



Palestinian Centre for Human Rights



Gaza 3 years on;
“Cast Lead” victims
tell their stories

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Introduction



"During the day I am strong for the children but at night I become weak, I need the arms of Faris, I need everything he gave to me".

Amna al-Ashi

"Every time I see another boy their age, I remember my sons. I still cannot look at their photos, it is too painful."

Eyad al-Astal

"After the death of my mother I feel like I have a dead heart. When I laugh I feel as if I do something wrong, I cannot laugh when my mother is dead."

Majd Abu Areeda



"After the attack I started rebuilding the destroyed home, but I couldn't bear to live there, the incident would keep flooding back into my memory."

Muhammed Mousa

"I don't expect the case to be successful, they will change the facts. The only thing I want is to address the soldier who killed my daughter."

Ahmed Abu Oda

The above quotes are just a few reflections from the victims and survivors of Israel's 27 December 2008 – 18 January 2009 offensive on the Gaza Strip (codenamed 'Operation Cast Lead'). During the offensive, 1,419 Palestinians were killed, of whom 1,167 (82.2%) were civilians, the so-called 'protected persons' of international humanitarian law. Approximately 5,300 people were injured, and public and private infrastructure throughout the Gaza Strip was extensively, and systematically, targeted and destroyed.

In memory of the victims, and in order to highlight the urgent need for accountability, the Palestinian Centre for Human Rights (PCHR) has released this series of narratives, presenting one story from every day of the assault. In each narrative, victims recount their experiences over the last three years, since the day of the attack that changed their lives forever.

Naturally, the stories describe a diversity of circumstances for each of the victims and survivors; they represent a tapestry of human life in the Gaza Strip. Nevertheless, the testimonies contain common themes in terms of challenges faced in the aftermath of the attacks: empty spaces where a loved one once stood, daily struggles with stress and anxiety, children left afraid and nervous, and a deep cynicism regarding the possibility of realizing their human right to justice.

N a r r a

A photograph of a person in a brown striped shirt standing next to a metal bed frame in a cluttered room. The bed has a blue sheet and a grey blanket. The room has a window with white curtains and a wall with peeling paint. The text 'N a r r a' is overlaid in white on the image.



t i v e s

The Al-Ashi Family



Khawla and Faris al-Ashi standing beside a picture of their deceased father

"For the upcoming anniversary of the war, me and other women who lost husbands in the attack plan to give gifts to orphans who lost their fathers during the war. The gifts will be inscribed with the words "On this day you are the beloved ones of your mother". We want children to remember they still have their mothers and they will always love them"

On the morning of 27 December 2008, at approximately 11:30, Israeli F-16's targeted a Gaza police initiation ceremony being held in the forecourt of "Arafat City", a government complex located in Gaza City. The attack resulted in over 60 deaths and 150 injuries. This incident formed part of the wave of attacks which marked the commencement of Israel's 23 day offensive on the Gaza Strip codenamed "Operation Cast Lead". Amongst those killed was 33 year old Faris al-Ashi, a member of the Gaza police force who was on duty at the time of the attack.

Like many of the wives who lost husbands during the offensive, Amna al-Ashi was left with sole responsibility for bringing up her and her deceased husband's young children, Khawla, 6, Osama, 5, Yomna, 3, and Faris, 2, whom she was five months pregnant with at the time of the attack. Amna's reaction to her challenging circumstances has been defiant, "I am a woman and I have the right to live my own life, many men have proposed but I choose to dedicate myself entirely to the cause of my children". Discussing the last three years of her life, Amna is keen to press upon the mini victories that have kept her going along the way.

It is clear that Amna has thought carefully about the solutions to the problems

faced by her children following the loss of their father. "After he lost his father Osama was very traumatised", says Amna, "he didn't want to interact with others and he developed speech problems as a result. Even though he was very young I enrolled him in a local martial arts course. At first he didn't want to go, but slowly he gained confidence and now he is an orange belt and has overcome a huge amount of his shyness". Likewise, Amna has found a novel means to allow her children to express their trauma. "I registered Osama and Khawla in a course for movie animation. Of course their movies are based around their lives and those of their siblings and reflect a lot of what they are thinking and feeling. The movies give me an insight into their problems and allow me to talk with them about it". She plans to enrol all the children in traditional Palestinian Dabka (Dance) classes to make sure they grow up strong and healthy.

Nevertheless, Faris' killing has left an empty space in the family life of the children and Amna. "My children see their cousins with their fathers, they hear them calling him "Baba" and they are deeply aware of the absence of

"My children see their cousins with their fathers, they hear them calling him 'Baba' and they are deeply aware of the absence of a relationship with their own father." [Amna al-Ashi]

a relationship with their own father" says Amna, "sometimes I try to make up for this by getting them to call me Baba, but it's not the same, they need the feeling only their father could give them". The loss of her husband has also led to feelings of loneliness and isolation for Amna. "During the day I am strong for the children but at night I

become weak, I need the arms of Faris, I need everything he gave to me".

Amna describes the initial year after Faris's death as being the most traumatic. "At first I had huge trouble sleeping. The problem thankfully

improved but I still find it difficult at times to sleep at night", says Amna. One way Amna has looked to keeping her outlook positive is to keep busy on projects and hobbies. "I want to keep myself busy with good goals for my life. Currently I'm busy setting up a Kindergarten, which I have already received funding for." "For the upcoming anniversary of the war, me and other women who lost husbands in the attack plan to give gifts to orphans who lost their fathers during the war. The gifts will be inscribed with the words "On this day you are the beloved ones of your mother". We want children to remember they

still have their mothers and they will always love them".

During the offensive, Israel illegally classified members of the civilian police force as combatants: this classification constitutes a willful violation of the principle of distinction, a key component of customary international law. Hamas is a multi-faceted organisation, exercising governmental control of the Gaza Strip. As an organisation, it cannot be considered an armed group. Rather, a distinction must be made between Hamas' armed and political/civil components. The Izz ad-Din al-Qassam Brigades are the military wing of the Hamas organisation, they are an armed group, and are considered combatants according to IHL. However, Hamas' political and civil wings are comprised of civilians, who are legally entitled to the protections associated with this status, provided they do not take an active part in hostilities. Civil police and governmental officials cannot be considered combatants. Attacks intentionally directed against these individuals constitute willful killing, a grave breach of the Geneva Conventions, and a violation of customary international law.

PCHR submitted a criminal complaint to the Israeli authorities on behalf of Fares al-Ashi on 5 May 2009. To-date, no response has been received.

The Abu Taima family



Mahmoud Abu Taima and his sons Mohammed, Abdel Rahman, and Ibrahim in their garden in Abasan

“Living under occupation means that whatever hopes we have, it will fall apart one day. For example, you bring up your child and put all of your hopes in him or her, but then they come and kill your child and all your hopes are destroyed.”

In the early morning of 28 December 2008 Mahmoud Abu Taima, his wife Manal, and their two oldest sons, Khalil and Nabil were collecting zucchini from their lands in Khuza’a village, east of Khan Yunis. After a few hours the two brothers went to their uncle’s farmland a few hundred meters further west. At around 8:30 the Israeli army fired a shell from the border fence which landed between the two boys.

Nabil (16) was killed and Khalil was critically injured.

“You must understand, the area was very calm. Many farmers were working on their lands. It is an open area. I saw a projectile coming from the border fence towards the farm lands. Then I heard the explosion. I immediately ran towards the place of impact because I knew my sons were in that area. By the time that I arrived, people had

already put the boys on a donkey cart to bring them to the hospital,” recalls Mahmoud Abu Taima (40). Khalil was critically injured by shrapnel in the chest and limbs and underwent a life saving surgery immediately after arriving in the hospital. “While we buried Nabil we were expecting that they would bring Khalil’s body from the hospital too,” says the boys’ mother Manal (37).

The Abu Taima family, who have their home in Abasan village, east of Khan Yunis, has been traumatized by the death of their son and brother Nabil. His parents, and 6 eldest siblings Khalil (20), Naima (18), Isra’ (15), Mohammed (14), Abdel Rahman (9), and Ibrahim (6) all have dear memories of him. “Nabil was a part of us and he had a big place in my heart. I remember him in every moment and I feel that he is present with us. Like now, when I drink tea, I remember him and feel that he is present. When I eat my meals I feel as if he is still here with us. I can never forget him,” says his father Mahmoud.

“Nabil’s mind was older than his age,” says Manal, “he was very clever at school and all of his teachers and the students liked him a lot. On the anniversary date of his death, his teachers and friends come to visit us. Besides going to school, Nabil liked to breed rabbits. Until his death we had about 50 rabbits. Since his death they died and we stopped getting

new ones. We don't feel like it anymore, now that he is not here." Ibrahim (6) and Abdel Rahman(9) had a very close relationship with Nabil. Manal says: "They were badly affected by his death. They wanted to take the shovel and open his grave so they could take him from his grave and bring him to a doctor for treatment. Ibrahim was upset and stressed for a long time so I took him to a psychologist. When I told the children that a human rights organization was coming to talk to us Ibrahim asked me if they would bring Nabil."

Khalil has spent the past years trying to recover from his physical injuries. "After 3 days I was transferred to Egypt for additional surgery. In the months after that I went to Médecines sans Frontières after finishing school and had 3 hour sessions of physiotherapy. I had very long days. Despite everything, there is still shrapnel inside my legs, chest and arms which cannot be removed. There are places in my left leg in which I can't feel anything. My ankles always hurt and I can't move the way I did before. My mobility, including my walking, has been affected. I can't do everything that I want. For example, nowadays I play football alone because I am too afraid someone will hit my leg and I will be in agony."

Besides his physical injuries, Khalil

is trying to deal with the loss of his brother and the trauma of the incident. "We would always go to school and other places together. I feel as if I lost a part of my body. It is difficult to continue my life without this part. During the war it was my 'tawjihi' [final high school] year and I had to go to school. I was traumatized after the incident. When I was sleeping I could hear the sound of a missile coming towards me. Somehow, I passed the tawjihi that year and am in university now." Manal adds that Khalil used to have panic attacks after the incident, "even the sound of birds could make him have a panic attack."

A few days after the attack, Israeli bulldozers destroyed the farmland belonging to the Abu Taima family, approximately 700 meters away from the fence. "We had zucchini crops, and a small storage room for fertilizers and equipment. We also had a water pump and water irrigation network. It is all destroyed now. We were unable to go to our farm for 2 years as it was too dangerous. Now we go again, despite the Israeli army shooting towards us.

It is difficult. Since the death of my son I lost my motivation to work in the land," says Mahmoud.

Mahmoud does not dare to have hopes or expectations for the future anymore: "living under occupation means that whatever hopes we have, it will fall apart one day. For example, you bring up your child and put all of your hopes in him or her, but then they come and kill your child and all your hopes are destroyed. We try to

"Nabil liked to breed rabbits. Until his death we had about 50 rabbits. Since his death they died and we stopped getting new ones. We don't feel like it anymore, now that he is not here." [Manal Abu Taima]

think about the future and have long-term hopes but it's not possible for us."

The family is not optimistic of the chances that they will see a court case against those responsible for their son's death. "Nabil was not the first and last one who was killed by the army. Many boys like him were killed. Even if they [Israel] can capture the soldier who fired the shell, they will say he is insane," says Mahmoud.

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the Abu Taima family on 2 July 2009. To-date, no response has been

The Balousha Family



Anwar and son Muhammed

"I miss them all the time, sometimes I even go to look for one of them in the house in the split second before I remember they were killed"

At around 00:00 of 29 December 2008 an Israeli aircraft attacked the Imad Akel Mosque situated in Jabaliya refugee camp. The attack destroyed the home of Anwar and Samira Balousha, which was situated just three metres from the mosque. Five of the family's eight daughters were killed as a result of the bombing, which caused the family home to collapse on top of them as they slept. Five others were injured in the incident and other homes in close proximity to the mosque were completely destroyed.

In the main room of the reconstructed Balousha family household stands a portrait of the family's five deceased daughters Tahreer, Ikram, Samar, Dina and Jawaher who were 18, 15, 13, 8 and 4 respectively at the time an Israeli F-16 dropped a bomb on the Imad Akel Mosque, 3 metres from the family home. The family have since welcomed one new comer to the family, Tahrir (named after her deceased sister); but for father Anwar "the home still feels empty, it is like there is gaping hole where my daughters once were, and despite feeling their presence with us all the time there is a huge sense there is something missing".

While his face and composure gives little away in terms of the suffering his family has gone through, Anwar's

words are clear regarding the effect the incident had on himself and his family. "My wife has been badly affected, just yesterday there was an UNRWA crew demolishing the wreckage of one of the neighbours' homes destroyed in the war to make room for its reconstruction, it reminded Samira of the war and she started to cry". Anwar himself says he spends a lot of time at the daughter's graves talking to them about daily life's small comings and goings, "I miss them all the time, sometimes I even go to look for one of them in the house in the split second before I remember they were killed".

The families remaining children have been traumatised. Anwar describes how Iman, 20, who had a very close relationship with her older sister, Tahrir, and who watched her sister Dina die in her arms following the attack, seems often to be lost in her own thoughts; "sometimes I call her but she cannot even hear me" says Anwar. Despite being very intelligent Iman's grades have suffered as a result. He also fears that his son, Muhammed, who was recently treated for a shrapnel wound in his foot, suffered during the attack,

will grow up wracked by feelings of revenge for the death of his sisters. "He speaks of them constantly", says Anwar, "he will not forget". When asked by his father about his sisters, Muhammed says that "my sisters were murdered by the Israeli's, they are in Paradise".

