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High Commissioner and the Secretary-General

Human rights situation in Palestine and other
occupied Arab territories

Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1

Addendum


**The human rights situation in the Occupied Palestinian Territory
between 12 June and 26 August 2014, including the escalation in
hostilities between the State of Israel and Palestinian armed groups in
Gaza***

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I. Introduction

1. This addendum presents information on alleged violations of international law related to events in the West Bank, including East Jerusalem, and the Gaza Strip between 12 June and 26 August 2014. It provides additional information to the Report of the United Nations High Commissioner for Human Rights on the implementation of resolution S-21/1 (A/HRC/27/76) of 19 September 2014, based on OHCHR monitoring in the Occupied Palestinian Territory.

2. Following the kidnapping, on 12 June, of three Israeli youths who were later found murdered near Hebron, Israeli security forces launched an operation involving mass arrests of individuals perceived to be associated with Hamas, amid a climate of hatred in some parts of Israeli and Palestinian society. This and the murder, on 2 July, of a 16-year-old Palestinian youth, in apparent revenge for the murder of the three Israelis, in turn provoked widespread clashes between Palestinians and Israeli Security Forces (ISF), resulting in many Palestinian deaths and injuries, as well as injuries to ISF officers.

3. This situation formed the backdrop to the military escalation in Gaza, where an increase in hostilities between Israel on the one hand, and Hamas and other Palestinian armed groups on the other, had already been noted in early June when the Israeli Defense Forces (IDF) carried out targeted killings of Palestinians, and Palestinian armed groups increased mortar and rocket fire towards Israel. The situation continued to deteriorate, and Israel formally launched a military operation, which lasted from 7 July until the final ceasefire on 26 August.

4. This period saw destruction in Gaza on an unprecedented scale, resulting in a huge loss of life, disproportionately affecting civilians, and massive damage to homes, infrastructure, hospitals and schools. The response by the ISF to widespread protests against the military operation in Gaza by Palestinians in the West Bank, including East Jerusalem, resulted in numerous Palestinian deaths and many more injuries.

5. Throughout the events, OHCHR maintained a continued monitoring presence in the Occupied Palestinian Territory. In Gaza, the overwhelming number of alleged violations, coupled with the prevailing security situation during the escalation, which severely restricted staff movements, made difficult the gathering of first-hand information or the verification of second-hand information on individual incidents. In addition, OHCHR has encountered difficulties in Gaza gathering information about alleged violations by Palestinian armed groups, some witnesses apparently fearing reprisals or reluctant to criticize the actions of armed groups. Since the 26 August ceasefire, conditions have allowed verification to proceed. It will be for the independent, international commission of inquiry, established pursuant to Human Rights Council resolution S-21/1, to further establish the facts and circumstances of possible violations and to identify responsibilities.

II. The situation in the West Bank

Overview

6. On 12 June, three Israeli youths disappeared in the Hebron Governorate of the southern West Bank. In response, the ISF conducted extensive search operations across the governorate, during which many allegations of damage to property and theft of money and gold from Palestinian houses and shops were reported. ISF imposed restrictions on freedom

of movement of Palestinians. Clashes between the ISF and Palestinians resulted in Palestinian deaths and injuries: between 12 June and 7 July 2014, seven Palestinians were killed,¹ and 786 were injured,² in incidents involving the ISF in the West Bank. The ISF detained hundreds of Palestinians, and raided a number of Palestinian welfare organizations, universities and media throughout the West Bank, including East Jerusalem.³ The bodies of the three Israeli youths - Naftali Fraenkel (16-year-old), Gilad Shaer (16-year-old), and Eyal Yifrah (19-year-old) - were discovered on 30 June 2014 in a shallow grave near the city of Hebron.

7. The kidnapping and murder of the three Israeli youths and the security response were accompanied by a rise in the use of extreme anti-Palestinian rhetoric in Israel. Calls appeared in Israeli social media inciting revenge and hatred.⁴ On 1 July 2014, around 200 Israelis marched through the centre of Jerusalem chanting “death to Arabs”. They reportedly harassed Palestinians, entered restaurants looking for Palestinian employees, tried to attack them and caused damage to businesses employing Palestinians.⁵ On 2 July, the burned body of Mohammed Abu Khdeir, a 16-year-old Palestinian youth from Shu’fat in East Jerusalem, was found in West Jerusalem. Six Israelis were arrested on suspicion of committing the killing on 6 July.⁶ On 17 July, the Israeli authorities indicted three Israeli suspects for the murder. The indictment also charged two of the defendants with the attempted kidnapping of a seven year-old Palestinian boy the night before the murder.⁷

8. Following the killing of Mohammed Abu Khdeir, there were widespread protests and violent clashes between Palestinians and ISF, notably in Shu’fat. Between 2 and 7 July, 568 Palestinians were reportedly injured during these clashes, including 31 by live ammunition.⁸ Seventeen ISF officers were also reported injured.⁹ At that time, Israel resumed its policy of punitive demolitions, which had been suspended in 2005.¹⁰

9. After a short lull, the launch of ISF military operations in Gaza prompted further clashes between Palestinians and ISF, with particular intensity during the last two weeks of July, during which 12 Palestinians were killed and more than 1,000 reportedly injured.¹¹

Excessive use of force by ISF

10. Between 12 June and 26 August 2014, 27 Palestinians, including five children, were allegedly killed by the ISF. Three of the 27 fatalities during this period were recorded in East Jerusalem. This figure equals the total number of Palestinian fatalities in such incidents in the whole of 2013.¹² Sixteen of these deaths occurred in the context of

¹ Source: OHCHR.

² Source: United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

³ www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2014_6_26_english.pdf.

⁴ www.haaretz.com/news/national/1.602661 and www.haaretz.com/jewish-world/jewish-world-news/.premium-1.602675.

⁵ www.timesofisrael.com/dozens-arrested-in-far-right-demonstration-in-jerusalem/

⁶ www.haaretz.com/news/diplomacy-defense/1.603317.

⁷ www.timesofisrael.com/3-suspects-indicted-in-killing-of-muhammad-abu-khdeir/

⁸ www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2014_7_11_english.pdf.

⁹ www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2014_7_11_english.pdf.

¹⁰ www.jpost.com/Diplomacy-and-Politics/Israel-to-renew-demolition-of-terrorists-homes-360274. See also section below on punitive demolitions.

¹¹ Source: OCHA.

¹² OHCHR documented a total of 27 Palestinian fatalities in incidents involving ISF in the West Bank, including East Jerusalem, in 2013.

demonstrations against the Israeli military operation in Gaza and related clashes.¹³ In addition, according to OCHA, some 3,000 were injured, including more than 980 injured by live ISF ammunition, and around 1,200 by rubber-coated metal bullets.¹⁴ Whilst clashes were intense in East Jerusalem, the proportion of those injured by live fire was much lower than in the rest of the West Bank: 193 of 1,321 injured in East Jerusalem.

11. During these demonstrations, Palestinians often threw stones, burning tires, Molotov cocktails, and fireworks, among other objects, at the ISF. Use of live fire against the ISF was also reported on a few occasions. ISF often used tear gas, skunk water,¹⁵ stun grenades, rubber bullets, rubber-coated metal bullets, and live ammunition to disperse demonstrations and clashes.¹⁶

12. OHCHR's initial findings indicate that many of those allegedly killed by the ISF did not appear to pose a lethal threat.¹⁷ If verified by further examination and established, this would raise concerns about the effective enforcement of the ISF rules of engagement and their adherence to international legal principles of necessity and proportionality and other relevant human rights standards.¹⁸

13. In one case documented by OHCHR, three men were killed by live ammunition in the context of clashes following a demonstration in Beit Ummar in Hebron Governorate on 25 July. A 47-year-old Palestinian man working for the non-governmental organization Defence for Children International was observing the demonstration from around 200 metres away and was not taking part in the clashes when he was killed by live ammunition fired by ISF officers reportedly located on a corner in the main street. In the same incident, a 30-year-old Palestinian man, also allegedly not taking part in the clashes, was hit in his chest by live ammunition fired by ISF officers reportedly located on the roof of a building some 80 metres from the victim. A third Palestinian man (36-year-old), who came to help him, was also hit by live ammunition in his leg and chest and killed.

