

AMNESTY INTERNATIONAL FEATURE

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A year on from deadly Israel/Gaza conflict, the nightmare continues

In the blink of an eye, 'Attiyeh's worst nightmare came true.

On 21 November 2012, his 13-year-old son Mahmoud was killed when he was struck by a missile fired by an Israeli drone as he walked to a shop down the road from his home in the al-Manara area of Gaza City. He was carrying nothing but a coin in his hand to buy a pen for his little sister.

"When they found Mahmoud's body and took him to hospital, the doctor opened his hand, which was closed in a fist, and found that he was clutching the coin," 'Attiyeh Abu Khousa told Amnesty International delegates who examined the site of the missile strike a few days later.

The missile struck Mahmoud on a wide road with good visibility from above. Israeli aerial surveillance should have been able to see that he was a child. Witnesses said there were no evident military targets in the vicinity at the time.

Mahmoud was killed on the last day of an eight-day conflict between the Israeli military and Palestinian armed groups in the Gaza Strip. Israeli forces had launched Operation "Pillar of Defense" on 14 November 2012 by killing the leader of the military wing of Hamas, following unlawful attacks by both sides in the preceding days.

Within just over a week, more than 165 Palestinians, including more than 30 children and some 70 other civilians who were not directly participating in hostilities, and six Israelis, including four civilians, were killed. A ceasefire was reached on the evening of 21 November.

The Israeli military has not commented on the killing of Mahmoud in one of 18 strikes documented by Amnesty International in which civilians in Gaza were killed by Israeli drone-fired missiles during that tragic week.

Tens of thousands of Gazans fled their homes during the conflict. While the majority of these families were able to return to their homes after the ceasefire, they still struggle with the trauma of having had to flee, often under fire. And hundreds of families in Gaza remain displaced because their homes were destroyed in the conflict. A year on, most have been unable to rebuild because of the continuing Israeli restrictions on the import of construction materials into Gaza.

Indiscriminate rockets from Gaza

In Israel, too, civilians bore the brunt of the conflict. Palestinian armed groups fired more than 1,500 rockets and mortars during the eight days. The vast majority of these weapons were indiscriminate, meaning that they were not capable of being directed at military targets and therefore their use violated international humanitarian law.

David Amsalem and his family will never forget the morning of 15 November 2012. His wife phoned him at work at 8am to assure him that things were calm. But 15 minutes later, everything changed when a rocket fired from Gaza struck his apartment block in Kiryat Malachi, killing his 24-year-old son, Itzik.

“As soon as the alarm warning rang, our youngest son pushed my wife out of the apartment, but Itzik got delayed. My wife shouted ‘Itzik, Itzik!’ Our neighbour entered to get him out and he was also killed. Itzik was struck in a direct hit...In the week after the event, while we were sitting in mourning, hundreds of rockets fell,” he told Amnesty International.

The neighbour was father of three Aharon Smadja, 49. Mother of three Mirah Scharf, 25, was also killed in the same attack.

Justice denied

A year on from the conflict, neither side has conducted independent and impartial investigations into the allegations of violations.

Israel’s Military Advocate General has received scores of complaints from Palestinian and Israeli NGOs, including cases of civilians who were killed in attacks which may well have been war crimes, but has yet to open a single criminal investigation to Amnesty International’s knowledge.

The Hamas de facto administration in the Gaza Strip has not conducted investigations of any kind into violations of international humanitarian law by Palestinian armed groups during the conflict. In addition to the four Israeli civilians unlawfully killed by indiscriminate rockets, there is evidence that several Palestinian civilians in Gaza were killed by Palestinian rockets.

The lack of accountability for serious violations of international humanitarian law, including war crimes, goes well beyond the November 2012 conflict. It is systemic, and fuels fears among Palestinians and Israelis alike that civilians will again bear the brunt of any future rounds of fighting.

Israeli violations in both the Gaza Strip and the West Bank continue on a daily basis, including regular use of lethal force against Palestinian civilians posing no threat to Israeli forces. Since late February, Palestinian armed groups in Gaza have sporadically fired rockets and mortars towards civilian communities in Israel.

“The fear of more bloodshed hangs like a dark cloud over men, women and children who feel trapped in a cycle of violations fuelled by a climate of impunity,” said Deborah Hyams, Researcher on Israel and the Palestinian Occupied Territories at Amnesty International.

And if the fear of more deadly attacks wasn’t bad enough, those living in Gaza have to contend with the disastrous effects of Israel’s continuing land, sea and air blockade of the territory, together with restrictions imposed by Egypt. Gazans lack safe drinking water, face 12-hour power outages on a daily basis, and many struggle to access basic necessities such as adequate food and medicines.

These hardships were compounded on 1 November this year when Gaza’s sole power plant was forced to shut down due to lack of fuel, further jeopardizing vital health and sanitation services.

“The world has forgotten Gaza, its women and children. The blockade is as bad as the war; it's like a slow death for everyone in Gaza. We are paying the price for disputes between different powers. Isn't that shameful? The world has lost its humanity,” ‘Attiyeh Abu Khousa told Amnesty International last week.

“The world continues to look the other way when it comes to the blockade on Gaza, which collectively punishes 1.7 million civilians. This stark violation of international law has been allowed to continue for more than six years,” said Deborah Hyams.

“Unless Israeli and Palestinian leaders demonstrate political will to protect civilians –on both sides – the cycle of violations will become a recurring nightmare. And unless the international community ensures that ending human rights abuses and impunity for crimes under

international law are prioritized, a just and enduring resolution of the conflict will remain elusive.”

As a Gazan woman whose daughter was killed in the November 2012 conflict told Amnesty International last year, “We are sick of living in fear. Do you think we want to live like this? No, we want to live in peace.”

TESTIMONY

Eight-year-old Muhammed Ibrahim ‘Ashour was cut into pieces when a missile fired by an Israeli drone hit him as he played in his garden in al-Zaytoun, Gaza City, on 20 November 2012.

Five other children and his 80-year-old grandfather were injured by shrapnel from the missile.

Three days after the attack, Amnesty International delegates visited the family and surveyed the scene of the strike, including the missile remnants, cube-shaped shrapnel embedded in trees in the garden, and cube-shaped holes in water tanks.

There was no evidence that the premises had been used for any military purposes, and even if the Israeli military presumed that the garden had been used for military purposes at some point, the children playing there should have been visible to Israeli surveillance aircraft.

“There was no one there except the children and their grandfather,” Muhammed Rizq ‘Ashour, the uncle of the boy who was killed, told Amnesty International. “What did these children do? What was their crime? They were just playing in the garden. Even during a war, children want to play. They should have been visible to the Israeli [surveillance] drones in the sky above. We want to know why a missile was fired at these children.”