



مركز الميزان لحقوق الانسان

Al-MezanCenter For Human Rights



### NEWS UPDATE

25 November 2009

#### Following the Goldstone Report:

**Adalah, Al Mezan and Al Haq Submit New Complaints and Demands to Israel for Criminal Investigations into Suspected War Crimes in Gaza**

- **Criminally investigate the assassination of the former Interior Minister in Gaza, Said Siam, in which 10 civilians were killed, dozens injured, and neighboring buildings destroyed.**
- **Criminally investigate an air strike against the Salha family home in Beit Lahiya, in which six people were killed after a “knock on the roof” from the Israeli army.**
- **Criminally investigate the shelling of the Abu Eisha family’s home in the Al-Naser neighborhood in Gaza City while 26 family members were in the house, five of whom were killed.**
- **If Israel fails to comply with its legal responsibilities, the organizations will emphasize the right of the victims to seek other means of redress provided for by international law, to ensure that those responsible for committing crimes against them are held accountable.**
- **Adalah, Al Mezan and Al-Haq are examining other cases of suspected Israeli war crimes in Gaza, and will continue to demand investigations. They will continue to monitor whether Israel’s investigations comply with international law.**

**Adalah, Al Mezan Center for Human Rights and Al-Haq** are continuing to submit complaints and demands for criminal investigations into specific incidents of suspected war crimes during “Operation Cast Lead” against Palestinians and their property in the Gaza Strip from 27 December 2008 – 18 January 2009. **The complaints contain thorough documentation of cases supported by testimonies from eyewitnesses, and lists of the dead and wounded and the properties attacked.**

The Israeli army has only recently begun to investigate the complaints made by the three human rights organizations. However, the investigations are not independent criminal investigations, and have yet to result in convictions. According to the Israeli military, the focus of these investigations is any “misconduct” by Israeli soldiers as

individuals outside the scope of any official instructions and orders received, and not the policies and strategies of the Israeli military operations, their implementation, the size and type of weapons used, etc. **Thus far, these investigations seem primarily intended to ease international pressure on the Israeli government and to relieve the army and its command of the charges leveled against them, and to preclude deliberation of these crimes in international fora.**

The complaints submitted by Adalah, Al Mezan and Al-Haq follow the clear recommendation made by the UN Fact-Finding Mission on the Gaza Conflict, (“The Goldstone Mission”), which called on Israel to open criminal investigations in cases of suspected war crimes and breaches of international human rights law and international humanitarian law.

The facts of the cases include **grave breaches of international humanitarian law**, and strongly suggest that **the Israeli army ignored the presence of unarmed civilians when executing its military operations**. This type of conduct is sufficient to establish a war crime. Civilians are afforded protection under international law and their rights to life and property must be disrespected.

The human rights organizations’ new demands for criminal investigations center around three separate events:

**The assassination of the former Interior Minister in Gaza, Said Siam, on 15 January 2009.** Israeli war planes shelled a house where the minister’s brother and his family lived, killing the minister, his son, his brother and his brother’s wife, and his nephew. The attack also resulted in the deaths of six civilians in neighboring buildings, and the injury and maiming of dozens of others, in addition to the destruction of many buildings. In the demand for investigation, the human rights organizations stated that **the targeting of Siad Siam constitutes a war crime, regardless of whether Israel considered him to be the leader of an “enemy organization”, since he was not participating in hostilities at the time he was assassinated by the Israeli military.**

**The air strike against the Salha family home in Beit Lahiya, at around 3 am on 9 January 2009, resulting in the deaths of six members of the family.** In this incident, the military used a procedure referred to as “a knock on the roof”, whereby a building is hit with a relatively small rocket in order to alert its residents of an impending strike and to abandon their homes. The Salha family and their relatives who had taken refuge in their home after the neighborhood they lived in had been bombed, were woken by the sound of an explosion and the shaking of the house. Several minutes later, before everyone had managed to escape, the Israeli army fired another missile that destroyed the entire house. At the moment of impact the homeowner’s wife and a number of children were still inside the house, heading down the stairs towards the external door. When the survivors of the shelling returned to see what had happened, they found the remains of their family members scattered around the home. From the eyewitness testimonies of neighbors and Salha family members, it appears that the area had not previously witnessed any military activity.

**The shelling of the Abu Eisha family’s home in the Al-Naser neighborhood in Gaza City at around 1 am on 5 January 2009.** At the time of the shelling, 26 family

members of the family were in the house. As a result of the bombing, **five people were killed** and the remainder wounded. The bombing also damaged many neighboring homes and injured many of their inhabitants. In this case, eyewitnesses reported that the bombing was not preceded by any warning to the residents and the region had not previously witnessed any military activity.

In each of these cases, the targeting of houses and their inhabitants without any clear military necessity or an effective warning before the bombardment is equivalent to the bombing of unarmed civilians who are protected under international law. **Furthermore the killing and injuring of such a great number of civilians, in three separate events, demonstrates that the Israeli military disregarded the presence of civilians at these locations and disrespected their lives, in violation of international humanitarian law and international norms, and specifically the principles of proportionality and distinction between civilians and combatants.**

**International law mandates that Israel investigate the practices of its army during the planning and implementation of military operations conducted within “Operation Cast Lead”, and that it hold all of those implicated in international crimes or war crimes and crimes against humanity accountable, regardless of their status.**