UN Gaza Inquiry Finds Credible Allegations of War Crimes Committed in 2014 By Both Israel and Palestinian Armed Groups

June 22, 2015

United Nations

http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16119&LangID=E

The United Nations Independent Commission of Inquiry on the 2014 Gaza conflict has gathered substantial information pointing to the possible commission of war crimes by both Israel and Palestinian armed groups.

“The extent of the devastation and human suffering in Gaza was unprecedented and will impact generations to come,” the chair of the commission, Justice Mary McGowan Davis told a press briefing today, adding that, “there is also on-going fear in Israel among communities who come under regular threat”.

The 2014 hostilities saw a huge increase in firepower used in Gaza, with more than 6,000 airstrikes by Israel and approximately 50,000 tank and artillery shells fired. In the 51 day operation, 1,462 Palestinian civilians were killed, a third of them children. Palestinian armed groups fired 4,881 rockets and 1,753 mortars towards Israel in July and August 2014, killing 6 civilians and injuring at least 1,600.

Hundreds of Palestinian civilians were killed in their own homes, especially women and children. Survivors gave graphic testimony describing air strikes that reduced buildings to piles of dust and rubble in seconds. “I woke up…in the hospital, and I later learned that my sister, mother and my children had all died,” said a member of the Al Najjar family after an attack in Khan Younis on 26 July that killed 19 of his relatives, “We all died that day even those who survived”.

At least 142 families lost three or more members in an attack on a residential building during the summer of 2014, resulting in 742 deaths. The fact that Israel did not revise its practice of air-strikes, even after their dire effects on civilians became apparent, raises the question of whether this was part of a broader policy which was at least tacitly approved at the highest level of government.

The commission is concerned about Israel’s extensive use of weapons with a wide kill and injury radius; though not illegal, their use in densely populated areas is highly likely to kill combatants and civilians indiscriminately. There appears also to be a pattern whereby the IDF issued warnings to people to leave a neighbourhood and then automatically considered anyone remaining to be a fighter. This practice makes attacks on civilians highly likely. During the Israeli ground incursion into Gaza that began in mid-July 2014, hundreds of people were killed and thousands of homes destroyed or damaged.

Ambulance call centres said they received desperate appeals for help from people in Shuja’iya during which they could hear young children screaming in the background. “There was an explosion about every ten seconds,” said a witness in Rafah in early August where the IDF launched a major operation after they believed one of their soldiers had been captured. “When the safety of an Israeli soldier is at stake, all the rules seem to be disregarded,” commented Justice Davis.

The hostilities also caused immense distress and disruption to the lives of civilians in Israel. Witnesses living near Gaza spoke of being disturbed by seeing the bombing from their sitting room windows but also struggled to reach shelters in time with their children when the sirens alerted them to incoming attacks. The indiscriminate firing of thousands of rockets and mortars at Israel appeared to have the intention of spreading terror among civilians there. In addition the Israeli military discovered 14 tunnels extending from Gaza into Israel that were used to attack their soldiers during this period. The idea of the tunnels traumatised Israeli civilians who feared they could be attacked at any moment by gunmen bursting out of the ground.

In the West Bank including East Jerusalem, 27 Palestinians were killed and 3,020 injured between June and August 2014. The number killed in these three months was equivalent to the total for the whole of 2013. The commission is concerned about what appears to be the increasing use of live ammunition for crowd control by the Israeli Security Forces, which raises the likelihood of death or serious injury.

Impunity prevails across the board for violations allegedly committed by Israeli forces, both in Gaza and the West Bank. “Israel must break with its lamentable track record in holding wrong doers accountable,” said the commissioners, “and accountability on the Palestinian side is also woefully inadequate”.

The commission is disturbed by Israel’s decision to close its criminal investigation into the case of the killing of four children on the beach in Gaza on 16 July 2014. International journalists and many Palestinian eyewitnesses do not appear to have been interviewed by the Israeli authorities, which raises questions about the thoroughness of their investigation.

The commission was appointed by the UN Human Rights Council in September 2014 to investigate all violations of international humanitarian law and international human rights law in the context of the military operations conducted last summer. The commission comprises Justice Mary McGowan Davis (United States) and Dr. Doudou Diene (Senegal).

The Israeli authorities did not respond to repeated requests by the commission for information and direct access to Israel and to the Occupied Palestinian Territory. However the commission obtained harrowing first hand testimony by means of Skype, VTC and telephone interviews. It also conducted face-to-face interviews with victims and witnesses from the West Bank during two visits to Jordan and spoke to victims and witnesses from Israel who travelled to Geneva. The commission conducted more than 280 confidential interviews and received some 500 written submissions.

Announcing the release of the report Monday, Justice Davis (chair) and Dr. Diene outlined a number of steps the parties and the international community should take. One of these was that countries should actively support the work of the International Criminal Court in relation to the Occupied Palestinian Territory.

“We were deeply moved by the immense suffering and resilience of the victims,” the commissioners concluded, “we just hope our report contributes in some small way to ending the cycle of violence”.

The commission is scheduled formally to present its report to the UN Human Rights Council on 29 June 2015 in Geneva.