"The home still feels empty, it is like there is a gaping hole where my daughters once were, and despite feeling their presence with us all the time there is a huge sense there is something missing." [Anwar Balousha]

The three years since the attack has been a period of constant flux and displacement for the family. They have had to move home seven times in the past three years, each time creating a greater sense of instability for the family's remaining children. "The children find themselves friendless each time they move area", says Anwar, "my son Muhammed wanders off back to the neighbourhood of his old homes or to the local UNRWA school in search of friends, we can't find him for hours and when he eventually comes home he says he went to find friends to play with". They have only recently returned to their rebuilt home that was destroyed during the attack.

Regarding hopes and fears for the future Anwar has mixed feelings. He is hopeful for the family's legal case in Israel but he says "if they bring me all

the money in the world they could not compensate me, I want my daughters, not money". He is ravaged by fear for his children every time there is bombing and fears that he will lose them in the future. "Though this is my home I am seeking a future outside Gaza, right now I want to leave to make a new life for me and my family".

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the Balousha family on 2 August 2009. To-date, no response has been received.

The Hamdan Family



Iman and Talal Hamdan standing in front of a picture of their killed children Hiya, Lama & Ismail

"When I wake in the morning the first thing I do is remember my children. I come and sit outside and picture them where they used to play. I don't want to go out and interact with other people anymore. I largely stay inside the home"

Talal Hamdan, 47, and Iman Hamdan, 46, are quietly contemplative about life since the loss of their three children Haya, Lama, and Ismail. The children were aged 12, 10, and 5 respectively, when on the morning of 30 December 2008 an Israeli F-16 dropped a bomb in the area they were walking in Beit Hanoun, killing all three. The children were walking with their father to a nearby rubbish site to drop off household waste when Israeli forces targeted the area. The children were the youngest of the couple's children, and they have not had any other children since the attack.

Though none of the previous three years have been easy on the couple, for Iman the hardest period was directly after the attack, when she found herself in deep shock. "After the death of my children I could not cry, I did not have the space to properly mourn them," says Iman, "but when I finally became alone. I couldn't stop my tears." Iman believes the shock of the incident has greatly increased her physical health problems, which include severe back and leg pain. "I barely sleep at night, maybe two hours during the day," says Iman. Her grief is compounded by the experience of losing her father, brother and two cousins all on the same day during the first intifada.

Talal's life has also been completely changed since the death of his children. "When I wake in the morning the first thing I do is remember my children. I come and sit outside and picture them where they used to play," says Talal. "I don't want to go out and interact with other people anymore. I largely stay inside the home." Talal had a very close relationship with Ismail, "he would beg me to take him everywhere with me and so I would take him, we were always together." Relating how the memory of his children is so painful, he gives an example of the time he was sick and needed to go to the hospital, "this particular hospital was the one the children were transferred to before they died. When I walked in the memory of my three children lying dead next to each other came back to me and I started to cry. The doctors first thought I was afraid of injections, my family had to explain to them what had taken place, and why I was so upset. In the end I couldn't stay in the

hospital for the treatment."

Contemplating the approach of the upcoming anniversary, the couple speak about how they will face it. "On the day of the anniversary I will try to

"We are always afraid that an attack will take place again resulting in more deaths in the family. I am always calling my daughters to tell them to take care of themselves and the children." [Talal Hamdan]

keep myself busy to avoid thinking about it too much" says Iman, "but I don't visit the graves, I couldn't bear it". The couple now have young grandchildren living with them, one of whom is named Ismail after their killed son. "We try our best to make up for our loss with

Ismail, we go up and see him and spend time with him every morning," says Talal.

Before the attack Talal had worked in construction. He tried to return to work after the attack, but nerve damage in his legs and arms as a result of the attack have left him unable to continue working. The family now survive on UN food aid and help from their two sons.

Regarding the future the family has hopes and apprehensions. "We are always afraid that an attack will take place again resulting in more deaths in the family. I am always calling my daughters to tell them to take care of themselves and the children" says Talal. "I hope that peace will prevail and that we will return to calm eventually. Most of all I hope that other children are not killed in similar incidents. I can understand when adults are killed during war but I cannot understand when children are killed." Regarding the family's legal complaint following the death of their children, Talal is positive. "I expect it to be successful, my children were not militant and there were no military targets in the proximity."

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the Hamdan Family on 21 July 2009. To-date, no response has been received.

The Abu Areeda family

"Before my mother's death we used to be very happy on 1 January, have celebrations and visit people. Now we are all silent in the last hour of each year and on 1 January we don't celebrate the new year. We visit our mother's grave. We remember."



Basel (18) and Majd (20) Abu Areeda in their family home in Rafah

Around 23:30 on 31 December 2008, an Israeli warplane fired a missile at Najma Parc, a small green strip in the main street of the residential al-Shaboura neighbourhood in Rafah, killing two civilians and injuring dozens of others. Iman Abu Areeda (34) was one of the two casualties, killed by a piece of shrapnel that penetrated her brain. Seven members of the extended Abu Areeda family who were also in

the house at the time of the attack were mildly injured by shrapnel. The Abu Areeda family was displaced for several weeks after the attack as the external walls in the front side of the house were destroyed. The internal walls and furniture were also damaged.

It was about half an hour before midnight on 31 December when electricity in the area was cut. Iman

went to cover her youngest son, Mohammed, who was sleeping in his room. As she was leaning over him, the missile hit a few dozen meters away from their family home. The shrapnel that came through the outer wall killed her. Iman left behind her husband Mahmoud Abu Areeda (now 39) and their 7 children: Majd (20), Randa (19), Basel (18), Hibba (14), Islam (12), Watan (9), and Mohammed (6).

"My mother died when I was 15 years old. It was the age that I needed her the most. I was in shock and I couldn't believe that she died. I still do not believe it. I felt like not going to school any longer but I pushed myself and kept going because I know she would have wanted me to do so," says Iman's second oldest son, Basel.

His siblings, Majd, Randa, Islam and Hibba have been badly affected psychologically by the death of their mother. Since the attack they prefer to be by themselves, isolated from the rest of their family. Randa, Islam and Hibba received psychological support from a local NGO to deal with their loss and the traumatic experience of the attack. After a while their family noticed they started to recover and were able to interact again with the people around them.

Iman's oldest son, Majd, says the past three years have been very difficult for his family. "We were all scattered after the death of my mother. I was alive but I didn't feel alive. It took me a long time to believe that she had died. I had a very close relationship with my

mother as I was her eldest child."

Majd was in his final high school year when his mother was killed. "I didn't prepare for my exams as I was suffering a lot psychologically. I thought 'even if I pass my tawjihi [final exams] my mother is not here to be happy for me'. I failed my tawjihi. I hope I can redo it again and succeed. My mom wanted me to be

"After the death of my mother I feel like I have a dead heart. When I laugh I feel as if I do something wrong, I cannot laugh when my mother is dead."
[Majd Abu Areeda]

an educated person, to get married and to take care of my siblings. I hope that I can live up to her wish."

His brother Basel also faced difficulties in finishing his high school exams successfully. "Before the death of my mother I used to get high scores but after her death my scores dropped. My tawjihi was a disaster but thanks to the help of my uncle, the brother of my mother, I made it and I am now in university. I'm studying journalism," says Basel, holding one of his notebooks.

The character of New Year has been changed forever for the Abu Areeda family. "Before my mother's death we used to be very happy on 1 January, have celebrations and visit people. Now we are all silent in the last hour of

each year and on 1 January we don't celebrate the New Year. We visit our mother's grave. We remember," says Basel. Majd adds that "our sadness is not limited on 1 January and we miss her on all special occasions, like on Eid holidays. On those days I prefer to stay in bed and sleep all day."

Since he lost his mother, thinking of the future makes Majd anxious. "I am afraid of losing someone else who is close to me. Now my father is the closest one and I am afraid something will happen to him. After the death of my mother I feel like I have a dead heart. When I laugh I feel as if I do something wrong, I cannot laugh when my mother is dead."

Basel tries to look at the future with hope. The memory of his mother motivates him. "I think of the future quite a bit. I know my mother wanted the best for us so for the future I hope that I will be able to finish my study, find work, get married and to have a family and to be respected in the community. Nothing can compensate for my loss and sadness, having lost the most precious thing I hold in my heart, but I know what my mother wanted for us and that is what I will try to achieve."

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the Abu Areeda family on 2 July 2009. To date, no response has been received.

1 January 2009

The Nasla Family

"I wish that if our fate is to die, that we die together, I wouldn't want anybody left to have to bear this sort of pain"



Jihad, Muṭassam, and Zeid Nasla with a picture of M'uz Nasla, killed during the attack

On 1 January 2009 at around 15:00, Israeli military planes targeted a water tower across from the home of the Nasla family in North Beit Lahiya. The family were making lunch when the first bomb hit. As the family were trying to escape the smoke filled house, a second and third bomb struck the area, killing Ayoun Nasla, 6, and M'uz Nasla, 2.

For Ayoun and M'uz's father, Jihad

Nasla, the memory of what happened that day is especially distressing. "I found M'uz with his heart outside his chest and my daughter Ayoun with part of her skull missing and her brains spilt out," says Jihad. "It is the night time, when I used to tell M'uz the stories of Abraham to get him to sleep, and when I go to visit their graves, when I most vividly recall the incident." "I can no longer go into clothes shops to buy clothes for my

children, I used to buy for three boys and two girl's; I can't bear to buy only for three", added Fatima, 42.

The children's mother, Fatima, has also given a lot of thought and attention to that fateful day. It is clear that she ruminates on the moments, days and years before the attack took place. "M'uz used to go to the balcony of the house every morning and say "good morning" to Majdal and Herbia, where

our family is originally from, and every night he would say "good night." The day he was killed he had said good morning but he never got to say good night," says Fatima. "Muz used to have a favourite resistance song he sang all the time, it reminds me so much of him anytime it is played, especially because it is played a lot on the anniversary of his death, which also happens to be the anniversary of one of the resistance groups. The title of the song is now written on his grave."

The family dynamic has been dramatically changed since the attack, a result of the stress they all share; the stress of one family member increases the anxiety of the others. "My wife now cries every day, I have to try and calm her down every time and this has become a source of conflict between us," says

Jihad, to which Fatima adds: "I cry so often I feel my vision is now starting to be affected." The children's anxiety also

feeds into the parent's anxiety. "If Zeid wakes up in the middle of the night, when it's dark, he starts to scream. I then wake up terrified something is happening" says Jihad.

The anxiety of the children is plain both from their parents discussion of the changes they have gone through since the death of their siblings, and their reaction to the unhappy topic of the discussion. "Mu'tassam was very calm until the incident. But he has started to become violent. His grades have also been lightly affected" says Jihad.

"I can no longer go into clothes shops to buy clothes for my children. I used to buy for three boys and two girls; I can't bear to buy only for three." [Fatima Nasla]

Talk of the future for the couple is largely filled with fear and doubt. "In the future I hope to live in peace with the Israelis, but I doubt this will happen given what the Israelis do to us" says Fatima. "I wish that if our fate is to die that we die together, I wouldn't want anybody left to

have to bear this sort of pain". Jihad expresses similar feelings, "I am terrified that another attack will take more of us, when planes are flying overhead I tell my children to play so that we are distracted," he says. "My hope is that the pain we carry will one day come to an end, but I don't know how this is going to happen."

PCHR submitted a criminal complaint to the Israeli authorities on 9 September 2009. To date, no response has been received.

Eyad al-Astal



"The second of January is no different from any other day. Every day and every minute feels like the moment when I lost my sons. In everything there is a memory of them. I miss them all the time."

Eyad al-Astal and his children outside their home in Qarara village

On 2 January 2009 at around 14:30 an Israeli drone fired a missile at an open area in Qarara village, close to Khan Yunis. The missile struck and killed two brothers, Mohammed (12) and Abed Rabbo (9) al-Astal, and their cousin, Abdul Sattar Walid al-Astal (11) while they were playing and eating sugar canes in the land.

"I was at home when I heard an explosion that was close to our area. An Israeli drone was flying in the sky above us at that moment." Eyad al-Astal recalls. "Approximately ten minutes later, my brother Ibrahim (28) came to my house and told me that

my two sons and their cousin were killed by an Israeli shell. I rapidly left the house and headed to the scene about 250 meters west of my house.

There I saw a deep hole. Traces of blood and fragments of flesh were still there."

Three years have passed since Eyad lost his two sons but he still carries vivid memories with him.

"Every day and every minute feels like the moment when I lost my sons. In everything there is a

memory of them. I miss them all the time."

Eyad tries to describe what the life of his family is like without Mohammed and Abed Rabbo: "Our lives have been very difficult since they were killed. Every time I see another boy their age, I remember my sons. I still cannot look at their photos,

it is too painful." He says; "I always feel like crying but I try not to. My wife,

"My son Khaled looks exactly like his brother Mohammed and I often I find myself saying 'Mohammed!' when I actually mean to call Khaled." [Eyad al-Astal]

Jawaher, cries everyday but tries to hide her tears from me. She does not want to add salt to my wounds. My wife always wants to go to our sons' graves with her mother, but I don't. I only went once and don't want to go again. I can't face the sight of their graves."

Besides Mohammed and Abed Rabbo, Eyad and his wife have five daughters and two sons. Mohammed and Abed Rabbo were the oldest children and their siblings were either very young or not born yet at the time of their death. The youngest child was born one and a half years after the war and will have no memories at all. "When the children ask us where their brothers are we tell them that they were killed, martyred, and are in heaven now", says Eyad.

The memory of his sons is at the tip of Eyad's tongue. "My son Khaled looks exactly like his brother Mohammed and I often find myself saying 'Mohammed!' when I actually mean to call Khaled." In order to keep going, Eyad tries to stay busy all the time, finding some distraction by meeting people and working as a mason.

