



Euro-Mid Observer

المركز الأوروبي لمناظرة حقوق الإنسان

# Israeli Matrix of Control:

## Use of Palestinian Civilians as Human Shields

8<sup>th</sup> July – 26<sup>th</sup> August -2014



Euro-mid Observer for Human Rights

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## **General supervision**

Pamela Rasemson

## **Legal Department**

Ihsan Adel

Amira Sha'ath

Mira Bishara

## **Editing and Follow-Up**

### **The English version**

Bill Peters

Sandra Owen

### **The Arabic version**

Dina Ferwana

Saba Yousef

Maha Al-Hussaini

## **Field research**

Eyas Abdul-latif

Khalil Al-Razaina

Abdul Hadi Abdul Hadi

Muhammed Bulan

Mahmoud Younes

Muath Hamed

Hammam Barhoum

## **Design and Technics**

Wasef Qadah

## Executive Summary

This report presents documented cases of Palestinian civilians used as human shields by Israeli military forces during the 50-day conflict in the Gaza Strip, 8 July-26 August, 2014. It also discusses Israeli claims that Palestinian armed factions used their own civilians as human shields.

After interviewing Palestinians who reported being used as shields by Israeli forces, and documenting the testimonies of additional eyewitnesses, Euro-Mid Observer concluded that the Israeli army committed this violation of international law in at least six cases in Khan Younis, in the southern Gaza Strip. These civilians were held against their will for hours or days to protect Israeli soldiers from fire, and in the meantime were subjected to inhumane and abusive treatment such as beating, humiliation and exposure to the hot sun while naked for long periods of time.

Israeli authorities deny using Palestinian civilians as human shields. However, the testimonies documented by Euro-Mid prove the lie. Moreover, it seems that using Palestinian civilians as human shields is an Israeli policy, since other, similar cases have been documented in the West Bank.

In contrast, the Euro-Mid team did not find any evidence of Palestinians who were forced to stay in their homes or to use their bodies for the protection for Palestinian resistance factions. Likewise, the Israeli army did not provide any evidence to substantiate their accusations. Moreover, the UN's Goldstone Report issued following Operation Cast Lead in 2009 exonerated Palestinian armed factions from previous claims by Israeli forces that Palestinians used their own people as human shields.

The use of human shields is a form of cruel and inhumane treatment, and constitutes a flagrant violation of the international humanitarian law and a war crime according to the Rome Statute of the International Criminal Court.

Euro-Mid Observer for Human Rights calls on Israel's military prosecutors to carry out a serious and reliable investigation of the cases discussed in this report, and to hold the individuals found guilty to account. Euro-Mid also calls on the Fact Finding Committee on the Gaza Conflict recently established by the UN Human Rights Council to make every effort to focus international attention and pressure on all parties found to be guilty of this crime.

# Testimonies

## Ramadan Mohammad Qdeih,<sup>1</sup>Khuza'a

1. The Euro-Mid team obtained five testimonies related to this incident, with Ramadan Mohammad Tawfiq Qdeih serving as the primary witness.
2. On the morning of 23 July, Israeli armed forces besieged the town of Khuza'a to the east of Khan Younis city, which is considered the closest point in Gaza to the Israeli border. Soldiers attacked the town from the sea, air and land.
3. The assault came several days after the Israeli decision to expand its operations in the Gaza Strip and start a wide-ranging ground war. The armed forces began by targeting undeveloped land along the town borders from all directions, then randomly shelled the entrances to the town, cutting it off from neighbouring areas.
4. Israeli tanks entered the town and soldiers broke into a number of houses, converting them into military posts from which operations were initiated. The inhabitants of the homes were herded into one of rooms and ordered to stay there.
5. What happened next was documented by Euro-Mid in a news release issued 24 July, calling on the international community to end the tragedy suffered by the civilians of the Gaza Strip and hold Israel to account.
6. According to Ramadan Mohammad Tawfiq Qdeih, on 25 July, he was sitting in his home with his extended family of 27, including 19 women and children. At 1:30 p.m., Israeli forces stormed into the house, ordering everyone to gather in a particular room in the house.
7. According to Qdeih his 65-year-old father, Mohammad Tawfiq Qdeih (who holds a Spanish travel document), tried to tell the soldiers that that they are civilians -- repeating it once in Hebrew and then in Arabic. When he took a step toward the soldiers, one of them fired two bullets directly into his heart from a distance of just one metre. He died immediately, in front of his family.<sup>2</sup>

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1. The witness in this case allowed us to publish a video interview, which is available in English via this link: <http://youtu.be/zFiJmPhrAHU>

2 See: <http://bit.ly/1sKRt2H>



**Ramadan Mohammad Qdeih**

Khuza'a (Khan Younis) explains what happened with him

8. Ramadan said that the Israeli soldiers ordered several of the family members to take off their clothes and tied their hands. The soldiers took them to another room and used them as shields. “They made us stand at the windows as if we were looking outside. I was at one window and three of my relatives ”Mohammad, Alaa’ and Ashraf Al-Qara” were at the other windows. Then the soldiers began firing around us.” Qdeih and his relatives were moved from one room to another in this fashion for eight hours and were prevented from eating or drinking.

