OPERATION PROTECTIVE EDGE

A WAR WAGED ON GAZA'S CHILDREN

Defense for Children International PALESTINE

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Cover photo: A Palestinian girl sits in front of a wall riddled with shrapnel, in Beit Hanoun, North Gaza on November 17, 2014, which came under heavy attacks during *Operation Protective Edge*.

Photo credit: Anne Paq, Activestills.org

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Mona Patel, reporting officer, Olivia Watson, advocacy officer, and Brad Parker, international advocacy officer, researched and wrote the report based on investigations conducted by DCIP's monitoring and documentation unit and Gaza-based field team. It was reviewed and edited by Ayed Abu Eqtaish, accountability program director, and Ivan Karakashian, advocacy unit coordinator.

Defense for Children International Palestine is an independent, local Palestinian child rights organization based in Ramallah dedicated to defending and promoting the rights of children living in the West Bank, including East Jerusalem, and the Gaza Strip. For over 20 years, we have investigated, documented and exposed grave human rights violations against children; held Israeli and Palestinian authorities accountable to universal human rights principles; and advocated at the international and national levels to advance access to justice and protection for children. We also provide direct legal aid to children in distress.

For more information, please visit our website:
www.dci-palestine.org.

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Defense for Children International Palestine

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1. Executive Summary

For children living in the Gaza Strip, 2014 was a year that brought violence, fear, and loss. The Israeli military offensive that lasted 50 days between July 8 and August 26, dubbed *Operation Protective Edge*, killed 547 Palestinian children, 535 of them as a direct result of Israeli attacks.[1] Another 3,374 children suffered injuries in attacks, including over 1,000 children whose wounds rendered them permanently disabled.[2]

In total, *Operation Protective Edge* claimed the lives of 2,220 Palestinians, including at least 1,492 civilians.[3] Five Israeli civilians, including one child, and 67 Israeli soldiers also lost their lives.[4]

Investigations undertaken by Defense for Children International Palestine (DCIP) into Palestinian child fatalities during *Operation Protective Edge* found overwhelming and repeated evidence of international humanitarian law violations committed by Israeli forces. These included direct attacks on children, and indiscriminate and disproportionate attacks on civilian homes, schools, and residential neighborhoods.

Evidence and testimonies collected by DCIP's Gaza-based monitoring and documentation team showed that places that should have provided children with shelter and safety were not immune from attacks by Israeli forces. Missiles fired from Israeli drones and warplanes, artillery shelling, and shrapnel scattered by explosions killed children in their homes, on the street as they fled from attacks with their families, and as they sought shelter from the bombardment in schools.

Israel, the world's largest exporter of aerial drones, killed at least 164 children in drone attacks during its assault on Gaza.[5] In a number of incidents, evidence suggests that Israeli forces directly targeted children. In one such case, Rawya Joudeh, 40, and four of her five children were killed by an Israeli drone-fired missile as they played together in the family's yard in Tal al-Zatar, Jabalia refugee camp, North Gaza, on the afternoon of August 24. The children were aged between 6 and 14.

Just under half of the children who died during the offensive lost their lives in aerial attacks on residential buildings. Missiles dropped by Israeli warplanes killed 225 children while they were in their own homes or seeking shelter, often as they sat down to eat with their families, played, or slept.

No day more clearly demonstrates the indiscriminate and extreme violence that characterized the offensive than Sunday, July 20, which proved to be the deadliest day for children throughout the Israeli offensive. A nighttime and ground assault on the residential Shuja'iyya neighborhood of Gaza City killed 27 children and injured at least 29 others.

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[1] Figures independently verified by Defense for Children International Palestine (DCIP).

[2] UN OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS OCCUPIED PALESTINIAN TERRITORY (UN OCHA-OPT), *Situation Report*, Sep. 4, 2014, http://www.ochaopt.org/documents/ocha_opt_sitrep_04_09_2014.pdf; and UN OCHA-OPT, *Situation Report*, Aug. 8, 2014, http://www.ochaopt.org/documents/ocha_opt_sitrep_28_08_2014.pdf.

[3] UN OCHA-OPT, FRAGMENTED LIVES: HUMANITARIAN OVERVIEW 2014 3 (2015), https://www.ochaopt.org/documents/annual_humanitarian_overview_2014_english_final.pdf

[4] B'TSELEM, BLACK FLAG: THE LEGAL AND MORAL IMPLICATIONS OF THE POLICY OF ATTACKING RESIDENTIAL BUILDINGS IN THE GAZA STRIP SUMMER 2014 58 (2015), http://www.btselem.org/download/201501_black_flag_eng.pdf.

[5] Rania Khalek, *Sixty Percent of Global Drone Exports Come From Israel — New Data*, ELECTRONIC INTIFADA, Mar. 24, 2015, http://electronicintifada.net/blogs/rania-khalek/sixty-percent-global-drone-exports-come-israel-new-data.

On the same day in Khan Younis, in the southern Gaza Strip, 18 children from the Abu Jami family were killed when an Israeli warplane destroyed their home as they sat down for dinner. In total, 59 children across the Gaza Strip lost their lives on July 20.

Incidents such as these are not unprecedented. *Operation Protective Edge* was the sixth Israeli military offensive on Gaza in the past eight years, and raised the number of children killed in assaults on Gaza to 1,097 since 2006. Between December 2008 and January 2009 Israeli forces killed at least 353 children, as well as a further 33 children in November 2012.

Israeli armed forces have been regularly implicated in serious, systematic and institutionalized human rights violations against Palestinian children living in the Occupied Palestinian Territory (OPT).[6] Children affected by armed conflict are entitled to special respect and protections under international law, but Israel has consistently violated these protections through indiscriminate and disproportionate attacks that have resulted in large numbers of child fatalities and injuries.

The case studies presented in this report add to the body of well-documented evidence of war crimes and serious violations of international humanitarian law committed by Israel over the past decade.

Palestinian children have often paid the highest price in Israel's repeated military offensives, while also suffering from a man-made humanitarian crisis created by Israel's eight-year long blockade of Gaza. This has hindered any meaningful efforts toward implementing comprehensive protections for children living in the Gaza Strip. In a context where systemic impunity is the status quo, the need for justice and accountability is urgent.

While Israeli authorities have selectively opened their own investigations into several incidents occurring during the latest military offensive, previous experience has shown that Israeli authorities persistently fail to investigate alleged violations of its armed forces in accordance with international standards.

The international community must demand an end to Israel's illegal blockade of the Gaza Strip, investigate allegations of war crimes, and hold perpetrators accountable. Without an end to the current regime of collective punishment, targeted assassinations, and regular military offensives, the situation for Gaza's children is all but guaranteed to further deteriorate.

[6] *See* UN Committee on the Rights of the Child, *Concluding Observations on the Second to Fourth Periodic Reports of Israel*, U.N. Doc. CRC/C/ISR/CO/2-4 (Jul. 4, 2013), http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-ISR-CO-2-4.pdf; Human Rights Committee, *Concluding Observations on the Fourth Periodic Report of Israel*, U.N. Doc. CCPR/C/ISR/CO/4 (Nov. 21, 2014), http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/225/55/PDF/G1422555.pdf; and *Report of the United Nations Fact Finding Mission on the Gaza Conflict*, U.N. Doc. A/HRC/12/48 (Sep. 25, 2009), http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/158/66/PDF/G0915866.pdf.

2. Methodology

DCIP monitors, documents and reports on international human rights and humanitarian law violations stemming from Israel's prolonged military occupation of Palestinians living in the West Bank, including East Jerusalem, and the Gaza Strip. Specializing in violations of children's rights as set out in the UN Convention on the Rights of the Child, as well as other international, regional, and local standards, DCIP works to effect positive change in the lives of children living across the OPT.

DCIP identifies potential violations through victims' reports and field monitoring. Reports from children and parents are collected at any of DCIP's West Bank offices and through West Bank and Gaza-based fieldworkers. Most investigations are initiated following ongoing and proactive field monitoring from a team of fieldworkers across the West Bank, including East Jerusalem, and Gaza.

Field investigations and evidence collection

This report is based on investigations conducted by DCIP's fieldworkers in the Gaza Strip between July 8, 2014 and January 30, 2015. DCIP fieldworkers visited sites where children had been killed or maimed in attacks to collect sworn affidavits from victims, family members, neighbors, and eyewitnesses in accordance with established UN standards. Lawyers and human rights documentation professionals reviewed testimonies and other documentation for accuracy and assessed any gaps that required further research. Fieldworkers frequently returned to the site of an incident to verify details and collect further evidence.

To ensure reliable testimonies, DCIP's fieldworkers ask a series of non-leading questions, exercise judgment about the credibility of witnesses, and examine possible influences that may shape a response. Fieldworkers have sought medical evidence to verify details such as the victim's injuries and cause of death, and collected photographs documenting evidence of international law violations at particular sites. DCIP has also sought expert opinions on certain incidents from military and forensic specialists.

Information management

After fully investigating incidents involving fatalities or injuries, DCIP enters details of each case into a custom-built database. Entries contain specifications concerning the child (including date of birth, residence, details of death or injury, etc.) and other data regarding the incident (including location, weapon used, alleged targets, etc.). The data collection enables DCIP to analyze specific incidents within the context of international humanitarian law and international human rights law, as well as the six grave violations against children during armed conflict as defined by various UN Security Council resolutions.

3. Overview of situation for Gaza's children

Though the scale of the violence in 2014 far exceeded previous Israeli military operations in the Gaza Strip, the experiences of Palestinian children during the conflict were not new. Since 2000, a generation of children living in the OPT have been shot at, shelled and bombed. During this time, Israeli forces and settlers have killed more than 1,950 Palestinian children, the vast majority of whom were living in the Gaza Strip.[7]

In Gaza, where 43 percent of the population is under 14 years of age, children have grown up witnessing death at close quarters and suffocated by a life under siege. They have lost parents, siblings, grandparents, cousins, and entire families in military operations. Their homes, neighborhoods and schools have been attacked and destroyed, sometimes repeatedly. In 2014, life in the Gaza Strip worsened, with more recorded fatalities than in any year since 1967.[8]

The 50-day Israel military offensive on Gaza between July 8 and August 26, codenamed *Operation Protective Edge*, claimed the lives of at least 547 children. Intensive bombing and shelling, and a large-scale ground invasion, caused massive destruction and devastation. Children died at a rate of 11 per day, with many more thousands of children wounded, and approximately 1,000 sustaining injuries causing permanent disability.

The Gaza Strip is only 26 miles long and seven miles wide, but is home to 1.8 million people. Gaza City, the largest city in the OPT, is one of the most densely populated cities in the world. For every square mile, there are 42,600 people, as opposed to 15,500 in Tel Aviv and 15,100 in London.[9] Around half of those living in the Gaza Strip are children under 18 years old, and densely populated residential neighborhoods are home to large numbers of children.[10]

Israeli attacks on residential areas and civilian structures during *Operation Protective Edge* resulted in high numbers of child fatalities. This raised critical concerns that Israeli forces committed war crimes, specifically disproportionate use of force and targeting of civilians and civilian structures, including residential buildings, schools, hospitals, and other structures protected under international law.

The fatalities and injuries inflicted on children in Gaza in 2014 form part of a decade-long trend that has seen Israeli military force fall on those least able to bear it. DCIP's evidence demonstrates that it is children who were disproportionately affected in recent Israeli military offensives, which have been characterized by force directed at government and civilian infrastructure, residential neighborhoods, and individual civilians.

Since 2006, Israel has launched six major military offensives on Gaza, resulting in the deaths of 1097 Palestinian children.