Since the death of his sons Eyad

is tormented by worries and fears for the safety of his other children. Before the death of Mohammed and Abed Rabbo he allowed his children

to go anywhere at anytime. Even when there were explosions and shooting was heard in the area. After the incident he became very afraid for his children and he wants to keep them inside. "I am afraid that anything would

happen to them, especially for my son Khaled, who is now in the first grade. From the moment he leaves the house I worry that something could happen to him. Every day he walks to school, which is 1 kilometer away from our home. I know education is important, otherwise I would forbid him to go, out of my fear."

The children themselves are aware that their brothers were killed by a drone: the same type of drone they often hear and see flying above themselves. Eyad explains that "when they hear a drone they are too afraid to go outside. 'The drone will bomb me if I go out', is what they say."

The area where Mohammed and Abed Rabbo were killed was an open area approximately three kilometres away from the border with Israel. "The children were used to playing in that area. Our piece of land is close to it. It is an agricultural residential area, far from any hostilities," Eyad explains.

"My wife always wants to go to our sons' graves with her mother, but I don't. I only went once and I don't want to go again. I can't face the sight of their graves." [Eyad al-Astal]

Eyad is sceptical about the future, given the continuing impunity. "The Israelis disregard our rights. They kill our children and bulldoze our lands and no one will hold them accountable," he says. "I expect the Israeli court to reject our complaint. I can even imagine them killing me together with my other children. However, I want to hope that the complaint would have some result."

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the al-Astal family on 23 June 2009. To-date, no response has been received.

The as-Selawy family



Brothers Motee' (49) and Isma'il (53) as-Selawy in front of al-Maqadma mosque

"What affected us a lot psychologically is the fact that we were all praying in the mosque when we were attacked. The mosque is a place where we go when we need relief or when we are sad. We could never imagine them targeting us while we are praying in the mosque."

On 3 January 2009, at around 17:20, during prayer time, an Israeli drone fired a missile at the western entrance of al-Maqadma mosque in Jabaliya refugee camp. In the attack, 15 worshipers were killed and hundreds were injured.

"In every prayer I remember what happened in the mosque that day. I remember where I saw dismembered arms, legs and other body parts lying on the floor. I can still see our relatives and friends scattered around the praying room", says sheikh Motee' as-Selawy

(49) as he puts his head in his hands. He was standing on the sheikh's podium delivering a speech to the worshipers as the missile hit the entrance. "I had a direct line of sight to the door of the mosque and I saw pieces of red shrapnel flying towards us through the doorway," he recalls.

The extended as-Selawy family, who live together in one big house opposite the mosque, lost five of its members, all of whom were praying in the mosque when it was attacked: Ahmad Isma'il (22), Mohammed Mousa Isma'il (12), Ibrahim Mousa Aissa (44), Hani Mohammed (8), and 'Omar Abdel Hafez as-Selawy (27).

Motee's brother, Isma'il Mousa as-Selawy (53), lost his oldest son, Ahmad Isma'il, in the attack. "I cry every day for my son. I have been suffering a lot over the past three years. He was everything for our family. I visit the grave of my son once or twice a week at least. I remember him in every moment, whether I am at home, in the mosque or somewhere else", says Isma'il.

"We miss our killed relatives on all occasions. Our family lives in the same building and we used to have a lot of fun together. Now we visit their graves", adds Motee'.

"The Israelis are prolonging the court proceedings and we don't see any positive results. We may have hopes if our case is taken to an international court."
[Motee' as-Selawy]

Six members of the as-Selawy family were injured in the attack and several of them continue to physically suffer from shrapnel that remains embedded in their bodies. "I still have shrapnel in my right wrist and it gives me problems until now. Doctors in Gaza said a surgery

to remove the shrapnel might do more harm than good. I feel constant tingling and my right hand is weak. I can't carry anything with it," says Motee'. Another relative, Mohammed Khalil es-Selawy (14), has shrapnel embedded in his head, which caused him to lose his hearing requiring him to wear hearing aids. Brothers Abdel Karim Mohammad as-Selawy (12) and Maher Mohammed as-Selawy (13) also have to learn how to live with shrapnel embedded in their bodies; Abdel Karim has fragments in his shoulder while Maher has pieces in his liver. Tamer Khalil (22) and Mousa Isma'il (23) as-Selawy were also injured by shrapnel in their backs but doctors were able to remove the metal parts from their bodies.

"What affected us a lot psychologically is the fact that we were all praying in the mosque when we were attacked. The mosque is a place where we go when we need relief or when we are sad. We could never imagine them targeting us while we are praying in the mosque. That is a big crime," says Motee'. The grandfather of the family, Mousa 'Issa Mohammad es-Selawy (93), adds; "the mosque is the house of

god. There are no soldiers or weapons in the house. Everyone comes to pray there and enjoy being there. How could they target it like that?"

"In every prayer I remember what happened at the mosque that day. I remember where I saw dismembered arms, legs and other body parts lying on the floor. I can still see our relatives and friends scattered around the praying room." [Motee' as-Selawy]

Motee' recalls, "Goldstone came to visit us in our house and went to the mosque with us to investigate. I asked him; 'where do you go when you feel sad and tired?' He said, 'I go to a place for prayer.' I asked him, 'what if you were bombed there?' Goldstone said; 'I cannot imagine it. Such a crime should be punished.' Now Goldstone now apologized for his report and we have not seen any results of the ground."

Since the attack the as-Selawy is not only mourning the loss of its relatives. The family members are also struggling financially as three of their deceased relatives used to provide for a vital part of the family income. Ibrahim left behind 9 daughters, who still live at home. "Who will take care of them now?" asks Motee'. Omar Abdel Hafez had 4 daughters and one son. Until the day of his death he earned the family income working as a cameraman with a local TV channel. Isma'il's son,

Ahmad, was the father of two children, Mohammed (5) and Nisreen (3.5), and used to work as a tailor.

"My concerns now are mainly focused on my grandchildren, Mohammed and Nisreen, and how I can bring them up. I want to give them a future but I am too sick to work. My health was badly affected by the attack and the loss of my son", says Isma'il, who suffers from severe migraine and stomach problems. "I try to take care of them as much as possible, but I will not be here forever".

The as-Selawy's tries to deal with the financial difficulties by themselves as much as possible. "We have our dignity but we are forced sometimes to receive aid from people because we need to live" says Motee'. "Besides prosecution of the perpetrators, we need financial compensation to deal with our current situation."

The family has little expectations regarding the outcome of legal proceedings within the Israeli legal system. "The Israelis are prolonging the court proceedings and we don't see any positive results. We may have hopes if our case is taken to an international court," says Motee'.

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the as-Selawy family on 2 July 2009. To-date, no response has been received.

The Abdel Dayem Family



Imtihan Abdel Dayam with sons Hamed, Ahmed, Abdel Rahman, and Hani (left to right)

"I was told initially that Arafa had been injured in an Israeli strike. Of course I was concerned, but many people get injured in his line of work and what was important is that he was still alive. I learnt only fifteen minutes before Arafa's body arrived back at the family home that he had died. The shock was unbearable"

Arafa Abdel Dayem, 34, was killed on 4 January 2009 during Israel's 23 day offensive on the Gaza Strip, codenamed "Operation Cast Lead". Arafa, a medic, was responding to a missile attack on a group of five unarmed men when an Israeli tank fired a shell filled with flechettes directly at the group.

Meeting the al Dayem family one can't help but notice the quiet and composed nature of the whole group. It is obvious that the four boys: Hani, 11, Hamed, 9, Abdel Rahman, 6, and Ahmed, 4, have been impeccably taught by their mother, Imtihan al Dayem, 35, in the ways of politeness and good behaviour. The boys remain quiet and seated next to Imtihan at all times during the interview.

Imtihan recalls the events of that day, three years ago: "I was told initially that Arafa had been injured in an Israeli strike. Of course I was concerned, but many people get injured in his line of work and what was important is that he was still alive. I learnt only fifteen minutes before Arafa's body arrived back at the family home that he had died. The shock was unbearable". Imtihan's voice breaks a little as she retells the moment she learnt of her husband's death, but it is only a glancing moment of vulnerability in what is otherwise a strong face put on "for the sake of the children and their future."

The family has faced challenges since the loss of Arafa. Due to a dispute with Arafa's family, with whom they lived prior to the incident, Imtihan was forced to move out and into the unfinished house started by Arafa before he died. "When we moved in there was nothing, no furniture, no windows, no carpets, we only had the house painted ten days ago," says Imtihan. Using Arafa's savings she was able to pay off previous loans used to start construction on the house but did not have enough to finish it.

Reflecting on Arafa's life before he was killed Imtihan talks of Arafa's courage and popularity amongst Palestinians. "During the war, Arafa would only come home to deliver food to the family and then go out to volunteer with the medics again. If one medical crew was full he would look for others" says Imtihan. "We received condolences from all over the world

when he died." Unsurprisingly, "the importance of being strong" is something that Imtihan reiterates in her discussion of the family's lives since the death of her husband.

The effect on the children on the loss of their father was particularly traumatic, especially Hani who, given his and his Dad's close relationship, displayed physical and mental

"During the war, Arafa would only come home to deliver food to the family and then go out to volunteer with the medics again. If one medical crew was full he would look for others."
[Imtihan Abdel Dayem]

symptoms of extreme trauma in the year following the event. "But I have been upfront with the children that they will behave as their father would wish them to," says Imtihan, and daily talking sessions with UNRWA staff in the period following the death of his father has meant Hani is now doing well in school and excelling in science, a field his father taught in the local UNRWA school. It is clear that

Hani is filling the position of man of the house as he sits quietly with his mother and watches over his younger brothers. Ahmed, the youngest, was four months when Arafa died, "he did not have a chance to know or to love his father" says Imtihan.

Speaking of the future Imtihan is hopeful, "I have four young boys whom I hope to see graduate from college and get married, but I am only one, it is a huge responsibility and I must be strong." She is also hopeful for prospects regarding legal proceedings in Israel

concerning compensation for her husband's killing given that Arafa was clearly not a military target at the time of his killing at the hands of Israeli occupation forces.

PCHR submitted a criminal complaint on behalf of the Abdel Dayem Family on 21 August 2009. To-date, no response has been received.

Amal al-Samouni



Amal al-Samouni (11) sitting in front of her house in Zeitoun neighborhood

"I have constant pain in my head, eyes and ears. I have been having nose bleeds for the past three years. I can still feel the shrapnel move inside my brain"

On 4 January 2009 at around 6:00 Israeli forces surrounded the house where Amal al-Samouni (11) and 18 members of her extended family were sheltering, in Zeitoun neighborhood east of Gaza City. Israeli soldiers ordered the owner of the house, Amal's father Attia al-Samouni (37), to step outside with his hands up. Upon opening the door he was immediately killed by shots to the head and chest. Soldiers then started firing bullets into the house, killing Amal's 4-year old brother Ahmad al-Samouni and

injuring at least 4 other people, of whom 2 were children.

Over the following hours, soldiers ordered over 100 other members of the extended al-Samouni family into the house of Wa'el Fares Hamdi al-Samouni, Amal's uncle. On 5 January 2009 Israeli forces directly targeted the house and its vicinity, killing 21 persons and injuring many others. Amal, who was inside, was wounded by shrapnel to the head and buried under the rubble, lying between injured, dying and deceased relatives. On 7 January

ambulance personnel, who were prevented from entering the area until then, evacuated her to hospital.

Between 4 and 7 January 2009, 27 members of the Samouni family were killed, including 11 children and 6 women, and 35 others were injured, including Amal's twin brother Abdallah.

Amal survived those 4 horrific days but is left with permanent injuries and trauma. "I remember my brother and father and how they were murdered in

every moment," says Amal as she thinks back on the attacks and the three days she spent buried under the rubble of her uncle's house without food or water. Amal does not need a lot of words to express how she feels: "before, we used to live together as a happy family. Now I don't feel happy anymore."

Amal did not only lose her father; the family's home was also destroyed by the army. "For one year we lived with the parents of my mother, in Gaza's Shaja'iya neighborhood. Then we lived in a storage room for 1.5 years. It didn't have a floor. There was just sand. Since 6 months we are living where our old house used to be. It is not even half the size of our old home. I didn't want to return to our neighborhood because of what happened. My family didn't want to either but we had no choice." Like many other members of the al-Samouni family, Amal's household now receives some help from relatives living in their neighborhood, but is still struggling to manage financially. The living conditions of Amal and her family have somewhat improved over time, although the house still lacks equipment like a refrigerator, washing machine, and a closet for the children's clothing. Amal's father, Attia, was a farmer. He grew vegetable crops on a rented plot, which used to provide the family income.

As the reconstruction of life and livelihoods continues in the al-Samouni neighborhood, Amal continues to struggle with her injuries. The pieces of shrapnel embedded in her brain cause her to have severe pains. "I have constant pain in my head, eyes and ears. I have been having nose bleeds for the past three years. I can still feel the shrapnel move inside my brain," she says. Local doctors say it would be too dangerous to remove the pieces, but Amal cannot accept this quite yet. She has a strong wish to travel abroad to see a doctor. "I want to be sure about my situation and have another doctor look at my situation. I want to try everything possible to end my problem and pain. Other children are sometimes able to travel for fun. My wish is serious; I won't travel for amusement but for medical treatment."

The continuous pain has a profound impact on Amal's mood, her relationship with her siblings, and her performance in school. "When I have a lot of pain I become nervous and angry." Her mother Zeinat (38) adds that "she then easily becomes angry with her younger siblings and beats them. Recently she and I visited a hospital again to see how she could

be helped. The doctor prescribed tramal [a sedative] but I will not allow her to take medicine like that."

