

The Association for Civil Rights in Israel, Gisha, The Public Committee Against Torture in Israel, HaMoked: Center for the Defence of the Individual, Yesh Din, Adalah, Physicians for Human Rights-Israel

**Submission of Human Rights Organizations based in Israel
to the Goldstone Inquiry Delegation**

June 2009

The undersigned human rights organizations in Israel commend the delegation on its appointment to the important task of investigating claims concerning violations of human rights and international humanitarian law by all parties to the conflict before, during and after the military operation referred to as Cast Lead.

Allegations and suspicions about grave human rights violations have been raised against all parties to this conflict. These allegations have as a rule been rejected by the parties involved. The declarations and denials, however, have not been viewed as fully credible, and indeed seem to have exacerbated the lack of faith in the claims and information provided by the parties. Truth, we believe, has become an infrequent caller in our parts.

Exposing the truth is therefore crucial not just for establishing responsibility for acts committed in the past, but also for dispelling the fog of distrust around the responsibility of the parties to the conflict. Lifting the fog can help clarify the picture of events that transpired in our region.

We believe that conducting a credible, impartial inquiry would provide a critical tool for protecting the values we seek to promote – respect for and protection of the human rights of every individual, and maximum protection for civilians and the civilian population from the harm of war.

We therefore believed and continue to believe that it is of paramount importance that the State of Israel conducts an independent and credible investigation of its own. To our dismay, this request was turned down, and a decision was made to conduct only operational debriefings and an investigation by the Judge Advocate General (JAG). Such an investigation, unfortunately, does not meet the basic criteria for a proper

inquiry – above all, the independence of the investigating body – and therefore cannot be regarded as credible.

Under these circumstances, your mission – the conduct of an independent and credible inquiry focused on exposing the truth about the said events – is of particular importance. Therefore the delegation must be privy to a broad range of information from all relevant sources. To that end, the undersigned have appealed to the Israeli government to cooperate with the inquiry, and we continue to hope that it will do so.

For this reason, it is crucial that the inquiry team investigate the suspicions of violations and crimes carried out by all parties to the conflict. This is a necessary condition for the credibility of its findings, conclusions and recommendations.

As organizations that work in Israel, we believe that in addition to examining allegations about alleged violations of the laws of war by both Israel and Hamas, it is also imperative to examine concerns about alleged violations derived from the policy of blocking the Gaza crossings, which continues to impede the reconstruction of the Gaza Strip.

Therefore, it is our belief that the inquiry team – in addition to its conclusions – must also formulate practical recommendations with regard to violations of the laws of war by the belligerent parties before and during the attack, and also with regard to the crossings and reconstruction of the Gaza Strip.

As local human rights organizations based in Israel, it is our task to rectify breaches and violations committed by the State of Israel. The information presented here should be read in this light and not as reflective of the full picture that the inquiry team must examine: the enclosed material does not address suspected violations of the laws of war by Hamas, but rather offers our own distinct perspective – human rights violations for which Israel must be held accountable.

In light of the burden of work on the inquiry team and the amount of material submitted to it, we focus here on several key points that we wish to bring to your attention.

A. Background – Prior to the Attack

In August 2005, following 38 years of physical presence in the Gaza Strip, Israel withdrew its ground forces and dismantled the settlements it had established there.

Even after this “disengagement”, however, Israel continues to rule the lives of Gaza residents in many ways, including control over the land crossings,¹ airspace, and territorial waters of the Gaza Strip. Israel also maintains the Gaza population registry and in other ways directly and indirectly affects the lives of the 1.5 million inhabitants of the Gaza Strip.

Because the Palestinian civilian systems in Gaza had been dependent on the State of Israel since 1967, following the “disengagement”, Gaza residents were left without an adequate civilian infrastructure of their own, including a medical system and electric power plants capable of supplying the needs of the entire population.

At the same time, Israel, which continued to control the crossings into Gaza, imposed strict limitations on the movement of people and goods into and out of the Gaza Strip. After the installation of Hamas government on 25 March 2006 in the wake of the Palestinian elections, the Israeli government instituted a policy it called “humanitarian aid”, which imposed harsh restrictions on the movement of goods into and out of the Gaza Strip. This policy became more severe after Hamas captured the Israeli soldier Gilad Shalit in June 2006. Ever since, Shalit has been held by Hamas, with no visits by the International Red Cross and no information about his medical situation or general welfare. A year later, in June 2007 upon the Hamas takeover of the Gaza Strip, Israel tightened these restrictions and imposed an almost total closure, preventing the passage of people and goods into and out of Gaza.

