



Palestinian Centre for Human Rights (PCHR)

THROUGH WOMEN'S EYES

A PCHR

Report on the
Gender-Specific
Impact and
Consequences
of Operation
Cast Lead



2009

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INTRODUCTION

The recent Israeli offensive – codenamed Operation ‘Cast Lead’ by the Israeli authorities – claimed the lives of 118 women, and injured 825 more.¹ In total 1,414 Palestinians lost their lives, 1,177 (83%) of whom were civilians. A further 5,303 were injured. The infrastructure of the Gaza Strip was decimated, for example, 2,114 homes were completely destroyed and a further 3,242 rendered uninhabitable, affecting 51,842 people. The true impact of the offensive, however, cannot be measured in terms of statistics and figures alone. Although the numbers of victims and casualties illustrate the appalling human toll of this conflict, the true extent of the suffering lies in the day-to-day reality of life in the Gaza Strip following Operation Cast Lead, as civilians struggle to rebuild their lives, come to terms with their loss, and restore some semblance of human dignity.

Life in the Gaza Strip continues. It must. But the continuing effects of the closure, and the visible reminders of trauma and devastation make normality – even by the standards of the Gaza Strip – an illusion; the reminders of tragedy are ever present, and all too real. At the time of writing, over six months after Israel’s declaration of a unilateral ceasefire on 18 January, the Gaza Strip is locked in stasis: the situation in Gaza remains exactly as it was on the day the offensive ended. The visible scars of the offensive remain, rubble continues to litter the streets of Gaza, thousands are homeless, families are forced to live in houses with scorched interiors, blood stained floors, and bullet riddled walls. In some instances, victims are forced to look at the discriminatory and offensive graffiti scratched into their walls by Israeli soldiers.

The Palestinian Center for Human Rights (PCHR) has released ‘Through Women’s Eyes’ in order to highlight the gender-specific impact of Operation Cast Lead and the illegal Israeli closure. As a result of the patriarchal nature of Palestinian society, women in the Gaza Strip – victims of ‘peacetime’ discrimination – are particularly susceptible to the marginalization, poverty, and suffering brought about as a result of armed conflict and occupation. Israeli attacks result in often ignored gender-specific consequences. PCHR has chosen to allow these consequences, and the reality of life after the offensive, unfold through the victims words; although this report is necessarily grounded in international law, it is perhaps fitting that human rights, and human suffering, are expressed through human stories.

In the Gaza Strip, men typically head the household, and are the primary breadwinners. Widows, thrust into this role, often find themselves falling victim to cultural discrimination, and economic and social marginalization. In the Gaza Strip, it is exceptionally difficult for a woman to live alone, and so widows are forced either to return to their own family home, or to re-marry. Both alternatives present difficulties, as a woman tries to recover from the trauma of offensive, and rebuild her life and that of her children. In the Gaza Strip, women are traditionally regarded as the primary care-givers; many homeless women are now forced to

¹ The number of women injured is taken from the figures released by the Ministry of Health in Gaza.

care for their families in temporary accommodation or crowded into the homes of relatives, a situation which often results in social conflict and tension.

Under the current legal system in the Gaza Strip, a widow may retain custody of her children, as long as she does not remarry;² at this point custody of the children would revert to the husband's family.

This report presents the cases of 12 women affected by Israeli attacks over the course of Operation Cast Lead. These examples are intended to demonstrate the extent of the suffering inflicted on the individual civilians of the Gaza Strip, and the continuing difficulties they face as a result of the devastation wrought by Israeli forces and the ongoing illegal closure.

'Through Women's Eyes' highlights the difficulties women in the Gaza Strip face as they attempt to come to terms with their grief and their injuries; with the loss of their children, their husbands, their relatives, their homes, and their livelihoods. These narratives are illustrative, not only of the trials faced by women in the Gaza Strip, but of the resilience and strength they have demonstrated over 42 years of conflict and occupation.

The Israeli imposed closure – an illegal mechanism of collective punishment inflicted on the population of the Gaza Strip – means that recovery and reconstruction are impossible. The dire economic situation means that many women and their families are sliding deeper and deeper into abject poverty. They have suffered the horrors of an illegal war, and now are struggling just to survive.

Operation Cast Lead lasted 23 days, yet for the residents of the Gaza Strip its consequences continue to be felt.³ The State of Israel has denied the possibility of rebuilding a 'normal' life; until the illegal closure is lifted, Operation Cast Lead will continue to exact its brutal toll.

Structure of the Report

'Through Women's Eyes' has been divided into five sections, each correlating to a serious violation of international humanitarian law (IHL) or human rights law: the direct targeting of civilians, the direct targeting and destruction of civilian objects, indiscriminate attacks, insufficient precautions in attack, and the effect of the closure. This structure was chosen in order to reflect the extent of the crimes committed by Israeli forces throughout the course of Operation Cast Lead. PCHR stress however, that these classifications are not distinct; in many instances the attacks documented herein violated numerous principles of IHL. For example, the case of Wafa Awaja has been classified under the direct targeting of civilian and destruction of civilian objects; however, in this incident Israeli forces also directly targeted civilians, a war crime, and willfully killed

² This modification to the law came was passed by the government of Gaza on 7 June 2009, and came into effect on 7 July 2009.

³ 'Inter alia, as a result of the ongoing closure.'

Ibrahim Awaja, a grave breach of the Geneva Conventions. Similarly, the case of Sabah Abu Halima has been classified under indiscriminate attacks; however, this incident also constitutes a grave breach of the Geneva Conventions (the crime of willful killing).

FEMALE VICTIMS OF ISRAELI ATTACKS

Women have been the victims of numerous Israeli attacks, in violation of the explicit protections afforded to women (as civilians) under IHL. In many instances documented by PCHR, and as highlighted in this report, these attacks amount to war crimes and grave breaches of the Geneva Conventions.

Since the start of the Second *intifada* in September 2000, 281 women have been killed in Israeli attacks in the West Bank and the Gaza Strip. 163 women had been killed before the outbreak of Operation Cast Lead on 27 December 2008; 99 in the Gaza Strip and 64 in the West Bank.

Female Deaths by Year, Gaza Strip and West Bank

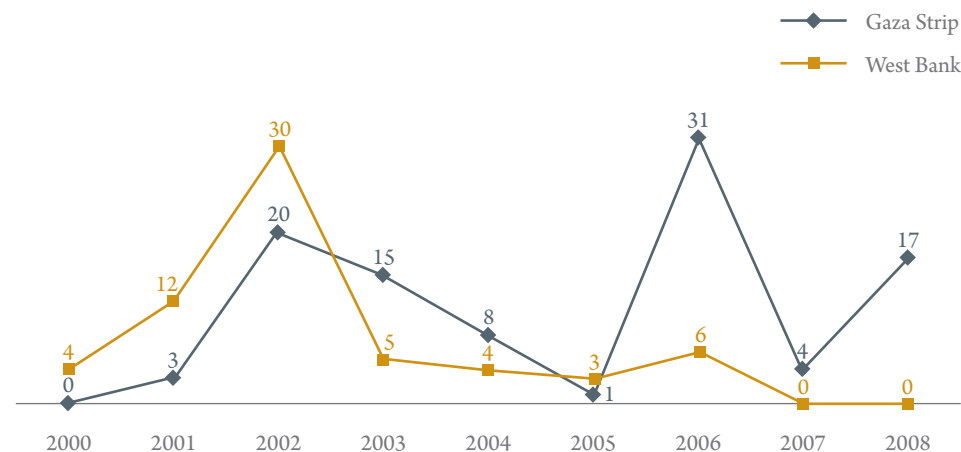
September 2000 – 26 December 2008

Year	Gaza Strip	West Bank
2000	0	4
2001	3	12
2002	20	30
2003	15	5
2004	8	4
2005	1	3
2006	31	6
2007	4	0
2008	17	0

In the early years of the Second *intifada* the majority of female victims of Israeli attacks were in the West Bank, however, in 2003 this trend shifted, and significantly more women died in the Gaza Strip.

Female Deaths by Year, Gaza Strip and West Bank

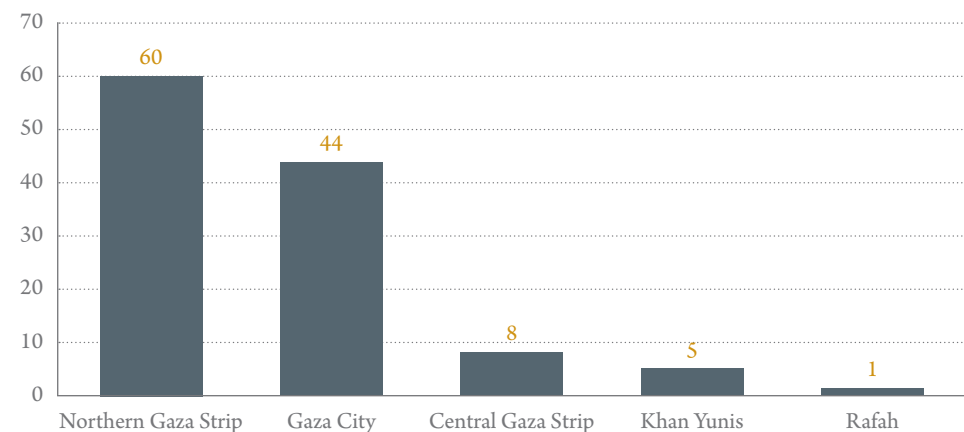
September 2000 – 26 December 2008



The numbers of women killed in the Gaza Strip rose dramatically during the 23 days of Operation Cast Lead, in total 118 women were killed, and 825 injured.⁴ The majority of female victims were in the Northern Gaza Strip, and Gaza city, the scenes of the heaviest fighting and bombardment.

Female Deaths by Area, Operation Cast Lead

27 December 2008 – 18 January 2009



Israeli authorities have consistently claimed that civilians in the Gaza Strip are only killed in response to rocket or other armed attacks; Israel claims that these deaths form an unavoidable component of military operations and that all efforts are taken to avoid civilian casualties. PCHR refutes the allegation that civilians are only killed in the normal course of military operations. PCHR have documented countless incidents of indiscriminate and disproportionate attacks, inadequate precautions in attack, and indeed, the direct targeting of civilians and civilian objects. These crimes constitute serious violations of international law; they demand judicial redress.

In response to the dramatically high civilian death toll during Operation Cast Lead, (83% of all fatalities were civilian), Israel has claimed that Hamas used civilians as human shields, thus placing them in danger. PCHR have investigated these claims, and found them to be baseless. While there is extensive evidence indicating that Israeli forces used human shields – a war crime as codified in Article 8(2)(b)(xxiii) of the Statute of the International Criminal Court (ICC) – PCHR has found no evidence that Hamas, or other Palestinian factions, used human shields. In its comprehensive report on Operation Cast Lead, Amnesty International confirmed that they found no evidence that Palestinian factions had used human shields; Amnesty International did “find that Israeli forces on several occasions during Operation “Cast Lead” forced Palestinian civilians to serve as “human shields”.⁵

⁴ The number of women injured is taken from the figures released by the Ministry of Health in Gaza.

⁵ Amnesty International, *Operation ‘Cast Lead’: 22 Days of Death and Destruction*, MDE 15/015/2009.

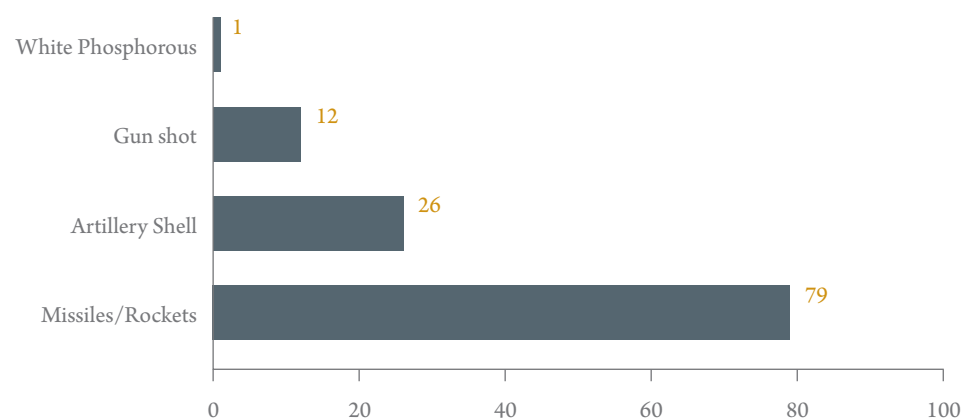
As documented in this report, and in other publications, PCHR believes that in many instances Israeli forces directly targeted Palestinian civilians, including women and children. Further, PCHR believes that Israeli forces failed to take the required precautions in attack, and to abide by the rules of IHL. The extent of civilian casualties and damage to civilian property, and Israel's conduct of hostilities, suggest, at best, willful negligence. Countless crimes amounting to war crimes and grave breaches of the Geneva Conventions have been documented. PCHR believes that the widespread and systematic nature of international humanitarian law violations perpetrated by Israeli forces in Gaza may amount to crimes against humanity.

Throughout the course of Operation Cast Lead, Palestinian civilians, including women, were exposed to the true horror of war. As noted by the UN Special Rapporteur, this was the first conflict in modern history where civilians were denied the right to flee: Israel kept the borders closed.⁶ Many families were killed while they sheltered in their homes. In many instances entire families were decimated, as their houses were subject to direct attack. Thousands of Palestinians fled to UNRWA facilities and compounds, believing that they would be safer there. As documented in this report, and as confirmed by the UN Board of Inquiry, some of these supposedly safe facilities were attacked by Israeli forces.

There was nowhere safe to hide in the Gaza Strip.

Causes of Female Fatalities, Operation Cast Lead

27 December 2008 – 18 January 2009



⁶ Richard Falk, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, U.N. Doc. A/HRC/10/20, 17 March 2009.

THE ISRAELI IMPOSED CLOSURE OF THE GAZA STRIP

The Israeli imposed closure of the Gaza Strip is a form of collective punishment, in violation of Article 33 of the Fourth Geneva Convention. The closure has now been in place for over two consecutive years, and has directly contributed to a worsening humanitarian crisis in the Gaza Strip. Today, nearly six months after Israel's declaration of a unilateral ceasefire, the Gaza Strip remains in limbo; although the offensive has ended, the occupation continues.

The closure, which includes a blockade on goods and materials, makes reconstruction and recovery impossible. Civilians cannot rebuild their homes; families are forced to remain in camps, with relatives, or in rented accommodation, for as long as the closure remains in place. The 600,000 tonnes of rubble littering the Gaza Strip cannot be cleared. There is not even the concrete with which to construct a tombstone. Palestinians cannot enter or leave the Gaza Strip. Patients continue to die because they are denied access to medical treatment. The economy continues to contract. Today, there are ever-increasing levels of unemployment, poverty, destitution, and despair; unemployment now stands at 60%, while approximately 80% of the population now lives in poverty.

The emergency health services in the Gaza Strip are in a state of imminent collapse due to shortages of electricity, medicine and other vital, life-saving equipment. Due to a lack of available services in Gaza, many patients are forced to seek medical treatment abroad. However, the closure makes accessing external treatment a near impossible task. Israel only allows limited numbers of patients to travel through Erez crossing, often after protracted delays; 68% less patients are now granted permission than in 2006. PCHR's investigations indicate that, to date, at least 61 patients have died as a direct result of the closure. In addition much of Gaza's population does not have adequate access to safe drinking water, as the pumps which supply water are unable to run due to the electricity cuts. Even basic foodstuffs and goods are in short supply; mainly families are forced to rely on food aid supplied by UNRWA and other international organizations.

As the Occupying Power Article 43 of the Hague Regulation places specific obligations on Israel, with respect to, inter alia, the maintenance and provision of infrastructure, health, education, quality of life, shelter, and public works (including sewage treatment, power and water); in other words the material conditions under which the occupied population lives. Articles 55 and 56 of the Fourth Geneva Convention explicitly require that the Occupying Power should – to the fullest extent of the means available to it – ensure the supply of food and medicines, while ensuring and maintaining the health system. Article 69 of Additional Protocol I additionally requires that the Occupying Power supply clothing, bedding and shelter.

The closure violates a number of fundamental human rights, inter alia: the

right to life, the right to an adequate standard of living, the right to freedom of movement, the right to the highest attainable standard of physical and mental health, the right to education, and the right to work.

The closure affects all of the Gaza Strip's 1.5 million inhabitants without discrimination. Its impacts are pervasive, and have impacted upon all the women interviewed for the purposes of this report; frustrating their ability to rebuild their lives, their homes, and to attain the basic standard of living required to secure human dignity.

INTERNATIONAL LAW

During international armed conflicts, such as the recent Israeli military offensive in the Gaza Strip, women are afforded particular protection under IHL, including the Fourth Geneva Convention of 1949. Women also remain protected by international human rights law, notably the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

IHL provides general protection for women as persons not directly participating in hostilities, and special protection as persons who are especially vulnerable in times of war. As the majority of women in the Gaza Strip are civilians, they benefit from all the protections extended to protected persons under customary IHL, and the Fourth Geneva Convention. IHL safeguards the basic principles of humane treatment – including respect for life and physical and moral integrity – while forbidding, *inter alia*, willful killing, coercion, collective penalties, reprisals, and the destruction of objects indispensable to the survival of the civilian population.

Although the State of Israel has not ratified the Statute of the International Criminal Court (ICC), it is used as a point of reference in this report. The Statute contains the most comprehensive single definition of war crimes, all of which constitute violations of customary international law and as such are universally prohibited.

IHL is the principal legal framework through which the offensive on the Gaza Strip must be analysed, however, the protections afforded by international human rights law remain relevant during times of war. While certain human rights provisions may be displaced by the more specific requirements of IHL, human rights remain applicable at all times; they are particularly relevant in the aftermath of the offensive, as civilians struggle to rebuild their lives, and to restore the basic elements of human dignity.

Applicable Legal Framework

The situation between the State of Israel and the Palestinians is one of international armed conflict and belligerent occupation. As such, the applicable bodies of international IHL include the four Geneva Conventions of 1949,⁷ the Hague Regulations of 1907, and customary IHL. The Additional Protocols to the Geneva Conventions are also relevant. Although the State of Israel has not ratified the Protocols, they were intended to expound upon the provisions codified in the Fourth Geneva Convention, particularly as these relate to the principle of distinction, and the conduct of hostilities. As such, they are of primary interpretive relevance.

As a State Party to the major international human rights law treaties – including

⁷ Israel's date of ratification.

the International Covenant on Civil and Political Rights,⁸ the International Covenant on Economic, Social and Cultural Rights,⁹ the Convention on the Elimination of all Forms of Discrimination Against Women, and the Convention on the Rights of the Child (CRC)¹⁰ – Israel is also bound by its human rights law obligations. In its Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, the International Court of Justice confirmed the extraterritorial application of the ICCPR, the ICESCR, and the CRC with respect to Israel's actions in the occupied Palestinian territory.¹¹

Rules Governing the Conduct of Hostilities

Combatants and Military Objectives – Non-Combatants and Civilian Objects

IHL aims to limit the suffering caused by war and to this end requires that civilians be kept outside of hostilities as far as possible. Consequently IHL establishes a distinction between combatants and non-combatants.¹²

Combatants are all those who directly participate in hostilities and all those who are entitled to do so. Members of an armed party to the conflict, including armed resistance groups, are thus considered combatants.

