
\item Article 11 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.\textsuperscript{160}
\end{itemize}

\begin{itemize}
\item Article 12 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”.\textsuperscript{162}
\end{itemize}

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\begin{itemize}
\item 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
\end{itemize}
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

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 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

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).


168 First Geneva Convention, Article 22(5).

169 Additional Protocol I, Article 12.


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

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.

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174 First Geneva Convention, article 19.
175 ICRC Customary IHL, Rule 1.
177 ICRC Customary IHL, Rule 15.
for their condition, with potential long-term negative consequences”.\textsuperscript{179} Furthermore, an increasing number of Palestinians had to be referred to facilities outside of the Gaza Strip.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{183} According to Al-Haq’s field researchers, the shelling took place without prior warning.\textsuperscript{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.\textsuperscript{185} For example, on 25 July at approximately 1:00 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.\textsuperscript{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.\textsuperscript{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-Tufah. During this attack, two-year-old Ibrahim Omar was killed and another 30 people were injured. Ibrahim was receiving medical treatment in the


intensive care unit.\textsuperscript{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.\textsuperscript{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.\textsuperscript{190}

\section*{5.2 LEGAL ANALYSIS}

\subsection*{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”.\textsuperscript{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.\textsuperscript{192} Similarly, Article 25 of the Rules of Aerial Warfare,\textsuperscript{193} and Article 5 of the 1907 Hague Convention IX Concerning Bombardment by Navel Forces in Time of War,\textsuperscript{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.\textsuperscript{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.\textsuperscript{196} Combatants wounded in hospitals must be respected and protected within the context of Article 12 of the First Geneva Convention.\textsuperscript{197} Significantly, there is a customary international law prohibition on attacks against persons who are \textit{hors de combat} and defenseless due to unconsciousness, wounds or sickness.\textsuperscript{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

\begin{itemize}
\item \textsuperscript{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).
\item \textsuperscript{191} Hague Regulations, article 27.
\item \textsuperscript{192} Fourth Geneva Convention, article 18.
\item \textsuperscript{193} Rules concerning the control of Wireless Telegraphy in Times of War and Air Warfare, the Hague (December 1922- February 1923), Article 25.
\item \textsuperscript{194} Convention (IX) Concerning Bombardment by Navel Forces in Time of War, The Hague (18 October 1907), Article 5.
\item \textsuperscript{196} Fourth Geneva Convention, article 19,
\item \textsuperscript{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 ‘proteger’ 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.
\item \textsuperscript{198} ICRC Customary IHL, Rule 47.
after such warning has remained unheeded.”

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. 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’.

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”. 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.

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, may in no circumstances be the object of an attack. 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.

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. 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.

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199 Fourth Geneva Convention, Article 19.


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. 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". The occupant must ensure the continuation of medical needs without qualification. 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.

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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.

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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 kilometres 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


212 Wash Emergency Water Sanitation Hygiene In The Opt (henceforth EWASH), ‘Gaza Strip’, available at: http://www.ewash.org/en/?view=79YOcy0nNs3D76djuyAnkDDT (last accessed 20 January 2015);

213 EWASH, ‘Gaza Strip’, available at: http://www.ewash.org/en/?view=79YOcy0nNs3D76djuyAnkDDT (last accessed 20 January 2015);

214 EWASH, ‘Gaza Strip’, available at: http://www.ewash.org/en/?view=79YOcy0nNs3D76djuyAnkDDT (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” caused during “Operation Protective Edge.

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 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. 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.”

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. 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. 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.

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. 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 indispensible to the survival of the civilian population”
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.

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227 Additional Protocol I, article 54 (2).
230 Rome Statute, article 8(2)(b)(ii).
231 ICRC Customary IHL, rule 103.
During the first five days of Israel’s ground invasion, 120,000 Palestinians fled their homes. According to OCHA, approximately 108,000 Palestinians remain homeless following the end of hostilities due to severe damage or destruction of their homes.

The overwhelming number of displaced Palestinians fled their homes due to the expansion of the Israeli-imposed buffer zone during the offensive, advance IAF-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. 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. Israel maintained the expanded buffer zone for the duration of its ground invasion, which came to an end on 5 August 2014.

As part of the expansion of the buffer zone, Israel forced the evacuation of large portions of the Palestinian population residing in the occupied Gaza Strip. Most notably, Palestinians in the northern Gaza Strip - in Shuja‘iyya, Zeitoun, Jabaliya, Beit Hanoun, and Beit Lahiya - received notices to evacuate to areas east of the then newly expanded three-kilometer buffer zone. 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. The districts of Shuja‘iyya, Zeitoun, Beit Hanoun, Jabaliya, and Beit Lahiya 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."
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 Ghafoor 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 Ghafoor’s relatives, including Amal Yousef ‘ Abd-al-Ghafoor who was six months pregnant, as well as her 1-year-old daughter Ranin Jawdat Abd-al-Ghafoor were 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


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.\(^\text{253}\) In the aftermath of the hostilities, schools in Gaza opened three weeks late, with UNRWA conducting classes in shifts to accommodate numbers.\(^\text{254}\)

### 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.\(^\text{255}\) 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”.\(^\text{256}\) For example, the military commander may evacuate the population if there is danger due to “military operations”,\(^\text{257}\) where “intense bombing” is necessary or for humanitarian reasons, such as the outbreak of epidemics or natural disasters.\(^\text{258}\) Nevertheless, the evacuation of protected persons is always considered an extreme measure.\(^\text{259}\) In such cases, there must be an overriding, imperative reason for the evacuation.\(^\text{260}\) 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.”\(^\text{261}\)

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.\(^\text{262}\) 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.\(^\text{263}\) 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.\(^\text{264}\)

The transfer of Palestinians was therefore grossly disproportionate to any

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\(^{254}\) Gisha, ‘The School Year Began This Morning in Gaza Three Weeks Late’ (Gisha, 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.

\(^{256}\) 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 598.

\(^{257}\) Prosecutor v Blagojevic, Judgment, Trial Chamber ICTY-02-60-T (17 January 2005) para 598.

\(^{258}\) Fourth Geneva Convention, article 49.

\(^{259}\) 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 598; 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.


direct military advantage gained, 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. 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. 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." 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 war crimes and grave breaches of the Fourth Geneva Convention.

### 7.2.2 Forcible Transfer

Forcible transfer may be distinguished from deportation, in that deportation requires the displacement of protected persons across a border, while forcible transfer relates to displacement within a State. Additionally, forcible transfer may constitute a grave breach of Geneva Conventions and could be considered a war crime or a crime against humanity. 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

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is a fundamental human right. During armed conflict, international human rights law is applicable concurrently with international humanitarian law. 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.”

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”. The main factors in establishing involuntariness are physical force, the threat of force, or coercion.

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. 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. This may take the form of shelling and burning of civilian property.

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. 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, 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”.

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

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.