In September 2007, Israel declared the Gaza Strip to be “hostile territory”. One month later, it imposed stringent restrictions, which still continue, on the entry into Gaza of diesel and cooking gas, including industrial diesel used for the production of electricity in Gaza’s power plant. The limited inflow of industrial diesel led to interruptions in the daily supply of electricity for 3-5 hours on average – sometimes

¹ Including indirect but effective control over the Rafah crossing between the Gaza Strip and Egypt. See the joint report of Gisha and Physicians for Human Rights – Israel, *Rafah Crossing: Who Holds the Keys?*, March 2009.

for 12 hours a day – in various parts of Gaza during the year preceding the military operation. The shortage of industrial diesel prevented efforts to create a diesel reserve for the Gaza power plant for use in emergencies. The irregular supply of electricity, like the shortage of diesel for alternative generators, also disrupted the operation of water and sewage pumps throughout the Gaza Strip. In addition, Israeli restrictions on the entry of construction materials, spare parts and equipment became more stringent during the two months prior to the military attack and made it impossible for the Gaza utility companies to carry out necessary repairs, maintenance and upgrading.

Even prior to the military operation, Gaza's health system was buckling under the sealed border regime and struggling to cope in difficult circumstances: the lack of medical knowledge, expertise and experience to deal with complex illness or injury, inadequate medical equipment and staff knowledgeable about its operation, insufficient medical supplies and medicines, and extended electricity blackouts.

Thus, the ongoing closure policy found the infrastructure of electricity, water and sewage in the Gaza Strip, as well as its medical system, in a state of serious disrepair even before the military operation.

Throughout this period, Hamas was sporadically firing rockets indiscriminately into the towns of southern Israel.

B. The Israeli Operational Strategy

Public statements before and during the assault, as well as how the assault was carried out, raise suspicions that this attack was launched after adoption of a deliberate new strategy for the “disproportionate use of firepower”. General Gadi Eisenkot, interviewed by *Yediot Aharonot* on 3 October 2008, presented what he called the “Dahiyah Doctrine”:²

We will apply disproportionate force on it (village) and cause great damage and destruction there. From our standpoint, these are not civilian villages, they are military bases,"

This is not a recommendation. This is a plan. And it has been approved

An article by Col. (res.) Gabriel Siboni for the Institute for National Security Studies (INSS) in Tel Aviv University augments these declarations. Siboni states that an updated security concept is evolving regarding Israel's response to threats of rockets and missiles from Syria, Lebanon and the Gaza Strip, namely:

A disproportionate strike against the enemy's weak points, and the operations to disable the enemy's missile-launching capacity as a secondary war effort. Immediately upon the outbreak of hostilities, the IDF will need to act immediately, decisively, and with force that is disproportionate to the enemy's actions and the threat it poses. Such a response aims at inflicting damage and meting out punishment to an extent that will demand long and expensive reconstruction processes. The strike must be carried out as quickly as possible, and must prioritize damaging assets over seeking out each and every launcher...Such a response will create a lasting memory among Syrian and Lebanese decision makers, thereby increasing Israeli deterrence...³

To the extent that this campaign was planned as a punitive operation which main purpose was not the achievement of actual military objectives, but the inflicting of deliberate damage as a deterrent and punitive measure, there is a grave suspicion regarding the legality of the entire military operation.

² Alex Fishman and Ariela Ringel-Hoffman, “Israel warns Hizbullah war would invite destruction”, Ynet, 2 October 2008. see: <http://www.ynet.co.il/english/articles/0,7340,L-3604893,00.html>; Amos Harel, “The IDF plan: Destruction of areas and ‘disproportionate force’ in response to rockets”, *Ha'aretz*, 5 October 2008.

³ Gabriel Siboni, “Israel's Concept of Response in Light of the Second Lebanon War: Disproportionate Force,” Institute for National Security Studies (INSS), Insight No. 74, 1 October 2008. See <http://www.inss.org.il/publications.php?cat=21&incat=&read=2222>.

C. During the Fighting

C.1. Lack of protection for civilians and attacks on protected areas

A significant part of Israel's assault on the Gaza Strip included air strikes into the heart of or near civilian populations. Strikes were directed toward mosques, schools and residential buildings on the grounds that they were being used for munitions storage or that shooting originated from or near them. Striking at targets in the heart of or near densely populated areas jeopardizes the lives of civilians. These protected sites cannot be attacked on the basis of a general suspicion, but only on well founded information, and even then, the risk to civilian lives must be taken into account during both the planning and execution of the action.

From time to time, using various methods (scattering leaflets, recorded telephone messages, and sometimes even by "roof knocking" bombs to warn of an upcoming strike), the army announced to the civilian population that it must evacuate residential areas; an escape route, however, was not provided nor were protected areas defined in advance, forcing many to remain in the combat zones without protection.

As a result of the military operation, around 1,500 Palestinians were killed and more than 5,000 were injured, while most of the dead and wounded were civilians.

A large number of Palestinians who survived with amputated limbs or left maimed were among those injured in the Gaza assault (12-15% of all injuries), most because of the use of antipersonnel munitions: disk bombs, white phosphorus, and some not yet identified.

The conducting of strikes into or very near densely populated civilian areas, the accumulating data about the large number of civilians killed and injured, and the severity of the injuries all raise serious concerns about grave violations of international humanitarian law by Israel.

