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Gaza: Military tactics of both sides endangering civilians, says Amnesty International

Amnesty International said today that both Israeli soldiers and Palestinian fighters are endangering the lives of Palestinian civilians – including by using them as human shields.

“Our sources in Gaza report that Israeli soldiers have entered and taken up positions in a number of Palestinian homes, forcing families to stay in a ground floor room while they use the rest of their house as a military base and sniper position,” said Malcolm Smart, Amnesty International’s Middle East and North Africa Programme. “This clearly increases the risk to the Palestinian families concerned and means they are effectively being used as human shields.”

Both Israeli soldiers and Palestinian gunmen are continuing to fire at each other from areas close to civilian homes, endangering their inhabitants.

Israeli forces have bombed civilian homes and other buildings, arguing that they had been used as cover by gunmen firing at Israeli targets, although Palestinian fighters usually vacate the areas as soon as they have fired.

“The Israeli army is well-aware that Palestinian gunmen usually leave the area after having fired and that any reprisal attack against these homes will in most cases cause harm to civilians -- not gunmen.”

“Fighters on both sides must not carry out attacks from civilian areas but when they do take cover behind a civilian house or building to fire it does not make that building and its civilian inhabitants a legitimate military target. Any such attacks are unlawful,” said Malcolm Smart.

“The use of these tactics at a time when armed confrontations are taking place in streets in the middle of densely-populated residential areas underlines the failure of both sides to respect the protected status of civilians in armed conflict,” said Malcolm Smart. “It underlines too the urgent need for an independent investigation into alleged abuses, including possible war crimes, by both sides and for perpetrators to be held to account.”

Background

Following yesterday’s attack on an UNWRA school in the Jabaliya refugee camp, Israeli government spokespeople said their forces shelled the school after Palestinian gunmen fired at them from it, but this is disputed. The artillery strike, which killed some 40 Palestinians, including children, and wounded more than 50 others, appears clearly to have been a disproportionate attack.

In the past, Israeli soldiers have frequently taken over Palestinian homes, effectively imprisoning their occupants, to use as military observation and firing positions. In other cases, they have forced Palestinian civilians, at gunpoint, to go before them into buildings from which they feared attack.

The practice by Israeli soldiers of taking over Palestinian civilians’ homes and holding their inhabitants as human shields while using the house as a shooting position has been very common in the past eight years both in the Gaza Strip and in the West Bank. In a previous incursion in the Gaza

Strip in March 2008, Israeli soldiers took over at least three houses in the north and in February 2008 soldiers took over another house in the village of Beit Ummar, near Hebron, in the West Bank.

Palestinian families caught up in the current fighting in the Gaza Strip report that in some cases Palestinian gunmen have agreed to vacate areas near civilian homes without firing at Israeli forces when local residents have objected to their presence. In other cases, they have refused the residents' requests and only left after firing. In still other cases, residents say they were too scared to ask the gunmen to leave.

The use of "human shields" in conflict is prohibited under Article 51(7) of the Geneva Conventions: "The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations."

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