"When I am sad I go to my aunt's house to see my cousins, or I prepare my books for school," says Amal. "Before the war I was excellent in school. Now my scores are not so good anymore." While speaking of her dropped scores Amal becomes very emotional. The teacher told her mother that Amal is not able to focus in class. This semester Amal failed two subjects. "I have pain in my eyes when I look at the blackboard," Amal says, very upset. Despite her difficulties in school, Amal knows what she would like to study for: "when I am older I want to become a pediatrician and help to treat wounded people."

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the al-Samouni family on 8 May 2009. To-date, only an interlocutory response has been received, noting receipt of the complaint. Despite repeated requests, no further information has been received.

"Before the war I was excellent in school. Now my scores are not so good anymore." [Amal al-Samouni]

The al-Dayah family

"The bodies of nine of those killed were not found, including the bodies of my wife and my children. I tried my best with the civil defense personnel to find their bodies. All we found were pieces of flesh that were unidentifiable."



Mohammed al-Dayah (31) with his daughter Qamar (1.5)

On 6 January 2009, at approximately 05:45, an Israeli aircraft bombed the al-Dayah family in the Zeitoun neighborhood of Gaza City. 22 people, including 12 children and a pregnant woman, were killed. Only one of the family members inside the house at the time of the attack, Amer al-Dayah (31), survived. Amer, two brothers who had not yet returned home from Morning Prayer at a nearby mosque, and two sisters who live elsewhere with their husbands and children are the only surviving members of the al-Dayah family.

Mohammed al-Dayah (31) recalls the day of the attack: "after I finished praying, I stood beside the mosque, talking to our neighbor, waiting for the sound of the airplanes and bombardments in the area to decrease. Then I heard a very powerful explosion. Shrapnel landed where I was standing. I immediately rushed home. When I reached it, I only found a pile of rubble. I began screaming and calling out for members of my family, but there was no reply. They were all under the rubble. Dead."

Mohammed was not able to bury his wife Tezal (28), daughters Amani (6), Qamar (5), Arij (3) or his son Yousef (2). "The bodies of nine of those killed were not found, including the bodies of my wife and my children. I tried my best with the civil defense personnel to find their bodies. All we found were pieces of flesh that were unidentifiable," he says. Tazal was 8 months pregnant with a boy when she was killed.

"At the moment I cannot imagine ever being happy again, or celebrating a

happy occasion. It reminds me of the old life I used to have with my family. Before, I used to go to many parties. I always danced dabke, together with my extended family in Zeitoun. I led the dancing. Whenever we had a chance to celebrate, we would. Now I cannot bear the sound of party music, of celebrations. It makes me too sad. Whenever there is a party in the neighborhood, I have to leave the house and go somewhere else," says Mohammed. The holidays are the most difficult time of the year for him: "during Ramadan and the Eid holidays I suffer and think of them even more than usual."

His brother 'Amer pushed Mohammed to remarry. "At first

I didn't want to but I was alone and I had to somehow rebuild a life," says Mohammed. Now Mohammed is remarried and has two daughters, Amani (4 months) and Qamar (1.5 years old), both named after his daughters who died in the attack. "I didn't make a party when I remarried. Neither did my brothers for their weddings. We simply do not feel like celebrating anything."

Mohammed works as an electrician with the Ministry of Health, but has had

difficulties at his work since he lost his family. "I am not able to sleep at night. The night time is the most difficult part of the day for me as I cannot fall asleep. I have tried everything. Even medicine, but that only made me dizzy. So, at night I just stay up and keep myself busy; eating, taking a walk, sitting in the cemetery, going for a run. Only after sunrise I fall asleep for a few hours, exhausted. Then, how can I go to work in time? I can't. My boss has given me 10 warnings so far but at the same time I know that he understands and has sympathy for my situation."

"The night time is the most difficult part of the day for me as I cannot fall asleep. I have tried everything. Even medicine, but that only made me dizzy."

[Mohammed al-Dayah]

The three brothers rebuilt a house on the same place as the old building. All three of them

insisted to return to the same location. "It is where we grew up," says Mohammed. "The Ministry of Works assisted us in constructing the base and first floor of the house, but the bomb left a seven meter deep hole under the building which affected the foundation and ground water. It took us 3 months to fix the water problem, before we could even start construction of a new building." However, Mohammed still notices that there are problems with the foundation of the building. "Every

time there is a bombing, I feel the house move. It wasn't like that before. The house is not steady. The base was destroyed by the bomb."

As Mohammed tries to rebuild a life and a future, he has no hopes that he will see those responsible for the death of his family being held accountable. "I expect nothing from Israeli Courts. They [Israel] prepare a plan and justification first and then carry out their attack. The war crimes are justified before being committed. Crimes could happen anytime again."

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the al-Dayah family on 18 May 2009. To-date, no response has been received.

Mahmoud Mattar



Mahmoud Mattar

"It would be great if someone could take me to the dessert and leave me there, that way I wouldn't have to see people"

At around 09:30 on 7 January 2009, Israeli forces targeted the al-Taqwa Mosque in the Sheikh Radwan district of Gaza City. The mosque was 150 metres from the home of Mahmoud Mattar, who was 14 at the time. Having run to the scene of the attack, Mahmoud was present when two further strikes hit the area, killing two 15 year old boys, including one of Mahmoud's school friends. Mahmoud was thrown unconscious and suffered severe burns and shrapnel wounds. He has been left totally blind as a result.

Mahmoud tells of the changes in his life since the attack: "I used to go by myself to the sea. I was independent. Now I need someone to go with me everywhere I go. I go out maybe once every two or three months, I spend my days inside." Mahmoud's self awareness of his injuries means he is now afraid to go out and be amongst people. "I don't want to go out due to the comments I get from children. Anytime I do I cover my face with my clothes and dark glasses", says Mahmoud. "The glasses broke yesterday."

His isolation has left him with a bleak outlook on life. "It would be great if someone could take me to the dessert and leave me there, that way I wouldn't have to see people."

The emotional and physical scars of 7 January 2009 have taken their toll on Mahmoud. Keeping his head lowered into his chest and pausing to catch his breath as a result of breathing problems related to transplanted bone matter in his nose, Mahmoud says he is not the young man who spoke with such optimism for the future, in spite of his injuries, three years ago. "When I was in Egypt for medical treatment and when I got back to Gaza everything was calm and people were so supportive of me. But things changed, people started fighting and it's always noisy. The change you see is out of my hands."

Mahmoud has been left anxious and short tempered. "I have become very nervous since the attack. If someone is kidding with me I will try to hit them with anything at hand," says Mahmoud. His anger has resulted in problems in school, for which he was suspended for a year. "As a result of my rushed reaction to incidents there are problems between me and the teachers as well as other students."

Mahmoud has also had to adapt to the new challenges he faces, including learning brail, which took him a year of dedicated study. Mahmoud was in Grade 9 at the time of the attack three years ago, he is now in Grade 10.

Mahmoud's anxiety complicates his

family life with his parents and siblings as well as his school life. "Mahmoud is a good guy," says his father Hani, "but he can be problematic, including being violent with me. But I understand, I am patient with him." His mother Randa, 38 adds; "he can be very destructive, including taking his anger out physically on the home or his little brother."

Speaking of the future, Mahmoud says: "before the attack I played lots of sport and I had wanted to be a PE teacher or to open a sports club. But all these hopes are destroyed. Now my only wish is to leave my formal education and focus on my religion and learn the Koran".

Mahmoud hopes to eventually receive surgery to clear his breathing, as well as reconstructive plastic surgery, which he says has been promised to

him by many charity organisations, all of whom have failed to deliver; "If I could get the surgery I would be more comfortable amongst people."

Like any young man, he also has dreams to be married, but his parents say there is no room in the house for another young family.

"I used to go by myself to the sea. I was independent. Now I need someone to go with me everywhere I go. I go out maybe once every two or three months, I spend my days inside."
[Mahmoud Mattar]

M a h m o u d is dismissive regarding the prospect of justice before Israeli courts. "I don't expect the case

to be successful. The Israeli's are liars; they attack children and are careless in what they target."

PCHR submitted a criminal complaint to the Israeli authorities on behalf of Mahmoud Mattar on 30 December 2009. To-date, no response has been received.

The Al-Rahel family



Saeed and Nisreen al-Rahel with their children Dina, Sunia, Ansam, Anas and Ali.

“The other children keep talking about Dima and the memories of both incidents. ‘We wish to die like Dima’ is what the children sometimes say to me because of all the stress and our poor living conditions.”

On 8 January 2009, at approximately 11:00, four missiles were fired at the house of Juma’a al-Rahel (45) in Beit Lahiya, injuring 3 members of the extended al-Rahel family: Basma (3), Dima (5), and Faten (41). Many of the extended family were

inside the house at the time of the attack, as six of the al-Rahel brothers and their wives and children live nearby. Immediately after the attack, the families fled the area and sought refuge in Beit Lahiya’s UNRWA school. On 17 January

2009 the school was targeted with white phosphorus bombs, leaving Dima’s sister, Ansam al-Rahel (13), severely injured. After six weeks of fighting for her life 5-year old Dima eventually died of her wounds in an Egyptian hospital on 1 March 2009.

Saeed al-Rahel (35), the father of Dima and Ansam, remembers the day of the first attack vividly. “I was at home when an explosion took place and all the windows were broken. I got out of the house. I heard people screaming in the house of my brother Juma’a, nextdoor. My daughter Dima was there and I heard people screaming that she was wounded. Several more missiles struck Juma’a’s house and we fled from the area. Dima was taken to hospital. On 13 January she was transferred to Egypt. I went with her.”

Saeed’s wife, Nisreen al-Rahel (33), and their other children, Sunia (17), Dina (15), Ansam (13), Ahmad (11), Mohammed (6), and Ali (4), stayed in the UNRWA school in Beit Lahiya after the attack. Nisreen recalls: “we stayed in the school building from 8 to 17 January. It was winter and very cold. We didn’t have any mattresses. We had to use blankets as mattresses and it was very difficult, especially for the children. We didn’t have enough food. We also had to ask other people to give us water. There was no clean water.”

On 17 January 2009 the Israeli army bombed the school building with white phosphorus shells. "Experiencing the attack on the school was more difficult for me than the attack on the house. At the moment that the bombing of the school started I was in a classroom with my children. The bombing started around 5:00am and it was dark. I heard Ansam cry 'I am wounded in my head'. The firing of bombs was very intensive." Ansam was severely injured in the head, she lost her hair in the place of the injury and the scars get infected from time to time as parts of her skull are missing. "She is still suffering because of her injuries. At school she loses consciousness when she is active," say Nisreen.

Saeed remembers the moment he found out about the bombing of the school: "Before I went to Egypt I stayed in that same classroom with my family. I saw the attack on the television when I was in Egypt and I recognized the classroom. There was blood on the floor. When I called to my family, no one wanted to tell me how my daughter Ansam was doing."

"Ahmad's scores were badly affected after the war. He used to be an excellent student. Now he even has problems reading. He also suffers from bedwetting."

[Nisreen al-Rahel]

When Nisreen and her remaining children moved back to their house after the offensive they found it badly damaged and their livelihood destroyed. "Shortly before the war I bought cattle. We had 2 oxen, 17 goats and dozens of rabbits. I kept them next to our house. I took out loans to buy them," explains

Saeed. "When our family returned to our house after the war they found all the animals killed by shrapnel. Only one goat was still alive but he also died after a few days. Now I am stuck with many loans. I can barely provide for the treatment of my daughter Ansam. I was even arrested by the police because I cannot pay back my loans to people. With a complete lack of money I am also not able to repair the severe damage that was done to the windows and walls of our house." Cardboard and blankets serve to protect the family from the nightly and winter cold.

The events of January 2009 have had a profound impact on the psychological wellbeing of the Saeed, Nisreen, and their children. "It has been very difficult for me because I lost one of my daughters and another one was badly injured. I remember Dima

when I see girls going to school," says Nisreen. "The other children keep talking about Dima and the memories of both incidents. 'We wish to die like Dima' is what the children sometimes say to me because of all the stress and our poor living conditions."

Saeed noticed changes in his children too. "Ansam holds a lot of anxiety and stress since the war. One time I called her and she started screaming and threw a plate at me, screaming to leave her alone. I am her father and she is afraid of me." Nisreen adds: "Ahmad's scores were badly affected after the war. He used to be an excellent student. Now he even has problems in reading. He also suffers from bedwetting."

Fear seems to have become a part of daily life for the family. "The children, like me, are always afraid when they hear drones or firing. When we hear it, we all sit in a single room," says Nisreen. The fear of another attack is never far from Saeed's thoughts either: "I am afraid that another war will come. When people talk about it I feel afraid. When I hear drones in the area, I leave the house. I get afraid that they will target us again."

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the al-Rahel family on 9 September 2009. To-date, no response has been received.

The Abu Oda Family

"The Israeli military say they are the most moral army in the world, but they killed my daughter, they didn't respect her right to live"



I'tidal and Ahmed Abu Oda with a picture of their daughter Nariman Abu Oda

On 9 January 2009, the Abu Oda household in the Al Amal neighbourhood of Beit Hanoun came under sustained fire from Israeli positions close to the Gaza-Israeli border 2 kilometres away. Nariman Abu Oda, 16, was hit in the right side of her body by Israeli fire as she was walking from the hallway, where the family were taking cover, to the kitchen. Medics were unable to reach the family and Nariman died before she could receive medical attention.

