



Defence for Children International/Palestine Section
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**Israel's Compliance with the
International Covenant on Civil and Political Rights**

**Defence for Children International Palestine
Shadow Report to the Fourth Periodic Report of Israel**

IMPACT OF ISRAELI MILITARY OFFENSIVES IN THE GAZA STRIP ON PALESTINIAN CHILDREN

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INTRODUCTION

Since Operation Cast Lead, over five years ago, children continue to pay the highest price for Israel's repeated military offensives on Gaza. These offensives have been characterized by a disproportionate force directed at government and civilian infrastructure, residential neighborhoods, and, too often, individual civilians. The vulnerability of the civilian population, particularly children, in the Gaza Strip has been intensified by the Israeli government's policy of collective punishment and the continued illegal seven-year blockade imposed by Israel on Gaza's land, air and sea.

More than half of Gaza's 1.8 million residents are children under the age of 18. Along with the rest of the population, they have been forced to live the last seven years under an illegal blockade of the Gaza Strip imposed by Israel. Since 2007, Israel has strictly controlled and limited the entry and exit of individuals, maintained harsh restrictions on imports including food, construction materials, fuel and other essential items, and prohibited exports. Consequently, stifling the population's livelihood and local economy. The last two years have only further traumatized a generation of Palestinian children living under siege in Gaza as they bore witness to Israel's latest major military offensives – Operation Pillar of Defense in November 2012 and Operation Protective Edge this past summer. Both military offensives saw heavy artillery fire and constant airstrikes batter the Gaza Strip, severely impacting the civilian population.

The Israeli military's devastating violence against Palestinian children in Gaza is both direct and widespread. Hundreds of children have been killed by targeted attacks and airstrikes. Even more were injured. Those children who escaped the physical toll of the war are impacted by the trauma of seeing and hearing the military incursion on their communities. Many children have lost family members or have been orphaned. By the end of each military operation, their family homes have been destroyed or damaged and their access to education impaired.

The violent trend of Israel's recent military offensives has left the Palestinian civilian population in Gaza, particularly children, traumatized and in need of psychological support. Most children over the age of six in Gaza have lived through three major Israeli military assaults. This violence is exacerbated by the blockade on the Gaza Strip imposed by Israel since 2007, which has led to a humanitarian crisis for the 1.8 million Palestinians that live in the Gaza Strip.

IMPACT OF ISRAELI MILITARY OFFENSIVES IN THE GAZA STRIP ON PALESTINIAN CHILDREN

Issue Summary

Operation Pillar of Defence

On November 14, 2012, Israel initiated its first major offensive since Operation Cast Lead when it launched an airstrike that targeted and killed the acting chief of Hamas' armed wing in Gaza. Israeli attacks during the eight-day military offensive on the Gaza Strip known as Operation Pillar of Defence killed 33 Palestinian children between 14 and 21 November 2012.¹ Rockets fired by Palestinian armed groups that fell short killed two additional children and one child was killed while participating in hostilities, amounting to a total of 36 child fatalities, according to evidence collected by DCI-Palestine.²

The military offensive was characterized by Israel airstrikes and naval and ground shelling that targeted densely populated areas of the Gaza Strip. The military offensive ended with an Egyptian-brokered truce between Israel and Hamas on November 21, 2012.

The escalation in hostilities in Gaza during November 2012 amplified pre-existing vulnerabilities caused by the blockade, impairing livelihoods and further limiting Palestinian access to essential services including education and health. Hundreds of families were left displaced after at least 450 houses were destroyed or severely damaged³ and about 20,000 people were without water supply due to pipelines damaged from the attacks.⁴ According to UNICEF figures, at least 142 government school buildings were damaged as result of military violence, consequently disrupting the children's education and creating an unsafe learning environment for thousands of children.⁵

