



المركز الفلسطيني لحقوق الإنسان

PALESTINIAN CENTRE FOR HUMAN RIGHTS

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Extra-Judicial Executions of Palestinians by the (IOF) 1 April – 30 June 2008.

The Israeli Occupation Forces (IOF) have implemented a systematic policy of extra-judicial executions in the Occupied Palestinian Territory (OPT). From the beginning of the Second Intifada, in September 2000, until 30 June, 2008, the IOF carried out 348 extra-judicial execution operations in the OPT. During these operations, a total of 754 Palestinians were executed, representing 20% of the overall number of Palestinians killed by IOF since the beginning of the Second Intifada.¹ The victims included 521 targeted persons and 233 civilian bystanders, including 71 children and twenty women. 405 of the victims were executed in the Gaza Strip, and 350 were executed in the West Bank. In the Gaza Strip, 248 of the victims were targeted people, and 157 were civilian bystanders. In the West Bank, 274 of the victims were targeted persons and 76 were civilian bystanders.

IOF claim that extra-judicially executed Palestinians are wanted by the Israeli security services, and have been "targeted" as they pose serious threats to the national security of the State of Israel. In addition, IOF utilize a host of rhetorical terms, such as "self defence, military response, Palestinian terrorists/ militants" in order to claim these extra-judicial executions are essential preventative responses in order to ensure the continuing security of the State of Israel.

The Palestinian Centre for Human Rights (PCHR) has investigated and documented these extra-judicial executions in depth. The Centre has concluded that the IOF has consistently acted with utter disregard for the lives of Palestinian civilians in the OPT, and that IOF have continued to carry out state sanctioned extra-judicial executions, thereby consistently violating international human rights law. The facts on the ground reveal that in the overwhelming majority of cases the Palestinian suspects could have been arrested, but no efforts were made to either apprehend or arrest them, and they were instead extra-judicially executed.

During the reporting period (1 April -30 June 2008) IOF carried out eight extra-judicial execution operations in the OPT, killing a total of sixteen people. Fourteen of the victims were targeted and two were civilian bystanders. Two of the extra-judicial operations were carried out in the West Bank and six extra-judicial operations were carried out in the Gaza Strip.

¹ According to PCHR data, since the beginning of the Second Intifada, IOF have killed at least 4,803 Palestinians in the Gaza Strip and the West Bank. This includes at least 3,706 civilians: 2038 in the Gaza Strip and 1,668 in the West Bank.



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Throughout the reporting period IOF continued to employ the rhetoric of national security in order to justify the extra-judicially execution of suspects, as opposed to apprehending, arresting and questioning them according to due process.²

Examples of IOF extra-judicial executions carried out by IOF in the Occupied Palestinian Territory (OPT) 1 April – 30 June, 2008

- At approximately 23.30 on Monday, 14 April, an IOF aircraft fired a missile at Ibrahim Mohammed Abu 'Olba (43), the leader of the National Resistance Brigades (the armed wing of the Democratic Front for the Liberation of Palestine) whilst he was walking in the centre of Beit Lahia town, in the northern Gaza Strip. The missile struck him, causing massive injuries, and he died in hospital soon afterwards. Two civilian bystanders were also injured in the attack: 15 year old Mohammed Yahi Zaqqout, and 31 year old Hassan Sa'ad. A number of local houses were also damaged by the blast from the IOF missile.
- At approximately 21.45 on Tuesday, 15 April, an IOF aircraft fired a missile at Abdullah Mohammed al-Ghassain (38), an activist of the al-Quds Brigades (the armed wing of Islamic Jihad) whilst he was riding a motorcycle near al-Shuhada Square in the west of Jabalia refugee camp in northern Gaza. Mohammed Al-Ghassain was killed instantly, and his motorcycle passenger was also badly injured. In addition, two civilian bystanders were injured in the attack: 19 year old Tariq Osama Mousa, and 25 year old Mohammed Khamis Ziara. The victim of the extra-judicial execution, Abdullah al-Ghassain, was from Nuseirat refugee camp in the central Gaza Strip.
- At approximately 02:30 on Thursday, 17 April, IOF moved into Qabatya village, southeast of Jenin in the northern West Bank. They besieged a building under construction, which consisted of three storerooms belonging to Kamel Ahmed Abu Zaid. The IOF troops opened fire at a civilian car that was parked next to the storerooms. Approximately twenty minutes later, the IOF troops used a megaphone to order any persons inside the storerooms to leave immediately, and threatening to destroy the storerooms. IOF fired a number of shells at the storerooms, and then brought in a bulldozer, which they used to demolish the walls of the storerooms. IOF then set two bloodhounds free, who uncovered two corpses in the rubble of the demolished storerooms. IOF photographed the corpses, and then left them outside on the street. The two corpses were taken to a hospital in Jenin, where the two victims were identified as 26 year old Bilal Mahmoud Kamel, and 19 year old Izziddin Mohammed Zakarna.