Mass detentions

14. Between 12 June and mid-August 2014, between 1,100 and 1,500 Palestinians were detained in the West Bank, including East Jerusalem.¹⁹ These included about 300 children, 27 Palestinian Legislative Council members and more than 60 of those freed in the prisoner exchange that secured the release of the Israeli soldier Gilad Shalit in 2011. Most of those detained were from East Jerusalem or the southern West Bank. About 170 Palestinians were reported to have been placed under administrative detention.²⁰

¹³ Source: OHCHR/OCHA.

¹⁴ Source: OHCHR/OCHA. Fatality numbers do not include one Palestinian killed in Mea Shearim in Jerusalem (04.08.2014) and one Palestinian child killed by an UXO in Tubas (11.08.2014).

¹⁵ Dark chemical liquid with strong and disagreeable smell.
www.skunk-skunk.com/image/users/121755/ftp/my_files/MSDS_Skunk.pdf?id=3225191

¹⁶ Source: OHCHR; see also
www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_10_03_english.pdf.

¹⁷ Non-governmental organisations found similarly:
www.btselem.org/press_releases/20140729_13_palestinian_fatalities_since_gaza_operation_began
and www.alhaq.org/documentation/weekly-focuses/839-seventeen-palestinians-killed-in-the-west-bank-since-the-beginning-of-israeli-offensive-on-the-gaza-strip.

¹⁸ Basic Principles on the Use of Force and Firearms and A/69/347 para.51.

¹⁹ The wide estimation range is due to the mass arrests and releases during a short period of time. Source: Addameer. According to B'tselem, 265 Palestinians were detained during June 2014.
www.btselem.org/statistics/detainees_and_prisoners.

²⁰ Bringing the total number of Palestinians under administrative detention to 365, the highest number in five years. Source: Addameer.

15. During the same period, of those Palestinians detained, approximately 500 were reportedly East Jerusalemites, including some 200 children. Generally they were arrested either during clashes or for alleged participation in clashes and demonstrations.²¹ They included 184 individuals who were indicted.²² Sixty Palestinians were arrested on 13 August, and 40 more on 15 August in East Jerusalem. According to residents, the ISF typically broke the main doors of the houses in early morning raids while families were sleeping and many of those arrested were blindfolded.²³ On 16 August, the Israeli authorities released about 90 East Jerusalemites detained during previous days, reportedly imposed house arrest for five days and set bail at up to 5,000 NIS for many of them.²⁴

16. In the southern West Bank, search and arrest operations allegedly targeted organizers and participants of demonstrations and clashes, as well as former detainees. In July and August, about 500 persons were reportedly detained in the southern West Bank,²⁵ including 129 between 1 and 26 August 2014.²⁶ ISF conducted frequent arrest operations in the city of Hebron, the villages of Beit Ummar and Husan, and Ayda Refugee Camp near Bethlehem. Further arrests were carried out in the central and northern areas of the West Bank.

Punitive demolitions

17. Shortly after the discovery of the bodies of the three Israelis on 30 June 2014, ISF forcibly removed the families of two men suspected of having committed the killings from their respective apartments in Hebron and partially destroyed both dwellings. Six relatives of the suspects, including two children, were forcibly displaced as a result.²⁷ On 18 August 2014, the apartments of the two suspects were completely destroyed and the apartment of a third suspect was sealed,²⁸ following a decision of the Israeli High Court of Justice. According to media reports, the IDF stated that the demolitions “issue a severe message of deterrence to terrorists and their accomplices – that they will pay a price if they continue their terrorist activities and harm innocent people”.²⁹ Earlier, on 1 July 2014, the Israeli High Court sanctioned the punitive demolition of parts of the house of the family of a Palestinian from Idhna (Hebron) suspected of killing an Israeli police officer in April 2014. As a result, eight people, including four children, were forcibly displaced.³⁰

18. Israel had formally ended its policy of punitive demolitions in 2005, following a recommendation of a military commission which reportedly indicated that they were not an effective deterrent, although one house and one apartment in East Jerusalem were demolished and sealed respectively in 2009.³¹ The apparent resumption of this practice is a matter of concern. Punitive home demolitions impact the entire family constitute a form of

²¹ Detention figures are not exact given the high number of detentions and releases in short periods of time. Source: Addameer.

²² <http://silwanic.net/?p=52154>.

²³ <http://silwanic.net/?p=52154>.

²⁴ <http://silwanic.net/?p=52277>.

²⁵ Source: Addameer.

²⁶ Source: OHCHR.

²⁷ www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2014_8_22_english.pdf.

²⁸ Sealing involves the complete or partial closing off of the rooms of an apartment with concrete or metal sheeting with access to it prohibited indefinitely or for a specified period. Depending on the method used, sealing may or may not be reversible.

²⁹ www.jpost.com/Arab-Israeli-Conflict/IDF-destroys-homes-of-the-murderers-of-the-three-kidnapped-Jewish-teens-371375.

³⁰ www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2014_7_11_english.pdf.

³¹ www.hamoked.org/timeline.aspx?pageID=timelinehousedemolitions; www.haaretz.com/print-edition/news/idf-panel-recommends-ending-punitive-house-demolitions-for-terrorists-families-1.150620.

collective penalty in breach of Article 33 of the Fourth Geneva Convention³² and breaches Israel's obligations to ensure Palestinians' rights to adequate housing and to freedom from arbitrary or unlawful interference with privacy, family or home,³³ and other relevant norms.

Restrictions to freedom of movement

19. Severe restrictions on movement were imposed on Palestinians following the disappearance of the three Israeli youths, in particular in Hebron Governorate. The Hebron area was effectively cut off from the rest of the West Bank for days by closures imposed by the IDF; male Palestinians aged between 16 and 50 were not allowed to travel abroad through the Allenby Bridge; and workers holding valid work permits for Israel were prevented from travelling to work for several days.³⁴ Restrictions on Palestinians travelling across the Allenby Bridge to Jordan also increased.

20. Although Israeli officials claimed that no special restrictions were imposed on Palestinians, figures provided by the Palestinian police indicate that the number of Palestinians who were denied access to the bridge increased by more than 2,000 per cent between July and early August 2014 when compared with the previous year, although reportedly by mid-August 2014 numbers had returned to the 2013 average.³⁵ Israeli authorities reportedly cited "security concerns" when denying access. Palestinians who were denied access allegedly did not have the possibility to challenge the decision or to obtain the reasons for denial of access in writing. These restrictions on freedom of movement raise concerns as to Israel's compliance with its obligations under Article 12 of the International Covenant on Civil and Political Rights.

Settler violence

21. After the discovery of the bodies of the three Israelis on 30 June 2014, settler violence against Palestinians reportedly erupted throughout the West Bank, including East Jerusalem. It was in this context that the youth Mohammed Abu Khdeir was killed.

22. Several attacks by Israeli settlers against Palestinians were documented, including physical assaults, stone-throwing at Palestinian cars, and "price tag" incidents. Attacks by Palestinians against settlers or other Israelis were also recorded. In a case monitored by OHCHR, on 25 July, an Israeli settler opened fire at a group of Palestinian demonstrators on the road to Huwwara village (Nablus) killing a 19-year-old Palestinian and injuring four others, after some Palestinian protestors threw stones at cars driven by settlers. Shortly after, a 22-year-old Palestinian was killed by live ammunition in related clashes with ISF.³⁶

III. The situation in the Gaza Strip

Overview

23. The increase in hostilities between Israel and Palestinian armed groups that had been noted in the preceding months continued in early June 2014.³⁷ Between 12 June and 6 July

³² CCPR/C/ISR/CO/4, para 9(a).

³³ International Covenant on Economic, Social and Cultural Rights, art. 11; International Covenant on Civil and Political Rights, art. 17.

³⁴ www.btselem.org/press_releases/20140617_collective_punishment_in_hebron_district

³⁵ Source: Palestinian Police. Number of Palestinians denied, July 2013: 46; July 2014: 1152.