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[7] *See* DCIP, Child Fatalities, http://dci-palestine.org/content/child-fatalities (last visited Apr. 7, 2015).
[8] *See* UN OCHA-OPT, FRAGMENTED LIVES: HUMANITARIAN OVERVIEW 2014 3 (2015), https://www.ochaopt.org/documents/annual_humanitarian_overview_2014_english_final.pdf.
[9] Adam Taylor, *Gaza City Is Being Hit by Missile Strikes. This Is How Densely Populated It Is.,* WASH. POST, Jul. 14, 2014, http://www.washingtonpost.com/blogs/worldviews/wp/2014/07/14/gaza-city-is-being-hit-by-missile-strikes-this-is-how-densely-populated-it-is/.
[10] *See* Palestinian Central Bureau of Statistics, http://www.pcbs.gov.ps/site/lang__en/881/default.aspx#Population.

Table 1: Total Number of Children Killed in Israeli Military Offensives in Gaza since 2006		
Name of Israeli military offensive	**Date**	**Children Killed**
Operation Summer Rains	June to September 2006	58
Operation Autumn Clouds	November 2006	85
Operation Warm Winter	February to March 2008	33
Operation Cast Lead	December to January 2009	353
Operation Pillar of Defense	November 2012	33
Operation Protective Edge	July to August 2014	535
	Total	1097

Impact of the blockade on children in Gaza

The eight-year blockade of Gaza imposed by Israel has created a man-made humanitarian crisis, devastating the economy and severely impacting the wellbeing of Gaza's children.[11] On the eve of the latest assault on Gaza, unemployment stood at 34.5 percent, one of the highest in the world.[12] At least 57 percent of households were food insecure and approximately 80 percent of the population was dependent on international assistance and humanitarian aid.[13]

The situation of the public health and education sectors in Gaza was bleak before *Operation Protective Edge*, with overburdened health facilities, regular electricity outages and insufficient supplies of essential medication.[14] Israeli-imposed import restrictions on construction materials and other goods prevented the full recovery of the educational sector following *Operation Cast Lead* in December 2008 and January 2009, which damaged 260 schools and destroyed 18 others.[15] In order to accommodate all students, schools in Gaza were running on double or triple shifts.

3.1. Events leading up to *Operation Protective Edge*

In the West Bank, including East Jerusalem, the situation for children was deteriorating prior to *Operation Protective Edge.* Child fatalities and injuries significantly increased in 2014, mostly because Israeli forces used live ammunition against children.

In May, Israeli forces fatally shot Nadeem Siam Nawara, 17, and Mohammad Mahmoud Odeh Salameh Abu Daher, 16, with live ammunition near Ofer military prison in the West Bank town of Beitunia. Nadeem sustained a fatal gunshot wound to the chest, and Mohammad was shot in the back a few

[11] The Israeli-imposed blockade began in 2006 as a response to the political success of Hamas during 2006 elections. The Israeli-imposed blockade limits the entry of goods and materials into the Gaza Strip, including concrete and building materials, medical supplies and equipment, and foodstuffs.
[12] UN OCHA-OPT, *The Gaza Strip: The Humanitarian Impact of Movement Restrictions on People and Goods July 2013*, http://www.ochaopt.org/documents/ocha_opt_gaza_blockade_factsheet_july_2013_english.pdf.
[13] UNRWA, *Food Insecurity in Palestine Remains High*, Jun. 3, 2014, http://www.unrwa.org/newsroom/press-releases/food-insecurity-palestine-remains-high.
[14] *See* Dr. Mads Gilbert, BRIEF REPORT TO UNRWA: THE GAZA HEALTH SECTOR AS OF JUNE 2014 (2014), http://www.unrwa.org/sites/default/files/final_report_-_gaza_health_sector_june-july_2014_-_mads_gilbert_2.pdf.
[15] DCIP & Al-Mezan Center for Human Rights, Bearing the Brunt Again: Child Rights Violations during Operation Cast Lead 63 (2009), http://www.dci-palestine.org/sites/default/files/bearingthebruntagain.pdf.

hours later. The fatal shootings were captured on video and prompted widespread criticism of Israeli forces. Forensic video and spatial analysis commissioned by DCIP identified the Israeli border police officer that shot and killed Nadeem.[16]

In June, Israeli authorities launched a military operation known as *Operation Brother's Keeper* in the West Bank following the abduction of three Israeli settler teens - two were boys under age 18 - on June 12, 2014. The operation resulted in significantly increased numbers of Israeli forces throughout the West Bank,[17] and effectively ended on July 2 after Israeli authorities discovered their bodies near Hebron on June 30.

Use of excessive force by Israeli forces during the operation amounted to collective punishment of the Palestinian civilian population. Israeli forces raided more than 2,200 homes and arrested over 600 people across the West Bank, including East Jerusalem.[18] The operation resulted in severe restrictions on freedom of movement and caused death and injury to Palestinians, including children. The increased presence of Israeli forces exacerbated an already tense environment, and sparked violent clashes between Palestinian residents and soldiers.

Israeli forces killed nine Palestinian civilians during the search operation. An Israeli soldier fatally shot Mohammad Dudeen, 15, with live ammunition on June 20, when Israeli forces raided his home village of Dura, near the West Bank city of Hebron. Another five children sustained injuries in the same week in the context of the Israeli military operation.[19]

In an apparent revenge killing following the discovery of the three Israeli teens' bodies on June 30, Israeli settlers abducted and murdered 16-year-old Mohammad Abu Khdeir in the early morning hours of July 2. According to Palestinian attorney general, Abdel-Ghani al-Awewy, the autopsy showed that Mohammad was burned alive.

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[16] DCIP & FORENSIC ARCHITECTURE, THE KILLING OF NADEEM NAWARA AND MOHAMMAD MAHMOUD ODEH ABU DAHER IN A NAKBA DAY PROTEST OUTSIDE OF BEITUNIA ON MAY 15, 2014 (2014), http://beitunia.forensic-architecture.org/.

[17] Institute for Middle East Understanding (IMEU), Israel's West Bank Crackdown, http://imeu.org/article/israels-west-bank-crackdown (last visited Apr. 7, 2015).

[18] Yaakov Lappin, *Bodies of Three Kidnapped Israeli Teens Found in West Bank*, JERUSALEM POST, Jun. 30, 2014, http://www.jpost.com/Operation-Brothers-Keeper/Large-number-of-IDF-forces-gather-north-of-Hebron-in-search-for-kidnapped-teens-361048.

[19] DCIP, *15-Year-Old Boy Shot Dead as Israeli Forces Raid West Bank*, Jun. 20, 2014, http://www.dci-palestine.org/documents/15-year-old-boy-shot-dead-israeli-forces-raid-west-bank.

Timeline of events before and during *Operation Protective Edge*	
May 15	• Israeli forces fatally shoot Nadeem Siam Nawara, 17, and Mohammad Mahmoud Odeh Salameh Abu Daher, 16, with live ammunition near Ofer military prison in Beitunia, West Bank. • CCTV cameras at the scene capture the shooting and show that neither boy is posing a lethal threat to Israeli forces at the time of their shooting.
June 12	• Palestinian men kidnap three Israeli settler teens while hitchhiking near Hebron, West Bank. • Israel launches a large-scale military clampdown on the occupied West Bank known as Operation Brother's Keeper.
June 20	• Mohammad Dudeen, 15, sustains a fatal gunshot wound during a military raid on his village of Dura, near Hebron, as part of Operation Brother's Keeper.
June 12-30	• Israel arrests hundreds of Palestinians in raids across the West Bank, including East Jerusalem, as part of Operation Brother's Keeper. • Israeli forces shoot dead nine Palestinians with live fire during raids.
June 30	• Israeli authorities find the bodies of the three missing Israeli settler teens near Hebron.
July 1	• Dozens of Israeli airstrikes target Gaza overnight, reportedly injuring four Palestinians.
July 2	• Israeli settlers kidnap and murder Mohammad Abu Khdeir, 16, in an apparent revenge attack in East Jerusalem.
July 8	• The Israeli military offensive on the Gaza Strip, dubbed Operation Protective Edge, begins. • Israel launches a massive attack on 50 targets in Gaza, reportedly killing six individuals affiliated with Hamas.
July 15	• A proposed ceasefire allows for a brief pause in the assault on Gaza, but the Israeli military resumes airstrikes and shelling six hours later after negotiations fail.
July 16	• Hamas and Islamic Jihad offer a long-term ceasefire proposal with specific conditions: that Israel cease the ongoing military offensive, commit to the terms of a previous 2012 ceasefire agreement, including easing the blockade on Gaza, and release Palestinian prisoners re-arrested following a prisoner exchange for captured Israeli soldier Gilad Shalit in 2011. • Israel does not accept the offer.
July 17	• Both Israeli forces and Palestinian armed groups observe a five-hour, UN-proposed humanitarian ceasefire. Fighting resumes shortly after. • At 10:30 p.m., Israeli forces commence a ground invasion of the Gaza Strip. • Israeli artillery shells target Wafa hospital in Shuja'iyya, Gaza City.
July 19-20	• On July 19, Israeli forces launch a nighttime air and ground assault on the Shuja'iyya neighborhood of Gaza City. The assault results in the deadliest day of the Israeli military offensive for children: 59 children across Gaza lose their lives. • During a single seven-hour period, Israeli forces reportedly fire 4,800 artillery shells into the neighborhood. • Twenty-seven children are killed, and at least 29 children are injured in the attacks on Shuja'iyya.

Timeline of events before and during *Operation Protective Edge*	
July 23	• Repeated Israeli attacks destroy Wafa hospital in Shuja'iyya, the only rehabilitation facility in Gaza.
July 24	• The ongoing military offensive in Gaza prompts protests in the West Bank, including a march in solidarity with the people of Gaza at Qalandia checkpoint south of Ramallah. The march is said to be the largest since the second intifada. • Israeli forces fatally shoot Mohammad Araj, 17, on his birthday as he participates in the Qalandia march. • Israeli shells strike the UNRWA Elementary Co-ed School "A" in Beit Hanoun, killing six Palestinian children.
July 25	• Israeli forces fatally shoot Nasri Taqatqa, 14, with live ammunition during a Gaza solidarity protest in the West Bank town of Beit Fajjar, south of Bethlehem.
July 26	• Israeli forces and Palestinian armed groups agree to a 12-hour humanitarian ceasefire between 8 a.m. and 8 p.m. • The Palestinian death toll passes 1,000 while the Israeli death toll stands at 42, the majority of whom are Israeli soldiers.
July 29	• UNRWA discovers rockets belonging to Palestinian armed groups stored in one of its schools in Central Gaza. The school is vacant and not in use at the time the weapons are discovered.
July 30	• Several Israeli artillery shells land in and near the UNRWA Elementary Girls School "A" in Jabalia, killing three Palestinian children.
August 1	• A 72-hour ceasefire between Israeli forces and Palestinian armed groups breaks down after just two hours. • Israeli forces launch a massive aerial and ground assault on Rafah, after Hamas forces reportedly took an Israeli soldier prisoner in an attack.
August 3	• An Israeli drone-fired missile strikes near the front gate of the UNRWA Boys' Preparatory School "A" in Rafah, killing nine Palestinian children.
August 5	• A 72-hour ceasefire between Israeli forces and Palestinian armed groups comes into effect.
August 8	• The ceasefire ends and fighting resumes.
August 10	• Israeli forces shoot dead Khalil Anati, 10, as he plays outside his home in Fawwar refugee camp, south of Hebron.
August 11	• Another 72-hour ceasefire comes into effect.
August 13	• Both parties extend the existing ceasefire for five days as negotiations for a truce continue in Egypt. Intermittent fighting continues, but the ceasefire remains largely in effect. Both sides agree to extend the truce by an additional day.
August 19	• Israeli and Palestinian negotiators fail to reach a permanent ceasefire agreement. Fighting resumes.
August 22	• Israeli forces shoot dead Hassan Ashour, 16, during clashes with Israeli soldiers near the West Bank city of Nablus.
August 26	• Operation Protective Edge ends when Israeli and Palestinian leaders agree to a

