



Adalah's Work on Gaza War Complaints, updated January 2016

Summary of complaints filed by Adalah to the Israeli Military Advocate General (MAG) and the Attorney General (AG):

- Total cases: **Requests for independent criminal investigations into 22 cases**
- Investigations opened: 6 opened - **5 about UNRWA schools/facilities with UN Board of Inquiry, 1 closed – killing of the 4 boys on Gaza beach (appeal pending)**
- Cases with “no decision” yet: **1 case (Al Haj)**
- Cases with "no investigations opened": **7 cases**
- Cases with no responses yet: **8 cases**

Date Complaint Filed (2014)	Content of Complaint	Status of Complaint	Link to Press Release
<p>July 10 (5 cases, plus 1 case - al-Haj - re-sent in separate letter on 17 July, see below)</p>	<p>Demand that Israeli military stop targeting civilians and open investigations – 6 different events referenced:</p> <p>1) Attack on Kaware family home, 8 killed (6 children), 25 injured;</p> <p>2) Attack on Hamed family home, 6 killed (3 women), 5 injured (4 children);</p> <p>3) Bombing near European Hospital, causing panic attacks to patients;</p> <p>4) Attack on journalists' car, 1 killed, 8 injured;</p> <p>5) Bombing of 3 mosques in Khan Younis.</p>	<p>No responses in 2 cases (bombing near European hospital, and bombing of 3 mosques in Khan Younis).</p> <p>Sept. 2014 - Military informed Adalah no investigation would be opened into 2 cases:</p> <ul style="list-style-type: none"> - Kaware family home - Journalists' car <p>Also informed that reasons for no investigations were based on secret evidence. In response, Adalah sent a list of questions to the military on these cases.</p> <p>Dec. 2014 - Military informed Adalah that no investigation would be opened into the case of the Hamed family home. In their response, the military said that the attack was targeting Khafet Hamed, a commander in Hamas and three other Hamas militants that were killed with him.</p> <p>Jun. 2015 - UN COI-Gaza (para. 221) raised concerns that the Kaware case and the al-Haj case violated the principle of distinction and principle of proportionality, and therefore may amount to war crimes.</p> <p>July 2015 – Adalah sent letters to the MAG in the Kaware, Hamed, Al-Haj (17 July) and the journalists' car cases asking for its response to the observations of the COI and Adalah's previous demands.</p> <p>Nov. 2015 – The military informed Adalah that the additional materials and affidavits that Adalah supplied the military with in the Kaware family case had been sent to translation and that the MAG would assess whether they constituted a basis for reexamining his previous conclusion that</p>	<p>http://adalah.org/eng/Articles/2304/Adalah-to-Defense-Ministry:-Israeli-military-stop</p>

		<p>there was no need for an investigation.</p> <p>Regarding the Hamed family case and the case of the attack on the journalists' car, the military rejected Adalah's request to be given access to the materials that formed the basis for the MAG's decision not to open an investigation. The military also informed Adalah that it had investigated no non-military witnesses and stated that there was no need for such an investigation.</p>	
July 15 (1 case)	Demand for investigation into attack on the shelter for disabled people in Beit Lahia (with Al Mezan)	<p>Dec. 2014 - Military informed Adalah that no investigation would be opened. In their response, the military said that they were targeting a weapons warehouse that was located in the home of a Hamas militant. The military wrote that they knew about a kindergarten in the building and not a shelter for the disabled, and that was the main reason for the attack being at night.</p> <p>July 2015 – Adalah submitted a response to the MAG against its decision to close the case, and asked for its reply.</p> <p>Nov. 2015 - the Military denied Adalah's request for access to the materials that formed the basis of the MAG's decision not to open an investigation. The military also informed Adalah that no witnesses outside the Israeli security forces were investigated and that there was no need for such investigation.</p>	http://adalah.org/eng/Articles/2308/Adalah-demands-investigations-into-suspected-war
July 15 (3 cases)	<p>Demand for investigation into targeting of hospitals, medical centers, medical staff (with Al Mezan):</p> <p>1) Attack on Wafa Hospital; 2) Attack on Adwan, Al-Awdi and Balsam Hospitals; 3) Attack and injury of 3 paramedics.</p>	<p>No response in 1 case (attack on Adwan, Al-Awdi and Balsam Hospitals).</p> <p>Dec. 2014 - Military informed Adalah that no investigation would be opened in the Wafa case. In their response, the military said that the buildings of the Wafa hospital were all evacuated and that they were used for military purposes by Hamas. The military also informed Adalah that only one attack was made without a warning, although there was no collateral damage and hence does not amount to grave breaches.</p> <p>Dec. 2014 - Military informed Adalah that no investigation would be opened into case of an attack on an area of land adjacent to the headquarters of the Palestinian Red Crescent in Jabaliya, which injured 3 paramedics. The military said that there were rocket launchers on that land which were used against the military. The military also said that the attack was in accordance with the laws of war.</p>	http://adalah.org/eng/Articles/2308/Adalah-demands-investigations-into-suspected-war

