

# Israeli War Crimes Against Children During Operation Cast Lead

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Global Research, June 12, 2009

12 June 2009

Theme: [Crimes against Humanity](#)

In-depth Report: [PALESTINE](#)

Following Israel's Operation Cast Lead, the Palestinian Centre for Human Rights (PCHR) documented the toll on Gaza's children and published it in May. It did so "in response to the unprecedented number of children who were killed (and injured) by (the Israeli Defense Forces) during the offensive on Gaza." According to international standards, the Convention on the Rights of the Child's (CRC) definition was used to apply to anyone under age 18.

PCHR reviewed IDF killing of Gaza's children since the beginning of the Second Intifada in September 2000, then focused on the 313 youth deaths during the recent conflict. Its evidence comes from eye-witness accounts of the willful targeting of civilians, including women and children. Also covered are the psychological scars and "alarming scale of physical injuries" leaving some children blind and many others (as well as adults) permanently disabled by the loss of limbs and psychological trauma.

PCHR's report bears testimony to Israel's contempt for international laws, its imperial agenda, culture of violence, disdain for peace, genocidal intentions, disparagement of Arabs and Islam, and its scorn for Palestinian lives and welfare.

PCHR presented 13 case studies in its report. Briefly discussed below, they represent a small fraction of the many hundreds killed and thousands more grievously harmed.

## Introduction

Since the September 2000 Second Intifada, Israeli forces killed 1179 children, including 865 in Gaza as part of a decades-long policy of collectively punishing millions of Palestinians in the Occupied Territories, mostly civilian men, women, and children.

Israel calls self-defense "terrorism" and justifies its actions as responses to militant missile or other attacks. PCHR's investigations "have consistently undermined these claims," and condemns all killing, especially of children.

In September 2006, the London Independent's Donald Macintyre headlined his story: "Gaza: The children killed in a war the world doesn't want to know about." He wrote about more than 37 children under 18 killed since June 25 during Israel's Operation Summer Rain, according to PCHR figures, out of an overall 228 total, mostly civilians.

He highlighted a "forgotten war in the Middle East" with young boys, girls and adults blown apart by Israeli shells and missiles, but who notices. He said the IDF attacks heavily populated areas indiscriminately on the pretext of fighting a "terrorist infrastructure." He stressed that "attention (was) diverted from Gaza as Israel launch(ed) a full military invasion

of southern Lebanon” yet civilian deaths mounted in both areas. He listed by name Gazan children under 18 killed and by what means – from airstrikes, while playing football, missiles, shrapnel, tank or artillery shells, and shot in the head or chest at close range. Khitam Mohammed Rebhi Tayey was one – age 11. Aya Salmeya another – age 9.

Israel rarely responds to public outrage or investigates its crimes, including against children. The few times it does turn into whitewashes. After 11 days on March 30, 2009, military advocate general Avichai Mandelblit closed the IDF’s inquiry into Israeli soldiers’ accounts of Operation Cast Lead crimes and dismissed them as unfounded.

#### International Humanitarian Law (IHL) Protection for Children

Various laws apply, including the Fourth Geneva Convention and UN Convention on the Rights of the Child (CRC). As protected persons, they’re to be safeguarded against willful killing, coercion, corporal punishments, torture, collective penalties and reprisals.

CRC was the first legally binding international instrument incorporating all human rights for children, including civil, cultural, economic, political and social. They’re now universally agreed on non-negotiable standards and obligations supporting their rights.

CRC’s Optional Protocol on the Involvement of Children in Armed Conflict took effect on February 12, 2002. Israel ratified it on July 18, 2005 and CRC in 1991. The Optional Protocol strengthens children’s rights, recognizes that they require special protection, and condemns their being targeted in armed conflicts, especially in schools, hospitals or at home. Israel is legally bound under both laws and Geneva, yet disdains them repeatedly, especially by “willful killing” through indiscriminate attacks or deliberately targeting civilian areas or structures.

