

# Incriminating Evidence of Israeli War Crimes in Gaza

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Throughout its history, Israel has willfully and repeatedly committed crimes of war and against humanity, always with impunity. Yet under customary legal standards and norms (including Geneva, Hague, the UN Charter, S.C. and G.A. resolutions), it's lawless, a serial abuser, a threat to the region and humanity, mostly as an oppressive occupier. Attacking Gaza is the latest episode in its six-decade reign of terror satisfying the definition of genocide against defenseless Palestinian civilians. This article covers more evidence from some disturbing but unsurprising newly published information.

On March 19, in the first of a series of articles, Haaretz headlined: "IDF killed civilians in Gaza under loose rules of engagement." Military correspondent Amos Harel revealed Israeli soldier and pilot ("dirty secret") testimonies of being ordered to kill unarmed civilians and destroy their property – accounts at variance with official claims that only military targets were attacked and that "Israeli troops observed a high level of moral behavior during the operation." Defense Minister Ehud Barak calls the IDF "the most moral army in the world."

"Moral" examples included an infantry squad leader recounting the shooting of a mother and her two children: "There was a house with a family inside....We put them in a room. Later we left the house and another platoon entered it, and a few days after that there was an order to release the family....The platoon commander let the family go and told them to go to the right. One mother and her two children didn't understand and went to the left," after which a rooftop sniper "shot them straight away....I don't think he felt too bad about it, because after all, as far as he was concerned, he (followed orders, and, besides, Palestinian lives are) less important" than our own soldiers.

Other incidents included:

— a squad leader telling of a company commander ordering an elderly Palestinian woman to be shot and killed;

— soldiers saying "we should kill everyone (in the center of Gaza); everyone there is a terrorist;"

— soldiers writing "death to the Arabs on walls" and spitting on family pictures;

— a squad leader saying: "At the beginning, the directive was to enter a house with an armored vehicle, break the door down, (and) start shooting inside – I call it murder – to shoot at everyone we identify;" commanders called it OK "because everyone left in the city is culpable because they didn't run away;"

— soldiers ordered to indiscriminately destroy property and farmland;

— orders given to enter a house, “switch on loudspeakers and tell (occupants) you have five minutes to run away and whoever doesn’t will be killed;”

These and other accounts typify regular incidents in occupied Gaza and the West Bank. When revealed, official denials follow or in response to clear evidence, officers, like military advocate general Avichai Mendelblit, say the incidents will be investigated, after which everything is whitewashed, quietly forgotten, none of the guilty are prosecuted, and security forces keep using disproportionate force against defenseless Palestinian civilians.

In a March 19 analysis, Harel concluded that this “happen(s) in the field most of the time (and) as usual, reality is completely different from the gentler version provided by the military commanders to the public and media during (an) operation and after. The soldiers are not lying, for the simple reason that they have no reason to” and every reason to stay silent. The rule is: “You don’t ask, we won’t tell,” but these soldiers, squad leaders, pilots and commanders did.

Further, there’s a “continuity of testimony from different sectors that reflects a disturbing and depressing picture” of a rogue military willfully committing war crimes because they know they can get away with them. Harel concluded: “The IDF’s ethical problems did not start in 2009.” They go back decades, but according to some, military “deterioration” has been continuous from the 1967 war to Operation Cast Lead. Worse still is that Israeli history reveals six decades of relentless and continuous terror. Attacking Gaza for 22 days is just the latest episode.

On March 21, the London Independent’s Donald Macintyre wrote: “Israelis (were) told to fight a ‘holy war’ in Gaza....a religious war” against Arabs, according to a soldier citing “the martial role of military rabbis during the operation.” In rabbinic literature distributed to the troops, the message was: “We are the Jewish people, we came to this land by a miracle, God brought us back to this land, and now we need to fight to expel the Gentiles who are interfering with our conquest of this holy land.”

According to the Israeli human rights group, Yesh Din, IDF head chaplain, Rabbi Avichai Rontzki, a brigadier general, distributed booklet material saying that it was “terribly immoral” to show mercy to a “cruel enemy” and that soldiers were fighting “murderers.” Imagine rabbis claiming to be men of God, yet violating core Jewish dogma by preaching hate, premeditated murder, and lying about innocent civilians they’re vilifying. Another example of the viciousness of a so-called civilized state, acting like barbarians (in the name of God) and calling it just.