		<p>Jun. 2015 - UN COI-Gaza (para. 464, 479) asserted that the targeting of medical personnel, vehicles and hospitals may amount to war crimes.</p> <p>July 2015 – Adalah sent a letter to the MAG asking for its response to the observations of the COI and Adalah's previous demands.</p>	
July 17 (1 case)	Demand for investigation into attack of home of al-Haj family in Khan Younis refugee camp (with Al Mezan)	<p>Jun. 2015 - UN COI-Gaza (para. 221) raised concerns that the al-Haj case violated the principle of distinction and principle of proportionality, and therefore may amount to a war crime.</p> <p>July 2015 – Adalah sent a letter to the MAG asking for its response to the observations of the COI and Adalah's previous demands.</p> <p>Nov. 2015 – the military informed Adalah that the case was still under consideration by the FFA mechanism and that the additional materials Adalah and Al Mezan had supplied them with had been sent to translation.</p>	http://adalah.org/eng/Articles/2308/Adalah-demands-investigations-into-suspected-war
July 17 (1 case)	Attacks on water infrastructure & the killing of workers fixing it (with Al Mezan)	<p>No response to date.</p> <p>Jun. 2015 – UN COI-Gaza (para. 584) referred to the heavy damages and destruction caused to water and sanitation facilities in Gaza and its effect on decreasing access to drinking water of already vulnerable families.</p> <p>July 2015 – Adalah sent a letter to the MAG asking for its response to Adalah's previous demands and the COI report.</p>	http://adalah.org/eng/Articles/2308/Adalah-demands-investigations-into-suspected-war
July 18 (1 case)	Demand for investigation re: targeting of four children on beach in Gaza (with Al Mezan)	<p>Sep. 2014 - Military informed Adalah that it had opened an investigation. Adalah, Al Mezan sent 3 more affidavits from witnesses.</p> <p>Jun. 2015 - Military announced in the media that it closed the investigation into the case. The Military informed Adalah on this decision days later. Adalah & Al Mezan also responded in the media.</p> <p>Jun. 2015 - UN COI-Gaza (para. 632-633) used this case as a case study in pointing to the failure of the Israeli investigative system, and raised a concern that the MAG validated an incorrect application of IHL.</p> <p>August 2015 – Adalah and Al Mezan submitted an appeal to the AG against the decision to close the case. The AG informed</p>	<p>http://www.adalah.org/en/content/view/8581</p> <p>http://www.adalah.org/en/content/view/8581</p>