The pockmarked concrete walls of the Abu Oda household tell a good deal of the story of Nariman's death. Despite the best efforts of father Ahmed Abdel Kareem Muhammed, 57, and mother, I'tidal Abd al Aziz, 53, to plaster over the patch work of holes and indentations in the walls, ceiling, floors and doors, the house remains riddled with bullet holes. As I'tidal explains "it is clear the shooting was completely indiscriminate."

"We do not want to live in the house that Nariman was killed in." [Ahmed Abu Oda]

Nariman's mother and father keep returning to the question, why did this happen? For them, it is not an empty rhetorical question, but one that holds a great deal of weight and a great deal of their concern. "Why my daughter? What were their motives? What were their reasons?" asks Ahmed. "The Israeli military say they are the most moral army in the world, but they killed

my daughter, they didn't respect her right to live."

The Abu Oda family find themselves caught in a deep state of mourning regarding Nariman's absence, yet at the same time feel her constant presence. Recalling that Nariman used to make him his coffee in the morning, Ahmed says that, he still absentmindedly calls for Nariman when he wants coffee or tea. "Her room is still exactly as she left it three years ago, with everything still in its place." Despite this, the family are desperately seeking to move; "we do not want to live in the house that Nariman was killed in," says Ahmed. Adding to the sense of presence Nariman has in the house, l'tidal and Ahmed's children Shadi, 34, Abdel Kareem, 32, and Sahar, 30, have all since had daughters whom they named Nariman, in the memory of their younger sister.

l'tidal was deeply affected physically and mentally by the loss of her

daughter who used to help her a lot with daily household chores. "When I see young girls going to school I imagine her with them, I see her in every room of the house, I will never forget her. After the incident I was admitted to the hospital for ten days due to shock" recalls l'tidal, "since then I have suffered from huge physical problems resulting from stress."

"Her room is still exactly as she left it three years ago, with everything still in its place." [Ahmed Abu Oda]

l'tidal has health complications relating to blood pressure, heart disease and diabetes. The family did not only lose Nariman during the Israeli offensive, but also their livelihood. The family had a citrus grove and a poultry farm that were totally destroyed during the attack and have another farm that they cannot reach due to its proximity to the Israeli imposed buffer zone. The family have recently planted seedlings

in one of the destroyed farms again but are still waiting to harvest them. However, the loss of income from the farms is mentioned merely as an afterthought to the loss of Nariman. "We care nothing for the loss of our land compared to the loss of our daughter" says Ahmed.

"When I see young girls going to school I imagine her with them, I see her in every room of the house. I will never forget her." [l'tidal Abu Oda]

Speaking of the future the couple

are desperately seeking answers and demand accountability. "I don't expect the case to be successful, they will change the facts, the only thing I want is to address the soldier who killed my daughter" says Ahmed. "But I hope one day that we can reach peace with the Israeli's and end the war and the killing."

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the Abu Oda Family on 30 August 2009. To-date, no response has been received.

10 January 2009

Wafa al-Radea



Wafa al-Radea (39) together with her son Lyad (3).

“When I left my children I was walking and my children had not seen my wounds. The most difficult moment was when I came back with only 1 leg and many injuries. I was a different Wafa. When I came back I was supposed to be happy and the people were supposed to be happy for seeing me but everyone was crying.”

On 10 January 2009, at around 16:30, Wafa al-Radea (39) and her sister Ghada (32) were targeted by two Israeli drone missiles while walking on Haboub street, one of the main roads in Beit Lahiya. The sisters were walking during the Israeli announced hour long ceasefire, and were on their way to a clinic nearby because Wafa felt that she was close to delivering a baby. Both women were severely injured in the attack.

“When people came to help I could hear them speak but was unable to respond. They were saying that I was dead,” remembers Wafa. While Ghada was taken to hospital with severe injuries to her legs, people had covered Wafa as they thought she was dead. Eventually an ambulance brought her to a hospital where doctors carried out a caesarean section surgery in an attempt to save her baby. It was only during the surgery the doctors realized Wafa was still alive. While her son, Lyad, was born, doctors amputated Wafa’s right leg and attempted to treat her other injuries. On 12 January both sisters were transferred to a hospital in Egypt for additional medical treatment. Wafa underwent a series of operations until the end of April and then had 3 months of rehabilitation. Wafa and Ghada returned to Gaza on 29 and 27 June 2009.

Wafa vividly remembers the months she spent in Egypt. “My clearest memory of that time is the unbearable pain caused by the changing of the bandages. It took nurses 5 to 6 hours each time. I underwent many surgeries. After an operation to transplant skin from my left thigh to a lower part of my leg, nurses removed the transplanted cells by mistake when cleaning the wound. I had to undergo the same surgery again, this time taking skin from my arms. I was screaming because of the pain. My brother Walid (25) lost consciousness and was bleeding from his nose. He couldn’t bear what was happening to me. I was very angry at everyone after the operation.” Wafa’s brother Walid was with her throughout the whole period in Egypt. She didn’t see my other relatives from Gaza. “It was very difficult for them to visit me because travelling to Egypt is costly and they had to look after the children,” she says.

Wafa is the mother of 8 children: Ehab (20), Lina (19), Hani (17), Shourouq (15), Mo’taz (13), Saher (12), Jehad (9), and Lyad (3). During her time in Egypt Wafa had limited contact with her children. She says: “in the first 3 months I couldn’t speak to my children over the phone. I refused. I was unable to talk. They were waiting for me for 6 months. The children were curious to know what happened to me.”

“When I left my children I was walking and my children had not seen my wounds. The most difficult moment was when I came back with only 1 leg and many injuries. I was a different Wafa. When I came back I was supposed to be happy and the people were supposed to be happy for seeing me but everyone was crying,” Wafa recalls. “I noticed that my children watched my every move. Jihad kept following me with his eyes, watching how I went to the living room, how I sat down. He refused to go out and play with other children. He just wanted to stay with me in the home. I was very affected by the situation of my children. They are always ready to help me whenever I try to move or do anything.”

Wafa’s eldest daughters, Lina (19) and Shourouq (16) had taken care of Iyad while their mother was in hospital in Egypt. “One of them would go to school in the morning and leave Iyad with her sister. In the afternoon it was the other way around.” She continues: “when I came home they brought Iyad and put him on my lap. He was blond and beautiful and I thought he

was a nephew. I couldn’t imagine that he was my son. I asked them about Iyad and they told me that he was on my lap.” Wafa takes a lot of strength from having her children around her. She says “I am very grateful and happy for having my children. They help me with everything and keep my morale high. Even when I am sad, I would smile if my children came to me. I want them to feel that I am happy because I am with them.”

“It has been 3 years since they [Israel] attacked us and there is still no response. I spoke to many people from human rights organizations about my story and what is the result of it? There is no result or action whatsoever.” [Wafa al-Radea]

Wafa finds it difficult to accept help from her children: “I always used to be the one who would help them. Before, I used to go to the school to check on the children and walk to the market to do the shopping. Now if I want to go out I must use a car. And if I want to move in the house I must use a wheelchair. I also use the walkers and if Iyad wants to take my hand I cannot give him my hand because I am afraid that I will fall. I need my hands to hold the walkers.”

Wafa received one year of physiotherapy in Gaza for her back, pelvis and her left leg. Despite several attempts, so far she has

no prosthetic leg. She also still undergoes treatment for her left leg. “My leg is getting better but I am still in hospital from time to time, for example when I have inflammations. One month ago I was in hospital for 6 days. In winter my wounds hurt more and I feel pain in my pelvis, back, abdomen and legs.”

Despite constantly being confronted with the past Wafa tries to focus on the future. “I hope that our children will not have to pass through similar experiences when they are older. I wish that their lives will be better. But my children keep asking me ‘will there be another war, come again and kill us all?’ They are afraid and I see how the war negatively impacted on them,” she says.

Wafa feels great frustration over how the crime against her and her sister caused so much suffering and yet goes unpunished. “It has been 3 years since they [Israel] attacked us and there is still no response. I spoke to many people from human rights organizations about my story and what is the result of it? There is no result or action whatsoever.”

PCHR submitted a criminal complaint to the Israeli authorities on behalf of Wafa al-Radea on 07 October 2009. To-date, no response has been received.

11 January 2009

The Hamouda Family



Talat and Intissar Hamouda

"I cannot even pick up another child in my arms, I had a new grandchild, he is six months old, but I have yet to take him in my arms, I feel that place belongs to Fares"

In the early morning of 11 January 2009, the home of Intissar Hamouda, 41, in Tal Al-Hawa, Gaza City, came under attack from Israeli forces. Israeli tank fire resulted in the death of her son, Fares Hamouda, who was two years old at the time of the attack, and her step son Muhammed who she cared for with her husband Talat, 54, Muhammed's father. Fares died immediately in Intissar's arms, while Muhammed bled to death as medical crews were unable to reach them.

"Muhammed and Fares had a lot in common. After I had Fares I could not breastfeed so we had to give him manufactured milk. Muhammed lost his mother at ten months and so was also fed manufactured baby milk. As a result, both had similar illnesses with similar symptoms," says Intissar. Throughout their brief time together the brothers remained close. "Fares would refuse to go to sleep until Muhammed came home from school. On the day of the attack Fares was sick, but he refused to take medicine from me, he wanted it from Muhammed," says Intissar.

Following the attack Intissar was severely debilitated. "I could not walk on my legs even six months after the incident due to injuries in my legs and pelvis; I needed help from my step daughters and sisters to move around the house." Intissar has since

undergone three surgeries to remove shrapnel from her abdomen as well as reconstructive plastic surgery.

Fares was not only close to his half brother Muhammed, but also to Intissar's step daughter Kariman and step grandchild Rania, who were 13 and 2 respectively at the time of the incident. Both have been traumatised as a result. "Kariman became extremely aggressive in school and at the advice of teachers Talat decided to withdraw her from it," says Intissar. "Three months following the incident I came back to the house with Rania to get her toys and other things, but she begged me not to enter the house and wouldn't take anything from it." Similarly, Intissar said that "ten days ago we were in the Old City shopping and Rania saw a funeral of someone killed in a recent Israeli attack, it reminded Rania of Fares and Muhammed and she started to cry, when I explained they had gone to heaven, she replied, 'just like Muhammed and Fares'"

"Ten days ago we were in the Old City shopping and Rania saw a funeral of someone killed in a recent Israeli attack, it reminded Rania of Fares and Muhammed and she started to cry, when I explained they had gone to heaven, she replied, 'just like Muhammed and Fares.'" [Intissar Hamouda]

Intissar and Talat have both been emotionally affected by the loss of their sons. "I cannot even pick up another child in my arms, I had a new grandchild, he is six months old, but I have yet to take him in my arms, I feel that place belongs to Fares," says Talat. The anniversary is particularly hard on Intissar, who still suffers chronic pain from nerve damage as a result of the attack. "As the day approaches they show interviews taken of me after the incident or start to talk about the attack," says Intissar, "I can't even watch stories of other women with similar experiences, so I don't turn on the television." As regards the future the couple feel they have nothing left to be taken from them. "We lost the nearest things to us, we have nothing else left to lose," says Intissar. "I am no longer even afraid of the bombings." However Intissar clings to some hope that she can have another child following the death of Fares, who she tried to conceive for 21 years. "I have tried through artificial insemination already, but it didn't work. I'm

hoping to try again." Similarly Talat has hopes that there will be political reconciliation among the Palestinian political factions. Regarding the prospects of their complaint in Israeli courts, Intissar is unimpressed; "the Israeli's committed war crimes against us, they destroy the houses over the heads of civilians, I expect no justice from them."

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the Hamouda Family on 21 July 2009. To-date, no response has been received.

12 January 2009

The Ayad Family

"If there is another war I won't be moving, even if we die there, I don't want to go through that again"



Mustafa, Abdel Kareem and Rezeq Ayad

On 12 January 2009, the Ayad family home in the Zaytoon area of Gaza City was bulldozed by Israeli forces. Rezeq Ayad, 60, his wife Yusra, 58, and their four sons Mustafa, 16, Muhammed, 20, Abdel Kareem 26, and Khalil, 29, and Khalil's two daughters were left homeless as a result of the attack. The family had left the area a few days prior to the destruction of their home, as a result of the intense Israeli bombardment of the area.

Speaking to Rezeq Ayad and his son,

Abdel Kareem, the relief they feel having put their displacement behind them is clear. Now back in the family home – which they started rebuilding in May 2010 and moved into in October 2010 – the two are glad and thankful that the family are now safe and relatively secure once again. "I remember that time and I just thank God we are all still alive," says Rezeq. "We had left the house with nothing but the clothes we were wearing and a few blankets and mattresses," explains Abdel Kareem, "we lost everything with the house when it

was bulldozed." In the aftermath of the attack the whole family were forced to find alternative shelter. "I and my wife moved to relatives in Asqoula in Gaza City," says Rezeq, "my son Abdel Kareem was forced to move to the al Samouni neighbourhood and my son Khalil had no choice but to spend two years in a tent camp with his wife and young daughters."

Rezeq's son, Muhammed Ayad, who was 17 at the time, built a small structure among the ruins of the family home and stayed there so he

could watch over the house and his donkeys, which he kept in the area.

Abdel Kareem and his wife Shaheera, 22, spent a little over a year in a makeshift hut that he built from corrugated iron and plastic. "My wife is from the al Samouni family; after the massacre of the al Samouni's in that area during the war she didn't want to move there out of fear of another attack taking place. But we had nowhere else to go." Abdel Kareem describes the conditions the couple endured over that year as "intolerable." "During the summer it was unbearably hot, during the winter, unbearably cold."