² The Egypt brokered *Tahdiya* or 'Period of calm' agreed between Israel and Gaza came into force on 19 June 2008. Since this date no IOF extra-judicial executions operations have been carried out in the Gaza Strip.



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- At 23:15 on Sunday, 20 April, an IOF aircraft fired a missile at Nour Salman al-Dibari (24), whilst he was walking on a dirt road in al-Shouka village, near Rafah in the southern Gaza Strip. Nour al-Dibari was almost 1,000 meters away from the border between the Gaza Strip and Israel when the missile struck him, killing him instantly. A few minutes later, the IOF aircraft fired a second missile at a number of Palestinian civilians who had just left a grocery shop nearby in order to see what had happened. The grocery shop belonged to sixty year old Salem Jom'a al-Dibari, who was seriously injured by the second missile. His son sustained serious injuries in his right leg that resulted in his right leg being amputated. In addition, 25 year old Rashid Wahid al-Dibari also sustained shrapnel injuries. Local media reports suggested the IOF may have targeted Ra'ed al-'Attar, a leader of the 'Izziddin al-Qassam Brigades (the armed wing of Hamas), who was in the area at the time of the attack.
- At approximately 02:30 on 29 June, IOF military vehicles moved into Tubas town, in the northern West Bank. A number of IOF troops set an ambush in a cemetery for a group of Palestinian children who had been gathering at the cemetery and throwing stones and Molotov Cocktails at IOF military vehicles. IOF troops fired a gunshot at the children. One of the children, sixteen year old Mohammed Nasser Sa'id Daraghma, was wounded. When he knelt down in the street, IOF troops opened fire, killing him instantly by several gunshots to the chest and abdomen.

Extra Judicial Executions and International Law

PCHR reiterates that the IOF policy of extra-judicial executions in the OPT is illegal under international human rights law. This is made explicit in the (1949) Fourth Geneva Convention (Article 3 (d)) which states that *"the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples"* is prohibited at any time and in any place "whatsoever."

In addition, Article 32 of the same Convention states, *"The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents."*

Recommendations on the Application of International Law

The Palestinian Centre for Human Rights (PCHR) asserts that the Government of Israel continues to act recklessly, and with utter disregard for the human rights of the Palestinian



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people, including the right to life. In addition, PCHR reiterates that the Government of Israel is failing to meet its obligations under international human rights law, including the Fourth Geneva Convention.

- PCHR Calls upon the international community and all High Contracting Parties of the (1949) Geneva Conventions, relative to the Protection of Civilian Persons in Time of War, to apply immediate and effective pressure on the Government of Israel (GOI) to abide by both the spirit and content of the
- Conventions, especially Articles (3) and (32) of the Fourth Geneva Convention, which explicitly prohibit the carrying out of extra-judicial executions, the extermination of protected persons, and other measures of brutality, whether applied by civilian or military agents.
- PCHR reiterates its utter condemnation of Israeli extra-judicial executions being carried out against the Palestinian population, and calls upon all High Contracting Parties of the Geneva Conventions to demand immediate and impartial investigations into these extra-judicial executions, including the roles of prominent Israeli officials in the carrying out of these executions.
- PCHR calls upon the High Contracting Parties to the Fourth Geneva Convention to fulfill their legal obligations under article (1) of the Convention to ensure Israel's respect for the Convention in the OPT. The Centre believes that the conspiracy of silence practiced by the international community has provided Israel with an environment of de facto impunity, thereby encouraging Israel to continue its violations of human rights across the OPT.
- PCHR calls upon the High Contracting Parties to the Fourth Geneva Convention to comply with their legal obligations detailed in Article 146 of the Convention, to search for, and prosecute, all those responsible for grave breaches of the Convention, which may constitute war crimes.



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