



# 'NOTHING IS IMMUNE'

ISRAEL'S DESTRUCTION OF LANDMARK BUILDINGS IN GAZA

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First published in 2014 by  
Amnesty International Ltd  
Peter Benenson House  
1 Easton Street  
London WC1X 0DW  
United Kingdom

©Amnesty International 9 December 2014

Index: MDE 15/029/2014 English  
Original language: English  
Printed by Amnesty International,  
International Secretariat, United Kingdom

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*Cover photo:* Palestinians gather around the remains of the Municipal Commercial Centre in Rafah, in the southern Gaza Strip, the day after it was hit by an Israeli air strike on 23 August 2014. © REUTERS/Ibraheem Abu Mustafa

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# INTRODUCTION

In the last four days of Operation Protective Edge, the name given to Israel's military operations in the Gaza Strip from 8 July until 26 August 2014, the Israeli army launched four attacks that totally destroyed multistorey landmark buildings in Gaza: three targeting residential tower blocks in Gaza City and one targeting a modern commercial centre in Rafah. Civilian property in some surrounding buildings was also damaged.

Unlike in many other cases, the Israeli military took measures to ensure that residents left the targeted buildings before their destruction. However, two of the attacks resulted in injuries to scores of civilians in surrounding buildings. Other than vague suggestions that there was a Hamas command centre within one of the tower blocks and that another "housed facilities linked to Palestinian militants", the Israeli authorities have provided no information on why they reduced the buildings to rubble and, if there were valid military reasons for doing so, why less destructive means were not selected. This, along with statements made by Israeli military spokespeople at the time, suggests that the attacks were intended as a form of collective punishment against the people of Gaza.

The attacks discussed in this report came shortly before a ceasefire came into effect and put an end to 50 days of war that witnessed an unprecedented scale of destruction, damage, death and injury with respect to previous Gaza/Israel conflicts. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), 2,256 people were killed in the Gaza Strip, 1,568 of whom are believed to be civilians, including 538 children and 306 women. More than 11,000 Palestinians were injured, many of them permanently.<sup>1</sup> By the time of the ceasefire on 26 August there were approximately 110,000 internally displaced persons living in emergency shelter and with host families. The United Nations estimated that about 18,000 housing units were destroyed or rendered uninhabitable, leaving approximately 108,000 people homeless. A further 37,650 housing units were damaged. The economic infrastructure in Gaza has been seriously affected; not only was its only power plant damaged but the damage to the water and wastewater system left 20 to 30 per cent of households without access to municipal water. In an area with 45 per cent unemployment, 419 businesses and workshops were damaged, of which 128 were destroyed, according to the Palestinian Federation of Industries.<sup>2</sup>

At the same time Hamas's military wing, the Izz ad-Din al-Qassam Brigades, and other Palestinian armed groups fired thousands of indiscriminate rockets and mortar rounds into civilian areas of Israel. Six civilians, one of whom was a child, were killed on the Israeli side by rockets and mortars fired by Palestinian armed groups, which have also caused damage to homes and other civilian properties in Israel.<sup>3</sup> In addition, 66 Israeli soldiers were killed.<sup>4</sup>

Amnesty International has documented and is continuing to document violations of international humanitarian law and international human rights law committed during the conflict, including unlawful killings of civilians and destruction of civilian property, both by Israel and by Hamas and Palestinian armed groups.<sup>5</sup> Future Amnesty International outputs on Operation Protective Edge will examine violations of international humanitarian and human rights law by the Hamas authorities in Gaza and analyse in detail specific Israeli attacks in

the Gaza Strip.

While no one was killed during the destruction of the four landmark civilian buildings in the Gaza Strip during the four last days of the war, the attacks are of great significance because they are examples of what appears to have been deliberate destruction and targeting of civilian buildings and property on a large scale, carried out without military necessity. The timing of these attacks and statements by Israeli officials suggest that these were instances of collective punishment, ones with long- term impact on the already perilous economic situation of Palestinian civilians in Gaza.

This briefing focuses exclusively on these attacks and considers whether they were militarily justified. It concludes, on the basis of Amnesty International's research to date, that the destruction was extensive and appeared to have been wanton and not justified by military necessity. If this is indeed the case, it would be a grave breach of the prohibition against such attacks in international humanitarian law (the laws of war), including the Fourth Geneva Convention, to which Israel is a state party, and therefore amount to a war crime. The destruction appears also to have violated the prohibition in international humanitarian law of direct attacks on civilian objects and therefore to amount to the war crime of intentionally directing attacks at civilian objects.

These attacks need to be independently and impartially investigated, as do all serious violations of international humanitarian and human rights law alleged to have been committed during the conflict. Amnesty International's view is that no official body capable of conducting such investigations currently exists in Israel. It is therefore all the more important that the Commission of Inquiry set up by the United Nations Human Rights Council in July 2014 is allowed to conduct its investigations without hindrance. Full reparation should be provided to all individuals whose homes and property were unlawfully destroyed or damaged during the attacks. Anyone suspected of serious violations of international humanitarian and human rights law during the conflict, including war crimes, should be prosecuted.

## METHODOLOGY

Amnesty International has been unable to send a delegation of researchers to visit the Gaza Strip since the beginning of the conflict. The Israeli authorities have refused, up to the time of writing this report, to allow it and researchers from other international human rights organizations to enter the Gaza Strip through the Erez crossing with Israel, despite the organization's repeated requests since the beginning of the conflict to do so. The Egyptian authorities have also not granted Amnesty International permission to enter the Gaza Strip through the Rafah crossing with Egypt, again despite the organization's repeated requests to do so.

Amnesty International has consequently had to carry out research remotely, supported by two fieldworkers based in Gaza who were contracted to work with the organization for periods of several weeks. They travelled extensively within the Strip, visiting every site described in this briefing, interviewing victims and eyewitnesses of every case recorded and taking photos and videos of the sites. Amnesty International studied relevant documentation produced by UN agencies, Palestinian, Israeli and other non-governmental organizations, local officials, media, and others who monitored the conflict, and consulted with them as needed, before

writing the report. The organization also consulted on the interpretation of photos and videos with military experts and extensively reviewed relevant statements by the Israeli military and other official bodies.

Amnesty International sent its findings to the Israeli authorities on 8 October 2014, requesting any relevant information that could be provided on each of the cases in this report. It sent a memorandum to the three Israeli mechanisms investigating aspects of Operation Protective Edge – the State Comptroller, the army's General Staff Mechanism for Fact-Finding Assessments, and the Knesset Foreign Affairs and Defense Committee – as well as to the army's Chief of General Staff, the Prime Minister and the Ministers of Defense, Justice and Foreign Affairs. It asked for explanations of why each of these attacks was carried out; who or what was being targeted; what means of attack were selected; what precautions were taken to minimize the risk of harm to civilians and civilian objects; and whether any investigation had taken place or was ongoing. In November a reply was received from the State Comptroller which described the focus of their inquiry and accepted Amnesty International's proposal for a meeting. No other response was received before this report was finalized, but any response received will be reflected in future publications.

After the publication of Amnesty International's report *Families under the rubble: Israeli attacks on inhabited homes* on 5 November, Israel's Ministry of Foreign Affairs issued a response stating that the report “accuses Israel of wrongdoing while producing no evidence”.<sup>6</sup> The Israeli authorities thus appeared to have failed to examine the detailed evidence the report presented of serious violations of international humanitarian law by Israel. While an Israeli military spokesman reportedly said all eight cases were being examined in an “after-action review by the military itself”, neither the Israeli military nor the Israeli authorities have given any indication that they are challenging the details of a single one of the eight cases in the report.<sup>7</sup>

The Ministry of Foreign Affairs response also complained that the report ignored “documented war crimes committed by Hamas” and “human shields” and accused Amnesty International of being a “propaganda tool” for Hamas. Such accusations are without foundation. Amnesty International has consistently condemned the firing of indiscriminate rockets by Palestinian armed groups; attacks that directly target civilians and indiscriminate attacks that kill or injure civilians constitute war crimes. As stated above, it will present further findings on violations of international law by the Hamas authorities in Gaza in future outputs.