#### Truth and Lies: Operation Cast Lead and Civilian Deaths

Besides vast destruction and mass population displacement, 313 children were killed among the 1414 who died over a 23-day period. Of the 5300 injured (many seriously), 1606 were children. In all cases, the vast majority were noncombatants.

Of the children killed:

- most were at home or nearby;
- around one-third were girls and the rest boys;
- almost 15% were under age 5 and another one-fourth between 5 and 10;
- the remainder were between 11 and 17;
- the “overwhelming majority” were killed in densely populated residential areas;
- 46% were killed in northern Gaza;
- 38% in Gaza City;
- 9% in Khan Yunis and Rafah and 7% in less densely populated areas.

Israel used conventional and illegal weapons. The former included missiles, artillery and

tank shells, mortars, and automatic weapons.

Others included:

- white phosphorous that burns flesh to the bone and can be fatal; its use is prohibited in civilian areas;
- flechettes that are 4cm long darts used as anti-personnel weapons; they penetrate to the bone and can cause multiple horrific injuries; up to 8000 of them can be packed into one artillery shell; on explosion, they travel at high speed in multiple directions up to around 300 meters; and
- various other internationally prohibited weapons that PCHR investigations uncovered and condemned.

Its case studies show a consistent failure of Israeli forces to protect civilian lives, especially those of children. They document indiscriminate attacks against densely populated neighborhoods in grave violation of international laws.

To safeguard civilians and non-military areas and structures, IHL requires that precautions be taken in any attack, and civilian protection is paramount. Israel pays no heed and attacks indiscriminately in grave violation of the law.

#### Case Study One – The Olaiwa Family

Gaza City's Isma'il (age 7), Mo'men (age 13), Mo'tassem (age 14) and Lana Olaiwa, (age 9) and their mother Amal were killed when an artillery shell struck their home on January 5, 2009. Three other family members were injured, including Amal's husband, Haider, and her eldest son, Muntasser.

Two survivors were too badly injured to be interviewed. PCHR spoke to Fadwa Olaiwa, Haider's sister, who lived two floors below. She said that 42 extended family members lived in the four-story house. The shell killed five of them in their kitchen where Amal was cooking.

When Fadwa heard the explosion, she ran upstairs and saw what happened. She found Amal decapitated by the refrigerator and the other bodies close by. Haider, Muntasser and Ghadir were taken to Gaza City's al-Shifa Hospital. Haider sustained permanent facial and jaw injuries. Ghadir's right arm was seriously injured. She and her father's hearing were badly damaged. Muntasser had serious liver and stomach shrapnel wounds requiring two operations. Metal is still embedded in his right leg, and he continues to undergo treatment.

PCHR investigations confirm that no combatants or military targets were close by at the time of the attack. Artillery shells were fired indiscriminately, have a range of up to 60 km, and were used against entire areas, including civilian ones. This attack and many others like it constitute war crimes on two counts under Articles 8(2)(b)(ii) and (iv) of the International Criminal Court Statute.

#### Case Study Two – the al-Dayah Family

In the Zaytoun district of eastern Gaza, 22 family members were killed when a bomb struck

their home – including 12 children and a pregnant woman. The explosion destroyed the house and buried many of the family inside. Only two family members survived, 28-year old Aamer and his brother Rida. Those killed included:

- Fayez Musbah Hasham, age 60
- Kawkab Sa'id Hussein, age 57
- Radwan Fayez Musbah, age 22
- Sabrin Fayez Musbah, age 24
- Raghda Fayez Musbah, age 34
- Eyad Fayez Musbah, age 36
- Rawda Hilal Hussein, age 32
- Ali Eyad Fayez Musbah, age 10
- Khitam Eyad Fayez Musbah, age 9
- Alaa' Eyad Fayez Musbah, age 7
- Raba'a Eyad Fayez, age 6
- Sharaf Al-Din Eyad Fayez, age 5
- Mohammed Eyad Fayez, age 7 months
- Ramez Fayez Musbah, age 27
- Safaa' Saleh Mohammed, age 20
- Baraa' Ramez Fayez, age 1.5
- Salsabil Ramez Fayez, age 5 months
- Tazal Isma'il Isma'il Mohammed, age 28 and 8 months pregnant
- Amani Mohammed Fayez, age 6
- Qamar Mohammed Fayez, age 5
- Arij Mohammed Fayez, age 3, and
- Yousef Mohammed Fayez, age two