Operation Protective Edge

On July 8, 2014, Israeli forces began an intensive aerial and naval bombing campaign on the Gaza Strip with a ground incursion commencing on July 17, 2014. Israel's military offensive, known as "Operation Protective Edge", was characterized by attacks directed at government and civilian infrastructure, residential neighborhoods, and individual civilians. The incursion lasted 50 days, and caused grave devastation to the Gaza Strip and its inhabitants. An Egyptian-

¹ DCI-Palestine, DCI concludes investigations – Children make up approximately 23 percent of fatalities in Gaza, (Dec. 15, 2012), <http://www.dci-palestine.org/documents/dci-concludes-investigations-%E2%80%93-children-make-approximately-23-percent-fatalities-gaza>

² *Id.*

³ UN OCHA, Situation Report, (Dec. 5, 2012), http://www.ochaopt.org/documents/ochaopt_gaza_sitrep_05_12_2012_english.pdf

⁴ UN OCHA, Situation Report, (Nov. 26, 2012), http://www.ochaopt.org/documents/ochaopt_gaza_sitrep_26_11_2011_english.pdf

⁵ UNICEF, CO Situation Report, (July 31, 2013), http://www.unicef.org/appeals/files/UNICEF_oPt_SitRep_July_2013.pdf

brokered ceasefire ended hostilities on August 26, 2014, ending the longest and deadliest escalation in hostilities in the Gaza Strip since 1967.

Over the course of Israel's most recent military offensive on the Gaza Strip, Israeli forces carried out direct attacks on civilian homes causing a large number of civilian casualties, including children. Since July 8, 2014, Israeli forces killed at least 2,131 Palestinians and injured 11,100 others, the majority civilians.⁶ At least 501 Palestinian children were killed by Israeli forces, and 3,374 were injured in attacks throughout Gaza.⁷ As of September 4, 2014, Defence for Children International Palestine has independently verified the deaths of 349 Palestinian children killed in Israeli attacks.⁸

Civilian homes, schools, hospitals and places of worship are presumed to be civilian objects. Any attacks on these structures raise serious concerns about whether Israeli strikes and shelling have been in accordance with international humanitarian law and international human rights law. The violence was exacerbated by the blockade on the Gaza Strip imposed by Israel since 2007, which has led to a man-made humanitarian crisis for the 1.8 million Palestinians that live in the Gaza Strip.

In the 50 days of violence, at least 501 Palestinian children were killed by Israeli fire (making up 34% of the civilian casualties), and 3,374 were injured.⁹ Far more children were killed by Israeli fire than Palestinian militants. Of those children who survived with injuries, estimates indicate that about 1,000 will have a permanent disability.¹⁰

Over the course of Israel's military offensive on the Gaza Strip, Israeli strikes carried out direct attacks on civilian homes causing a large number of civilian casualties, including children. The bloodiest day of the military offensive came on July 20, with at least 100 civilians killed, including more than 20 children as Israeli troops advanced into Shujaiya, a crowded residential neighborhood of Gaza City.¹¹

These numbers do not reflect the psychological trauma of Palestinian children in Gaza and their families, who lived under constant fear in the midst of heavy bombings and without access to safe places or shelters. An estimated 373,000 children in Gaza urgently need direct and specialized psychosocial support (PSS).¹² These children have shown symptoms of increasing

⁶ UN OCHA, Situation Report, (Sept., 4, 2012), http://www.ochaopt.org/documents/ocha_opt_sitrep_04_09_2014.pdf

⁷ *Id.*

⁸ DCI-Palestine, September 4 Update: Indefinite truce brings relief and hope to exhausted Gaza population, (Sept. 4, 2014), <http://www.dci-palestine.org/documents/august-5-update-un-says-child-death-toll-gaza-exceeds-400>

⁹ UN OCHA, Situation Report, (Sept., 4, 2012), http://www.ochaopt.org/documents/ocha_opt_sitrep_04_09_2014.pdf

¹⁰ UN OCHA, Situation Report, (Aug. 20, 2014), http://www.ochaopt.org/documents/ocha_opt_sitrep_20_08_2014.pdf