³⁶ Source : OHCHR.

³⁷ Section A and A/69/347, paras.40-43.

2014, the IDF killed six members of armed groups and injured six others in air strikes.³⁸ One child was reportedly killed and three Palestinian civilians reportedly injured in these attacks. Over the same period, around 60 Palestinian civilians were reportedly injured in Israeli airstrikes in the vicinity of sites of armed group activity and empty land.³⁹ At the same time, the number of rockets and mortars fired from Gaza towards Israel also increased in comparison to the previous month, reportedly injuring three Israelis.⁴⁰ A two-year-old Palestinian girl was killed, and one adult and four children were injured, apparently due to rockets falling short in Beit Lahia.⁴¹

24. On the night of 7 July 2014, Israel announced the launch of the military operation in Gaza.⁴² Between 7 July and 26 August, according to the United Nations Department of Safety and Security, the IDF carried out 4,028 air raids, firing 5,830 missiles, as well as 16,507 artillery and tank projectiles and 3,494 naval shells. According to data compiled by the Protection Cluster, which is still being verified,⁴³ a total of 2,256 Palestinians, including 1,572 civilians were killed during the summer's escalation in hostilities. Among these, 306 were women and 538 were children. According to the Palestinian Ministry of Health, 11,231 Palestinians (including 3,540 women and 3,436 children) were injured during the same period.⁴⁴

25. Between 8 July and 26 August, Palestinian armed groups fired 4,881 rockets and 1,753 mortars towards Israel.⁴⁵ According to the IDF, the Israeli Internal Security Agency and the Ministry of Foreign Affairs, 66 Israeli soldiers and six civilians were killed, while 369 soldiers and civilians were injured during the fighting.⁴⁶

26. During the escalation, 18,080 units, housing approximately 108,500 persons, were totally destroyed or severely damaged in the Gaza Strip and had become uninhabitable.⁴⁷ At

³⁸ OHCHR, Protection of Civilians updates, www.ochaopt.org/reports.aspx?id=104&page=2.

³⁹ Source: OHCHR, see also www.ochaopt.org/reports.aspx?id=104&page=1.

⁴⁰ www.jpost.com/Defense/Two-more-Gaza-rockets-fired-at-southern-Israel-after-hit-on-Sderot-factory-360872.

⁴¹ Source: OHCHR.

⁴² twitter.com/IDFSpokesperson/status/486274187636396035;
www.idfblog.com/blog/2014/08/05/operation-protective-edge-numbers/.

⁴³ The Protection Cluster is the mechanism for coordinating humanitarian action by humanitarian organizations (UN and non-UN) working in the protection sector. It is one of several such sectoral clusters. OHCHR leads the Protection Cluster in OPT. For more on the cluster system, see www.ochaopt.org/content.aspx?id=1010056. OHCHR compiled figures on fatalities in its capacity as leader of the Protection Cluster. The methodology used involves the compilation of initial reports of fatalities from the media and other sources which are then crosschecked and verified in collaboration with a number of international, Palestinian and Israeli partner organizations. Where available, each individual's name, age, sex and place of death is determined, as well as their status as a civilian or combatant where this can be determined. Multiple sources are cross-referenced, not only from media and various human rights organizations, but also information released by the IDF and by the Palestinian armed groups regarding the identity of combatants. Information from the Ministry of Health in Gaza is one, but not an exclusive, source of information. Verification of the information collected is continuing. Figures are published on the website of OCHA on behalf of the Protection Cluster.

⁴⁴ www.moh.ps/attach/761.pdf

⁴⁵ Source: UNDSS.

⁴⁶ www.shabak.gov.il/English/EnTerrorData/Reports/Pages/Monthly0814.aspx;
www.shabak.gov.il/English/EnTerrorData/Reports/Pages/Monthlysummary%E2%80%93July2014.aspx;
www.idfblog.com/blog/2014/07/19/fallen-soldiers-operation-protective-edge/;
mfa.gov.il/MFA/ForeignPolicy/Terrorism/Victims/Pages/,DanaInfo=www.mfa.gov.il+In%20Memory%20of%20the%20Victims%20of%20Palestinian%20Violence%20a.aspx.

⁴⁷ Source: Shelter Cluster.

the height of the escalation, approximately 500,000 Palestinians, more than a quarter of the entire population in Gaza, were displaced, including approximately 289,109 sheltering in schools run by the United Nations Relief and Works Agency (UNWRA), 48,742 in government shelters and 140,895 hosted by relatives.⁴⁸ This was the largest displacement in Gaza since the Israeli occupation began in 1967.⁴⁹

27. During the first phase of air, land and naval strikes between 7 and 17 July, Israeli forces hit open areas and fields that were allegedly used to launch rockets against Israel, training sites belonging to armed groups, and members of armed groups. According to data compiled as of 17 July, 245 Palestinians, including 157 civilians had been killed.⁵⁰ Civilian objects, including buildings and installations belonging to the local authorities, industrial infrastructure, and civilian homes were damaged.⁵¹

28. The ground operation, accompanied by air and naval strikes, ran from the night of 17 July until 5 August. During this phase, there was a significant increase in Palestinian civilian casualties and displacement. On 18 July, the Israeli Civilian Affairs Liaison Office announced a three-kilometre restricted access area on the Gaza side of the fence between Israel and the Gaza Strip, making approximately 44 per cent of the Strip a declared “no-go-zone”.⁵² Until 5 August, the areas most severely affected by the Israeli military ground operation were east of Salahadeen Road, the main highway running the length of the Strip, although some areas west of the road were also affected. According to data compiled by the Protection Cluster, 1,791 Palestinians, including 1,286 civilians, were killed between 18 July and 4 August.⁵³

29. From 5 August, there was a period of alternate ceasefires and strikes by air, land and sea as the IDF withdrew its ground forces and reduced the “no-go-zone” to 500 metres from the fence.⁵⁴ Two ceasefire agreements were reached on 5 August and on 10 August but broke respectively on 8 August and 19 August. On 21 August, the IDF targeted and killed senior members of the Izz Al-Din Al-Qassam Brigades, the military wing of Hamas.⁵⁵ Two days later, on 23 August, the IDF destroyed six high-rise apartment buildings.⁵⁶ Reports, including of warnings given to residents and statements by the IDF, indicate that at least some of these buildings were targeted.⁵⁷ According to data compiled, between 5 and 26 August, 201 Palestinians were killed, including 130 civilians.⁵⁸

30. As illustrated below, information received raises serious concerns with regard to the alleged failure of the IDF to respect the legal principles of distinction, proportionality and precaution in attack. These concerns arise in the context of targeting decisions, the taking of all necessary precautions; proportionality of the attacks; respect for the distinction between civilians and civilian and military objectives, especially during the ground operation;

⁴⁸ www.ochaopt.org/documents/ocha_opt_sitrep_26_08_2014.pdf.

⁴⁹ www.unrwa.org/newsroom/emergency-reports/gaza-situation-report-42

⁵⁰ Source: Protection Cluster

⁵¹ www.ochaopt.org/documents/ocha_opt_sitrep_17_07_2014_.pdf

⁵² Source: UN Access Coordination Unit.

⁵³ Source: Protection Cluster.

⁵⁴ www.haaretz.com/news/diplomacy-defense/1.608928, and www.ochaopt.org/documents/ocha_opt_sitrep_05_08_2014.pdf

⁵⁵ www.idfblog.com/blog/2014/07/18/live-updates-ground-operation-gaza/.

⁵⁶ www.ochaopt.org/documents/ocha_opt_sitrep_25_08_2014.pdf,

www.ochaopt.org/documents/ocha_opt_sitrep_26_08_2014.pdf.