On February 3, 2009, PCHR interviewed Aamer al-Dayah (who was home) and his brother, Rida who was outside the house when attacked. Aamer said 24 family members shared seven apartments in the building. When it was struck, the force knocked Aamer unconscious, and he awakened under rubble. Rida was at a nearby mosque at the time. He rushed home, freed Aamer and his twin brother Radwan inside, still alive but only barely until he died on January 9.

Both survivors told PCHR that the explosion flung some family members meters outside their home while others inside were burned beyond recognition. They had no advance warning of an imminent attack, but PCHR fieldworkers learned there was military activity nearby. However, all al-Dayah family members were civilians. The IDF attack gravely breached international law and constitutes two war crime counts under Articles 8(2)(b)(ii) and (iv) of the International Criminal Court Statute.

According to IHL principles, Israeli forces used excessive and disproportionate force against a known civilian target resulting in the death of 22 al-Dayah family members – a crime Palestinians will long remember.

#### Case Study Three – the al-Battran family

On January 16, six al-Battran family members were slaughtered in their al-Bureji refugee camp home by an Israeli aircraft fired missile. Killed were Manal and five of her children:

- Manal, age 32
- Islam, age 15
- Eman, age 9
- twin sister Ehsan, age 9
- Bilal, age 6 and
- Izziddin, age 3

One year old son Abdul Hadi and Amal's husband Issa survived. On February 25, PCHR interviewed Issa's brother, Diaa' who was in the house next door at the time of the attack. When he heard the explosion, he ran over and discovered the bodies, burnt and shorn of some body parts.

According to al-Battran family members, Issa hadn't seen his wife and children since Operation Cast Lead began for fear of being assassinated. The day of the attack was the first time in January he was with them, only to pack clothing before heading to a safer location. He survived three earlier attempts to kill him because of his position in the Izz ad-Din Al Qassam Brigades.

Shrapnel at the scene identified a US-made Hellfire missile providing clear evidence of US involvement. Killing noncombatants is a war crime as defined in Article 8(2)(b)(iv) of the International Criminal Court Statute.

#### Other Case Studies – Further Examples of War Crime Attacks on Noncombatants, Including Children

(1) On January 16, two projectiles killed four Abu Eita family members outside their home, the youngest 2.5 year old Malak Abu.

(2) On January 9, two projectiles destroyed their house and killed six Salha family members, the youngest Bahaa, age 5

(3) On January 5, a projectile killed Mohammed Hijji. Earlier their home was commandeered

by Israeli forces. Family members were held prisoners inside, then forced to be human shields so they could occupy a nearby house. Afterwards the family was ordered to evacuate Zaytoun where they lived, then shot at while leaving, killing their 2.5 year old daughter Shahd. Relatives and Arafat family members told to leave were also fleeing. In progress, one woman was shot and killed. Nine others were wounded. All are civilians, including children.

(4) on January 14, a projectile killed 14 year old Izziddin al-Farra in Qarara village in eastern Gaza while he and his friend Abdul Ghani were bicycling on a rural road. Abdul sustained a serious head injury.

(5) On January 4, Israeli forces shot and killed 1.5 year old Farah al-Helu. Family members were in their home. Soldiers entered, shot and killed 62 year old Fouad, then ordered the family to evacuate. Outside they were shot at, injuring three family members and killing Farah who bled to death. One family member described their ordeal. They tried crawling to safety. Most did but three others were struck and lay in the street. Farah bled to death because emergency care was denied – further evidence of a war crime atrocity.

(6) On December 29, a bombing of an adjacent mosque destroyed the Balousha family Jabaliya refugee camp home. Five of eight daughters were killed, the youngest Jawaher age four. Five others were injured and another five homes were seriously damaged.