¹¹ DCI-Palestine, July 21 Update: Death toll of Palestinian children spirals as Israel expands Gaza offensive, (July 21, 2014), <http://www.dci-palestine.org/documents/death-toll-palestinian-children-spirals-israel-expands-gaza-offensive>

¹² UN OCHA, Situation Report, (Sept., 4, 2012), http://www.ochaopt.org/documents/ocha_opt_sitrep_04_09_2014.pdf

distress, such as bed-wetting, clinging to parents and nightmares.¹³ The military offensive has taken a devastating toll on families, orphaning an estimated 15,000 children and leaving 6000 with a parent that will endure a lifelong disability.¹⁴ An estimated 149 Palestinian families have had three or more family members killed in the same incident.¹⁵ In addition, the unexploded ordnances from Israeli fire are widely dispersed in and around homes, public spaces, and buildings throughout Gaza. These Explosive Remnants of War (ERW) constitute an increasing threat to the lives of children, especially boys who tend to be the main victims of accidents, and clearing them must be a priority.

According to UN OCHA figures, 22 schools were completely destroyed and 118 damaged by the violence.¹⁶ Targeted attacks destroyed or severely damaged 18,000 housing units, leaving approximately 108,000 people homeless.¹⁷ At least 17 hospitals were damaged by shelling from Israeli forces and six closed down as a result.¹⁸ Civilian homes, schools, hospitals and places of worship are presumed to be civilian objects. Any attacks on these structures raise serious concerns about whether Israeli strikes and shelling have been in accordance with international humanitarian law.

This latest Israeli military offensive on the Gaza Strip was characterized by indiscriminate attacks directed at government and civilian infrastructure, residential neighborhoods, and individual civilians. With attacks on hospitals, residential buildings and schools designated as shelters for the displaced, the Gaza population was left to fear no person or place was safe.

Human Rights Committee Position

Previously, the Human Rights Committee raised concerns regarding “the effects of the blockade on the civilian population in the Gaza Strip,” and demanded that Israel “lift its military blockade of the Gaza Strip, insofar as it adversely affects the civilian population.”¹⁹ Additionally, following Operation Cast Lead, the Committee regretted that Israel had “not yet conducted independent and credible investigations into serious violations of international human rights law, such as the direct targeting of civilians and civilian infrastructure, such as waste water plants and sewage facilities, the use of civilians as “human shields”, refusal to evacuate the wounded, firing live bullets during demonstrations against the military operation and detention in degrading conditions.”²⁰ More than four years after the Israel’s third periodic review violations and impunity continue unimpeded.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ UN OCHA, Summary of Gaza Multi-Cluster Initial Rapid Assessment (MIRA), (Sept. 9, 2014), http://www.ochaopt.org/documents/MIRA_Summary_MAK_8September2014_English.pdf

¹⁹ UN Human Rights Committee, Concluding Observations on Israel’s Third Periodic Report, U.N. Doc. CCPR/C/ISR/CO/3, ¶ 8, (Sep. 3, 2010), http://www.bayefsky.com/pdf/israel_t4_ccpr_99.pdf

²⁰ UN Human Rights Committee, Concluding Observations on Israel’s Third Periodic Report, U.N. Doc. CCPR/C/ISR/CO/3, ¶ 9, (Sep. 3, 2010), http://www.bayefsky.com/pdf/israel_t4_ccpr_99.pdf