There’s more. On March 22 in Haaretz, Amira Hass headlined: “IDF soldiers ordered to shoot at Gaza rescuers” in citing a Hebrew handwritten document, “Rules of Engagement – Open fire also upon rescue.” It confirms numerous reports and testimonies like the above that soldiers shot Palestinian civilians in cold blood, murdered them (and their rescuers), or in cases where they were still alive prevented their evacuation and let them bleed to death.

Hass stated: “The (above-mentioned) document provides written proof that IDF commanders ordered their troops to shoot at rescuers” besides ordering the killing of unarmed civilians and destruction of their property.

On March 22, London Observer writer Peter Beaumont headlined: “Gaza war crime claims gather pace as (still) more troops speak out.” He cited a yet to be published “Breaking the

Silence” report containing statements from 15 former soldiers. From their contacts with Operation Cast Lead participants, they corroborate the above claims of random killings and vandalism. According to the group’s Mikhael Manekin:

“We have spoken to a lot of different people who served in different places in Gaza, including officers. We are not talking about some units being more aggressive than others, but underlying policy. So much so that we are talking to soldiers who said that they were having to restrain the orders given.” According to one, Amir Marmor, orders from a Lt. Col. who briefed the troops were: “Shoot and don’t worry about the consequences.”

On March 20, Haaretz reporter Uri Blau disclosed that IDF soldiers ordered T-shirts marking the end of Operation Cast Lead featuring grotesque images of dead babies, mothers weeping at their children’s graves, a gun aimed at a child and bombed-out mosque, and a pregnant Palestinian woman with a bull’s eye depicted on her stomach with the English slogan, “1 shot, 2 kills.”

These aren’t just anecdotes from what Ehud Barak calls “the most moral army in the world.” On March 22, Haaretz correspondent Gideon Levy wrote: “IDF ceased long ago being ‘most moral army in the world.’ ” Moreover, imagining the military will investigate the charges is “propagandistic, ridiculous (and) meant not only to deceive the public, but also to offer shameless lies” as part of a cover-up the way these revelations are always handled.

These practices have gone on for decades. Orders come right from the top – to kill Arabs and commit atrocities and vandalism, and according to one Operation Cast lead soldier: “That’s what is so nice, as it were, about Gaza – You see a person on a road....and you can just shoot him.” This message is ingrained in young recruits, to see Jews as superior, Arabs as sub-humans, so it’s “morally” OK to slaughter them.

Yet on March 22, Haaretz published GOC Home Front Command General Yair Golan’s reply saying: “The reports were exaggerated and any deviations from the IDF’s moral standards will be dealt with.”

Then on March 23, it added IDF Chief Gabi Ashkenazi’s claim that he did not believe Israeli soldiers harmed Palestinian civilians in “cold blood.” He and Golan lied the way top commanders and government officials always do.

Yet Ashkenazi echoed Ehud Barak saying that “the IDF is the most moral army in the world” despite volumes of clear evidence to the contrary. He added that any “incidents” were “isolated,” but Haaretz stated:

“The soldiers’ testimonies run counter to the IDF’s claims throughout the operation that troops observed a high level of moral behavior. A number of officers told Haaretz....that the testimonies did not surprise them, as ‘anyone with eyes in his head knows that these things happened during the fighting in Gaza,’ and they weren’t ‘isolated’ incidents.”

#### Gaza Civilian Testimonies

Documented by the Palestinian Centre for Human Rights (PCHR), they recount Operation Cast Lead’s horror – highlighted by an Israeli soldier’s message on Abu Hajaj’s bedroom wall: “Death will find you....Soon.”

PCHR noted the importance of finding “sanctuary in the comfort of one’s home” at times of trauma, but Gazans lost it for 22 days and still suffer the effects. Briefly some examples:

- the IDF occupied Mos’ab Dardona’s Jabal Al Rayes northeast Gaza home, leaving behind wall drawings of soldiers urinating on toppled mosques and “devouring Palestinians villages;”

- next door in Ibrahim Dardona’s home, instead of using the bathroom, they left behind dozens of bags of feces and crude sexual diagrams on walls;

- the defacing and other actions show a disturbing picture of racial hatred throughout Israeli society, according to PCHR’s democratic development director, Hamdi Shaqqura; PCHR says thousands of Gazans are homeless, displaced, and forced to find shelter with relatives or move back to partially destroyed homes and cope as best they can;

- in the agricultural area of Johr-ad-Dik, the IDF took over homes, displaced half the 2500 population and maliciously destroyed hundreds of olive and citrus trees;

- the IDF ordered local residents near Saleh Abu Hajaj’s home to leave; Saleh’s daughter tied a white scarf to a stick, led out a group of civilians, then along with her mother was shot dead by the military;

- in the Zeytoun district, IDF desecrated walls with messages like: “Die you all..Make war not peace..Arabs need to die,” and on a gravestone “Arabs 1948 – 2009;”

- inside Rashad Helmi Al Samouni’s home, soldiers wrote: “There will be a day when we kill all the Arabs....Bad for the Arabs is good for me....A good Arab is an Arab in the grave (and) Peace now, but between Jews and Jews, not Jews and Arabs.”