Simply defined, protected persons are all non-combatants.¹³ The category of protected persons includes, *inter alia*, the civilian population, medics, civil defense units, police officers, and combatants who have laid down their arms or been placed *hors de combat*. Customary IHL confirms that all non-combatants enjoy general immunity, they may not be made the object of an attack,¹⁴ and all possible measures must be taken to ensure their protection. IHL requires that, “in case of doubt whether a person is a civilian, that person shall be considered to be a civilian.”¹⁵

Civilian Objects are all non-military objectives.¹⁶ Military objectives, as defined in Article 52(2) of Additional Protocol I, are “those objects which by their nature, location, purpose or use make an effective contribution to military action and

whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.”

IHL requires that, “in case of doubt whether an object which is normally dedicated to civilian purposes ... is being used to make an effective contribution to military action, it shall be presumed not to be so used.”¹⁷ An ostensibly civilian object must be presumed to be civilian.

The Principle of Distinction

In order to ensure the protection of non-combatants, the principle of distinction has been established as the cornerstone of IHL. Customary IHL requires that “[t]he parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians.”¹⁸ Equally, “[t]he parties to the conflict must at all times distinguish between civilian objects and military objectives. Attacks may only be directed against military objectives. Attacks must not be directed against civilian objects.”¹⁹

The principle of distinction protects non-combatants and civilian objects in two key ways: first, civilians and civilian objects may not be directly attacked,²⁰ and second, precautions must be taken when launching an attack in order to spare non-combatants from unnecessary harm.²¹

8 The State of Israel ratified the ICCPR on 3 Jan., 1992.

9 The State of Israel ratified the ICESCR on 3 Jan., 1992.

10 The State of Israel ratified the CRC on 2 Nov., 1992.

11 *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 2004 I.C.J. 136 (July 9) §111, §112, §113.

12 Rule 1, Jean-Marie Henckaerts & Louise Doswald-Beck, *Customary International Humanitarian Law*, Volume I: Rules, International Committee of the Red Cross.

13 Rule 5, Jean-Marie Henckaerts & Louise Doswald-Beck, *Customary International Humanitarian Law*, Volume I: Rules, International Committee of the Red Cross.

14 Rule 1, Jean-Marie Henckaerts & Louise Doswald-Beck, *Customary International Humanitarian Law*, Volume I: Rules, International Committee of the Red Cross.

15 Article 50(1), Additional Protocol I.

16 Rule 9, Jean-Marie Henckaerts & Louise Doswald-Beck, *Customary International Humanitarian Law*, Volume I: Rules, International Committee of the Red Cross.

17 Article 52(3), Additional Protocol I.

18 Rule 1, Jean-Marie Henckaerts & Louise Doswald-Beck, *Customary International Humanitarian Law*, Volume I: Rules, International Committee of the Red Cross., see Article 48 Additional Protocol I.

19 Rule 7, Jean-Marie Henckaerts & Louise Doswald-Beck, *Customary International Humanitarian Law*, Volume I: Rules, International Committee of the Red Cross..

20 Rule 1, Rule 7 Jean-Marie Henckaerts & Louise Doswald-Beck, *Customary International Humanitarian Law*, Volume I: Rules, International Committee of the Red Cross..

21 Rule 15, Jean-Marie Henckaerts & Louise Doswald-Beck, *Customary International Humanitarian Law*, Volume I: Rules, International Committee of the Red Cross..

THE DIRECT TARGETING OF CIVILIANS

*“... if we see something suspect and shoot,
better hit an innocent than hesitate to target an enemy.”*

Testimony 23, Breaking the Silence Report on Operation Cast Lead

*“You don’t need to be shot at... if you see any signs of movement at all,
you shoot. These, essentially, were the rules of engagement. Shoot if you like.”*

- Testimony 9, Breaking the Silence Report on Operation Cast Lead

The prohibition on directly targeting civilians forms an essential component of customary IHL;²² violations of this rule are war crimes, as codified in Articles 8(2)(b)(i) of the Statute of the ICC.

Wilful killing – intentional death resulting from fault or omission – is a grave breach of the Geneva Conventions.²³

IHL requires that, “in case of doubt whether a person is a civilian, that person shall be considered to be a civilian.”²⁴

22 Rule 1, Jean-Marie Henckaerts & Louise Doswald-Beck, *Customary International Humanitarian Law*, Volume I: Rules, International Committee of the Red Cross.

23 Wilful killing is recognized as a crime in Article 8(2)(a)(i) of the Statute of the ICC.

24 Article 50(1) Additional Protocol I.

Case Study 1: Wafa Al-Radea

“I needed someone to cover me, my clothes and body were burned, I was nearly naked.”

Wafa Al-Radea



‘Wafa Al-Radea © PCHR’

attack; while in hospital her wounds became infected, and it was feared that her leg would have to be amputated.

Due to the extent of her injuries, Wafa was left for dead on a number of occasions. Both herself and Ghada were transferred to Egypt for treatment where they remained for approximately five and a half months, returning to Gaza on the 29 and 27 June respectively. Both sisters require extensive follow up treatment and physiotherapy. Wafa gave birth to her son, Eyad, by caesarean section while in a coma. He was born on 10 January 2009.

On 1 July 2009, PCHR interviewed Wafa, and her brothers Ahmed Al-Masri (38) and Waleed (23) at their home in Beit Lahiya. Wafa recalled

On 10 January 2009, Wafa Al-Radea (37), and her sister Ghada (30), were hit by two rockets fired from an unmanned Israeli drone aircraft. The two sisters were the only people out on the street at the time of the attack. Wafa, who was nine months pregnant, had decided to take advantage of the Israeli declared *hudna* (temporary ceasefire) in order to visit her doctor; she was worried that she was close to delivery. The sisters live in Beit Lahiya, there was no fighting in the vicinity at the time, and only drones were active in the area.

Both Wafa and Ghada were seriously injured in the attack. Wafa lost her right leg, which was severed above the knee. She suffered extensive injuries to the rest of her body, particularly her left leg, which still has not healed. Although she was fitted with a prosthesis, she still cannot walk properly due to the damage to her good leg. She has difficulty sitting up straight, and suffers significant levels of discomfort. Ghada’s legs suffered extensive fractures as a result of the

Interviewee(s):

Wafa Al-Radea (37)
Ahmed Al-Radea

Date of Incident:

10 January 2009

Location:

Beit Lahiya

Victims:

Wafa Al-Radea (37): injured
Ghada Al-Radea: injured

Violations of international law include:

Willful killing:
grave breach of Geneva Conventions

Direct Targeting of Civilians:
Article 8(2)(b)(i) Statute of ICC

the day of the attack, “It was 10 January, it was a little quiet in this area, but life was still very difficult. I was very afraid. I was nine months pregnant. I asked my sister Ghada to come with me during the *hudna* so that I could visit my doctor; I felt that I was very close to delivering. We headed for Dr. Hamouda’s clinic nearby, on the main street of Beit Lahiya... I never reached the clinic.”



‘Waleed, Wafa and Dina Al-Radea © PCHR’

“On our way, I heard a drone,” remembered Wafa, “it was very loud. Ghada asked me to run, she said the drone would attack us. I asked her how she could know that, she shouted ‘I feel it, run!’ I couldn’t run, I was nine months pregnant. There was no one on the street, just me and Ghada. I felt that we were going to be attacked, there was no one around and the drone was so loud. I was calling out the *shuhadah*.²⁵ I was trying to run as much as I could, but my sister was still ahead of me.”

The sisters were hit by two rockets fired from a drone. “I was behind my sister before the attack,” said Wafa, “but the explosion threw me in front of her. I was thrown twice. I had no idea what was happening. It felt as if I had lost my head. I saw my left leg, it was very bad, it looked like raw meat. I couldn’t see my right leg. All my clothes were burnt; it was like there was a fire inside me. Most of my clothes were burnt away, and I could see how badly my body was burned. I couldn’t see my sister, I didn’t know what happened to her. I was just thinking that I needed someone to cover me, my clothes and body were burned, I was nearly naked.”

A car passed by the area approximately 15 minutes after the attack. The passengers took Ghada to Kamal Odwan hospital. “They were both bleeding,” said Ahmed, “but they thought that Wafa was dead, they covered her with a blanket and left her.” After the attack the neighbours phoned an ambulance, which arrived soon after. Wafa was brought to Kamal Odwan hospital approximately 20 minutes after the attack. On arrival she was immediately transferred to Shifa, Gaza City’s main hospital. “At Kamal Odwan they thought she was dead,” said Ahmed, “the doctor’s were only worried about her baby. They didn’t treat Wafa at all.”

At Shifa hospital doctors performed a caesarean section and Wafa’s son, Eyad, was delivered successfully. It was only during the operation that doctors realised that Wafa was still alive, and began to amputate her leg. Wafa’s brother is a doctor in Shifa hospital, he contacted the Egyptian delegation there asking for help in transferring her to Egypt. “They said it was hopeless,” said Ahmed, “they thought she would die on the road.”

Wafa was eventually transferred to Egypt on 12 January, while still in a coma. Waleed, Wafa’s brother accompanied her. “It was very dangerous,” said Waleed, “to get to Rafah we had to pass through the Israeli positions. There were lots of tanks. Before we reached Rafah crossing, Wafa stopped breathing. They said she was dead, they were going to return to Gaza. The Egyptian delegation were travelling in the convoy with us, and we asked them for help. They worked on her heart for 30 minutes. Eventually Wafa’s heart started working again and she started to breathe.”

“We arrived in Zaytoun hospital in Cairo at about eight in the morning on 13 January. The journey took us 12 hours. Wafa was transferred to the Intensive Care Unit immediately. She was there for about two weeks before they started to operate. She had about six or seven operations. In the ICU her body was covered in bandages, I could only see her eyes. It took six hours for the nurses to change her bandages.”

Wafa remained in a coma for approximately 15 days. According to the medical report, seen by PCHR, Wafa underwent numerous operations. Doctors performed a skin graft, transferring skin from her left arm to her left leg.

“Her first operation was intended to save her left leg,” said Waleed. “She lost a lot of blood during the operation, it was very dangerous. The doctors thought she had died. They stopped operating, and returned her to ICU. After 4 days, Wafa had stabilized a little, and they tried to operate again. We were lucky, one doctor, Dr. Ahmed Shahat, insisted that they try to save her [left] leg. The others thought it was hopeless, but he said that he would try his best. The doctors were all so surprised that Wafa was still alive, it was amazing. The Egyptian medical team found it very difficult to treat her, she was the hardest case in the hospital, she was injured all over her body”

“I was lucky to have Dr. Shehad,” said Wafa. “He looked after me, he adopted me. Dr. Shehad saved my leg...”

Wafa underwent surgery until the end of April, approximately three and a half months after the attack. After that she began her rehabilitation, and was fitted with a prosthetic leg. “It took me one month to learn to walk with my new leg,” said Wafa. “They taught me how to use my leg, but I can’t bend it at the knee. My own leg is very bad, I can’t use it properly, it is still very badly injured. It will need more therapy. I still can’t walk.”

It was only in Egypt, when she had somewhat recovered, that Wafa learned that she had successfully delivered her baby. “When Wafa came around a bit, I told her that I had spoken to her husband,” said Waleed. “I told her that he said hello, and her children too, and her son Eyad.”

“I said: ‘Who is Eyad? I don’t have a son called Eyad,’ remembered Wafa. “I couldn’t believe that I had delivered, I thought I had lost my baby. After two months I slowly started to believe it, I had to see his picture on the mobile

phone.” Wafa saw Eyad for the first time two days prior to being interviewed by PCHR. “At first I didn’t know he was mine, then he hugged me. They told me that this was Eyad.”

While Wafa was undergoing treatment in Egypt, her oldest daughter, Dina, raised Eyad. “Now she looks after me and Eyad,” said Wafa.

“I feel pain inside me now,” said Wafa. “I can’t speak about it, it is too hard. I can’t sit still, it is very difficult for me to sit up, I have to keep my [left] leg raised.”

Wafa and Ghada were directly targeted by an Israeli drone. They were the only people in the street at the time of the attack. Given the capability of the drones, it is reasonable to assume that the drone operator could have identified the two sisters as female civilians. PCHR believe that Wafa and Ghada were directly targeted, in violation of the fundamental norms of IHL. As such, PCHR believe that this attack constitutes the crime of wilful killing, a grave breach of the Geneva Conventions. It is also a war crime, as defined in Article 8(2)(b)(i) of the Statute of the ICC.

Case Study 2: Hala Al-Habash

“Once I woke up crazy, thinking why did this happen? The Israelis came to fight Hamas, but they fought us. Why did they do it?”

Hala Al-Habash



‘Hala Habash © Sarah Malian/PCHR’

On 4 January 2009, six children of Hala Al-Habash’s extended family were playing on the roof of their family home. At approximately 15:00, an unmanned Israeli drone aircraft fired a missile at the children, killing Hala’s daughter Shaza (10), and her niece Isra (11). Three other children were injured in the attack: Hala’s daughter Jamila (14), and her nephews Mahmoud ‘Amr (15) and Mohammed ‘Amr (16).

As a result of injuries sustained during the attack, Jamila lost both her legs above the knee, while one of Mohammed ‘Amr had to be amputated half way up his shin. The Al-Habash family home was the only house targeted in their immediate area during the offensive.

On 29 June 2009, PCHR interviewed Hala (37) and her husband, Mohammed Al-Habash (48), at their family home in the al-Sha’f area of Gaza City. Three of the Al-Habash brothers and their families occupy the three storey house.

“It was 4 January,” said Hala, “the area was very quiet, we weren’t really afraid at all. There was no resistance and we felt safe, we let the children play outside. All the time the children were on the roof, we have birds and chickens there. At the time of the attack, Mohammed ‘Amr, Shaza, Jamila, Mahmoud ‘Amr, and Essra were on the roof playing.”

“My wife was afraid to let the children go upstairs to play,” said Mohammed, “but I said ‘its OK, Israel has lots of technology. They know their targets, they see everything. The children should go up to the sun, there is no electricity, and nothing for them to do in the house.”

Interviewee(s):

Hala Al-Habash (37)
Mohammed Al-Habash (48)

Date of Incident:

4 January 2009

Location:

Al-Sha’f district, Gaza City

Victims:

Shaza Al-Habash (10): killed
Jamila Al-Habash (14):
injured

Violations of international law include:

Willful killing:
grave breach of Geneva
Conventions

Direct Targeting of Civilians:
Article 8(2)(b)(i) Statute of
ICC

Hala and her husband were downstairs talking when the drone targeted the children. “When I heard the attack I went straight upstairs,” said Mohammed. “The first thing I saw was Jamila without her legs, it was like she had been butchered, cut like meat. Her left leg was thrown about 100 metres, we gave it to the ambulance later.... Isra, I saw her brain. Then I saw Shaza, she was cut through her hip to her stomach. Her leg was gone, she was dead. I am a teacher, I take care of the health of the children if they are hurt. I did the same with Jamila, I told her not to worry, that I would take her to hospital, that I would get an ambulance.”

“Mohammed ‘Amr wasn’t on the roof, he was thrown off, onto the neighbour’s window sill. I couldn’t believe it, I thought Mohammed’s leg was only broken, but they amputated his foot. They cut it half way up the shin, later they had to cut it higher.”

“I was on the roof just before the attack,” Hala told PCHR. “During the offensive we had no electricity, I washed all the clothes the day before. The day of the attack I was always on the roof checking if the clothes were OK. The children were singing songs, they were all bored, they had to keep entertained.”

“I had cooked lunch,” said Hala, “Jamila had been helping me with the cooking and washing all day. Life during the offensive was very difficult, we had no water, no electricity, no gas. We were cooking on a *barbour* [kerosene stove] like people 50 years ago. Maybe if I had called the children for lunch this would not have happened. I had told my husband that lunch was ready, but he said it was too early.”

“When I heard the attack I shouted for Jamila,” said Hala. “My sister-in-law came down, she was screaming that Jamila’s legs were cut. At the moment I realized my children were injured I became so cold, I couldn’t talk, I couldn’t cry. I don’t know what happened to me. Usually if my children had even a small injury I went crazy, but this time was different.”

The men moved the women and children into a room so that they couldn’t see what was happening. “I thought that Jamila was the only one injured. My sister-in-law was shouting ‘Jamila is cut, Jamila is cut,’ but what does that mean? After we stayed in the room, my sister-in-law looked out the window. She said that it was OK, Jamila was still moving. Then my brother-in-law said, ‘God help you, its God’s will, we lost Izhra’. I saw my husband, he said we lost Shaza too. I couldn’t do anything, not a thing. I couldn’t even cry. Why didn’t I go to them? Why couldn’t I give my legs to my daughter? Why couldn’t I even cry?”

An ambulance arrived at the scene almost immediately. “We were lucky,” said Hala. “Jamila was bleeding a lot, by the time she arrived at the hospital she was dark blue.”

The Al-Habash family decided that they had to leave the house after the attack. They didn’t know where to go, and stayed one night with a distant relative in Jala’a street in Gaza City. The next day they moved in with Mohammed’s sister-

in-law, in Shati refugee camp, where they stayed for 15 days.

Before they left the house in Jala’a, Mohammed asked his wife if she wanted to see Shaza before she was buried. “I refused,” said Hala, “I only wanted to remember her alive. I didn’t want to see her. I didn’t see her at all. I couldn’t even go to see Jamila. They told me that if I wanted to see Jamila I shouldn’t cry. I couldn’t do that, she is my daughter. I thought that if I saw Jamila I would go crazy, she is very close to me.”

Hala visited her daughter shortly after her operation. “All the way to the hospital my husband said we had to be strong for Jamila, but when I saw her I was amazed. She was laughing and joking with us. She was so strong.”

“It was chaos in the hospital,” remembered Hala. “There were so many injured, so many dead, so much suffering. The situation was horrible... the smell of the blood and the injured. There weren’t enough doctors and nurses, it was like a market, not a hospital. When you see the suffering of others, it makes your own seem less. The Monday and Tuesday [5 and 6 January] were very bad days in Gaza.”

Al Jazeera News Network interviewed Jamila in hospital. “After the interview the King asked for Jamila to be brought to Saudi Arabia,” Hala told PCHR. “He paid for everything.”

Jamila and Mohammed stayed seven days in Shifa hospital. On 11 January they were transferred to Saudi Arabia together. They have been fitted with prosthetic limbs, and are currently nearing the end of their treatment. Jamila’s uncle accompanied her to Saudi Arabia. “I was caught between two fires,” said Hala. “I didn’t want to leave Jamila alone, but I didn’t want to leave my other children in Gaza. We talk to Jamila everyday on the internet, we have a webcam. We speak to her all the time. If we are not online she rings us and tells us to turn on the Internet, she would like to speak to us.”

“My family is everything in my life,” said Hala. “I have no father, no mother and

‘Shaza and Jamila Habash © Sarah Malian/PCHR’



no sisters. My mother died just after delivering me. I was raised by uncles and cousins. Thank God I have a good husband and a nice family. I lost one of my brightest daughters, and Jamila was injured so badly. It is very hard. I wish I had lost my legs, not Jamila. I love her very much. I want to spend my life just helping my children. But it is God's will. I still feel that Shaza is beside me, playing with me. Sometimes I can feel her stroke my face."

"I haven't seen my daughter in six months. Maybe she will come back on 15 July, but I don't want to hope. Maybe by the end of July."

"Now, I can't feel happy or enjoy anything. My daughter Helene (20) just got engaged, but I can't be happy. My heart is closed. My daughter told me that I have to be happy, for her and for me too. But I can't. Its not an easy thing that happened to us."

"Once I woke up crazy, thinking why did this happen? The Israelis came to fight Hamas, but they fought us. Why did they do it? I wanted the same thing to happen to them as happened to us. I was crazy, really crazy. Even if Jamila has new legs, she will never be like before."

"I don't go on to the roof, I can't, never. It is too sad. To lose your children is hard for any mother. I miss Shaza very much. I can look after my children if they are disabled, but to lose them is too much. I try to get on with my normal life. But sometimes I think I am dreaming; is it true, is Shaza really dead?"