C.2. Shelling of civilian structures and institutions

The Hamas movement, which has ruled Gaza since June 2007, functions as an alternative government to the Palestinian Authority, and employs individuals in various civil service positions in governmental institutions. Israel deliberately and

knowingly shelled civilian institutions in Gaza including the Police Headquarters, Parliament, and the Ministries of Education, Interior Affairs, and Transportation. Sixty-eight government buildings were entirely destroyed or partially damaged during the military strikes.⁴ These buildings, even if they serve the Hamas government and constitute symbols of authority, are civilian structures that must not be targeted for military attack.⁵ The harm to these structures was deliberate and systematic. On 1 January 2009, the IDF Spokesperson announced, “The Air Force attacked tonight (Thursday) the buildings housing the Legislative Assembly and the Ministry of Justice situated in the city of Gaza. Attack on strategic government targets that constitute part of the Hamas regime is in direct response to the ongoing shooting of the Hamas terror organization on the towns of southern Israel.” Furthermore, Maj. Avital Leibovich, IDF Spokesperson for the international media, was quoted in the foreign press as saying, “Anything affiliated with Hamas is a legitimate target”.⁶

These statements support the above claim that Israel deviated from the principle that allows harm only to military objectives, and carried out strikes against civilian sites in an effort to achieve political ends. Clearly this position is illegal, contravening the provisions of international law. Not just that these structures are civilian unless illegal use is made of them that would revoke their protected status, but civilians are working in these civilian government institutions, as noted.

Also under attack were dozens of UN installations, schools and universities, factories, workshops and commercial firms. In addition, over 4,000 residential structures were entirely destroyed and some 17,000 were partially destroyed by the military strikes in the Gaza Strip, leaving tens of thousands homeless.

C.3. Severe damage to the health and rescue services

⁴ Field Update on Gaza from the Humanitarian Coordinator, 3-5 February 2009, http://www.ochaopt.org/documents/ocha_opt_gaza_humanitarian_situation_report_2009_02_05_english.pdf.

⁵ See the letter from B'Tselem to Attorney General Menachem Mazuz dated 31 December 2008 concerning the harm to civilian targets in the Gaza Strip, available on http://www.btselem.org/Download/20081231_Gaza_Letter_to_Mazuz_eng.pdf. Also see Adalah, “Position Paper: Israeli Military Attacks on the Civilian Police Force and Government Buildings and Institutions of Hamas in Gaza,” Newsletter, Vol. 57, February 2009, available on http://www.adalah.org/newsletter/eng/feb09/Fatmeh%27s_Position_Paper_English_FINAL.doc.

⁶ Griff Witte, *The Washington Post*, 2 January 2009, available on http://www.washingtonpost.com/wp-dyn/content/article/2009/01/01/AR2009010101141_2.html?sid=ST2009010102257.

The military strikes overwhelmed the health system in Gaza, which had already severely deteriorated during the year and a half that the crossings were blocked and the intermittent closures that had preceded it. Following the bomb strikes in Gaza and the thousands of wounded Palestinians who streamed into the hospitals, the health system had to cope with large numbers of seriously wounded patients, some requiring complex and skilled treatment that could not be performed under existing conditions. And for one entire week during the fighting, none of the Gaza hospitals had a steady supply of central electricity, but depended on the generators that had been intended for backup use only.

During the fighting itself, there are grave suspicions that the Israeli forces did not afford special protection to the teams evacuating victims of the hostilities. Sixteen Palestinian medical personnel were killed and 25 wounded while engaged in the evacuation of casualties. In addition, thirty-four medical facilities, including eight hospitals, 26 first-aid clinics and 29 ambulances, were damaged.

Palestinian rescue efforts were beset by lengthy delays as evacuations were held up for hours and sometimes days. Due to multiple causes – Israeli gunfire on ambulances and medical teams, obstruction of the passage of ambulances, and the need for complicated and hours-long coordination with the Israeli authorities – Palestinians who were wounded or trapped in their homes had long waits until rescue squads could reach them. Nighttime evacuations were not an option because of the fear of shooting from Israeli soldiers. The Israeli army knowingly and deliberately refrained from extending direct assistance to the Palestinian wounded.

C.4. Prisoners

From testimony provided to human rights organizations, a shocking picture emerges of harsh, inhuman and degrading conditions in which Palestinian prisoners from the Gaza Strip were held during the initial days of their incarceration. There is also testimony about acts of violence by soldiers and interrogators against the detainees.