(7) On January 6, two projectiles struck the yard of Mo'in Deeb's Jabaliya refugee camp home when 10 family members were there. Ten were killed instantly, the youngest Nour Mo'in age 3. Others were injured, four critically. One subsequently died. Another had both legs amputated.

(8) On December 29, a bomb struck the al-'Absi family Yibna refugee camp home in Rafah while those in it were sleeping. Three children died instantly, the youngest Sidqi age 4. Their mother sustained critical injuries. Four other children were also injured.

(9) On January 17, a white phosphorous artillery shell struck the area around a Beit Lahiya school killing Bilal al-Ashqar (age 6) and Mohammed al-Ashqar (age 4). Two other family members were seriously injured. Their mother sustained critical head injuries and loss of her right hand. Her 19 year old daughter had her leg blown off. All were sheltering there at the time.

(10) On January 5, a projectile struck a house where the Abdul-Dayem family was attending a condolence ceremony. Those inside fled across the street and were struck by two tank shells containing flechettes. Three family members, including one child, were killed instantly. Two others, including a child, subsequently died of their injuries.

PCHR summarized the 23-day toll as follows:

"Alongside the 313 children killed by Israeli forces during (Operation Cast Lead), 1606 children were injured, with some sustaining horrific disabilities, head and spinal injuries, facial disfiguration, burns and amputation."

Most were in their homes at the time. Others in shelters for their safety. Some of the injured couldn't access medical care resulting in their permanent disability, infection, and for some their death. Even at hospitals, doctors were overwhelmed, under-resourced, and forced to deliver care under battlefield conditions.

The toll on parents and children was horrific, and some surviving adults face a lifelong task of caring for their permanently disabled offspring. Those who lost parents require help from relatives. The stench of death, injury, vast destruction, displacement, and Gaza still under siege pervades the Territory. The conflict's psychological impact inflicted collective trauma – unrelieved and hardly noticed by Israel, America, the West, and most Arab states.

Children more than others suffer most and now experience “anger, sleeping difficulties, nightmares, avoidance of situations that are reminders of the trauma, impairment of concentration, and guilt” because they survived while others didn't. Post Traumatic Stress Disorders (PTSD) approach epidemic levels, but fortunately Gaza's Community Mental Health Programme (GCMHP) provides some of the best care of its kind in the Middle East. Years of conflict honed their skills.

After hostilities ended, they assessed the psychological damage on children and learned that the overwhelming majority personally witnessed traumatic events that could seriously impair their mental health. For example:

- 98% of children said they didn't feel safe;
- 96% didn't think they could protect themselves;
- 97% thought their families couldn't protect them;
- 90% heard bombing;
- 89% saw homes destroyed from it;
- 65% were forced to evacuate their homes;
- 61% saw their neighbors' homes bombed;
- 54% were either physically detained in their homes by soldiers or were trapped inside them during bombings and/or shellings; and
- 55% said they were told that one or more of their family members or relatives were killed.

Psychologist Hassan Ziyada said: “These children reported high levels of trauma and insecurity that will impact on the psychological and intellectual development....(They're) suffering continual long-term trauma due to the psychological, social and economic effects of the recent offensive, the siege and closure of Gaza, and the internal political situation. This (attack) came at a very difficult time for all the people of Gaza, especially children, who were already suffering acute feelings of anxiety and powerlessness....Children in Gaza are continuing to exhibit long-term symptoms of hyperactivity, deterioration of their cognitive abilities, intrusive memories and hyper arousal and anxiety.”

Ziyada believes many children will develop long-term depression from the loss of loved ones and friends that contribute to a feeling of abandonment. He also said they're experiencing physical body pain, headaches, stomach aches, insomnia and aggressive behavior.

In an appendix, PCHR listed all 313 children killed by name, gender, age, location, date of attack, and date of death. The youngest was one month old Al-Mu'tasim Bellah Mohammed



Ibrahim al-Samouni. Also one month old Hala 'Isam Ahmed al-Mnei'i. Israel expressed no regrets nor did America.

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