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

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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

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
<table>
<thead>
<tr>
<th><strong>Glossary</strong></th>
<th><strong>Glossary</strong></th>
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<tbody>
<tr>
<td><strong>Bertini Commitment</strong></td>
<td>Commitments made by the Government of Israel 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.</td>
</tr>
<tr>
<td><strong>Buffer Zone</strong></td>
<td>An imprecise military no-go area that runs inside and along the Gaza Strip’s borders, both at land and at sea.</td>
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<tr>
<td><strong>EWASH</strong></td>
<td>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.</td>
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<tr>
<td><strong>Interim Agreement</strong></td>
<td>The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip that was agreed upon on 28 September 1995.</td>
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<tr>
<td><strong>Operation Protective Edge</strong></td>
<td>The Israeli military offensive against the Gaza Strip lasting from 8 July until 26 August 2014.</td>
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<tr>
<td><strong>Operation Brother’s Keeper</strong></td>
<td>The Israeli military operation in the West Bank in response to the abduction of three Israeli settlers on 12 June 2014.</td>
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<tr>
<td><strong>Operation Cast Lead</strong></td>
<td>The Israeli military offensive against the Gaza Strip lasting from 27 December 2008 until 18 January 2009.</td>
</tr>
<tr>
<td><strong>Palestinian Human Rights Coalition</strong></td>
<td>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’.</td>
</tr>
</tbody>
</table>
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
Sworn Statement

I, the undersigned, Fadi Tayseer Daoud Jarrar
Affidavit number: 201/2021

Telephone number: 0568888101
Holder of ID No.: 939440251
Nationality: Palestinian
Date of Birth: 9/26/1969
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. The 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
توضيح:

أنا الموقع اسمي أدرة، فادي تيمور داود جرار
الجنسية: فلسطين
وأعمل: ضابط إسعاف

أصبح بعد أن حتم أن أقول الصدق وإلا أعرض نفسي للعذاب الجزائي بما يلي:

وفي الساحة الخلفية من فجر يوم الجمعة الموافق 14/5/2011، تم تلقؤ أصوات من مكان مركز الأبيات الأحمر الفلسطيني في مدينة جنين وطلب مؤهل التوجه بمركبة إسعاف خاصة إلى أمام مقر القيادة الإسرائيلية الواقع شمال مدينة جنين حيث كانت هناك مواجهات بين قوات الاحتلال الفلسطيني ويبن جنود الاستف宾ية، إثر هذا اندلعت في تقع تلك مواجهات بين مركبات الإسعاف، وهو مركز مركبات ومركبات الاحرار الأولى من نوع فوكس فاجنر موديل 2011، وهل تشيش الخيال الخاص بها يثير ويلد بشكل قطع على طبيعة عملها من إشارات وإصابات خاصة بمركبات الإسعاف. فعلا توجهت إلى الموقع المركز في وقت لاحق، كان ضابط إسعاف لواء كاين قام من جنين وعمل في مركز الإسعاف الخاص بي وقرر وصولي إلى المكان مع الألوس الحزبية خلال النهار، وشاهدت عدد كبير من الجنود الإسرائيليين بالقرب العسكري والواء الكاملا ينشرون في الموقع وتحديدا أمام مقر القيادة إلى جهة الجنوبية له وكان عدد الجنود الذين شاهدتهم حوالي 20-30، كانت المواجهات تدور في ذلك الموقع وانتقلت خلال النهار للطريق وانتقلت خلال النهار للطريق.

الغزور المستمرة، حيث أنه كنت اسمع أصوات الطلقات النارية وشاهد الجنود وهم ي=<<م(API. أسلحتهم نحو الأعلى، الخطير، وتدفقهم نحو المتظاهرين الفلسطينيين، وتوقفت بالمركبة بجوار جنود القيادة وهو دور رئيسية يؤدي إلى موقع القيادة إلى الشمال منه. وذكرت، كانت نقطة البداية للجهة الشرقية من جنود الاحتلال، وهو المكان في ذلك المكان، وقع إطلاق رصاص من قبل جنود الاحتلال الفلسطينيين، حيث صار ضابط الإسعاف الذي كان يرتقي إليه، شاهد ضابط جنود Bristol بالمركبة، وأدخله إلى الأرض وذلك في بداية الشرار المؤدي إلى قرية الجلالة إلى جهة الشرقية للمركبة، إلى الجهة الشرقية للمركبة، حيث كانت المسافة بينه وبين المركبة حوالي 50-60 متر. وعلى الأطراف، ونتيجة لتوقع الأطراف، شاهد في الشوارع، وساهمي على الأرض والشعاع الرئيسي. وذاتية في ذلك المكان، حيث كان كل تركيز على الوصول إلى المصاب واسعة، فعلا وصلت اليه، وتفقدت بالمركبة بجاورها وترجل المسافات، في حالة لنقل المصاب إلى المركبة، وذاتية.

ملاحظات:

الآلة المماثلة: طاقب الحاج محمود

الإعداد:

اسم المبيب: محمود

التاريخ:

الإلى:

البائحة المسائية: طاقب الحاج محمود

الإلى:

الإذا كان أقول الصدق فإني أعرض نفسي للعذاب الجزائي بما يلي:
بقيت في مقعد القيادة للانطلاق بالمركبة فوق نقل المصاب إلى داخلها، هنا وفور توقفها بدأت أسمع أصوات إطلاق رصاص متلاحق في الموقع ولكن لم أدرك تحديدا موقع الإطلاق لاسيما وإن أصوات مركبة الإسعاف كانت فعلا وهي ذات صوت مرتفع. ثم نقل المصاب إلى المركبة وعادت المركبة مسرعا نحو مشفى مدينة جنين الحكومي في جنين وتم نقل المصاب إلى قسم الطوارئ وعادت الكثير من المواطنين الذين كانوا يجتمعون أمام باب الطوارئ بقبول زا لان الهيكل الخارجي لمركبة الإسعاف الخاصة بي قد أصيبت بإطلاق رصاص وهذا عندما فتحت المركبة بئن لي فعلا لان حوالي 7 رصاصات قد أصابت الهيكل الخارجي لمركبة الإسعاف من الناحية الأخرى للسيارة من جهة السائق كما تبين لي ان تلك الرصاصات قد أصابت الهيكل في الجهة المذكورة بشكل مائل ولذلك كان الجنود الإسرائيليين الذين استهدفوني بذلك الإطلاق كانوا يقفون إلى الخلف مبني إلى الجهة الشمالية الغربية في دون معرفتي بالمسافة بيني وبينهم، كما اعتقد أن الرصاصات التي اصطدمت بالهيكل أصابتها سير المركبة بعد نقل المصاب لها، حين حظي أنا وضابط الإسعاف المراقق لي لم نصب بالرصاص كما أنه لم يسبق ذلك الإطلاق أي تحذير مسبق لنا من قبل الجنود بالتوقف أو عدم نقل ذلك المصاب.

إشعارا بذلك أوقع في هذا اليوم الموافق: ٩٠١٥-٠٦-١٨

التوقيع: [ج.ي.د.م.ر] 
الاسم: الإسم غير محدود عن النشر

اسم ولي الأمر: ........................................ 
التوقيع: ........................................