		<p>Adalah that the appeal had been transferred to the State Attorney's Office.</p> <p>Nov. 2015 – Adalah sent a reminder requesting the AG and SA's response to the appeal.</p> <p>16 December 2015 – Adalah sent a further reminder requesting the AG and SA's response to the appeal.</p>	
July 21 (1 case)	Demand for investigation re targeting of Shuheiber children feeding pigeons on house rooftop (with Al Mezan)	<p>No response to date.</p> <p>Jun. 2015 - UN COI-Gaza (para. 230) stated that the Israeli army may have failed to take all feasible measures to avoid or at least to minimize harm to civilians, and that this attack could be deemed disproportionate.</p> <p>July 2015 - Adalah sent a letter to the MAG asking for its response to Adalah's previous demands and the COI report.</p> <p>4 January 2016 – Adalah sent a reminder letter to the MAG asking for its response to Adalah's previous demands and to the COI report.</p>	http://adalah.org/eng/Articles/2313/Adalah-demands-investigations-into-killings-of-7
July 24 (3 cases)	Demand for investigation re attacks on Al Aqsa and Bet Hanoun hospitals, and ambulances (with Al Mezan)	<p>No responses in 2 cases (Al Aqsa and Bet Hanoun hospitals).</p> <p>Dec. 2014 - Military informed Adalah that no investigation would be opened in the ambulances case. In their response, the military said that they could not detect the mentioned attack and that the complaint was not sufficient.</p> <p>Jun. 2015 - UN COI-Gaza (para. 464, 479) asserted that the targeting of medical personnel, vehicles and hospitals may amount to war crimes.</p> <p>July 2015 – Adalah sent a letter to the MAG asking for its response to Adalah's previous demands and the COI report.</p>	http://adalah.org/eng/Articles/2314/Adalah-demands-independent-investigation-into-on
July 25 (1 case)	Demand for the names, locations of Gaza detainees in Israel	Jul. 2014 - State response - most released; others met lawyers; asked for specific names; some unlawful combatants.	http://adalah.org/eng/Articles/2312/Adalah-demands-that-Attorney-General-announce-the
July 27 (1 case)	Attack on Beit Hanoun UNRWA school/shelters (with Al Mezan)	Sep. 2014 - Military informed Adalah that it was opening an investigation . Adalah learned from the media that Israel was cooperating with the UN Board of Inquiry independent investigation. UN Board released its findings in April 2015.	

		<p>Jun. 2015 - UN COI-Gaza concluded that these attacks are highly likely to constitute indiscriminate attacks, which may qualify as a direct attack against civilians and therefore may amount to a war crime.</p> <p>July 2015 – Adalah sent a letter to the MAG asking for its response to Adalah's previous demands and the COI report</p> <p>Nov. 2015 – Military informed Adalah that the Military Police Criminal Investigation Division's investigation was still in progress and that once completed, it would be referred to the MAG for decision. It was also stated that the COI report was included in the investigatory file.</p>	
August 6 (1 case)	Pre-petition demanding increase in permits for ambulances to transfer the wounded from Gaza to WB for medical care (with Al Mezan)	Aug. 2014 - State response - Israeli Health Ministry wrote that they were already allowing more ambulances to transfer wounded to East Jerusalem.	
August 31 (4 cases)	Additional Attacks on UNRWA schools and safe facilities – four different attacks referenced: 1) Attack on UNRWA school in Deir al Balah; 2) Attack on UNRWA school in Zaitoun neighborhood; 3) Attack on UNRWA school in Jabaliya; 4) Attack on UNRWA school in Rafah. (with Al Mezan)	<p>Jun. 2015 - UN COI-Gaza concluded that these attacks are highly likely to constitute indiscriminate attack, which may qualify as a direct attack against civilians and therefore may amount to war crimes.</p> <p>July 2015 – Adalah sent a letter to the MAG asking for its response to Adalah's previous demands and the COI report.</p> <p>Nov. 2015 – Military informed Adalah that all of the cases were still under examination, with the exception of the Jabaliya School case, which the MAG referred to the MPCID for investigation.</p>	http://adalah.org/eng/Articles/2322/Adalah-and-Al-Mezan-demand-the-opening-of-into-the-of
Sept. 1 (1 case)	Demand for investigation re direct attack on a soap and cleaning materials factory	No response to date. July 2015 – Adalah sent a letter to the MAG asking for its response to Adalah's previous demands.	
JOINT LETTERS			
July 14	Joint letter regarding calls to vacate northern Gaza (with ACRI, B'Tselem, Amnesty-Israel, Gisha, PHR, PCATI, Yesh Din, HaMoked)		http://adalah.org/eng/Articles/2307/Joint-letter:-Grave-concern-regarding-Israeli-to
July 21	Joint letter with ACRI and others about targeting civilians, especially home demolitions		http://www.acri.org.il/en/2014/07/21/gaza-int-law/
June 22	Joint letter with HR NGOs in Israel to Refrain from		http://www.acri.org.il/en/2014/06/22/collective-punishment/