Shaheera was pregnant with the young couple's first child at the time the couple were homeless. "There was no running water or electricity in the hut. Shaheera would have to wait for me to come home from work to bring her water. Her pregnancy was very difficult. I was working selling vegetables and transporting goods to save money to build my house," says Abdel Kareem, "the day we moved in my wife gave birth to my little girl

Ru'a." Reflecting on the incident Abdel Kareem stresses that he would be unwilling to put himself and his family through the same experience once more. "If there is another war I won't be moving, even if we die there, I don't want to go through that again."

Khalil Ayad, his wife Nabila and their daughters Islam, 5, and Gadeer, 4, were also forced into haphazard makeshift accommodation after the attack. "Khalil went to a tent camp in the Zaytoon area of Gaza. There were a lot of families displaced during the war that moved there temporarily. But Khalil's was the last family to leave. They spent two years there in total" says

Rezeq. "They would collect firewood to cook and boil water and they shared a common well with the rest of the camp residents for water." During this experience, Nabila gave birth to, Rezeq, now 1 year old. Like Shaheera, Nabila's pregnancy occurred under very difficult circumstances.

Talking of the future, Abdel Kareem's hopes are simple. "I hope to be strong enough to continue my life

and to be a good man" he says. As regards the families complaint with the Israeli government Rezeq and Abdel Kareem are dismissive of any potential for redress; "We don't expect anything from the case. The house was a small home in a quiet residential neighbourhood. It was clearly not a military target. The soldiers knew what they were doing; they just wanted to destroy it. They will not investigate."

Discussing how he was able to rebuild the family home following its destruction Rezeq explains that he had savings from his time as a school teacher in a local UNRWA school. Talking about what he had planned to do with the money he had saved over a lifetime, prior to spending it all on repairing the damage caused by the Israeli military, Rezeq says that he had hoped to help his sons with their marriage and their education. "I spent everything I had saved," says Rezeq with a smile and a shrug of his shoulders, "so now I start again."

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the Ayad family on 2 August 2009. To-date, no response has been received.

Hibba al-Najjar



Hibba al-Najjar (17) sitting opposite her home in Khuza'a village

"The first two years I could manage but this year I have been suffering a lot from the loss of my mother. When I see girls from my school with their mother or talking about their mother, I miss my mother even more. I need to have her with me."

In the early morning of 13 January 2009, following two days of home demolitions, the Israeli army started to shell the village of Khuza'a and its surroundings, using high explosive and white phosphorous artillery shells. Israeli bulldozers, tanks and snipers were located on the edge of the village. At around 7:00 soldiers ordered the residents of eastern Khuza'a, to leave the area and move towards the centre of the village. Holding a white flag, Rawhiya al-Najjar (47) led a group of approximately

20 women in an attempt to leave as ordered. Shortly after the group turned the first corner a soldier shot and killed Rawhiya. Another woman in the group, Yasmin al-Najjar (23), was injured by two bullets when she tried to take Rawhiya off the road. Medical staff who tried to evacuate Rawhiya's body were shot at and had to take refuge in a nearby house, and were only able to take the body from the street after more than 10 hours.

"I can still hear the bullet hit my mother in the head. I was standing right beside her when the soldier stepped into the doorway of the house ahead and shot her. I could see him," says Rawhiya's 17 year old daughter Hibba as she depicts the situation with her arms. "I keep wondering why they killed my mother while she was carrying a white cloth in the street, but why I was not killed when I was on the roof of our house earlier that morning." Hibba still cannot make sense of what happened that day.

Hibba is the only child. She lives with her father, Naser, his second wife, Nuha, and their three children. Her father married Nuha when it became clear that Rawhiya was not able to have any more children and convinced him to marry a second wife. Naser became unemployed after the full closure on the Gaza Strip was imposed. Now the family is dependent on aid and shared agriculture with relatives on lands next to the village,

close to the border with Israel.

From the day of the incident Hibba and her family stayed away from the house for two weeks, saying it was too dangerous to move in that part of Khuza'a. For the two months after that they only went to their house during the daytime and spent the night at the house of relatives in a safer area.

Since the death of her mother Hibba suffers from nightmares, insomnia, stress, and bedwetting. "Before, I would sleep immediately. Now I can't get to sleep at night," says Hibba. Sometimes her father finds her sleepwalking and talking about her mother. Lately she has also begun to experience blurry vision and dizziness. When Hibba started to lose her hair a few months ago, Naser took his daughter to a hospital. The doctor told Hibba and her father that she needs to spend some time outside of the Gaza Strip. Naser is thinking of taking her to Egypt for a little while next summer. However, the closure and high costs make this option far from easy. Hibba says she would like to go out of Gaza but adds that "it will not make me forget anything."

Hibba's schoolwork has also been affected by the traumatic experience

and death of her mother. "My mother used to help me with my homework and I used to be very good at school. Now my grades are lower and I am not able to focus in class. When I open a book I feel tired and remember my mother. Even when I study well for an exam, I often

forget everything during the exam," she says. Hibba enjoys subjects like Islamic religion and geography but feels sad knowing her scores have dropped a lot. This is the final year of high school for Hibba. However, she doesn't think about what comes after the final exams next summer; "I don't want to think long-term."

Hibba does not like the month of January, as it reminds her of the time of the offensive.

However, she says 13 January is like any other day for her, "there is no difference with other days because I remember my mother every day regardless." When she feels most sad

she usually takes a chair and sits outside the house for a while. Sometimes talking to relatives and her best friend, who is also her neighbour, brings some

relief. Hibba is glad to have such a good friend who tries to support her; "I can tell her everything. Without my friend I would have crumbled under the pressure of my loss."

Hibba does not think about the future but rather relives what happened to her and her mother on 13 January 2009. "Since the morning I have been thinking a lot of the incident and how we left my mother in the street," she says, having to pause after every few words. Many things in daily life remind her of her old life with and her future without her mother. "Whenever I see an old woman in the street I wonder if I will still have a clear memory of my mother when I am at that age."

Discussing PCHR's submission of complaints to the Israeli authorities regarding the killing of her mother, Hibba says she does not care: "Nothing can compensate for the loss of my mother but I wish that the soldier who shot my mother will be brought to justice."

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the al-Najjar family on 23 June 2009. To-date, no response has been received.

"Nothing can compensate for the loss of my mother but I wish that the soldier who shot my mother will be brought to justice."
[Hibba al-Najjar]

"I can still hear the bullet hit my mother in the head. I was standing right beside her when the soldier stepped into the doorway of the house ahead and shot her. I could see him."
[Hibba al-Najjar]

14 January 2009

Muhammed Mousa



Muhammed Mousa

"We would stay up late at night talking with each other about what had happened over the day, we were brothers, if ever I needed anything I could go to them and they would help me out"

On 14 January 2009, at approximately 21:00, Israeli aircraft targeted the Mousa family home near al Sabra pharmacy in the south of Gaza City. Izz Addin Wahid Mousa, 48, his wife, Maysara Afif Mousa, 48, their sons Wahid Izz Addi Mousa, 28, Ahmed Izz Addi Mousa, 27, Mohammed Izz Addi Mousa, 22, and daughter Nour Izz Addi Mousa, 15, were killed in the attack.

The physical scars caused by the attack are still clearly visible on 25 year old Muhammed Mousa. With nerve and bone damage in both his right arm and leg he has been left with a strong limp and his face displays patches of taut skin showing where he was burnt from the fire that engulfed his home. His injuries have left him unable to continue working in the local marble factory, leaving him unable to pick up the pieces of his life after losing his father, mother, sister and three brothers.

Like many who lost their homes during the offensive, Muhammed, has been forced to move frequently. He has moved five times in the intervening period and, with another years rent due on his current home and no way to pay it, has not yet found stability and security. "After the attack I started rebuilding the destroyed home, but I couldn't bear to live there, the incident would keep flooding back

into my memory," says Muhammed. "I went to live with my uncle, Hani, but he has a family of his own so I could not stay there."

Emotionally, Muhammed has found himself hugely altered since the war and has had trouble sleeping since the incident. "At first I could not sleep at night at all, I would sit awake all night and might sleep for a while in the morning."

He now needs help doing basic things that others take for granted, such as preparing food to eat, which leaves him short tempered. "I lose patience very quickly, when I can't do something myself I get hugely frustrated and become angry." This is compounded by the sense of helplessness he feels regarding medical treatment for his injuries, which he says he was told by doctors is only available in Germany. He still requires extensive medical treatment on bone and nerves in his leg and for shrapnel wounds in his abdomen.

"I was in hospital for four months in Egypt (of which two and half months was in intensive care) without knowing the fate of my family. My sisters had initially told me that they were fine for the sake of my recovery.

When I told them I was ready to come home they were forced to tell me the news that they had died, I immediately regressed and had to spend another two weeks in intensive care before being able to go."

Muhammed has fond memories of his deceased brothers Wahid, Ahmed and Mohammad who he was very close to. It is clear he desperately misses their

company. "We would stay up late at night talking with each other about what had happened over the day. We were brothers, if ever I needed anything I could go to them and they would help me out." He says they are never far from his mind day or night, asleep or awake.

Muhammed shares the dreams of any young man for his future; he wants to get married, build a home, and one day have children. But he is sceptical his hopes will come true. "How can I provide for a wife and children, I cannot work, I cannot earn a living." While he is optimistic about the outcome of legal action being taken on his behalf in Israeli courts he says what has been taken from him cannot be replaced, what he wants from the case is accountability for those responsible for his family's death.

"Money cannot replace what I have lost, I want to know why our home, which was nowhere near any military operations, was targeted, and why my family, who were not involved in politics, were killed."

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the Mousa family on 18 May 2009. To-date, no response has been received.

The al-Nadeem family



Majda al-Nadeem with her sons Mohannad, Firas, and Bashar

“Naser used to help the children with their school work, especially English and mathematics. Now that is my duty. Nothing can compensate me for the loss of my husband. He was always very tender, understanding and calm.”

On 15 January 2009, shortly after 7:00, the Israeli army fired a tank shell and live ammunition at Naser al-Nadeem and his two sons, Bashar (17) and Firas (15), who were fleeing their home in the Tal al-Hawa neighbourhood of Gaza City. The two boys sustained moderate injuries while their father was severely injured. After 9 months of intensive medical treatment in Egypt and Gaza, Naser al-Nadeem eventually succumbed to his wounds. He was

44. Naser’s wife, Majda al-Nadeem (45), is now a single parent of three sons, Mohannad (19), Bashar (17), Firas (15), and two daughters, Dima (14) and Tala (9).

“What keeps me going are my children, my children only. I am originally from Damascus and met their father when he was studying there. We married in 1990 and I moved to Gaza with him. I always think to return to Damascus to go and live with my family, but I know

that it is better for my children to be here in Gaza. This is their home. I am doing whatever I can to protect them,” says Majda as she smiles at her sons.

All the responsibilities of the household are now on Majda’s shoulders, both with respect to caring for the children and financially. “Naser used to help the children with their school work, especially English and mathematics. Now that is my duty. Nothing can compensate me for the loss of my husband. He was always very tender, understanding and calm.”

Majda explains how she struggles to provide for the most basic needs since Naser died. “My husband used to have an engineering company with a partner and we used to have a good life. Now everything has changed. I am always thinking of how I can provide for my children; how will I bring food, pay for school, electricity, water, everything? I have a lot of pressure on me and it affects me psychologically. We received some payments from the Palestinian Engineers Union and charity organizations but it is not enough or infinite. My family in Syria also tries to help us out financially. They sent us money to repair our house after the war. The bathroom, kitchen, and sewerage were destroyed and there were smoke marks everywhere. Over the past three years our financial situation has gotten worse. A few days ago our electricity was cut off because we cannot pay for the bill.”

The children have difficulties in comprehending the changed financial situation. Majda says: "they want to have what the other children have, but I cannot provide it. They also had to leave their [private] school and change to a public school. It has been very difficult for them to adapt to these changes. They are not convinced that I cannot provide them with everything they want."

The physical injuries Bashar and Firas sustained in the attack still mark their daily lives. Firas' right knee was shattered by a bullet. His right leg is shorter as a result and does not bend. Majda explains: "last year doctors placed platinum inside his knee. Now Firas has to wait until he is an adult. Then doctors will check what another surgery can do. But they also said it will never become the way it used to be." Firas says: "I used to play karate with Bashar but I can't do that anymore. I can't really run either. Now I play ping pong."

Bashar had shrapnel wounds in his left leg and right arm, and back. His leg is deformed and sometimes he has pain caused by infections and muscle damage. "Bashar is a very sporting boy. He used to do karate but he changed to gymnastics because of his injuries. Despite his injury, he insists on

continuing his sports activities," says his mother.

Because of their injuries Bashar and Firas were not able to go back to school until the following semester. Majda called the Ministry of Education and told them that they had to provide the boys with home schooling; "teachers came to teach mathematics, Arabic and English at home, and the boys managed to end their school year with success."

Despite their optimistic and brave outlook on life, Majda and her children carry with them the psychological scars of the offensive. "The war did change my children. It was a very difficult experience, even for us as adults," she says. "When we hear explosions we feel fear and remember the war and the attack. If I am afraid, then how must my

"When we hear explosions we feel fear and remember the war and the attack. If I am afraid, then how must my children be feeling?"
[Majda al-Nadeem]

children be feeling? In the year after his father was killed, Firas would wake up at night and scream 'I want my father! Now he is older and understands that his father will never come back. The school performances of Bashar and Firas have been affected too. It is getting better, but nothing is as it was before the war. Firas is also held back by his medical treatment."