الباحث المهني: طارق الحاج محمود

P.O. Box 1633, Ramallah, Palestine, Tel: +972 2 224 6042, 295 4448, Fax: +972 2 224 4663, E-mail: haq@haq.org

نتمنى أن تكون هذه المعلومة مفيدة ومفيدة تمكيننا في تحسين الخدمات العامة للأعمال العامة في عام المختار


Arabic: فروع مكتبنا في جميع أنحاء العالم، الناشئ، والاجتماعي، والإبادة في العالم.
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
توضيح

انا الموقع اسم: أحمد سعيد محمد البيعوفي

أعمال ودبلوم:

لم تلتزم

0599425726

.HashMapوببلوق تحقق 2012

426265465

م

أعمال وميداني:

نظام مهني

 Axis

أعمال:

م

قضاء: غزّة

أصدر بعد أن خذرت أن أقليم الصحراء وراء نشر ناس مغويل الجليل بما يلي:

اسم أحمد سعيد محمد البيعوفي، ولد في عام 1978، يعيش في حي بيت لحم، يحمل شهادة البكالوريوس في القانون.

أعمال:

1. مهني:
2. ميداني:

أعمال:

 מן القضايا:

 الرابط:

المشرف:

التوقيع:

الباحث الميداني:

حمد أبو رجحة
أهالي الحي من انسحاب أطفال آخر من تحت الركام، وبعد ذلك وصلت طواقم الاتصال التابعة للدفاع المدني، وكان معهم كبار وجرافة، وواصلوا البحث، حتى الساعة 7:30 صباحاً تحيا الأنقاض، وتمكنوا بمرور الوقت من انتشال زوجة علاء وأولادها الأربعة الأطفال، وكذلك أخته المتزوجة من رجل من عائلة حمدي، وأولادها الأربعة الأطفال، وتم نظام المنشئي عبارة عن أشلاء، واضحاً بأن بناء علاء أبو حطب الطفلا ما زالا نحو 5 سنوات كانت حية وتم انتشالها من تحت الركام. بعد ذلك اشتبك في رفع الركام والحشارة من منزلنا، فاتضح بأن المنزل غير صالح للسكن، بسبب الدمار الذي خلفه قصف طائرات الاحتلال لمزل علاء أبو حطب، ما اضطرنا لترك المنزل والإقامة عند أقارب لنا، وقد شاهد جنحة الشهداء العشيرة (زوجة علاء وأولادها الأربعة، وشقيقته وأطفالها الأربعة) تمر من أمام منزل، وقام أهل الحي بالصلاة عليهم بمجد السوسي القربي، ثم جرى تشييع جثامينهم وقتهم.

وإشعاراً بذلك أوقت في هذا اليوم الموافق: 23/5/2021

التوقيع: أحمد سعيد محمد البغولي
الباحث الميداني: محمد أبو رحمة

الاسم: غير محجوب عن النشر
TAB 5
I, 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 astraces 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 bomb 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
أصدر بعد أن خذل أن أقول الصدق ولا عرضت نفسي للعقبات الجزائية بما يلي:

اسمي أحمد "نور الهدي" حسن صلاح، عمري 23 عاماً، من سكان مخيم الشاطئ، قرب مسجد السوسي، غرب مدينة غزة، ومنزلا في مخيم الشاطئي لللاجئين، يعاني من فقدان شعبي كمثلي بالنضال. في حالي الساعة 1:40 من فجر يوم السبت الموافق 15/1/2021، وأثناء الاعتداء الإسرائيلي الأخير على قطاع غزة، بينما كنت أتجاوز قرب منزلنا، أقدم المساعدة، لعشرات العائلات من المدنيين، أطفال ونساء ومسنين وشباب، والذين هربوا من منزلهم، تحت وطأة القصف الإسرائيلي المتواصل منذ عدة أيام، على مناطق متفرقة من محافظة غزة، وشمل غزء وجبانة، ولحقوا للإقامة في مدارس الآرلاو الكاذبة في محيط منزلنا بحثا عن الأمان، سمعت صوت عدة انفجارات متتالية، ولقيت، في منطقة.navigateByUrl لأن صوت الانفجارات كان قريبًا من مكاننا، وبدأت أركض وأنظر في كل الأتجاهات لمعرفة مكان الانفجارات الناجمة عن قصف الطائرات الجوية الإسرائيلية لمكان قريب مني. في الأثناء، شاهدت السنا الدخان والغبار تتصاعد من مكان منزل جارنا علاء أبو حطب "أبو يوسف" ورأيت آثار ركام وحرازة وبطار، وتم تحديث في كل الأتجاهات بسبب القصف العنيف، وعندما اقترب الدخان والغبار، وبدأت الرؤية تضح أكثر فأكثر، شاهدت منزل علاء أبو حطب مدمرًا بالكامل وقد سوّى بالأرض، وبدأ أهالي الحي يتجمهرون ويتوقفون في منزل علاء أبو حطب المستهدف بالقصف، لأنا في الحي، كنا نعلم بأن أسرة علاء أبو حطب متواجدين ونائمين في منزلهم، الذي تعرض للقصف فوق رأس ساكنيه، وأننا شجعنا أثناء جارنا علاء وأسرته جيدة، وهو متزوج وأب نخسة أطفال هم يوسف وبلال وليالى وريم ومريم، ومنزلهم مكون من 3 طوابق من البلاطين، وأصغر أولاده 4 سنوات تقريبًا وأكبرهم 10 سنوات. وكان هنا وعدد من أهالي الحي، مترددين في الاقتراب من منزل علاء أبو حطب، الذي تعرض للقصف الجوي العنيف من طائرات الاحتلال، خوفاً من معاداة القصف مرة أخرى، أو سقوط أهدان بين الركام أو الحفر التي أحدثتها القصف التي استهدفت المنزل، ثم حضرت سيارة إسعاف على صوت القصف، وتوقف الإسعاف مقابل مسجد السوسي القريب من منزل علاء أبو حطب، وقد عالت حينها صرخات أهالي الحي مع تضررت منزلهم المجاورة، من جراء القصف الذي استهدف منزل علاء أبو حطب، وبعض من أهالي الحي كانوا يصرخون ويؤكدون وجود أسرة علاء داخل المنزل قبل القصف. وقد شرعت أنا وأهالي الحي، في البحث تحت أنقاض منزل علاء الذي سوّى بالأرض، للبحث عن أفراد أسرته، فأحضر أهالي الحي أدوات بسيطة مثل الكرك والطورية والشواكيش، للمساعدة في رفع الركام والحاجة وأعدم البطانة للبحث تحتها، وعندما بدأنا نبحث تحت الأنقاض،
سمنا صوت بكاء طفل صغير، وتتبعنا مصدر صوت البكاء، فوجدنا طفل صغير يضيع عمره لا يتجاوز 6 أشهر تقريباً، وكان ملقى قرب شجرة فوق محلة أعلى ركام منزل عائلة المدمر، وحملت الطفل وسلعته للمسعفين، حيث اتضح بأن هذا الطفل هو ابن أخت علاء أبو حطب المتزوجة، وثناً بأن أخته وأطفالها الخمسة من عائلة الخديوي، كانوا مقهدين بمنزل علاء قبل تعرضه للغزو، وأدرك الجميع حينها بأن منزلاً مروعًا ارتكبها قوات الاحتلال بقصف المنزل المأهول فوق روعه سكانه. وواصلت أنا وأهالي الحي البحث تحت أنقاض منزل عائلة المدمر، وخلال البحث تحت الركام والحاجارة وعاصفة الباطون، عثرنا على الطفل مرايا نحو 5 سنوات وهي بنت علاء أبو حطب، وكانت حية ومصابة بجروح في وجهها وجسمها بغموض الغبار والتراب، ثم عثرنا على طفل صغير شاهد جسمه ممزقاً إلى أشلاء وحيدة والآمنين، وكان وجهه واضح، وعثرنا عليه وهو يلال نحو 9 سنوات ابن علاء أبو حطب، ولم يكن يدعا عليه أي علامات حياة، ثم عثرنا على طفل صغير كان جسمه ممزق أيضاً، وهو من عائلة الخديوي، وعمرو نحو 11 عاماً، ثم وصلت أعمال البحث تحت الأنقاض عن باليين في المنزل، ووصلت عربات الدفاع المدني ورجال الإطفاء، وأحضروا المعدات الثقيلة كالجرافات والكشاف والمطرار، وزادت وثربة البحث تحت الأنقاض عن مسكن منزل علاء، وصلى لمنكان زوج أخت علاء وديعي محمد الخديوي، وكان يصرخ وبيكي ويقول: "والدي.. ولادي تحت الأرض" حيث تمكن رجال الانتشار بمساعدة من أهالي الحي بمرور الوقت، من رفع رزمة علاء أبو حطب وطفلها كانوا بجوهرها، ولم يحسن عليهم أي علامات حياة، فأجسادهم كانت ممزقة، وخلال نحو 6 ساعات متواصلة من البحث تحت أنقاض منزل علاء أبو حطب المستهدف، تمكن رجال الانتشار في الدفاع المدني بمساعدة أهالي الحي، من انتشال أولاد علاء أبو حطب الأربعة (يوسف ويام ومريم وبلال) وزوجته، وكذلك أخته وولادات الأربعة الأطفال - ولا أعرف أسمائهم - حيث كانت أجسادهم ممزقة إلى أشلاء من شدة القصف الذي دمر المنزل فوقهم وهو نائمين بلا رحمة، ولم تكن تظهر أي علامات حياة عليهم، وهبى وصل عدد الفتيان "الشهداء" الذين سقطوا من جراء استهداف طائرات الاحتلال بالصواريخ، لمنزل علاء أبو حطب، إلى (10) منهم (8 أطفال) و(2) نائماً، هما زوجة علاء وأخته، وقد تدخلت العناية الإلهية ونجى من القصف، الطفل الرضيع عمر الخديوي ابن أخت علاء وابنته ماريا. وبعد نقل الشهداء العشرة لمستشفى الشفاء، ذهب لمستشفى، وشاركت في تشيع جثامين الشهداء العشرة، والصلاة عليهم بمسجد السويدي رفعت جارنا علاء أبو حطب الذي لم يكن متواجداً في المنزل وقت قصف منزله، وشاركت في تشيع جنازتهم، ودفنتهم في مقبرة الفلاحا ببلدة جبالة شمال قطاع غزة.

