



PALESTINIAN CENTRE FOR HUMAN RIGHTS

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Gaza
Occupied Palestinian Territories

19 March 2002

Re: Israeli responsibility likely for death of 5 Palestinian civilians in explosion; Need for International Investigation, Protection

Dear Sir or Madam,

I am writing to bring to your attention an incident involving the death of five Palestinian civilians, including four children, in an explosion last week near al-Bureij refugee camp in the central Gaza strip that PCHR has been investigating. Circumstantial evidence strongly suggests that Israeli occupying forces were responsible for the explosion. PCHR calls for an impartial and thorough international investigation into this incident and other deaths of Palestinian civilians in unexplained explosions during the al-Aqsa Intifada, and reiterates its demand for immediate and effective steps by the international community to secure Israel's respect for the Fourth Geneva Convention to protect Palestinian civilians in the Occupied Palestinian Territories (OPT).

Between 1530 and 1600 on Friday, 15 March, a powerful explosion occurred on a dirt path in an agricultural area 300m from the eastern border of the Gaza strip, near the Wadi (valley) Gaza, just outside al-Bureij refugee camp. A widow, three of her children, and her nephew riding together in a donkey cart were killed:

1. Zeyna Salman Salmi al-Awoudeh, 39
2. Tehani 'Oudeh Mohammed al-Awoudeh, 17
3. Salim 'Oudeh Mohammed al-Awoudeh, 10
4. Amani 'Oudeh Mohammed al-Awoudeh, 12
5. Tariq Mohammed Salman al-Awoudeh, 10, her nephew

A bystander, Abdullah Samih Shehadeh Abu Khusa, 14, was injured in the ears and legs. The victims were en route to a plot of agricultural land owned by Ms. Al-Awoudeh several hundred meters away, near the eastern border of the Gaza strip. The explosion left a crater approximately 6m wide and 3m deep. When local residents rushed to the scene to provide assistance approximately five minutes after the explosion, they came under fire from an Israeli tank stationed nearby and were forced to flee the area. The bodies were not collected until the next morning, after coordination with Israeli occupying forces. Unusually, no remains or shrapnel of the explosive device were found.

PCHR is deeply concerned that Israeli occupying forces may have removed, altered, or destroyed evidence at the scene in the aftermath of the explosion. Soon after the killing of Mohammed al-Durrah on 30 September 2000, an incident which was televised worldwide, Israeli forces demolished the wall against which he was huddled when he was shot, removing a crucial source of evidence.



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Likely Responsibility of Israeli Occupying Forces

Israeli military sources claimed that Palestinians were responsible for the explosion. Based on observations at the scene and eyewitness interviews, PCHR has concluded that this is highly unlikely, as the site would be a far from ideal place to ambush Israeli occupying forces. The path is not used by Israeli forces, and is too narrow for jeeps and tanks. Moreover, the use of roadside bombs in Palestinian military operations in the Occupied Palestinian Territories has historically involved detonation either by wire or remote control rather than booby traps.

Additional circumstantial evidence strongly suggests that Israeli occupying forces were responsible for the explosion. Israeli forces had withdrawn from positions very close to the site of the explosion at approximately 0600 that day and remained nearby at all times, as the shooting encountered by bystanders in the aftermath of the explosion clearly demonstrates. This would also have deprived Palestinians the opportunity provided by cover of darkness to plant a bomb in the area. The explosion took place near an outpost of the Palestinian National Security Force that Israeli troops had seized earlier and then abandoned during their withdrawal, suggesting that Israeli forces may have planted a booby-trapped explosive to ambush returning Palestinian National Authority (PNA) security personnel, whom Israel routinely targets, or Palestinian gunmen on their way to attacking an Israeli military outpost on the border of the Gaza strip.

Context: Unexplained Explosions

The tactic of leaving booby-trapped explosive devices on or near footpaths by Israeli occupying forces in Palestinian areas is not without precedent. On 22 November 2001, five Palestinian schoolboys from the same family were killed by an exploding device on a narrow dirt path while walking to school outside Khan Yunis, in the southern Gaza strip.¹ After an initial denial, Israeli occupying forces later admitted responsibility for the incident, saying that they had placed the bomb to ambush Palestinian gunmen. The results of the Israeli army's internal investigation remain secret; according to an Israeli military spokesman, unspecified disciplinary measures were taken against some army personnel in connection with the incident.

A number of Palestinians have died in unexplained explosions during the al-Aqsa Intifada. For example, on 25 April 2001, four Palestinian civilians in Rafah, in the southern Gaza strip, were killed when a mysterious object they were inspecting on the border with Egypt exploded. An Israeli helicopter was reportedly flying in the area at the time, raising the possibility that the device was detonated by remote control. Responsibility for this incident and similar ones remains unclear, although circumstantial evidence in a number of these cases also indicates Israeli responsibility.

¹ See PCHR press release, "Death of Five Palestinian Children Highlights Need for International Investigation and Protection," 27 November 2001, and related appeal to UN officials: "Urgent Need for Investigation and Protection," 26 November 2001, both available at www.pchrgaza.org.



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Need for International Investigation, Protection

PCHR lacks the proper forensic capabilities and access to evidence to conduct a thorough enquiry, and thus calls for an impartial and comprehensive international investigation into this incident and similar ones during the al-Aqsa Intifada, in which Palestinian civilians have been killed in unexplained explosions. The persistent failure of the Israeli military to publicly and effectively hold its personnel accountable for the killings of Palestinians – as clearly illustrated by the internal enquiry into the explosion in Khan Yunis in November 2001 – necessitates an international investigation. Furthermore, appropriate legal action should be taken against those found responsible, and compensation made available to victims and their families.

PCHR condemns the use by Israeli forces of weapons intended for use against military targets in civilian areas. Israeli occupying forces have frequently used tanks, armoured vehicles, helicopter gunships, surface-to-surface missiles, and fighter aircraft to bombard targets in Palestinian civilian residential areas throughout the OPT. In addition, the use of flechette weapons has become increasingly common, causing at least 10 deaths in the Gaza strip since their first reported use there in May 2001. Flechette tank shells shower tiny dart-like shrapnel over a conical area several hundred meters in length. Such weapons, designed for use against massed infantry targets, are completely inappropriate against a civilian population. The planting of land mines in Palestinian areas, as in the Khan Yunis incident and possibly the al-Bureij one as well, constitutes another instance of indiscriminate and irresponsible use of military weaponry.

PCHR asserts that these killings, as well as numerous other systematic violations of the Fourth Geneva Convention by Israeli occupying forces, underscore the necessity for immediate and effective international protection for Palestinian civilians in the OPT.

PCHR will continue to follow this matter and relay any new findings. In the meantime, I look forward to hearing from you on this matter in the future.

Yours sincerely,

Raji Sourani
Director,
Palestinian Centre for Human Rights

Sent to:

Terje Roed-Larsen, UN Special Coordinator
for the OPT

John Dugard, UN Special Rapporteur for
Human Rights in the OPT

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

Olara Otunnu, Special Representative of the
Secretary General for Children in Armed
Conflict