"We are in need of psychological

support," says Majda. "But the people working in this field only visited us for their own interests; taking photos and videos, for the benefit of their organization only." Bashar adds: "once, a psychological worker came to talk with me but I couldn't stay with her. She was the one who needed help. I told her that and then left the room." Majda says: "the only organization I really respect is MSF. The day after the children returned home from the hospital they visited us and kept coming to our house for one year, until the wounds of my children were healed."

When speaking about her outlook on the future, Majda says "I don't have a clear picture of what it will be like. What I am sure about is that I cannot guarantee a nice future for my children. But I am trying to teach my children that education is very important for their future and convince them to do well in school."

Majda is uncertain whether the attack on her family will result in justice in an Israeli court. "They targeted my husband and children, civilians. I am not sure if there will be any result in a court. If there will be any results, they will just make financial compensation and not bring my husband back to life," she says.

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the al-Nadeem family on 23 June 2009. To-date, no response has been received.

The Shurrab Family



Mohammed Shurrab

“Can I go to a court to restore my sons? No” says Mohammed. “What is the point in bringing the soldiers who killed my sons to justice when there will simply be more and more after them? When others will lose their sons as well? Soldiers commit these crimes because they know they have immunity.”

On 16 January 2009, Israeli forces positioned in the al Fukhari area, south east of Khan Yunis, opened fire on the vehicle of Mohammed Shurrab and his two sons Kassab, 28, and Ibrahim, 18, as they were travelling back to their home during the Israeli-declared ceasefire period. Mohammed was injured and crashed the car, his two sons were subsequently ordered out of the car by Israeli forces following which they were shot. Israeli soldiers refused to allow medical access to the area, and Kassab and

Ibrahim bled to death on the scene over a number of hours. There were no military operations in the area at the time.

For Mohammed Shurrab (67), life since the death of his sons has been a constant battle to fight back the memories of the day. “I try to keep busy in every moment. I read 45- hours every day. These books you see on my wall have all been read 23- times each. The rest of my time I work on my farm, tend to my crops and care for my live stock”, says Mohammed, pointing to

the two new born sheep that arrived only two hours beforehand. Despite his best efforts to distract himself, however, Mohammed seems resigned to a life of remembering. “Until I get buried below the soil I will continue to suffer, agonising over my sons.”

Mohammed is adamant that he hopes that time will come sooner rather than later, “everyday I hope to join my sons. The only question is how I do so. I am a religious man and believe in God, taking my own life would be against my beliefs, but I believe it’s better for me to join my sons. I am waiting to die.”

His farm, which is on the edge of the Israeli imposed buffer zone along the Gaza – Israeli border, is a hideout from the sights, sounds and issues that bring memories of his sons back to him. “I left my wife and my daughters to come here and live in peace. My wife is very sick. If she is reminded of the incident she will start to scream like she is not human, she cannot breath, she sometimes losses consciousness. I cannot bear to be around her when she is like that.”

Despite his best efforts to escape, however, Mohammed is reminded by the smallest detail. “This time of year is the hardest. Everything reminds me of that day. The crisp air, the crops that grow, the dark; everything about this time of year takes me back to the incident.” Much like the

parents of many others who lost their lives during the Israeli onslaught, Mohammed finds it especially painful to be around those who are around the same age as his sons. "I was at the wedding of my young cousin recently. He is the same age as Ibrahim would have been if he was still alive. I couldn't stop thinking of all the things that he could have done with his life if it wasn't taken from him; education, marriage, children, now he can do none of this."

Muhammed has suffered both mentally and physically due to the stress suffered as a result of seeing his sons die before his eyes. Shuffling slowly and carefully around his farm house home, his physical symptoms are obvious. "I have severe damage to my neural system made worse by stress," says Mohammed, "my balance is now destroyed." Lifting his top to show the long scar running down his back, where he had surgery to repair his neural problems, Muhammed says his ability to fight infection and illness has deteriorated since the attack. The stress he feels as a result of his experience has left

him unable to sleep and he is forced to take sleeping pills to steal a brief 4 to 5 hours of sleep every night before waking very early in the morning.

Soon, Mohammed's remaining sons and daughters will be fully educated and independent. Mohammed says when that time comes his work is done and there is nothing left keeping him from the afterlife. "The moment my children say we need for nothing, that's it, I have done everything I am responsible for, I can go," says Mohammed. "The good times have gone, they will not be back. I hope for nothing". When asked what his greatest fear for the future is, Mohammed replies; "my fear is a future."

"The soldier who shot my sons did not act in a vacuum. He had permission from his superiors. What is more, their crimes are ongoing. Stories like mine are not isolated incidences."
[Mohammed Shurrab]

who killed my sons did not act in a vacuum. He had permission from his

superiors. What is more their crimes are ongoing. Stories like mine are not isolated incidences." Any redress in Israeli courts, for Mohammed, were it forthcoming, would be irrelevant in any case. "Can I go to a court to restore my sons? No" says Mohammed. "What is the point in bringing the soldiers who killed my sons to justice when there will simply be more and more after them? When others will lose their sons as well? Soldiers commit these crimes because they know they have immunity."

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the Shurrab family on 19 August 2009. To-date, no response has been received.

Regarding the pursuit of justice within Israeli courts Mohammed is scornful. "Absolutely not; the soldier

The al-Ashqar Family



Sabri with his mother Nujoud al-Ashqar

“Madleen refuses to sleep by herself; she will only sleep in her parent’s room” says Nujoud, “she’s afraid to be by herself at all. The other day we were in the garden and I asked her to go to the bedroom to bring something. She refused to go without me.”

On 17 January 2009, at approximately 05:30, the area surrounding the UNRWA school in Beit Lahiya came under attack from Israeli forces. The area was bombarded using both high explosive, and white phosphorous artillery; white phosphorous is an incendiary chemical which ignites on contact with oxygen, its use in civilian populated areas violates the principle of distinction, and the prohibition of indiscriminate attacks. Nujoud al-Ashqar, along

with approximately 1,600 others, was taking shelter in the school at the time of the attack. Nujoud sustained severe head injuries as a result of the bombing, and also losing her right hand. Two of her sons Bilal, 6, and Muhammed, 4, were killed in the attack.

When PCHR first spoke to Nujoud in the aftermath of the attack three years ago, her life had become extremely difficult, particularly her relationship with her husband, Mohammed. “At first my husband blamed me for the death of the boys. He used to threaten me every day that he would re-marry” says Nujoud, “but things have got better between us since the birth of our daughter Haneen. He loves her deeply and she loves him.”

Nujoud’s daughter Haneen, 1, was both a blessing and a severe challenge for Nujoud, who, despite being thankful she was able to give birth to another child after the loss of Muhammed and Bilal, is faced with extreme difficulties caring for herself, the household and her children given the loss of her arm and other medical difficulties following the attack. “I get most frustrated when trying to care for Haneen” says Nujoud, “I need help from my daughter Madleen all the time to care for her. I always feel sad for her because she sacrifices so much of her education to care for the house

and her sister. But I need her to do it" says Nujoud. "Her grades in school have suffered as a result. It's made worse by the fact I find myself with no patience to help her with her school work anymore since the attack."

Madleen was herself in the UNRWA school at the time of the attack and faces difficulties with both the memory of that day and the loss of Bilal and Muhammed. "Madleen refuses to sleep by herself; she will only sleep in her parent's room," says Nujoud, "she's afraid to be by herself at all. The other day we were in the garden and I asked her to go to the bedroom to bring something. She refused to go without me."

Nujoud shares Madleen's fear of the past and apprehension of the future. "Sometimes when there are rumours of a new war or Israeli incursions Madleen will start asking me about it and speaking of the incident. But I can't bear to talk with her about what happened and I just ask her not to talk about it." The memory of the attack remains so moving for Nujoud that she does not speak with it to anybody. "Sometimes visitors will come over

and ask to hear about that night. I don't talk to them about it though. If I do I will spend the rest of the day and the whole night going over it in my head."

Apart from the loss of one hand Nujoud has been left with severe pain in her head. When PCHR spoke to her three years ago she would wear her head scarf everywhere, including inside the house, as she had lost all her hair due to severe burns. "Now most of my hair has grown back" says Nujoud, "except for small patches due to injuries, but still when Madleen combs my hair I'm in agony."

The loss of Bilal and Muhammed is especially painful for Nujoud. "I could never forget my children. If I stayed alive for 200,000 years I would not forget them." Bilal and Muhammed were always a huge pillar of stability and support in Nujoud's life. "When I used to get angry with my husband I would want to leave the house and go to my family. Bilal and Muhammed would calm me down and get me to stay. Now, when my husband and I argue, I just go to my room and think of them." For Nujoud's husband,

Muhammed, who is deaf and dumb, the loss of Bilal, who used to help him communicate with others outside the house, was also devastating.

With another child on the way, Nujoud is hopeful for her health and for another baby boy in the future, who she also plans to call Bilal. "Me and my husband had been waiting for Bilal, he was so dear to our hearts, I hope to have a son so I can name him after his brother."

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the al-Ashqar family on 18 May 2009. PCHR have received an interlocutory response noting receipt of the original complaint. To date, however, and despite repeated requests, no further information has been communicated to PCHR, regarding the status of any investigation, and so on.

"She's afraid to be by herself at all. The other day we were in the garden and I asked her to go to the bedroom to bring something. She refuses to go without me." [Nujoud al-Ashqar]

Abu Rujailah family

“As I arrived there I found many people in the area, working on their lands. It was calm so I felt comfortable and stayed there. Suddenly one of the jeeps on the border stopped and bullet after bullet was fired.”



Abdel Azim and Ma'zouza Abu Rujailah standing beside olive seedlings

On 18 January 2009, at approximately 10:00, Israeli forces located on the border between Israel and the Gaza Strip indiscriminately fired bullets towards farmers working on their lands east of Khuza'a village, east of Khan Younis. One of the farmers, Maher Abdel Azim Abu Rujailah (23), was killed when one of the bullets penetrated his left arm and chest.

“Maher was near me in the field. He was behind me when I heard him screaming ‘Allah Akbar’ and I found out that one of the bullets had hit him. People lay on the ground, screaming,” recalls his

father, Abdel Azim Abu Rujailah (59). Maher was carried to a horse cart under heavy gunfire, and then transferred to a car. He was pronounced dead upon arrival in hospital.

“On 17 January Israel declared a ceasefire,” recalls Abdel Azim. “On 18 January many people moved back to the east of Khuza'a to check their lands and their houses there. Maher and [his brother] Yousef went to our lands and I followed them because I was afraid for them. As I arrived there I found many people in the area, working on their lands. It was calm so I felt comfortable

and stayed there. Suddenly one of the jeeps on the border stopped and bullet after bullet was fired.” According to a witness statement Yousef (29) gave to PCHR after the killing of his brother, the distance between Maher and the border was around 800 meters. He said the area was calm and electricians were working in the area too.

“I wish that they took all the pieces of our lands and Maher would still be alive,” says Abdel Azim. He continues: “My wife suffered from two strokes since he was killed. Since the incident I suffer from heart problems. We cannot forget

him and our suffering is continuous. We remember him when we see his clothes, his room, and everything that he used around the house.”

“Sometimes when I get up at night I find my daughters crying. When they see the clothes of Maher they start to cry,” says Abdel Azim. “My children also still experience a lot of fear. Dowlat sometimes puts her hands over her ears when she hears planes and says ‘help me, father’. She is 24 years old and afraid in the dark.”

Abdel Azim has also seen great changes in his wife. “She has been very affected. Before the incident she was well but she has been suffering since. She used to be a strong woman. Now she is crying all the time,” he says. Ma’zouza, too emotional to talk about her son, speaks quietly: “Maher was very close to his sisters, especially Arwa. Once he had some money he said ‘if I die, give the money to Arwa’. The day before his death he came to me and asked me if his father could write a will for him. I pushed him on the ground and sat on his chest. We were joking about it.”

Besides suffering from the loss of their son and brother, the Abu Rujailah’s are also struggling financially as a result of the destruction and inaccessibility of their farming lands. Together with his brothers Abdel Azim owns 4 pieces of

land to the east of Khan Younis, close to the border with Israel.

“Our lands were cultivated with olive and orange trees and we used to sell the fruits. But since the beginning of the second intifada the army has bulldozed it over and over again. Before the offensive we used to go to our land regularly, stay up late at night, and have barbeques there. People still used to live in the area. We also had buildings there but during the offensive they were all destroyed, along with the crops,” says Abdel Azim.

Abdul Azim faces the same violence that killed his son when attempting to continue farming his lands. “When I tried to replant seedlings for olive trees in October last year they started shooting at me so I had to leave. The seedlings are now sitting next to our house. Two of the four plots we cannot reach anymore at all. After they bulldozed them we couldn’t reach them anymore. If we try to access it they would fire at us. Those fields were cultivated with 50 year old olive trees.”

The family faces large financial losses as a result of the attacks. Abdel Azim

says: “In the past the trees in our lands were big and we used to have large harvests. We would sell the fruits and had a good income for the house. But after the bulldozing of the lands we stopped to benefit from the lands. It is even risky to rebuild something; they might come again and destroy it. My sons help me with providing for a living through other work.” Wisam is temporarily contracted as a doctor, Ayman works in an exchange office, and Yousef is unemployed.

“The day before his death he came to me and asked me if his father could write a will for him. I pushed him on the ground and sat on his chest. We were joking about it.” [Ma’zouza Abu Rujailah]

Abdel Azim’s outlook on the future is a mix of pessimism and hopes. “When I look at the future, I don’t see an sign of improvement, even on the long run. I worry about other wars that might come and don’t feel safe. When I leave the house it is for 30 minutes at most, and I never feel certain that I will return.” As for his hopes, he says: “I hope that I will be able to live freely and safely, that the occupation will come to an end, and that we can travel freely. That’s all that we need.”