# DESTRUCTION OF LANDMARK BUILDINGS

On 23 August 2014, three days before the ceasefire that came into effect at 7pm on 26 August 2014, the Israeli army announced that it would act with force against any building, whether military or civilian, where Palestinian attacks were being launched and that it planned to intensify its attacks. Numerous flyers which were then dropped asserted: "Every house that has had terrorist operations carried out from the area surrounding it will be attacked and destroyed."<sup>8</sup>

On the same day, Israeli news media reported that the Israeli security cabinet had decided to intensify the army's operations by expanding their aerial attacks against a broader range of areas. An Israeli security official was quoted saying: "Areas from which rockets are being launched will be targeted in a severe and massive manner, even if this includes buildings with the assistance of which the attacks were being carried out."<sup>9</sup> Another security official reportedly stated: "Nothing is immune, even if a 14-story building has terrorist activity, the building will be damaged and will collapse."<sup>10</sup>

A senior military officer speaking on condition of anonymity confirmed that Israel had adopted a "policy of striking at buildings containing Hamas operational centres or those from which military activities are launched. There is now a widening of locations that the military can target." The official reportedly added: "Each strike requires prior approval from military lawyers and is carried out only after the local population is warned."<sup>11</sup>

Following the policy's announcement, in four cases documented by Amnesty International below, Israeli aircraft dropped large munitions clearly intended to bring about the complete destruction of the targeted buildings.<sup>12</sup> Civilian property in surrounding buildings was also damaged.

In all four cases, the Israeli military took measures to ensure that residents left the building before they were destroyed. In all cases, they fired warning missiles at the building as a warning (a procedure known as "knock on the roof")<sup>13</sup> and, in the cases of the three Gaza City tower blocks, they also made warning phone calls to some residents, instructing them to evacuate, and tell others to evacuate the building, within 10 or 20 minutes. In addition, before the destruction of the al-Basha Tower and the Italian Complex they sent messages to residents to maintain a distance of 300m between them and the building and also ordered residents of surrounding buildings to do the same.

In all four cases, panicked residents hurried to evacuate the tall multistorey buildings, informing others and assisting elderly and infirm persons, but were unable to remove any of their personal belongings. Nearly all lost all their possessions, including documents, jewellery, and other expensive items in their apartments, to which they expected to return. "No one expected the whole tower to be demolished," said Mohammad Abu Madkour, the owner of the Zafer 4 Tower, the 12-storey residential building reduced to rubble by the first of the Israeli air strikes on 23 August. Residents and users of the other residential and

commercial buildings destroyed in the attacks were equally astonished as they had not expected the whole building to be destroyed but only an apartment or two to be targeted.

Other than the suggestion of a Hamas command centre in one building and of "facilities linked to Palestinian militants" in another, the Israeli authorities have provided no information on why they reduced the buildings to rubble and, if there were valid military reasons for attacking particular targets in the buildings, why less destructive means, evidently available to the Israeli army, were not selected. Residents of the targeted buildings and surrounding properties have told Amnesty International they were not aware of any reasons why the buildings could have been considered military targets.

Even if the Israeli authorities had had good reason to believe that a part of a targeted building was being used for military purposes, they had an obligation to choose means and methods of attack that would minimize harm to civilians and damage to civilian objects. It is noteworthy in this regard that the Israeli army had previously conducted strikes on specific apartments in these and other high-rise buildings without their complete destruction.

### MUNICIPAL COMMERCIAL CENTRE, RAFAH

On Saturday 23 August 2014, at about 10.30pm, an Israeli aircraft fired three aerial-delivered bombs at the lower three floors of the Municipal Commercial Centre in the city of Rafah, causing the destruction of scores of shops and offices in the four-storey building and rendering it unusable. Shortly before the building was attacked, two warning missiles were fired from what appears to have been a drone (unmanned aerial vehicle) at the lower floors of the building.



*Municipal Commercial Centre in Rafah, Gaza Strip, August 2014  
© Amnesty International*

The air strikes started a large fire inside the building, which continued until the following day when shop owners started inspecting the damage. The missiles destroyed the inside of the Centre entirely, leaving only a concrete skeleton standing.

The four-storey building occupied a plot of about 1,500m<sup>2</sup> and was located on Bahar Street in Rafah's commercial city centre. Two shop owners and a board member of the Centre

interviewed by Amnesty International described the type of shops that were located in the building. The director of the Rafah Municipal Commercial Centre and the head of the Rafah Chamber of Commerce described to Amnesty International the building and what it contained before it was attacked. The first and ground floors had garages, a prayer room, a Bank of Palestine cash-dispensing machine and a shopping mall with a total of 47 shops. The second

floor contained a wedding shop, the offices of a contractors company, a legal firm, an estate agent and a gold dealer, as well as a cafeteria, a medical clinic and a multi-purpose hall. On the third floor, there was an engineering company belonging to someone called Tayseer Abu Jarad, two units that belonged to the Education Forum and Cultural Centre, a private institution that provides courses and cultural activities for youths, and two others containing the offices of a civil engineering company and a cultural association. On the fourth floor, there were several offices, including those of three companies named al-Ruwaq, al-Uthman and Abu Shamal.

"The total cost of the building alone was estimated at about US\$2.5 million by the engineering department of the Rafah Municipality," Riad Mustafa al-Holi, 50, the director of the Rafah Municipal Commercial Centre, told Amnesty International. He said this excluded lost stock and paperwork and damage caused to surrounding buildings, including other shops on the main commercial street. He gave the example of Khamis Abu Taha:

*"Khamis Abu Taha and his brother had 10 [shoe] shops there, which supported at least 50 families through their employees. The hall and cafeteria catered to tens of families. Other shops in the centre supported many more families. The losses to the Abu Taha family alone are estimated at half a million US dollars, due to the extra stock they brought in for the Eid [holiday] celebrations."*

All those interviewed by Amnesty International said that they did not expect the whole building and its contents to be destroyed. Riad al-Holi said:

*"We thought they would hit a floor or two, without bringing down the whole building. I think Israel is targeting the infrastructure. There are no resistance fighters in this complex; there are no open spaces for them to fire anything from. If the tradespeople had suspected anything, they would not have kept such large stocks in their shops."<sup>14</sup>*

Three prominent businessmen with shops and offices in the Centre told Amnesty International that none of the armed groups and not even any of the political factions in Gaza had offices in the building and said there was no fighting taking place in its immediate vicinity when it was hit. The building was locked at night and not open to the public at that time. Sami Mohammad Tolba Fojou, a member of the Board of Directors of the Rafah Chamber of Commerce and head of its arbitration committee, said:

*"The whole Centre is just trading companies and shops. I don't know if any resistance fighters are nearby. If so, they [the Israelis] would have targeted the houses not the Centre. I did not expect them to return and target the entire Centre. If we had known, then we could have gone in and retrieved important papers and other items. I think this is meant to destroy the Palestinian economy; that is their aim."<sup>15</sup>*

Sami Fojou, who owns two companies involved in construction and carpentry, as well as a furniture retail store, all of which were located in the Centre, estimated the loss he incurred at about US\$50,000, in addition to the files and documents.

Abdul Karim Salim Daoud Abdul 'Al, head of the Rafah Governorate Chamber of Commerce, told Amnesty International that the centre was a commercial hub that would not have

harboured military activities as it provided for the livelihoods of numerous families. He said:

*"There are no resistance fighters in the area, either in the centre or around it or anywhere near it. This is a strictly commercial centre and nothing else. I think Israel targets these commercial buildings mainly in order to destroy the Palestinian economy.*

*"We decided to try and erect temporary shops for them [those who had lost businesses] – made out of plastic – so they can continue to trade and not lose their livelihoods until a more permanent building is built to accommodate them."<sup>16</sup>*

The Israeli army asserted that the building was attacked because it "housed facilities linked to Palestinian militants," but no further details were given.<sup>17</sup> The Centre was located close to the seven-storey Zourab office building where the Hamas authority's Ministry of Interior had an office. Israeli forces attacked and severely damaged the Zourab office building on the same day, but the two attacks do not appear to have been otherwise connected.

Riad Mustafa al-Holi told Amnesty International that the two upper floors had previously been targeted on Friday 1 August 2014, at about 3pm, destroying a number of the shops and offices. The Israeli army has not offered any explanation for this attack, as far as Amnesty International is aware.<sup>18</sup>

#### ZAFER 4 TOWER, GAZA CITY

On Saturday 23 August 2014, an Israeli aircraft launched what appear to have been two large aerial bombs at the Zafer 4 Tower, a 12-storey building in a densely populated residential area in the centre of Gaza City. It was home to approximately 44 families, a total of about 250 individuals, and some 200 other persons who had fled their homes in the border areas and come to stay with relatives and friends. The attack resulted in the complete destruction of the building. According to media reports and accounts by residents, around 20 residents in surrounding buildings were injured<sup>19</sup> and there was extensive damage to the interiors of these properties. A fieldworker supporting Amnesty International's work visited the site but was unable to recover any remnants of munitions from the attack. However, the level of destruction caused was similar to that in other attacks on high-rise buildings discussed below, in which remnants of guided aerial bombs were recovered.

An Israeli army spokesperson asserted that the army had used its "knock on the roof" procedure by firing a "warning" missile at the roof of the building prior to its destruction.<sup>20</sup> A number of the residents also received telephone calls from the Israeli army warning them of the attack and ordering the building's evacuation.