Recommended Questions

1. During Operation Protective Edge, 22 schools were completely destroyed and 118 damaged by the conflict. What measures have the Israeli government taken to ensure that its military's investigation into allegations that Israeli shelling directly targeted schools and hospitals, causing several civilian fatalities, are credible and impartial?
2. Following Operation Cast Lead, the Israeli government opened very few investigations into alleged violations occurring during the military offensive. Following the November 2012 offensive and Operation Protective Edge it appears the pattern is the same. What measures has the Israeli government taken to ensure that individuals may lodge complaints? What is the process and procedure for follow-up and investigation?
3. Has the government taken independent measures to investigate Israeli attacks on at least six UNRWA schools that were shelled after UNRWA repeatedly notified Israeli forces of their precise location and use as shelters for the displaced?
4. Both international law and Israeli law prohibit the use of human shields. Has the Israeli government (a) opened an independent and impartial investigation into allegations that Israeli soldiers used Palestinian children as human shields during its latest ground invasion of the Gaza Strip during Operation Protective Edge, and (b) taken steps to hold these soldiers criminally accountable for violations of Israeli law and international law?
5. As the occupying state, what actions will Israel take to secure the psychosocial well-being of the thousands of children in the Gaza Strip that now suffer from the trauma of enduring the violence of a third major military offensive in six years?

Suggested Recommendations

1. The State party must take steps to ensure that all inquiries and investigations by the Israeli military of alleged war crimes committed by its forces against children meet international standards for credible, impartial and independent investigations.
2. The State party must launch, in addition to any investigations already conducted, credible, independent investigations into the serious violations of international human rights law, such as violations of the right to life, direct targeting of civilians, particularly with unmanned aerial drones, prohibition of torture, and the right to humane treatment of all persons in custody. All decision makers, whether military or civilian officials, should be investigated and where relevant prosecuted and sanctioned.
3. The State party must end its policies of collective punishment and take affirmative steps to end the seven-year blockade on the Gaza Strip. Allowing the freedom of movement and goods, such as food and medical supplies, is crucial to protecting the welfare of the children in Gaza and helping them cope with the trauma they have just endured.

ISRAELI FORCES USE PALESTINIAN CHILDREN AS HUMAN SHIELDS

Issue Summary

Since 2004, DCI-Palestine has documented 22 cases of Israel's use of Palestinian children as human shields. In breach of Israeli domestic law and international humanitarian law, Israel has continued to use Palestinian children as human shields with near complete impunity. In 2010, two Israeli soldiers, who used nine-year-old Majid Rabah as a human shield during Israel's 2008-2009 invasion of Gaza, became the first and only so far to be charged and convicted of the crime.

The use of human shields, which involves forcing civilians to directly assist in military operations or using them to shield a military object or troops from attack, is prohibited under international law and amounts to a violation of articles 9 and 10 of the International Covenant on Civil and Political Rights. The practice is also prohibited under Israeli law based on a 2005 ruling by the Israeli High Court of Justice. Often the civilian being used as a human shield is threatened and/or physically coerced into performing tasks, usually at gunpoint, and subject to abuse and ill-treatment while detained by the army for prolonged periods.

Ahmad Abu Raida, 17, Khuza'a, Gaza

During Operation Protective Edge, Defence for Children International Palestine documented one case involving the use of a Palestinian child as a human shield by Israeli forces. Israeli soldiers repeatedly used Ahmad Abu Raida, 17, as a human shield for five days while he was held hostage during Israel's ground invasion of the Gaza Strip.²¹

On July 21, Israeli tanks entered Ahmad's hometown Khuza'a, near Khan Younis in southern Gaza. After two days of hiding at home, Ahmad's family and neighbors attempted to flee intense artillery fire. As they tried to leave, however, Israeli soldiers collected the civilians and separated the young men from the others. Ahmad, still only 16-years old at the time, was singled out, detained with his hands tied behind his back, and kicked and insulted by a soldier. He was taken away and his family lost sight of him once they were released and forced to flee the area.

In the days that followed, despite not being associated with Hamas, Ahmad was interrogated about his political affiliation and the location of tunnels used by Palestinian armed groups. Israeli soldiers forced him at gunpoint to search for tunnels for five days. During this time he was verbally and physically abused and deprived of food and sleep. He managed to sleep for just two hours on the first night, sitting in a chair with his hands tied behind him. Every day he was made to search for tunnels, including at one point digging under the afternoon sun. In addition to trying to extract information from him regarding alleged Hamas members, Ahmad told DCI-Palestine in a sworn testimony that Israeli soldiers attempted to recruit him as an informant before releasing him on July 27.