⁵⁷ <http://rt.com/news/182416-gaza-large-buildings-leveled/>;

www.amnesty.org/en/library/asset/MDE15/029/2014/en/469b8cd3-f2b3-4d3e-ad5b-bb7d2c1e4f20/mde150292014en.pdf;

⁵⁸ Source: Protection Cluster.

attacks on and close to schools, including those used as shelters for the displaced; attacks on hospitals, ambulances and ambulance staff; and the alleged arrest and transfer of Palestinians from Gaza to Israel during the ground operation.⁵⁹

31. Actions by Palestinian armed groups also raise serious concerns, as set out below, including regarding targeting decisions; indiscriminate attacks; respect for distinction and proportionality; locating military objects in civilian buildings; launching rockets from densely populated areas; and execution of suspected collaborators. The IDF has accused Palestinian armed groups of: locating tunnels used for military purposes under civilian objects; using hospitals and ambulances for military purposes;⁶⁰ using civilians as human shields.⁶¹ UNRWA confirmed and condemned the placing of weapons in UNRWA schools in breach of the inviolability of United Nations premises.⁶²

A. Alleged violations by the Israeli Defence Forces

Air and naval strikes

32. Throughout the military operation, the IDF destroyed civilian homes, including homes of employees of the local authorities, of alleged members of Hamas and of armed groups, and of civilians with no apparent affiliation to an armed group, causing a large number of civilian casualties and housing units destroyed or severely damaged.⁶³ Up to 26 August 2014, 142 Palestinian families in Gaza had three or more family members killed in the same incident, amounting to 739 fatalities,⁶⁴ the majority having occurred in the course of the destruction of civilian homes.

33. Some of these attacks appeared to be targeting specific individuals alleged to be members of armed groups but appear disproportionate due to the large numbers of civilian casualties. For example, on 12 July 2014, at approximately 2100 hours, an Israeli air strike completely destroyed a two-storey house belonging to the Al-Batsh family, in Tofah area, eastern Gaza city, killing at least nineteen Al-Batsh family members, including five children and four women, one pregnant.⁶⁵ Witnesses told OHCHR that the house was targeted with two missiles, flattening it and causing severe damage to neighbouring houses. Three Palestinians living in a house across the road were killed. According to leaflets dropped by the IDF above Gaza City on 28 July 2014, two persons killed in this attack were allegedly members of an armed group.

34. In other attacks, it was unclear what the target was. At around 1830 hours on 20 July, three missiles hit two apartments in a nine-storey building in the Remal area of Gaza City. Eleven persons, including seven children and three women, were killed. Residents said no prior warning of the planned attack was given. Some of the casualties were displaced persons who had sought refuge with their relatives. According to information received by OHCHR, none of the residents or the visitors in the two apartments was a

⁵⁹ OHCHR monitoring; www.timesofisrael.com/150-palestinians-surrender-to-idf-in-gaza/; www.wafa.ps/arabic/index.php?action=detail&id=181607.

⁶⁰ www.idfblog.com/blog/2014/07/28/hamas-uses-hospitals-ambulances-military-purposes/

⁶¹ www.idfblog.com/blog/2014/07/14/hamas-use-human-shields-war-crime/

⁶² www.unrwa.org/newsroom/press-releases/unrwa-strongly-condemns-placement-rockets-school.

⁶³ Overview of figures in Section B and www.jpost.com/Operation-Protective-Edge/IAF-targets-Hamas-naval-commander-Palestinians-say-4-killed-in-strike-361947.

⁶⁴ www.ochaopt.org/documents/ocha_opt_sitrep_26_08_2014.pdf.

⁶⁵ Amnesty International, *Families under the Rubble: Israeli attacks on inhabited homes*, November 2014.

member of an armed group. OHCHR has no information on the possible military objective for which the two apartments may have been targeted.

35. In a number of cases, IDF launched its attacks on houses and residential buildings either around the time of breaking the Ramadan fast at sunset, or at the beginning of the fast at dawn. This is a time when families are known to congregate to eat together, making it very likely that any such attack targeting an individual would be disproportionate, and therefore raising questions whether sufficient precautions were taken to protect civilian life. In one such case documented by OHCHR, at 1948 hours on 20 July 2014, an Israeli air strike hit a three-storey residential building of six apartments belonging to Abu Jamá family in Bani Suhaila, east of Khan Younis, south of the Gaza Strip, killing 25 members of the same family. The fatalities included 19 children, a one-day-old baby, and five women (three were pregnant). Surviving family members said they received no prior warning from the IDF. The Military Advocate-General has ordered a criminal investigation into this incident.⁶⁶

36. In another incident, on 16 July 2014, four children (aged between nine and eleven years) were killed, and one adult and two children were injured, on a beach in Gaza City.⁶⁷ Witnesses reported that the children had been playing hide and seek on the beach when the attack took place. One child went to hide in an empty zinc-roofed building, while others were approximately 50 metres away. An air strike reportedly hit the building and the child died immediately. The remaining children then ran towards the beach road. Reportedly, as they were running, a shell from the sea landed in the area killing three children and injuring two others. Witnesses claimed that the Israeli Naval Forces aimed at the group of children running away from the sea, and reported that a third missile landed in a nearby area, hitting one person who had been trying to rescue the children. According to media reports, the IDF claimed that it had aimed at “ Hamas terrorist operatives ” and that the “ reported civilian casualties from this strike are a tragic outcome ”.⁶⁸ In a television interview, a spokesperson for the Israeli Prime Minister said that the children had been killed due to “ mistaken fire ”.⁶⁹ Based on information collected by OHCHR, there were no apparent military targets: the area was calm and no rockets were fired towards Israel from that location at that time. The Military Advocate-General has ordered a criminal investigation into this incident.⁷⁰

Ground operation

37. OHCHR documented a number of cases relating to the ground operation in which civilians were killed in possibly indiscriminate and/or disproportionate Israeli attacks, or in situations where there was a possible failure to take all feasible precautions to protect civilians.

Beit Hanoun

38. OHCHR documented a case in which at least eight civilians from one family were killed in the morning of 26 July 2014 in a strike on their residential building. Some 50 members of the Wahdan family lived in the four-storey building, located approximately two kilometres from the fence in Beit Hanoun in northern Gaza. On 16 July 2014, following the escalation of hostilities, the majority of the family members left the building seeking greater security in Jabalia and Beit Hanoun, but 15 were unable or unwilling to leave before

⁶⁶ www.mag.idf.il/261-6958-en/Patzar.aspx.

⁶⁷ Related footage and photos: www.youtube.com/watch?v=VQv6s9y48B0

⁶⁸ www.theguardian.com/world/2014/jul/16/witness-gaza-shelling-first-hand-account.

⁶⁹ edition.cnn.com/2014/07/16/world/meast/mideast-crisis/.

⁷⁰ www.mag.idf.il/163-6859-en/Patzar.aspx?pos=9 and www.mag.idf.il/261-6958-en/Patzar.aspx

the shelling made it too dangerous to do so. On 18 July 2014, at 0100 hours, the IDF reportedly arrested seven men in the building, who were subsequently interrogated at Erez in Israel and released after three days. The men sought refuge elsewhere, but remained in contact by mobile phone with the family members remaining in the building. In their last contact they were told that IDF soldiers had remained in the building until 25 July 2014. Hours later, on 26 July, the house and those neighbouring it were bombarded, killing all eight family members.

39. According to media reports, an IDF commander confirmed that the presence of civilians in the houses was known to the IDF.⁷¹ Witnesses told OHCHR that the family was in contact with the ICRC requesting evacuation from the house prior to the attack, but were told it was not possible due to intense military activities in the area. During a lull in fighting on 5 August 2014, two of the bodies were recovered from the rubble; another body was recovered on 10 August, and the remaining five several days later.

40. The presence of IDF soldiers in the house is an indication that the IDF was aware that civilians were in the house, and may still have been in the area at the time of the attack. It is unclear in this case whether the IDF took all feasible precautions to ensure that the area was free of civilians before its attack and that it warned the civilians remaining in the area of an imminent attack. The number of civilian casualties and the scale of damage in the area – almost the whole surrounding area was flattened – raises concerns as to whether the attack was disproportionate and/or indiscriminate.