9. In her testimony, Raghad Ramadan Tawfiq Qdeih, who was visiting her uncle, Mohammad, at the time he was shot, added that he raised a white flag when he talked to the soldiers, telling them repeatedly that they were civilians, in Hebrew and Arabic. “When he took a step toward the soldiers, one of them fired bullets directly into his heart, and he died immediately, on the steps leading into the house, in front of the soldiers.”

10. Raghad recounted that the soldiers ordered the men, including her cousins Ramadan and Alaa’, and two neighbours, Ashraf and Mahmoud Al-Qara, to take off their clothes. Then they were led to the upper floor and warned not to look at the corpse on the way.

11. The third witness, Alaa’ Abdul Aziz Qdeih, confirmed Ramadan’s testimony and added, “While the Israeli snipers were among us and we were standing at the windows, I told the soldiers that we would die if the resistance troops fired back. The Israeli soldier replied,

**“I told the soldiers that we would die if the resistance troops fired back. The Israeli soldier replied, “Don’t worry. If Hamas sees you, they will not fire toward us.””**

“Don’t be afraid. Don’t worry. If Hamas sees you, they will not fire toward us.”

12. Ramadan Tawfiq Mohammad Qdeih, the murdered Mohammad’s brother, lives next door. He said, “I saw the soldiers when they entered my brother’s house. I didn’t know what happened inside, but when I saw the women and children flee out to the street, I cracked open the door of my house to let them in. At that time, the neighbourhood was being bombarded continually, with people running past, crying, “We are civilians! We are civilians!””

13. Ramadan Tawfiq said the soldiers came to his house later and ordered them to evacuate. The soldiers led the women and children back to the first floor of his brother’s house, and took him to the upper floor, where he saw his nephew Ramadan, his two other nephews, Alaa’ and Mohammad Abdul, and three older members of the Al-Qara family ”Mahmoud, 60 years old; Ashraf, in his 60s; and Ibrahim, in his 70s”, standing blindfolded with their hands tied up at the windows. Israeli snipers were standing behind them.

14. Once he entered the room, said Ramadan Tawfiq, the Israelis moved them all away from the windows, and seated them on a bed in one of the rooms.

15. Shortly after, the Israeli forces ordered them to evacuate the house entirely, and one of soldiers told Ramadan Tawfiq that he had arranged their departure. 20. They were instructed to deal politely with the army while leaving, then they all left the house, leaving behind the corpse of Mohammad Qdeih. They walked for three kilometres toward the Al-Shawafeen, neighborhood near the town of Khuza’a.

16. Sixty-year-old Mahmoud Mohammad Ahmad Al-Qara, a science teacher, recalled the incident, saying, “We were in the basement of Mohammad Tawfiq Qdeih’s house. There were 22 of us, including women, children, old people and young men. The noise of the tanks, bulldozers and heavy shooting were very close to the house. The bulldozers started to destroy the front part of the house garage, and then we heard the soldiers enter. We cried out that we were civilians in both languages, Arabic and Hebrew, at the same time. The soldiers were shouting at us, ordering us to come out. We made white flags from clothes and we went out. The owner of the house, Mohammad Tawfiq Qdeih, was in front. We didn’t know where the soldiers were exactly, so Mohammad opened the southern door, but he didn’t find them. So he turned to another doorway. When he faced the soldiers, they fired a bullet into his heart and he died immediately, even though he was raising a white flag.”

17. Mahmoud Al-Qara added: “After that the soldiers forced the young men to remove their clothes, and then they tied their hands up and blindfolded their

eyes. They took us to the storage area of the house and the soldiers started to interrogate us about the (Palestinian) resistance and the locations of the tunnels. I heard the young men scream when they were hit. Then they moved us to the upper floor, where they broke the windows and closed them by some pieces of clothes. There were about 50 soldiers on the upper floor and downstairs there were almost the same number. They forced us to sit in one room with a guard, and I heard a lot of firing and bombardment. They asked us whether there were any other civilians in the neighbourhood and we informed them about Dr. Ramadan Tawfiq Qdeih next door, so they took one of us to get him. A bit later, they untied the two of us and asked us once more about where they could find the resistance forces, asking us to lead them to their houses. We remained like this until 6 p.m. They said that we could leave and described how to exit. When we came downstairs, we saw the women and children waiting for us at the entrance. We walked around three kilometres until we reached the town of Abasan. From there, civilian cars transported us to Khan Younis”.

## **The Conclusions of this Incident:**

18. Analysing the above-mentioned testimonies and other supporting testaments, the Euro-Med Observatory goes with believing witnesses, and trusting their statements as there is no doubt in their narrations of the incidents that were almost identical. Some witnesses have recounted their testimonies several times to journalists, governmental organizations, or to the observers of the Euro-Med Observatory, and their stories had no crucial contradiction that might lead to a suspect in the authentication of their testaments.