Timeline of events before and during *Operation Protective Edge*	
	long-term ceasefire. • Israeli forces begin to withdraw from the Gaza Strip.
September 14	• After a three-week delay due to damage caused to schools during the offensive, some of the schools start the new academic year. • The three-week delay affects around 500,000 students' access to education. • Internally displaced persons remain sheltered at 20 UN-run schools, rendering them inaccessible for educational use.
November 6	• Israeli authorities allow the first transfer of goods from Gaza to the West Bank in 2014, a component of the relaxation measures announced by Israel following the 2014 war. • November sees limited resumption of commercial transfers from Gaza to markets located in the West Bank, following a complete halt of all exports between June and October. However, the number is still small: by the end of 2014, Israeli has allowed fewer than 150 trucks to exit Gaza. During 2005, prior to the Israeli-imposed blockage of Gaza, 9,300 trucks exported goods from Gaza.
December 20	• Israeli warplanes target two areas in Khan Younis with airstrikes, the first since the end of Operation Protective Edge. • Four months after the end of hostilities, Israeli soldiers violate the ceasefire agreement by firing live ammunition at farmers near the Gaza border fence in North Gaza. Israeli naval forces carry out attacks on fishermen within the agreed six-nautical-mile limit.

3.2. Summary of destruction at the end of the 50-day Israeli military offensive

Following a long-term ceasefire agreement between Israel and Palestinian leaders, *Operation Protective Edge* effectively ended on August 26, 2014.

When Israeli forces withdrew, at least 2,220 Palestinians were dead, including at least 1,492 civilians.[20] DCIP independently verified the deaths of 535 children killed by Israeli forces. Initial assessments calculated that at least 1,000 children suffered permanent disability, and those requiring medical care had limited access to hospitals because of widespread damage and destruction from the military offensive.

Approximately 110,000 internally displaced persons remained in UNRWA shelters in Gaza, while UN estimates suggest that 370,000 Palestinian children required immediate psychosocial support.[21] The new school year, scheduled to start on August 24, faced a three-week delay because of damaged schools throughout the Gaza Strip.

Civilian infrastructure was also left devastated. Nearly 18,000 housing units were either destroyed or severely damaged. An Israeli airstrike on July 29 left Gaza's sole power plant inoperable, causing electricity outages of 18 hours a day across the coastal enclave. Extensive damage to the water and

[20] UN OCHA-OPT, FRAGMENTED LIVES: HUMANITARIAN OVERVIEW 2014 4 (2015), https://www.ochaopt.org/documents/annual_humanitarian_overview_2014_english_final.pdf
[21] UN OCHA-OPT, *Situation Report*, Sep. 4 2014, http://www.ochaopt.org/documents/ocha_opt_sitrep_04_09_2014.pdf.

sewer system affected municipal water access for 20 to 30 percent of households.[22] During the war on Gaza, three of the 32 hospitals and 24 of the 97 primary healthcare centers were forced to close.[23] Estimates placed the total cost to repair damage caused by Israel's military offensive on Gaza at US$7.8 billion.

4. International law

International humanitarian law regulates armed conflict, specifically the methods and means of warfare, the conduct of armed forces and armed groups, and the relationship between an occupying power and an occupied territory and its inhabitants.[24]

Israel occupied the West Bank, including East Jerusalem, and the Gaza Strip in 1967 when Israeli forces entered and established authority in the territory.[25] In doing so, Israel became the "Occupying Power" for purposes of international law, which carries clear obligations to protect the Palestinian civilian population under its control.

The West Bank, including East Jerusalem, and the Gaza Strip remain occupied by Israel, and claims otherwise are "not supported by law or fact."[26] Israel occupies Gaza because it maintains "effective control" of Gaza's borders, coastline, airspace, economy, telecommunications, energy supplies, and water and sewage systems.[27] Despite claims by Israeli officials that Israel no longer occupies Gaza following the September 2005 Disengagement Plan, which removed Israeli settlers and soldiers from permanent locations inside Gaza, the test under international law does not hinge on a permanent ground presence.[28] Thus, the international community, including the International Court of Justice, holds that Israel is the occupying power of Gaza.[29]

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[22] *Id.*

[23] *Id.*

[24] First codified in the Hague Conventions of 1899 and 1907, many of these rules were subsequently incorporated into the Fourth Geneva Convention of 1949 and further strengthened by the fundamental guarantees expressed in Article 75 of Additional Protocol I of 1977.

[25] Territory is deemed "occupied" when it, either wholly or in part, is placed under the authority of the hostile army. *See* Hague Convention (IV): Laws and Customs of War on Land art. 42, Oct 18, 1907, https://www.icrc.org/applic/ihl/ihl.nsf/xsp/.ibmmodres/domino/OpenAttachment/applic/ihl/ihl.nsf/4D47F92DF3966A7EC12563CD002D6788/FULLTEXT/IHL-19-EN.pdf. Also, in 1967, the U.N. Security Council recognized that Israeli forces had occupied the West Bank, including East Jerusalem, and the Gaza Strip. *See* S.C. Res. 242, U.N. Doc S/RES/242 (Nov. 22, 1967), http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/IP%20S%20RES%20242.pdf.

[26] Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, ¶ 10, U.N. Doc. A/62/275 (Aug. 17, 2007), http://www.un.org/en/ga/search/view_doc.asp?symbol=A/62/275.

[27] In 2007, the former United Nations Special Rapporteur on the Situation of Human Rights in the Occupied Palestinian Territory John Dugard explained that Israel's continuing effective control of Gaza is manifested by the following: (a) substantial control of Gaza's six land crossings; (b) control through military incursions, rocket attacks and sonic booms, and the declaration of areas inside the Strip as "no-go" zones where anyone who enters can be shot; (c) complete control of Gaza's airspace and territorial waters; and (d) control of the Palestinian Population Registry, which has the power and authority to define who is a "Palestinian" and who is a resident of Gaza. Also, where physical control over the territory at any time is established under the "effective control" threshold, determining authority does not require a fixed armed presence. *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, ¶ 10, U.N. Doc. A/62/275 (Aug. 17, 2007), http://www.un.org/en/ga/search/view_doc.asp?symbol=A/62/275.

[28] *Id.* at ¶ 10.

[29] *See* International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. 136, ¶ 78 (Jul. 9, 2004), http://www.icj-cij.org/docket/files/131/1671.pdf. Also, withdrawing settlements and permanent military ground installations from the Gaza Strip did not end Israeli control of the territory. *See also*

Since international humanitarian law also regulates the conduct of parties during armed conflict, it provides the primary legal framework to analyze actions by Israeli forces and Palestinian armed groups in Gaza during *Operation Protective Edge*.

4.1. Duties and obligations imposed on Israel

Despite clear obligations under international law to protect the Palestinian civilian population under its control, Israeli forces have for decades committed widespread systematic and gross violations of international humanitarian and human rights law against Palestinians, including children.[30]

In 2004, the International Court of Justice found that both international humanitarian law and international human rights law applied in the OPT, and that Israel was obligated to implement the rights and protections found therein.[31] The Israeli government and its armed forces must abide, at all times, by international humanitarian law as well as other human rights instruments that it has obliged itself to implement.[32]

Concerning children's rights, international humanitarian law prohibits Israeli forces from targeting civilians, including children, and obligates it to protect children from all acts of violence.[33] By virtue of their age, children enjoy special protection under international humanitarian law.[34]

International humanitarian law provides protection for civilian structures, including residential homes, schools, hospitals, and places of worship, since they often provide shelter and tend to the needs of

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GISHA, DISENGAGED OCCUPIERS: THE LEGAL STATUS OF THE GAZA STRIP 9 (2009), http://www.gisha.org/UserFiles/File/Report%20for%20the%20website.pdf.

[30] *See* DCIP & AL-MEZAN CENTER FOR HUMAN RIGHTS, BEARING THE BRUNT AGAIN: CHILD RIGHTS VIOLATIONS DURING OPERATION CAST LEAD 63 (2009), http://www.dci-palestine.org/sites/default/files/bearingthebruntagain.pdf; UN Committee on the Rights of the Child, *Concluding Observations on the Second to Fourth Periodic Reports of Israel*, U.N. Doc. CRC/C/ISR/CO/2-4 (Jul. 4, 2013), http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-ISR-CO-2-4.pdf; UN Human Rights Committee, *Concluding Observations on the Fourth Periodic Report of Israel*, U.N. Doc. CCPR/C/ISR/CO/4 (Nov. 21, 2014), http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/225/55/PDF/G1422555.pdf; and *Report of the United Nations Fact Finding Mission on the Gaza Conflict*, U.N. Doc. A/HRC/12/48 (Sep. 25, 2009), http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/158/66/PDF/G0915866.pdf.

[31] International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. 136, ¶¶ 101, 109-113 (Jul. 9, 2004), http://www.icj-cij.org/docket/files/131/1671.pdf.

[32] Israel ratified the International Covenant on the Elimination of All Forms of Racial Discrimination (CERD) in 1979; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC) all in 1991; and the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR) in 1992.

[33] *See* Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, art. 3, Aug. 12, 1949, 75 U.N.T.S. 31 [hereinafter *Common Article 3*]; Geneva Convention relative to the Protection of Civilian Persons in Time of War (Geneva IV), arts. 13 & 27, Aug. 12, 1949, 75 U.N.T.S. 287 [hereinafter *Geneva IV*]; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), art. 51(2), 1125 U.N.T.S. 3 [hereinafter *Protocol I*]; and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), art. 13(2), Jun. 8, 1977, 1125 U.N.T.S. 609 [hereinafter *Protocol II*].

[34] Protocol I, art. 77. Geneva IV, art. 23 and art. 50.

children during armed conflict.[35] Deliberate attacks against civilians or civilian structures amount to war crimes.

Additionally, Israel must respect and protect the rights of children living in the OPT, specifically the right to life, as recognized under the Convention on the Rights of the Child (CRC), and the International Covenant on Civil and Political Rights (ICCPR).[36] Moreover, international human rights law restricts the use of deadly force to limited situations where it is strictly necessary and proportionate and no other means exist of preventing an immediate threat from materializing.[37]

4.2. Basic principles of international humanitarian law

Two basic principles of international humanitarian law aim to protect civilians, including children, from the tragic impact of armed conflict by preventing unnecessary and avoidable collateral damage.[38] The principles of distinction and proportionality are enshrined in the Geneva Conventions and their Additional Protocols, and are considered customary international humanitarian law.

Full compliance with these principles requires armed forces and armed groups to exercise reasonable precautions in planning and carrying out attacks.[39] All parties to an armed conflict are obligated under international humanitarian law to take all necessary precautions to protect civilians under their control against the effects of attack, including avoiding launching attacks from or storing weapons in populated civilian areas.

Additionally, all parties to an armed conflict must take necessary precautions when attacking to minimize harm to civilians and civilian objects. Parties to an armed conflict must provide effective advance warning to civilians prior to an attack. Furthermore, parties are obligated to terminate an attack that may be expected to cause incidental loss to civilian life or injuries to civilians, or damage and destruction to civilian structures that would be deemed excessive when compared to the direct military advantage.