واشاعنا بذلك أوقات في هذا اليوم المواقيف: 23/5/2021

الاسم: غير محجوب عن النشر
التوفيق: أحمد "الهدى" دسوق
الباحث المهني: محمد أبو رحمة
عنوان الحدث: مقتل 10 مدنيين بقصف طائرات الاحتلال منزل المواطن علاء أبو حطب بمدينة غزة
موضوع الإفادة: قصف طائرات الاحتلال الحربي، منزل سكني مأهول فوق رؤوس سكانه وقتل 10 مدنيين بينهم 8 أطفال وسيدتان.
التصنيف: انتهاكات الحق في الحياة. قتل عمدة. قتل مستهدف/اغتيال. انتهاكات الحق في سكن ملائم. هدم مسكن عادي.

مكان الانتهاك: منزل المواطن علاء أبو حطب المكون من ثلاث طوابق بمخم الشاطئ غرب مدينة غزة.


المتهم: قوات الاحتلال - سلاح الجو.

اسم الضحية: الشهيداء هم: زوجة صاحب المنزل المستهدف، ودعاً باسمين محمد خميس أبو حطب (30 عامًا)، وأولادها الأربعة الأطفال وهم: يوسف علاء محمد أبو حطب (10 أعوام)، ولاء علاء محمد أبو حطب (9 أعوام)، وعمر أبو حطب (7 أعوام)، وعمران علاء محمد صبيحي الحديدي (12 عامًا)، وعمران عبد العال أبو حطب (5 أعوام)، وأسامة محمد صبيحي الحديدي (7 أعوام)، وأسامة محمد صبيحي الحديدي (5 أعوام)، ويحيى محمد صبيحي الحديدي (10 أعوام).

تصنيف الضحية: مدنيين.

خلفية الانتهاك: العدوان الإسرائيلي على غزة.

حجة الانتهاك: قتل مستهدف.
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 Fayad’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 Libaied, 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
تصريح مشフوع بالقسم

أنا الموقع اسمي أدناء: محمود موسى قائد أبو فايد
حالته: رقم 45487890
الموقع: 8/8/2000
المنطقة: فلسطين
الموقع النوروني:
אופן: من مكان: مخيم اليرموك
أعمال: بدون عمل

أصدر بعد أن خبرت أن أفراد الصدق ولا عرصت نسيبي للjabba الجزائري بما يلي:

اسمي محمود موسى قائد أبو فايد، عمري 20 عام، أعزاز، بدون عمل، واتصلت به من مكانة في منزل
المكان من طالبي ومقام على مساحة 25 متر، يقع في البلاط 7 بمخييم اليرموك في المحافظة الوسطى، واتصلت به وولى
والدته وشقيقتهما في منزل 17 عاماً، راما 11 عاماً، وراكب في الطابق الأرضي من المنزل، ويسكن في الطابق الأول شقيقه الأكبر
جهاد 26 عاماً مع زوجته وطفلهما موسى وهو رضيع ويلعoise من البحر شهرين، في حوالي الساعة 4 مساء يوم الخميس
الموافق 5/5/2012، في اليوم الرابع للعدوان الإسرائيلي على قطاع غزة الذي بدأ منذ 10/5/2021، أثناء أحداث صلاة
العصر في غزوة، واتصلت به من الجزء الشرقي في الطابق الأرضي من المنزل والمطلة على الشارع من الجهة الشرقية، وانتقد
واقداً في الركعة الثانية، فجأة سمعت صوت انفجار قوي وقريب جداً، ومن قوة الانفجار انحنى قليلاً للأسفل، ثم وقفت
شاهدت غبار ودخان كافل يملأ المنزل، نمتزج من المادة الشرقية، فشاهدت غبار كافل يملأ الشارع
أيضًا، خرجت صعوبة من المنزل إلى الشارع لمعرفة مكان الانفجار وخرج أفراد أسرتي أيضًا، وعرفت أن الانفجار وقع في منزل
حازم محمود حنيف 43 عاماً، الملحق لمزنزا من جهة الشمالية، ثم أنتهت أن زوجة شقيقه وطليقت له خرج من
الجدل، فضى الطابق الأرضي ولم تتوجه له خرج من منزلها، على السماء، شاهدته مراعي موسى، الذي يعيش في منزل
طيل وصياح من مزمن جاره محمود عيسى مدرم بالكامل وصوب عبودية من الكوال، وشاهدت نيران
تشتعل في زاوية المنزل المدرم، وعلى السور أطرحت بطنية ووضعتها على النار المشتعلة، وتمكنت من إخبار اللازم بمساعدة
أخي جبرى، وهو مازن عبد الرؤف أبو بديدة 24 عامًا، ثم انطلق وسطعت فوق الركام للبحث عن مكان المنزل، فشاهدت
صاحب المنزل جاره محمود حنيف، مقذف فوق الركام ووضع سبب من الركام على جدران، وكان على قيد الحياة، وقت مع عدد
من المواطنين بأخذه من المكان، وكان مصابًا في كتفه وتجمعت معنا وقنا ثانياً بأن زوجته وإبنها 14 عامًا، تحت الركام،
وبعد حوالي 10 دقائق وصلت سيارات الإسعاف وتم نقله من المكان، ثم عدت لأфрدي المكان ولاحظ بين الركام فشاهدت ابتئه