19. In spite of some contradictions in the names of whom were obliged to stand in front of the windows as human shields, these contradictions were too simple to spoil the authentication of their testaments. The contradictions were not important to lead the observers to doubt the truthfulness of statements in general.

20. Evidently, through the mentioned testimonies, killing “Mohammed Ramadan Qudeih” was deliberate although he was carrying a white flag to confirm that he was a civilian and he did not have a military or suspicious appearance. fired bullets directly into his heart from a short distance, is a clear evidence that the soldier who shot “Mohammed Ramadan Qudeih” deliberately did it.

21. The researchers conclude, through Israeli soldiers behaviors, in gathering the men in one room in the upper floor of Mohammed Ramadan Qudeih’s house, and obliging them to stand in windows for hours while doing military actions



like shooting and sniping, in addition to the sayings of those soldiers to the witnesses, that the goal behind that was to prevent the armed Palestinian troops from attacking the house and firing the soldiers back. These Israeli soldiers deeds cannot be considered but a use of those civilians as human shields.

22. The researchers noticed that the Israeli forces detained these men with the other women and the children for hours, and mistreated them during their detention hours by depriving them from food and drink, forcing the men to take off their clothes and tying their hands up and blindfolding their eyes. They conducted with them field investigations interrupted by hitting some of them occasionally.

## Ahmad Abu Lehyeh, Al-Qararah

23. The investigating tem contacted Mr. Ahmad Mahmoud Hmeidan Abu Lehyeh, who is 31 years old and works as a poultry merchant in Al-Qararah town.

24. Abu Lehyeh said that on Friday, 19/7/2014 at 6:30, he was with his sister's husband, Mr. Ibrahim Mohammad Salem Abu Lehyeh ( who is detained at the Israeli authorities till the writing of this report), they were on their way to Al-Ghawafeer Neighbourhood "Abdul Ghafour family", eastern AL-Qararah, where they work in boultry farms. He added: "few meters before arriving to one of the farm's gates, the Israeli soldiers who were inside the houses near the farms, shouted at us and ordered us to stop. they were around 100 soldiers, they ordered us to take off our clothes after they took our belongings (keys, and 8300 shekel, around 2300\$ ). The soldiers then blindfolded us, tied our hands to the back with plastic stripes, and our legs with handcuffs.

25. According to Abu Lehyeh, the soldiers investigated with them and asked them about the armed Palestinian troops and their activities, and about the tunnels and the rockets. They asked about the reason they came to the region, all this was accompanied with hitting and humiliation. They led them to a near house belonged to the citizen «Mohammad Fayeq Abdul Ghafour» and they were kept there for investigation for a whole day where they were mistreated and humiliated.

26. The next day, the soldier told them that they would be released, they untied them and removed the handcuffs and the blindfold of their eyes and led them to the east for 300m. The soldiers ordered them to get into one of the military vehicles and ordered them to sit beside one of the broken tanks, the soldiers told

Ahmad: «if you wish to go home, let Hamas come and take you».

27. Ahmad Abu Lehyeh said they stayed beside the tank for 7 hours, then the soldiers get them into one of the other tanks and took them to one of the army camps. The Israeli army there investigated them and then took them to Ashkelon investigation centre.

28. Abu Lehyeh stated that he was imprisoned in solitary confinement for 12 days and they were investigating him daily while hitting and swearing at him. He was then moved to Beersheba prison- Eshel for 2 days trying to get information from him, then he was returned to Ashkelon prison for 1 week to be returned back to Beersheba prison- Olokdar for 5 days where he met his sister's husband «Ibrahim Abu Lehyeh» for the first time since he was detained, after that, they returned him again to Ashkelon prison.

29. Abu Lehyeh mentioned that when he was detained, he was sent to the Israeli court more than once where he was accused by a list of accusations that he totally denied. He said that a lawyer called «Mohammad Al-Jabareen» from Mizan Centre for Human Rights met him during his detention period.

30. In 18/8/2014, according to Abu Lehyeh, the soldiers ordered him to change his clothes and informed him that he was released. He asked them about his belongings which were took from him on the first day he was detained but the soldiers said: “ they don't have anything belongs to him, and that he can get his belongings in Gaza from Ismail Haneyeh”. he was finally transported to Erez Crossing on the borders with the Gaza strip where he was handed to the Palestinian police there.

## Saleh Mahmoud Al-Najjar, Khuza'a

31. Saleh Mahmoud Al-Najjar is 22 and lives in Khuza'a, east of Khan Younis.

32. Saleh said that at 10 p.m. on 22 July, he was in his house with his family members and other relatives when Israeli armed forces invaded the town. As tanks started to bombard the area, the Israeli army broke into the house. Al-Najjar and the others responded by raising white flags.