PCHR submitted a criminal complaint to the Israeli authorities on behalf of the Abu Rujailah family on 8 November 2009. To-date, no response has been received.

Overview of Flaws Inherent in Criminal Complaints Submitted on behalf of Victims of Operat



the Israeli Judicial System and ted to the Israeli Authorities tion Cast Lead



Overview of Flaws Inherent in the Israeli Judicial System and Criminal Complaints Submitted to the Israeli Authorities on behalf of Victims of Operation Cast Lead

Overview

The Palestinian Centre for Human Rights (PCHR) submitted 490 criminal complaints, on behalf of 1,046 victims, to the Israeli Military Advocate General (MAG). These complaints alleged the commission of international crimes and requested the opening of a criminal investigation. The majority of complaints were submitted by mid-2009.

The complaints submitted by PCHR cover virtually the entire spectrum of possible international humanitarian law violations, including the war crimes of: wilful killing, the direct targeting of civilians and civilian objects, the extensive destruction of property, and indiscriminate attacks.

To-date, in response to these 490 criminal complaints, PCHR has received only 21 responses:

- 19 interlocutory responses indicating that the complaint had been received, that it will be checked, and that PCHR would be informed of the result. No further information has been received.
- 1 response indicating that the case was closed as the witness would not travel to Erez crossing to be interviewed by the Israeli Military Police.
- 1 response indicating that a soldier had been charged. The soldier was convicted of the theft of a credit card, and sentenced to 7.5 months in jail.

PCHR notes that a number of cases relating to PCHR's clients have ostensibly been closed, as reported, for example, in the Israeli media. However, PCHR has only received one official notification regarding the closure of a file.

PCHR emphasize that, three years after the offensive, no response whatsoever has been received from the Israeli authorities with respect to 469 criminal complaints (relating to 776 victims). Furthermore, no further responses, have received in relation to the 19 interlocutory responses. Of 490 criminal complaints, substantive responses have only been received with respect to 2 cases.

It is PCHR's unequivocal conclusion that the Israeli authorities have comprehensively failed in their legal obligation to conduct effective criminal investigations into allegations of international crimes, denying the fundamental rights of victims in the Gaza Strip to a remedy, and the equal protection of the law.

It is clear the recourse must now be had to mechanisms of international criminal justice. These cases must be investigated by the International Criminal Court. Victims' rights must be upheld, and those responsible held to account.

The Criminal Complaint Procedure

In order to attempt to secure victims' right to redress in the event of a violation of international law, a complaint must be submitted to the Israeli Military Advocate General requesting the opening of a criminal investigation.

This request is the sole avenue available to representatives of the victims in the criminal sphere. PCHR is unable to approach the Israeli courts directly with a criminal complaint.

Flaws Inherent in the Israeli Justice System

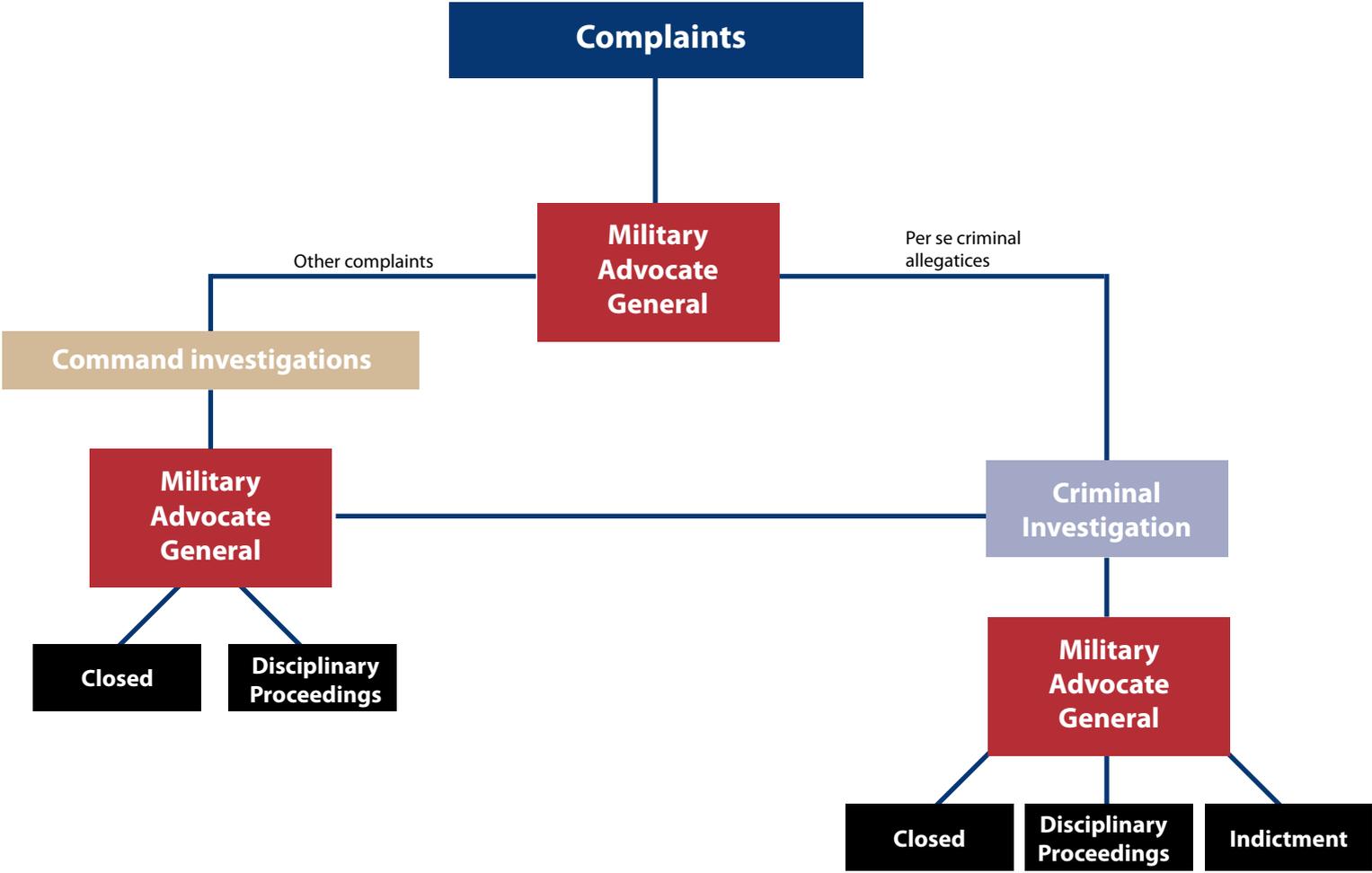
PCHR has identified a number of flaws inherent in the Israeli justice system. The three principal issues concern the role of the Military Advocate General, the type of investigation conducted, and the lack of civilian supervision.

1. The Role of the Military Advocate General

As noted, all complaints requesting the opening of a criminal investigation are submitted directly to the Israeli MAG. The MAG is then responsible for, inter alia, the decision to open or close an investigation, and the decision to issue an indictment.

However, the MAG wears a dual-hat and is responsible for (a) enforcing the rule of law in the military, and (b) providing legal advice to the Military. With respect to complaints alleging the commission of international crimes, in particular, a clear problem exists. Because the MAG provides legal advice to the military during military operations, PCHR are often requesting the MAG to open an investigation into the legality of conduct, which he has already decided to be legitimate. Incidents relevant to Operation Cast Lead, for example, include the decision to use white phosphorous, the choice of targets, the choice of weapons used, and so on. This has clear implications with respect to fundamental issues of independence and impartiality.

The central decision-making role of the MAG can be illustrated through a diagram presented by the State of Israel:



As can be seen from this diagram, it is the MAG who is the principal decision-making organ; at all stages the decision to open or close an investigation rests with the MAG himself. In effect this system operates as a loop, with the MAG responsible for each strategic decision. This system is open to manipulation, in that the MAG can allow investigations to proceed – to provide an illusion of investigative rigour – only to subsequently close them; PCHR believe that a number of procedures opened in the context of Operation Cast Lead fulfilled this exact purpose. In many cases, procedures appear to have been undertaken to show Israel's "significant results". However, these procedures reached standardised conclusions, which had been consistently iterated before any investigative procedure began, namely that: "[t]hroughout the fighting in Gaza, the IDF operated in accordance with international law." The findings of some of these procedures which appear to have been preordained, and the stark contrast with available evidence, are discussed further below.

2. Investigations

If the MAG decides to open an investigation, this will typically take the form of either a military police investigation, or an operational debriefing. The overwhelming majority of cases in which an investigation is opened take the form of an operational debriefing.

Under the Israeli Military Justice Law an operational debriefing is a procedure intended to analyse an incident from an internal military perspective, so that lessons may be learned, conclusions drawn, and so on, for the purpose of enhancing the performance of the Israeli military. As a result, debriefings are conducted within the chain of command, interviews are only conducted with members of the military (preventing a cross-examination of facts), and all findings of the operational debriefing are secret: by law, they may not be used in court.

As stated by the State of Israel, an operational debriefing "normally focuses on examining the performance of the forces and identifying aspects of an operation to preserve and to improve, but may also focus on specific problems that occurred. By undertaking this review, the IDF seeks to reduce further operational errors".

The fundamental problem with operational debriefings is that they are being used in lieu of effective criminal investigations. It is clear from the very definition of operational debriefings that they in no way meet the requirements of international law. They are simply, and by definition, not genuine investigations. However, it is emphasized that these inadequate operational debriefings, inevitably form the basis on which the MAG makes a decision regarding opening a military police investigation, closing the investigation, or issuing charges.

3. The Lack of Effective Civilian Supervision

By law, the actions of the Israeli MAG are subject to the supervision of the Israeli judicial system, and ultimately the Israeli Supreme Court, acting as the High Court of Justice.

However, while this supervision exists de jure, the High Court of Justice has established a 'margin of appreciation' doctrine which prevents effective civilian supervision of the military. In effect, the High Court of Justice has consistently held that decisions which are made on the basis of an analysis of facts or evidence fall within the exclusive sphere of competence of the MAG, and that in these instances the High Court will not intervene.

Necessarily, any decision to open or close a criminal investigation is made on the basis of an analysis of evidence and facts; in these instances the High Court of Justice will not intervene. Therefore, while civilian supervision exists de jure, de facto it is denied. The responsibility to open a criminal investigation is left in the hands of those implicated in the commission of the alleged crime.

Conclusion

These three factors – the role of the MAG, the mechanisms of investigation, and the lack of civilian supervision – combine to fundamentally prevent genuine investigations within the Israeli judicial system. This analysis is confirmed by PCHR's experience in relation to Operation Cast Lead. Of 490 criminal complaints, 469 simply have not been replied to. 19 responses have merely noted receipt of the complaint, without providing follow-up information. Only 2 complaints have received substantive replies; both of these relate to the theft of cash and credit cards. Allegations of war crimes have been completely ignored.







International justice:
Last hope for accountability



International justice: Last hope for accountability

Israel's genuine unwillingness to investigate and prosecute cases of alleged violations of international law, coupled with an inherently flawed judicial system, renders victims' right to justice an impossibility within the Israeli legal system. The simple truth of this conclusion is demonstrated in the stories presented above, and the absolute lack of judicial redress.

In order to ensure the victims of Operation Cast Lead's right to justice, remedy and reparation, there is no other option but to pursue accountability through mechanisms of international criminal justice, specifically via the International Criminal Court and the exercise of universal jurisdiction.

The Secretary-General and the UN General Assembly must request that the UN Security Council, acting under Chapter VII of the UN Charter, refer the situation in Israel and the

occupied Palestinian territory to the International Criminal Court, in accordance with article 13(b) of the Rome Statute.

It is equally imperative that individual States concurrently exercise their obligation to investigate and prosecute suspected war criminals – regardless of their nationality or the place of commission of the crime – in accordance with the principle of universal jurisdiction.¹

The Report of the UN Fact-Finding Mission on the Gaza Conflict (the

'Goldstone Report') concluded that "The prolonged situation of impunity has created a justice crisis in the Occupied Palestinian Territory that warrants action",² and that "the prosecution of persons responsible for serious violations of international humanitarian law would contribute to ending such violations, to the protection of civilians and to the restoration and maintenance of peace."³

The victims of Operation Cast Lead have a right to justice, a right to see those responsible for serious violations of international law held to account. Equally,

1 See further, Palestinian Centre for Human Rights, *The Principle and Practice of Universal Jurisdiction: PCHR's work in the occupied Palestinian territory* (2010). Available at: http://pchrgaza.org/files/Reports/English/pdf_spec/PCHR-UJ-BOOK.pdf.

2 Report of the UN Fact-Finding Mission on the Gaza Conflict, §1958.

3 Report of the UN Fact-Finding Mission on the Gaza Conflict, §1966.

the requirement that suspected perpetrators of international crimes be investigated and prosecuted is a legal obligation arising under customary international law.

Despite significant international attention, the State of Israel and suspected Israeli war criminals have not been held accountable for suspected violations of international law committed during Operation Cast Lead. This impunity has been a consistent feature of the occupation: Israel has been allowed to act as a State above the law.

PCHR firmly believes that this lack of accountability fuels continued violations of international law and undermines respect for the rule of law itself. It is Palestinian civilians – the so-called ‘protected persons’ – who pay the price of this impunity, as they continue to suffer at the hands of a brutal occupation.

The consequences of such impunity are written in the history of the occupation, and the disastrous human rights situation in occupied Palestine today.

This impunity must end.