نيا وإشعاباً بهذا وقع في هذا اليوم المواقع: 26/5/2021

التوقيع: غير محجوب عن النشر

والي أمر الطفل:

التوقيع:

أؤدب أن هذه الإفادة أختر بحضورية:

الباحث المدني: طارق زوقوت
أسفل الزكاة والجزء السفلي من جسدها خارج الزكاة وكانت ركيزتها مهيئة، كما واصلت البحث وشاهدت زوجته أسفل الزكاة وكان رأسها فقط ظاهرة وأثار الغبار والدخان الأسود ميلًا وجهها وكان بالي جسدها أسفل الزكاة، وبعد نحو 20 دقيقة حضيت طواقم الدفاع المدني وجمعهم في جزيرة بحرية وإطاعة، وفي الأثناء سمعت عدد من الجزائريين يقولون إنه يوجد تخزين بأن الطائرات العربية الإسرائيلية تستهدف منزل وحده الذي يبعد حوالي 30 متر جنوب المنزل المدمر، فابتعدت عن المكان حوالي 20 مترًا شماليًا، بينما وصل أفراد الدفاع المدني عملت في البحث بين الزكاة وبعد حوالي 20 دقيقة تمكنا من انتشال الطفلة والدها وتم نقلهما بسيارات الإسعاف، وبعدها غادر طاقم الدفاع المدني المكان، وبقيت في المنطقة لأنقذت منزلنا، وشاهدت على فراغ الوسادة التي أضع راسي عليها، جحيرة سفنا فعل تطهير الزكاة، علماً بأنني كنت دائماً على فراغ ونبيعت قبل عدة دقائق من القصف لأداء صلاة العصر، ليشاهد القرد أن لا أصاب بأذي، ثم تفلت باقي المنزل وشاهدت تصدع في بعض الجدران، وأضرار لحقت في خزانات المياه على سطح المنزل، وبعدما علمت بأن الطواقم الطبية أكنت استشهدت زوجة جارنا محمد، وعيار عيسى 38 عامًا، وابنته الطفلة ليلى 14 عامًا، حيث تبين أنه تم قصف المنزل فوق رؤوس سكانه دون أذى مسبق، وعلمت لاحقًا أنه لحظة قصف منزل جارنا محمد كان هو وزوجته وابنته ليلى داخل المنزل فقط؛ وبقية أطفالنا وهم محبوسين 10 أعوام، وهم 9 أعوام، وهم 7 أعوام، كانوا قد خرجوا من المنزل قبل عدة دقائق من القصف لشراء بعض الاحتياجات من البقالة. ليسوا القرد أن ينشئوا وي يوجد على قيد الحياة.

إشعارنا بذلك أوقع في هذا اليوم الموافق: 26/5/2021

التوقيع: عزيزة غازية

انا الموقع أدمه: 

أؤكد أن هذه الإفادة أخذت بحضور

الباحث الميداني: طارق زقّوت
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
تصريح مشفوع بالقسم

أنا الموقع عضو في الأتراك:

١٠٨٠٥٥٠٨٠٦

حميد:

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الجنسية: فلسطيني

ال()=>

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١٩٧١ م

وأعلنت: مدير الوزارة الصحية، ورغم غياب عمليات الطوارئ في الوزارة من مكان: قضاء: غزة

قصة تحرير: انحرافات الصدق وإلا عرضت نفس للغابق الجزايري بما يلي:

مع حوالي الساعة ١٤:٤٥ من مساء يوم الاثنين الموافق ١٧/٥/٢٠٢١، خلال العدوان الإسرائيلي على قطاع غزة، وأثناء ما كنت موجوداً في مكتب وكيل وزارة الصحة، وهو عبارة عن ناحية يقع في الطابق الرابع من بني عيادة الرمال مركز صحي شهداء الرمال، والبيت العام لوزارة الصحة الفلسطينية في قطاع غزة، حيث غرف إدارية لكل ما يتعلق بالساعات والطوارئ في قطاع غزة، حيث بني عيادة الرمال مكون من ٤ طابق، ويوجد في الطابق الأرضي مركز رعاية أولية، يضم خدمات صحية، حول كل ما يتعلق بصحة الأم والطفة، والصيدلية، وغرفة إسعاف وطوارئ. وفي الطابق الأول يوجد خدمة الطبيب عن بعد، وكان يتألف من زملاء الطبية، ومن بينهم د. ماجد صالح، وهو مدير وطاقم صحي. وفي الطابق الثاني يوجد المختبر، وهو واحد في قطاع غزة، الخاص بتخصصات كورونا، وفي الطابق الثالث يوجد غرف ومكاتب إدارية، وكان في الطابق الرابع ثلاثة من ملتمل في فريق إداري كل ما يتعلق بإعداد الأهداف خلال العدوان الإسرائيلي على قطاع غزة، وفجأة سمع الفجر قرباً في المكان، وكان ناجباً عن صفوف من الطائرات الإسرائيلية، ونتج عنه دخول عدد كبير من الشبان، وتمكن الجنود، واتخذوا العلاج، وقتحموا الأثاث، وانتشر الدخان والغاز بشكل كبير جداً في المكان. وبعد دقائق أصبحت بانزلاقية في الذراع الأيسر، وكان لدينا مخاوف من مواجهة طائرات الاعتدال، وشددت المنفعة من جديد، وأثناء ما كان ناجباً بين المبنى خوفاً من مواجهة القصف، شاهدت زميلي، ماجد صالح، وهو مدير وطاقم صحي. وتمكن من إجبار على الأرض، وكان مصياً بإصابات خطيرة في الرأس، فقدت له الأعصاب الأولية، ثم نقلها سيارة إسعاف لمستشفى شفاء الغريب، وأدخل فوراً للعلاج في المستشفى. وعندما نزلت من المبنى، شاهدت الركام والالتحاق يغطي ساحة المبنى بالكامل، واضحة لنا القصف استهدف علامة عريضة الشوا_layers فليني عيادة الرمال، وتحديد الطرفية من المعتز، واستهدف أيضاً المبنى الإداري لوزارة الصحة، حيث شاهدت المؤسسة الأمريكية للمبنى الإداري لوزارة الصحة والمركز الصحي، قد تحطمت فيها كل النوافذ والأبواب والمكاتب بما فيها من أجهزة حوضب بنغ ولعنة وأثاث، وكذلك المفكين، كما نسبت القصف في قطاع غزة، وشأنو المختبر، وحظي في قطاع غزة، وال즈ان بالإعداد، وفي كورونا، ما استطعنا لو أفرنج الأهداف الموجودة في المبنى الوزارة، مركز الرعاية الأولى إلى أماكن أخرى، من أجل الاستمرار في تقديم الخدمة الصحية للمواطنين، أثناء العدوان الإسرائيلي المتواصل على قطاع غزة، ويعتبر استمرار الوزارة في إدارة