33. The Israeli army arrested all 12 men in the house, ordering them to remove their clothes and handcuffing them. The army then brought in another group of residents from other houses and detained them in the same room, where they were interrogated while hitting them and under the humiliating conditions. The

detention lasted two days.

34. Al-Najjar further explained: “The Israeli forces released the residents who were older than 40, and the rest they kept. I was one of them. The army led us out of the house and put a group of us in front of tanks, bulldozers and other military vehicles. They placed another group behind these vehicles to protect the soldiers from any possible attacks by the Palestinian resistance. Then they forced us to walk naked for seven kilometres until we reached one of the military barracks on the border. When we arrived, they interrogated us again and hit us violently. They didn’t offer us food or drink even though we had been fasting.”

**“The army led us out of the house and put a group of us in front of tanks and military vehicles to protect the soldiers”**

Al-Najjar said that the Israeli army detained them in the barracks for seven days. During the entire time, the soldiers kept his eyes blindfolded and his hands and legs cuffed. On the seventh day of detention, they were moved by buses to Erez Crossing, where they were released.

## Ahmad Abu Reeda , Khuza’a

35. Ahmad Abu Reeda is a 17-year-old who lives with his family in Khuza’a, to the east of Khan Younis.

36. Abu Reeda said that on 24 July, after a day of heavy bombing, his family received a telephone call from their neighbour, Hussein Al-Najjar, telling them the Israeli army had ordered them to evacuate their house.

37. His family complied with the order and Abu Reeda left with his family at 2 p.m., heading to the south toward an Israeli checkpoint at the end of Al-Basateen Street. About 300 civilians, including children, women and old people, joined them. The soldiers asked the men to take off their clothes while passing through the checkpoint, while the women were asked to tighten their cloaks around their bodies (to better allow examination).

38. Abu Reeda noticed that around 60 young men ranging in age between 20 and 40 years old were being restrained beside the checkpoint. His curiosity led him to turn to see what was going on. He was surprised when an Israeli soldier who had been concealed by a sand dune seized him and took his mobile phone. He was forced to take off all of his clothes except his underwear. One of the soldiers



17-year-old Ahmad Abu Reeda - Khuza'a (Khan Younis)

who spoke Arabic asked his name and age, while beating and swearing at him.

39. "After that, the soldiers took me to Mr. Naser Qdeih's house," Abu Reeda said. "One of the soldiers asked me about the location of the tunnels and I replied that I didn't know, so he hit me. They took me to a room and I was blindfolded and tied up. I spent a whole night in that room and was able to sleep for only two hours, from about 2-4a.m.

40. Abu Reeda said that later, he was ordered to enter homes and other structures in advance of Israeli soldiers. He was forced to walk ahead of them at gun point, accompanied by police dogs, as they searched houses and other buildings. Several times, they demanded that he dig in places where they suspected that tunnels existed. Other times, he was tied up and thrown on the ground. In the evenings, they tied him up in a corner of the house in which they had chosen to sleep.

41. Abu Reeda was forced to remain with the Israeli forces for five days.

## Mu'en Fayez Qdeih, Khan Younis

42. Mu'en Fayez Qdeih is a 39-year-old worker who owns a building of three floors in Khan Younis, inhabited by 35 members of his extended family.

43. Mu'en Qdeih said that on 23 July, F16s targeted the house next door to him, which caused partial damage to his own home. Due to excessive bombing the next day, he decided to leave his house with his family and move to the centre of Khan Younis. However, they couldn't because the Israeli army surrounded the area completely. One of his neighbours called to inform him that a group of people had managed to get out. This encouraged them to try again.

44. “We left the house and found Israeli soldiers 20 metres in front of us. I told them in Hebrew, ‘we are civilians; don’t shoot us.’ The soldiers ignored us and one of them fired a mortar at a motorbike he held on his shoulder. The motorbike was only 4 metres from us and some people were injured by the fragments and shrapnel. We were ordered to raise our hands over our heads, and women and children were separated from the men. The women were ordered to go with the children to one of the houses.”

45. The Israeli soldiers handcuffed the seven men, along with Qdeih’s father, who is old. One soldier took Qdeih for interrogation because he knew the boy spoke Hebrew. Qdeih was asked if there were any armed men from the Palestinian resistance nearby, along with places they frequented. The soldiers threatened to burn his house down if he didn’t answer. When Qdeih said he didn’t know, the soldier slapped him on his neck and put him with the other restrained men. They were then forced to walk ahead of the soldiers as human shields.



Mu'en Fayeز Qdeih (39), in front of his house that was damaged by Israeli strikes

46. Qdeih recalled that he felt a lot of pain from the plastic straps that bound his hands, which were bleeding. He asked the soldiers to untie him but they refused and threatened to kill him. He slept for two hours and when he woke up, the other detainees were gone. Qdeih was told they had been taken to the prison in Ashkelon. At 6 p.m., he was forced to take off his clothes and was taken to the prison as well.