Many prisoners, for example, were held in pits in the ground, 1-3 meters deep, apparently dug by the army. Minors and adults were held in these pits for hours and days (in some cases two whole days, in other cases even longer), exposed to bitter cold and harsh weather conditions, handcuffed and sometimes blindfolded. These pits

lacked basic sanitary and toilet facilities, while food and blankets, when provided, were insufficient, and the detainees went hungry. Even more seriously, some pits were situated near tanks or in combat zones, in gross violation of international humanitarian law that prohibits the holding of prisoners and captives in areas exposed to danger. From information in our possession, each pit seems to have held 70 people on average, thus dozens and perhaps hundreds of Palestinians were subjected to these shameful conditions. Even after their removal from the pits and relocation into Israel, improper treatment of them continued. The army completely ignored its legal obligation to inform the families of the detainees, holding them in a special military installation prepared for this purpose without informing any outside party of their whereabouts. This increased the distress, already acute, of the Palestinian families in Gaza who feared for the fate of their loved ones. Even appeals to the army by human rights organizations to ascertain the fate of dozens of Palestinians held by the Israeli security forces remained unanswered, as the army refused to reveal their place of detention. Only a petition for a writ of *habeas corpus* submitted to the High Court of Justice forced the army to reveal what happened to the detainees, which they did gradually over a lengthy period. In some cases, the detainees were – and sometimes still are – being held as illegal combatants as defined by Israeli law, with all that this implies regarding violation of their basic rights as prisoners.

C.5. Collapse of the electricity, water and sewage systems

During the course of the military operation, Israeli army shelling caused severe damage to the electric, water and sewage infrastructure of the Gaza Strip which had already severely deteriorated prior to the assault. As noted in section A of this document, the unprecedented collapse of Gaza's electric, water and sewage infrastructure during the military operation was predictable and could have been prevented.

During the assault, the army received via the Red Cross a list of the locations of all the water installations and sewage facilities in the Gaza Strip; despite this, water wells, water and sewage lines, and sewage facilities were shelled. On 3 January 2009, seven of the twelve power lines that bring electricity from Israel and Egypt to the Gaza Strip were shelled, completely shutting them down. In parallel, the Gaza power plant could not operate for twelve of the 21 days of the military operation because of

the severe shortage of industrial diesel. As a result, during some of the period of fighting, the Gaza Strip received only 25% of the electricity required by the population. Damage from the shelling and inadequate electricity to run the water and sewage pumps caused sewage flooding in populated areas and the cutting off of running water from over 800,000 Gaza inhabitants. The shortage of electricity and cooking gas also disrupted the work of most Gaza bakeries, halting the bread supply to many residents.

On 13 January 2009, the spare parts warehouse of the Gaza Electricity Distribution Company was shelled, crippling the company's ability to repair damage to its electricity lines, which had already deteriorated due to the shortage of spare parts that existed even before the military operation. In addition, the high risk to water and electric company technicians prevented them from carrying out repairs in the field on the damage caused during the fighting; only as the fighting subsided was coordination with the Israeli army possible, albeit partial and insufficient.

D. The Israeli Investigation

We believe that the State of Israel must conduct an independent and credible investigation when suspicions arise that its forces violated the laws of war. This is a legal obligation and of paramount importance to Israel as well.

Upon conclusion of the fighting in Gaza and in light of the serious allegations concerning breach of the laws of war, we called upon the Attorney General of Israel as head of the law enforcement authority of the state, to launch an independent investigation into suspected violations of the laws of war by Israel during the combat.

We believed that this appeal was necessary due to Israel's history of abstention from conducting independent and credible investigations in cases of suspected violations of the laws of war. Failure to conduct such investigations is particularly striking when allegations relate to directives issued by senior echelons of the army and government. In our request, we explained the importance of an investigation into the legality of the orders and directives issued to troops in the field, both during their training and in briefings prior to and during the course of an action. In light of the involvement of JAG personnel in decision making before and during the Gaza operation, we made clear that a special investigatory body should be convened that would be composed of neutral parties whose expertise and independence are unassailable.

In a response issued in the name of the Attorney General, we were informed that the State of Israel does not intend to create an independent body to investigate these events, but that an inquiry would be carried out through operational debriefings that would be submitted to the JAG. We were also informed that despite the involvement of the JAG and the JAG Corps in advising military personnel during the course of the combat, they would be responsible for examining the allegations and complaints about violations of the law during combat.

The Attorney General's decision not to establish an independent investigatory body and his continued policy of conducting only operational debriefings are inconsistent with the obligation to investigate that is incumbent upon Israel and with Israel's declarations of adherence to international law. Our subsequent appeal to the Attorney General on 19 March 2009 with a request that he review this decision has still not received a reply.

To our dismay, Israel has not yet conducted an independent investigation. The only inquiries made were operational debriefings carried out by the military personnel who are concerned parties. These debriefings do not discharge the obligation of conducting an independent and credible investigation, and they cannot serve the urgent need for exposing the truth.

Beyond Israel's failure to conduct an independent investigation of the totality of events, there is also a systemic-intrinsic flaw in the investigation of concrete events. The declared policy of the IDF is that a Military Police investigation will be opened only in cases where a well founded suspicion exists of deliberate killing or wounding of civilians. Beyond the fact that this policy narrows the scope of cases defined as war crimes, in contravention of what is commonly accepted in international law, even the actual implementation – setting the highest possible evidentiary bar – has led to investigations being opened only for a tiny number of cases. The failure to investigate instances in which civilians were wounded or killed has led to a sense of impunity and immunity from sanctions among soldiers and commanders.