Principle of distinction

Civilians, including children, must never be targets, and civilian structures and infrastructure are presumed not to be legitimate targets. Under the principle of distinction, parties to an armed conflict must distinguish, at all times, between civilian objects and military objects to ensure that civilians, including children, remain outside of hostilities. Only military objectives can be lawful or legitimate objects of an attack. This standard is inflexible and does not change based on another party's conduct.

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[35] Geneva IV, art. 48; Protocol I, arts. 48 and 52. Protection is provided "unless and for such time as they are military targets," that is, if the school or hospital serves a military purpose.

[36] *See* International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. 136, ¶¶ 112–113 (Jul. 9, 2004), http://www.icj-cij.org/docket/files/131/1671.pdf.

[37] *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*, ¶ 60, U.N. Doc. A/68/389 (Sep. 18, 2013), http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/478/77/PDF/N1347877.pdf.

[38] Protocol I, arts. 48, 51, and 52; Protocol II, arts. 4 and 13.

[39] Protocol I, art. 57(2).

In order to qualify as a military objective, the object must be used for a military purpose and its total or partial destruction would result in a definite military advantage.[40]

If it becomes apparent, by visual or other means, that a target is not a military objective or is subject to special protection, such as a child or a school, the operation must be canceled or suspended.[41] If the status of an object is not clear, international humanitarian law explicitly requires that civilian structures be presumed to be civilian objects.[42] Failure to make distinctions between civilian and military objects amounts to an indiscriminate attack on civilians or civilian structures. Employing a means or method of warfare that cannot be limited or directed at a specific military target or objective also amounts to an indiscriminate attack. Indiscriminate attacks are violations of international humanitarian law, and constitute war crimes.

Principle of proportionality

Even where there exists a legitimate military objective or target, an attacking force or group must ensure proportionality in attack. The principle of proportionality prohibits armed forces and armed groups from carrying out attacks that may be expected to cause incidental loss of civilian life or injuries to civilians, or damage or destruction to civilian structures, which would be deemed excessive when compared to the concrete and direct military advantage expected to be achieved.[43]

An "effective advance warning" is also required in situations where the lives of civilians, particularly children, in the vicinity may be at risk from an attack.[44] Launching an attack on an otherwise legitimate military objective amounts to a disproportionate attack when it causes incidental loss to civilian life, injury to civilians, or damage to civilian objects. A disproportionate attack is a violation of international humanitarian law and a war crime.

Importantly, advance warnings do not absolve an attacking party of the obligation to act in accordance with the principles of distinction and proportionality. Even with advance warnings, it is imperative that armed forces and armed groups identify legitimate military targets and abstain from carrying out attacks that will result in excessive harm to civilians.[45]

4.3. Overview of international law violations during *Operation Protective Edge*

[40] Armed forces and groups must apply the following two-part analysis to determine whether an attack is lawful under international humanitarian law. To constitute a lawful military target under international humanitarian law, (1) the targeted object must be used to "make an effective contribution to military action" by its "nature, location, purpose or use" and (2) the targeted object's "total or partial destruction, capture or neutralization" will result in "a definite military advantage." Protocol I, art. 52(2).
[41] Protocol I, art. 57(2)(b).
[42] Protocol I, art. 52(3).
[43] Protocol II, arts. 51 & 57; Rome Statute of the ICC, art. 8(2)(b).
[44] Protocol I, art. 57(2)(c).
[45] Protocol I, arts. 57–58.

Israeli forces fired more than 36,000 artillery shells into Gaza during *Operation Protective Edge*.[46] A former Israeli infantryman, Idan Barir, likened the use of artillery shells to "Russian Roulette," stating "it is impossible to aim the shells in an accurate manner."[47]

The effects of high-explosive artillery shells cannot be limited as required by international law and when fired in close proximity to civilians or civilian structures constitute an indiscriminate attack.

On July 20, Israeli artillery pounded the residential neighborhood of Shuja'iyya, in eastern Gaza City, firing around 4,800 shells during a seven-hour onslaught. US military officials called the shelling, which largely leveled the neighborhood, "absolutely deadly" and intended "to kill a lot of people in as short a period of time as possible."[48] Speaking to Al Jazeera America, Lt. Gen. Robert Gard said, "That rate of fire over that period of time is astonishing. If the figures are even half right, Israel's response was absolutely disproportionate."[49]

On July 24, around 3 p.m., artillery shells struck an UNRWA-run school in Beit Hanoun, in northern Gaza. The attack killed six children, including three from one family. At the time of the attack, individuals sheltering at the school were queuing in its courtyard waiting for buses to relocate them for safety reasons. UN staff provided Israeli forces with the location of the school on 12 separate occasions, and there were no reports of military activity in the immediate vicinity of the school at that time.

On July 30, around 5 a.m., several artillery shells struck the UNRWA-run Jabalia Elementary Girls School "A" & "B". The attack killed three boys, aged between 15 and 17, who were sheltering there with other internally displaced persons. UN staff provided Israeli forces with the location of the school on 17 separate occasions, and there were no reports of military activity near the school at that time.

To justify the onslaught on the Palestinian civilian population of the Gaza Strip, Israeli officials asserted that Hamas and Palestinian armed groups used civilians as human shields. International law prohibits the use of civilians as human shields, which involves forcing civilians to directly assist in military operations or using them to shield a military object or troops from attack.

The rhetoric voiced by Israeli officials regarding "human shields" during the military offensive amounted to nothing more than generalizations that fall short of the precise calculation required by international humanitarian law when determining whether something is actually a military object. Even if evidence existed that Hamas or other Palestinian armed groups did use civilians as human shields, this does not relieve Israel from its obligations under international law nor does it justify an attack on civilians or civilian structures.

During *Operation Protective Edge*, Israeli forces dropped leaflets over certain areas warning of attacks, placed calls to individual mobile phones, and carried out "knock on roof" warnings with drone-fired missiles. The use of "knock on roof" warnings as an advance warning on civilian buildings or structures

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[46] Euro-Mid Observer for Human Rights, *Israel Forces Continue Indiscriminate Assault Against Civilians*, Aug. 24, 2014, http://euromid.org/en/article/604/Israel-forces-continue-indiscriminate-assault-against-civilians#sthash.IOfiAtMX.FlB5prz1.dpbs.

[47] Idan Barir (translated by Hadas Leonov), *IDF Soldier: Artillery Fire in Gaza is Like Russian Roulette*, +972 MAGAZINE, Aug. 8, 2014, http://972mag.com/idf-soldier-artillery-fire-in-gaza-is-like-russian-roulette/95194/.

[48] Mark Perry, *Why Israel's Bombardment of Gaza Neighborhood Left US Officers 'Stunned'*, AL JAZEERA AMERICA, Aug. 27, 2014, http://america.aljazeera.com/articles/2014/8/26/israel-bombing-stunsusofficers.html.

[49] *Id.*

constitutes an unlawful attack. Civilian structures can only be lawful targets when used for military purposes. Advance warnings do not make an unlawful attack lawful, and armed forces and armed groups must ensure any attack conforms to the principles of distinction and proportionality even after an advance warning.

Evidence collected by DCIP finds that, during the offensive, Israeli forces carried out both indiscriminate and disproportionate attacks amounting to war crimes under international law.

5. Killing and maiming of children by Israeli forces

DCIP's investigation into the killing and maiming of Palestinian children during *Operation Protective Edge* found overwhelming evidence of indiscriminate and disproportionate attacks carried out by Israeli forces, which amount to war crimes.

Under international humanitarian law, civilians, including children, must never be targeted, and civilian structures and infrastructure are presumed not to be lawful targets. Despite this, Israeli forces launched numerous unlawful attacks against civilians, civilian homes, and schools where there was no lawful military object reported in the area at the time of attack.

Israeli forces killed 535 children in attacks during the assault on Gaza. Another 3,374 children sustained injuries in attacks during *Operation Protective Edge*, including over 1,000 children whose wounds rendered them permanently disabled.[50] Nearly 68 percent of children killed by Israeli forces were 12 years old or younger.

Table 2: Distribution of Child Fatalities during *Operation Protective Edge* according to Type of Attack

Type of Attack	Children Killed
Warplane airstrike	225
Droned-fired missile	164
Artillery or tank shelling	81
Multiple types of munitions	35
Apache helicopter-fired missile or rocket	13
Surface-to-surface missile	7
Accidents caused by indirect attacks	5
Navy gunboat-fired missile/shell	4
Live ammunition	1
Total	535

During the military offensive, Israeli officials attempted to justify attacks on civilian homes by stating that the intended target was an individual affiliated with Hamas or another Palestinian armed group present in the home at the time of the attack.

Under International law, the mere alleged presence of a member of a Palestinian armed group is an insufficient justification for an attack on a family home. A civilian home that is in some way deemed by Israeli forces to be "affiliated" with Hamas or another Palestinian armed group does not provide in itself legal justification under international humanitarian law to direct an attack against that object.

Even in cases where Israeli forces may be lawfully targeting a legitimate military object, the attack must be in accordance with the principle of proportionality. In short, an otherwise lawful attack can become unlawful if it may be expected to cause incidental loss of civilian life or damage to civilian structures that would be excessive in relation to the direct military advantage.

[50] UN OCHA-OPT, *Situation Report*, Sep. 4, 2014, http://www.ochaopt.org/documents/ocha_opt_sitrep_04_09_2014.pdf; and UN OCHA-OPT, *Situation Report*, Aug. 8, 2014, http://www.ochaopt.org/documents/ocha_opt_sitrep_28_08_2014.pdf.

Importantly, the Israeli High Court of Justice has affirmed that a case-by-case analysis is required, and warned that where a "building is bombed from the air and scores of its residents and passersby are harmed" this would decisively violate the principle of proportionately.

Overwhelming force directed at residential and densely populated areas

The vast majority of child fatalities and injuries occurred in the context of intensive Israeli airstrikes and artillery shelling in densely populated residential neighborhoods. Children were often present and sheltering in civilian structures when strikes occurred, usually with their extended families in single apartment blocks. As a result, many families lost multiple members.

The most heavily bombarded residential areas included the suburbs of the southern Gaza towns of Khan Younis and Rafah; the eastern neighborhoods of Gaza City, including Shuja'iyya, Zeitoun and Tuffah; and Beit Hanoun, Beit Lahia and Jabalia refugee camp in the north of the Gaza Strip.

During the July 20 assault on the Shuja'iyya neighborhood in eastern Gaza City, Israeli forces reportedly fired 4,800 shells into the neighborhood over a seven-hour period contributing to one of the deadliest days for children during the offensive.[51] On average, Palestinian children living in Gaza died at a rate of 11 per day, every day, during the conflict. Israeli forces killed a total of 59 children throughout Gaza on July 20, including 29 children in Shuja'iyaa.

In attacks similar to Shuja'iyya, Israeli forces bombarded Rafah, in the southern Gaza Strip, with intensive shelling and airstrikes on August 1 following reports that a Palestinian armed group had captured an Israeli soldier. The widespread and disproportionate attacks in Rafah contributed to a single-day death toll of 49 children killed throughout the Gaza Strip on August 1.

Dahiya doctrine

Israeli military operations during July and August 2014 appeared to be consistent with a stated Israeli military strategy known as the "Dahiya Doctrine," which involves overwhelming and disproportionate force directed at government and civilian infrastructure and residential neighborhoods associated with armed groups that Israeli officials deem to be hostile regimes or factions.