47. Qdeih stayed in Ashkelon for four days, during which time he was interrogated by men who took naked photos of him. They tried to induce him to work for Israeli intelligence, but he refused. As punishment, he was hit and forced to sit naked on hot asphalt for long hours.

48. Four days later, he was sent to Erez Crossing and released. He walked to Jabalia and then continued by car until he reached Khan Younis.



Eyewitness Mu'en Qdeih explains how he was used as a human shield

## Ibrahim Al-Najjar, Khuza'a

49. Due to the destruction of his house, Ibrahim Al-Najjar "53 years old" from Khuza'a currently lives in a school in the Al-Amal area to the south of Khan Younis.

50. At 2 a.m. on 28 July, his house came under heavy gunfire from Israeli soldiers, preventing him and his family from leaving the house. The shooting lasted until 6 a.m., when he tried to escape with his family to seek shelter with neighbours. However, soldiers shot at them, forcing Al-Najjar and his family to return to their house. Some of his family members were injured in the process.

51. According to Al-Najjar, Israeli soldiers dispatched dogs with cameras fixed to their backs into his house. Shortly after, the army broke in and ordered the men to take off their outer clothes, while the women were asked to tighten their dresses. Al-Najjar added that one of the dogs attacked his niece and nephew and hurt them.

52. "After that," he said, "they left the house and took us to a place where tanks and bulldozers were gathered. The army soldiers forced me to tell the inhabitants to leave their houses and surrender, and to tell the men to take off their clothes down to their underwear. Around 500 people were gathered, and they used me along with 10 others as human shields, walking in front of the tanks heading to the west."

53. Al-Najjar added that the rest of the 500 people were taken on foot for seven kilometers inside Israel, in the sun and heat, and were forced to sit on the ground with their eyes blindfolded. Soldiers took photos of them, and humiliated and beat them. Two days later, some of these individuals were released at Erez Crossing. However, Al-Najjar's two nephews (20 and 22 years old) still are detained inside Israel.

## Conclusions

54. The testimonies of the witnesses corroborated each other and were consistent with reports that appeared in the media during the war. Although there were some minor contradictions, they were insignificant and to be expected, and did not detract from their overall credibility.

55. The researchers conclude from the testimonies that during the conflict in Gaza, there was indeed a pattern of Palestinians being forced by Israeli soldiers to serve as human shields to protect the forces as they broke into houses and invaded neighborhoods. Civilians were forced to stand at the windows of the houses used for military operations or to walk in front of Israeli military vehicles and soldiers, putting their own lives at risk despite the fact that they were not engaged in combat.

**«There was indeed a pattern of Palestinians being forced by Israeli soldiers to serve as human shields»**

56. The testimonies also document that many of these civilians were arrested without charge and detained for hours or, in several cases, many days while they were subjected to harsh, abusive treatment. The detained civilians were hit and humiliated when they denied knowledge of the activity of Palestinian resistance fighters and of the location of tunnels.

57. Israeli soldiers also stole personal property from at least one of the individuals interviewed, Ahmad Abu Lehyeh. In his case, the soldiers seized all of the money he and his partner, Ibrahim Abu Lehyeh, had, totaling \$US2,300.

## Israeli Denial

58. Israeli authorities have denied repeatedly that they used Palestinian civilians as human shields, saying that “the defence forces were clearly instructed not to use civilians as human shields in a fighting context.” The Israeli Ministry of Foreign Affairs confirmed on its website that “Israel tries to do its best to prevent harm to civilians.”<sup>3</sup>

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3. Does the Operation Protective Edge Violate International Law, published on the website of the Israeli Ministry of Foreign Affairs:  
<http://www.altawasul.com/MFAAR/challenges/FactsAboutGaza/ProtectiveEdge/Pages/Operation-Protective-Edge-and-the-international-law.aspx>

59. Instead, Israeli officials accused the Palestinian resistance, mainly Hamas, of using civilians as human shields, by storing weapons in densely populated areas and ordering residents not to evacuate. No evidence of this has been forthcoming, however.

60. Regardless, Euro-Mid believes that the testimonies outlined document without a doubt that Israeli soldiers used Palestinian civilians as human shields during the recent war on Gaza.

## History of Israeli Use of Palestinians as Human Shields

61. The Israeli practice of using Palestinian civilians as human shields, sometimes called the “Johnny method,” is not unique to the most recent war on Gaza. Similar accounts have been reported during other incursions into the occupied territories.

62. Exclusive photos obtained by Euro-Mid <sup>4</sup>show a group of Palestinian civilians at the entrance to the village of Silwad, near Ramallah in the West Bank. They had been forced from their cars and prevented from continuing their journey or even from returning to where they came from. According to eyewitnesses interviewed by Euro-Mid, Israeli soldiers built a checkpoint at the entrance to Silwad on Palestinian land, leading children to pelt stones at the soldiers. Consequently, the soldiers detained the cars of citizens wanting to use the road and held them for no legitimate reason. A number of residents were detained for hours, including children and elderly people. One person told Euro-Mid: “They want to solve their problem by using us as human shields to protect themselves. But we are innocent; we just want to go to my cousin’s wedding party, and they are preventing us.”