How the investigations are conducted also appears to be intrinsically flawed. Following publication in the media of the testimony of soldiers who were graduates of the Yitzhak Rabin Pre-military Preparatory Course regarding the killing of Palestinian civilians and the lax open-fire regulations, JAG ordered a Military Police investigation of the events. Even before the investigation was launched, the Chief of Staff declared “I do not believe that IDF soldiers harmed Palestinian civilians in cold blood”, adding, “my impression is that the IDF acted morally and ethically, and if there were incidents like these, they were isolated”.⁷ At the conclusion of a hasty inquiry, the IDF announced that the testimonies were baseless.⁸

⁷ “Chief of Staff Gabi Ashkenazi: I don't believe IDF harmed Gaza civilians in cold blood”, *Ha'aretz*, 22 March 2009. Available on <http://www.haaretz.com/hasen/spages/1073208.html> .

⁸ IDF Press Release, “JAG closed the investigation on testimonies from Gaza”, 30 March 2009, available on http://dover.idf.il/IDF/News_Channels/today/09/03/3002.htm (Hebrew); also Anshel Pfeffer and Amos Harel, “IDF ends Gaza probe, says misconduct claims are ‘rumors’”, available on <http://haaretz.com/hasen/spages/1074981.html> .

E. Policies of Blocking the Crossings and the Reconstruction of Gaza

Following the military attack, Israel continues to control the crossings into the Gaza Strip and to maintain the closure policy, which almost entirely obstructs the freedom of movement of people and goods into and out of Gaza.

The restrictions imposed by Israel on the passage of goods also apply to construction materials, raw materials, and spare parts that are necessary for the reconstruction of the Gaza Strip after the military operation. As a result, the local population cannot repair or rebuild homes that were destroyed or damaged, and tens of thousands of occupants of buildings damaged during the military operation remain without a roof over their heads – some live in tents, with relatives, or in shelters or other temporary housing. As long as Israel prohibits the entry of cement and concrete into Gaza, the billions of dollars raised by the international community for rebuilding and reconstructing the Gaza Strip cannot be put to use.

Furthermore, repairs cannot be performed on a large part of the electricity, water and sewage systems so long as Israel continues to restrict the entry of fuel. Thus, the daily electricity blackouts continue for the civilian population in Gaza.

In our view, this policy violates Israel's obligations toward the population of the Gaza Strip under international humanitarian and human rights law.

According to international law, states have an obligation of restitution and compensation for acts of civil wrong perpetrated by them and their responsibility. In our view, the restrictions imposed on the Gaza Strip constitute collective punishment and are themselves a violation of international law. When such an offense is ongoing, this liability persists until cessation of the violation.

Depending upon the findings of the inquiry concerning the responsibility of the parties for violations of international law, the obligation of restitution and compensation will arise. In any case, Israel is obligated to allow the reconstruction of the Gaza Strip.

F. In Closing

International law obligates each party to the conflict to distinguish between civilians and combatants, to take the necessary measures to protect the civilian population, and to prohibit collective punishment. We are concerned about the accumulating evidence that indicates a violation of these fundamental principles of international law by both sides.

Ever since the election of the Hamas government, Israel has regarded the Gaza Strip as “hostile territory” in which all its residents, 1.5 million Palestinian men, women and children, are responsible for the actions of the Hamas regime and constitute a legitimate target for collective punishment as a means of bringing about the end of Hamas's rule. This perception underlies Israel’s blockade of the crossings and its imposition of severe restrictions on the entry of fuel and commodities before, during and after the military operation, and the disproportionate harm to civilians and property during the operation itself. As a result of the military attacks, the population of the Gaza Strip, constituting one million and half persons, was put in severe risk with no possibility of escape. Indeed many civilians were killed and injured during the military operation.

The launching of rockets into Israel’s southern towns caused the killing and wounding of civilians while also endangering and disrupting the lives of hundreds of thousands of civilians, as well as caused damage to property.

We are aware of the complexity of the issues that require your examination, some of which were presented in this document, which add to the difficulties that have beset the entire inquiry. We are hopeful that the information we provide here will assist the inquiry team, and we wish you success in this important task of helping to expose the truth and contribute to the protection of people in this region who are in harm’s way during time of war.

At this opportunity we would also like to express our gratitude to the inquiry team for assuming this important mission. We would be happy to provide you with any information at our disposal.