Human Rights Watch have reported that the Israeli drone operator who targeted the Al-Habash children should have been able to identify the individuals on the roof as children. PCHR believe that the Al-Habash children were directly targeted. The wilful killing of civilians is a grave breach of the Geneva Conventions, and a war crime as defined in Article 8(2)(a)(i) of the Statute of the ICC. The direct targeting of the children is a violation of customary IHL, and a war crime, as codified in Article 8(2)(b)(i) of the Statute of the ICC.

Case Study 3: Majeda and Raya Abu Hajjaj

"Majeda, my sister, was holding a white flag."

Salah Abu Hajjaj



'Salah Abu Hajjaj © Sarah Malian/PCHR'

On 4 January 2009, Majeda (35) and Raya (65) Hajjaj were shot and killed by Israeli forces. The two women were part of a group of 27 civilians fleeing the Johr Ad-Dik area following the onset of the ground invasion. They were killed without warning and without provocation. Majeda and another member of the group, Ahmed Assafadi, had been carrying white flags.

On 3 January 2009, as the ground offensive began, 16 members of the Hajjaj family were sheltering in a room on the first floor of their home in the Johr Ad-Dik area, in the eastern Gaza Strip. At approximately 23:00 that night, the first Israeli tanks entered the area. At a quarter to seven on the morning of 4 January, an Israeli tank fired on the house. The explosion injured Manar Abu Hajjaj (13) in the forearm, and started a fire in the house.

On 25 May 2009, PCHR interviewed Salah Abdel Karem Abu Hajjaj (30), Raya's son, and Majeda's brother. "A fire broke out, so we decided to leave the house," said Salah. "We walked through the trees to a neighbor's house, about 300 meters away. There were 27 of us hiding in the Assafadi's stairwell. We were trying to call an ambulance for Manar; we called the Red Cross, but we couldn't get coordination. They told us there was a military operation and they couldn't reach the area."

Interviewee(s):

Salah Abdel Karem Abu Hajjaj (30)

Date of Incident:

4 January 2009

Location:

Johr Ad-Dik

Victims:

Majeda Abu Hajjaj (35): killed

Raya Abu Hajjaj (65): killed

Manar Abu Hajjaj (13): injured

Violations of international law include:

Willful killing:

grave breach of Geneva Conventions

Direct Targeting of Civilians:

Article 8(2)(b)(i) Statute of ICC

While hiding in the Assafadi's house, the civilians heard an Israeli radio broadcast ordering people living near the border to leave for the main cities. "I heard that the Israelis had entered the Johr Ad-Dik area, and arrested all the men, so we decided to head west. The area here is very open, and we made ourselves very clear. We wanted the Israelis to see that we were leaving, we wanted to show ourselves to the soldiers as civilians so that they would let us leave. Majeda, my sister, was holding a white flag. Ahmad Assafadi was holding a white flag and carrying his son."

Approximately 150 meters from the tanks, the families decided to stop and wait for a sign, indicating that they had permission to proceed. "We just saw tanks, lots of tanks, it was the beginning of the offensive," said Salah. "The air was full of helicopters and planes. Suddenly the tanks started to shoot at us. We were on our own. It was just us and the neighbors. There was no one else around. When they shot at us, we immediately started running back to the house. The young and the children were running quickly, but my old mother and my neighbor, who had an operation in her leg, couldn't move fast enough. My mother was shot and injured. The bullet went through her arm and into her chest. After 15 meters my mother fell down. Majeda, was also shot. She died immediately. We saw them, the soldiers in the tank shooting at us. They said nothing, they just started to shoot. They gave no warning, they just shot directly at us. It was around 12 in the afternoon, broad daylight."

Because of the intensity of the attack, the others were unable to reach the wounded. "No one was able to reach Majeda," said Salah, "we were calling 'Majeda wake up, Majeda come on', but the shooting was very hard. There was fire all around us, we couldn't reach her. My mother told us that she was injured in the arm. We tried to check her, but she died. We had to return to the neighbor's house, the shooting came from everywhere. We couldn't do anything. Majeda and Raya were dead. We had to leave them where they were shot. Manar was still with us."

On their return to the Assafadi's house, the families tried to call the Red Cross and the ambulances again. They were told that no one was able to reach the area. "We told them that the house was very dangerous," recounted Salah. "We had lost two people, but we wanted to save the rest. I told the Red Cross that they were waiting for us to die in order to take us as dead bodies."

After 24 hours hiding in the house, the families decided that they had to try and leave again. This time they left to the east, towards Johr Ad-Dik village. On reaching Johr Ad-Dik, they called an ambulance for Manar, who was finally able to reach a hospital. The 24 remaining members of the two families went to the UNRWA school in Al Bureij camp.

"All the time after we left the house, we worked hard to get the dead bodies," said Salah. "We worked with human rights organizations, and with the Arab members of the Knesset. We had no answer, we couldn't do anything. Every day we tried, after 11 days the Israeli soldiers finally agreed to let an ambulance into the area. The ambulance came from the east, I was calling on my mobile phone to direct them. About 500 meters from the bodies of Majeda and Raya the Israelis stopped

the ambulance and told them to leave, they said the coordination had ended. The ambulances drivers asked for another half an hour, telling them that the bodies had been there for 11 days. The Israelis said no."

At approximately 20:30 on the evening of 18 January, following Israel's declaration of a unilateral ceasefire, the Abu Hajjaj family returned to their home. "We came home in order to take the bodies," Salah told PCHR. "I didn't recognize the area because of the destruction and the demolition. It was beautiful here before. After searching we found my mother and put sand on top of her body. We eventually found Majeda too, the Israelis had covered her body with aluminum sheets and bulldozed over her. The bulldozer had crushed the bottom half of her body, she was split in half."

Shortly after finding Majeda's body, Salah received a phone call from the Red Cross. "They told me that we had to leave the area in five minutes," recounted Salah. "The Israelis had called the Red Cross and told them there were people in the area, and that they would shoot us. With the help of the ambulance men, we carried the bodies. It took us four hours to reach the hospital. We got there at about 00:15 on the morning of the 19th."

Two days after the ceasefire, Salah returned home. "I was looking at the place where the Israelis had shot us. I found a piece of Majeda's foot and took it to the hospital. We have no photos of Majeda or Raya, only from our mobiles. There was no resistance here. Nothing. The area is too open. We had never been attacked before, even when the [old Israeli] settlement was nearby. This is a quiet area, it is an agricultural area, we have never had any troubles here. It was beautiful, and in a moment it was gone."

"It's hard for me to speak about Majeda," said Salah. "She was very kind. She refused to eat or prepare anything unless I came and we ate together. I am the youngest in our family, but I had two mothers, Majeda and my own."

After the family left, Israeli forces occupied the house. When the Abu Hajjaj family returned they found graffiti all over the walls of the house.

The willful killing of Majeda and Raya is a grave breach of the Geneva Conventions, and a violation of customary international law. Intentionally directing an attack against civilians is also a war crime as defined in Article 8(2)(b)(i) of the Statute of the ICC. These crimes violate the principle of distinction, one of the most fundamental principles of IHL.

According to the Geneva Conventions, parties to a conflict are required to extend particular assistance to the wounded and sick, and to facilitate their care and evacuation. As such Israel acted in violation of Article 16 of the Fourth Geneva Convention, which holds that "the wounded and sick ... shall be the object of particular protection and respect. As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded ..."

Israel's actions also violated customary humanitarian law, which requires that each party to a conflict must, without delay, take all possible measures to search for, collect and evacuate the dead without adverse distinction,²⁶ and that the dead must be disposed of in a respectful manner.²⁷

Case Study 4: Ghalya Nimr

"All of their bodies were cut in pieces and burned. They were wearing their Eid clothes. I saw their brains, all their pieces. I tried to carry them, but they were too hot, they were burned. You can't imagine what it was like."

Ghalya Nimr



'Ghalya Nimr © PCHR'

At approximately 10:30 in the morning of 4 January, a rocket fired from an Israeli helicopter hit the roof of Ghalya Nimr's (52) home in the Zaytoun area, south of Gaza City. Three of Rahlea's children, and her daughter's fiancé were killed in the attack. Ghalya's nephew, Hussein (10), was also injured. At the time of the attack 21 civilians, including Ghalya's brother's family, were sheltering in the house.

Ghalya's husband is sick and has been unable to work for six years; Ibrahim (20) was the family's sole breadwinner. Without a source of income, Ghalya's family live in severe poverty. As they are refugees the Nimr's receive some assistance from UNRWA, but it is not enough to meet their basic needs. The family has managed to clear most of the debris from their home, however, there are still holes in the roof and the walls.

Ghalya and her family have been traumatized by the events of the offensive. Her daughter Shadea (21), who lost her fiancé in the attack, has serious psychological problems. She is currently not receiving any help.

Interviewee(s):

Ghalya Nimr (52)

Date of Incident:

4 January 2009

Location:

Zaytoun

Victims:

Ibrahim Nimr (20): killed
Abdel Karim Nimr (14): killed
Suhir Nimr (10): killed
Ayman Afhani (27): killed
Shadea Nimr (21): injured

Violations of international law include:

Willful killing:

grave breach of Geneva Conventions

Direct Targeting of Civilians:

Article 8(2)(b)(i) Statute of ICC

Direct Targeting Civilian

Object:

Article 8(2)(b)(ii) Statute of ICC

26 Rule 112.

27 Rule 115.

On 5 July 2009 PCHR interviewed Ghalya in her home in Zaytoun. “During the offensive I was telling my children not to worry all the time,” said Ghalya, “telling them we had to be strong, that God was with us. Ibrahim worked selling awama [a type of sweet] on Salahadin street. On the day before the attack he said to me, ‘I will not go to work tomorrow, I am afraid I will die.’ But he died at home. He had 1,000 shekels saved up that he wanted to give me.”

“The night the ground offensive began was very hard. We were all suffering here, we couldn’t sleep, there was shelling everywhere. We prepared tea in the morning, and made sandwiches with bread and za’atar [thyme]. Abdel Karim was still hungry, he wanted more sandwiches but we didn’t have enough. At around 10:00 the children went up to the roof. There were no tanks or Israelis, there was no resistance in the street, and there were no rockets.”

At approximately 10:30 in the morning, a rocket fired from an Israeli helicopter hit the roof, and penetrated into the family’s living room on the second floor. At the time of the attack there were six civilians on the roof: Ibrahim, Hussein, Asma, Mohammed, Abdel Karim, and Suhir. A seventh civilian, Shadea, was on her way to the roof, she was standing at the top of the stairwell when the rocket struck.

“We heard a rocket, it hit the roof of the living room,” said Ghalya pointing to the hole in the roof. “There was smoke everywhere, we rushed downstairs with the old people. We never thought of the people on the roof, I thought they were already safe, but then we heard the screaming. My brother shouted out that everyone had died. What we saw on the roof was horrible. All of their bodies were cut in pieces and burned. They were wearing their Eid clothes. I saw their brains, all their pieces. I tried to carry them, but they were too hot, they were burned. You can’t imagine what it was like.



‘Abdel Karim Nimr © PCHR’

Hussein, my nephew, was thrown outside by the explosion. We thought he was dead, but he was still alive. He was injured very badly, he is only 10 years old. Physically he is OK now, but he still suffers, he is still sick.”

“We didn’t see Abdel Karim or Ayman, we were shouting for them. We called an ambulance, it took them nearly 30 minutes to get here. The ambulance drivers said it was very dangerous, they would only take the injured. They left the dead.”

“We kept looking for Abdel Kalim and Ayman, finally Shadi found them together. They were behind the birdhouse on the roof. Ayman was lying there, beside him were Abdel Karim’s legs, we only found his legs. We couldn’t find anything of him, only his legs and little pieces. He must have been hit directly. We looked for Abdel Karim for a long time, we found some pieces of him in our neighbor’s house.”

Hussein, Mohammed and Asma were taken to hospital in the ambulance. The family was able to find a car in the area to take the dead to the hospital. “We

brought Souhir, Ibrahim, Ayman and half of Abdel Karim,” said Ghalya. “I didn’t know what to do, whether to go with the dead, or to the hospital with the injured, or to keep on looking for Abdel Karim. Shadi and his father were looking for the rest of Abdel Karim, I really didn’t know what to do. In the end I went to Shadea, I was very worried about her, she was very close to Ayman. All the time during the offensive she was afraid that something would happen to him. She wouldn’t let him go back to Rafah in case he was attacked on the way.”

Ghalya ran with her neighbor towards Shifa hospital. At Salahadin street they managed to find a car to take them the rest of the way. “Shadea didn’t know her fiancé was dead,” said Ghalya. “I couldn’t tell her. I told her he was injured. Every time Shadea asked about Ayman, I said he was injured. I realized that I had lost my children, I knew I had to stay with Shadea, to be strong for her. It was very hard for me to tell her about Ayman, all the time she asked about him. I told her slowly. I broke it to her as gently as I could, it was God’s will.”

Shadea was extremely traumatized by the attack, and by the loss of her fiancé. “Even today she is in a very bad way,” said Ghalya, “she was engaged to Ayman for four months, they were supposed to have been married in April. I was with Shadea the whole time, I couldn’t even go to the burial. I never had a chance to say goodbye to my children.”

Ghalya also had to break the news of Ayman’s death to his family. “As soon as I knew Ayman was dead I called his father,” she said. “I had to tell him that his son was dead, that we had been attacked. His mother was shocked, she is still shocked.”

Shadea remained in the hospital for two days. However, on her discharge the family was unable to return home. The Zaytoun area was still very dangerous, and the house had been too badly damaged to live in. The family moved in with Ghalya’s brother-in-law, in the Sheikh Radwan area of Gaza City. “It was very cold,” said Ghalya. “We had no clothes, no blankets, no money. We left without taking anything. I didn’t even have shoes. We had to wear our clothes all the time, we were always afraid that something would happen to us. During the offensive, when we came here quickly to find clothes, we couldn’t get anything. All the clothes were burnt, the house was very badly damaged, it was full of rubble.”



‘Suhir Nimr and Assmaa Afaana © PCHR’

On 18 January the Nimr family returned home, their house had been attacked a number of times while they were away, including once with white phosphorous. The family had to live on the ground floor of the building all winter, as they worked to clear out their home on the second floor. Following the death of Ibrahim, who provided the family’s sole source of income, their financial situation is dire. “I don’t have work,” Ghalya told PCHR, “If someone asks me to prepare

*maftoul*²⁸ I will, but it is not regular work. We have some money from the martyrs organizations, and we are refugees so we have some help from UNRWA, but it is not enough. God will help us, He will not forget us.”

“Always I remember my sons and my daughter and their dreams,” said Ghalya. “The Israelis can’t know what it is like to suffer like this, they should know how I suffer, how my children suffer.”

The direct targeting and murder of civilians amounts to the crime of willful killing, a grave breach of the Geneva Conventions, it is also a war crime, as codified in Article 8(2)(b)(i) of the Statute of the ICC. The direct targeting of a civilian object is a war crime as defined in Article 8(2)(b)(ii) of the Statute of the ICC.

At the time of the attack, there was no resistance activity in the area. PCHR inspected the roof of the Nimr family home, it is fully visible, and in an open area. The helicopter pilot should have had a clear view of the roof, and the civilians on it.

DIRECT TARGETING AND DESTRUCTION OF CIVILIAN OBJECTS

“houses – if the deputy battalion commander thought a house looked suspect, we’d blow it away. If the infantrymen didn’t like the looks of that house – we’d shoot. Everything.”

Testimony 8, Breaking the Silence Report on Operation Cast Lead

“All the time. Houses were demolished everywhere.”

Testimony 9, Breaking the Silence Report on Operation Cast Lead

The prohibition on directly targeting civilian objects constitutes a fundamental component of customary IHL;²⁹ violations are war crimes, as codified in Article 8(2)(b)(ii) of the Statute of the ICC.

The extensive destruction of property not justified by military necessity is a grave breach of the Geneva Conventions.³⁰ Significant in this regard is the International Criminal Tribunal for the former Yugoslavia’s finding in *Blaskic*, where the court held that “the notion of ‘extensive’ is evaluated according to the facts of the case – a single act, such as the destruction of a hospital, may suffice to characterize an offence under this count.”³¹

IHL requires that, “in case of doubt whether an object which is normally dedicated to civilian purposes, such as places of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used.”³²

29 Rule 7, Jean-Marie Henckaerts & Louise Doswald-Beck, *Customary International Humanitarian Law*, Volume I: Rules, International Committee of the Red Cross.

30 The extensive destruction of property is recognized as a crime in Article 8(2)(a)(iv) of the Statute of the ICC.

31 ICTY, *Blaskic Case*, Judgement, ¶239.

32 Article 52(3), Additional Protocol I.

Case Study 5: Hala Herzullah

"I don't want to feel my pain all the time. I try to go out to live, but I have lost the taste for life, I just can't live normally. It is not like it was before, I can't forget my children. I can't forget what happened to us."

Hala Herzullah

On 15 January 2009, Hala Herzullah (40) and her family were sheltering in the home of her brother-in-law, Alaa Islim, in the al-Yarmouk neighborhood of Gaza City. Hala and her family had arrived at the house in the early afternoon, after fleeing their own home in Tel el-Hawa.

At approximately 16:10, the Israeli air force targeted the house of Alaa Islim's neighbor, Eyad Siam. PCHR believe that the attack was intended to extra-judicially execute Eyad's brother, Said Siam, Minister of the Interior in the Gaza government and a member of the Palestinian Legislative Council. Eyad's house was completely destroyed in the attack, while eight others, including the house where Hala and her family were sheltering, were heavily damaged.

The attack resulted in the death of 10 civilians, and the injury of 14 others. The dead included Hala's two sons, Hossam (7) and Ahmed (14). Hala, her husband Mohammed (48), and her daughter Maram (17) were injured in the attack.

Mohammed was in a coma for one and a half months, and suffered from bleeding to the brain. He lost his memory as a result of the attack, he will require extensive further treatment, but is now recovering slowly. Maram was in a cast for four months as a result of her injuries, while Hala underwent physiotherapy for a month and a half. Hala and her family have been unable to return to their home in Tel el-Hawa,



'Hossam and Ahmed Herzullah © PCHR'

Interviewee(s):

Hala Herzullah (40)
Um Hader (73)

Date of Incident:

15 January 2009

Location:

Al-Yarmouk district, Gaza City

Victims:

Hossam Herzullah (7): killed
Ahmed Herzullah (14): killed
Hala Herzullah (40): injured
Mohammed Herzullah (48):
injured
Maram Hezrullah (17):
injured

Violations of international law include:

Willful killing:
grave breach of Geneva Conventions
Direct Targeting of Civilians:
Article 8(2)(b)(i) Statute of ICC
Direct Targeting Civilian Object:
Article 8(2)(b)(ii) Statue of ICC

as she finds the memory of her previous life too difficult.

On 12 July, PCHR interviewed Hala and her mother, Um Hader (73), in her mother's home in Gaza City. Hala recalled the day of the attack, "I was living in Tel el-Hawa, all our family were together. During the offensive we all stayed in the same room, for safety. It was very difficult in Tel el-Hawa, there was lots of fighting. My brother-in-law, Alaa, was phoning us from al-Yarmouk, he told us that we should come to his house, because the area was very safe and quiet. Around 11 in the morning on 15 January we decided to leave."

"We had to run the whole way, the situation was very dangerous. My husband and I and our four children ran together. We saw the phosphorous and all the dead people in the street. We decided to run in twos, we thought it would be safer that way. When we left we took nothing with us, no food, no clothes. All the time we were moving, we weren't sure if we would make it."