At 6pm, Samir Khalidi, a civil engineer who lived in flat number nine on the third floor of the Zafer 4 Tower with his wife, three daughters and two sons, received a warning that it would be attacked. Hashem Mohamad Hashem al-Saftawi, a police officer working for the Palestinian Authority who lived on the 10<sup>th</sup> floor of Zafer 4 with five family members, also received a call from an Israeli soldier who called himself "Mousa" at about 6.30pm. He told Amnesty International:

*"He said that we should evacuate the building in five minutes. I went downstairs with my family and found half of the residents or most of them with their families already*

*there, except for one old lady in a wheelchair, Ataf Hatat, who lived on the sixth floor on her own. I got another call from the Israeli officer and he asked me if everyone had evacuated and I told him that there was an old lady in her apartment. He told me to get her out now because they were going to strike the area in a few minutes."*<sup>21</sup>



*Zafer 4 Tower in Gaza City, Gaza Strip, August 2014 © Amnesty International*

Ahmad Ramadan Hilmi al-Sakka, a distributions supervisor at an international courier company who lived in Zafer 4 with 10 family members, heard about the evacuation from his neighbour Sami Abu Ashebeh, who had received a call from the Israeli army. He said: *"The Israeli army called Sami Abu Ashebeh and two other residents and ordered the building to be evacuated. They didn't give a specific time at the beginning."*<sup>22</sup>

Mohammad Ouda Abu Madkour, director of the al-Zafer Company, which had constructed the Zafer 4 Tower and around 13 other such buildings across the Gaza Strip, told one of the fieldworkers supporting Amnesty International's work that at around 6.30pm he saw people running out of the Zafer 4 Tower, which is located about 20m across the street from his house:

*"People were screaming. When I went to find out what the problem was, they said the tower was going to be demolished. A friend of mine, Mohammad al-Saftawi, said he received a call from the Israeli army and was told he had five minutes to leave."*

Mohammad Abu Madkour said that a number of families came to their home and that they received a call from a soldier who called himself "Mousa".

*"My wife answered the call and asked him which flat was being targeted. He said they were going to demolish the whole building and hung up the phone. I thought the man was lying to my wife; no one expected the whole tower to be demolished."*<sup>23</sup>

Ahmad al-Sakka told Amnesty International that a resident of Zafer 4 named Mahmoud also received a call from a soldier called "Mousa" when he was standing beside al-Sakka outside the building:

*"Mahmoud asked the soldier if they [the army] were going to target a specific apartment or the whole building. The soldier answered that the whole building was going to be*

*levelled. When Mahmoud argued with the soldier, the soldier told him to hang up and not ask questions."*<sup>24</sup>

Hamad Dughmush, a doorman at the Zafer 4 Tower, arrived for his shift at around 6.30pm and found a large crowd standing downstairs. Some of the residents told him they had received calls from the army to evacuate. He said:

*"I noticed that the al-Ghoul family, who lived on the roof, were missing, as were two other people living in other apartments. One of them was the old woman – her name is Ataf Hatat – she was in a wheelchair; she had trouble hearing, and lived on her own. She couldn't hear the doorbell or the knocking on the door, so they had to break into the apartment and carry her out.*

*"Most residents waited downstairs in front of the neighbouring building; everyone expected to go back home so they didn't take anything but the clothes they were wearing."*<sup>25</sup>

At about 7.30pm an Israeli aircraft directed what appear to have been two aerial bombs at the lower floors of the building, causing it to collapse on itself. The 12-storey building turned into a pile of rubble. Mohammad Abu Madkour said:

*"We were in the basement and I went out to see what had been hit – amid the dust, I saw the whole tower flat on the ground. Everyone was screaming; they had left everything in that building: their IDs, jewellery, papers, change of clothing, furniture."*<sup>26</sup>

Samir Khalidi said:

*"It would cost US\$3.5 to \$4 million to rebuild, including all the furniture left inside. We left our home with only the clothes on our backs. Some people even forgot their money in their rush to get out."*<sup>27</sup>

Hashem al-Saftawi told Amnesty International that nobody expected that the building would be totally destroyed:

*"My wife tried to take her jewellery with her when we were evacuating the house and I told her to put it back because we were coming back. We didn't see it coming – we never expected that the whole building would be levelled."*<sup>28</sup>

Four residents told Amnesty International that they thought that an elected Hamas member of the Palestinian Legislative Council (PLC), who lived on the first floor, would be the target of the attack and that only his apartment would be hit. Ahmad al-Sakka said:

*"I think that the PLC member who lives on the first floor was the target. It's strange that the building was targeted as most of the residents were from Fatah."*<sup>29</sup>

Samir Khalidi said that the towers are known as a calm residential area; he had lived there for many years and had not seen any members of the military forces there, nor heard any military operations taking place from the building or its surroundings. He told Amnesty

International:

*"Most of the residents are former employees of the Palestinian Authority, and there are doctors, engineers, private sector people, who have nothing to do with security issues. The building is known in the area as a Fatah enclave. We were extremely surprised by the action taken on the towers. I don't know anything about the Israeli claim that there were Hamas people in the building."<sup>30</sup>*

A shopkeeper whose shop is located on the bottom floor of the Zafer 1 Tower, which is about 20m away from Zafer 4, told Amnesty International that there were many families in the building who had fled from the border areas and come to seek relative safety with friends and relatives in the Zafer 4 Tower:

*"One family came from the al-Zaitoun area and another from al-Shuja'iyyeh; one of them had 60 people. The Geleini and Amerin families came from al-Shuja'iyyeh, and Ayad and Jabari families came from al-Zaitoun. They came here because they thought this place was safe. There is no training site, no rocket-launching areas. We never heard any rockets being launched. I expected a missile or two to hit one of the apartments, but I didn't expect that the whole tower was going to be levelled."<sup>31</sup>*

Every witness gave a similar message. Mohammad Abu Madkour said: *"In the past, the Israelis usually just shot at whoever they were targeting in a large building without warning, but in this case, they spent more than an hour telling everyone to evacuate."<sup>32</sup>*

The destroyed tower is adjacent to two other residential towers and three other buildings, which are located only about 15 to 20m apart. Residents there, and in other surrounding buildings, did not receive warnings to evacuate from the Israeli army. Karim Abu Dahi, a lawyer who lives with his family on the fourth floor of the Zafer 1 Tower, told Amnesty International that he received a last-minute call from the doorman to evacuate:

*"I was at my mother and sister's on the 10<sup>th</sup> floor and the situation was really calm [around the building]. I received a call from our doorman to evacuate the building. We thought that our building was the one that would be targeted. I ran downstairs to my wife and realized that almost everyone had evacuated except for us.*

*"There was no electricity and my mum was going down the stairs with us; she has problems in her knees, so we had to help her. When we got downstairs residents told us that Zafer 4 had been hit and that only two apartments were going to be targeted. We considered going back up to our apartment, but when the taxi got there we decided to go to my office instead."*

Many of the adjacent buildings were damaged as a result of the attack on Zafer 4 and, according to media reports and accounts by residents, more than 20, many of whom had been unable to evacuate their apartments, were injured, including a child and an elderly woman who lived in Zafer 1. *"When I went back home the following morning, everything was damaged: the doors, the windows, the furniture – I don't think I could go back and live there,"* Karim Abu Dahi said.<sup>33</sup>

An Israeli army spokesperson asserted that a Hamas “command and control room” was located in the building.<sup>34</sup> The Israeli authorities have, however, provided no further details to substantiate the claim that such a facility was located in the building or why they considered it a military target. Media reports said that the Israeli army targeted a Hamas command centre in the building.<sup>35</sup>

### ITALIAN COMPLEX, GAZA CITY

On 25 August 2014, at about 12.05am, an Israeli aircraft launched a number of bombs at the Italian Complex, built in a joint venture with an Italian company. Munitions experts consulted by Amnesty International identified one of the bombs as probably a Guided Bomb Unit (GBU) equipped with a Joint Direct Attack Munitions (JDAM) system.<sup>36</sup> The complex, which contains a 16-storey tower with a commercial centre on the two bottom floors, was severely damaged when all the floors on one side of the tower collapsed.



*Italian Complex in Gaza City, Gaza Strip, August 2014 © Amnesty International*

The residential part contained about 50 flats. The bottom two floors included a shopping mall with scores of shops, a branch office of Hamas' political wing and an office of the Ministry of Public Works and Housing of the Hamas authority. Most of the shops were severely damaged. Some residents in surrounding buildings received warning calls to evacuate; a number of the surrounding buildings and shops were also damaged.

According to the Gaza Ministry of Health, a total of 25 people were injured in the attack. Several of those wounded were reportedly civil defence personnel, who were working to put out the fire and were then injured by another strike.