THE UNDERSIGNED:

Adalah: The Legal Center for Arab Minority Rights in Israel: Adalah (“Justice” in Arabic) is an independent human rights organization. Established in November 1996, Adalah works to promote, protect and defend the rights of Palestinian citizens of Israel and Palestinians living in the Occupied Palestinian Territory (OPT). Adalah brings impact litigation cases before Israeli courts; provides legal consultation to individuals, NGOs, and institutions; appeals to international forums; organizes conferences and study days and publishes reports; and trains new lawyers in the field of human rights. <http://www.adalah.org>

Association for Civil Rights in Israel (ACRI) – ACRI deals with the entire spectrum of human rights and civil liberties issues in Israel and the Occupied Territories. ACRI's mandate is to ensure Israel's accountability and respect for human rights, by addressing violations committed by the Israeli authorities in Israel, the Occupied Territories, or elsewhere. Our long-term vision is to promote in Israel a just and democratic society that respects the equal rights of all its members. <http://www.acri.org.il/eng/>

Gisha –Legal Center for Freedom of Movement - is a human rights organization that seeks to protect the freedom of movement of Palestinians in the West Bank and Gaza Strip, to promote the freedom of movement of goods into and from the Occupied Palestinian Territories. To this end, Gisha operates through advocacy and litigation, and bases its work on Israeli law, human rights law, and international humanitarian law. <http://www.gisha.org>.

HaMoked: Center for the Defence of the Individual – a human rights organization providing legal intervention to Palestinians whose rights have been violated by the Israeli occupation. HaMoked focuses on the needs of the individual, advocating for

their rights while endeavoring to enforce the values and standards of international humanitarian law and international human rights law. www.hamoked.org

Physicians for Human Rights – Israel –works to promote human rights and the right to health among populations under the rule of the State of Israel: Israeli residents, Bedouin in the unrecognized villages of the Negev, prisoners and detainees, undocumented persons, and Palestinians in the Occupied Territories. <http://www.phr.org.il>

Public Committee Against Torture in Israel – PCATI advocates for all persons – Israelis, Palestinians, labor immigrants and other foreigners in Israel and the Occupied Palestinian Territories – to protect them from torture and ill treatment by the Israeli interrogation and law enforcement authorities. These include the Israel Police, the General Security Service, the Israel Prison Service and the Israel Defense Forces. PCATI acts in accordance with moral and democratic values, and the standards set in Israeli and international law. <http://stoptorture.org.il/en>

Yesh Din: Volunteer Organization for Human Rights is composed of volunteers who have organized to oppose the continuing violations of Palestinian human rights in the Occupied Territories. Our mission is to create long-term structural improvement in the human rights situation in the Territories. We work for immediate and meaningful change in the Israeli authorities' practices by documenting and disseminating accurate and up-to-date information about the systematic violation of human rights there, by applying public and legal pressures on government authorities to end these violations, and by raising public awareness about the human rights violations in the Territories. <http://www.yeshdin.org.il/yesh-din.html>

Appendix – List of Publications and Relevant Information

1. Physicians for Human Rights – Israel (PHR-IL)

Contact person: Ran Yaron, ranyaron@phr.org.il

- Report of Independent Fact-Finding mission into medically-related violations in the Gaza Strip during 27.12.08-18.01.09:
<http://www.phr.org.il/phr/article.asp?articleid=708&catid=54&pcat=-1&lang=ENG>
- Evacuation Inside the Gaza Strip – Injured and Trapped Civilians - The case of El-AYdi Family:
<http://www.phr.org.il/phr/article.asp?articleid=680&catid=55&pcat=45&lang=ENG>

Ill Morals, Grave Violations of the Right to Health during the Israeli Assault on Gaza, Tel Aviv- Jaffa, March 2009.

<http://www.phr.org.il/phr/article.asp?articleid=702&catid=55&pcat=45&lang=ENG> (pp. 35-36)

- List of Relevant Contacts in Gaza:



contacts for Ran.xls

2. The Association for Civil Rights in Israel (ACRI)

Contact person: Limor Yehuda, limor@acri.org.il

- **General**
Background: Human Rights Violations in Israel and Gaza, January 15, 2009:
<http://www.acri.org.il/pdf/gaza140109.pdf>
- **Internal Investigations**
Acri's letter from 20.1.2009 to the attorney general of Israel, Mr Menachem Mazuz, behalf of 9 HR organizations, calling for independent investigation in Israel.
<http://www.acri.org.il/pdf/Gaza200109.pdf>

Attorney Raz Nizri's respond from 24.2.2009 behalf of the attorney general of Israel in which the request for independent investigation was rejected.

<http://www.acri.org.il/pdf/Gaza240209.pdf>

Acri's second letter from 19.3.2009 to the attorney general of Israel, Mr Menachem Mazuz, behalf of 11 HR organizations, repeating the call for independent investigation in Israel.

<http://www.acri.org.il/pdf/gaza190309.pdf>

No official respond has been given to this appeal.

- **Detainees**

ACRI and PCATI's letter from 8.1.2009 to the Attorney General of Israel and to the Military Advocate General

Regarding Holding Conditions of Detainees from the Gaza Strip – Degrading and Inhuman Treatment

<http://www.acri.org.il/Story.aspx?id=2023> (Hebrew only)

The Military Advocate General's respond from 19.1.2009

<http://www.acri.org.il/pdf/pazar190109.pdf> (Hebrew only)

Press Release behalf of the HR organizations regarding Holding Conditions of Detainees from the Gaza Strip – Degrading and Inhuman Treatment

<http://www.acri.org.il/eng/Story.aspx?id=604>

- Evacuation of the Dead

ACRI's letter to COGAT regarding a demand to enable evacuation of dead bodies from the area of Juhar El-Dik in the Gaza Strip.