Shuja'iyah

41. Between 19 and 21 July 2014, the IDF carried out attacks in Shuja'iyah, reportedly with artillery, tank projectiles and airstrikes. Many residents of this densely-populated area to the southeast of Gaza City, reported hearing heavy shelling from late night on 19 July. On 20 July, a family living on Al-Biltaji Street decided to leave their house for safety when shells hit the house. As the family of 16 and a neighbour were attempting to leave, numerous shells hit their staircase, killing three children, three women and two men and injuring five others.⁷²

42. Residents of Shuja'iyah also reported continuous shelling as they fled their homes. Shells hit houses, shops, cars and streets in an apparently indiscriminate manner. Between 0600 hours to 0700 hours on 20 July in the Al-Turkman area, many residents fled their houses after a night of heavy bombardment. As the Ayyad family was running westward on Mansura Street, at least two shells hit the street, killing 11 family members, including five women and four children, and killing eight other persons.⁷³

43. OHCHR also received reports of attacks on civilians during humanitarian pauses. In Shuja'iyah, a 22-year-old Palestinian, searching for his relatives with other rescuers during a humanitarian pause on the afternoon of 20 July, was allegedly shot several times by the IDF and killed. The man, who had helped to carry the stretcher of an injured person, was clearly unarmed and was shouting the name of his lost cousin as he walked to his relative's house across rubble from destroyed houses. As the victim stepped into an alley, he was shot from an easterly direction. Based on witness accounts and video footage provided to OHCHR, he

⁷¹ www.spiegel.de/international/world/the-story-of-a-gaza-family-destroyed-by-israeli-bombs-a-986728-druck.html.

⁷² Source: OHCHR.

⁷³ Source: OHCHR.

fell to the ground after the first bullet hit him; at least two further shots were fired and hit him.⁷⁴

Khuzza'a

44. On 23 and 24 July 2014, in Khuzza'a, another densely-populated area in southern Gaza, hundreds of residents fled or tried to flee their homes during heavy bombardment of their respective neighbourhoods. A 16-year-old girl with a disability, who fled her home in a wheelchair with her family on 24 July, was found dead on 1 August near the entrance to the town. Reportedly, her body had injuries indicating that she might have been killed by shelling. The girl's relatives left her behind reportedly after the IDF opened fire on them, injuring the girl's brother who was pushing her wheelchair. Attempts by the family to retrieve the girl in the following days were impeded by continued strikes.⁷⁵ Witnesses told OHCHR that IDF soldiers fired indiscriminately at civilians trying to escape the area including some with white flags.

45. In another instance at around 0600 hours on 24 July, several hundred residents trying to leave their homes reportedly found themselves surrounded by IDF tanks and IDF soldiers. The group, many of them carrying white flags, were reportedly asked by IDF soldiers to sit on the floor. IDF soldiers reportedly asked for a Hebrew speaker in the group to stand up. As a 57-year-old man attempted to do so, he was reportedly shot and killed.⁷⁶

Rafah

46. On 1 August 2014, in eastern Rafah, in the context of reports that an IDF soldier had been captured, the IDF carried out massive shelling and bombardment in the neighbourhoods of Al-Shoka, Zalata and the vicinity of the defunct airport.⁷⁷ According to information gathered by the Protection Cluster, 111 Palestinians, including 94 civilians and 11 confirmed members of armed groups, were killed, some while fleeing their homes.⁷⁸ OCHA reported that thousands of residents from Rafah Governorate were displaced, fleeing to seek refuge, including in UNRWA shelters.⁷⁹ As of the afternoon of 3 August 2014, UNRWA was providing shelter to 259,321 in 90 schools across the Gaza Strip; 6,000 more than on 2 August.⁸⁰

47. Witnesses told OHCHR that ambulances were prevented from reaching the dead and wounded. Instead, relatives were exposed to enormous risks amidst continuous shelling as they carried the corpses and injured to nearby hospitals. Based on the information available to OHCHR, it is hard to understand how the very high number of civilian casualties and the scale of damage caused by the shelling and bombardment carried out in Rafah, reportedly as a response to the alleged capture of the soldier, could be consistent with the principles of proportionality and distinction enshrined in international humanitarian law.⁸¹

⁷⁴ Source: OHCHR; www.channel4.com/news/gaza-israel-killing-salem-shamaly-shujaiya-inside-story.

⁷⁵ Source: OHCHR.

⁷⁶ Source: OHCHR.

⁷⁷ Not functioning since September 2000. Source: OHCHR. See also www.haaretz.com/news/diplomacy-defense/.premium-1.608715, www.timesofisrael.com/has-the-hannibal-protocol-run-its-course/.

⁷⁸ Source: Protection Cluster.

⁷⁹ www.ochaopt.org/documents/ocha_opt_sitrep_03_08_2014.pdf;

www.ochaopt.org/documents/ocha_opt_sitrep_05_08_2014.pdf.

⁸⁰ www.ochaopt.org/documents/ocha_opt_sitrep_02_08_2014.pdf and

www.ochaopt.org/documents/ocha_opt_sitrep_03_08_2014.pdf.

⁸¹ www.idfblog.com/blog/2014/07/18/live-updates-ground-operation-gaza/.

Attacks on schools serving as United Nations-designated shelters for internally-displaced persons

48. OHCHR documented a number of cases where those seeking shelter found they had nowhere safe to go. Of particular concern were the seven separate occasions when UNRWA schools that had been used as Designated Emergency Shelters were either hit directly or struck nearby by shells or other munitions, injuring and in three cases, killing civilians sheltering there.

49. The three most egregious cases in which UNRWA schools used as shelters were hit were at Beit Hanoun Elementary Co-educational “A” and “D” School (on 24 July 2014), Jabalia Elementary Girls “A” and “B” School (30 July 2014) and Rafah Preparatory Boys “A” School (3 August 2014), which were roundly condemned by the Secretary-General, the High Commissioner, the UNRWA Commissioner-General and others.⁸²

50. In total, some 45 civilians were killed and more than 200 injured. United Nations premises are inviolable under international law, whilst civilians are protected from direct attack under international humanitarian law. The Military Advocate General (MAG) has stated it is launching a criminal investigation into the incident in Beit Hanoun.⁸³

51. The case in Rafah, on 3 August 2014, illustrates the concerns. At around 1045 hours, a missile hit an area approximately five metres from the main gate of a UNRWA school used as a shelter for some 2,700 internally displaced persons, killing 12 people, including an UNRWA guard. Six of those killed were inside the school premises and five were outside when the attack occurred. The location of the twelfth victim has not been determined. Among the dead were eight children. A number of people passing by were injured. According to witness accounts, the children from the shelter were buying ice-cream from a street vendor at the gate of the school, when the missile hit the road. UNRWA notified the Israeli authorities 33 times of the coordinates of the shelter, and the fact that it was housing displaced persons, the last time one hour before the incident.⁸⁴ Eyewitnesses said that there were no activities of armed groups in the area at the time. Media reported that the IDF were targeting three members of an armed group on a motorcycle or firing at IDF in the vicinity of the school.⁸⁵

52. An internal Board of Inquiry has been established by the Secretary-General which will “review and investigate a number of specific incidents in which death or injuries occurred at, and/or damage [was] done to, United Nations premises”.⁸⁶

Attacks on hospitals and medical personnel

53. According to the World Health Organization, 17 hospitals and 56 primary health clinics were destroyed or sustained damages during hostilities.⁸⁷

⁸² www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14916&LangID=E and www.unrwa.org/newsroom/official-statements/unrwa-strongly-condemns-israeli-shelling-its-school-gaza-serious; www.unrwa.org/newsroom/official-statements/unrwa-condemns-israeli-strike-next-unrwa-school-killing-civilians; Secretary-General’s remarks to media on arrival in San Jose, Costa Rica, 30 July 2014 available at <http://www.un.org/sg/offthecuff/index.asp?nid=3503>; Press Statement, Jen Psaki, US State Department Spokesperson, Washington, DC, August 3, 2014, www.state.gov/r/pa/prs/ps/2014/230160.htm.

⁸³ www.mag.idf.il/163-6859-en/Patar.aspx?pos=9 and www.mag.idf.il/261-6958-en/Patar.aspx.