Dr Hussam Hussain Mahmoud Daoud, a physician at the Ansar Medical Centre and the vice-chairman of the complex's board of trustees, who lived in the residential

part of the building with his wife and three children, received a call from the building guard at 10.55pm, who told him about the evacuation notice. He told Amnesty International:

*“I took my family and valuables and we got out. There were people from 40 flats or so all trying to leave at the same time. People were barefoot. Some had been praying. Some of the women had their heads uncovered.”*<sup>37</sup>

Yahya Hatem Yahya al-Barawi, a university student who lived on the first floor of the residential building with his family, told Amnesty International that he heard from a neighbour that the Israeli army intended to target the complex and had ordered its evacuation. They rushed to evacuate their apartment and leave the area. He said:

*"It was a night of terror. It was crowded on the stairs. Everyone was terrified. We called our uncle and he came with his car and took us to al-Tuffah neighbourhood. No one thought that we would flee the Italian Complex to al-Tuffah, which was not a safer area."<sup>38</sup>*

Two witnesses said that the Israeli army ordered people to evacuate and maintain a distance of 300m from the Italian Complex pending the attack. Dr Hussam Daoud and his family were sitting in a neighbour's car when his daughter received a call on her mobile phone from a man who identified himself as "Ibrahim" from the Israeli army. He said:

*"He told me he could see me inside the car. He told me to call the residents and tell them to get out. He called back and said there were still people in the courtyard and asked me to tell them to move 300m away from the tower and not to approach it after the first or second rocket, as they were going to tear it down completely."<sup>39</sup>*

Mahmoud Sulaiman Khiles, who works for the Palestinian Authority and lives about 100m from the Italian Complex with 29 members of his family, including his sister's family who had fled their homes in al-Shuja'iyeh, told Amnesty International that, at about 11pm, they heard screams and someone came to their house to tell them to evacuate and keep a distance of 300m around the Italian Complex: *"We didn't expect the whole tower to be levelled; we thought only an apartment or two would be targeted. We stayed in the neighbourhood and saw everything happen in front of us."*

The first "warning" missile hit the roof of the Complex at around 11.30pm, followed by two more small "warning" missiles. At about 12.05am, an Israeli aircraft launched several bombs at the Complex. Mahmoud Khiles said:

*"First six missiles were fired, then it was quiet for about 15 minutes so the ambulance and the journalists started coming closer to the building. Then an F-16 targeted the building three more times. This resulted in a lot of injuries to paramedics and journalists who had come close to the building."*

One of the strikes hit an open area close to the building causing a large fire to erupt, which resulted in extensive damage to surrounding homes, including that of Mahmoud Khiles. He told a fieldworker supporting the work of Amnesty International that the outer walls of his house were destroyed and his furniture severely damaged.<sup>40</sup>

Ibrahim Ziad Ibrahim al-Ramlawi, the manager of a car sales firm, who owned Flat C on the fifth floor of the tower, received a text message on his mobile to evacuate his home. He told Amnesty International that he and 14 family members had fled attacks on al-Shuja'iyeh about 10 days into the war and come to stay at their apartment in the building:

*"I brought everything with me in a suitcase: my wife's jewellery, my cheque books,*

*people's promissory notes, ownership papers, everything. When a ceasefire was announced, we returned to al-Shuja'iyyeh leaving everything in the flat in the Italian Complex. I came back to try and retrieve the bag, but the police would not let us in. I've lost everything; I have been destroyed."*<sup>41</sup>

Some witnesses mentioned that antennas and power towers, including one about 25m high, had been placed on the roof of the Complex over the preceding two to three years. Many of the residents complained and even had altercations with the people who were coming to check on the equipment, but to no avail. Dr Hussam Daoud said:

*"We were told they were different security services, but we were not sure which. All sorts of people would go up there, so we went and complained to the company who had the rights to the roof area. The Deputy Minister of Housing called us in and said they had a central antenna on our roof that they could not remove. We asked him about the other antennas and he said we had to handle it on our own. The residents were very worried having those antennas. The men putting them up kept reassuring us that the worst that could happen was that the Israelis would just shoot the antennas."*<sup>42</sup>

However, residents had expected that, if anything, only one or two of the apartments would be targeted. Yahya al-Barawi told Amnesty International that the building had been attacked a few weeks before it was destroyed when an Israeli aircraft fired missiles at the apartments of the al-Sisi family and the Zaqout family, killing Ahed Zaqout, a famous football player and coach, on 30 July 2014.<sup>43</sup>

They insisted that no military activities were taking place either from the building or its immediate vicinity. Ibrahim al-Ramlawi said, *"I never expected the towers to be hit; it's a residential building full of professionals, doctors, engineers. This area has no resistance fighters in it at all; it's a very sophisticated residential building."*<sup>44</sup> Dr Hussam Daoud said, *"I didn't see any activity on the roof during the recent hostilities. This is a very sophisticated area, with exquisite shopping malls and top-ranked schools. We used to hear of resistance around, as well as shelling, but never from the tower."*<sup>45</sup>

An Israeli army spokesperson asserted that the building had a "control and command centre" operated by Hamas and that *"apartments that were used by terrorist organizations for planning terrorist operations, and in one of them a site for the production of military weapons."*<sup>46</sup>

The Israeli authorities did not offer any evidence to back up their assertion that apartments were used for military purposes. Even if this were the case, Israel would need to have ensured that it chose the most precise means feasible to limit its attack to the military objective and minimize damage to surrounding apartments. It should not have been deemed necessary to destroy the entire building.

## AL-BASHA TOWER, GAZA CITY

On Tuesday, 26 August 2014, at approximately 4.30am, Israeli aircraft dropped what appear to have been several aerial bombs on the al-Basha Tower, located in the centre of Gaza City, turning it into a large pile of rubble. The 13-storey tower consisted of about 30 flats, which had been occupied primarily by businesses and news media offices, as well as a number of

educational institutions, many of which were closed during the hostilities. Residents of the al-Basha Tower and surrounding buildings received a warning to evacuate and were told to keep a distance of at least 300m from the tower.

Two witnesses said that at about 3.30am the building's guard received a call from the Israeli army and informed them that they had about 20 minutes to evacuate the building. Basel Awni Abdul Fattah al-Tanani, a broadcaster and presenter at the Sawt al-Sha'ab (Voice of the People) radio station, which had been based on the tower's 10<sup>th</sup> floor for almost eight years, came back to the station only a few minutes before the building's guard came in.

*"His face was very pale and he was very frightened. He said he had just received a call [from the Israeli army] that the tower had to be evacuated and that it would be targeted in 20 minutes. I didn't know what to save; we had to wake up all the people sleeping upstairs."<sup>47</sup>*



*Al-Basha Tower in Gaza City, Gaza Strip, August 2014 © Amnesty International*

Between 3.30 and 3.45am, with many people still not having left the building, two "warning" missiles targeted the roof.

Abdullah Hussain Ibrahim Lubad, a sound engineer with the Sawt al-Sha'ab radio station, and five colleagues helped evacuate the families staying on the lower floors, who had fled hostilities or had their homes destroyed in Beit Hanoun and al-Shuja'iyeh. He said:

*"Many of them were sick people, old men and women, children. There was one man who had cancer and was unable to move, and a small girl who was completely paralysed. We called the Civil Defence Department and the ambulance service to help evacuate them."<sup>48</sup>*

At 4.30am, Israeli aircraft launched three or four rounds of munitions that appear to have been aerial bombs at the tower. After the employees of the Sawt al-Sha'ab radio station told Yasser Mohammad Salim Sa'id and his family to evacuate their apartment in the Zein al-Dain Building on Talatini Street, right beside the al-Basha Tower, he witnessed the attack from the street. He told Amnesty International:

*"All 13 floors came crashing down, including 35 offices, an internet company, educational organizations, and many well-known commercial enterprises that have nothing to do with the resistance. The building fell on the eastern side, causing damage to the house next door to the al-Qassas family home. Many other buildings nearby were also damaged... The façade is damaged and there are no windows or frames. Downstairs is a company that manufactures juice; Israel destroyed their factory and then came here*

*and destroyed their showroom. Poor things! They had moved everything here. The worst damage is to the children as a result of what they have witnessed. Mine are unable to sleep at night; even when we hold and comfort them, they continue to talk and talk. Can you imagine a small child awake from 3.30am to 11.30pm unable to sleep? When we came back to the flat, all four children refused to come inside. They kept saying, 'This is not our home. Our home is not like this; this one is broken. I want to go back to our real home.'*"<sup>49</sup>

Adel Khalil Mohammad al-Qassas, who had evacuated his three-storey family home, which housed 14 people and was located at a distance of about 30m from the tower, before the attack damaged it, told Amnesty International that he had not heard any fighting in the area. He said: *"I've been living here for 35 years and I know what goes on in this area and I have seen nothing going on in this particular tower."*<sup>50</sup>