"On the way Hossam saw the body of a child killed by the shelling, the body was burnt all over. Hossam couldn't stop crying, I asked him what was wrong, he said 'I hope that doesn't happen to me.' We ran all the time, there were lots of people running like us."

The family eventually found a car to take them to Alaa's house, where they arrived at approximately two o'clock in the afternoon. "It was totally quiet at my brother-in-law's house," said Hala, "really really quiet. It was like a different world."

Hala and her family spent some time catching up with their relatives, before they had to take some rest. "We were tired after all the running," Hala told PCHR. "We hadn't slept properly in a very long time, the night of the 14th was very hard. My husband, Maram and I decided to go to sleep for a bit. The children hadn't been outside for about 20 days. They were locked up in Tel el-Hawa. They wanted to be outside. Hossam wanted to go and play with his marbles, Ahmed wanted to drive the car a little bit, just up and down the street. I told them to go ahead."

Hala had only just gone to bed when the Israeli air force targeted Eyad Siam's house. "I didn't hear any noise," remembered Hala, "I just saw the walls above us and the stones. I was awake but I was completely covered by the rubble. I felt like I was in a grave. I didn't know if I was dead or alive, I just kept thinking 'where am I?' The wall didn't break fully, part of it covered me, the way it broke saved me. Thank God. Maram and her father weren't aware of anything, they were knocked unconscious."

Hala, Mohammed and Maram were thrown into different rooms by the force of the explosion. Ahmed and Hossam were killed instantly; the impact of the bomb dismembered their bodies.

Ambulances managed to arrive at the scene within minutes to take the dead and the injured to hospital. Hala was in hospital for 10 days, "I could see sand in

my eyes for a very long time,” she said. “My middle section was badly injured. Maram’s leg was broken, and her ribs and head were injured. She was in a cast for four months. My husband was very badly injured, he had shrapnel in his stomach. They operated for four hours, three days later he was taken to Al-Ahli Bank hospital in Egypt. It was very hard for me when they told me that Mohammed would be transferred to Egypt. I thought that I would lose him too. I asked my brother in the United Arab Emirates to go and see him. I needed to know how he was. He was in Egypt from 18 January until 24 February. When he came out of the coma he had no memory, he was in the coma for one and a half months. As soon as he woke up they sent him back to Gaza, but he still needs lots of treatment.”

It was in Shifa hospital that Hala found out here two sons were dead. “It was hard for me to know that both of my boys were dead. No one wanted to tell me. At first they said that Hossam was in a critical condition, then they told me he was dead. I thought thank God I still have Ahmed, but then they told me that he was dead too. They were very close to Said Siam’s house, because of where the car was parked. I found out later that Ahmed lost his head, and his arms. He was decapitated. I never got to see him for the last time, to say goodbye.”

Hala has been severely traumatized by the attack, and the death of her sons, and is unable to live in her old home without her sons. “I can’t stay in Tel el-Hawa,” she said. “I tried, but I just can’t. We decided to stay here at my family’s house instead. Before the offensive we were an ideal family, it was beautiful. I had two sons, two daughters and my husband. Now everything is changed. I don’t want to feel my pain all the time. I try to go out to live, but I have lost the taste for life, I just can’t live normally. It is not like it was before, I can’t forget my children. I can’t forget what happened to us.”

It was Hala who broke the news to Maram, “I refused to tell Maram that she lost her two brothers, I knew how much she loved them. Slowly, slowly I told her. I knew that it would not be easy for her.” Maram will sit her Tawjihi this year, the final exam before university. She was unable to attend class for the remainder of the school year after the offensive as a result of her injuries.

Before the offensive, Hala worked in the administration department of Al Aqsa University. “I can’t go back to work now,” she said. “I worked in administrative affairs, maybe at the beginning of next year I will try to go back. My situation has gotten better but I have to take care of Maram and my husband, they need help. I sent a letter to the head of the university, asking to stay at home. My husband is a bit better now, before it was very hard, he needed a lot of care. If he wanted to go anywhere someone had to go with him.”

“My sons were like half of my world,” said Hala. “Hossam was very nice, he was joking all the time. He was very clever in school. Ahmed was very clever too, he used to fix everything in the house. Now they are gone.”

PCHR believes that Israeli forces sought to extra-judicially execute Said Siam,

who was sheltering in his brother-in-law’s house. Although he was a member of the Hamas government, Siam was a politician and not a member of an armed group. He was a civilian entitled to the protections afforded to civilians by IHL.

PCHR believes that the civilian deaths arising from the attack constitute the crime of willful killing, a grave breach of the Geneva Conventions. The attack directly targeted civilians and civilian objects, war crimes as defined in Articles 8(2)(b)(i) and (ii) of the Statute of the ICC.

Case Study 6: Intissar Hamouda

“I thought that I would never be a mother. I had tried for children for 21 years. ... When Fares was born I was so happy... Fares was only gurgling... he was trying hard to breathe, but there was blood coming from his mouth.”

Intissar Hamouda



‘Intissar Hamouda © Sarah Malian/PCHR’

In the early morning of 11 January 2009, Intissar Hamouda (39) and her family were attacked in their home in Tel el-Hawa. The house came under Israeli tank fire on three separate occasions. Intissar’s two and a half year old son, Fares, died in the attack, her son-in-law, Mohammed (16) bled to death as they waited for an ambulance to arrive. Intissar was badly injured, while her son-in-law, Ihab (24) sustained injuries to his back.

Intissar had been trying to have a child for 21 years, Fares was her first biological son. She was holding him as a tank shell burst through the wall of their home. Fares died almost immediately from his wounds. Talat (52) is Intissar’s second husband. Her first marriage ended as she was unable to have children. Intissar has raised her step children from Talat as her own.

On 28 June 2009, PCHR interviewed Intissar and Talat in the apartment they now rent in Gaza City. Intissar began by talking of Fares, “I thought that I would never be a mother. I had tried for children for 21 years. I realized that this was my only chance. When Fares was born I was so happy, I didn’t want any more

children. I had my son, and four other [step] children. The other children were all happy too, they all call me mother. Mohammed and Fares had a very close relationship.”

“Mohammed went out a day before the attack to get a SIM card for the mobile phone. He hadn’t been out of the house for 10 days, and he really wanted to leave. When he came back he was so happy, he sat with Fares on the doorstep chatting to all the neighbours. I told my husband that I thought if Mohammed died, Fares would die with him, they were so close.”

The Hamouda’s family home was in the Tal el-Hawa neighbourhood of Gaza City. The house is in an open area surrounded by grape farms. Resistance activity in the area would have been difficult, due to the lack of cover, and the high visibility.

During the offensive, the Hamouda’s were reluctant to leave their home. “It was a new house, we had only lived there for five years” said Intissar. However, on 10 January an area of land beside their house was hit by an airstrike, and the family decided they had to leave. Talat phoned his friends, looking for a place to stay outside of Gaza City. The night before the attack, Talat told Intissar that he had found a house, and that they would leave in the morning.

On the night of the attack, Intissar was sleeping with Talat, and Fares. The three other children were together in another bedroom. “After midnight [on the morning of 11 January] we felt the area become dangerous,” said Intissar. “I could hear the Hummer jeeps and the tanks outside. There were light bombs, they made the night like morning. When we looked out the window we thought our neighbour’s house was burning. Our room was too dangerous because of the windows so we all moved into the room where the children were sleeping.”

“Slowly, slowly the situation became more dangerous. I thought the walls were going to come down. We could hear the tanks and the bulldozers, they were very close. The bulldozers destroyed our neighbour’s house. There was tank fire, and the house beside us was hit. Ihab was injured by the shrapnel, he was hit in the back. The shrapnel came in through the window.”

After the attack on the neighbour’s house the family moved into the corridor thinking that it would be safer. At approximately two in the morning, tank shells hit the Hamouda’s house. “I was carrying Fares, it was totally dark and he was crying,” Intissar told PCHR. “I didn’t know what was happening, we all fell on the ground. Mohammed brought a torch from his room to get light for Fares. He was saying to Fares, ‘don’t cry, here is the light.’ Almost immediately the house was hit again.”

“The second attack hit the water tanks on the roof, we could hear the water pouring down,” said Intissar. “Mohammed thought it was raining. He was happy. He thought the Israelis would have to leave because of the weather.”

“The third attack was the last one,” said Talat. “My wife was carrying Fares, the

Interviewee(s):

Intissar Hamouda (39)
Talat Hamouda (52)

Date of Incident:

11 January 2009

Location:

Tal Al-Haw district, Gaza City

Victims:

Fares Hamouda (1): killed
Mohammed Hamouda (16):
killed
Ihab Hamouda (24): injured
Intissar Hamouda (39):
injured

Violations of international law include:

Willful killing:
grave breach of Geneva
Conventions
*Direct Targeting Civilian
Object:*
Article 8(2)(b)(ii) Statue of
ICC

shrapnel hit Fares near the stomach. The shrapnel hitting Fares probably saved my wife's life."

"I was hit in my two legs, my arms, and my head," said Intissar. "Fares was only gurgling. I gave Fares to Talat, he was trying hard to breathe, but there was blood coming from his mouth."

"I knew he was dying," continued Talat. "I took Fares and Mohammed into the kitchen. Mohammed's arm had been blown off near the shoulder and his side was very badly injured. He was bleeding a lot. I tried to call for an ambulance, Mohammed was still alive. I called the ICRC and the radio stations. The ICRC told me they couldn't come, that it was a military area. I pleaded with them, I told them that this was their role, this was what they had to do in Gaza. My children were bleeding, they needed an ambulance."

Ihab took a curtain to tie around his waist in an effort to staunch the bleeding. Talat did the same for Mohammed but his wounds were too serious. "He was falling in and out of consciousness," said Talat, "he woke up just before he died. He called for me. He wanted water but he couldn't drink it. He asked me to wash his face, and I tried to get him to drink something. I refused to believe that I could lose two of my children. I knew Fares was dead... when I saw Mohammed like that, I couldn't believe that he was going to die. He was bleeding to death for three hours."

Mohammed died of his injuries at approximately 05:00 in the morning of 11 January. At around 07:30 Ihab managed to walk to Al Quds hospital, and send an ambulance to the house.

"I sent Intissar in the first ambulance," said Talat. "She was very badly injured, the others were dead."

"When I went to the ambulance I asked Talat how Fares was," said Intissar, "he told me, 'He is OK, take care of yourself'. In my heart I knew he was not alright. I saw Mohammed in the hospital, I didn't know he was dead. They were preparing me for an X-Ray, there was a curtain between the beds, and it moved apart and I saw Mohammed lying there. I was crying, I told the nurse that he was my son."

Intissar was kept in Shifa hospital for 15 days. Due to the seriousness of her



'Fares and Mohammed Hamouda'

condition she was transferred to Egypt for one month. Since the offensive she has had three operations to her legs and stomach. When PCHR interviewed Intissar, she still had two pieces of shrapnel embedded in her body.

"I couldn't walk properly for three months," said Intissar. "I needed lots of physiotherapy, now it is very hard for me to use the stairs, my husband has to carry me. I still need lots of therapy, a physiotherapist comes to the house. In six months I have to go back to Egypt. I am on medicine now for the side effects of the shrapnel, and they will see if I need another operation. I suffer a lot. It is very painful because of where the injuries are."

The Hamouda's home has been heavily destroyed. The tank fire blew the walls open, and there are no doors or windows. They have been renting their current apartment since 1 April. Hamas pay US\$200 a month to their neighbours to help cover the cost of rent; however, Intissar believes that, because Talat is a Fatah supporter, they have received no compensation.

"I always remember my two sons," said Intissar. "They are martyrs, it is God's will, but it is very hard that they are gone. I think my pain is God's way of helping me not to think about what is happening. Now that there is less pain, I think more and more. I remember them, it is very hard. The old medicine numbed me, I couldn't feel. My family used to say I had said things, but I didn't remember saying them. After I was off the medicine, I felt all the pain again."

"I dream of rebuilding our house, I loved it very much. We could only take one couch and two chairs from our home, everything else is gone. I dream of becoming pregnant again, of having another baby."

The Hamouda's family home was hit repeatedly by Israeli tank fire. Even if there was resistance activity in the area, Israeli forces were under an obligation to spare civilians. Their home was not being used by the resistance, and was a civilian object. As a result of the repeated targeting of the house, which was hit by tank fire on three separate occasions, PCHR believe that the house was directly targeted, a violation of the principle of distinction, and a war crime, as codified in Article 8(2)(b)(ii) of the Statute of the ICC.

PCHR believe that the direct targeting of a civilian object, resulting in the death of civilian inhabitants, constitutes the crime of wilful killing, a grave breach of the Geneva Conventions. It could reasonably be expected that attacking a civilian house would result in the injury or death of its civilian inhabitants.

Israeli forces also prevented ambulances from entering the area, apparently in violation of their obligations under, inter alia, Article 16 of the Fourth Geneva Convention.

Case Study 7: Wafa Awaja

“I was in the street along with my son. I was talking to him all the time, saying it would be OK. Ibrahim told me not to die. I told him, ‘it is OK, the Israeli soldiers are coming. They will save us.’ They shot me again in the chest, and Ibrahim in the head. They were about ten meters away.”

Kamal Awaja



‘Dia, Wafa and Zikrayat Awaja © Sarah Malian/PCHR’

On 4 January 2009, Wafa Awaja (33) was sleeping in her house in Northern Beit Lahiya, when Israeli soldiers and bulldozers arrived to demolish her house. The Israeli forces did not give the family any advance warning of the demolition; their children were woken by the sound of Israeli soldiers demolishing walls nearby. The family managed to flee the house as the walls fell around them.

Wafa Awaja lived with her husband, Kamal (48), in a three bedroom house near Beit Lahiya in the northern Gaza Strip. The couple have six children, Umsiyat (12), Subheh (10), Ibrahim (9), Hala (7), Dia (3), and Zikrayat (1 ½). When Wafa returned to the house shortly after the demolition, her son Ibrahim was shot. As the family attempted to seek assistance from the Israeli soldiers, they opened fire for a second time, Kamal, and Wafa were both shot in the legs. As the Israeli soldiers approached the family, they opened fire for a third time. Kamal

Interviewee(s):

Wafa Awaja (33)
Kamal Awaja (48)

Date of Incident:

4 January 2009

Location:

Northern Beit Lahiya

Victims:

Ibrahim Awaja (9): killed
Kamal Awaja (48): injured
Wafa Awaja (33): injured

Violations of international law include:

Willful killing:
grave breach of Geneva Conventions
Direct Targeting of Civilians:
Article 8(2)(b)(i) Statute of ICC
Direct Targeting Civilian Object:
Article 8(2)(b)(ii) Statute of ICC

was shot in the chest, Ibrahim was shot in the head and died immediately.

Wafa and Kamal now live in a temporary camp in **Al-Attatra**, with their five surviving children. The family has all been traumatized by their experiences. At the time of writing, Umsiyat and Subheh were receiving psychological treatment in Poland under the care of the Gaza Community Mental Health Programme. The family has no hope of returning home in the near future; they have attempted to establish themselves in the camp, and to make the most of their situation. Despite their best efforts, life in the camp remains difficult, as the family is exposed to the elements, and lacks privacy.

On 21 June 2009, PCHR interviewed Wafa and Kamal in their tent in **Al-Attatra**. Kamal told PCHR, of the morning when their home was demolished, “There was no warning, no loudspeakers. We were sleeping. I was woken up by my daughter telling me the Israelis were destroying the outside wall. They told me the bulldozer was coming to our house. We were still inside the house. We were going to leave by the door, but there was a gap in the wall, and Wafa said we should leave through that. Just as we left the door and the ceiling fell down. It is Gods will that we are still alive.”

Before the attack, Kamal thought that the family was safe in their home. “The Israelis used to come, when they attacked Gaza before, but they always passed us by. I am not a threat to them, I thought I was in a safe place with my children. There was shelling, bombing and tanks before, but I never thought it would be like this.”

Immediately after the demolition, the family hid in an empty area of land near their house. In the middle of winter, the family was frozen in the pre-dawn morning. Kamal even considered burning his clothes to stay warm. Once it became light, the family attempted to return to their house. However, there were many Israeli soldiers in the area, and they felt that it would be too dangerous to return. Kamal decided that it would be safer to head for the house of some Bedouin neighbors nearby. However, the family did not have adequate clothing, and Wafa did not feel that she could go to the neighbors without her *jilbab*. Wafa returned to the house with Ibrahim, Dia and Subheh.

As the four prepared to leave the house after gathering some clothes Ibrahim was shot in the side. It was light, around eight o'clock in the morning, and the soldiers were approximately 100 meters away. “The Israelis said nothing to us, from the beginning to the end,” said Kamal.

Kamal carried Ibrahim towards the Israeli soldiers, “I had nowhere else to go. I was asking for help, I told them ‘I have a son, he is injured.’ They shot me in the leg, and my wife was shot in both her legs. I fell over with Ibrahim”. Kamal lay in the street with his son, while Wafa and the rest of the children were hiding behind a wall approximately four meters away.

Kamal recounted his experience, “I was in the street along with my son. I was

talking to him all the time, saying it would be OK. Ibrahim told me not to die. I told him, 'it is OK, the Israeli soldiers are coming. They will save us.' They shot me again in the chest, and Ibrahim in the head. They were about ten meters away. Ibrahim died instantly. There were only two shots. I pretended to be dead. I thought that if the Israelis thought I was alive they would shoot me again. Pieces of Ibrahim's brain and skull were all over my shoulder."

"I thought my husband and son were dead," said Wafa. "I was crying. One of my children told me they saw Kamal's eyes moving. I shouted for Kamal to move his finger if he was alive, he lifted his finger to declare his faith [to perform the shuhada]. I asked him about Ibrahim, and he told me he was dead. It was such a strange feeling, I was so happy Kamal was still alive, but so sad that Ibrahim was dead. I was only about four meters away. I couldn't go to get him because I was shot in both my legs. I couldn't reach him."

Kamal managed to crawl to Wafa, but because of his injuries he was forced to leave Ibrahim in the street. It was between 9:30 and 10:00 in the morning.

"The situation was very complicated," said Kamal. "I had a son dead in the street, I was injured, and my wife was shot in both legs and couldn't move. We had no mobile phones, our batteries were dead. We were cut off from the outside world. I was trying to think how we could get to our Bedouin neighbors for help. I couldn't send my children, it was too dangerous. Usually, it takes no more than 10 minutes to get to them. It took me four hours to crawl. I lost consciousness a few times on the way. I finally arrived at the Bedouins, and called for an ambulance, to try and get them to help me save my family."

Initially the ambulance told Kamal that they would try to obtain coordination to reach his family, and that he should wait. By that evening Kamal was giving up hope of obtaining coordination, and tried to go back to his family, but the Bedouin would not let him, telling Kamal it was too dangerous. An old woman tried to reach the family, thinking that she would not be a target. However, as soon as she left the house the shooting intensified, and she was forced to return. In the morning, Kamal tried the ambulance again. He was informed that the area was a closed military area, and that they would not be able to come.

"We were waiting for Kamal," said Wafa. "The tanks moved by every half an hour or so, there were about 40 of them. The soldiers kept looking at us, some of them were smiling. I saw the soldier who shot Kamal and Ibrahim, he was only about 10 meters away. I still see his face. All the children were trying to hide behind me. I said to him, 'stop shooting, you have killed my husband and son, please don't shoot.' All the children were crying. The soldiers said nothing to us. All the time I was shouting, he was smiling. There were two of them."