Ahmed Al-Barghouthi explains what happened with him at an Israeli checkpoint in the west of Silwad, in the central West Bank

4. Available in the following links:

<https://docs.google.com/a/euromid.org/file/d/0B6kS0ZOtn6pqWTgzX3YyOGlWaVU/preview?pli=1>

<https://docs.google.com/a/euromid.org/file/d/0B6kS0ZOtn6pqRG1vd2FzdFZZYIE/preview?pli=1>





Israeli soldiers hold Palestinian civilians in their cars to prevent children from throwing stones - Silwad

63. In addition, Euro-Mid produced a video <sup>5</sup> in June 2014 documenting an Israeli soldier storming a home in Silwad, then using it as a watchtower for snipers. The home's residents – two elderly Palestinians with American citizenship – were herded into and kept in one of the rooms after their phones were confiscated.

64. In June 2013, the U.N. Committee on the Rights of the Child accused Israeli forces of abusing Palestinian children, including using them as human shields. The committee documented 14 such cases between January 2010 and March 2013. Among the examples were situations in which Israeli soldiers forced children to enter buildings that might be dangerous or compelled them to step in front of military vehicles to protect the forces from stones. The report said none of the soldiers who used children as human shields were punished, except for one case in which the soldiers were reprimanded for forcing a 9-year-old child to search bags suspected of containing explosions. They were sentenced to three years in prison and their military rank was lowered. <sup>6</sup>

65. The report of the U.N. Fact-Finding Mission established to investigate Operation Cast Lead (2009 Goldstone Report) also concluded that the Israeli army used Palestinian civilians as human shields. It called the practice “an inhuman treatment, intended to cause huge suffering for persons protected by the Fourth Geneva Convention.”

**It called the practice “an inhuman treatment, intended to cause huge suffering for persons protected by the Fourth Geneva Convention.”**

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5. Broadcast on the Euro-Mid channel on YouTube:

<http://www.youtube.com/watch?v=t4UcdmJHfMQ>

6. United Nations Committee on the Rights of the Child, See the link:

<http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>

The investigators who prepared the report considered the practice to be a crime of war pursuant to Article 8 of the Rome Statute for the International Criminal Court <sup>7</sup>.

67. The Israeli practice of using Palestinian civilians as human shields first became widespread in 2002, during a wave of incursions into the West Bank. A challenge was submitted to the Israeli Supreme Court of the Justice in 2003, signed by seven human rights organizations. The court decided on 10 June, 2005, that the use of Palestinian civilians as human shields in the frame of military operations was illegal <sup>8</sup>. By their own admission, the army committed this practice 1,200 times during the five years between 2000 and 2005. Yet, the Israeli army did not stop this practice even after the decision of the court <sup>9</sup>.

68. The bottom line is that the use of civilians as human shields during wartime violates the basic criteria for human rights<sup>10</sup>. Even worse, Btselem, the Israeli Center for Information on Human Rights, has concluded that “soldiers in the field did not initiate this practice; rather the order to use civilians as a means of protection was made by senior army officials.”

**“soldiers in the field did not initiate this practice; rather the order to use civilians as a means of protection was made by senior army officials.”**

## Legal Considerations

69. The use of human shields is defined under international humanitarian law as the exploitation of the presence or movement of civilians to make areas or military forces safe from attack. It also can refer to situations in which civilians are forced to assist in military operations.

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7. Report issued by the Fact Finding Mission established by the United Nations on the conflict in the Gaza Strip: A/HRC/12/48, 2009, page 290

8. See the website of the Israeli Information Center for Human Rights- Btselem: [http://www.btselem.org/arabic/human\\_shields](http://www.btselem.org/arabic/human_shields)

9. See: «Mofaz, IDF to appeal <human shield> ruling. Available at: <http://www.ynetnews.com/articles/0,7340,L-3154142,00.html>

10. Report issued by the Fact Finding Mission established by the United Nations on the conflict on Gaza Strip: A/HRC/12/48, 2009 - page:290

See website of the Israeli Information Center for Human Rights- Btselem: [http://www.btselem.org/arabic/human\\_shields](http://www.btselem.org/arabic/human_shields)

70. International humanitarian law bans the use of civilians as human shields and obliges troops to protect noncombatants who do not participate in fighting. Article 28 of the Fourth Geneva Convention, which is part of customary international humanitarian law<sup>11</sup>, states that “it is prohibited to exploit any protected person in such a manner that makes his existence in some points or places unsafe”.

71. The International Committee for the Red Cross outlined the scope of this article by saying, “The prohibition is fully expressed and applies on fighting lands the same as it applies on occupied lands; it applies to wide and small areas.” This makes it clear that the prohibition applies as well to the Occupied Palestinian Territories.

72. Likewise, forcing civilians to act as human shields also is a violation of Article 31 of the Fourth Geneva Convention, which bans “the practice of any physical or moral coercion against protected persons in order to get information out of them.” By allowing this practice, the Israeli military violated this article with every act.