	collectively punishing civilians (West Bank)		
July 23	Joint letter with GISHA and others about preventing the collapse of infrastructure water and electricity		http://www.acri.org.il/en/2014/07/23/gaza-infrastructure/

Adalah's Report to the UN Commission of Inquiry, January 2015:

http://www.adalah.org/uploads/2_Adalah-Submission-UN-COI-Gaza-2015.pdf

Key observations from the UN COI-Gaza report:

<http://www.ohchr.org/EN/HRBodies/HRC/ColGazaConflict/Pages/ReportColGaza.aspx>

- Para. 243 Observations re: tactics of targeting residential buildings and impact on civilians including women and children -- "These observations raise concerns that these strikes may have constituted *military tactics reflective of a broader policy*, approved at least tacitly by decision-makers at the highest levels of the Gol. Such tactics appear to have prioritized the perceived military objective over other considerations, disregarding the obligation to minimize effects on civilians."

Key points of COI-Gaza report regarding domestic accountability:

- Para. 619, "...a central failing of the investigation system stems from the dual responsibility of the MAG"
- Para. 632, failure of Israeli investigative system in the case of the four Bakr boys (on the beach in Gaza)
- Para. 640, failure to investigate the role of political and military leadership, "FFA mechanism [in Gaza] focuses on so-called 'exceptional incidents' suggesting a rather narrow approach, which may fail to take into account violations of international law that result from an intentional policy or military commander, which itself may fail to comply with international legal obligations. [...] There is therefore a need to look into the various stages of decision-making, notably in the design, planning, ordering and oversight go the military operations."
- Para. 641, unclear how AG is actively and wholly fulfilling his role to provide oversight of the MAG.
- Para. 644, "...the commission is not aware of any on-going investigations of senior officials for alleged violations of international humanitarian law or international human rights law."
- Para. 650, "Israel has failed to hold accountable those responsible for alleged grave violations of IHL and IHRL resulting from IDF actions during recent past active hostilities in Gaza."

Key concluding observations from COI-Gaza report regarding accountability:

- Para. 670, impunity prevails for violations of IHL and IHRL by Israeli forces
- Para. 671, "Questions arise regarding the role of senior officials who set military policy in several areas examined by the commission, such as in the attacks of the Israel Defense Forces on residential buildings; the use of artillery and other explosive weapons with wide-area effects in densely populated areas; the destruction of entire neighbourhoods in Gaza; and the regular resort to live ammunition by the IDF, notably in crowd-control situations, in the West Bank. In many cases, individual soldiers may have been following agreed military policy, but it may be that the policy itself violates the laws of war."
- Para. 672, "The commission's investigations also raise the issue of why the Israeli authorities failed to revise their policies in Gaza and the West Bank during the period under review by the commission. Indeed, the fact that the political and military leadership did not change its course of action, despite considerable information regarding the massive degree of death and destruction in Gaza, raises questions about potential violations of international humanitarian law by these officials, which may amount to war crimes. Current accountability mechanisms may not be adequate to address this issue."