"I was alone for around 24 hours," continued Wafa. "My injuries were very painful, but when I took off my trousers, I realized that they weren't that big. It was very cold, we had no cover. I lay on my back, and all the children lay around me. We covered ourselves with my *jilbab*. I had to be strong for my children. I didn't want

them to be scared. But I was very scared, my son was dead and my husband was gone for a long time. I saw Ibrahim's shirt moving once, and I thought he was still alive, but then I remembered he had been shot and I knew he was dead. Dia kept calling for Ibrahim to 'come, come'. He didn't know his brother was dead"

"I sent Subheh to cover Ibrahim's body", said Wafa. "He couldn't do it. He said 'mother, I can't. Ibrahim has no eyes, no face.'"

In the morning Kamal managed to return to the family. They moved back into the ruins of their house, hoping to find shelter, and some food and water. The family stayed four days in the ruins of their old house, sleeping without blankets. From under the ruins, they managed to find some *za'atar* and *dugga* to eat.

"Dia was scared that someone would take the food," said Wafa. "He kept it with him all the time. Even now when he goes to sleep he brings a piece of bread with him. If we take it away he wakes up."

On the fourth day two Bedouin women passed nearby. They promised to bring help, and returned with a donkey cart. The women brought the family to Kamal Odwan hospital. They were released from the hospital that same day, and returned to a small building near their house. Ten days after the offensive the camp where they now live was built.

"When people ask how long we will stay here," replied Wafa, "I say not less than one year. Life is very complicated, but it is a little easier now. In the beginning the seven of us were in one tent, and we were injured; we couldn't do anything. There was no water in the camp, if I wanted to wash our clothes, I had to go back to my old house."

For three months in the camp, the family was without cooking gas, and was forced to cook on an open fire. In the camp the family is provided with bread every day, and they have received tents from UNRWA and from Rotary International. Everything else, they buy themselves.

'Kamal Awaja © Sarah Malian/PCHR'

It took Wafa and her family a long time to adjust to life in the camp. "The bathroom was very hard for me," she said. "In the camp there were 60 tents, but only two bathrooms. I asked my children to go to the bathroom in the school. I used to go with my oldest daughter to the bathroom in our old house, it wasn't destroyed. It is a very sensitive thing for women. I walked about a kilometer to go there. Now



they have brought a container for the toilet, it is better. There are only 11 tents here now.”

“There was no power or water before,” Wafa told PCHR, “we couldn’t even charge our phones. It was raining and cold, when the children heard the rain and thunder they thought it was the Israelis. With the rain, everything was covered in mud. Conditions are a bit better now that we have four tents. We have no hope of going home any time soon, so we have started planting vegetables.”

The family received 4,000 Euros from the government in Gaza. Kamal tried to rent an apartment, but found it too expensive. The Awaja family owned the house and the land where they used to live. “We were developing it slowly before the offensive,” said Kamal. “When we had money we built more. It was a life, now we have no life.” The government in Gaza provided the family with a container to live in; however, they insisted that they put it on the site of their old home. Kamal refused, believing the area to be too dangerous.

“The government wouldn’t let us bring the container here,” continued Wafa. “They said we could only put it at our old house. I am afraid for the children, there are snakes here, it is a very open area. There is no place like home. Life was much better before. My hope and dream is to return home before 3 January [2010]. Even if they built us a palace somewhere else, I would feel nothing. My heart is broken, Ibrahim is dead, and all my children have been affected by the offensive. All the time my children are scared, if they hear a strange noise, they think it is the Israelis. There are dogs here in the camp, and mosquitoes and flies”

“Subheh was like a twin to Ibrahim, he was very affected by his death. He is in Poland now.³³ Even if they rebuild the house, how can they rebuild our lives?”

The family has attempted to establish themselves in the camp. “I have to live my life, for my children. I have started to grow vegetables here. We are in 2009, but we have returned to 1948.”³⁴

In April, the family held a birthday party for Ibrahim, inviting all his class.

The willful killing of Ibrahim is a grave breach of the Geneva Conventions. The direct targeting of Wafa, Kamal, and Ibrahim as they were approaching the Israeli soldiers for help is also a war crime, as codified in Article 8(2)(b)(i) of the Statute of the ICC. Given the location of the Awaja family home, and the lack of resistance activity in the area, PCHR believe that the destruction of their home cannot have been justified by military necessity. As such it is a war crime, as codified in Article 8(2)(b)(ii) of the Statute of the ICC.

³³ At the time of writing Subheh and Umsiyat were in Poland, undergoing psychological treatment with the Gaza Community Mental Health Programme.

³⁴ This is a reference to the Palestinian *Nakba*, the uprooting and expulsion of Palestinians from their land on the creation of the State of Israel.

INDISCRIMINATE ATTACKS

“There were days when we fired only into built-up areas, inside Gaza city itself.”

Testimony 6, Breaking the Silence Report on Operation Cast Lead

Indiscriminate attacks are those which are “of a nature to strike military objectives and civilians and civilian objects without distinction.”³⁵

Customary IHL defines indiscriminate attacks as those:

- a) which are not directed against a specific military objective;
- b) which employ a method or means of combat which cannot be directed at a specific military objective; or
- c) which employ a method or means of combat the effects of which cannot be limited as required by international humanitarian law;³⁶

Disproportionate attacks are a form of indiscriminate attack. A disproportionate attack is one that “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 direct military advantage anticipated.”³⁷

Intentionally launching an indiscriminate attack is a war crime, as defined in Article 8(2)(b)(iv) of the Statute of the ICC.

³⁵ Article 51(4), Additional Protocol I.

³⁶ International Committee of the Red Cross, *Customary International Humanitarian Law*, Rule 12 (2005).

³⁷ Article 51(5)(b), Additional Protocol I.

Case Study 8: Leila Al-Ir

“From Saturday to Thursday we were away from the world, we had no connection to anyone. I slept with my dead children.”

Leila Al-Ir



‘Leila Al-Ir © Sarah Malian/PCHR’

At approximately 17:00 on 3 January 2009, the Al-Ir family was sitting outside their home east of Jabaliya, when the area came under artillery bombardment. Leila Al-Ir’s husband, Mohammed (45), and three of her children, Rakam (6), Ibrahim (12) and Fidaa’ (18) were killed almost immediately. Leila’s daughter-in-law, Iman (26), died of her wounds the next day.

Leila Al-Ir lived with her husband and seven children in an area roughly 600 meters from the border with Israel, along one of the main ground invasion routes. Approximately 15 minutes after the artillery bombardment which struck the Al-Ir house, Israeli troops invaded the area. At the time of the attack, Leila was two months pregnant; she lost her baby on 4 January.

As a result of the attack, and the death of her husband and children, Leila Al-Ir has suffered severe psychological trauma. For one month after the attack she was unable to speak, and she currently receives psychological treatment from Medecins Sans Frontiers. As their home is too dangerous to return to, Leila now lives with her stepson, Nahedh, and her four surviving

children in a rented apartment in Sheikh Zayed. All of the Al-Ir’s belongings have been destroyed.

On 9 May 2009, PCHR interviewed Leila and Nahedh Al-Ir in their apartment in Sheikh Zayed, northern Gaza. Leila told PCHR that, despite the intensity of the previous week’s attacks, “we didn’t expect anything to happen, we thought it would be like usual. There was always fighting in the area because it was so near the border. We were used to it, we saw the tanks and soldiers near our home, but usually they kept going.” However, after the first shell struck the house, Leila’s husband Mohammed Al-Ir decided that they had to leave the area, and the family began to load their belongings onto a donkey cart. The second shell destroyed the cart, killing Mohammed and Rakan immediately, and critically injuring Fidaa’ and Ibrahim. Nahedh, Malak, Yasmine, and Leila also injured.

Nahedh, who was injured in the hand, legs and chest, stumbled to the house of a neighbor, Mohammed Atawna, in order to get help. Mohammed Atawna used his radio to try to contact an ambulance, or the Red Cross. However, because of the Israeli presence, ambulances were unable to reach the area. After two hours, Nahedh decided to leave the house, “I was calling for my family to try and save them, but no one answered, they were all afraid...” Eventually, Nahedh’s cousin took him to Al Awda hospital. He had no news of his family for the next five days.

“After the shells hit us, I didn’t know who was alive and who was dead,” said Leila. “I saw Ibrahim, his body was covered with blood. He was 12 years old. I put my hand on his head. I felt his injuries and I realized he was dying... I held him when he took his last breath. After, I took Ibrahim inside, to protect him. I was afraid that if there was another attack he would be cut to pieces. My daughter, Nidaa’, told me that Rakan was also dead. I ran outside and saw Fidaa’ in pieces on the ground, like a slaughtered hen... my daughter. I brought her inside, and put her beside Ibrahim. ... All her body was injured. I said to myself ‘Ibrahim is dead, Rakan is dead, now I will lose Fidaa’ also.’ I was calling out for my husband Mohammed, but I didn’t know then that he had also been killed. Neither me nor my daughter could carry Rakan, he was in too many pieces. Then we heard the sound of Iman, Nahedh’s wife, she was asking for an ambulance, for anyone to help her.”

After the attack, the Al-Ir’s house caught fire. “All the neighbors asked me to come,” said Leila, “I refused to leave the children. I couldn’t. I tried to bring blankets to cover them. Iman was still alive, she had lost her legs and one arm. ... I took them all, one by one, and put them in the neighbor’s house.”

For the next five days, Leila and her family sheltered with the Atawna family. Israeli forces prevented them from leaving the area, and they sheltered in the open. In order to protect themselves from the elements, and the shelling, they pulled a tarpaulin over them. In all, 15 people lived like this from Saturday to Thursday. They had no food, and only a few bottles of water between them for the girls. Leila recounted her story, “Yasmine was bleeding. I lost my baby, and

Interviewee(s):

Leila Al-Ir (43)
Nahed Al-Ir (26)

Date of Incident:

3 – 8 January 2009

Location:

Border zone, east of Jabaliya

Victims:

Mohammed Mousa Al-Ir (42): killed
Iman Al-Ir (26): killed
Fidaa’ Al-Ir (18): killed
Ibrahim Al-Ir (12): killed
Rakan Al-Ir (6): killed
Leila Al-Ir (43): injured
Nahedh Al-Ir (26): injured
Yasmine Al-Ir (14): injured
Malak (2 ½): injured

Violations of international law include:

Willful killing:
grave breach of Geneva Conventions
Indiscriminate Attack:
Article 8(2)(b)(iv) Statute of ICC

my leg was bleeding too. From Saturday to Thursday we were away from the world, we had no connection to anyone. I slept with my dead children.”

During these five days, Israeli troops occupied positions near the Al-Irs and the Atawnas. The families signaled to the troops, “to tell them we needed water, we told them we had injured people, we need ambulances.” However, the troops only response was to shoot in the direction of the family. Iman died of her wounds on Sunday, 4 January.

At approximately 8 a.m. on Thursday, 8 January, two Israeli soldiers approached the group, asking who was inside. According to Leila, “Mohammed Atawna’s mother told him, ‘we are here, with our neighbors, we are 15 people.’ Mohammed [Atawna] tried to show them his ID, but they said they didn’t just want his ID, they wanted his RPG [rocket propelled grenade]. They said we were Hamas, Mohammed told them ‘We are not Hamas or resistance fighters, we are Bedouin and animal farmers.’”

A few minutes later, the soldiers returned with bulldozers. “Mohammed’s mother told them, ‘we have dead bodies, we need to bury them, we have injured, we need ambulances,’” said Leila. “The bulldozers started to take the land, and Mohammed Atawna’s mother ordered us all out because the bulldozers came and we were in great danger.”

Once the bulldozers started to destroy the area, the families fled the area towards Jabaliya. “They destroyed everything, the land, the animals. I left my children, it was a matter of life and death, we kept running, I couldn’t carry them. I saw the bulldozer when it started to take over the land, when it took the bodies. I tried to go back but Nidaa said no, they are dead. I asked my children to forgive me, that I couldn’t save them, that I couldn’t bury them. I saw the bulldozers destroying everything, even the bodies. You cannot imagine the feeling. I couldn’t carry them, I couldn’t bury them. We ran until we reached Jabaliya town. All the way there was shooting, from tanks, from soldiers, even the airplanes. All of us were running, without shoes, without covering our head. I was carrying Malak, I thought she was dead too, she couldn’t move or breathe properly.”

By the time the family reached Jabaliya, they were totally exhausted. “Malak fell from my hands,” remembered Leila. “I heard a man say that we were Nahedh’s family, that he was alive, after that I don’t remember anything. I woke up in the hospital. The family took me to the family house in Gaza City. I stayed there a long time. I was in a very bad condition.”

Throughout her experiences, Leila thought that her husband had escaped. When she was staying with her relatives in Gaza City, she heard her brother telling Nidaa’ that he would call Israel, maybe Mohammed was there in hospital. However, Leila heard Nidaa’ say ‘don’t bother, I saw him. He is dead.’ “When I heard this, I lost consciousness.”

Leila suffered severe psychological trauma as a result of her experiences. “It was

a month before I was able to speak. I didn’t want to see anyone or talk to anyone for a long time afterwards.” A month after the offensive, Leila’s elder brother, called MSF. “I have been with them for three months. They visit me twice a week and give me medicine to sleep because I can’t sleep without it.”



‘Rakam and Ibrahim Al-Ir © Sarah Malian/PCHR’

After the ceasefire, Leila’s elder brother returned to the area, and found the children. Three days later Mohammed’s body was uncovered. They are buried near the house.

Today, six months after the end of the offensive, the family is struggling to rebuild their lives. They have lost all their belongings, their livestock, and their home. “We used to live on the land,” said Leila, “we had everything before. After they burnt it, we didn’t even find any clothes to wear. The only photos of my family are from Nahedh’s sister. I took a photo of Fidaa’ from her school.”

Nahedh, who is now the only male in the household, is unable to find work. “I can’t go back to the area, it is very open after they destroyed everything. It is only 600 meters from the border and it is very dangerous. We had 40 sheep and cows, they are nearly all dead, we have five now.”

UNRWA offer the family limited financial support, while *Medecins Sans Frontiers*, helped the family to buy new furniture and a washing machine, and bring a food parcel every fortnight.

PCHR believe that Israeli forces failed to take the precautions necessary in attack. There was no resistance activity in the area at the time, as such the indiscriminate artillery bombardment of an area could reasonably be expected to cause incidental loss of life to civilians and damage to property, in excess of the anticipated military advantage; a war crime as defined in Article 8(2)(b)(iv) of the Statute of the ICC.

PCHR believe that the civilian deaths arising from the attack on the Al-Ir house constitute the crime of willful killing, a grave breach of the Geneva Conventions. Additionally, customary IHL requires that “Whenever circumstances permit, and particularly after an engagement, each party to the conflict must, without delay, take all possible measures to search for, collect, and evacuate the wounded ... without adverse distinction.” Despite the presence of large numbers of Israeli troops in the area, no help was extended to the families. They were left without food and adequate water for five days, and the injured went untreated.

Case Study 9: Sabah Abu Halima

“I used to think I was the happiest woman in the world, now I have lost my daughter, my sons, my husband. I’m like the saddest woman in the world, I am afraid to sleep. I am so scared in this house.”

Sabah Abu Halima



‘Sabah Abu Halima © Sarah Malian/PCHR’

On 4 January 2009, Israeli ground forces moved into the al-Atatra and al-Sayafa areas west of Beit Lahiya town in the northern Gaza Strip. During the assault, which was accompanied by intense bombardment, Israeli forces utilized a number of weapons, including conventional and white phosphorous shells. Two shells struck the Abu Halima’s house, at least one of which contained white phosphorous; there were 16 people living in the house at the time, 14 of whom were inside during the attack. Five members of Sabah’s family were killed, a sixth, Ghada Abu Halima (Sabah’s daughter-in-law) died of her injuries in hospital in Egypt on 19 March. All the other civilians in the house were injured, three of them suffered extensive burns.

As the family attempted to bring the dead and wounded to hospital, they were directly targeted by Israeli soldiers. The soldiers murdered two civilians, Mohammed Hekmat Abu Halima (19), and Matar Abu Halima (27), and shot two more, Omar Abu Halima (17), and Nabila Abu Halima (28). The family was forced to leave the dead, as they fled on foot carrying the

Interviewee(s):

Sabah Abu Halima

Date of Incident:

4 January 2009

Location:

Sayafa

Victims:

Sa’adallah Abu Halima (45): killed

Abderrahim Abu Halima (14): killed

Zeid Abu Halima (11): killed

Hamza Abu Halima (10): killed

Shahd Abu Halima (1): killed

Ghada Abu Halima: died of injuries

Yousef Abu Halima: injured

‘Ali Abu Halima (15): injured

Omar Abu Halima (17): injured

Farah Abu Halima : injured

Violations of international law include:

Willful killing:

grave breach of Geneva Conventions

Direct Targeting of Civilians:

Article 8(2)(b)(i) Statute of ICC

Indiscriminate Attack:

Article 8(2)(b)(iv) Statute of ICC

wounded.

On 29 April 2009, PCHR interviewed Sabah and Omar Abu Halima at their home in Sayafa area, of north-west Gaza. “We were all in the bedroom,” said Sabah, “but we were scared and we had to leave. We went into the corridor because we thought it would be safer”

At approximately 15:00 a white phosphorous shell penetrated the corridor ceiling. “A bomb came through the ceiling,” said Sabah “it hit just above my husband’s head, and over my children. My husband was decapitated, and Zeid and Hamza died almost instantly. There was fire everywhere. It was very hot, my son Zeid was calling ‘its fire, its fire.’ Then I heard him say the *shuhadah*, and he went quiet. There was lots of smoke, I thought that if I didn’t die from the fire, I would die from the smoke. They were all beside me but I couldn’t see them, I could only hear them. I heard my other son asking to go and pray, when we found him later he was holding a prayer mat. We buried him with it.”

At the time of the attack, Sabah was breastfeeding her 17 month old daughter Shahd. “The second bomb struck over me,” said Sabah. “I dropped my daughter onto the fire. She was screaming ‘Mama, Mama’ but I couldn’t do anything. I couldn’t see anything. I was in the fire with her. Even when I was in the fire, I didn’t feel the heat of it. But I could hear my children, they were asking for help and I couldn’t do anything.”

“I was lying on my right side, I didn’t know where to find Shahd because the fire was everywhere. I couldn’t see. I stayed by the wall but it was so hot, the floor was red. For a second I lost my sight. When I looked to myself, I saw I was naked. My clothes had been burnt, and my face was totally black. If I had seen myself I might have lost my mind.”

As Sabah left the house, she saw her two sons. “They weren’t in the house at the time of the attack,” remembered Sabah, “they kept asking me what happened. I said ‘go and look for your father, and your brothers and sister. I can take care of myself.’ Omar finally found his family. They were totally burnt, they only recognized their father from his legs.”

After the attack the family tried to contact an ambulance. However, no ambulances were able to reach the area as it was too dangerous. Omar managed to find a tractor and a truck, to take the dead and wounded to hospital. The first tractor carried the corpse of Shahd, as well as Ghada and her daughter Farah, who were seriously wounded. Ali, Mohammed Sa’ad, Matar, Nabila, and Omar accompanied the tractor, which was driven by Mohammed Hekmat.

When the tractor arrived near the ‘Umar Ibn al-Khattab School it was stopped by Israeli army forces, who were positioned in houses opposite the school. “There were more than 10 soldiers,” said Omar. “They were in a balcony in Abu Ghunaim house. I was down and they were up, they ordered us to raise our hands. We even lifted our shirts up. Immediately they shot Mohammed and Matar, Mohammed

was driving the tractor, Matar was beside him. I was carrying Shahd's body, the soldier told me to throw her on the ground. Instead I put her on the tractor. After I put her down, he shot me in the arm. Nabila, was shouting 'let me take the children.' They shot her in the left shoulder. Then they ordered Mohammed to take off all his clothes."