Khaled al-Baraqui Hassan al-Ra'i, owner of a dry cleaning service directly across the street from the al-Basha Tower, lives with his family in a house located 200m away from the tower. After hearing the first "warning" missile hit the building, at around 3.35am, they heard about the impending attack from neighbours and evacuated immediately. *"My shop was completely damaged. The strike was very strong so the doors were blown inside the shop. Rubble and shrapnel were everywhere,"* he said.<sup>51</sup>

Abdullah Mahmoud Omar Suleiman al-Louh lives about 20m to the south of the al-Basha Tower in the Tayaran Building on Talatini Street. About 70 of his family members lived in two adjacent homes, each four storeys high, with two basements. He received a call from a neighbour telling him to evacuate and keep a distance of at least 300m from the al-Basha Tower. He told Amnesty International:

*"My neighbours, the Na'im family, told me they could not leave as they had heard the second warning missile and they were afraid that the shelling of the tower was imminent. I called the fire department and asked them to help evacuate the Na'im family and they responded that they would be able to get them out the back, behind the Tayaran Building. In the end we couldn't get them out and a third warning missile was shot. I called the Na'im family to make sure they were fine, and they were.*

*"My home was completely demolished; it is uninhabitable. The apartment was on the third floor, with a zinc roof."*

This was the second attack on the tower; the eighth, 11<sup>th</sup> and 12<sup>th</sup> floors had been attacked on 15 July, during the second week of hostilities. Abdullah al-Louh witnessed the previous attacks on the al-Basha Tower:

*"They targeted them over two or three days. My niece was injured at the time. Our house was damaged from that attack. People are peaceful in this area; there has never been anything in this area before this time."*<sup>52</sup>

The offices of the Sawt al-Sha'ab radio station were also damaged in the earlier attack. Basel al-Tanani said:

*"We had to go and work from the ground floor. We kept our computers, laptops and a chair for the announcer with a microphone and a small mixer underneath the staircase. We had been broadcasting from downstairs but the main equipment was upstairs. We had anticipated that we would be targeted."*<sup>53</sup>

The same attack severely damaged the offices of Saud Abu Ramadan, a freelance journalist who was writing for Bloomberg news and the Canadian online news publication *iPolitics*. Following the attack he set up a tent in front of the tower with a desk and sign that read "This is my office".

Employees of the Sawt al-Sha'ab radio station as well as local residents told Amnesty International that they suspected that the station was the target for the attack. Basel al-Tanani told Amnesty International that the station belonged to the political wing of the Popular Front for the Liberation of Palestine (PFLP), but was owned by the multimedia corporation Naba Company and had worked closely with vulnerable communities to get their needs exposed and addressed.

*"The tower was practically empty; the educational organizations were not there and the media offices were mostly training centres. We worked on the staircase and in front of the main door and lift; no one could have come in or out without us seeing them or the guard noticing them. There were no resistance activities in the area or the building.*

*"The target must have been the Sawt al-Sha'ab station because we were broadcasting patriotic messages, messages of defiance. We refuted the rumours they [the Israeli army] tried to spread. We covered all the news as it was happening; that's why the station was targeted."*<sup>54</sup>

The Israeli army has not provided any information concerning the attack or its intended target. Television and radio stations, like all media outlets, are civilian objects and under international humanitarian law are immune from attack unless they are being used to make an "effective contribution to military action" – for instance, by transmitting military orders – and their "partial or total destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage".<sup>55</sup> Broadcasts that express support for attacks or are intended to boost public morale do not constitute "an effective contribution to military action" and it is prohibited to target and attack media outlets for making such broadcasts.

The complete and total destruction of the tower, which, besides the radio, housed businesses and educational associations, and had recently become a shelter for scores of internally displaced persons, had no apparent military justification.

# INTERNATIONAL LAW AND ACCOUNTABILITY

International humanitarian law, which is codified in, among other places, the Hague Regulations, the four Geneva Conventions of 1949 and their Additional Protocols, prohibits direct attacks on civilian objects and deliberate destruction without military necessity. These prohibitions are part of customary international humanitarian law, binding on all parties to an armed conflict.

Article 48 of Protocol I to the Geneva Conventions sets out the principle of distinction, a cardinal rule of international humanitarian law:

*"In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objects."*

Article 52 (1) states: "Civilian objects shall not be the object of attack or of reprisals."<sup>56</sup> Making civilian objects, that is, objects that are not military objectives, the object of attack is a war crime.<sup>57</sup>

According to Article 57 (1) of Protocol I, "constant care shall be taken to spare the civilian population, civilians and objects." Article 57 (2) specifies necessary precautions in planning and carrying out attacks including the obligation to: choose the means and methods of attack with a view to avoiding, and in any event to minimizing, incidental deaths and injuries to civilians and damage to civilian objects<sup>58</sup>; refrain from launching an attack which may be disproportionate<sup>59</sup>; cancel or suspend an attack if it becomes apparent that the objective is not military or the attack would be disproportionate<sup>60</sup>; and give effective advance warning to civilians of attacks which may affect the civilian population, unless circumstances do not permit<sup>61</sup>.

In the cases examined in this report civilians in the targeted buildings were given warnings. But in two of these cases those in the adjacent buildings, which were also affected by the attacks, did not receive warnings. Even where warnings to all affected civilians were given, this does not release the attacking party of the obligation not to authorize attacks against the civilian population, civilians or civilian objects.<sup>62</sup> An empty civilian building not being used for military purposes remains a civilian object and it is prohibited to deliberately attack such objects.

Article 53 of the Fourth Geneva Convention, which regulates the actions of Israel as the occupying power in the Gaza Strip, states:

*“Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.”*

According to Article 147 of the Fourth Geneva Convention, “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly” is a grave breach of the Convention, and thus a war crime.

Article 33 of the Fourth Geneva Convention prohibits collective punishment, stating: “No protected person may be punished for an offence he or she has not personally committed”.

The Geneva Conventions require state parties to search for persons alleged to have committed or ordered grave breaches and to try or extradite them.<sup>63</sup> As regards other war crimes, states have a duty under customary international humanitarian law to investigate war crimes allegedly committed by their nationals or armed forces, or on their territory and prosecute the suspects.<sup>64</sup> And all states may exercise universal jurisdiction to try war crimes in their national courts.<sup>65</sup>

Three Israeli investigations have emerged in relation to Operation Protective Edge. Firstly, on 13 August 2014, the State Comptroller, a role which also functions as an ombudsman and is currently held by Judge Joseph Shapira, announced that, in the light of allegations that “Israel breached international law”, he intended to investigate the “decision-making process and oversight mechanisms” employed by the country’s political and military leadership before and during Operation Protective Edge.<sup>66</sup> At the end of October the State Comptroller’s office announced that Judge Shapira and high-ranking members of his office had met Prime Minister Netanyahu to set the issues to be focused on during his investigation, which would include the Prime Minister’s decision-making process and his actions during Operation Protective Edge. In a letter to Amnesty International, the State Comptroller said that the inquiry would be “into the decision-making processes on the military and political level during the operation and the investigation mechanisms of the IDF and the government regarding complaints and claims of violations of the laws of armed conflict according to international law”.

The following day, on 14 August, the Chief of General Staff, Lieutenant General Binyamin Gantz, ordered the General Staff Mechanism for Fact-Finding Assessments (FFA) to examine “Exceptional Incidents that occurred during Operation ‘Protective Edge’”. According to the website of the Military Advocate General, 44 “Exceptional Incidents” (where there may be “reasonable grounds for suspicion of a violation of the law”) have been referred to the FFA for assessment, and “over 50 additional incidents have so far been identified for referral to the FFA Mechanism in the near future.” The purpose of these investigations was said to be threefold: to reach decisions regarding whether to open a criminal investigation; for a “lessons-learned” process” and for “the issuance of operational recommendations that will assist in preventing exceptional incidents in the future”<sup>67</sup>.

On 10 September 2014 it was announced that the FFA Mechanism had completed its work on 12 incidents, which had been referred back to the Military Advocate General for decision. The Military Advocate General (MAG) decided to close the case with regard to seven of the

cases and was said to have “ordered criminal investigations with regard to two of the incidents”. The remaining incidents were pending decision. The MAG has also ordered the opening of criminal investigations into three incidents that had not been subjected to prior examination by the FFA Mechanism. None of the cases examined in this report was mentioned, so Amnesty International has no information as to whether they were among the “Exceptional Incidents”.<sup>68</sup>

Later, at the end of August, the Knesset Foreign Affairs and Defense Committee also set up a subcommittee to inquire into Operation Protective Edge in Gaza. According to Israeli media reports, the purpose of the subcommittee's inquiry was to learn lessons from the operation and it intended to issue its report in January 2015.<sup>69</sup>

Up to now the investigations of alleged violations of international law against Palestinians during Israeli military offensives in the Gaza Strip have failed to be independent, thorough or impartial. After Operation Cast Lead, in December 2008 and January 2009, only three investigations ended in indictments, and the most serious punishment was one of 15 months' detention for the theft of a credit card.<sup>70</sup> After Operation Pillar of Defense in November 2012, the Chief of Staff appointed Major General Noam Tibon to head a military commission into possible “illegal conduct” and passed its findings on 80 cases to the Military Advocate General, who examined 65 and said he found no justification for launching a criminal investigation.<sup>71</sup> The same senior officer is heading the General Staff Mechanism for Fact-Finding Assessments examining “Exceptional Incidents” during Operation Protective Edge.

