

# NO IMPUNITY FOR ISRAELI WAR CRIMES

Israel's invasion of Gaza represents a massive violation of international humanitarian law as defined in the Geneva Conventions, both in regard to the obligations of an Occupying Power and in the requirements of the laws of war and combat. Gazan missile strikes against Israel, provoked by the Israeli attack of 4 November 2008, themselves violate international law as indiscriminate attacks against civilian populations. But those rocket launches do not constitute an "armed attack" sufficient to allow Israel to invoke the right of self-defense under UN Charter Article 51. Israel's assault on Gaza cannot be excused as an act of self-defense, as these actions are unnecessary and disproportionate to the scale of the threat posed by rockets from Gaza. The U.S. is complicit in Israel's war crimes, and U.S. tax dollars funded the attacks on Gaza.

**Illegal Occupation** Israel has occupied the Gaza Strip and West Bank territories since the Six-Day War of 1967. Despite Israel's military pullout from Gaza in August 2005, it remains an occupying power in the Gaza Strip with control over borders, sea and airspace, public utilities, the public registry, and Gaza's internal economy. Gaza's airport and crossing point to Egypt have been closed and borders completely sealed, making movement in or out of Gaza virtually impossible. Fishermen have been denied the ability to fish Gaza's territorial waters. Israel's near total closure of Gaza has devastated an already crippled economy and created severe food shortages. Israel has consistently ignored UN resolutions and agreements to negotiate with the Palestinian Authority to establish a just and durable peace. (UNSCR 338; UNSCR 1397; Oslo Accords Art. V, XIV).

As an occupying power, Israel is obligated to uphold basic protections of the population and territory under its control, pursuant to the 1907 Hague Convention and the 1949 Fourth Geneva Conventions. It has ignored its obligations under international law to protect, feed, and care for the subjects of its occupation. People are trapped and unable to flee to areas of safety. Gaza is suffering a full-blown humanitarian crisis, according to the International Committee of the Red Cross, UN agencies, and Oxfam. Gazans are dying because ambulances cannot reach them in time and hospitals are unable to adequately respond to the wounded – in part because the Israeli blockade has led to severe shortages of medicine and hospitals and ambulance drivers have been targets in raids. The Israeli navy has prevented ships with doctors and medical supplies from entering Gazan waters and has refused to allow international journalists in to report on its operations.

**Disproportionate Military Response** Even if Israel could justify aggression on the basis of self-defense, its level of aggression is grossly disproportionate to the scale of action needed to repel the original rocket attacks. As of 18 January 2009, 1,000 Palestinians have been killed, including over 700 civilians. Over 5,000 have been injured. Gazan hospitals are full of civilians, not Hamas fighters, according to a *New York Times* report. This invasion is hardly proportionate to the threat posed by rockets fired from Gaza, which had not killed a single Israeli in the year before the upsurge of Israeli violence. According to one Israeli military commander, "When we suspect that a Palestinian fighter is hiding in a house, we shoot it with a missile and then with two tank shells, and then a bulldozer hits the wall. It causes damages but it prevents the loss of life among soldiers." While the minimization of military casualties may be politically desirable for Israeli leaders, by any measure of international law, such tactics are disproportionate and illegal by any measure of international law.

**Destruction of Civilian Infrastructure Violates International Law** To justify aggression as self-defense against the launching of Kassam and Grad missiles, Israel would be limited to strikes at military targets under international law. Rather, there is ample evidence that Israel is deliberately targeting civilians in violation of the Fourth Geneva Convention. Article 25 of the Hague Convention outlaws "the attack or bombardment, by whatever means, of towns, villages, dwellings or buildings which are undefended." There have been direct and indiscriminate attacks on civilian infrastructure, such as the education ministry, homes, hospitals, schools, refugee centers, police stations, mosques, universities and power supplies. Attacks are aimed at civilian areas in one of the most crowded stretches of land in the world, destroying not only every police and security office of Gaza's elected government, but also killing hundreds of civilians. One strike destroyed a UN school in Jabaliya refugee camp, killing 40 Palestinians. Several other UN schools have been bombed. On 15 January 2009, Israel shelled the UN Headquarters in the Gaza Strip, setting a food warehouse ablaze, just one week after American lawmakers praised Israel for having delivered aid to Gaza. Israel had been given the precise coordinates of all UN institutions in Gaza prior to Operation Cast Lead.

Israel is also firing on medical facilities and medical workers. Two Red Crescent medics wearing fluorescent jackets were killed; the al-Dura and al-Quds hospitals were bombed, and three mobile clinics emblazoned with red crosses provided by a Danish non-governmental agency were destroyed. Several mosques have also been bombed. Article 27 of the Hague Convention of 1907 provides that in sieges and bombardments, "all necessary steps must be taken to spare...buildings dedicated to religion, art, science...hospitals and places where the sick and wounded are collected."

## **Background to the Current Crisis**

- Gaza is flooded by Palestinian refugees in 1948 and becomes part of Egypt
- Gaza is occupied by Israel in 1967 and is further populated by refugees from West Bank
- Hamas formed with support of U.S., Israel, and Saudi Arabia to compete with PLO
- Israel unilaterally withdrew Gaza settlements in 2005. Occupation continued through Israel's total control of borders, airspace, sea, and public utilities
- 2006 Hamas wins free and fair elections
- Israel tightens siege on Gaza. Economic crisis worsens.
- 2007 Hamas takes over control of Gaza and police in military operation
- June 2008 Israel and Hamas enter six month ceasefire
- Hamas stops rockets into Israel, but blockade continues
- 4 Nov 2008 Israel breaches ceasefire with cross-border attack, killing six Gazans
- 19 Dec 2008 Ceasefire expires. Israel ignores Hamas diplomatic initiatives to extend ceasefire
- 27 Dec 2008 Israel air bombardment of Gaza begins. Israel bans journalists from entering Gaza
- 30 Dec 2008 Rockets fired from Gaza kill three Israeli civilians and one soldier since end of ceasefire, the first Israelis killed in a year
- 3 Jan 2009 Israel launches ground offensive into Gaza
- 8 Jan 2009 US Congress passes resolution defending Israeli attacks
- 18 Jan 2009 Death toll exceeds 1300 in Gaza, including 700 civilians; 5,000 injured, according to Centre for Human Rights