PCHR’s conclusion was that whatever war crimes investigations reveal and what, if anything, follows from them, “it will do little to comfort the thousands of civilians whose sense of safety (in their own homes was) so categorically violated,” something they no longer feel and for many never did.

PCHR published the names of 1417 Gazans killed by Israeli forces. It said 926 were civilians, 236 fighters, and 255 others civilian security forces, mostly police. Israel disputes the list claiming most targets “legitimate” despite clear evidence to the contrary, including from its own soldiers. In response, it’s preparing its own list identifying most of the slain as “combatants or legitimate targets” without a shred of evidence for proof and plenty to disprove it.

PCHR also reported that in the week ending March 18:

- IDF forces shot and injured 19 Palestinian civilians, including nine children and a US human rights activist;

- the Israeli air force bombed selected Gaza sites, forcing civilians to abandon their homes and property in the areas;

- Israeli forces conducted 39 incursions into West Bank communities, a practice occurring nearly daily; 39 Palestinian civilians were arrested, including six children for the crime of being Arab under Israeli occupation;

- additional IDF arrests occurred at West Bank checkpoints, and measures to remove East Jerusalem Palestinians continue to make room for new Jewish settlements;
- five West Bank homes were demolished leaving 49 Palestinians homeless; three other families were ordered from their homes in preparation for demolition;
- West Bank settlement construction goes on unabated as part of an ethnic cleansing process;
- settlers regularly attack Palestinians with impunity, and the Mossawa Advocacy Center for Arab Citizens reported (on March 21) a 1000% rise in 2008 crime rates over 2007 on Israeli Arab citizens; its leader, Jafar Farah, called it a “moral collapse;”
- Gaza remains under siege with no progress made to end it; and
- on March 23, PCHR reported that the IDF violated medical ethics during Operation Cast Lead by preventing Palestinian and ICRC medical teams from reaching the wounded; it also said Israel attacked 34 medical facilities, including eight hospitals, killing 16 medics and wounding 25 others.

Meanwhile on March 19, Richard Falk, UN Special Rapporteur on Human Rights in the Palestinian Territories, said: “If the (IDF) cannot (distinguish between civilians and military targets), its attack becomes unlawful and constitutes a war crime of the greatest magnitude under international law.” He added that the UN (and human rights groups like Amnesty International) has clear evidence to support this conclusion and called for a formal investigation of IDF shelling of schools, mosques, ambulances, educational facilities, and homes as well as use of illegal weapons like white phosphorus.

Whatever follows, Gaza remains under siege. Allowed in humanitarian aid falls way short of supplying 1.5 million people with the barest subsistence they need. Through March 2, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that Israeli violence continues and “authorities (still) limit the amount and range of goods allowed into Gaza....A range of essential goods, including supplies and equipment needed for rebuilding, are not being allowed into the territory.” They’re still kept out.

Basic items like medical equipment, veterinary supplies, macaroni, chickpeas, and lentils were suspended or delayed, and border crossings remain closed, except for brief periods. Like before, everything is in short supply or not available, including essential medical care, food and fuel. Earlier Amnesty International said “Gaza (was) reduced to bare survival.” Today, it’s no better under a continuing Israeli siege, illegal and brutal in the extreme, yet not denounced by world leaders to give Israel cover to maintain it.

The Adalah Legal Center for Arab Minority Rights in Israel’s Position Paper on Israeli Civilian Killings in Gaza

Adalah (meaning justice in Arabic) is a 1996-established independent, non-profit, human rights organization serving Arab Israeli citizens’ rights on issues of land, civil, political, cultural, social, religious, and economic matters among others. In February 2009, it examined the legality of Israel’s 22 day Gaza attack, specifically the killing of civilian police and bombing of government buildings and Hamas institutions.

In citing the laws of war, it identified four central principles:

- military necessity – that only those targets intended to “weaken or overcome the enemy or bring the battle to an end may be attacked;”
- distinction – that must be drawn between combatants and military targets on the one hand, and civilians and non-military objects on the other; international law prohibits attacking the latter; doing so is a war crime; non-combatant civilians are protected by law under all circumstances; also, targets must clearly be military ones and nearby civilians must be warned in advance so they may leave;
- proportionality – that prohibits disproportionate force likely to cause damage to or loss of human lives or objects; in other words, disproportionate to an intended military objective or that in any way is indiscriminate; and
- the prevention of unnecessary suffering, especially for non-combatant civilians.