٣٢٠٨٢١-٢٥٨

التوقيع: معتصم سعيده صالح

الباحث المبدئي: محمد أبو رجاء

P.O. Box 1411, Ramallah, Palestine, Tel. (+٩٧٢) ٢٩٥-٤٦٤٦٩
Fax. (+٩٧٢)-٢٩٥١٠٠٠, Email: info@al-haq.org
Website: www. al-haq.org
النظام الصحي على مستوى قطاع غزة خلال العدوان، ونحن نتحمل الاحتلال الإسرائيلي كامل المسؤولية عن استهداف الطائرات الحربية لمنابع 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.

واشجع بذلك أوقع في هذا اليوم الموافق: 2011/6/2

التوقيع: معتصم سعيد زهدي صلاح

الباحث الميداني: مجد أبو رحمة

الاسم: غير محجب عن النشر
TAB 8
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 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. hen 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. he 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
تصفية مشتركة بالقسم

หมายเลข الاستلام: 0599875075
المواليد: 24/8/1967
 الجنسية: فلسطيني
 من مدين: مدينة نابلس

أوصى به بعد أن حذرت أن أقول الصدق ولا تعترض تفاهم للإعالة الجزائرية بالي:

أنا المواطن جبرير زكري نظمي، فلسطيني، من مدينة نابلس، 53 عامًا، نذير مدنية نابلس، 12:05 يوم يوم ثلاثة الموافق 8/6/2021م، توجهت إلى بلدية نابلس تأتي من تجارة شرقي مدينة نابلس وذلك من أجل تسجيل في جمعية الإغاثة العائلية، وقد قصدت في حال وفاة أبا ووالد، وبهذه السبب، يطلب من هيئة إغاثة عائلة فلسطينية، وهي من نوع واحد تزويج في عام 2012م، لدبي، التي تعودها شرقيًا، وشئر البعيد، وانتقلت السيارة التي تكذب أن السيارة التي تسجلها تتبع النسخة الفنية والتعليمية، ومكتب عليها إعالة تجارة الشركة، وأ 코드، في جمعية الإغاثة العائلية، وما محمد، وصر النطب، ومهمهم تقديم الإعالة الأولية، فقد وضع شرح الإعالة على مساحة ما بين 50-60 متر تقريبًا من جهة الشرقية للمدخل الرئيسي لبيتي المغلق بالمكتبات الاستثنائية، وكان هنا تواجه لجند إسرائيليين من الجيش النظامي وفقدت عددًا بين 15 جندي إسرائيلي وما بين 3-4 دوريات عسكرية إسرائيلية تغلق خلف المكتبات الاستثنائية قرب الشارع الرئيسي بابلس -رام الله، وعلى المدخل الرئيسي لبيتي، هناك تجمع لمئات المواطنين بالقرب من حمض بلدي الثقافي. مدخل الإعالة وعلى مستوى مساحة 500 متر تقريبًا، بعد حوالي 20 دقيقة تقريبًا من صولى، بدأ تحدث مواجهات ما بين الشبان وجنود الاحتلال، حيث شهدت قيام الشبان بإشعال الإطارات المطاطية وبدأ جند الاحتلال بإطلاق قنابل الغاز المسيل للدموع والإعاقة المطاطية، تبادل الدبلام، عندما تراجعت بسرعة الإعالة إلى الحلف لأخذ بغير شرقي مساحة 10 أمتار فقط. وكتبت إبراز الإعالة من داخل سيارة الإعالة، كان جند الاحتلال يطلقون قنابل الغاز المسيل للدموع بشكل كثيف. جدا، خصلا، حضرت صحافة كاتب تشهد بالإغاثة والمتطوعين بالإعالة الأولية، تدفقت مادة الكحول وعمال، من كثرة إطلاق جند الاحتلال لقابلي

إشعارا بذلك أوقف في هذا اليوم الموافق:

التوقيع: [صورة]
التوقيع: [صورة]

الباحثة المبدع:

لا يمكنني قراءة الأعمال المطبوعة المحددة على النص الذي قدمته. إذا كنت بحاجة إلى مساعدة في شيء آخر، فأخبرني بذلك.
الغاز المسيل للدموع شعرت بشيء ضرب الزجاج الامامي لسيارة الإسعاف وعدها احتجت على كرسي السائق من أجل الحماية وبعد ذلك رفعت يديها وشاهدت كسر الزجاج الامامي وكان مهشم وشاهدت رذاذ الزجاج قد تطاري داخل سيارة الإسعاف ومرضت دخان كثيف حول سيارة الإسعاف التي كانت تقفها، بعد حوالي 10 دقائق تقريباً من إصابة الزجاج الامامي للإسعاف تقلت غاز تراجعت منها وعند اقترابي من مقدمة سيارة الإسعاف شاهدت قنبلة إسفنجة سوداء اللون كبيرة الحجم واستطاعت الشكل وطولها حوالي 20 سم تقريباً وكانت قد سقطت بين غطاء المحرك والزجاج الامامي الذي كسر وتهدم وشاهدت قنابل غاز إسطوانية فضية اللون كانت حول سيارة الإسعاف، بعدها غادرت الموقع وتبعت من مكان المواجهات مسافة 100 متر تقريباً وبعدها عند حوالي الساعة 2:00 ظهرًا غادرت بلدة بيتا وذلك من أجل تبديل الزجاج الامامي تأكدت سيرات الإسعاف في جميعة الهلال الأحمر الفلسطيني ان تحل محل في تغطية المواجهات، ان جنود الاحتلال الإسرائيليين قاموا باستهداف سيارة الإسعاف التي تقدمها بشكل مباشر وتمتعت علماً بإن الإشارات الخاصة بالطبيبة ظاهرة واضحة على الإسعاف لهم، تعرضت للعديد من الاعتداءات من قبل جنود الاحتلال بشكل مباشر بالرصاص الحي والأعيرة المطاطية وكان الجنود يطلقون على سيارة الإسعاف خلال أدائها مهامه وعملي الطبي في الميدان بتغطية المواجهات.