73. Article 51 of the First Additional Protocol to the convention also prohibits the use of human shields, stating that: “it is prohibited to use civilians or inhabitants [to] protect certain points or areas against military operations.”

74. The Rome Statute of the International Criminal Court also considers the use of civilians as human shields a crime of war. Article 8b states that is a war crime to use “the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations.” It also prohibits “compelling the nationals of the hostile party to take part in the operations of war directed against their own country.”

75. The detention of civilians for long hours or even days for unknown reasons by Israeli armed forces, exposing them to the heat of the sun, tying their hands and legs, blindfolding their eyes, taking off their clothes and humiliating them by beating them, all constitute severe violations of international humanitarian and human rights law.

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11. Customary International Humanitarian Law- Volume I Rules.

Jean-Marie Henckaerts, page 300

# Israeli Charges of Palestinian Use of Human Shields:

## Separating Fact from Fiction

76. On 28 August, 2014, the Israeli government filed a complaint with the UN Security Council against the Islamic Resistance Movement ( Hamas), claiming the latter's use of civilians as human shields during the recent conflict in the Gaza. The letter was directed to Secretary-General Ban Ki-moon.<sup>12</sup>

77. The Israeli government did not provide any documentation to substantiate these claims.

78. Upon investigation by Euro-Mid, at least six cases were identified in which civilians were forced at gunpoint to act as human shields to protect fighters. However, the perpetrators were Israeli soldiers, not Palestinians. None of the 400 individuals interviewed for our extensive investigation of the conflict reported being forced, or of observing someone else being forced, to act as a human shield by Hamas or other Palestinian armed factions.

79. Likewise, in its analyses of previous conflicts and clashes between Palestinians and Israelis, Euro-Mid did not identify any cases of Palestinians using fellow Palestinians as human shields. After the 2008/2009 conflict in Gaza, the UN commission of inquiry led by Richard Goldstone exonerated the Palestinian armed factions of Israeli claims that they used their own citizens as shields. Instead, it found that the Israeli army had committed the practice itself, using Palestinians. The report emphasized that the goal of the Israeli army appeared to be to humiliate and terrorize civilians and destroy their infrastructure of daily life in order to exhaust and exert pressure to capitulate. The commission concluded that Israel had violated the Fourth Geneva Convention by systematically and deliberately targeting civilians and using them as human shields.

80. The reports compiled by Euro-Mid Observer for Human Rights on the Israeli use of human shields and indiscriminate, mass killings included several testimonies from civilians who had received an advance warning to evacuate but whose houses were destroyed while they were still inside. The Israeli government has cited these cases as evidence of its claim that Hamas coerced residents into staying behind to serve as shields for its

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12. See: <http://arabi21.com/Story/772048>

fighters. On the contrary, however, witnesses told the Euro-Mid team that these residents stayed in their homes due to one of the following reasons:

- a. They did not believe the warnings were serious, particularly when they were issued to extremely large areas with populations of more than 300,000. (For example, one of the evacuation alarms covered an area extending from East Atatrah Street to Salateen Street, as well as to areas west and north of the Jabalia camp.)
- b. They didn't hear or understand the warning (such as in the case of "roof-knock" rockets).
- c. They were scared to leave due to the intensity of the bombardment and gunfire.
- d. They believed there was no place safe to which they could flee, in light of the fact that even UNRWA schools were being hit.
- e. They preferred to defend their home or stay together rather than flee once again or be scattered in many different places for housing.

80. Nabil Al-Masri, one of the witnesses, said in a statement provided to the Euro-Mid team: "I know from times before that if Israeli soldiers get into an empty house, they will ruin it on purpose. Hamas cannot stop them going into my house if we leave, but by staying here we can try to make sure that doesn't happen."<sup>13</sup> In the same context during the recent conflict, the Israeli army bombed parts of or the surroundings of three hospitals and three clinics in the Gaza Strip<sup>14</sup>. For example, the Israeli army threatened to bomb Al-Wafa Hospital and phoned the management team with an evacuation warning. The management staff refused to leave, according to Hospital Director Basman Alashi, both because it was unsafe to transfer the patients and because there was no place safe to take them. "If the hospital is not safe, then where on earth is?" he asked. Dr. Alashi stressed during an interview with AlJazeeraTV that he had no idea why the Israelis targeted the hospital.<sup>15</sup>

**"If the hospital is not safe,  
then where on earth is?"**

Dr. Alashi asked

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13. For further details, check the Euro-Mid report about the "mass killing of Palestinian civilians."