Beginning December 27 and continuing for 22 days, the IDF attacked uniformed police cadets and officers killing them and other civilians. During the period of fighting, non-combatant civilian Hamas members were also struck, including from its government.

International law prohibits attacking non-combatant civilian security forces, especially police whose role is to maintain law enforcement and public order.

Further, and despite using “rocket attacks” as a pretext, Israel attacked preemptively and aggressively, not in response to Hamas-initiated hostilities, and most initial targets were civilian ones. The IDF erroneously claimed that attacking uniformed police was legitimate because their role for 22 days changed from enforcers to combatants. By this logic, all civilians are legitimate targets because under attack they may defend themselves. That, in fact, is what Israel claims.

Under international law, civilians may only be harmed accidentally or inadvertently as a result of attacks on legitimate military targets but never for reasons of military necessity, even when large numbers of combatants are present.

Adalah concluded:

“Members of a civilian police should benefit from the protection which is conferred upon them as civilians under customary international law. Given that the conditions for the exception to this rule – i.e., taking a direct part in hostilities at the time of the attack – were not met, the attack ran counter to customary international humanitarian law” and was illegal.

The same holds for attacking government buildings and institutions – a total of 68 buildings plus 31 offices belonging to NGOs, completely destroyed or damaged during the conflict. According to Major Avital Leibovitz, Head of International Communications Section in the IDF’s Spokesperson’s Office: “Anything affiliated with Hamas is a legitimate target,” meaning all 1.5 million Gazans, the vast majority being non-combatant civilians, including women, children, and infants.

International law refutes Israeli policy, including under the principles of military necessity and distinction. These principles demand that military targets be differentiated from civilians and civilian objects (including government ones) to prevent deliberate attacks on them.



The only allowed exceptions relate to narrowly defined “vital and immediate military need” to defeat the enemy and end the battle, matters to which Israel didn’t comply. Also, Israel ignored the requirement “to take all feasible precautions in attack, in particular the obligation to verify that objects (and individuals) to be attacked are military objectives,” legitimate targets under international law.

Again Adalah: “Thus it is apparent that the attack on government buildings and institutions (as well as non-combatant civilians) on the basis of the claim that they formed part of the Hamas regime is illegal” under international law.

“Attacks that fail to distinguish between combatants and military targets and civilians and civilian objects constitute grave breaches of customary international law and are considered as war crimes. Attacks perpetrated against a civilian population may also be considered crimes against humanity if they are committed ‘as part of a wide or systematic attack directed against any civilian population, with knowledge of the attack.’ ”

Planned months in advance, Israel’s attack was premeditated, and under Article 8(2)(a)(1) and Article 8(2)(b)(1) of the Rome Statute of the International Criminal Court (ICC) constitutes a war crime. It’s also a crime against humanity under the statute’s Article 7(1) relating to the deliberate killing of civilians or deliberately attacking non-combatant ones.

Further, attacking government buildings and institutions is also a war crime under Article 8(2)(a)(1), Article 8(2)(b)(8), and Article 8(2)(b)(13) of the Rome Statute that prohibits the destruction of property and civilian objects for non-military necessity reasons.

Even though Israel is not party to the Statute, its Articles 7 and 8, relating to crimes of war and against humanity, reflect customary international law under which Israel, its officials, and military commanders at all levels may and should be held accountable.

Under international law, responsibility relates to perpetration, planning, inciting, and/or ordering a crime to be committed as well as “vicarious” (indirect) responsibility of civilian leaders and commanders for crimes committed by their subordinates. These conditions apply in the case of the 22 day Gaza attack – planned well in advance by high-level government and military officials and launched with overwhelming force against multiple targets on December 27.

Again, the evidence is clear, unequivocal, overwhelming, and conclusive that high-level Israeli government and military officials planned and willfully committed systematic crimes of war and against humanity of such gravity that justice demands they be held to account in an international court of law – either the ICC in the Hague or a special International Criminal Tribunal for Israel (ICTI).

Doing so will warn future Israeli governments and all others that no one is exempt from the law and they, too, will be prosecuted if evidence provides justification. The rule of law is sacrosanct, especially for wanton killing that when ongoing for sustained periods satisfies the definition of genocide. Israel long ago passed that threshold. No longer can its lawlessness go unpunished.

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