In view of the failure of previous Israeli inquiries into Israeli forces violations of international humanitarian law in Gaza, Amnesty International agrees with the conclusion of the Israeli human rights organization B'Tselem that “there is currently no official body in Israel capable of conducting independent investigations of suspected violations of international humanitarian law”.<sup>72</sup> On 23 July 2014 the UN Human Rights Council established a commission of inquiry to investigate all violations of international law “in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military operations conducted since 13 June 2014, whether before during or after”. The commission is due to submit a report of its investigation to the 28<sup>th</sup> session of the Human Rights Council in March 2015.<sup>73</sup> On 13 November 2014 the Israel Ministry of Foreign Affairs announced that Israel would not co-operate with the “UNHRC investigative committee”. The statement said that the “decision was made taking into account the council's obsessive hostility towards Israel, the committee's one-sided mandate and the publicly expressed anti-Israel positions of the committee's chair.”<sup>74</sup>

Israel has agreed to co-operate with a separate UN inquiry set up by UN Secretary-General Ban Ki-moon in November to investigate specific incidents of deaths, injuries and damage at UN premises in Gaza, as well as incidents where weapons were found on UN premises.<sup>75</sup> However, the decision of Israel neither to co-operate with the wider UN Commission of Inquiry nor to allow access to Gaza to researchers from Amnesty International and other international human rights organizations is unfortunate, giving the impression that Israel continues to oppose in-depth investigations of a number of actions during Operation Protective Edge which appear to amount to war crimes.

# CONCLUSION AND RECOMMENDATIONS

In the absence of evidence to indicate that the multistorey civilian buildings focused on in this briefing were being used (at the time they were targeted) in a manner that rendered them, in their entirety, military objectives, it appears that these attacks amounted to the deliberate targeting of civilian objects. Making civilian objects the object of attack is a serious violation of international humanitarian law and is a war crime. In the case of property protected by the Geneva Conventions, including civilian buildings in occupied territories, deliberate and extensive destruction not warranted by military necessity constitutes a grave breach of the Geneva Conventions and therefore a war crime.

Given the unprecedented scale of destruction of multistorey apartment buildings in Gaza, statements by officials suggesting a punitive motive, and the fact that the Israeli army has previously conducted strikes on specific apartments in these and other high-rise buildings without their complete destruction, the onus is on the Israeli authorities to provide information on the reasons for each specific attack and the manner of its execution, including the reason for rendering an entire building rubble. Even in those cases where the Israeli authorities had good reason to believe that a part of a civilian object was being used for military purposes, they had an obligation to choose the means and methods of attack that would minimize harm to civilians and damage to civilian objects.

Giving a warning to civilians is one of the necessary precautions in attack, but it does not absolve the attacking force from taking all other necessary precautions to ensure an attack that is targeting a lawful military objective would not be indiscriminate or disproportionate. Treating a building housing hundreds of civilians as a single military objective on the basis that one apartment has been used by an armed group would constitute a violation of the prohibition on indiscriminate attack, particularly when the attacking party had the means to limit its attack and its effects to the part of the building that was so used.

The wording used by Israeli military spokespeople in describing Israel's intentions in the final days of the conflict, in particular that targeting would be carried out "in a severe and massive manner" and that "nothing is immune", suggests a policy of collective punishment, in breach of international humanitarian law.

The four attacks need to be independently and impartially investigated. Amnesty International's view is that no official body capable of conducting such investigations currently exists in Israel. It therefore makes the following recommendations:

## TO THE ISRAELI AUTHORITIES

- The Israeli authorities should co-operate with the commission of inquiry set up by the UN Human Rights Council in July 2014 and offer it complete access to relevant personnel, documents and other material, with a view to ensuring that the four attacks documented in

this briefing, among many others, are investigated impartially and independently and that, wherever there is sufficient admissible evidence, any alleged perpetrator is brought to justice in proceedings that fully respect international fair trial standards.

- They should also allow other human rights organizations access to Gaza to investigate these and other suspected violations of international law by all parties to the conflict.
- They should provide full reparations to all individuals whose homes and property were unlawfully destroyed or damaged during the four attacks.
- They should ensure that the Israeli military comply fully with the duty not to destroy civilian property in the absence of military necessity and not to carry out attacks as a form of collective punishment.

## TO THE PALESTINIAN AUTHORITIES

- The Palestinian authorities should issue a declaration accepting the International Criminal Court's jurisdiction over crimes committed since 1 July 2002 and accede to the Rome Statute of the International Criminal Court.

## TO OTHER GOVERNMENTS

- All states should provide full support to the UN-mandated commission of inquiry and ensure it is resourced sufficiently to allow it to accomplish its tasks effectively and promptly.
- All states should suspend the transfer to Israel of weapons, munitions and other military equipment and technology that have been used to carry out direct attacks on civilian objects and other violations of international humanitarian law.
- Individual states should start criminal investigations in national courts, exercising universal jurisdiction, wherever there is sufficient evidence of war crimes or other crimes under international law, and seek to arrest alleged perpetrators and bring them to justice in proceedings that fully respect international fair trial standards.

## ENDNOTES

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<sup>1</sup> OCHA, *Protection of Civilians Weekly Report, 28 October – 3 November 2014* ([www.ochaopt.org/documents/ocha\\_opt\\_protection\\_of\\_civilians\\_weekly\\_report\\_2014\\_11\\_14\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2014_11_14_english.pdf))

<sup>2</sup> These statistics, and the figures attributed to the Palestinian Federation of Industries, are cited in OCHA, *Occupied Palestinian Territory: Gaza Emergency Situation Report (as of 4 September 2014, 08:00 hrs)* ([www.ochaopt.org/documents/ocha\\_opt\\_sitrep\\_04\\_09\\_2014.pdf](http://www.ochaopt.org/documents/ocha_opt_sitrep_04_09_2014.pdf)).

<sup>3</sup> OCHA gives the figure of five civilians. In addition to these five individuals, Amnesty International considers Dror Khenin, a building project contractor who was killed on 15 July while distributing food to soldiers near the Erez crossing, to have been a civilian since, according to its information, he was not directly participating in hostilities at the time.

<sup>4</sup> OCHA, *Occupied Palestinian Territory: Gaza Emergency Situation Report (as of 4 September 2014, 08:00 hrs)* ([www.ochaopt.org/documents/ocha\\_opt\\_sitrep\\_04\\_09\\_2014.pdf](http://www.ochaopt.org/documents/ocha_opt_sitrep_04_09_2014.pdf)).

<sup>5</sup> See Amnesty International, *Israel and the Occupied Palestinian Territories: Families under the rubble: Israeli attacks on inhabited homes* (Index: MDE 15/032/2014), November 2014 ([www.amnesty.org/en/library/info/MDE15/032/2014/en](http://www.amnesty.org/en/library/info/MDE15/032/2014/en)); *Israel/OPT: Civilian population of Israel and Gaza at risk* (Index: MDE 15/025/2014), 22 August 2014 ([www.amnesty.org/en/library/info/MDE15/025/2014/en](http://www.amnesty.org/en/library/info/MDE15/025/2014/en)); *Israel and the Occupied Palestinian Territories: Evidence of medical workers and facilities being targeted by Israeli forces in Gaza* (Index: MDE 15/023/2014), 7 August 2014 ([www.amnesty.org/en/library/info/MDE15/023/2014/en](http://www.amnesty.org/en/library/info/MDE15/023/2014/en)); *Israel/Gaza: Attack on UN school in Gaza a potential war crime that must be investigated*, 30 July 2014 ([www.amnesty.org/en/news/israelgaza-attack-un-school-gaza-potential-war-crime-must-be-investigated-2014-07-30](http://www.amnesty.org/en/news/israelgaza-attack-un-school-gaza-potential-war-crime-must-be-investigated-2014-07-30)); *Israel and the Occupied Palestinian Territories: Israel/Gaza conflict Q&A* (Index: MDE 15/017/2014), 25 July 2014 ([www.amnesty.org/en/library/info/MDE15/017/2014/en](http://www.amnesty.org/en/library/info/MDE15/017/2014/en)).