⁸⁴ www.unrwa.org/newsroom/official-statements/unrwa-condemns-israeli-strike-next-unrwa-school-killing-civilians.

⁸⁵ www.ynetnews.com/articles/0,7340,L-4554369,00.html; www.nytimes.com/2014/07/31/world/middleeast/israel-gaza.html?_r=0.

⁸⁶ www.un.org/press/en/2014/sgsm16324.doc.htm

54. In one case OHCHR monitored, a warning given by the IDF before an attack on a private medical clinic in Al-Shaf, east of Gaza City, did allow civilians to evacuate, despite extremely short notice. On 12 July 2014, a neighbour living adjacent to the medical clinic received a telephone call from the IDF requesting him to warn the staff at the clinic of an imminent attack. The neighbour passed on the warning to family members of clinic staff. Thirty minutes later, he received another telephone call from IDF stating that the aerial attack would start in five minutes. People were evacuated from the clinic and its vicinity and there were no civilian casualties. Notwithstanding the successful evacuation, this attack still raises concerns regarding compliance with the special protection for hospitals under international humanitarian law.⁸⁸

55. At least 17 out of 32 hospitals were damaged,⁸⁹ many directly impacted by Israeli strikes; one hospital and 54 primary health clinics were destroyed outright.⁹⁰ On 21 July 2014, Al-Aqsa Martyrs Hospital in Deir El Balah was directly hit numerous times, killing three people, including one patient, and injuring at least 40 others. At least two others who were evacuated from Al-Aqsa Martyrs Hospital died in other hospitals from their wounds. According to witnesses, intense shelling of the area had been ongoing for some time when the hospital was hit several times, including the Special Surgery Department, completely destroying several rooms. Reportedly, no warning of the pending attack was given. The IDF claimed that the target was a cache of anti-tank missiles in the hospital's immediate vicinity.⁹¹

56. This attack would appear to violate the special protections given to hospitals under international law. Due to their vital importance to the civilian population, and the function they perform, there are specific provisions in international humanitarian law regarding when hospitals lose their protection. Where hospitals are being used to commit acts harmful to the enemy, they may lose their protection from attack. However, their protective status may only cease after due warning has been given specifying a reasonable time limit, and after such warning has remained unheeded. The time given must be long enough to allow the unlawful acts to be stopped or for the hospital patients to be removed to a place of safety.⁹²

57. There are also numerous reports of attacks on or near ambulances and ambulance staff, causing death, injury and damage. In several cases, this was even after ambulances coordinated their movement directly with the Israeli Civil Liaison Office or through the ICRC. For example, on 25 July 2014, at around 2310 hours, a Palestinian Red Crescent Society (PRCS) ambulance went to Al-Qarara in Khan Younis after the ICRC was contacted by the Liaison Office to evacuate a child. Three PRCS staff, including the driver, had to leave the vehicle to reach the child, which they did only after coordination with the IDF via the ICRC. The IDF then allegedly shot the driver. The remaining PRCS staff were allegedly shot at several times and only able to evacuate the driver 30 minutes later. He subsequently died from his injuries. The Military Advocate-General has ordered a criminal investigation into this incident.⁹³

⁸⁷ www.emro.who.int/pse/publications-who/monthly-referral-reports.html.

⁸⁸ Articles 19-20, Fourth Geneva Convention.

⁸⁹ www.ochaopt.org/documents/gaza_mira_report_9september.pdf

⁹⁰ www.emro.who.int/images/stories/palestine/documents/Joint_Health_Sector_Assessment_Report_Gaza_Sept_2014-final.pdf?ua=1.

⁹¹ www.bbc.com/news/world-middle-east-28399292.

⁹² Rule 28, ICRC Customary IHL Study.

⁹³ www.mag.idf.il/261-6958-en/Patzar.aspx.

58. These attacks raise concerns in relation to Israel's obligations under international law. Ambulances and medical personnel are protected as civilians and civilian objects,⁹⁴ but also have specific protections under international humanitarian law.⁹⁵ In addition, attacks against medical personnel displaying the Red Crescent emblem are specifically prohibited.⁹⁶ Moreover, parties are obliged to take all possible measures to protect the wounded.⁹⁷

Attacks on other civilian objects and infrastructure

59. Civilian objects protected under international humanitarian law - such as industrial infrastructure, farms, water and sanitation installations, the Gaza Power Plant, a water desalination station, mosques, and universities - sustained severe damage or were destroyed. Many of these are subject to special protection, including mosques and educational institutions,⁹⁸ as well as objects, such as the power plant and water and sanitation facilities, which may be seen as objects indispensable to the survival of the civilian population and whose destruction will have a significant impact on the population's enjoyment of human rights, including the rights to health, water and an adequate standard of living.⁹⁹ In any event, the widespread impact of destruction of such facilities would make it very unlikely that such attacks could be proportionate. While the IDF reportedly denied targeting the power plant,¹⁰⁰ the Israeli authorities confirmed that they had targeted mosques on a number of occasions and the Islamic University in Gaza.¹⁰¹

60. According to United Nations figures, 26 government schools were totally destroyed and 209 schools sustained damages (122 government schools, 83 UNRWA schools and four private schools) due to their proximity to targeted sites, or as result of direct attacks.¹⁰² UNRWA estimates that 118 of its installations, including schools, health centres, and warehouses, have been damaged during the war.¹⁰³ Furthermore, three universities were directly hit in Israeli strikes and eight universities sustained collateral damage.¹⁰⁴

61. Water and sanitation infrastructure in the Gaza Strip sustained damage reportedly amounting to USD 33 million.¹⁰⁵ According to the Coastal Municipalities Water Utility, 63 water facilities were damaged; among them 23 were completely destroyed.¹⁰⁶ As a result, 40 per cent of the population were deprived of access to running water while, by 20 August, the rest of the population were receiving running water only on average every three to four days.¹⁰⁷ A wastewater pumping station serving 200,000 people was also damaged in Gaza

⁹⁴ Rule 1, ICRC Customary IHL Study.

⁹⁵ Rule 25, ICRC Customary IHL Study.

⁹⁶ Rule 30, ICRC Customary IHL Study.

⁹⁷ Rules 110-111, ICRC Customary IHL Study.

⁹⁸ Rule 38, ICRC Customary IHL Study.

⁹⁹ Rule 55, ICRC Customary IHL Study; Articles 11 and 12, ICESCR.

¹⁰⁰ www.timesofisrael.com/idf-general-israel-did-not-target-gazas-power-plant/.

¹⁰¹ <http://mfa.gov.il/MFA/ForeignPolicy/Terrorism/Pages/Rise-in-rocket-fire-from-Gaza-3-Jul-2014.aspx>.

¹⁰² Source: Education Cluster (OPT)/UNRWA.

¹⁰³ www.unrwa.org/newsroom/emergency-reports/gaza-situation-report-64.

¹⁰⁴ Source: Education Cluster.

¹⁰⁵ gisha.org/updates/3363, www.maannews.net/eng/ViewDetails.aspx?ID=720672.

¹⁰⁶ gisha.org/updates/3363.

¹⁰⁷ gisha.org/updates/3363.

