



## PALESTINIAN CENTRE FOR HUMAN RIGHTS

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From: Raji Sourani  
Director  
The Palestinian Centre for Human Rights  
To: Olara Otunnu, Special Representative of the Secretary General for Children in Armed  
Conflict  
Re: Suspected Willful Killing of Three Palestinian Children  
Date: 8 January 2002

The Palestinian Centre for Human Rights (PCHR) wishes to express its grave concern regarding the deaths of three Palestinian youths killed by Israeli occupation forces on 30 December 2001. Preliminary information received suggests that this incident may have been a willful killing, thereby constituting a grave breach of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949, Article 147 (the Fourth Geneva Convention), and a violation of other international human rights standards. PCHR requests that the Special Representative take steps to ensure that this incident is fully and impartially investigated, that those responsible will be brought before judicial or disciplinary proceedings, and that the families of the victims are provided with effective redress, including compensation.

According to investigations conducted by PCHR, an Israeli tank located near the illegal "Elei Sinai" settlement in the northern Gaza strip fired four artillery shells at Beit Lahia town and a nearby Bedouin village at approximately 17.40 on 30 December. Israeli soldiers opened fire with medium and heavy caliber machine guns and later thrust approximately 1.2km into rural areas in Beit Lahia under the control of the Palestinian National Authority (PNA), where they then took up position near a Palestinian National Security Forces post that they had destroyed previously. Thirty minutes later, the Israeli forces announced that they had killed three gunmen who were attempting to enter the settlement and that they had recovered the bodies. According to The Associated Press, the Israeli military later retracted the claim that the victims had opened fire, stating that in fact they had been attempting to place explosives. This statement was also later retracted, as a spokesman instead stated that only knives had been found on the three bodies.<sup>1</sup>

Three Palestinian families from Sheikh Radwan neighbourhood in Gaza city reported that their sons had not returned from visiting a friend in Beit Lahia on 30 December, prompting fears that they may have been the victims. On 2 January 2002, PCHR sent a letter to the Israeli Military Legal Advisor through lawyer Andre Rosenthal on behalf of the three families, demanding that the Israeli military hand the bodies over to the PNA so that they could be properly identified and calling upon the Israeli military to conduct a thorough and impartial investigation into the incident.

Although the Israeli military generally hands over the bodies of dead Palestinians to the PNA within 24 hours, the bodies of the three killed on 30 December were not released until late on 2

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<sup>1</sup> "Palestinians say three shot dead by army were unarmed teen-agers," Associated Press, 3 January 2002.



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January, apparently in response to PCHR's intervention. They were finally identified as the three missing boys:

1. Mohammed Ahmed Lubbad, 17
2. Mohammed 'Abdel-Rahman al-Madhoun, 15
3. Ahmed Mohammed Banat, 15

According to officials at al-Shifa hospital in Gaza city, an autopsy had already been performed on the bodies, apparently by the Israeli authorities. The hospital officials reported that the three boys were killed by tank fire. Banat's body was riddled with dart-like flechettes that are known to be loaded in some tank shells used by the Israeli army. His body also showed signs of blunt trauma, and had been partially crushed under a massive weight. Israeli forces later said that one of the bodies had been "accidentally" run over by a tank.<sup>2</sup>

The families of the three victims affirm that the children were not affiliated with any political party or armed group, and had been visiting a friend in the Beit Lahia area on the night of 30 December. PCHR sent a second letter to the Israeli Military Legal Advisor on 3 January demanding that he release the report of the autopsy conducted by the Israeli authorities, and reiterating that a full investigation into the matter be launched. PCHR has not yet received any reply from the Israeli military. PCHR has also requested that the PNA Ministry of Health release the full findings of examinations carried out at al-Shifa hospital.

There is no evidence to suggest that the three children were engaged in any form of armed activity, or that Israeli forces had made any attempt to arrest them. Rather, the evidence suggests that they were, at the very least, victims of the excessive use of lethal force by the Israeli authorities, if not willful killing. The inconsistency of press statements made by the Israeli military and the unusually long period of time for which the bodies were withheld demonstrate the urgent need for a full investigation into this incident.

PCHR notes with serious concern that 25% of the approximately 800 Palestinian civilians killed by Israeli occupation forces since 28 September 2000 have been children age 18 or under. Furthermore, no Israeli military personnel or other have been under gone any form of judicial or disciplinary proceedings in connection with any of these killings, and no reparation, including compensation, have been provided for the families of the victims. There has created an atmosphere of complete impunity within the Israeli military, settler community and other security services for the killing of Palestinians and other human rights violations perpetrated against Palestinians in the Occupied Palestinian Territories.

PCHR requests that the Special Representative take immediate steps to ensure that a thorough and impartial investigation into this incident is conducted, if not by the Israeli authorities then by an independent international body, and that other cases of possible willful killings and excessive use

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<sup>2</sup> Ibid.



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of lethal force perpetrated in the Occupied Palestinian Territories be similarly investigated, with appropriate legal action taken.

PCHR also calls upon the international community to take immediate and concrete steps to secure Israel's de jure and de facto implementation of the Fourth Geneva Convention in the Occupied Palestinian Territories in order to ensure the protection of Palestinian civilians. Among the obligations placed upon all High Contracting Parties to the Convention is the duty to properly investigate, prosecute, and punish those who commit, or order to be committed, grave breaches of the Convention, including willful killings (Articles 146, 147).

Cc:

Asma Jahangir, Special Rapporteur for Summary, Arbitrary, and Extra-Judicial Executions

John Dugard, Special Rapporteur for Human Rights in the Occupied Arab Territories, including Palestine