 Wandaria ذلك أول وفي اليوم المواقع:

 التوقع:

 الاسم محدد:

 الاسم غير محدد:

 الاسم:

 الاسم باللغة العربية:

 الام:

 الاسم:

 الاسم باللغة العربية:

 الام:

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 الاسم:

 الاسم باللغة العربية:

 الام:

 الاسم:

 الاسم باللغة العربية:

 الام:
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. The 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 GasStation. 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 Riyadh Safi, for an interview. As Riyadh told me after the interview, the intelligence officer, “Abu al-Nour,” asked him what was intended for Fadi’s funeral. Riyadh 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
تصريح مشغوع بالقسم

أنا الموقع الرسمي أُناه: رامي صادق موسى وشحة

المواليد بتاريخ: 2/6/1973

الجنسية: فلسطيني

ملقب: بيزز

أعمال: مؤلف موسيقي

أчество:

أصدر بعد أن خذت أن أقول الصدق وإلا عرضت نفسي للتعذيب الجسدي بما يلي:

أما شقيق الشاب فادي صادق موسى وشحة (34 عاما) وهو كان طالباً في جامعة بيرزيت يدرس تخصص العلوم السياسية في جامعة بيرزيت، وهاجمي أصبح منذ نحو عام ونصف العام مطلوباً لسلطات الاحتلال الإسرائيلي وذكذ بعد أن أصبه برشاحية مطالبة بلاعوة جنود الاحتلال عليه من سلطة قرية، أثناء مشاركته بمسيرة مع طلاب جامعة بيرزيت على مدخل مدينة الهرمل الشمالي، وقد اعتقلهم جنود الاحتلال لفترة قصيرة قبل أن ينجح الشبان في تخليصه من أيديهم، وبعد هذئاء المخابرات تقدم منزل العائلة الواقع في بلدة بيرزيت عدة مرات بحث عنه وكانت تفضلوا في القفص عليه في كل مرة، كما

سلمونا عليه تلبيه لن حاكم نحن أمله وذلك في الاتصال هلامياً بفادي وناحي موسى (35 عاما) وناحي نادي (41 عاما)

من قبل المخابرات الإسرائيلية لمطالية فادي يسليم نفسه، إلى جانب تهديدنا نحن أهلنا لن نسلمه كوننا أهله ولا

إذا الموضوع سيخرج من أيدي المخابرات الإسرائيلية ويصبح معدة الجذور الخاصة الإسرائيلية، وهذا الأمر قاله لي حرامي ضابط

المخابرات الذي يعرف نفسه "أبو النور" وهو المسؤول عن منطقة بيرزيت ومخم الجولون، وذلك أثناء استجواب لي لمدة ثلاث

ساعات تقريباً في مركز المخابرات في عقرب، وذلك بتاريخ 8/4/2021، إذ قال لي أنتم تعلمون ياً وكذل المخلوق عن فادي

قلتم له أنا لم تقدم فقط أن أصبحت عمل بها كان ذلك وإن لم يفعل بها غير حر، وإنما قلت له إن فادي خائف أن يسلم نفسه

ويعداً بهم عليه بالسجن الإداري مرات وتكاراً، فقال لي وبعد مش راح اعتلهه أداري، وعندما كنت أسأل ما تهم فادي يقول

هذا التهم التي عليه صفاء ولا ترد لها أن تكبر، وفي آخر الاستجواب قال لي رامي جيوب قال له هذا شغلي وليس شغلي،

قلت له أنا زاهي إلى نسوبه موقعة على الأرض، قلت له لماذا ينتمي ما فهم مفيض على

حتى فعل شيئا، يوم السبت الموافق 15/5/2021، وقد كان ذلك يوم عيد الفطر، وكان مرة مظاهرة عند المدخل الشمالي

لمدينة الهرمل تضامناً مع غزة والقدس ضد الحرب التي يشنها الاحتلال عليها، وانا ذهبت في ذلك اليوم لمشاركة المظاهرة،

حيث وقعت في منطقة الجبل المقابل لمستوطنة بيت أهل التي أقامها الاحتلال قرب من المدخل الشمالي لمدينة الهرمل، وقد كنت

هناك صربيغة الساعة الرابعة عصرًا، وكما رأيت فقد كان ثمة عشرات الشباب يرشعون الحجارة على جنود الاحتلال في ثلاثة
محاور، المحور الأول إلى الاعلى من نواب السيناتي. أن عدد المرتكزات المبتدئي للبيئة، قريبًا من محطة وقود الهيدرو، والمحور الثاني في مسار الشارع المودي إلى حاجر "الحي س" أو "المجلس الإسرائيلي، والمحور الثالث عند منزل بقع في منتصف قطعة أرض بين الشارع المودي إلى حاجر "الحي س" أو "المشروع" إلى المدينة البعيدة ناحية الخدمات الطبية المصرفية، وكما اختلفت فقد كان جلود التالفة يطفو قاب قارورة الغاز ووصول المدمج المغلف ببلاطة ووصول "تاثير" كما منتبه ارساد الشابون على الشبان، وكانت تحلة بالسماط طيارة بدون طيار "درون" تقوم باذاعة قابلة الغاز فوق المطارات، وقد كانت هذه الشهداء شهداء فرض في الشبان والجند، حيث تزداد المساحة بين الطرقتين من مكان إلى مكان، وإذا كانت من بعيد عن مسافة نحو 700 متر كما قد أقدر الشاهد ما يحصل، وبعد نحو وقوع ساعة من وقوف، وبالنقطة للمشاة، رأيت سيارة عسكرية لما جيشه من نوع هيب ها عريض، وإذا استمرت حضور تلك السيارة كان هذا النوع من السيارات غير م اعتادة هناك استحكامات معينة لجودة الأحتلال، وتزداد بالمدينة من منطقة جبل الجيبي المنيا لسحابة من توقعات. حيث يوجد هناك استحكامات استغلالية لجودة الأحتلال، ونزلت بالمدينة من شارع تابي، خلف الشارع الرئيسي بعد حاجر الذي أتى على الطريق الرئيسي الذي تخرج من منطقة بم اليهود، حيث يوجد هناك منطقة حد، وهناك زيد السارة الههم تزحل الجند الثلاثة عند استحكامات استغلالية في الجهة المقابلة من الشارع، والتي على جانبها الشارع المودي إلى البيئة، حيث يوجد عدد من الشبان يشقون الحركة على الجند، وبعد وصول الجنود الثلاثة رأيت يمكن خلف الاستحكامات الاستغلالية، وبعدد بنحو عشرة دقائق، وكانت الساعة قد أصبحت 4:45 مساءً، تصلت هجمة من قبل جند كانوا يبحثون إلى الأمام من أولى الجنود الثلاثة نحو مئة متر حيث يوجد استحكامات أخرى تابعة إلى الشبان، ومتى الحركة، حيث أخذ نحو عشرة جنود على الشبان بالغاز والوصول المفتوح، وعندما سمعت من باب صوت وقي، فقد وجه إنه من الموقع الذي يرتاده زيادة انه أقى من الصوت الأخرى، وبعد تلك الهجمة أن رأيت الشبان يهربون ثم بعد ذلك بثلاثين دقيقة سمحت صوت يقول "صوت إصابة، والشبان ركضوا نحو المصايف وركضهم ودقعهم في سيارة الإسعاف التي كانت بعيدة عنه نحو مئة متر، والشبان صاروا يسيرون "شهداء"، وإذا سمعت عندنا شاب يتصادم هائلاً سال من المدمج ثم سمحت صوته يوعل وحدها، وإذا وقعت صاروخاً من وصلة ما اسم الشهيد فصل إلى الشبان فاجعة، عندما أنتجب المستشفى بسرعة، وعندما رأيت المسعفين يخرجون فادي من باب الطوارئ ببعض فلسطيني الطبي لجزاء صور إشعة له، وكما علنت فقد وصل فادي المستشفى وقيل وافق، لكن الأطباء نجحوا بالعلاق، واللذي علنت إذا كان صمامت=<br>بصينات نجل من رأس من الخفافيف من جهة اليمنى وخرجت من龍 لأسو من الخفافيف من الناحية اليمنى، حيث اصبت جذع الدماغ وخرجت أجزاء من الدماغ وعمر الحجمة نتيجة