14. See: <http://www.maannnews.net/arb/ViewDetails.aspx?ID=714136>

15. See: <http://bit.ly/1szR6bK>

81. During the 22 July session of the UN Security Council, Palestinian representative to the United Nations Riyad Mansour rejected Israeli charges that Hamas used women and children as human shields. “No family would be satisfied to see their children used this way,” he said.<sup>16</sup>

82. In a report published by the UK’s Independent newspaper under the headline, “The myth of Hamas human shields,” the publication denounced the Israeli government for its accusations that Hamas used civilians as human shields during the recent conflict in Gaza. The article highlighted the claim that a home for the handicapped in Beit Lahia had been targeted because it was sheltering an Islamic Jihad member. An Israeli missile strike killed two disabled residents and injured four others. However, Israeli officials failed to divulge a name to back up their claim, and refused to even say whether he had indeed been killed in the strike. To the contrary, the Independent published testimony from Jamilla Alaiwa, a social worker who works at the home for the handicapped, saying that “the claims were categorically untrue.” She added that, “If the Israelis have proof of this, let them make it public. There was no one from Islamic Jihad or Hamas living there. We are not involved in politics.”<sup>17</sup>

83. Jeremy Bowen, a journalist working for the BBC as its correspondent in the Middle East, wrote a report on the New Statesman website titled, “I saw no evidence of Hamas using Palestinians as human shields.” He stressed in this report that there is no evidence to back up the Israeli government accusations about Palestinian armed factions. He wrote, “Throughout the period of my stay in Gaza, which lasted a week, I did not see any evidence that Hamas used civilians as human shields.”<sup>18</sup>

84. Harriet Sherwood, a correspondent for the Guardian newspaper, wrote an article headlined, “In Gaza, Hamas fighters are among civilians. There is nowhere else for them to go.” She stressed that distinguishing between “civilians” and “the military” in Gaza is very difficult both psychologically and physically, compared to other areas with conventional armies. She added that individuals affiliated

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16. See: <http://www.dostor.org/648699>

17. <http://www.independent.co.uk/news/world/middle-east/israel-gaza-conflict-the-myth-of-hamass-human-shield-9619810.html>

**The report was translated here <http://elmarsad.org/ar/?p=5379>**

18. See: <http://www.newstatesman.com/world-affairs/2014/07/jeremy-bowens-gaza-notebook-i-saw-no-evidence-hamas-using-palestinians-human>

**You can find some translated parts here : <http://ar.jamnews.ir/TextVersionDetail/268102>**

with Hamas and other armed groups are integral members of the population, and that they don't shelter in specific military barracks, but rather they sleep at night with their families in their homes because there is no other place to go. <sup>19</sup>

85. The UN agency for Palestinian refugees, UNRWA, announced at one point that it had discovered some rockets in one of its unused schools in Bait Hanoun. However, the agency was careful to add that the responsibility for the cache was unknown. On the other hand, UNRWA spokesperson Chris Gunness tweeted for a few days afterward that there was no evidence whatsoever of the existence of missiles in the UNRWA school, thus creating some confusion. An investigation into the case is required to establish the facts.

86. If it was proven that Hamas or any of the armed Palestinian factions indeed used civilians as human shields, then it would be a war crime. However, no proof has been forthcoming. In addition, it would not absolve the Israeli armed forces of responsibility for doing the same, or for shelling houses, hospitals and other civilian infrastructure, thus killing large numbers of noncombatants. The Israel military is massive and sophisticated, and had the ability to spare civilians from the massacres it perpetrated.

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19. See: <http://www.theguardian.com/world/2014/jul/24/gaza-hamas-fighters-military-bases-guerrilla-war-civilians-israel-idf>

# Recommendations

1. We call on the fact-finding mission on the latest conflict, established by the U.N. Human Rights Council, to investigate these narratives of the use of Palestinians as human shields by Israeli armed forces.

2. We call on the international community, and especially the U.N. Security Council, to compel Israeli authorities to fulfill their obligations and responsibilities under international law. Violators should be referred to the International Criminal Court.

3. We call on the Israeli military to carry out a serious and reliable investigation of the cases discussed in this report, and hold parties found guilty to account. We also call on the Israeli government to respect the rulings of its supreme court and assure that its agents follow the rulings as well.

4. We stress that the ultimate “solution” to these ongoing injustices is the immediate end to Israeli control over Palestinian territory, and call on the General Assembly of the United Nations to add Palestinian self-determination and related issues to its permanent agenda.

5. We call on both Palestinian and Israeli decision makers to join the Rome Statute for the International Criminal Court, and to request an investigation into war crimes during the recent war on Gaza.

6. We call on human rights organizations to communicate with the U.N.’s Fact-Finding Mission and provide the team with whatever documented information they can.

7. We call on all signatory countries to the Geneva Convention to spell out the procedures that must be taken to ensure the end of civilian targeting during war.








**Euromid Observer**

المرصد الأورومتوسطي لحقوق الإنسان

جميع الحقوق محفوظة  
المرصد الأورومتوسطي لحقوق الإنسان

Maison des Associations Rue  
des Savoises 15 CH-1205  
Genève

جنيف – سويسرا

 [info@euromid.org](mailto:info@euromid.org)

 [www.Euromid.org](http://www.Euromid.org)