In 2006, following an Israeli assault that inflicted massive destruction on the Dahiya quarter of Beirut during the Israel-Hezbollah war, Israeli military commander Gadi Eisenkot declared, "What happened in the Dahiya quarter of Beirut in 2006 will happen in every village from which Israel is fired on. […] We will apply disproportionate force on it 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."[52]

In 2008, a retired Israeli military commander again asserted the military's intent "to act immediately, decisively, and with force that is disproportionate to the enemy's actions and the threat it poses" with

[51] Mark Perry, *Why Israel's Bombardment of Gaza Neighborhood Left US Officers 'Stunned,'* AL JAZEERA, Aug. 27, 2014, http://america.aljazeera.com/articles/2014/8/26/israel-bombing-stunsusofficers.html.
[52] *Report of the United Nations Fact-Finding Mission on the Gaza Conflict*, ¶ 1195, U.N. Doc. A/HRC/12/48 (Sep. 25, 2009), http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf [hereinafter *Goldstone Report*].

an aim "at inflicting damage and meting out punishment to an extent that will demand long and expensive reconstruction processes."[53]

Between December 2008 and January 2009 during *Operation Cast Lead*, Israeli attacks matched the stated objective of the Dahiya doctrine as Israel forces meted out disproportionate force in Gaza to inflict extensive damage to civilian buildings, neighborhoods and infrastructure. Israeli forces killed 353 children in the assault, and the United Nations Fact-Finding Mission on the Gaza Conflict, established to investigate international law violations during the offensive, found Israeli military operations consistent with this doctrine.[54]

Just as in previous Israeli military offensives on Gaza, *Operation Protective Edge* was characterized by Israeli attacks directed at government and civilian infrastructure, residential neighborhoods, and individual civilians.

While the doctrine attempts to justify the use of indiscriminate and disproportionate attacks against civilians and civilian structures, it exhibits a complete disregard for international law and results in indiscriminate attacks and disproportionate force that constitute war crimes.[55]

Hannibal directive

In attempts to justify disproportionate attacks in Rafah, the Israeli military acknowledged implementing another policy known as the "Hannibal directive," which refers to an Israeli military directive reportedly permitting Israeli forces to use any means necessary to prevent the capture of a soldier by enemy forces.[56] Such means would include the use of excessive force or devastating firepower, even if those means risk the life of the captured soldier.[57] The directive aims to avoid a situation that would force Israeli officials to negotiate for the release of a captured prisoner.

During *Operation Protective Edge*, Israeli forces reportedly implemented the Hannibal directive after claiming Israeli 2nd Lt. Hadar Goldin was taken prisoner by Hamas' military wing during fighting in Rafah on August 1.[58] Following the incident, Israeli officials affirmed, "that commanders on the ground had

[53] *Id.* at ¶ 1197.
[54] *Id.* at ¶ 1195.
[55] *Id.* at ¶ 62 (stating "A concept known as the Dahiya doctrine emerged then, involving the application of disproportionate force and the causing of great damage and destruction to civilian property and infrastructure, and suffering to civilian populations.").
[56] The directive was reportedly developed by three senior military commanders in 1986 and remained a military secret until 2003. Once a "hotly debated" topic that was considered illegal by some commanders, the Hannibal Directive has become less controversial and unquestioned by the military in recent years. *See* Dimi Reider, *"Captive Soldier Would Have Been Better Off If We Shot Him"*, +972MAGAZINE, Aug. 10, 2014, http://972mag.com/leader-of-rescue-squad-captive-soldier-wouldve-been-better-off-if-we-shot-him/95276/.
[57] The underlying logic for the use of such force is said to be "a dead soldier is better than a captive soldier." Sara Leibovich-Dar, *The Hannibal Procedure*, HAARETZ, May 21, 2003, http://www.haaretz.com/the-hannibal-procedure-1.9412.
[58] Ali Abunimah, *Did Israeli Army Deliberately Kill its Own Captured Soldier and Destroy Gaza Ceasefire?*, THE ELECTRONIC INTIFADA, Aug. 2, 2014, http://electronicintifada.net/blogs/ali-abunimah/did-israeli-army-deliberately-kill-its-own-captured-soldier-and-destroy-gaza.

activated the Hannibal directive and ordered 'massive fire.'"[59] The indiscriminate and disproportionate attacks in Rafah killed nearly two hundred people between August 1 and 3.[60]

Regardless of its policy aims, evidence shows that the Hannibal directive does not conform to international humanitarian law standards because it results in indiscriminate and disproportionate attacks against civilians.

In two separate incidents in Rafah on August 1, Israeli attacks on civilian structures claimed the lives of several children. Around 10:30 a.m., in the Jnaineh neighborhood, intense Israeli shelling near a school that was housing displaced families killed six children.[61] Later, around 11 p.m., an Israeli airstrike on a home at a UN housing project in Rafah killed at least 15 people, including 10 children. Eight of the children were from one family.[62] At least two other children were also injured in the attack.

This section highlights specific cases to present the context in which children in the Gaza Strip were killed and maimed, specifically focusing on direct attacks against civilians and indiscriminate and disproportionate attacks against civilian structures and residential neighborhoods.

5.1. Direct attacks against civilians by Israeli forces

Evidence and documentation collected by DCIP found that, on numerous occasions, Israeli forces unlawfully targeted individual civilians and civilian structures resulting in the killing of children.

Carrying out an attack that is not directed at a specific military objective constitutes an indiscriminate attack and amounts to a war crime.

The circumstances of each attack briefly discussed below strongly suggest unlawful conduct by Israeli forces that amount to war crimes.

CASE 1: BAKR FAMILY			
Date:	July 16, 2014		
Location:	Gaza beach, Gaza City		
Type of Attack:	Navy gunboat-fired missile/shell		
Ref. No.:	OPE140039 – OPE140042		
No. Injured:	4 children		
Killed		**Age**	**Date of Birth**

[59] Ruth Margalit, *Hadar Goldin and the Hannibal Directive*, THE NEW YORKER, Aug. 6, 2014. http://www.newyorker.com/news/news-desk/hadar-goldin-hannibal-directive.
[60] AL-HAQ, DIVIDE AND CONQUER: A LEGAL ANALYSIS OF ISRAEL'S 2014 MILITARY OFFENSIVE AGAINST THE GAZA STRIP 34 (2015), http://www.alhaq.org/publications/divide.and.conquer.pdf.
[61] Asma Salem Sulteiman (17) and her sister, Yahya (14), and Bisan Mustafa al-Mahmoum and his siblings, Heba (7), Duaa (4), and Obada (2), were killed in the incidents.
[62] Ahmad Mustafa Zarab (15) and his siblings, Mohammad (12), Walid (5), and Moatasem (2), and cousins, Amir Rafat Zarab (15), and his siblings, Odai (13), Khaled (8), and Shahd (10), were killed in the attack. The two other children killed were Rami Nashat Siam (15) and his brother, Rawan (8).

Zakaria Ahed Subhi Bakr	10	April 11, 2004
Ahed Itaf Ahed Bakr	9	July 13, 2005
Ismail Mohammad Subhi Bakr	9	September 14, 2004
Mohammad Ramez Izzat Bakr	11	May 10, 2003

On July 16, around 3:30 p.m., Israeli naval forces directly targeted and killed four boys while they played on a Gaza City beach.

An Israeli gunboat shell first struck a container near the harbor, killing Ismail Mohammad Bakr, 9. A second explosion struck the other boys as they ran to safety, killing Ahed Itaf Bakr, 9, Zakaria Ahed Bakr, 10, and Mohammad Ramez Bakr, 11. Four other boys sustained serious injuries in the attack.

The eight children from the Bakr family arrived on the beach approximately three hours prior to the attack to play soccer as they had done all summer long.

"Even when the war began on Gaza, we continued going to the beach every day," said Montaser Bakr, 11. "Our parents did not know about it, and thought we were playing in the neighborhood, but we were actually on the beach, with planes circling the sky overhead but we were not scared. So what? There were always drones in the sky."

Montaser and the Bakr boys were all brothers or cousins, aged between 9 and 13, from a local fishing family. Two of the boys, Sayyed Ramez Bakr, 12, and Younis Khamees Bakr, 9, grew tired from playing and decided to wait at the nearby Shera cafeteria until their cousins finished.

When the naval shell struck the container, Ismail was fetching a ball that the boys had kicked into the harbor. Frightened and confused, the other boys ran across the open beach toward the nearby hotel and cafeteria, yelling for help. Then, a second explosion killed Zakaria and Mohammad immediately, dismembering them both. Ahed was seriously injured, and died shortly after the attack. Sayyed and Younis were also sustained injuries in the attack as their cousins ran toward them in front of the cafeteria. Montaser was taken to Shifa hospital after he fainted from the sight of the maimed bodies. Following surgery for shrapnel injuries to his forehead, left arm, and back, he remained hospitalized for five days.

Mohammad Abu Watfa, 23, son of the cafeteria owner, was calling for the boys to hurry before the second explosion. "I looked to my left and saw a boy standing on his feet about 20 meters (66 feet) away," said Abu Wafta. "He was crying and covered in blood. I rushed toward him and grabbed his hand. He was so scared that he stood in place in front of the Beach Hotel and did not move."

"I have hated the sea and the beach since then," said Montaser. "I do not want to return to the same place where they were killed. I do not go to school any longer because I keep remembering them. My father takes me to a psychologist because I get these cramps. I am scared what happened to them may happen to me. I am scared I may die the way they did."

CASE 2: WAHDAN FAMILY	
Date:	July 26, 2014
Location:	Beit Hanoun, North Gaza
Type of Attack:	Airstrike

Ref. No.:	OPE140385 – OPE140387	
No. Injured:	0 children	
Killed	**Age**	**Date of Birth**
Ghena Younis Bashir Saqer	2	February 1, 2012
Hussein Hatem Zaki Wahdan	9	January 9, 2005
Ahmad Hatem Zaki Wahdan	13	November 26, 2000

An Israeli airstrike on the Wahdan family home on July 26 killed eight people, including three children aged between 2 and 13, after Israeli forces confined the family inside the home and used it as a military base.

On July 17, Israeli forces raided a residential home sheltering 15 members of the Wahdan family in the northern Gaza town of Beit Hanoun. Soldiers bound and blindfolded seven male family members, including Rami Hatem Zaki Wahdan, 30, and removed them for interrogation.

In a sworn affidavit collected by DCIP, Rami said that during his detention he had limited contact with his sister, Zeinab, 27, via mobile phone. Zeinab told him that Israeli soldiers held them captive on the ground floor of their house during the bombardment of Beit Hanoun. In Rami's last contact with Zeinab on Friday, July 25, she explained that the Israeli soldiers had withdrawn from the house after using the building for military purposes for over a week. When the soldiers left in anticipation of an upcoming humanitarian ceasefire, they ordered the family to stay in the home.

Having no connection to Hamas or information on tunnels, Rami and the other men were released three days after their arrest. Repeated assaults on the area prevented Rami and his brothers from reaching their home before August 4, when they returned to find Beit Hanoun destroyed and the family home flattened.

Rami and his relatives began to sift through the debris and rubble for any sign of their family. They discovered the charred remains of Suad Wahdan, 67, and her grandchildren, Zeinab, 27, Sumoud, 22, Ahmad, 13, and Hussein, 9, under the rubble. The remains of Zaki Wahdan, 70, his daughter-in-law, Baghdad, 51, and his great-granddaughter, Ghena, 2, were not immediately recovered.

