

Collective Punishment Approximately 1.5 million Palestinians reside in Gaza in a narrow strip just 50 sq km bigger than the island of Manhattan. This entire population is being punished for the actions of a few militants. Collective punishment is outlawed by the Article 50 of the Hague Convention of 1907, which states, "No general penalty shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible." Articles 33 and 53 of the Fourth Geneva Convention (1948) similarly forbid collective punishment: "No protected person may be punished for an offense he or she has not personally committed."

The alleged use of civilians as "human shields" does not excuse collateral damage or collective punishment, unless civilians are actively involved in military hostilities (in which case they are not considered civilians). There is no obligation on the part of civilians to take action to dissociate themselves from militias. Entrapping a civilian population in a war zone and depriving them of the option to flee the bombardment constitutes a war crime.

Illegal Incendiary Weapons White phosphorous artillery shells are being deployed over Gaza in direct violation of Protocol III on the Use of Incendiary Weapons annexed to the 1980 Convention on Certain Conventional Weapons. Under Protocol III, phosphorous shells are legal to use as a battlefield obscurant, but are banned from use when civilians may be harmed. Phosphorous sticks to human skin and burns through to the bone, and its toxicity has long-lasting health impacts.

United States Complicit The United States is complicit in Israel's violations of international law. This complicity includes knowingly providing the military equipment, including warplanes, missiles ammunition and white phosphorous used in these illegal attacks. The F-16 bombers and Apache helicopters Israel is using on Gaza were bought with U.S. taxpayers' money. The United States annually provides Israel with over \$3 billion in taxpayers' money each year, making Israel the 4th largest military power in the world and the largest recipient of U.S. aid.

The U.S. recently abstained from an otherwise unanimous UN Security Council vote calling for an immediate ceasefire and U.S. officials have repeatedly provided public support for the Israeli operations. All UN Member States are obligated to protect civilian populations from attack.

The war on Gaza also violates U.S. domestic law. The Human Rights and Security Assistance Act mandates that the U.S. cease all military aid to countries that have engaged in a consistent pattern of gross violations of internationally recognized human rights. The Arms Export Control Act prohibits U.S. weapons from being used for any purpose other than inside the borders of a country for self-defense. Targeting schools, police stations, and television broadcast centers is not self-defense.

Israeli Intent

War crime prosecutions require evidence of intentional violations of international law. Intent is determined by reference to facts surrounding the situation:

- Fact #1 Over 50% of fatalities have been civilian, and up to 30% children.
- Fact #2 UN schools and Headquarters, universities, hospitals, ambulances, police stations, refugee camps, utilities, and mosques were targeted.
- Fact #3 Israel provoked Hamas with a breach of the ceasefire on 4 November 2008 and by maintaining a strangling, illegal blockade.
- Fact #4 There is evidence that Israel planned this attack for over 6 months.
- Fact #5 Israel has prevented international press from entering Gaza and reporting on violations since military operations began.

During the Israeli army's operation in *Summer Rain* in the Gaza Strip in June 2006, Amir Peretz, Israel's Defense Minister, said: "We will take revenge against anyone who injures the soldier, including their leaders." Words like "revenge," "turning back the clock," or "mortal blow" (which was used by Ariel Sharon to refer to his Gaza disengagement plan) can hardly be described as defensive. In light of these facts, Israel's motives have little to do with self-defense.

DEAR MEMBER OF CONGRESS:

I am very concerned about the serious violations of international law committed by the state of Israel in its recent attacks on the residents of Gaza and U.S. complicity in the attacks. As your constituent, I urge you to take action on this issue by supporting congressional and United Nations efforts to achieve an immediate ceasefire, withdraw Israeli troops from Gaza, end Israel's Blockade, provide humanitarian aid to Gazans, discontinue all military aid to Israel, and hold Israeli officials accountable for violating international law.

Sincerely,

Signature _____ Name: _____

Address _____

City _____ State _____ Zip code _____

E-mail: _____

(send this form to your member of Congress, or to the National Lawyers Guild address below)