City.¹⁰⁸ According to the Coastal Municipalities Water Utility, six of its staff members were killed during Israeli attacks while they were working.¹⁰⁹

62. The sole power station in Gaza was forced to shut down after its fuel tanks and one turbine were hit in Israeli strikes. According to media, the IDF denied intentionally targeting the power plant, but did not rule out that the plant was hit by mistake.¹¹⁰ The shutdown of the power plant deprived households of both electricity and access to water and sewage treatment. It also increased the vulnerability of hospitals forced to rely on precarious generators.¹¹¹ The cost of repairing the power plant is estimated at USD 10 million, and will take several months provided all necessary materials are allowed to enter Gaza.¹¹²

63. The escalation severely affected the livelihoods of farmers and fisherfolk. According to the United Nations Food and Agriculture Organization, 17,000 hectares of cropland and other agricultural infrastructure was substantially damaged, and half of Gaza's population of poultry birds was lost directly in Israeli strikes or through lack of water, feed or care resulting from access restrictions.¹¹³ On 6 July, the fishing limit was reduced from six to three nautical miles.¹¹⁴ The fishing sector lost an estimated 234.6 tons of fish - 9.3 per cent of the local fishermen's yearly catch - during the first month of hostilities.¹¹⁵

Transfer of detainees to Israel and forced work for military purposes

64. Approximately 66 Palestinians were detained by IDF in Gaza during the offensive.¹¹⁶ Of these, 31 were transferred to Israel and the rest were subsequently released. In late October, local human rights organizations reported that 22 were still in Israeli detention,¹¹⁷ many charged with membership of or affiliation with armed groups, with one detainee held under the Unlawful Combatants Act. According to a local human rights group, 10 detainees were allegedly subjected to beating, prolonged standing and stress positions during interrogation.¹¹⁸

65. In another case, a 17-year-old Palestinian youth told OHCHR he was detained and forced to work with the IDF for several days. On 23 July, at approximately 1300-1400 hours, the boy was walking through an IDF checkpoint on Al-Basteen Street in Khuzza'a after clearance was given to civilians to evacuate their homes to safer places in Khan Younis. He said that he was detained, interrogated and forced to spend a night in a dark room without windows, and forced to escort soldiers more than once to locate tunnels inside water wells and houses. The Military Advocate-General has ordered a criminal investigation into this incident.¹¹⁹

¹⁰⁸ www.cmwu.ps/en/news.php?view=107.

¹⁰⁹ www.cmwu.ps/en/news.php?view=111.

¹¹⁰ www.timesofisrael.com/day-23-us-and-israel-deny-report-of-harsh-obama-netanyahu-call-rockets-fired-on-ta-confusion-over-truce/

¹¹¹ www.hrw.org/news/2014/08/10/gaza-widespread-impact-power-plant-attack.

¹¹² gisha.org/updates/3363.

¹¹³ www.fao.org/news/story/en/item/240924/icode/.

¹¹⁴ www.maannnews.net/eng/ViewDetails.aspx?ID=710377

¹¹⁵ www.fao.org/news/story/en/item/240924/icode/.

¹¹⁶ Source: Palestinian Centre for Human Rights.

¹¹⁷ Source: Palestinian Centre for Human Rights and Al Mezan Centre for Human Rights.

¹¹⁸ Source: Al Mezan Centre for Human Rights.

¹¹⁹ www.mag.idf.il/261-6958-en/Patar.aspx.

B. Alleged violations by Palestinian armed groups

Indiscriminate rocket fire and targeting of civilians

66. Palestinian armed groups fired large numbers of projectiles towards Israel.¹²⁰ While some projectiles, especially mortars, may have been directed at military objectives, rockets lack precision in terms of aiming at specific targets. Many Palestinian armed groups reportedly indicated their intention to attack large population centres in Israel.¹²¹ In numerous statements, Palestinian armed groups claimed responsibility for rocket fire at Israeli towns “in reprisal for Israeli abuses or aggression”.¹²² In other statements, Palestinian armed groups warned Israeli civilians living in “... the Gaza rim and the towns close by... not to return to their homes. Those of them who stay out of necessity should remain inside shelters and protected places”.¹²³ Attacks directed at civilians are prohibited under international law. Also, the vast majority of rockets fired cannot be precisely targeted and, as such, are indiscriminate in nature and violate the principle of distinction.

67. According to Israeli Government sources, attacks by Palestinian armed groups resulted in the killing of six civilians in Israel.¹²⁴ On 21 August 2014, a four-year-old boy was killed, when a mortar hit a car in a community near Gaza.¹²⁵ Approximately 224 rockets reportedly hit Israeli residential buildings, cars and a synagogue, during the escalation.¹²⁶

Military operations in densely-populated areas and locating weapons in United Nations facilities

68. The IDF, on 20 August 2014, reported that 1,600 out of 3,600 rockets had been fired from civilian areas.¹²⁷ Allegedly, rockets and mortars were fired from or in the vicinity of United Nations facilities, schools, graveyards, mosques and the power plant.¹²⁸ OHCHR documented two cases involving rocket fire from populated areas.

69. At around 2200 hours, on 20 July 2014, six civilians in different locations, north of the main cemetery in Al-Faluja neighbourhood of Jabalia, sustained stone and shrapnel injuries when a rocket fired by Palestinian armed groups fell short and landed on a house north of the cemetery. OHCHR received multiple reports that members of Palestinian armed groups frequently fired rockets from the cemetery towards Israel. The cemetery was repeatedly hit by the IDF during the escalation.

70. On 29 July 2014, at approximately 1630 hours, a number of Israeli shells consecutively hit a house in Al-Qasaseeb neighbourhood, a short distance from the aforementioned cemetery, killing 11 people from the same family. OHCHR received reports that members of Palestinian armed groups sought refuge or were in close proximity

¹²⁰ Source: Al Mezan Centre for Human Rights.

¹²¹ www.saraya.ps/index.php?act=Show&id=36899, www.alqassam.ps/arabic/#!/29409/الأخبار,

¹²² www.saraya.ps/index.php?act=Show&id=36899, www.alqassam.ps/arabic/#!/الأخبار

¹²³ www.qassam.ps/statement-1509-Press_Release_of_Abu_Obeida_Al_Qassam_spokesperson.html

¹²⁴ www.shabak.gov.il/English/EnTerrorData/Reports/Pages/Monthlysummary-July2014.aspx;

www.shabak.gov.il/English/EnTerrorData/Reports/Pages/Monthly0814.aspx.

¹²⁵ www.timesofisrael.com/four-year-old-boy-killed-in-mortar-attack-on-shaar-hanegev/

¹²⁶ www.ynetnews.com/articles/0,7340,L-4564678,00.html.

¹²⁷ www.idfblog.com/blog/2014/08/20/new-declassified-report-exposes-hamas-human-shield-policy/.

www.idfblog.com/blog/2014/07/31/hamas-launches-rockets-civilians-gaza/

¹²⁸ www.idfblog.com/blog/2014/08/20/new-declassified-report-exposes-hamas-human-shield-policy/.

www.idfblog.com/blog/2014/07/31/hamas-launches-rockets-civilians-gaza/

to the house after having fired a number of rockets towards Israel, possibly from the cemetery the same day.

71. There are allegations that weapons belonging to Palestinian armed groups were stored in homes and in other civilian structures.¹²⁹

72. On three occasions UNRWA confirmed that weapons components had been placed in three vacant UNRWA schools in Gaza in breach of the inviolability of United Nations premises.¹³⁰ As highlighted by UNRWA, the incident endangered civilians, including staff, and put at risk UNRWA mission to assist and protect Palestine refugees in Gaza. Immediately after discovering the items, UNRWA informed all key parties and condemned these violations of international law. On all occasions when weapons were found, they were found in schools that had been shut down for the summer, and which were not being used to shelter displaced persons.

Summary executions of alleged collaborators

73. Approximately 21 Palestinians accused of collaborating with Israel were allegedly executed by Palestinian armed groups during the escalation, of whom 16 were allegedly taken from Katiba Prison by armed masked men and summarily executed, while the five others were allegedly executed in other locations.¹³¹ The majority of these executions took place immediately after the killing of three Izz Al-Din Al-Qassam Brigades commanders in Rafah by the IDF. Witnesses reported seeing at least 10 dead bodies, apparently executed by Palestinian armed groups, on 22 August 2014.¹³²

74. According to available information, two of those killed were already held in detention in Katiba prison, one of the main prisons in Gaza City, accused of collaborating with Israel during the period prior to the July-August escalation. OHCHR documented the execution of a 23-year-old man on 23 August 2014. The man had been arrested on 23 October 2013 and charged with treason. He had appeared in court twice since the arrest, but there was no court decision before his execution.¹³³ In another case, a 45-year-old man, a former Palestinian Authority civil police officer who had been sentenced by a military court on 9 April 2013 to 15 years' imprisonment for collaboration with Israel, was executed on 22 August. According to the man's relatives, masked men took him from the Hamas-controlled prison at around 0230 hours to an empty building nearby where he was allegedly ill-treated before being shot dead. His family received no official notification of the execution but his body was handed over to them later that morning.