An hour of continuous Israeli airstrikes destroyed the house, just minutes before the humanitarian ceasefire began on July 26. During the war, Rami also lost his father and three other family members in a separate attack in Jabalia refugee camp, where they had fled for shelter.

"I feel like my family is cursed," said Rami. "Those who stayed in the house were murdered, and those who fled the area were also murdered. And those who have survived are still struggling. I keep remembering the incident. I will not forget it."

5.2. Indiscriminate attacks on civilians and civilian homes

An attack is indiscriminate and a war crime where it is not directed at a specific military objective. DCIP's documentation unearthed multiple incidents throughout *Operation Protective Edge* in which Israeli forces carried out unlawful, indiscriminate attacks against civilians and civilian homes. These most notably occurred in densely populated residential districts such as the Shuja'iyya neighborhood, to the east of Gaza City.

Attacks on Shuja'iyya neighborhood

DCIP's investigation into attacks on the Gaza City neighborhood of Shuja'iyya found that Israeli forces carried out indiscriminate attacks against civilians, killing at least 27 children and injuring 29 others.

On the evening of July 19, Israeli forces launched an air and ground assault on Shuja'iyya, which met with fierce resistance from Palestinian armed groups. The assault resulted in one of the deadliest days of the Israeli military offensive.

Israeli tanks, artillery, warplanes and aerial drones bombarded areas near Nazaz, Mansoura and Shaaf streets into the early hours of July 20. During a single seven-hour period, Israeli forces fired 4,800 artillery shells into the neighborhood. In two separate incidents, Israeli warplanes bombed and destroyed two civilian homes, belonging to the Helou and Hayyeh families, killing seven children and wounding two others. The bombing also damaged the Dhaher and Skafi family homes, killing four children and wounding six others.

Civilians who survived the overnight bombardment attempted to flee at dawn, when shelling appeared to relent. However, children and their families found themselves unprotected on the street as attacks again intensified after a brief respite. Shells, missiles, and shrapnel killed many children, like Mohammad and Shireen Ayyad, in the streets as they tried to flee to safety.

Families ended up separated as they tried to escape the bombardment: in some cases, parents only discovered that their child had died in the assault much later, or as they lay in hospital recovering from their own injuries.

In other cases, children died for lack of prompt medical treatment. Ambulances struggled to reach victims due to a combination of the ongoing bombardment and the refusal of Israeli authorities to allow rescue teams access to the area. Children like Mahmoud Qassas may have lived had they been able to access medical care more quickly.

For the same reason, the bodies of many children lay unrecovered until up to a week after the assault on Shuja'iyya.

CASE 3: HAYYEH FAMILY	
Date:	July 20, 2014
Location:	Family home, Biltaji street, Shuja'iyya, Gaza City
Type of Attack:	Airstrike
Ref. No.:	OPE140118 – OPE140120
No. Injured:	2 children

Killed	**Age**	**Date of Birth**
Hamzeh Osama Khalil Hayyeh	5	March 2, 2009
Omama Osama Khalil Hayyeh	8	July 22, 2005
Khalil Osama Khalil Hayyeh	6	August 13, 2007

In the early hours of July 20, explosions pummeled the Shuja'iyya district of Gaza City. Around 3:50 a.m., an Israeli warplane bombed the home of the Hayyeh family on Biltaji street, killing Osama Khalil Hayyeh, his wife, and three of their five children: Omama, 8, Khalil, 6, and Hamzeh, 5.

A relative, Bilal Hayyeh, told DCIP that he tried to help rescue the family from the rubble after the attack. "I was searching using my cell phone flashlight, and as I flashed at a pile of rubble, I saw a human body. I got closer and it was Omama. I took the stones off her and pulled her up from beneath the rubble. Half of her head was gone. I carried her and walked with her a little bit, and then I gave her to my cousin Mohammad al-Hayyeh, 23. Later on, in the same pile of debris, I found Hamzeh. I started digging in the rubble and kept on digging for about one third of an hour until I pulled him up. He sustained wounds in the head."

Omama and Hamzeh were taken to Shifa Hospital in Gaza City, where a doctor declared them dead upon arrival. Despite search efforts, Khalil, 6, was not found for a further six days. On the sixth day of searching, his body was found in a decomposed state beneath the rubble.

Two children in the family survived the attack: Amal, 13, sustained injuries to her hands and head, and her brother Abdel-Rahman, 2. Their grandmother and another adult relative were also injured in the attack.

Israeli forces may have struck the Hayyeh family home because Osama Khalil Hayyeh, the children's father, was the son of Dr. Khalil Hayyeh, a prominent Hamas lawmaker and one of the Hamas representatives present in Cairo to negotiate a ceasefire.

CASE 4: HELOU FAMILY	
Date:	July 20, 2014
Location:	Uncle's home on Nazaz street, Shuja'iyya, Gaza City
Type of Attack:	Airstrike
Ref. No.:	OPE140121 – OPE140124
No. Injured:	0 children

Killed	**Age**	**Date of Birth**
Abdel-Karim Ahmad Jihad Helou	6 months	January 27, 2014
Karam Ahmad Jihad Helou	6 months	January 27, 2014
Maram Ahmad Jihad Helou	2	June 27, 2012
Najiya Jihad Mahmoud Helou	15	May 13, 1999

Families found themselves on the move as Israeli forces bombarded the Shuja'iyya neighborhood in Gaza City. Jihad Helou fled with his family to the vacated home of his brother Jalal on Nazaz Street to escape the heavy fire in the area.

On July 20, around 3 a.m., an Israeli warplane flattened the Helou family home on Nazaz street in Shuja'iyya killing all 11 members of Jihad's family, including four children. Jihad's daughter, Najiya, 15, and his grandchildren, Maram, 2, and 6-month-old twins, Karam and Abdel-Karim, were killed in the attack.

One of Jihad's brothers, Talal, who lives on the same street, told DCIP that he looked out of his window after he

heard the explosion and saw the house completely destroyed. The intensity of the continuing bombardment prevented Talal from searching for his relatives until the following morning, during a brief humanitarian ceasefire. When this ended, the rescue efforts had to be halted.

It wasn't until eight days later, on Monday, July 28, that Talal and his family recovered the bodies of their relatives. "We were lifting the rubble and huge concrete blocks for about six hours, until we managed to find the bodies of Jihad and his entire family. The bodies were swelling and beginning to decompose. They were all in the middle of the house. We were screaming and crying. I tried to check on my daughter, Hidaya, 25. She was dead, with one of her children in her arms, though I could not recognize which one."

In his sworn testimony to DCIP, Talal reports spotting a car with an orange siren pause outside Jalal's house to fire three gunshots, before speeding off. The Israeli attack on the house followed soon after, but without warning.

CASE 5: DHAHER FAMILY	
Date:	July 20, 2014
Location:	Family home on Nazaz street, Shuja'iyya, Gaza City
Type of Attack:	Airstrike
Ref. No.:	OPE140110 – OPE140111
No. Injured:	1 child

Killed	**Age**	**Date of Birth**
Nirmeen Majed Yousef Dhaher	11	July 14, 2003
Dana Mohammad Majed Dhaher	1	June 16, 2013

At 10:30 a.m. on the morning of July 20, an Israeli warplane bombed the Dhaher family home on Nazaz street, killing six people from the same extended family, including two children, Dana, 1, and Nirmeen, 11.

Shaima Dhaher, Dana's mother, stated that the attack took place as the family tried to flee the area. "We fled to Nazaz street and saw many people fleeing west, with shells landing on them. […] My brother in-law, Imad, managed to flee, but the rest of us returned to the house thinking it would be much safer than any other place."

The family was gathered on the first floor when an Israeli warplane targeted the building. The airstrike reduced the house to rubble and trapped everyone in the house. After seven hours, Shaima was rescued along with her husband and sister-in-law, Bisan, 8, and taken to Shifa hospital. The bodies of the remaining family members were not recovered for a further week due to Israeli forces' heavy bombardment of the area.

While DCIP's investigation indicated that one of the adult men living in the building was affiliated with a Palestinian armed group, the man was not in the building at the time of the attack.

CASE 6: SKAFI FAMILY	
Date:	July 20, 2014
Location:	Family house on Nazaz street in Shuja'iyya, Gaza City

Type of Attack:	Airstrike
Ref. No.:	OPE140125 – OPE140126
No. Injured:	5 children

Killed	**Age**	**Date of Birth**
Sa'ad Akram Mohammad Skafi	17	December 5, 1996
Anas Akram Mohammad Skafi	17	December 5, 1996

Around 1:30 p.m. on July 20, an Israeli warplane fired a missile without warning at the Skafi family home on Nazaz Street. Anas, 17, and his twin brother Saad died in the attack. Another five children sustained injuries in the same attack.

Relatives and neighbors tried to save members of the Skafi family trapped beneath the rubble. Momen, the twin boys' cousin, told DCIP that the bombardment continued as they tried to rescue people. "We contacted the civil defense authority, and they arrived about two hours later with their tools to lift the rubble. We recovered the body of Akram Mohammad Skafi [62], which was covered in blood and dirt. Civil defense crews could not stay any longer because of the heavy bombardment. So, we continued lifting the rubble with our hands with the help of some modest tools, like shovels and sledgehammers."

The bodies of Saad and Anas were recovered five days later due to the continuing bombardment of the area.

According to sources interviewed by DCIP, one member of the Skafi was affiliated with the Palestinian armed group Saraya al-Quds, and present in the building at the time of the attack.

CASE 7: SHEIKH KHALIL	
Date:	July 20, 2014
Location:	Family house on Nazaz street, Shuja'iyya, Gaza City
Type of Attack:	Artillery shelling, drone-fired missile
Ref. No.:	OPE140130 – OPE140131
No. Injured:	4 children

Killed	**Age**	**Date of Birth**
Heba Hamed Mohammad Sheikh Khalil	13	May 29, 2001
Samia Hamed Mohammad Sheikh Khalil	2	October 5, 2011

On July 20, at 6:20 a.m., the Sheikh Khalil family attempted to flee their home on Nazaz street amidst heavy bombardment. Constant artillery shelling, drone missile attacks and falling shrapnel in the street prevented them from evacuating the building. The family split into two groups, with one group taking shelter beneath the staircase, and the other hiding on the second floor. An artillery shell hit the first group, killing Samia, 2, while a drone missile struck the second group, killing, Heba, 13.

In a sworn affidavit to DCIP, Hamed Sheikh Khalil, Samia and Heba's father, said, "[After the war] I returned to the house, and found shrapnel still covering the front door and the stairs. I am told that it was a drone missile that

struck the atrium, entered into the stairway and killed my daughter Maha...I am also told that it was an artillery shell that landed in front of the house and killed the rest of my family, who were taking cover under the staircase."

Samia and Heba died immediately in the attacks. A further six adults were also killed, while four children from the same family sustained serious injuries. Rescue efforts were hindered as shells and shrapnel struck ambulances entering the area.

CASE 8: MOHAMMAD AND SHIREEN AYYAD	
Date:	July 20, 2014
Location:	Mansoura street, Shuja'iyya, Gaza City
Type of Attack:	Artillery shelling
Ref. No.:	OPE140113 – OPE140114
No. Injured:	1 child

Killed	**Age**	**Date of Birth**
Mohammad Rami Fathi Ayyad	2	February 10, 2012
Shireen Fathi Othman Ayyad	17	November 17, 1996

At 6:45 a.m., the area around Mansoura street came under heavy Israeli artillery shelling. The Ayyad family fled their home in search of a safe place. As they fled along the street, artillery shells struck nearby, killing two children and one adult, and injuring three others.