<http://www.acri.org.il/Story.aspx?id=2026> (Hebrew only)

3. **Gisha: Legal Center for the Freedom of Movement**

Contact person: Itamar Shachar, itamar@gisha.org

- Petition to stop electricity and fuel cuts to the Gaza Strip, 28/11/2007. The petition, related affidavits, excerpts from the state's answers, and excerpts from the court decision are all available at:
<http://www.gisha.org/index.php?intLanguage=2&intSiteSN=110&intItemId=742>
- Urgent appeal to the Israeli Defense Minister by 10 human rights groups, demanding to restore fuel supplies necessary to the operation of Gaza's electricity, water, sewage, health and humanitarian systems, 01/01/2009. An expert form the Hebrew appeal is available in an English press release at:
<http://www.gisha.org/UserFiles/File/Press%20Materials/HR%20groups%20-%20resumption%20of%20gaza%20fuel%20supplies%201-1-09%20-%20online%20version.pdf>
- Nine human rights groups' petition to the Israeli Supreme Court, demanding that Israel's Defense Minister ensure full supply and delivery of all forms of fuel, especially for the water system and power plant, and ensure repair of the electricity system, including by allowing spare parts into Gaza, 07/01/2009. The petition is available in Hebrew only, at:

http://www.gisha.org/UserFiles/File/Legal%20Documents%20/Gaza%20Infrastructure%202009/fuel%20petition-final-7_1_09.pdf; basic details from the petition are available in an affiliated press release:

<http://www.gisha.org/index.php?intLanguage=2&intItemId=1448&intSiteSN=113&OldMenu=113>

- Affidavit of Monther Shoblak, director of the Coastal Municipalities Water Utility (CMWU), 06/01/2009, submitted in addition to the Jan. 7th petition (attached)



mondar affidavit
english 8.1.09 no det

- Affidavit of Monther Shoblak, director of the Coastal Municipalities Water Utility (CMWU), 08/01/2009, submitted in addition to the Jan. 7th petition (attached)



mondar affidavit
english 6.1.09 no det

- Affidavit of Maher Najjar, deputy director of the Coastal Municipalities Water Utility (CMWU), 14/01/2009, submitted in addition to the Jan. 7th petition (attached)



maher najjar
affidavit - 14-1-09-fir

- Table and graph of the industrial diesel supply to Gaza's power station, 02/11/2008-22/01/2009 (attached)



Industrial diesel
supply.xls

- Power Point presentation: "The Collapse of Gaza's Electricity System – Well-Planned and Foretold in Advance". Available at:
<http://www.gisha.org/index.php?intLanguage=2&intSiteSN=119>

(30-page report on Gaza's infrastructure before, during and after the war (Forthcoming in the beginning of June 2009))

4. Public Committee Against Torture in Israel (PCATI)

Contact person: Majd Bader, majd@stoptorture.org.il

- **Detainees**

PCATI and OMCT (World Organization Against Torture)'s Briefing to the UN CAT, April 2009

http://www.stoptorture.org.il/files/PCATI-OMCT_Israel_Alternative%20report%20to%20CAT_9%20April%202009.pdf

PCATI, ACRI and HAMOKED's letter from 28.1.2009 to the Attorney General of Israel and to the Military Advocate General

Regarding Holding Conditions of Detainees from the Gaza Strip – Degrading and Inhuman Treatment



eng-final.do-110985

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5. **Adalah - The Legal Center For Arab Minority Rights in Israel**

Contact person: [Fatmeh El-`Ajou, fatmeh@adalah.org](mailto:fatmeh@adalah.org)

Targeting civilian population centers / civilian infrastructure

An urgent letter submitted by Adalah on 4 January 2009 to Israel's Defense Minister Ehud Barak, Prime Minister Ehud Olmert and Attorney General Menachem Mazuz, demanding an immediate halt to all military activity directed at civilian population centers and/or liable to result in the killing of civilians, in accordance with international humanitarian law.

[http://www.adalah.org/features/gaza/Letter%20Killing%20Civilians%20in%20Gaza\[1\].doc](http://www.adalah.org/features/gaza/Letter%20Killing%20Civilians%20in%20Gaza[1].doc)

An urgent letter sent by Adalah in its own name and on behalf of six other human rights organizations on 4 January 2009 to Israel's Defense Minister, Prime Minister and AG, demanding that Israel stop targeting civilian infrastructure, including government and public buildings, as well as Hamas members who are not taking a direct part in the fighting.