"I escaped," continued Omar. "They ordered Mohammed to take the others on foot. He asked them to take the dead, but the soldiers told us to leave them. We walked for about a kilometre, we couldn't find any cars." The corpses of the dead remained at the scene until 9 January, when the ICRC secured coordination from Israel to allow a Palestinian Red Crescent ambulance access the area. However, the ambulance crew were unable to locate the corpse of Shahd. "The dogs took her to Salateen," said Sabah. "We found her without legs, the dogs had eaten them."

Sabah went with the second truck, as they attempted to reach Kamal Odwan hospital. "My husband, and the rest of the dead, we took them in a cousin's truck, and put them in a blanket. Even the blankets were still burning." When the truck arrived at Al-Attatra roundabout Israeli forces positioned in the area opened fire. "They ordered us to leave the car and the dead bodies," said Sabah. "A bulldozer pushed the car into a hole, and covered it with sand. On 14 January, the ICRC secured coordination for the Palestinian Red Crescent to search for the dead bodies. We recognised them from the blankets, and the car."

"I now have six children left," said Sabah, "I lost four. I lost my daughter. I had dreamed of a daughter, I loved her very much. I can't imagine life without my husband, without my four children. I can't imagine life in this house again. I am afraid to stay in this house, my sisters stays all the time with me, she left her children and husband to come with me. I can't sleep in this house, I escape every night to my mother's house. I can't do anything; my sister helps me to get dressed. I don't want this house, I've lived here for 25 years, if you want to help me, take me out of here."

Sabah spent 11 days in hospital in Cairo. She was in Shifa hospital in Gaza city for three months. Sabah now receives treatment with MSF.

Sabah's son, Omar had to leave secondary school to earn money for the family. He now works as a farmer. The Israeli forces occupied the house after the family left. "When we came home there was nothing to sleep in, nowhere to sit in, the neighbours had to help us," said Sabah. The house is heavily damaged from the offensive.



'Omar and Farah Abu Halima © Sarah Malian/PCHR'

There are bullet holes in the walls, and the floors and walls in the corridor and back rooms are scorched from the fire. The tiled floor is blood stained. The family have tried to scrub it clean, but the stain will not go away.

"I used to think I was the happiest woman in the world, now I have lost my daughter, my sons, my husband. I'm like the saddest woman in the world, I am afraid to sleep. I am so scared in this house. I need a psychologist."

Sabah's daughter in law Ghada, and Ghada's daughter Farah were badly burned in the attack.

PCHR believe that the civilian deaths arising from the attack on the Abu Halima household, and the murder of civilians on their way to hospital, constitute the crime of wilful killing, a grave breach of the Geneva Conventions. The direct targeting of a civilians is a war crime, as defined in Article 8(2)(b)(i) of the Statute of the ICC. The indiscriminate nature of the attack, and in particular the use of white phosphorous, also constitutes a war crime as defined in Article 8(2)(b)(iv) of the Statute of the ICC.

Case Study 10: Masouda Al-Samouni

“I have no hope, no future, I lost everything in the offensive.”

Masouda Al-Samouni



‘Masouada Al-Samouni © Sarah Malian/PCHR’

On 5 January 2009, approximately 150 members of Masouda Al-Samouni’s (21) extended family were sheltering in Wa’el Al-Samouni’s house. Israeli forces operating in the area repeatedly targeted the house and its immediate vicinity. In total 21 members of the Samouni family died as a result of that day’s attacks.

Masouda’s husband, Mohammed (25) was killed outside the house, prior to the main attack. Her son, Moatassem Bilal (10 months) died in her arms. He was killed by a single piece of shrapnel which entered his heart. Mousa (3) was injured in the attack, as was Masouda. She was five months pregnant at the time. On 14 May 2009, Masouda gave birth to her son, Mohammed, named in memory of his father.

Masouda was in Al Quds hospital for 10 days. She lost her husband and one of her sons in the attack, and her home was completely destroyed. She now lives with her family and 31 other relatives in her parents’ home.

On 25 June 2009, PCHR interviewed Masouda and her mother, Roweya Al-Samouni (50) in their home in the Zaytoun district, southeast of Gaza City. Masouda recalled the days leading up to the attack, “We were in our house on the Saturday [3 January], when we felt the

situation become very dangerous. All night there was shelling and bombing, it was right over our head. I couldn’t breastfeed my son because I was pregnant, and I couldn’t get him any milk.”

“My father-in-law saw the soldiers coming closer to the house. He spoke with them through a gap in the wall in Hebrew. They ordered him to open the door, approximately 30 soldiers came into the house, there were more outside. My father said we had to leave, so we went to Talat Al-Samouni’s house. The soldiers stayed in the house.”

Masouda stayed with approximately 105 of her relatives in Talat’s house. However, shortly after they arrived Israeli soldiers approached the house. “The Israelis ordered us out,” said Masouda. “They first searched the men, and then told us we had to leave the house. We thought we would have to go to Gaza City, but they ordered us into Wa’el Al Samouni’s house. There were around 150 of us there. On the way the men were handcuffed and blindfolded.”

“From eight in the morning until late in the afternoon, there was no food or water. My aunt decided to bring some wheat and water to make bread for the children outside the house. All the children were hungry. She made the bread on the fire outside, but it was not enough for all the children. It was the afternoon by that stage. All the time there was bombing and shelling, it was very dangerous. My husband told the group that we had to move, it was too dangerous. The others said it was too dangerous to leave, the Israelis might shoot us if we went outside. The night was very cold, there were not enough blankets, there were too many people in the house. We couldn’t sleep.”

On 5 January, after a relative had already been outside to fetch drinking water, Masouda and her sister, Safa, decided to try and return to their home to get milk and bread for the children. “I told my husband we wanted to go, but he refused,” said Masouda. “He said ‘I will bring some wood, and we can prepare more bread.’”

Mohammed and four other men left the house to look for wood. Soon after they left the house, they were hit by a bomb dropped from an Israeli aircraft. Mohammed and his cousin, Hamdi (23) died immediately. The other three were injured and were forced to return to the house.

“The three of them were bleeding heavily,” said Masouda. “As soon as I saw them without my husband I knew that he was dead. I was crying and shouting, my sister, Safa, went out to see her husband who was injured. She was killed immediately.”

Soon after the injured men returned to the house, Wa’el Al-Samouni’s house was hit by four shells. “I was in the corner with my children just watching,” said Masouda. “I was screaming and crying, I saw everything, the blood and the brains. There was smoke everywhere, I saw my brother-in-law falling down, and my mother-in-law. I realized that my three brothers in law and my mother-in-law

Interviewee(s):

Masouda Al-Samouni (21)
Roweya Al-Samouni (50)

Date of Incident:

5 January 2009

Location:

Samouni area, Zaytoun

Victims:

Mohammed Al-Samouni (25): killed
Moatassem Al-Samouni (10 months): killed
Moussa Al-Samouni (3): injured
Masouda Al-Samouni (21): injured

Violations of international law include:

Willful killing:
grave breach of Geneva Conventions
Indiscriminate Attack:
Article 8(2)(b)(iv) Statute of ICC

were dead. I was carrying Moatassem, but I fell to the floor. I was injured in the chest, I couldn't move, I just raised my finger and made the *shuhadah*. Mousa was holding me and crying, Ibrahim was hiding behind me. I was holding Moatassem, I tried to look at him, he was covered in blood. There was a single piece of shrapnel directly in his heart, he was dead. Mousa was injured too, in his back."

In the panic, Masouda lost Ibrahim. "I was looking for Ibrahim, I thought he was dead too," Masouda told PCHR. "Because of the smoke I couldn't see my son. My cousin, Sahah, called out 'if anyone is still alive, go out.' I went crazy, I knew Moatassem was dead and Mousa was injured, but I couldn't find Ibrahim. I didn't know what to do, to look for Ibrahim, or to leave. Eventually I saw Ibrahim outside with his uncle. When I came out of the house, I was carrying Moatassem and Mousa. I gave Mousa to a neighbor, I said 'take him and run, I can't run.' I gave Moatassem to my aunt. I couldn't run; I was bleeding and five months pregnant."

Masouda left the house with a large group of her relatives. However, as a result of her injuries she could not keep up for long, and collapsed. "They thought I was dead," said Masouda, "but I wasn't dead, I just couldn't go on."

Roweya left the house shortly after Masouda in a separate group. "I saw the group ahead of us," Roweya told PCHR, "so we decided to follow them. I was shouting at the soldiers, 'let us go, let us go, we have children.' They let us go, but first they made us lift up our shirts. We walked towards Gaza [City]. We saw a woman fall in the group ahead of us. They left her, they thought she was dead. When I got closer I realized she was my daughter. I blamed Safa, [Masouda's sister] for not carrying her. I didn't know that Safa was dead. Masouda was unconscious. We asked her to make a sign, but she gave no response. My husband said we should take her immediately to hospital, even if she was alive or dead, we wouldn't know. We carried her. We were lucky, we found a car ahead of us. It was my son's friend's car. The friend was too scared to drive, so my son took us. It was very dangerous, there was bombing everywhere."

The family took Masouda to Shifa hospital in central Gaza City. "When we got to Shifa hospital it was all Samounis," said Roweya. "There were 29 of us killed in total."

"My husband, his mother, his three brothers, and my son, they all died," said Masouda. "My mother-in-law had eight sons, and two daughters. She lost four, and she is dead too. My father-in-law remarried, his new wife is 26. I was in Al Quds hospital for 10 days. I saw Moatassem before they put him in the grave."

After leaving the hospital, Masouda went to stay with her aunt in Gaza City, as Israeli forces still occupied the Al-Samouni area. Masouda returned home after the ceasefire, "When we returned I saw the damage, we had lost everything, my house was completely gone. Now I am living with my mother, but they have given me a room so that I can have some privacy with my children. I have a small gas stove to cook on, and my brother has given me a small TV."

Masouda, a young widow, has no desire to get remarried. "I don't want to get married again," she said. "Someone from Abu Dabi, a Palestinian, saw me on the television and asked to marry me, but I don't want to. My father said that I don't have to remarry, I can stay here. When we were in the house during the attacks, we knew we were close to death. My husband asked me not to marry, to look after the children. I said the same to him. I said that if I died as a martyr I would wait for him in paradise."

Masouda told PCHR that she dreamed of getting enough money to rebuild her house. "My father-in-law has rented a house in Gaza with his new wife," said Masouda. "We stay here."

Roweya informed PCHR that Masouda's father in law had taken all the money given to his son's family, "She has no money," said Roweya. "Her father in law took the 4000 Euros that Hamas gave them, and the money from the UNDP. He took it all."

Masouda's husband, Mohammed, used to make tea and coffee at a local agricultural union; he earned NIS 800 a month (approximately US\$ 200). She now receives a pension of NIS 130 a month (approximately US\$ 33) from the union. This is her sole income.

"I have no hope, no future," Masouda told PCHR. "I lost everything in the offensive."

Masouda's parents used to grow vegetables to sell in the market, but Israeli forces have destroyed all of their land. The family has lost their sole source of income. "When we came back there was nothing, no blankets even. We have no money to fix or buy anything," said Roweya. "Our situation was OK before the offensive, we survived. But now the land is gone. Immediately after the offensive many organizations gave us food and help, now there is nothing. How can I express myself, everything is hard. My daughter has no husband and three children. We lost everything. The house is bare. The bedroom, blankets, clothes, the fridge, the washing machine, we lost it all."

'Mohammed Al-Samouni © Sarah Malian/PCHR'

Masouda talked of her son's birth, and life for her children. "I was sad when my child was born. I remember my husband, he used to hold all the children after I gave birth," she said. "The children are in kindergarten now. Ibrahim will start school next year, God willing. He can't speak very well, after the offensive he finds it difficult. My son Mousa keeps close to me all the time. My children keep asking me about their father. Ibrahim says,



‘tell him I won’t cry again if he is cross with me.’ He went to our old house, and saw his old bike. Ibrahim said ‘the Israelis destroyed my bike, but my father will bring me a new one.’ He refuses to believe that his father is gone. He won’t even call his little brother Mohammed, he says that its his father’s name.”

“He has no help. No one comes to help. Some associations come to play with the children, but they need real help.”

The Al-Samouni family was one of the most famous cases of the offensive, and their pictures were broadcast across countless media outlets throughout the world. The family has been visited by numerous human rights and humanitarian organizations. However, despite this level of attention, they have received no real assistance. Most aid to the family has now ceased, and they only receive limited amounts of assistance supplied by local organizations. Their living conditions continue to deteriorate, and the surviving members of the family now live in deep poverty with no source of income.

The attack on Wa’el Al-Samouni’s home constituted an indiscriminate attack, a war crime as defined in Article 8(2)(b)(iv) of the Statute of the ICC. PCHR believe that the civilian deaths arising from this attack constitute the crime of willful killing, a grave breach of the Geneva Conventions. PCHR have not been able to determine whether Israeli helicopters were involved in the attack, if proven that they were this attack may also constitute two further counts of war crimes, as defined in Articles 8(2)(b)(i) and (ii) of the Statute of the International Criminal Court.

INSUFFICIENT PRECAUTIONS IN ATTACK

*“Why fire phosphorous?
Because it’s fun. Cool.”*

Testimony 8, Breaking the Silence Report on Operation Cast Lead

Customary IHL requires that, “[i]n the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects. All feasible precautions must be taken to avoid, and in any event to minimise, incidental loss of civilian life, injury to civilians and damage to civilian objects.”³⁸

Accordingly, Article 57(2) of Additional Protocol I requires that:

- (a) those who plan or decide upon an attack shall:
 - (i) do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection but are military objectives within the meaning of paragraph 2 of Article 52 and that it is not prohibited by the provisions of this Protocol to attack them;
 - (ii) 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;
 - (iii) 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;
- (b) an attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one or is subject to special protection or that 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;
- (c) effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit.

Weapons

In accordance with the principle of distinction, weapons which are by their nature indiscriminate should not be used in civilian areas. For example, the artillery bombardment of a civilian area containing combatants is indiscriminate, as it is impossible to direct such bombardment at a specific military objective. Equally, the use of a ten ton bomb to destroy a single building is indiscriminate,

³⁸ Rule 15, Jean-Marie Henckaerts & Louise Doswald-Beck, *Customary International Humanitarian Law*, Volume I: Rules, International Committee of the Red Cross.

as it is inevitable that the effects will be very extensive and will annihilate or damage nearby buildings, while a less powerful bomb would suffice to destroy the objective. The use of white phosphorous in populated civilian areas is also indiscriminate, given its known effects, the danger to the civilian population, and the availability of less harmful alternatives.

White Phosphorous

White phosphorous is an incendiary chemical substance – dispersed through artillery shells, bombs and rockets – often used to create a smoke screen that masks large troop movements. It ignites on contact with oxygen, and can burn down to the human bone. Although white phosphorous is not prohibited as a weapon, its use in populated civilian areas violates customary IHL. Having initially denied using white phosphorous in Gaza, Israel later admitted using 155 mm shells, which each contain 116 wedges soaked in the chemical.³⁹

³⁹ 'Israel accused of indiscriminate phosphorous use in Gaza,' Rory McCarthy, Guardian, 25 March, 2009. Also see Human Rights Watch: <http://www.hrw.org/en/news/2009/03/25/witness-accounts-and-additional-analysis-idf-use-white-phosphorus>

Case Study 11: Nujoud Al-Ashqar

"I decided not to cry in front of him. If I cry, I cry alone. I can't even answer him. It's not my fault. Did I want to lose my children? Did I want to have no hand?"

Nujoud Al-Ashqar



'Sabri, Mohammed and Nujoud Al-Ashqar © Sarah Malian/PCHR'

On 17 January 2009, Nujoud Al-Ashqar was severely injured when the UNRWA school she and her family were sheltering in was hit by shells containing white phosphorous. Nujoud sustained severe head injuries, her left hand was heavily damaged, and her right hand had to be amputated. Two of her sons, Bilal aged six and Mohammed aged four, were killed in the attack. There were approximately 1,600 Palestinians sheltering in the school at the time. Prior to the attack, UNRWA had sent the GPS coordinates of the school to the Israeli authorities; the building was clearly marked as a UN installation, and had been included on a list of provisional UN shelters that had been communicated to the Israeli authorities prior to Operation Cast Lead.

Nujoud spent over a month undergoing treatment in a hospital in Egypt. She is currently unable to use her left hand properly, and cannot dress herself, carry her one and a half year old son, Sabri, or perform the normal routines of daily life. Each day, her husband blames her for the death of their children.

On 29 April 2009, PCHR interviewed Nujoud

Interviewee(s):

Nujoud Al-Ashqar
Azhar Al-Ashqar

Date of Incident:

17 January 2009

Location:

UNRWA School, Beit Lahiya

Victims:

Bilal Al-Ashqar (6): killed
Mohammed Al-Ashqar (4): killed
Nujoud Al-Ashqar: injured

Violations of international law include:

Willful killing:

grave breach of Geneva Conventions

Indiscriminate Attack:

Article 8(2)(b)(iv) Statute of ICC

Attack on UN installation:

Article 8(2)(b)(iii)

and her sister-in-law, Azhar, in Nujoud's home in Attatra, Beith Lahiya. When asked for her details, Nujoud replied simply, "I have three sons, and one daughter. During the accident I lost two sons. Now I have one son and one daughter."

During the offensive, and as a result of the intensity of the bombardment, Nujoud and her family moved into her mother and father's home nearby. At first, even though all their neighbours had already fled, they were afraid to leave their home. Eventually, however, the situation became too dangerous, and on 4 January the Al-Ashqar's were forced to leave. "We decided to go to the UNRWA school [in Beit Lahiya] because it would be safe," said Nujoud. "We were afraid to leave, but we had to, staying was too dangerous, the entire area had already left and we couldn't stay alone."

The family stayed in the UNRWA school for 15 days. Women, girls, and young boys slept on the third (top) floor of the school, while the men and older boys slept on the second floor. "Life was very difficult in the school," recounted Nujoud. "Before the last day of the offensive, and the day before the school was attacked, I was with another girl who was injured by shelling from outside, we were scared that we would be attacked. The people who ran the school said it was OK, we would be safe. We were very scared, but we had nowhere to go."

On the night of 16/17 January, Nujoud remembers being more scared than usual. "I was speaking to myself all night, trying to imagine where the shelling would come from... if it comes from that window, where could I go. But I couldn't move anyway, there was no room; there were over 40 women and children in the classroom. Before I went to sleep I brought a blanket and covered my children totally in case the shelling broke the windows. I had a feeling that something bad would happen, I was scared all night. All during the offensive I was scared, but that night was the worst."

In the early morning, Azhar, Nujoud's sister-in-law, woke Nujoud to show her the shelling outside. "We saw the phosphorous," said Nujoud. "There was so much, we were very scared. It was still dark, but the light from the phosphorous lit up the classroom. It was like fire outside. The children tried to leave, but I told them to stay where they were."

At approximately 5:30 in the morning, Nujoud's daughter Madeleine soiled herself. Half an hour later, Nujoud decided to try and clean the soiled blanket on the balcony outside. "I called my children to me. I knew we were in danger, I wanted them close. The children were on the stairs, I was holding Sabri. I had to ask a relative to hold Sabri, so that I could try to dry the blanket. As soon I gave Sabri to my relative, I felt that I had been hurt, but I didn't see anything. I was burned in the hand and the head. The girl who was with me put Sabri down and ran inside, I fell on top of him and lost consciousness."

"I saw the phosphorous," said Azhar, "it was very white, so white. I was totally covered by white, it was like I was covered with flour. There was a rocket, the rocket made a hole in the corridor. I saw the two boys, they were hit by the fire.

They were still holding onto the stairs, but they had fallen onto the floor."