Nuha Ayyad, who survived the attack, had fled with her husband, Rami, and her only child Mohammad, 2. Her husband's family was also with them, including three other adults and Nuha's sister-in-law, Shireen, 17.

Nuha spoke to DCIP about fleeing the area. "We were walking down Mansoura street and heading west, with other people fleeing their homes. I was walking with Shireen and we were about six meters ahead of the others. Rami was carrying Mohammad in his arms. We had walked for about 130 meters when suddenly we were shelled. An artillery shell landed in the street and caused a huge explosion. Dust and black smoke began to rise, and I fell down. I heard the sound of many explosions and artillery shelling in the surrounding area. I tried to get up, but I could not."

In the midst of heavy bombing and shelling, the family tried to escape, but were prevented by their injuries and a lack of aid. A second shell hit near the family after 30 minutes. Approximately an hour after they had initially tried to flee, an ambulance transferred Nuha, her husband Rami and her son Mohammad to hospital.

Mohammad and Shireen both sustained fatal injuries to the abdomen in the attack, and were pronounced dead upon their arrival at hospital. Nuha's husband Rami died from his injuries the following day.

CASE 9: GHADA AND MOHAMMAD AYYAD	
Date:	July 20, 2014
Location:	Mansoura street, Shuja'iyya, Gaza City

Type of Attack:	Artillery shelling
Ref. No.:	OPE140115 – OPE140116
No. Injured:	6 children

Killed	**Age**	**Date of Birth**
Ghada Subhi Sa'di Ayyad	11	February 2, 2003
Mohammad Ashraf Rafeeq Ayyad	5	December 27, 2008

The extended Ayyad family was home, sheltering from heavy bombardment by Israeli forces along Mansoura Street. Around 1 a.m., the family fled to a neighbor's house after shells fell on their rooftop. At 6:30 a.m. the family tried to flee again. An artillery shell struck them as they ran on the street, killing Ghada, 11, and Mohammad, 5.

Kamal, Ghada's brother and Mohammad's cousin, survived the attack, and described the scene to DCIP: "We were running, and ahead of us by around 50 meters there was a group of people, who I don't know, also running. They were little ones and adults. There was a continuous sound of explosions. A missile from a surveillance drone fell on them. I saw the smoke and the dust rise from in between them. Less than a minute later, they were targeted by a shell."

Witnesses who spoke to DCIP highlighted the near-constant barrage of artillery shells and drone missiles as civilians attempted to flee the area, as well as the danger of flying shrapnel. Rescue efforts were hindered by the bombardment, and Israeli authorities refused to grant ambulance and rescue crews access to the area.

Both children succumbed to their injuries quickly. Six adults also died in the attacks, and another six children sustained injuries.

CASE 10: SARSAWI FAMILY	
Date:	July 20, 2014
Location:	Mansoura street, Shuja'iyya, Gaza City
Type of Attack:	Artillery shelling
Ref. No.:	OPE140117
No. Injured:	5 children

Killed	**Age**	**Date of Birth**
Marwa Salman Ahmad Sarsawi	13	March 5, 2001

In the early hours of July 20, the Sarsawi family was on the ground floor of their home taking shelter from the intense Israeli bombardment of Shuja'iyya neighborhood.

Around 5 a.m. shrapnel hit the house, injuring two children. The family evacuated to another relative's house, but a building opposite their location was then struck, scattering shrapnel that killed Marwa Sarsawi, 13, and injured three other children. In total, approximately 73 people including 40 children were taking shelter in the building at the time.

Salman Sarsawi, Marwa's father, rushed to look for Marwa after the explosion. In his testimony to DCIP, he said,

"Marwa was covered in blood. I wrapped her in a blanket and rushed her out of the house because I was afraid the house might be targeted again. I put her under the olive tree on the east side and tried to contact an ambulance or the civil defense. The Red Crescent responded and said the area was too dangerous and the Israeli army was refusing to give them access to the area."

Salman ran with Marwa along the street until she could be taken by private car to Shifa hospital, where doctors pronounced her dead on arrival due to shrapnel injuries. Marwa's aunt also died in the attack.

Rescue teams were unable to access the area due to Israeli forces constant bombardment and the Israeli military's refusal to grant access to rescue personnel.

CASE 11: DIMA ADEL ABDULLAH ISLIM			
Date:	July 20, 2014		
Location:	Shuja'iyya, Gaza City		
Type of Attack:	Artillery shelling		
Ref. No.:	OPE140642		
No. Injured:	0 children		
Killed		**Age**	**Date of Birth**
Dima Adel Abdullah Islim		2	June 4, 2012

During the intense Israeli bombardment of Shuja'iyya neighborhood on July 20, the Islim family was on the ground floor of their home on Mansoura street sheltering from the attacks. Israeli artillery shells and drone missiles were peppered the neighborhood. At 6:30 a.m., an artillery shell struck a neighboring building to the north of the home, scattering shrapnel into their house and killing Dima, 2, and her father Adel.

At the hospital, Shireen, Dima's mother, pressed her brother-in-law Ali for information on her daughter and husband, Adel. "I asked him about my husband Adel and about my daughter, but he did not answer me," said Shireen. "I had a gut feeling that something might have happened to them. I tried to release myself from Ali, as he was holding me and not allowing me to go see them. I went to the room where they were and Adel was on the floor soaked in blood. Next to him was Dima, and she was soaked in blood, too."

Doctors pronounced Dima dead on arrival at Shifa hospital in Gaza City, and her father was brought to the morque two hours later.

CASE 12: ZIAD ISLIM FAMILY	
Date:	July 20, 2014
Location:	Monsoura street, Shuja'iyya, Gaza City
Type of Attack:	Artillery shelling
Ref. No.:	OPE140127 – OPE140129
No. Injured:	0 children

Killed	Age	Date of Birth
Shadi Ziad Hasan Islim	15	October 17, 1998
Fadi Ziad Hasan Islim	11	May 26, 2003
Ola Ziad Hasan Islim	9	January 17, 2005

Early in the morning on July 20, Ziad and Firyal Islim, along with their seven children, joined dozens of residents fleeing Mansoura street as the Israeli bombardment intensified. Chaos ensued after the first of many shells struck the street. Amid the dust and smoke, Firyal lost sight of her two oldest boys, Shadi, 15, and Fadi, 11, and her daughter, Ola, 9.

With constant bombing and a frantic rush of people, Firyal, carrying her baby son, ran for about one kilometer with her husband and three other daughters to safety. She then looked for her missing children in the crowd. "The multitude of people was great, they looked as though they were migrating," said Firyal. The persistent shelling prevented Ziad and Firyal from returning to the area.

Ziad and Firyal made it to Shifa hospital with their remaining children, where they later learned that their two sons and daughter had been killed. They found their bodies in the hospital morgue covered with shrapnel wounds.

CASE 13: JAMMAL FAMILY	
Date:	July 20, 2014
Location:	Beltajy street, Shuja'iyya, Gaza City
Type of Attack:	Artillery shelling
Ref. No.:	OPE140410 – OPE140412
No. Injured:	1 child

Killed	Age	Date of Birth
Hussein Sufian Ribhi Jammal	9	November 22, 2004
Othman Ra'ed Jammal	10	May 25, 2004
Marah Shaker Ahmad Jammal	10	December 17, 2003

Early in the morning on July 20, the extended Jammal family gathered on the ground floor of their residential building to shelter from the intense Israeli bombardment of Shuja'iyya neighborhood.

Around 4 a.m., multiple Israeli artillery shells hit the building trapping them inside. The Jammal family broke through the walls of the house to seek shelter in the adjacent building. However, after artillery shells struck that building, the family evacuated and fled west. They stopped at a relative's house on Beltajy street, which was also struck by Israeli fire. Fleeing once again, one group of family members, including Hussein, 9, Othman, 10, and Marah, 10, died after an Israeli artillery shell struck nearby.

Sufian Jammal, Hussein's father, described the family's third attempt to flee: "No sooner had we entered the building when a direct shelling to the house started and shells fell on the upper apartments. We immediately decided to evacuate the house, and because the number of the people accumulated had became huge, we

decided to split into two groups."

Sufian fled with his sons Hussein, 9, and Yamen, 1; his brother Ra'ed's son, Othman, 10; and his uncle, Shaker, who carried his daughter Marah, 10, with him, and other adults and children. As they ran on the street, an Israeli artillery shell exploded nearby, killing Hussein, Othman, Marah, and Shaker. The same attack also injured Yamen.

Due to the difficulty in evacuating the killed and injured from the neighborhood due to continued bombardment and dense rubble, Othman's body was not identified until August 21, 2014.

CASE 14: MAHMOUD QASSAS	
Date:	July 20, 2014
Location:	Shaaf, Shuja'iyya, Gaza City
Type of Attack:	Drone-fired missile
Ref. No.:	OPE140413
No. Injured:	0 children

Killed	**Age**	**Date of Birth**
Mahmoud Ahmad Nayef al-Qassas	10	August 10, 2003

During the early hours of July 20, many members of the extended Qassas family were sheltering in Nayef Qassas's home in the Shaaf area of Shuja'iyya neighborhood. Around 7 a.m., the family fled the home, fearing the intensifying Israeli bombardment of the area. As they ran down the street, an Israeli drone-fired missile struck near Mahmoud, 10, causing fatal injuries.

Nayef, Mahmoud's grandfather, described the incident to DCIP: "[Mahmoud's aunt] tried to pull some cars over that were travelling very fast and refusing to stop. I do not blame them. I myself would not have stopped because of the many shells and missiles that were targeting the area that morning. I called for an ambulance, but the line was busy. Many massacres were being committed that day and everyone was trying to call the ambulance. People were running in the streets and houses were being randomly bombarded. We stayed in the street for about three hours, waiting for an ambulance or a car to take Mahmoud to the hospital. He had bled a lot."

Mahmoud sustained shrapnel wounds to his torso from the drone missile attack, which caused internal bleeding. Due to the intense and continuous bombardment of the area, his injuries were not promptly treated. Mahmoud succumbed to his injuries in Shifa hospital the following day, on July 21.

5.3. Other indiscriminate attacks

The cases below highlight unlawful indiscriminate attacks carried out by Israeli forces against civilians and civilian homes during *Operation Protective Edge* in other areas of the Gaza Strip. In each case, DCIP's investigation found no evidence to suggest that the homes were being used for military purposes when they were attacked.

CASE 15: QASSAS FAMILY	
Date:	July 21, 2014
Location:	Sabra neighborhood, Gaza City
Type of Attack:	Drone-fired missile
Ref. No.:	OPE140138 – OPE140143
No. Injured:	5 children

Killed	**Age**	**Date of Birth**
Isra Yaser Khader Qassas	10	September 19, 2003
Yasmin Yaser Khader Qassas	7	November 5, 2006
Arwa Yaser Khader Qassas	5	April 24, 2009
Samar Yaser Khader Qassas	3	June 23, 2011
Lamia Iyad Sa'd Qassas	12	May 31, 2002
Nasma Iyad Sa'd Qassas	10	December 8, 2003

On July 21, around 4:30 p.m., an Israeli aerial drone fired a missile at the top floor of the Qassas family home in Sabra neighborhood, Gaza City. The attack killed three women and six children.

The multi-story building was home to four families, and many of those sheltering in the home had fled Gaza City's Zeitoun neighborhood after Israeli forces dropped leaflets warning families to evacuate.

Salim Qassas, 28, was standing in front of the building with his brother Yaser at the time of the attack. "At 4:25 p.m., bombing from a surveillance drone began," said Salim. "Two explosions hit, one after the other."

