



Israel's wilful killing of civilians in or near the unilaterally imposed 'buffer zone'

Briefing Note
September 2012

Israel's willful killing of civilians in or near the unilaterally imposed 'buffer zone'

- In 2009, Israel announced the establishment of a 'buffer zone' - an area prohibited to all people - along the land borders of the Gaza Strip. This area was initially announced as extending 300 meters into the land surface of the Gaza Strip; however, in reality, this illegitimate restriction can extend as far as 1,500 meters¹ and is often enforced using lethal fire, which results in the loss of lives and damage to land and property.
- Civilians (individuals that are not taking a direct part in the hostilities) are frequently attacked in the unilaterally imposed buffer zone and extended buffer zone. PCHR's investigations reveal that, sometimes, persons are shot in the buffer zone or while approaching the 300 meter buffer zone, despite the fact that they do not pose a danger to Israel's security. Further, although Israel has advanced surveillance equipment that allows them to monitor activities in the buffer zone, they do not use such equipment to prevent the death of civilians, but fire at whoever gets close to or moves into the unilaterally imposed buffer zone. Based on PCHR's investigations, it can be said that Israeli forces unjustifiably use excessive force against civilians, in both the unilaterally imposed buffer zone and extended buffer zone.
- Attacks in the extended buffer zone against civilians take the form of shooting by drones, F16 planes and apaches, tank and artillery shelling and live fire. Israel conducted 140 attacks in 2011, including 8 incidents of live fire. From January to June 2012, Israel conducted 117 attacks on the extended buffer zone; no incidents of live fire were reported during this time period.²
- With respect to civilians in the extended buffer zone, as a result of attacks in 2011, 32 civilians were killed, including 5 children. From January until the end of June 2012, there have already been 38 civilian deaths, including 2 children. To-date, no one has been held responsible for the death or injury of civilians in the extended buffer zone as a result of attacks by Israel's forces.

¹ PCHR considers this area extending up to 1,500 meters to be part of an extended buffer zone.

² All numbers provided on the buffer zone, unless otherwise stated, are extracted from PCHR's extensive database, which is created by a PCHR's fieldworkers who carefully document and investigate every incident in the Gaza Strip.



- Israel also attacks civilians, often with lethal force, when they peacefully assemble extended buffer zone to protest Israel's policies towards and actions against Palestinians. In 2011, 11 protests were attacked by Israel, injuring 125 people. From January to June 2012, in 9 protests were attacked by Israel, injuring 40 people and killing 1 person.
- According to PCHR's investigations, protests are typically attacked with live fire, rubber bullets and tear gas. In some cases, protesters are warned using tear gas. Israel targeted the legs of protesters in the majority of their attacks, 81%, from January 2011 till June 2012; nonetheless, the torso of protesters was still targeted in 15% of attacks and the head in 4%, from January 2011 till June 2012. In many cases, regardless of which part of the body is targeted, Israel attacks protests with the unjustifiable use of excessive force, as evidenced by their use of live bullets in approximately 78.5% of attacks on protesters January 2011 till June 2012, as opposed to rubber bullets (17.5%) and tear gas (4%). Israeli forces also often delay, and sometimes prevent, ambulances from reaching the injured during protests by blocking entrances with other vehicles.
- Although injuries do not fall within willful killings, Israel's targeting of civilians is still illegal and results in both injuries and deaths. In 2011, 205 civilians were injured in the extended buffer zone. From January – June 2012, 67 were civilians were injured.

Illegality of Israel's willful killing of civilians in and near the unilaterally imposed buffer zone

- Israel, as an Occupying Power, is prohibited from targeting civilians (individuals that are not taking a direct part in the hostilities), as set out under Article 147 of the Fourth Geneva Convention: "Grave breaches ... shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health." Persons protected under the Fourth Geneva Convention, as per Article 4, is all "those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals," which includes the Palestinian people.
- Grave breaches of the Geneva Conventions also qualify as war crimes, as codified in Article 8(2)(b)(i-iii) of the Rome Statute of the International Criminal Court.
- Based on PCHR's documentation of attacks against civilians in the extended buffer zone, it becomes clear that Israel is directly targeting civilians. These individuals are clearly



not combatants and Israel possesses the technology to distinguish between civilians and combatants. The extended buffer zone is a flat area of land; the 300 meter buffer zone, in particular, is clear of objects that would prevent Israel from distinguishing between combatants and civilians.



Pictured above is a farmer whose land was destroyed in the buffer zone. Note the clearly flat and empty landscape.

- There is also evidence that Israel's uses excessive force in their attacks against civilians in the extended buffer zone. PCHR has documented cases where Israel's forces have, for example, used live fire to not debilitate or incapacitate individuals, but to kill them; this position is based on Israel's targeting of body parts that are likely to result in death, namely the torso and head. Such actions qualify as a war crime since they are a violation of the principle of distinction, as civilians cannot, at any time, be directly targeted. Further, Israel's attacks on objects in the extended buffer zone also qualify as a war crime since they are a violation of the principle of proportionately, as the resulting civilian deaths and injuries are in excess of the military advantage gained by the attack.
- Israel's attacks against civilians in the extended buffer zone is also a violation of the right to live, as guaranteed under Article 3 of the Universal Declaration of Human Rights, Article 6 of the International Covenant on Civil and Political Rights and Article 6 of the Convention on the Rights of the Child.



- Attacks against protesters also result in violations against the right to peaceful assembly, which is guaranteed under Article 20 of the Universal Declaration of Human Rights and Article 21 of the International Covenant on Civil and Political Rights. By preventing ambulances from reaching injured protesters, Israel is also denying the right to health, which is guaranteed under Article 12 of the International Covenant on Economic, Social and Cultural Rights and supported by the Committee on Economic, Social and Cultural Rights' General Comment No. 14.³

Related violations committed by Israel in and near the unilaterally imposed buffer zone

- In addition to aerial bombardments, Israel frequently undertakes land incursions, often using bulldozers, in the extended buffer zone. Israel made 31 land incursions in 2011. From January until the end of June 2012, Israel has made 35 incursions into the extended buffer zone.
- These land incursions and, as well as aerial bombardments, often result in destroyed civilian property, including, but not limited to, wells, farm buildings and schools. The direct targeting of a civilian objects constitutes a war crime, as codified in Article 8(2)(b)(ii) of the Rome Statute of the International Criminal Court. Similarly, under the Fourth Geneva Convention, Article 53, the destruction of private property is prohibited unless rendered absolutely necessary by military operations. Attacks against civilian objects like houses, agricultural land, or schools also cannot be justified by military necessity: these objects do not have a military objective; their destruction will not help defeat the other military; and the harm their destruction causes for civilians is in excess of any advantage that might be gained.

³See Committee on Economic, Social and Cultural Rights, General Comment No. 14, E/C.12/2000/4, 11 August 2000, paras. 50-52.