Seeing her mother injured, Madeleine ran downstairs to find her father, calling him to come quickly. "My two sons were in the stairwell," said Nujoud. "They were dead, but my husband didn't see them. It was dark, there was lots of smoke. My husband took me, and I woke up a little and realized I was still alive. Women screamed when they saw me, I was covered in blood and bleeding. My husband took me down to find an ambulance but there were none."

Nujoud regained consciousness in Kamal Odwan hospital. "I heard a doctor say there was a *shaheed* [martyr]. I immediately said 'my son Bilal,' a nurse told me not to speak, to take care of myself. I wasn't really aware of what was going on, my husband signalled to me, he showed me two fingers. Later, I realized he meant that our two sons were dead. I wasn't aware enough at the time, but if I had realised that my two sons were dead I would have wanted to go and see them and say goodbye. I didn't know what was going on, but if someone told me now I would go and see them, in spite of the situation and the blood, I would see them again."

Nujoud was in Kamal Odwan hospital for two days, during her first operation, her right hand was amputated at the wrist. On 19 January she was transferred to Egypt, her sister-in-law, Seha, accompanied her. Nujoud spent 20 days in the Intensive Care Unit, and a total of one month and three days in the Egyptian hospital.

"I had many visitors in hospital," remembered Nujoud, "Palestinians and Egyptians who came to support me. They kept asking me if I had children, I said 'yes I have four, Mohammed, Bilal, Sabri and Madeleine.' They brought presents for the children for me to bring back to Gaza. One of the women brought clothes for Bilal and Mohammed. When she brought the presents I had a strange feeling, I went crazy, I had to hear my children's voices. Seha told me to be quiet, to be patient, to be calm. I insisted to call. I phoned my brother and asked to speak to Bilal, but he said he was with Nayah my sister, I said I would call her. He said wait, and told me my son was dead. I started shouting, I remembered my husband in the hospital, signing with his two fingers. I asked him did I lose my other son, he said yes. He told me the doctors told him not to say anything because of my condition. I was crazy; they had to give me something to calm me down."

Nujoud learned of the death of her two sons a week before she returned to Gaza. Remembering her last days in Egypt, Nujoud said "I really missed my children; I wanted to see them and give them the presents from the visitors. I wanted to hug them. But I lost everyone, I have no one. My two sons were my life, they are the only people I love. I didn't want to go home because they weren't there."

"Those two boys were everything to me, my husband is deaf and dumb, my two boys were going to help me, they used to go everywhere with my husband to translate for him. They were the support in my life. How could I go home without them? Everyone always told me how lucky I was to have sons like them, they were so clever."

After returning home, Nujoud found it hard to adjust to life without her children. “Every time I went for a visit, I used to see Bilal and Mohammed waiting for me, but I don’t see them anymore. Madeleine looks after me, but Sabri is young, and I was away for so long, I am like a stranger to him. It is so hard just to see Madeleine. I refused to go back to my home, it is hard to stay in the same house, where people keep eating and playing.”

Nujoud is currently receiving physiotherapy from MSF for her damaged left hand. However, her progress has been limited to date. “It is hard for me to move my left hand. I can’t eat alone, or dress alone, my sister-in-law does everything for me. I can’t even carry my son. He stays with my mother because I can’t take care of him. I can only live now because of Azhar, I dream of having a prosthetic hand, or physiotherapy so I can move my left hand. I can’t do any of the traditional work, housework, cleaning, washing ... I can’t even have a shower.”

Nujoud’s husband, who is deaf and dumb, blames her for the death of their two sons. “Every day, when my husband sees me, he blames me. Why did I take the children out of the classroom? Every day he says it is my fault, that I killed my sons.”

“I used to be very important in his life, but he can’t accept that he lost his sons. He thinks ‘now I only have one son, who will take care of us when we are older?’ and that I am useless now, he thinks I can’t get pregnant again.”

“I decided not to cry in front of him. If I cry, I cry alone. I can’t even answer him. It’s not my fault. Did I want to lose my children? Did I want to have no hand? Since the offensive I have to have a scarf over my head all the time, even in the house, because I have no hair.”

Nujoud believes that her husband may be planning to marry again, “I will be sad for my children if he marries another woman. I am in a bad situation, how could he bring another wife?”

A United Nations Board of Inquiry mandated to investigate attacks on UN Installations, found that Israeli artillery was the undisputed cause of death and injury, and that the Government of Israel was responsible for the deaths and injuries caused to members of families sheltering in the school. The Board concluded that Israel’s actions were highly negligent and amounted to a reckless disregard for the lives and safety of those sheltering in the school. PCHR asserts that Israeli forces failed to take the precautions necessary in attack.

The killing of Bilal and Mohammed constitutes the crime of wilful killing, a grave breach of the Geneva Conventions. The indiscriminate use of white phosphorous also violates customary international law provisions relating to the principle of distinction and the precautions necessary in attack. This attack on a United Nations installation where civilians were sheltering thus constitutes two counts of war crimes, as codified in Articles 8(2)(b)(iii) and (iv) of the Statute of the ICC.

THE EFFECT OF CLOSURE

The closure of the Gaza Strip – an illegal form of collective punishment explicitly prohibited by Article 33 of the Fourth Geneva Convention – has a profoundly negative impact on the human rights situation in the territory, affecting all areas of life without discrimination. The closure violates numerous aspects of international human rights law, including the right to life, the right to an adequate standard of living, the right to freedom of movement, the right to the highest attainable standard of physical and mental health, the right to education, and the right to work.

In the case study presented below, Rhagda Abed Rabbo’s son, Ayham, was prevented from accessing necessary, potentially life-saving, treatment unavailable in the Gaza Strip for a prolonged period of time. He died on 16 April 2009. Article 17 of the Fourth Geneva Convention requires that, “[t]he Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases”.

Case Study 12: Rhagda Abed Rabbo

“Ayham’s temperature was only 30 degrees, he was dark blue, and barely breathing”

Karam Eid



‘Rhagda and Deema Abed Rabbo © PCHR’

Rhagda Abed Rabbo (22) was seven months pregnant during Operation Cast Lead. On 16 January, two days before the ceasefire, Rhagda gave birth to her son Ayham. Due to the hostilities and the sudden nature of the birth, the family was unable to reach a hospital, and Rhagda was forced to give birth at home. There was no electricity, and the house was exceptionally cold as the windows had been blown out.

Ayham died of complications relating to his premature birth on 16 April 2009. He was three months old.

PCHR interviewed Rhagda Abed Rabbo, and her husband Karam Eid (38) in their home in Jabaliya town on 5 May 2009. Approximately 60 members of Rhagda’s extended family were staying in their house during the offensive, as their own area, Izbet Abed Rabbo, had been invaded by Israeli forces.

Rhagda told PCHR of the anxiety she experienced during the offensive, “I had a bad feeling that I would deliver. I had to keep running everywhere because of the bombing, upstairs, downstairs, I was worried. My husband kept telling me not to be scared, not to run, not to worry.” At approximately 14:00, on 16 January 2009, as the family were preparing lunch, an F-16 fighter jet bombed a piece of land adjacent to the house. “All the windows broke, and we ran downstairs. Two hours later I felt pain in my stomach. The pain became very strong, and it was deep. My husband examined me and knew I would soon give birth.”

“I tried to call an ambulance,” said Karam, “but it was impossible for them to reach us, it was too dangerous. Rhagda was showing all the signs, I knew she was going to give birth. She was hysterical, losing her color, shaking like a

leaf. Rhagda is lucky that I was home, I worked in the Al Quds hospital in Tel eh Hawa during the offensive, I was there nearly all the time, luckily, that day, I was at home.”

When the family realized that an ambulance could not come, Karam decided that they would have to try and give birth at home. “I was so scared when I found out that the ambulance couldn’t come, and I would have to give birth at home,” said Rhagda. “My other two children were delivered in hospital, I was so scared.”

Although Karam is a doctor, he was unsure about delivering the baby on his own. “I am a doctor, yes, but with someone you love, it is very hard. There is an old woman nearby, a midwife, so I sent someone to get her. It was very dangerous because it was after the *hudna* [the three hour daily cease-fire declared by Israeli forces]. When she arrived, Rhagda was in the final stages of her delivery. We had no materials, we had nothing, no electricity, nothing clean. It was like a delivery 50 years ago.”

“Without thinking, suddenly my waters broke,” said Rhagda. “It was an easy deliver, after about an hour and a half it was over. I was afraid for Ayham more than me. He was premature; he needed to be in an incubator. I was afraid for him more than me. We tried our best...”

“Rhagda delivered safely, thank God,” said Karam. “Ayham was premature, but breathing. But there were no windows, it was very cold. I tried my best to keep him warm, we boiled water and kept him in blankets. He was only two kilos or so, and very small. He was blue all the time, but thank God, still breathing. He had problems taking food and breastfeeding. After the bombing nearby, many of the people staying with us decided to leave. Even my family downstairs left. But we couldn’t leave, my wife had just delivered, she was weak, and we had a newborn baby. We were totally scared, from the afternoon until the next day, it was the hardest time I’ve ever lived. The night was like hell.”

Early in the morning on the 17th January, the family decided to take Ayham to hospital. “We went to Al Awda hospital,” said Karam, “but they told us that we must take Ayham to Al Nasser Children’s Hospital to get an incubator. Ayham’s temperature was only 30 degrees, he was dark blue, and barely breathing. In Al Naser they had to put him on a mechanical ventilator. He stayed in the hospital for six weeks, we tried to get him transferred to Israel. I did my best. The decision from Ramallah was that no one from Gaza could be transferred to Israel. Then they said we could bring him to Moqasad hospital in Jerusalem. Ayham was born on 16 January, and transferred 1 March. He died there on 16 April, his mother was with him.”

Rhagda spent 22 days with Ayham in the hospital in Jerusalem. Rhagda was informed that the initial prognosis wasn’t good, “The doctor told me that Ayham’s situation was very bad. There was no progress. He advised me to go home, that maybe Ayham would stay there for a long time, and that I couldn’t do anything. From the beginning I realized that Ayham was in a bad situation, and the doctor

Interviewee(s):

Rhagda Abed Rabbo (22)
Karam Eid (38)

Date of Incident:

16 January 2009

Location:

Jabaliya town

Victims:

Ayham Eid (3 months): dead

Violations of international law include:

Article 12 ICESCR
Article 24 CRC

was honest with me. But when they took him off the mechanical ventilator and Ayham started to react. I thought he might be OK.”

In hospital in Jerusalem, Rhagda was informed that if Ayham died, they couldn't help her. She was told that she would have to carry Ayham's body home in a box through the Erez crossing. Rhagda was severely traumatized, and terrified by the situation in Jerusalem. “I decided to go home, and let my mother come. I saw women from Gaza, who had lost their babies, when they found out that I might be returning, one of the women asked me to carry her dead child home. I was very scared.”

By the time Rhagda's mother received the coordination necessary to travel to Jerusalem, Ayham was dead.

“We had hope, some hope, because they took him off the ventilator,” said Karam. “When we got the call, it was a shock. But the worst thing was the situation in the hospital. They said it was our responsibility to bring Ayham home. How could Rhagda carry him home in a box? We paid for a private ambulance, it cost us 800 shekels.”

The family was required to arrange coordination to transfer the Ayham from the ambulance at Erez to Gaza. “I called the ICRC, the Palestinian Red Crescent ... All of them told me they couldn't reach Erez. You can't imagine how they spoke to me. I was a father that lost my child. They didn't even treat me as a human being. Eventually I got coordination to go to Erez, because they had to swap the ambulances there. The Israelis wouldn't allow my son to come, unless I identified him.”

The lack of medical attention Ayham received, and the subsequent delays in access to necessary external medical treatment are a direct consequence of Israel's ongoing closure of the Gaza Strip. They constitute a violation of Israel's human rights obligations, as codified in Article 12 of the ICESCR, and Article 24 of the CRC.

INVESTIGATIONS INTO OPERATION CAST LEAD

“But if I look at it from the side, there are people who deserve to go to jail”

Testimony 3, Breaking the Silence Report on Operation Cast Lead

Both the Israeli Military Attorney General (MAG) and the Attorney General (AG) were heavily involved in the planning and execution of Operation Cast Lead. As revealed in the Israeli media, the offices of the MAG and the AG provided the legal framework regulating the attacks on Gaza.⁴⁰ In light of this close relationship, it is unsurprising that the AG rejected Israeli human rights organizations' demands that an independent mechanism be established in order to investigate the killing and injuring of civilians during Operation Cast Lead

The Israeli authorities opened two sets of internal investigations into events associated with Operation Cast Lead. PCHR regards these investigations as inadequate and inappropriate, *inter alia*, on the basis of the fundamental flaws inherent in such investigations.⁴¹ Both sets of investigations concluded that Israeli forces acted in accordance with the law.

On Monday, 30 March 2009, Military Advocate-General Avichai Mandelblit closed Israel's inquiry into Israeli soldiers accounts of alleged crimes committed in the Gaza Strip. Soldiers had made serious allegations that included war crimes, and grave breaches of the Geneva Conventions (1949). However, the inquiry was closed after just eleven days.⁴²

On 22 April 2009, Israeli Military Authorities announced the conclusion of five internal investigations examining the conduct of Israeli forces during the recent military offensive in the Gaza Strip. The investigations, supervised by the Chief of Staff of the Israeli forces Gabi Ashkenazi, claimed that investigations found a very small number of incidents involving intelligence or operational errors, but that “throughout the fighting in the Gaza Strip” Israeli forces “operated in accordance with international law”.⁴³

Regrettably, this lack of accountability, and the resultant climate of impunity, has been a long-standing feature of Israel's occupation of Palestinian territory. Since the occupation began in 1967, neither the State of Israel, nor individuals suspected

40 See Yotam Feldman and Uri Blau, “How IDF legal experts legitimized strikes involving Gaza civilians,” *Haaretz*, 23 January 2009, available at: <http://www.haaretz.com/hasen/spages/1057648.html>.

41 See further, PCHR, “The Principle and Practice of Universal Jurisdiction: PCHR's work in the occupied Palestinian territory”, July 2009.

42 See, PCHR Press Release, *Israel Closes Investigation into Alleged Offensive Crimes Committed in the Gaza Strip*, 31 March 2009. Available at, <http://www.pchrgaza.org/files/PressR/English/2008/45-2009.html>.

43 See, PCHR Press Release, *PCHR Condemn Israeli Attempts to Legitimise Crimes in Gaza and Shield Perpetrators from Justice*, 27 April 2009. Available at, <http://www.pchrgaza.org/files/PressR/English/2008/56-2009.html>.

of committing war crimes, have been brought before a court and prosecuted in accordance with the norms of international law. PCHR firmly believes that this lack of accountability serves to encourage continued violations of international law and to undermine respect for the rule of law itself. It is Palestinian civilians – the protected persons of IHL – who pay the price for this impunity, as they continue to suffer at the hands of a brutal and illegal occupation.

The crimes documented in this report, and the numerous other crimes committed by Israeli forces, demand judicial investigation. Impunity must be combated, and victims' right to an effective judicial remedy upheld.

COMMENTS

The Israeli military offensive had a devastating impact on life in the Gaza Strip. 1,417 Palestinians lost their lives, 1,177 of whom were civilians, the protected persons of IHL. 5,303 Palestinians were injured, many seriously; as a result of the ongoing illegal closure they are denied access to adequate medical treatment and rehabilitation. Over 5,356 homes were destroyed or rendered uninhabitable, affecting 51,842 people; these individuals remain homeless or in rented accommodation, as reconstruction materials are banned by the State of Israel.

Lives and livelihoods have been lost.

Under normal circumstances, reconstruction and recovery would be a prolonged process: the scale of the destruction and devastation wrought by Israel was immense. However, the ongoing illegal closure means that recovery and reconstruction has been indefinitely postponed; in the Gaza Strip it is still 18 January 2009.

The State of Israel has been allowed to act with impunity. It has violated IHL and human rights law with a callous disregard for the civilians it is obliged to protect and respect, it has paid lip service to the legal obligations it owes the international community. This situation cannot be allowed to prevail. If 42 years of occupation have taught us anything, it is that as long as Israel continues to be granted impunity, it will continue to violate international law. Palestinian civilians will continue to suffer the horrific consequences.

PCHR have documented countless violations of IHL committed by Israeli forces operating in Gaza, many of these crimes amount to war crimes and grave breaches of the Geneva Conventions.

The widespread and systematic nature of these crimes, and the pattern of the attacks, indicate that crimes against humanity may have been committed in the Gaza Strip.

These allegations demand judicial investigation. Victims' legitimate rights to an effective judicial remedy must be upheld. Israelis suspected of committing war crimes must be investigated and prosecuted in accordance with international standards.

Impunity cannot be allowed to prevail.

'Through Women's Eyes' has documented the cases of 12 women affected by the offensive and the ongoing closure. Their cases are illustrative, reflecting the reality of life for women in the Gaza Strip.

Their cases have been presented, and their stories told, in the hope that the crimes documented in this report will not be allowed to happen again.