التوقع:             م 2021/6/8

الباحث الميداني: عمر الرشق
الاصابة، وبعد الصورة تم ادخال فادي لقسم الانعاش المكلف حيث لم يكن ثمة قدة لإجراء عملية جراحية له بسبب وضعه الغير مستقر من الناحية الطبية، وقد اخبرنا الاطباء ان حالته مؤروس منها، وقامت اجهزة التنفس الاصطناعي واجزة الانعاش لمدة 19 يوما، الى ان انتهت هيناء بتاريخ 2/6/2021 الساعة 11 صباحا خبر استشهاد فادي. يذكر انه في نفس يوم اصابة فادي 5/15/2021، وبعد دخول فادي للانعاش مباشرة، والتحديد الساعة 6:36 مساء، تم تقديم اتصالًا هولنديًا على هاتف القلق من رقم 0525593419، حيث مباشرة عندما قالت الورد علي "لِقِلَّ اللَّهُ بِرَحْمَتِهِمْ" قالت له عفواً مين الي بيحكي، فرد علي "لِقِلَّ اللَّهُ بِرَحْمَتِهِمْ"، قالت له مين مين بيحكي مين مين عائلتي، فقال لي بلهجة معتادة:" اسمع رامي مس انتو بنكم هيك وفادي بدو هيك" قالت له "أه" بمعنى انه عرفت من يتكلم معي، فقال لي: "أه أبو اللورد" يقصد انه ضابط المخابرات الإسرائيلي، واذا قمت بإغلاق الهاتف بوجيه، بعدها بدقائق وكنتما تحدثت مع شخص آخر هنالك، ودُخل أبو اللورد على المكالمة وقال لي: "اسم ابوب النور معك بن حيث اقلت اللّه بِرَحْمَتِهِمْ"، واذا قمت عندما بإغلاق الهاتف بوجيه، يذكر انه بعد ذلك بعدة ايام وافته وجد فادي بالمستشفى، استدعت المخابرات الإسرائيلية امين سر حركة فتح ببيرزيت واسمه رضا صافي لمقابلة، وكما اخبرني رياض بعد المقابلة فقد قال له ضابط المخابرات "أه أبو اللورد" مازا اتينا القيام به جنازة فادي، فقال له رياض صافي الشاب يتعافى ما الجنازة التي تحدثون عنها، فقال له "أه أبو اللورد" وهو يضححك بشدة اذا ملف فادي من خمسة اياين شلتو عن الرفي.
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
تصريح مفتوح بالقسم

أننا الموقع: نهاد زيد سعدي السوافيري
الملف: 2957-3321
الجنسية: فلسطيني
والموقع بتاريخ: 2001/3
من مكان: مدينة غزة
مصوب: صاحب مصنع مورشات وموهار

أصرح بعد أن أرى أن أقول الصدق وإلا معرض للنقض الجزائي بما يأتي:

نهاد زياد سعدي السوافيري، أبلغ من العمر 45 عاماً، متزوج وأب أربعة أطفال، وأملك مصنع مورشات موبيليا وأثاث.

باسم شركة نهاد السوافيري للمورشات، يقع في منطقة غزة الصناعية، في مصنع مورشات موبيليا وأثاث، اشتهر في البلدة، ويعتبر مصنع مورشات موبيليا وأثاث، إنتاج مصنع مورشات موبيليا وأثاث، مركزًا مهمًا في المنطقة الصناعية.

ونحن نتمسك بحقوقنا ونهتم بالleasing، ونحرص على تقديم منتجات عالية الجودة.

فيما يتعلق بالمشروعات، نحن نعمل مع العديد من الشركات والمؤسسات في قطاع غزة، ونعمل الجودة والتفاني في تقديم الخدمة.

نود أن نشكر جميع الزبائن والعملاء الذين يدعموننا في هذا الصناعي.

شكراً المعنيين بالعمل الداخلي، نتمنى أن يتم إصلاح الأمور بسرعة.

الاسم: نهاد زيد سعدي السوافيري
البحث المبدعي: أحمد أبو رمامة
مصري، وعدد من المصانع المجاورة، بعد من القنابل المدفعية الحارقة، ما تسبب في تدمير المصانع وشَتَهال النيران فيه، حيث عندما ذهب للمصنع صباح اليوم نفسه، كانت دبابات الاحتلال تزال تقصف المصانع والمصانع المجاورة، وكانت النيران مشتعلة بمصنع ويعد من المصانع، وقد حاولت طواقم الدفاع المدني لأساعد طويل إطفاء النيران المشتعلة في المكان، إلى أن تمكنت بصعوبة بالغة، من السيطرة على الحرائق التي سببها القنابل الإسرائيلية، بعد أن دمرت مصنع بالكامل، ومصنع أبو استكر للنايلون المجاور، وكذلك مصنع شركة كيلفир لصناعة المنظفات، ومصنع معتوق للبوطة، ومصنع الإس مان للألياف كريت، ومخباز مصنع الحرير للشبس، وشركة فوم لان لانتاج أطباب الفلين، وشركة أركي للسياج وصناعة الملايين، كما تسببت القصف نفسه، في تضرر عدد كبير من المصانع والشركات داخل المدينة الصناعية، منها شركة الوادية للصناعات الغذائية، شركة المشروبات الوطنية كوكا كولا، شركة بشر السكك لصناعة مواسير البايسلدك والبراميل، وعدد تدمير مصنع وماجد من المصانع المجاورة، بشكل متعدد من طرف قوات الاحتلال، بهدف تدمير ما تبقى من اقتصاد محلي في قطاع غزوة المحاصر، توقف تماماً عن العمل، ودخل مئات العمال والموظفين على يد البطالة، المثل في قطاع غزة ففعل الاحتلال المستمر منذ سنوات طويلة.

التوقيع: نهد زيد سعدي السوفيري

الباحث الميداني: أحمد أبو حجة

لا يوجد مراجع أو ملاحظات على الصفحة، المحتوى المكتوب هو النص الكامل لل문章.