[http://www.adalah.org/features/gaza/Stop%20bombing%20govt%20buildings%20in%20gaza%204%201%202009\[1\].doc](http://www.adalah.org/features/gaza/Stop%20bombing%20govt%20buildings%20in%20gaza%204%201%202009[1].doc)

[Adalah's position paper on the question of whether Israeli military attacks on the civilian police force and government buildings and institutions of Hamas in Gaza constitute war crimes under international criminal law published on February 2009](http://www.adalah.org/newsletter/eng/feb09/Fatmeh%27s_Position_Paper_English_FINAL.doc)
http://www.adalah.org/newsletter/eng/feb09/Fatmeh%27s_Position_Paper_English_FINAL.doc

Prisoners

Adalah's letter to the AG and the Israel Prison Service on 31 December 2008 asking that prisoners from Gaza incarcerated in Israel be allowed to use telephones to check on their family members

http://www.adalah.org/eng/pressreleases/pr.php?file=08_12_31

UN schools

A press release re an urgent letter sent by Adalah in its own name and on behalf of the Al Mezan Center for Human Rights in Gaza, and Al Haq (West Bank) on 12 January 2009 to Israel's AG and Military Advocate General, Brig. Gen. Avihai Mandelblit, demanding an independent, impartial criminal investigation into the events leading to the killing of dozens of Palestinian civilians during the shelling of two UN-run schools in Gaza. The letter demands the criminal indictment of those found responsible.

http://www.adalah.org/eng/pressreleases/pr.php?file=09_01_13

Striking medical personnel and ambulances / assistance to the dead and wounded

A briefing paper on a petition filed by Adalah in its own name and on behalf of seven other human rights organizations to the Israeli Supreme Court on 7 January 2009, demanding that the Israeli army be prohibited from striking medical personnel and ambulances while carrying out their operations in Gaza, and that they be allowed to provide assistance to the dead and wounded.

http://www.adalah.org/eng/pressreleases/pr.php?file=09_01_19_1

A press release on Adalah's urgent petition on behalf of Eight Human Rights Organizations against the Targeting of Medical Personnel and vehicles in Gaza and Preventing Them from Assisting and Evacuating the Dead and Wounded people, submitted on 7 January 2009.

http://www.adalah.org/eng/pressreleases/pr.php?file=09_01_07

A news update of 8 January 2009 on developments in the petition demanding that Israeli army be prevented from attacking medical teams and preventing evacuation of wounded in Gaza

http://www.adalah.org/eng/pressreleases/pr.php?file=09_01_08

A news update on the course of the hearing on the petition demanding that Israeli army be prevented from attacking medical teams and preventing evacuation of wounded in Gaza

http://www.adalah.org/eng/pressreleases/pr.php?file=09_01_15

A press release of 19 January 2009 on Israel's Supreme Court decision rejecting the petition of Human Rights Organizations demanding that Israeli Army Be Prevented from attacking medical teams and preventing evacuation of wounded in Gaza.

http://www.adalah.org/eng/pressreleases/pr.php?file=09_01_19_1

Leaflets to terrorize the population

A press release re Adalah's letter to Attorney General Menachem Mazuz sent on 15 January 2009, demanding that he prevent the Israeli army from "spraying" the Gaza Strip with leaflets bearing photographs of buildings that have been bombed and destroyed by Israel and demanding that the people provide it with information on the locations of rocket-launching sites and "terrorist gangs".

http://www.adalah.org/eng/pressreleases/pr.php?file=09_01_18

Seizure of Lebanese ship with aid

A press release on Adalah's letter sent on the 24 January 2009 to Attorney General re the Seizure of the Lebanese ship with humanitarian aid bound for Gaza by Israeli Army

<http://www.adalah.org/newsletter/eng/feb09/6.php>

Human shields

A press release on Adalah's letter sent, in cooperation with Al-Mezan in Gaza, on 8 April 2009 to the Israeli Defense Minister, Ehud Barak and the Attorney General, Menachem Mazuz, demanding that the AG immediately open a criminal investigation followed by a prompt prosecution of military leaders who authorized soldiers to use Palestinian civilians as human shields during the recent offensive on Gaza.

<http://www.adalah.org/newsletter/eng/apr09/6.php>

Criminal responsibility

Article on the criminal responsibility of the Israeli army for violating the laws of armed conflict during the military Operation Cast Lead published in April 2009

http://www.adalah.org/newsletter/eng/apr09/Fatmeh_English%20final%202.doc

6. HaMoked: Center for the Defence of the Individual

Contact person: Abeer Jubran information@hamoked.org.il

• Detainees

HaMoked petition concerning the tracing of detainees from Gaza

http://www.hamoked.org.il/news_main_en.asp?id=634

HaMoked petition for *habeas corpus* on behalf of 15 Palestinians detained in Gaza

http://www.hamoked.org.il/news_main_en.asp?id=654

Testimony of a detainee that was held in a ditch in Gaza prior to his transfer to Israel

http://www.hamoked.org.il/news_main_en.asp?id=652

• Illegal Use of Weapons

HaMoked letter to Prime Minister, Minister of the Defence and Attorney General to halt the use of phosphorus shells

http://www.hamoked.org.il/news_main_en.asp?id=636