²¹ DCI-Palestine, Israeli forces use Palestinian child as human shield in Gaza, (Aug. 21, 2014), <http://dci-palestine.org/documents/israeli-forces-use-palestinian-child-human-shield-gaza>

Speaking to DCI-Palestine, Ahmad said, “[The Captain and the soldiers] were walking behind me, with their rifles pointed at me. ‘*Get in and see if there are tunnels or not,*’ [the Captain] ordered me. They made me search all the rooms for tunnels. Whenever I told them there were no tunnels, they would take me out and search the room themselves.”

In addition to being forced to act as a human shield for the Israeli soldiers, Ahmad details an almost constant stream of abuse and threats during his detention. These included kicks and punches, whips with a wire, and threats of a sexual nature. When he was left alone in a civilian house for a period, he found some notepaper and secretly wrote a letter to his family, believing that he would be killed. On Sunday, July 27, he was finally released.

Muhammad Rabea, 17, Abu Dis, West Bank

Previously on April 19, 2013, in the occupied West Bank, Israeli soldiers armed with live ammunition, rubber-coated metal bullets and tear gas confronted a crowd of protesters using 17-year-old Muhammad Rabea as a human shield.²² They forced him to walk at gunpoint with his hands raised in the air as they approached the protesters.

Muhammad told DCI-Palestine that on the afternoon he was abducted he was walking to the supermarket, approximately 200 meters (660 feet) from his home, when he saw a group of youth running away and shouting that Israeli soldiers were chasing them. Unaware that there were any clashes taking place, he began to run as well. Moments later, two military jeeps advanced toward him and a voice from behind threatened to shoot him if he did not stop. A soldier caught him and forced him into a military jeep where he was bound and blindfolded.

Like other children who have been detained and tortured by Israeli forces, Muhammad shares a painful and unimaginable narrative. He points to his forehead where a soldier struck him with the stock of a rifle, at his legs where soldiers kicked him repeatedly, and at the base of his neck, wincing from the pain he still feels from being hit there with steel helmets.

He describes the verbal and physical abuse he was subjected to in the back of the military jeep during the forcible transfer to the military camp on the hill west of town. With his hands restrained by two plastic cords digging into his skin, soldiers forced him to sit on a revolving chair that spun as the jeep moved, giving them easier access to kick him from all sides.

After reaching the camp, the soldiers dragged him out of the jeep and knocked him down on the ground. “I couldn’t see anything but I remember feeling pain everywhere,” he said. “One of them hit me on my head with his helmet.” Muhammad screamed in pain and begged the soldiers to stop, but they began beating him harder for at least 10 minutes.

It was at this point that the soldiers took him back to town where he found himself in the midst of clashes. At gunpoint, soldiers forced Muhammad to walk among them as they confronted the demonstrators and opened fire in their direction.

²² DCI-Palestine, Palestinian teen describes being used as a human shield by Israeli forces, (Jun. 8, 2013) <http://dci-palestine.org/documents/palestinian-teen-describes-being-used-human-shield-israeli-forces>

Recommended Questions

1. What measures has the Israeli government taken to investigate alleged cases involving the use of civilians as human shields, specifically the cases of Muhammad Rabea and Ahmad Abu Raida?

Suggested Recommendations

1. The State party must launch credible, independent investigations into the serious violations of international human rights law, such as the use of civilians as human shields, the prohibition of torture, and the right to humane treatment of all persons in custody. All decision makers whether military or civilian officials, should be investigated and where relevant prosecuted and sanctioned.
2. The State party should incorporate into its legislation the crime of torture, as defined in article 1 of the Convention against Torture and in conformity with article 7 of the Covenant.