<sup>6</sup> Israel Ministry of Foreign Affairs, *Response to Amnesty's report on Gaza conflict*, 5 November 2014 ([mfa.gov.il/MFA/PressRoom/2014/Pages/Response-to-Amnesty-report-on-Gaza-conflict-5-Nov-2014.aspx](http://mfa.gov.il/MFA/PressRoom/2014/Pages/Response-to-Amnesty-report-on-Gaza-conflict-5-Nov-2014.aspx)).

<sup>7</sup> The New York Times, *Amnesty International Says Israel Showed 'Callous Indifference' in Gaza*, 2 November 2014 (<http://www.nytimes.com/2014/11/05/world/middleeast/amnesty-international-says-israel-showed-callous-indifference-to-gaza-civilians.html>). Presumably investigations mentioned in the article are those by the General Staff Mechanism for Fact Finding Assessments; see page 22 for further information on these.

<sup>8</sup> For the text of the leaflet, see Twitter post by @GazaInAndOut at 1.41pm on 23 August 2014 ([twitter.com/GazaInAndOut/status/503160186778165248](https://twitter.com/GazaInAndOut/status/503160186778165248)).

<sup>9</sup> Globes, "*Protective Edge*": *Interceptions over the Dan region, a rocket shot to the western Galilee; IDF demolish a 14 story sky-rise in Gaza* (in Hebrew), 23 August 2014 ([www.globes.co.il/news/article.aspx?did=1000965786](http://www.globes.co.il/news/article.aspx?did=1000965786)).

<sup>10</sup> Mako, *The shooting towards Israel does not stop: 2 interceptions over the Dan region* (in Hebrew), 23 August 2014 ([www.mako.co.il/news-military/security/Article-Oe8066feec30841004.htm](http://www.mako.co.il/news-military/security/Article-Oe8066feec30841004.htm)). See also Jerusalem Online, *Documentation: 14-story building brought down in Gaza*, 23 August 2014

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([www.jerusalemonline.com/news/middle-east/israeli-palestinian-relations/documentation-14-story-building-brought-down-in-gaza-7569](http://www.jerusalemonline.com/news/middle-east/israeli-palestinian-relations/documentation-14-story-building-brought-down-in-gaza-7569)); EA WorldView, *Gaza Daily*, August 24: *Israel Levels a 14-Story Building*, 24 August 2014 ([www.eaworldview.com/2014/08/gaza-daily-israel-levels-14-story-building](http://www.eaworldview.com/2014/08/gaza-daily-israel-levels-14-story-building)).

<sup>11</sup> The Independent, *Israeli-Gaza conflict: Airstrike levels 7-story building in Gaza as conflict escalates*, 24 August 2014 ([www.independent.co.uk/news/world/middle-east/israeligaza-conflict-airstrike-levels-7-story-building-in-gaza-as-conflict-escalates-9687970.html](http://www.independent.co.uk/news/world/middle-east/israeligaza-conflict-airstrike-levels-7-story-building-in-gaza-as-conflict-escalates-9687970.html)).

<sup>12</sup> In another case, 15 minutes before the ceasefire came into effect, a five-story building in the Sheikh Zayed housing complex, an apartment building with 10 families was severely damaged and rendered uninhabitable, with no apparent military justification.

<sup>13</sup> Amnesty International and other human rights organizations have criticized the Israeli procedure of firing a warning missile before destruction of a building, first used in 2009; it is not an effective warning and individuals have been killed in such "warning" strikes.

<sup>14</sup> Interview by an Amnesty International fieldworker on 25 August 2014.

<sup>15</sup> Interview by an Amnesty International fieldworker on 25 August 2014.

<sup>16</sup> Interview by an Amnesty International fieldworker on 25 August 2014.

<sup>17</sup> RT, *Israel levels high-rise buildings in Gaza: 'They housed Hamas op centers'*, 24 August 2014 ([www.rt.com/news/182416-gaza-large-buildings-leveled](http://www.rt.com/news/182416-gaza-large-buildings-leveled)).

<sup>18</sup> The events of 1 August 2014 in Rafah, when the Israeli army killed 150 people, almost all civilians, and destroyed part of Rafah, is one of the cases reportedly being investigated by the IDF General Staff Mechanism for Fact-Finding Assessments. See IDF Military Advocate General Corps, *Operation Protective Edge: Examinations and Investigations*, 10 September 2014 ([www.law.idf.il/261-6858-en/Patzar.aspx?pos](http://www.law.idf.il/261-6858-en/Patzar.aspx?pos)) and Reuters, *Did Israel's 'Hannibal directive' lead to a war crime in Gaza?*, 13 October 2014 ([www.reuters.com/article/2014/10/13/us-mideast-gaza-warcrime-insight-idUSKCN0120FN20141013](http://www.reuters.com/article/2014/10/13/us-mideast-gaza-warcrime-insight-idUSKCN0120FN20141013)).

<sup>19</sup> Al Watan Voice, *Pictures: Tens of Injuries... the occupation aircraft destroys Zafer 4 Tower in the centre of Gaza and the complete destruction of 14 stories* (in Arabic), 23 August 2014 ([www.alwatanvoice.com/arabic/news/2014/08/23/582131.html](http://www.alwatanvoice.com/arabic/news/2014/08/23/582131.html)); The Guardian, *Gaza highrises flattened by Israel*, 24 August 2014 ([www.theguardian.com/world/2014/aug/24/gaza-strikes-destroy-highrises](http://www.theguardian.com/world/2014/aug/24/gaza-strikes-destroy-highrises)); Palestinian Centre for Human Rights, *Weekly Report On Israeli Human Rights Violations in the Occupied Palestinian Territories*, 21-24 August 2014 ([www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=article&id=10643:weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-21-28-august-2014-&catid=84:weekly-2009&Itemid=183](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=10643:weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-21-28-august-2014-&catid=84:weekly-2009&Itemid=183)).

<sup>20</sup> Haaretz, *5 rockets exploded in the Golan; a rocket from Lebanon hit a building in the western Galilee* (in Hebrew), 24 August 2014 ([www.haaretz.co.il/news/politics/1.2413375?sm\\_au=iVVzqVnT5MtPQ7Hn](http://www.haaretz.co.il/news/politics/1.2413375?sm_au=iVVzqVnT5MtPQ7Hn)).

<sup>21</sup> Interview by an Amnesty International fieldworker on 25 August 2014.

<sup>22</sup> Interview by an Amnesty International fieldworker on 25 August 2014.

<sup>23</sup> Interview by an Amnesty International fieldworker on 25 August 2014.

<sup>24</sup> Interview by an Amnesty International fieldworker on 24 August 2014

<sup>25</sup> Interview by an Amnesty International fieldworker on 24 August 2014

- <sup>26</sup> Interview by an Amnesty International fieldworker on 26 August 2014.
- <sup>27</sup> Interview by an Amnesty International fieldworker on 25 August 2014.
- <sup>28</sup> Interview by an Amnesty International fieldworker on 25 August 2014.
- <sup>29</sup> Interview by an Amnesty International fieldworker on 24 August 2014.
- <sup>30</sup> Interview by an Amnesty International fieldworker on 25 August 2014.
- <sup>31</sup> Interview by an Amnesty International fieldworker on 24 August 2014.
- <sup>32</sup> Interview by an Amnesty International fieldworker on 25 August 2014.
- <sup>33</sup> Interview by an Amnesty International fieldworker on 24 August 2014.
- <sup>34</sup> Haaretz, *5 rockets exploded in the Golan; a rocket from Lebanon hit a building in the western Galilee* (in Hebrew), 24 August 2014 ([www.haaretz.co.il/news/politics/1.2413375?sm\\_au=iVWzqVnT5MtPQ7Hn](http://www.haaretz.co.il/news/politics/1.2413375?sm_au=iVWzqVnT5MtPQ7Hn)).
- <sup>35</sup> Haaretz, *Israel ramps up Gaza strikes after mortar fire kills 4-year-old boy*, 23 August 2014 ([www.haaretz.com/news/diplomacy-defense/.premium-1.612118](http://www.haaretz.com/news/diplomacy-defense/.premium-1.612118)).
- <sup>36</sup> A Joint Direct Attack Munitions (JDAM) system is a way of converting unguided or “dumb” bombs into “smart” bombs that can be precisely guided using an integrated inertial guidance system linked to a Global Positioning System (GPS) device.
- <sup>37</sup> Interview by an Amnesty International fieldworker on 28 August 2014.
- <sup>38</sup> Interview by an Amnesty International fieldworker on 27 August 2014.
- <sup>39</sup> Interview by an Amnesty International fieldworker on 28 August 2014.
- <sup>40</sup> Interview by an Amnesty International fieldworker on 27 August 2014.
- <sup>41</sup> Interview by an Amnesty International fieldworker on 28 August 2014.
- <sup>42</sup> Interview by an Amnesty International fieldworker on 28 August 2014.
- <sup>43</sup> See Huffington Post, *Palestinian Footballer, Ahed Zaqout, Killed in Gaza by Israeli Bomb*, 3 August 2014 ([www.huffingtonpost.co.uk/2014/08/03/palestinian-footballer-ahed-zaqout-gaza-israel\\_n\\_5645435.html](http://www.huffingtonpost.co.uk/2014/08/03/palestinian-footballer-ahed-zaqout-gaza-israel_n_5645435.html)).
- <sup>44</sup> Interview by an Amnesty International fieldworker on 28 August 2014.
- <sup>45</sup> Interview by an Amnesty International fieldworker on 28 August 2014.
- <sup>46</sup> Walla, *IDF attacked a sky-rise in Gaza; 2 killed, 20 injured* (in Hebrew), 26 August 2014 ([www.news.walla.co.il/?w=/2689/2779556](http://www.news.walla.co.il/?w=/2689/2779556)).
- <sup>47</sup> Interview by an Amnesty International fieldworker on 28 August 2014.
- <sup>48</sup> Interview by an Amnesty International fieldworker on 28 August 2014.
- <sup>49</sup> Interview by an Amnesty International fieldworker on 27 August 2014.
- <sup>50</sup> Interview by an Amnesty International fieldworker on 27 August 2014.
- <sup>51</sup> Interview by an Amnesty International fieldworker on 27 August 2014.
- <sup>52</sup> Interview by an Amnesty International fieldworker on 28 August 2014.