ANNEX 1:

FEMALE VICTIMS OF OPERATION CAST LEAD

Name	Age	Address	Date of death	Date of attack	Place of Attack
Maryam Abdul Rahman Shaker Abu Daher	87	Al-Isra'a Neighborhood/ Beit Lahiya/ Northern Gaza	17-Jan-09	17-Jan-09	Beit Lahiya/ Northern Gaza
Kamla Ali Mustafa al-Attar	82	Beit Lahiya / Northern Gaza	05-Jan-09	05-Jan-09	'Alatatra area / Northern Gaza
Fatma Mohammed Ahmed Tbeil	82	Nuseirat New Camp/ Middle Gaza	10-Jan-09	10-Jan-09	Nuseirat / Middle Gaza
Madallah Ahmed Abu Rukba	81	Jabaliya/ Northern Gaza	12-Jan-09	12-Jan-09	Jabaliya/ Northern Gaza
Khadra al-'Abed Khalil al-Maleh	80	Sheja'eya/ Gaza	05-Jan-09	05-Jan-09	Sheja'eya/ Gaza
Hakma Abdul Rahman Mustafa al-Attar	78	Al-'Atatra area/ Beit Lahiya/ Northern Gaza	18-Jan-09	18-Jan-09	Al-'Atatra area/ Northern Gaza
Halima Mohammed Mohammed Seyam	77	Izbat Abed Rabbu / Northern Gaza	02-Jan-09	02-Jan-09	Izbat Abed Rabbu / Northern Gaza
Jamila Hassan Zyada Zyada	77	'Amer Housing Project/ Jabaliya/ Northern Gaza	11-Jan-09	11-Jan-09	'Amer Housing Project/ Jabaliya/ Northern Gaza
Maryam Mutaw'i Nasrallah Mtawe'in	75	Sheikh Ejlin / Gaza	04-Jan-09	04-Jan-09	Sheikh Ejlin / Gaza
Bader Mohammed Mousa Abu Rashed	70	Izbat Abed Rabbu / Northern Gaza	07-Jan-09	07-Jan-09	Izbat Abed Rabbu / Northern Gaza
Khadija Abdul Razeq Abdul Fattah Zumlot	70	Jabaliya Refugee Camp / Northern Gaza	07-Jan-09	07-Jan-09	Jabaliya Refugee Camp / Northern Gaza
'Aisha 'Eid 'Ayyad al-Bahri	70	Beit Lahiya/ Northern Gaza	15-Jan-09	15-Jan-09	Beit Lahiya/ Northern Gaza
Salima Mesleh Subhi Sallam	70	Al-Karama Street/ Jabaliya/ Northern Gaza	18-Jan-09	18-Jan-09	Opposite to al-Ja'el Petrol Station/ al-Karama Street/ Northern Gaza
Mahdeya Suleiman Mohammed 'Ayyad	70	Al-Zaytoon/ Gaza	18-Jan-09	18-Jan-09	Al-Zaytoon/ Gaza
Leila Rashid Wahdan Abu Aqlein	66	Tal al-Hawa/ Gaza	15-Jan-09	15-Jan-09	Tal al-Hawa/ Gaza

Name	Age	Address	Date of death	Date of attack	Place of Attack
Shamma Salim Hussein Deeb	65	Opposite to al-Fakhoura School/ Jabaliya Refugee Camp/ Northern Gaza	06-Jan-09	06-Jan-09	Jabaliya Refugee Camp/ Northern Gaza
Ghanima Mas'oud Mohammed Abu Halima	63	Beit Lahiya / Northern Gaza	05-Jan-09	05-Jan-09	Beit Lahiya / Northern Gaza
Muti' Abdul Rahman Ibrahim al-Samouni	63	Al-Zaytoon/ Gaza	05-Jan-09	05-Jan-09	Al-Zaytoon/ Gaza
Fatma Abu Jubah Faraj 'Alloush	63	Jabaliya/ Northern Gaza	31-Dec-08	31-Dec-08	Jabaliya/ Northern Gaza
Fatma 'Awad Khalil Ghaben	62	Beit Lahiya/ Northern Gaza	18-Jan-09	18-Jan-09	Beit Lahiya/ Northern Gaza
Halima Mohammed Hassan Badwan	61	Izbat Abed Rabbu / Northern Gaza	08-Jan-09	08-Jan-09	Izbat Abed Rabbu / Northern Gaza
Jamila Abdul Aziz Salem al-Da'our	61	Beit Lahiya / Northern Gaza	04-Jan-09	04-Jan-09	Beit Lahiya / Northern Gaza
Nazira Mohammed Khaled Abu al-Kas	61	Jabaliya/ Northern Gaza	18-Jan-09	18-Jan-09	Jabaliya/ Northern Gaza
Leila Salman Suleiman Hamada	61	Al-Tufah/ Gaza	05-Jan-09	05-Jan-09	Al-Tufah/ Gaza
Heijar Isma'il Yousif Ansyio	60	Jabaliya Refugee Camp/ Northern Gaza	06-Jan-09	06-Jan-09	Jabaliya Refugee Camp/ Northern Gaza
Rezqa Mohammed Mahmoud al-Samouni	59	Al-Zaytoon / Gaza	05-Jan-09	05-Jan-09	Al-Zaytoon / Gaza
Kawkab Sa'id Hussein al-Daia	57	Al-Zaytoon / Gaza	06-Jan-09	06-Jan-09	Al-Zaytoon / Gaza
Halima Ismail Ibrahim Saleh	57	Beit Lahiya Housing Project / Northern Gaza	09-Jan-09	09-Jan-09	Beit Lahiya/ Northern Gaza
Sarah Eid Ali al-Hawwajri	57	Izbat Abed Rabbu / Northern Gaza	27-Dec-08	27-Dec-08	Civil Administration HQ/ Northern Gaza
Rayya Salama Salman Abu Hajjaj	56	Wadi Gaza Village - Middle Gaza	04-Jan-09	04-Jan-09	Wadi Gaza Village - Middle Gaza
Fatma Mahmoud Abdallah 'Ubeid	55	East of Izbat 'Abed Rabbu/ Northern Gaza	17-Jan-09	17-Jan-09	Izbat 'Abed Rabbu/ Northern Gaza
Ruqaya Mohammed Mohammed Abou al-Naja	55	Tal al-Hawa/ Gaza	08-Jan-09	08-Jan-09	Al-Zaytoon/ Gaza

Name	Age	Address	Date of death	Date of attack	Place of Attack
Reda Khalil Hassan Ali	53	Khan Younis	02-Jan-09	02-Jan-09	Netzarim Roundabout/ Gaza
Shadia Ahmed Jaber (Hassan)	53	Al-Maqqousi Apartment Buildings/ Gaza	14-Jan-09	14-Jan-09	Al-Maqqousi Apartment Buildings/ Gaza
'Aisha Suleiman Hammad Rafi'	52	Al-Zaytoon/ Gaza	27-Dec-08	27-Dec-08	Al-Zaytoon/ Gaza
Mahtheya Shehada Hassan Saleh	51	Jabaliya Refugee Camp/ Northern Gaza	06-Jan-09	06-Jan-09	Jabaliya Refugee Camp/ Northern Gaza
Fadwa Khalil Mohammed Kuheil	50	Al-Zaytoon / Gaza	06-Jan-09	06-Jan-09	Al-Zaytoon / Gaza
Zakia Abdul Hai Ali Abu 'Eita	50	Beit Lahiya/ Northern Gaza	16-Jan-09	16-Jan-09	Beit Lahiya/ Northern Gaza
Rahma Mohammed Mahmoud al-Samouni	50	Al-Zaytoon/ Gaza	05-Jan-09	05-Jan-09	Al-Zaytoon/ Gaza
Dalal 'Ashour Asa'ad Aal-Qatati "Hannouna"	50	Al-Zaytoon/ Gaza	11-Jan-09	11-Jan-09	Al-Zaytoon/ Gaza
Samira 'Affif Hassan Mousa	48	Al-Sabra/ Gaza	15-Jan-09	14-Jan-09	Al-Sabra/ Gaza
Mysara Mohammed Mohammed 'Udwan	48	Beit Hanoun / Northern Gaza	27-Dec-08	27-Dec-08	Al-Amal neighborhood/ Northern Gaza
Rehab Abdul Mon'im Ramadan 'Awad	47	Near al-Fakhoura School/ Jabaliya Refugee Camp/ Northern Gaza	06-Jan-09	06-Jan-09	Al-Fakhour area/ Jabaliya Refugee Camp/ Northern Gaza
Heyam Abdul Rahman Rayan	46	Jabaliya Refugee Camp / Northern Gaza	01-Jan-09	01-Jan-09	Jabaliya Refugee Camp/ Northern Gaza
Ehsan Mohammed Zaki al-Haddad	45	Tal al-Hawa/ Gaza	15-Jan-09	15-Jan-09	Tal al-Hawa/ Gaza
Leila Nabih Mahmoud al-Samouni	45	Al-Zaytoon / Gaza	05-Jan-09	05-Jan-09	Al-Zaytoon / Gaza
Rawheya Ahmed Suleiman al-Najjar	45	Khza'a Village/ Khan Younis	13-Jan-09	13-Jan-09	Khza'a Village/ Khan Younis
Iman Khalil Rayan	45	Jabaliya Refugee Camp / Northern Gaza	01-Jan-09	01-Jan-09	Jabaliya Refugee Camp/ Northern Gaza
'Awatef Salman Salama Abu Khusa	43	Al-Zaytoon/ Gaza	03-Jan-09	03-Jan-09	Al-Zaytoon/ Gaza
Fatma Sa'id Mustafa Sa'ad	43	Jabaliya/ Northern Gaza	09-Jan-09	09-Jan-09	Jabaliya/ Northern Gaza

Name	Age	Address	Date of death	Date of attack	Place of Attack
Randa Jamal Faraj Abed Rabbu	43	Jabaliya/ Northern Gaza	10-Jan-09	10-Jan-09	Jabaliya/ Northern Gaza
Lamia'a Hassan Rashid Bashir	42	'Amer Housing Project/ Jabaliya/ Northern Gaza	11-Jan-09	11-Jan-09	'Amer Housing Project/ Jabaliya/ Northern Gaza
Fatma Salah Isma'il Salah	42	Jabaliya Refugee Camp / Northern Gaza	01-Jan-09	01-Jan-09	Jabaliya Refugee Camp/ Northern Gaza
Hanan Fathi Qdeih ak-Najjar	41	Khza'a/ Khan Younis	10-Jan-09	10-Jan-09	Khza'a/ Khan Younis
Nawal Isma'il Rayan	40	Jabaliya Refugee Camp / Northern Gaza	01-Jan-09	01-Jan-09	Jabaliya Refugee Camp/ Northern Gaza
Ibtisam Ahmed Mohammed al-Qanu'a	40	Opposite to Mu'aweya Ibn Abi Sufian School/ Beit Lahiya/ Northern Gaza	05-Jan-09	04-Jan-09	Beit Lahiya/ Northern Gaza
Amal Zaki 'Eleiwa	40	Sheja'eya/ Gaza	05-Jan-09	05-Jan-09	Sheja'eya/ Gaza
Hanan Shaba'an 'Urabi al- Najjar	40	Jabaliya/ Northern Gaza	14-Jan-09	14-Jan-09	Jabaliya/ Northern Gaza
Khadra Abdul 'Aziz Abdul 'Aziz 'Awad	40	Near al-Fakhoura School/ Jabaliya Refugee Camp/ Northern Gaza	06-Jan-09	06-Jan-09	Jabaliya Refugee Camp/ Northern Gaza
Safeya Salem Hussein Abu Heidar	40	Al-'Atatra Area/ Northern Gaza	07-Jan-09	07-Jan-09	Al-'Atatra Area/ Northern Gaza
Kafa Mohammed Abdul Rahman al-Nader	38	Jabaliya/ Northern Gaza	14-Jan-09	14-Jan-09	Jabaliya/ Northern Gaza
Amal Matar Saleh Deeb	38	Opposite to al-Fakhoura School/ Jabaliya Refugee Camp/ Northern Gaza	06-Jan-09	06-Jan-09	Jabaliya Refugee Camp/ Northern Gaza
Entesar Farid Suleiman al-Masri	35	Al-Masreyen Street/ Beit Hanoun/ Northern Gaza	18-Jan-09	18-Jan-09	Beit Hanoun/ Northern Gaza
Majda Abdul Karim Abu Hajjaj	35	Wadi Gaza Village / Middle Gaza	04-Jan-09	04-Jan-09	Wadi Gaza Village / Middle Gaza
Randa Fayez Mohammed Salha	35	Beit Lahiya Housing Project / Northern Gaza	09-Jan-09	09-Jan-09	Beit Lahiya Housing Project / Northern Gaza
Raghda Fayez Mesbah al-Daia	34	Al-Zaytoon / Gaza	06-Jan-09	06-Jan-09	Al-Zaytoon / Gaza
Iman Hassan Mahmoud Abu 'Arida	34	Al-Shaboura Refugee Camp / Rafah	31-Dec-08	31-Dec-08	Al-Najma Park/ al-Shaboura Refugee Camp/ Rafah

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Samah 'Ateya Mohammed Seyam	33	Al-Yarmouq Street/ Gaza	15-Jan-09	15-Jan-09	Al-Yarmouq Street/ Gaza
Ana'am Abed Darwish Baba	32	Near al-Ansar Mosque/ al-Barrawi area/ Beit Lahiya/ Northern Gaza	10-Jan-09	10-Jan-09	Beit Lahiya/ Northern Gaza
Manal Hassan Ali al-Batran (al-Sha'arawi)	32	Block 4/ al-Bureij/ Middle gaza	16-Jan-09	16-Jan-09	Block 4/ al-Bureij/ Middle gaza
Rawya Rajab 'Awad	32	Al-Zaytoon / Gaza	06-Jan-09	28-Dec-08	Sheja'eya/ Gaza
Rawda Helal Hussein al-Daia	32	Al-Zaytoon / Gaza	06-Jan-09	06-Jan-09	Al-Zaytoon / Gaza
Rabab Izzat Ali al-Samouni	32	Al-Zaytoon/ Gaza	05-Jan-09	05-Jan-09	Al-Zaytoon/ Gaza
Nahil Khaled Abu 'Eisha	32	Al-Shati Refugee Camp / Gaza	05-Jan-09	05-Jan-09	Al-Shati Refugee Camp / Gaza
Faten Abdul 'Aziz Zneid	31	Al-Qarara / Khan Younis	29-Dec-08	29-Dec-08	Al-Qarara / Khan Younis
'Afaf Rabi' Hassan Juma'a	30	Jabaliya / Northern Gaza	12-Jan-09	12-Jan-09	Al-Saftawi area/ Northern Gaza
Njud Rajab Ghabin	30	Al-'Atatra Area/ Northern Gaza	08-Jan-09	08-Jan-09	Beit Lahiya/ Northern Gaza
Amal 'Ayad 'Oda (Ermeilat)	30	Beit Lahiya/ Northern Gaza	15-Jan-09	15-Jan-09	Beit Lahiya/ Northern Gaza
Tazal Isma'il Mohammed al-Daia	28	Al-Zaytoon / Gaza	06-Jan-09	06-Jan-09	Al-Zaytoon / Gaza
Nazik Hassan Yasin Abu Raia	28	Tal al-Za'atar area/ Northern Gaza	27-Dec-08	27-Dec-08	Presidential Compound / Gaza
'Afaf Mohammed al-'Abed Dmeida	28	Martyr Saleh Dardona/ Jabaliya/ Northern Gaza	06-Jan-09	06-Jan-09	Jabaliya/ Northern Gaza
Nay FayeZ Yousif Hassan	28	Al-Sa'ada apartment building/ Tal al-Hawa/ Gaza	12-Feb-09	05-Jan-09	Tal al-Hawa/ Gaza
Heba Ali Jamil Abu 'Amsha (Ma'arouf)	28	Sheja'eya/ Gaza	06-Jan-09	06-Jan-09	Al-Tufah/ Gaza
'Ula Maso'ud Khalil 'Arafat	27	Al-Zaytoon / Gaza	07-Jan-09	04-Jan-09	Al-Zaytoon / Gaza
Lubna Fou'ad Tawfiq Aal-Maleh	27	Sheja'eya/ Gaza	05-Jan-09	05-Jan-09	Sheja'eya/ Gaza
Iman Nemer Salman al-'Ir	27	Izbat 'Abed Rabbu/ East of Jabaliya/ Northern Gaza	18-Jan-09	18-Jan-09	Jabaliya/ Northern Gaza

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Islam Isma'il Suleiman Abdul Jawwad	26	Al-Maghazi/ Middle Gaza	06-Jan-09	06-Jan-09	Al-Maghazi/ Middle Gaza
Sherine Sa'id Rayan	25	Jabaliya Refugee Camp / Northern Gaza	01-Jan-09	01-Jan-09	Jabaliya Refugee Camp/ Northern Gaza
Albina Vladimir yousif al-Jaru	25	Al-Tufah/ Gaza	08-Jan-09	08-Jan-09	Sheja'eya / Gaza
Sabrin FayeZ Mesbah al-Daia	24	Al-Zaytoon / Gaza	06-Jan-09	06-Jan-09	Al-Zaytoon / Gaza
Tahani Kamal Abu 'Ayeshe	24	Wadi Gaza Village / Juhr al-Dik / Middle Gaza	02-Jan-09	02-Jan-09	Wadi Gaza Village / Middle Gaza
Ferial Kamal Mahmoud al-Banna	24	Jabaliya/ Northern Gaza	12-Jan-09	12-Jan-09	Jabaliya/ Northern Gaza
Nesrin Suleiman Abu Sweireh	24	Al-Sawarha area/ Middle Gaza	06-Jan-09	04-Jan-09	Al-Sawarha area/ Middle Gaza
Ma'ather Mohammed Zneid	23	Al-Qarara / Khan Younis	29-Dec-08	29-Dec-08	Al-Qarara / Khan Younis
Safa'a Subhi Mahmoud al-Samouni	23	Al-Zaytoon / Gaza	05-Jan-09	05-Jan-09	Al-Zaytoon / Gaza
Fatma Samir Shafiq Deeb	23	Opposite to al-Fakhoura School/ Jabaliya Refugee Camp/ Northern Gaza	06-Jan-09	06-Jan-09	Jabaliya Refugee Camp/ Northern Gaza
Amal Ahmed Yasin al-Madhoun	22	Beit Lahiya/ Northern Gaza	11-Jan-09	09-Jan-09	Beit Lahiya/ Northern Gaza
Fadia Jaber Jabr Hweij	22	Al-Tufah / Gaza	27-Dec-08	27-Dec-08	Al-Tufah / Gaza
Maha Mohammed Ibrahim al-Samouni	22	Al-Zaytoon / Gaza	05-Jan-09	05-Jan-09	Al-Zaytoon / Gaza
Raja'a Mohammed Ghaben	22	Izbat Dawwas/ Beit Lahiya/ Northern Gaza	14-Jan-09	14-Jan-09	Beit Lahiya/ Northern Gaza
Huda Hani Husni Zuhd	22	Jabaliya Refugee Camp / Northern Gaza	27-Dec-08	27-Dec-08	Arafat Police City/ Gaza
Fatma FayeZ Mohammed al-Haw	22	Jabaliya/ Northern Gaza	09-Jan-09	09-Jan-09	Beit Lahiya Housing Project / Northern Gaza
Maysa'a Mounir Yahia Keshko	22	Al-Zaytoon/ Gaza	28-Dec-08	28-Dec-08	Al-Zaytoon/ Gaza
Bisan Izzi Addin Mohammed Abu al-'Eish	21	Izbat 'Abed Rabbu/ East of Jabaliya/ Northern Gaza	16-Jan-09	16-Jan-09	Izbat 'Abed Rabbu/ Northern Gaza

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Wafa'a Nabil 'Ali Abu Jarad	21	Beit Hanoun/ Northern Gaza	07-Jan-09	05-Jan-09	Beit Hanoun/ Northern Gaza
Rasha Ahmed Khalil al-Skeiri Abu Jame'	21	Al-Qarara/ Khan Younis	13-Jan-09	13-Jan-09	Al-Zanna area/ Khan Younis
Iman Abdul Kader Eslim	20	Rimal/ Gaza	15-Jan-09	15-Jan-09	Rimal/ Gaza
Sumaia Juma'a Sa'id Sa'ad	20	Jabaliya/ Northern Gaza	09-Jan-09	09-Jan-09	Jabaliya/ Northern Gaza
Fida'a Farid Salama Abu Sha'ar	20	Wadi al-Salqa/ Middle Gaza	06-Jan-09	06-Jan-09	Wadi al-Salqa/ Middle Gaza
Ala'a Mo'in Shafiq Deeb	20	Opposite to al-Fakhoura School/ Jabaliya Refugee Camp/ Northern Gaza	06-Jan-09	06-Jan-09	Jabaliya Refugee Camp/ Northern Gaza
Safa'a Saleh Mohammed al-Daia	20	Al-Zaytoon / Gaza	06-Jan-09	06-Jan-09	Al-Zaytoon / Gaza
Hanan Khamis Sa'adi al-Samouni	20	Al-Zaytoon / Gaza	05-Jan-09	05-Jan-09	Al-Zaytoon / Gaza
Samia Fathi Abdul Fattah Saleh	19	Jabaliya Refugee Camp/ Northern Gaza	06-Jan-09	06-Jan-09	Jabaliya Refugee Camp/ Northern Gaza
Jihad Kamal Hassan Ahmed	18	Beit Lahiya / Northern Gaza	04-Jan-09	04-Jan-09	Sheikh Ejlin / Gaza
Ni'ma Ali Ahmed al-Mghari	18	Al-Bahar Street / Rafah	27-Dec-08	27-Dec-08	UNRWA Gaza Training College/ Gaza
Wafa'a Marwan 'Ali al-Dsouqi	18	Khan Younis	27-Dec-08	27-Dec-08	Al-Sena'a Street/ Gaza
Feda'a Mohammed Mousa al-'Ir	18	Izbat 'Abed Rabbu/ Northern Gaza	18-Jan-09	18-Jan-09	Izbat 'Abed Rabbu/ Northern Gaza
Sabrin Mohammed 'Azara Abu Samaha	18	Beit Lahiya / Northern Gaza	03-Jan-09	03-Jan-09	Beit Lahiya / Northern Gaza