IV. Accountability

Israel

75. During the Israeli military operation in Gaza, the IDF Chief of Staff ordered that a General Staff Mechanism for Fact-Finding Assessments (the 'FFA Mechanism') would examine "Exceptional Incidents" that occurred during Operation Protective Edge.¹³⁴ The FFA Mechanism was established in response and as part of the implementation of the

¹²⁹ www.idfblog.com/blog/2014/07/27/hamas-uses-palestinian-houses-as-military-compounds/

¹³⁰ www.unrwa.org/newsroom/press-releases/unrwa-strongly-condemns-placement-rockets-school.

¹³¹ Source: OHCHR; see also http://alray.ps/en/index.php?act=post&id=5195#.U_8l38V_v90.

¹³² Source: OHCHR.

¹³³ Source: OHCHR.

¹³⁴ www.mag.idf.il/261-6858-en/Patzar.aspx

recommendations of the “Turler Commission”.¹³⁵ According to information published by the MAG in December 2014 regarding “exceptional incidents”, the MAG has conducted an initial examination with regard to more than 100 incidents. Allegations with regard to approximately 100 incidents have been referred to the FFA Mechanism for assessment. Fifty of these incidents have been examined by the FFA Mechanism and referred to the MAG for a decision. The MAG decided to close nine of these cases without opening a criminal investigation, while 11 incidents have been referred back to the FFA Mechanism for further examination.¹³⁶

76. The MAG has ordered the opening of a total of thirteen criminal investigations, five following referral by the FFA Mechanism, and eight more on the basis of allegations that, according to the MAG, “indicated *prima facie* grounds for a reasonable suspicion of criminal misconduct without the need for prior examination by” the FFA Mechanism. Included in the list of incidents to be subject to a criminal investigation are the attack on the UNRWA school in Beit Hanoun on 24 July, the attack on the Abu Jamá home on 20 July 2014, the attack on Gaza beach on 16 July 2014, the attack on the ambulance driver near Khan Younis on 25 July 2014, and the alleged mistreatment of the 17-year-old boy who said that he was held by the IDF from 23 July 2014, amongst other incidents. The remaining cases await a decision.¹³⁷

77. The MAG has decided to close the investigations into nine cases. One of these relates to the killing of Abu Kaware family members in Khan Younis on 8 July 2014. The investigation found that the attack was “carried out against the building due to its use for military purposes by Hamas”, noting that “the IDF provided precautions to the residents of the building to vacate the premises. These precautions included an individual telephone call and the firing of a non-explosive projective at the roof of the premises, as part of the ‘knock on the roof procedure...’ The investigation’s findings continue: “Following the provision of the precautions, the residents vacated the building. Subsequently, a number of people were identified as returning to the premises for unknown reasons. However, at this stage, the bomb had already been released and could not be diverted from its target”.¹³⁸ The investigation report does not specify the timings of the telephone call and the firing of the non-explosive projective and the time lapse between them and the actual attack. Thus, it is unclear whether the IDF gave the civilians sufficient time to evacuate the premises. Witnesses informed OHCHR that soon after the “roof knocking” rocket hit the building, people in the vicinity started running toward the attacked house to see what had happened, just when the major attack occurred killing nine people (including six from the Kaware family).¹³⁹ “Roof-knocking” is an inherently ambiguous method of warning. In this case, it is possible that people mistook the “roof knocking” for the main attack.

78. OHCHR notes that the investigations carried out by the FFA Mechanism and reviewed by the MAG are positive steps towards establishing accountability and justice for victims in Gaza. However, there are two significant shortcomings: firstly, the focus of the FFA is on “exceptional incidents”, as opposed to all incidents that trigger the State’s duty to investigate or any policies or tactics that may infringe international law; and, secondly, the

¹³⁵ The Turler Commission, established to investigate the May 2010 Gaza flotilla raid, was given a mandate to review Israel’s mechanisms for investigating alleged violations of the laws of armed conflict, and made specific recommendations to strengthen these mechanisms.

¹³⁶ www.mag.idf.il/261-6958-en/Patzer.aspx. This was an update to information released by the MAG in September 2014, and was included in this report just prior to its finalisation without it being possible to fully analyse the updated information published by the MAG.

¹³⁷ www.mag.idf.il/261-6958-en/Patzer.aspx.

¹³⁸ www.mag.idf.il/261-6958-en/Patzer.aspx

¹³⁹ Source: OHCHR.

MAG has a dual role as both legal advisor and investigator. On the one hand, the MAG advises the IDF on the legality of military operations, whilst on the other hand, it is responsible for investigating allegations of unlawful actions, including potentially those carried out on the basis of MAG advice. This raises concerns that investigations will be limited to selected incidents and will not address failures to ensure respect for international law at the policy level.

79. These concerns endure in the context of the continued failure to ensure meaningful accountability in respect of earlier escalations in Gaza. According to local human rights groups, despite numerous allegations of crimes under international law, only four Israeli soldiers have been prosecuted and convicted for three incidents that occurred during the 2008-09 escalation; one of the convictions was for stealing a credit card.¹⁴⁰ In 2013, the Military Advocate General publicly stated that it found no basis for opening criminal investigations into some 65 incidents involving the IDF during the November 2012 escalation.¹⁴¹

80. There are also concerns regarding accountability, including a remedy for victims, in respect of alleged violations in the West Bank, including East Jerusalem. The past lack of human rights compliant investigations and access to an effective remedy in cases of alleged excessive use of force by the ISF and settler violence is well documented.¹⁴² There was little information available at the time of writing on the opening or progress of investigations into specific incidents. Israeli authorities must ensure that effective accountability measures are put in place and that victims of the aforementioned alleged violations are afforded a remedy. Additionally, the policies of administrative detention and punitive demolitions must end and remedy must be provided to their victims.

Accountability for violations by Palestinian armed groups in Gaza

81. The Palestinian authorities have an obligation to ensure that allegations of violations of international law are promptly, thoroughly, effectively, independently, impartially and transparently investigated, and that those responsible are brought to justice. To date, OHCHR has no information that such investigations are being carried out. There are again fears that impunity will prevail and only add further fuel to the possibility of more violence in the future.¹⁴³

Commission of Inquiry

82. The Commission of Inquiry established by resolution S-21/1 and mandated to investigate all violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory, “*in the context of the military operations conducted since 13 June 2014, whether before, during or after*”, is continuing its investigations. It will report to the Human Rights Council at its twenty-eighth session.¹⁴⁴

¹⁴⁰ www.btselem.org/accountability/20140905_failure_to_investigate.

¹⁴¹ The Secretary-General has also highlighted concerns regarding accountability following the 2012 escalation (A/68/502, paras.30-34).

¹⁴² A/69/347, paras.52-69.; A/69/348, paras.36-44; A/HRC/28/44.

¹⁴³ Regarding impunity in relation to the 2012 escalation, see A/68/502, paras.33-34.

¹⁴⁴ A/HRC/27/76.

V. Conclusion

83. The events of 12 June to 26 August 2014 were utterly devastating, and their consequences will continue to be felt by Palestinians across the Gaza Strip for some time to come. These events were unprecedented, but tragically not unfamiliar, occurring against a backdrop of ongoing violations of international human rights and humanitarian law across the Occupied Palestinian Territory. The violations and the violence only sow the seeds for further breaches, more loss of life, and ongoing instability in the region.

84. Effective accountability is a key means to break the cycle of violence, human rights violations and impunity. Today, as Palestinians in Gaza struggle to try to rebuild their broken lives, they battle with the fear that similar escalations will again erupt, and that Gaza will again be devastated as has happened repeatedly in recent years. On their side, Israelis too will continue to live in fear of attacks. Meanwhile, violations in the West Bank, including East Jerusalem, continue to drive the conflict, with wider implications for peace and security in the region. This protracted conflict is at a critical juncture, with recent heightened tensions emphasising the imperative for an end to the ongoing and recurrent human rights violations by all parties and to the prolonged occupation, as well as the full realisation of the right to self-determination.