- <sup>53</sup> Interview by an Amnesty International fieldworker on 28 August 2014.
- <sup>54</sup> Interview by an Amnesty International fieldworker on 28 August 2014.
- <sup>55</sup> International Committee of the Red Cross, *Customary International Humanitarian Law, Vol. I: Rules, Rule 8*
- <sup>56</sup> The prohibition of direct attacks on civilian objects is customary and applies both in international and non-international armed conflicts. See International Committee of the Red Cross, *Customary International Humanitarian Law, Vol. I: Rules, Rules 7-10*.
- <sup>57</sup> International Committee of the Red Cross, *Customary International Humanitarian Law, Vol. I: Rules, Rule 156*. See also Article 8 (2) (b) (ii) of the Rome Statute of the International Criminal Court.
- <sup>58</sup> Article 57 (2) (a) (ii) of Protocol I to the Geneva Conventions.
- <sup>59</sup> Article 57 (2) (a) (iii) of Protocol I to the Geneva Conventions.
- <sup>60</sup> Article 57 (2) (b) of Protocol I to the Geneva Conventions.
- <sup>61</sup> Article 57 (2) (c) of Protocol I to the Geneva Conventions.
- <sup>62</sup> Article 57 (5) of Protocol I to the Geneva Conventions.
- <sup>63</sup> Article 146 of the Fourth Geneva Convention.
- <sup>64</sup> International Committee of the Red Cross, *Customary International Humanitarian Law, Vol. I: Rules, Rule 158*.
- <sup>65</sup> International Committee of the Red Cross, *Customary International Humanitarian Law, Vol. I: Rules, Rule 157*.
- <sup>66</sup> Haaretz, *State Comptroller to probe conduct of country's political and military leaders in Gaza op*, 13 August 2014 ([www.haaretz.com/news/national/.premium-1.610345](http://www.haaretz.com/news/national/.premium-1.610345)).
- <sup>67</sup> Haaretz, *Israeli army's Gaza inquiry meant to head off calls for war crimes probe*, 14 August 2014 ([www.haaretz.com/news/diplomacy-defense/.premium-1.610475](http://www.haaretz.com/news/diplomacy-defense/.premium-1.610475)). See also MAG Corps, *Operation Protective Edge: Examinations and Investigation*, 10 September 2014 ([www.law.idf.il/261-6858-en/Patzar.aspx?pos=1](http://www.law.idf.il/261-6858-en/Patzar.aspx?pos=1)).
- <sup>68</sup> IDF MAG Corps, *Operation Protective Edge: Update re Individual Incidents*, 10 September 2014 ([www.mag.idf.il/163-6859-en/Patzar.aspx](http://www.mag.idf.il/163-6859-en/Patzar.aspx)).
- <sup>69</sup> Ynetnews, *Knesset Committee launches Protective Edge Probe*, 1 September 2014 ([www.ynetnews.com/articles/0,7340,L-4566505,00.html](http://www.ynetnews.com/articles/0,7340,L-4566505,00.html)).
- <sup>70</sup> See Amnesty International, *Israeli campaign to avoid accountability for Gaza war crimes must be rejected* (Index: MDE 15/023/2011), 6 April 2011 ([www.amnesty.org/en/library/asset/MDE15/023/2011/en/89722ec2-d35c-4392-bbcd-df2a97646a0b/mde150232011en.pdf](http://www.amnesty.org/en/library/asset/MDE15/023/2011/en/89722ec2-d35c-4392-bbcd-df2a97646a0b/mde150232011en.pdf)); B'Tselem, *Three years since Operation Cast Lead: Israeli military utterly failed to investigate itself*, 18 January 2012 ([www.btselem.org/gaza\\_strip/20120118\\_3\\_years\\_after\\_cast\\_lead](http://www.btselem.org/gaza_strip/20120118_3_years_after_cast_lead)).
- <sup>71</sup> See Amnesty International, *Israel/OPT: Amnesty International's written statement to the 22nd session of the UN Human Rights Council (25 February- 22 March 2013): The Need for Accountability for Gaza/Israel conflicts* (Index: MDE 02/001/2013), 20 February 2013 ([www.amnesty.org/en/library/asset/MDE02/001/2013/en/2e16eba0-23a0-4242-8796-](http://www.amnesty.org/en/library/asset/MDE02/001/2013/en/2e16eba0-23a0-4242-8796-)

[301d0d3a1f28/mde020012013en.pdf](#)).

<sup>72</sup> B'Tselem, *Israeli authorities have proven that they cannot investigate suspected violations of international humanitarian law by Israel in the Gaza Strip*, 5 September 2014 ([www.btselem.org/accountability/20140905\\_failure\\_to\\_investigate](http://www.btselem.org/accountability/20140905_failure_to_investigate)).

<sup>73</sup> Resolution adopted by the Human Rights Council, S-21/1, *Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem*, 23 July 2014.

<sup>74</sup> Israel Ministry of Foreign Affairs, *Israel will not cooperate with UNHRC investigative committee*, 13 November 2014, ([www.mfa.gov.il/MFA/PressRoom/2014/Pages/Israel-will-not-cooperate-with-UNHRC-investigative-committee-13-Nov-2014.aspx](http://www.mfa.gov.il/MFA/PressRoom/2014/Pages/Israel-will-not-cooperate-with-UNHRC-investigative-committee-13-Nov-2014.aspx))

<sup>75</sup> *Gaza: Ban forms independent panel to investigate recent conflict*, UN News Centre, 10 November 2014, ([www.un.org/apps/news/story.asp?NewsID=49296#.VHMm2YusUYo](http://www.un.org/apps/news/story.asp?NewsID=49296#.VHMm2YusUYo)); Haaretz, *Israel agrees to work with Gaza probe into attacks on UN facilities*, 20 November 2014 ([www.haaretz.com/news/diplomacy-defense/.premium-1.627422](http://www.haaretz.com/news/diplomacy-defense/.premium-1.627422)).



## **'NOTHING IS IMMUNE'**

### **ISRAEL'S DESTRUCTION OF LANDMARK BUILDINGS IN GAZA**

In the last four days of Operation Protective Edge, the name given to Israel's military operations in the Gaza Strip from 8 July until 26 August 2014, the Israeli army launched four attacks that totally destroyed multistorey landmark buildings in Gaza. While no one was killed during the destruction of the four buildings, the attacks are of great significance because they are examples of what appears to have been deliberate destruction and targeting of civilian buildings and property on a large scale, carried out without military necessity.

This briefing focuses exclusively on these attacks and considers whether they were militarily justified. It concludes that the destruction was extensive and appeared to have been wanton and not justified by military necessity. If this is indeed the case, it would be a grave breach of the prohibition against such attacks in international humanitarian law and therefore amount to a war crime.

These attacks need to be independently and impartially investigated, as do all serious violations of international humanitarian and human rights law alleged to have been committed during the conflict. Amnesty International's view is that no official body capable of conducting such investigations currently exists in Israel. It is therefore all the more important that the Commission of Inquiry set up by the United Nations Human Rights Council in July 2014 is allowed to conduct its investigations without hindrance.

Amnesty International has documented and is continuing to document violations of international humanitarian law and international human rights law committed during the conflict both by Israel and by Hamas and Palestinian armed groups.

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Index: MDE 15/029/2014  
December 2014

**AMNESTY  
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