They saw smoke rising from the top floor of the building, where Yaser, his wife, and their nine children were living. When they rushed to help, they found the apartment completely destroyed, and the floor scattered with bodies, both dead and injured.

"As soon as I got into Yaser's apartment, I found him just standing still, and there was fire in the kitchen," said Salim. "The home was wrecked and there were dead bodies on the floor."

When the missiles struck the apartment, only women and children from the family were inside. The attack killed Yaser's children, Isra', 10, Yasmin, 7, Arwa, 5, and Samar, 3, and Salim's sister, Shadia, 35, and her daughters Lamia', 12, and Nesma, 10. Yaser's pregnant wife, her mother, and her sister were also killed. A fire broke out in the apartment after the attack, injuring another seven.

Neighbors helped Salim and Yaser extinguish the fire and evacuate the bodies. The injured were taken to the Shifa hospital.

DCIP's investigation found that the apartment was not used for any military purpose at the time of attack.

CASE 16: BALATA FAMILY	
Date:	July 29, 2014
Location:	Jabalia refugee camp, North Gaza
Type of Attack:	Artillery shelling
Ref. No.:	OPE140239 – OPE140243
No. Injured:	3 children

Killed	Age	Date of Birth
Isra' Nai'm Nathmi Balata	13	June 7, 2001
Ala' Nai'm Nathmi Balata	14	December 29, 1999
Yahya Nai'm Nathmi Balata	8	February 22, 2006
Hadil Abdel-Karim Nathmi Balata	17	December 26, 1996
Abdel-Karim Nathmi Abdel-Karim Balata	1	June 30, 2013

Israeli artillery shells killed five children from the Balata family on July 29 when they struck the Balata family home in Jabalia refugee camp in North Gaza.

Around 4:30 p.m., several high-explosive Israeli artillery shells landed in and near Abdel-Karim Nathmi Balata's house in the Qasasib neighborhood of the Jabalia refugee camp, North Gaza. The attack killed 11 family members, including five children.

Abdel-Karim Balata told DCIP that he was standing outside on the street when his house was attacked. He rushed back inside and saw his sister-in-law and her son, Yahya, 8, lying on the ground in the entrance. Yahya had sustained burn and shrapnel injuries to his abdomen and head, but was still breathing. Abdel-Karim then saw his dead grandchild, Abdel-Karim, 1, who had lost his right arm. Abdel-Karim collapsed and was taken to Kamal Odwan hospital.

The number of occupants in the home had swelled a day before the attack, when Abdel-Karim's brother, Naim, arrived with his wife and seven children. The Israeli military had dropped leaflets demanding residents living east of Jabalia evacuate their homes. Naim's house, located in Block 1 of the Jabalia refugee camp, was outside the area that received the leaflets. However, its close proximity to the intense Israeli bombardment left Naim fearful of stones and shrapnel penetrating his home's weak construction, which consisted of an asbestos-paneled roof.

Lying in the hospital bed, Abdel-Karim learned that Israeli artillery shells destroyed his home and killed 11 members of his family, including his daughter, three nieces, and one-year-old grandson.

"What I understood from my brother is that shells landed inside my house, killing my brother's family, my daughter and my grandson. He said that they were all torn into pieces, except Yahya, and Abdel-Karim. Six of the bodies were left headless. Ala' is the only one left from my brother's family. My son Nathmi lost his wife and his only child, and I lost my daughter Hadil."

CASE 17: SMAIRI FAMILY			
Date:	July 29, 2014		
Location:	Residential home, Zawaydeh village, Deir al-Balah, Central Gaza		
Type of Attack:	Artillery shelling		
Ref. No.:	OPE140244 – OPE140245		
No. Injured:	2 children		
Killed		**Age**	**Date of Birth**
Ibrahim Karim Abdullah Smairi		9	April 8, 2005
Mohammad Karim Abdullah Smairi		12	April 18, 2002

On July 29, around 5:30 a.m., Israeli artillery shelling killed two boys as they slept in their home in Zawaydeh village, Deir al-Balah.

At least three Israeli artillery shells struck the home, destroying the ceiling and bringing the walls down on its inhabitants. Mohammad, 12, and his brother, Ibrahim, 9, were killed as they slept side by side at the time the home was struck.

Karim, the boys' father, and his brother, Jihad, were sheltering in the house with their families after fleeing their homes in Wadi Salqa village near the Israeli border, east of Deir al-Balah.

Mohammad and Ibrahim's other two siblings were injured in the attack. Rasha, 7, lost three toes on her left foot and sustained shrapnel wounds to her right thigh. Ahmad, 1, sustained fractures to his pelvis and right leg. Their mother, Haniya, and four other adults were also injured.

CASE 18: ABU MSALLAM FAMILY			
Date:	July 18, 2014		
Location:	Family apartment, Tower 21, Nada Towers, Beit Hanoun, North Gaza		
Type of Attack:	Artillery shelling		
Ref. No.:	OPE140064 – OPE140066		
No. Injured:	0 children		
Killed		**Age**	**Date of Birth**
Mohammad Ismail Mohammad Abu Msallam		15	January 20, 1999
Wala Ismail Mohammad Abu Msallam		12	November 23, 2001
Ahmad Ismail Mohammad Abu Msallam		10	December 5, 2003

On July 18, around 10:45 a.m., Israeli forces stationed in a position on the Israel-side of the border fence fired several artillery shells at the Nada Towers residential building killing three children.

The Israeli artillery shells struck apartment 403 of Tower 21 and killed Mohammad, 15, Ahmad, 10, and Wala, 12,

upon impact.

No military activity was reported in the near vicinity at the time of the attack.

CASE 19: AGHA FAMILY	
Date:	July 28, 2014
Location:	Residential building, Maan neighborhood, Khan Younis
Type of Attack:	Airstrike
Ref. No.:	OPE140402 – OPE140406
No. Injured:	1 child

Killed	Age	Date of Birth
Dalia Nader Ata Agha	17	November 24, 1996
Iyad Nader Ata Agha	15	December 11, 1998
Fadel Nader Ata Agha	11	June 15, 2003
Dunia Nader Ata Agha	13	December 12, 2000
Nidal Majdi Ata Agha	17	March 2, 1997

On July 28, around 9:15 p.m., an Israeli airstrike on Nader Agha's two-story house killed 12 people, including five children.

The families of Nader's two brothers were taking shelter in the house when an Israeli warplane attacked the building, reducing it to rubble and causing damage to neighboring buildings.

Following the attack, ambulance and civil defense crews arrived to recover the killed and injured from underneath the rubble. However, around 10:30 p.m., the Red Cross ordered all civil defense crews to evacuate the area immediately when Israeli forces threatened another attack.

Immediate responders left the scene without being able to recover all victims from the rubble. The following day, all bodies were recovered, bringing the number of killed to 12. Two others were also injured in the attack, including one child.

CASE 20: ABU JARAD FAMILY	
Date:	July 18, 2014
Location:	Abu Jarad street, Ezbet Beit Hanoun, Beit Hanoun
Type of Attack:	Apache helicopter-fired missile
Ref. No.:	OPE140058 – OPE140062
No. Injured:	2 children

Killed	Age	Date of Birth
Samar Mousa Khalil Abu Jarad	13	September 5, 2000
Ahlam Mousa Khalil Abu Jarad	17	November 20, 1996
Haniya Abdel-Rahman Mousa Abu Jarad	2	August 9, 2011
Mousa Abdel-Rahman Mousa Abu Jarad	10 months	August 21, 2013
Sameeh Na'im Mousa Abu Jarad	1	January 26, 2013

On July 18, around 9:05 p.m., an Israeli Apache helicopter-fired missile killed five children and injured two others in an attack on a residential apartment in Beit Hanoun, North Gaza.

Ahmad Abu Jarad, 26, brother to Samar, 13, and Ahlam, 17, witnessed the attack. "Around 9:05 p.m., I left the flat and went downstairs to smoke a cigarette," said Ahmad. "I heard an Apache helicopter hovering in the sky, and suddenly the building was powerfully struck, and the sound was so loud I had to cover my ears. I looked up and saw flames and so much dust and black smoke coming out of my brothers' flat. I climbed up the stairs quickly, and when I reached the flat, I could not see anything. It was really dark. I turned on the lights on my mobile phone and saw my mother covered in dust, her face and clothes were all black like coal."

At least one missile from the Israeli Apache helicopter struck the apartment where more than 30 family members were sheltering. They had previously fled areas under heavy bombardment by Israeli forces.

"We found my sister Samar crushed with blood coming out of her nose, ears and head, and her neck was smashed," said Ahmad. "My other sister, Ahlam, was also dead. She was all charred, only part of her hair was not burned. The scene was excruciatingly painful. We recovered my brother Naim, who was still breathing at the time. His right leg was cut off, his private parts were cut off, too, and his entire body was smashed. He died before we could put him inside the ambulance."

The residential apartment was attacked without any prior warning, and the reason for the attack remains unclear.

CASE 21: ABU MASOUD FAMILY	
Date:	August 4, 2014
Location:	Jnaineh neighborhood, Rafah
Type of Attack:	Artillery shelling
Ref. No.:	OPE140601 – OPE140602
No. Injured:	2 children

Killed	Age	Date of Birth
Raghad Omar Eyadah Abu Masoud	2	May 16, 2012
Hala Omar Eyadah Abu Masoud	8 days	July 26, 2014

On August 4, around 1:15 a.m., Israeli artillery shelling killed two children when a shell struck a civilian home in the Jnaineh neighborhood of Rafah.

The attack killed Raghad, 2, and her eight-day-old sister, Hala, while the slept with their other sisters on the floor of their grandmother's one-story home.

Two weeks earlier Najla Abu Masoud, the girls' mother, who was nine-months pregnant at time, left her home in Khan Younis with her four daughters so her mother, living in Rafah, could care for her after she gave birth. Najla's fifth daughter, Hala, was born on July 26.

Raghad, Hala, and their sisters, Farah, 8, Nada, 6, and Malak, 4, were sound asleep when the Israeli artillery shell struck nearby. Najla told DCIP that she thought the room would be the safest in her mother's home for the girls to sleep in because it neighbored a three-story house that served no military purpose.

When the artillery shell struck, it cut the electricity. "It was completely dark and I could not see anything, but I could hear the girls crying," said Najla'. "When I lit my mobile phone, I saw Nada and her face was covered in blood. I took her out, washed her face to see her injury and then my mother took her. I went back to the room to take the other girls out. There was dust everywhere. I rushed to Raghad and carried her in my arms. She was not moving or breathing."

The eldest, Farah, stood traumatized on her mattress, crying and petrified. Farah then followed her mother and grandmother, as they carried Hala and Malak, out of the room. Two ambulances arrived and rushed the family to the Kuwaiti hospital.

Raghad died from a severe injury to the back of her head. Hala, Malak, and Nada were transferred to Nasser hospital for further treatment. Hala suffered a skull fracture that caused a brain hemorrhage, and doctors pronounced her dead a few hours later.

Nada underwent surgery to remove pieces of shrapnel and broken bone from her face. The surgery was only partially successful, but she was discharged on August 6 after a stay in the intensive care unit. Malak also underwent surgery to remove shrapnel that was lodged behind her ear. Her wounds were stitched and she was discharged the same day.

CASE 22: ALI AHMAD KHALED SHAHIN	
Date:	July 30, 2014
Location:	Jabalia, North Gaza
Type of Attack:	Artillery shelling
Ref. No.:	OPE140276
No. Injured:	2 children

Killed	**Age**	**Date of Birth**
Ali Ahmad Khaled Shahin	15	December 31, 1998

On July 30, just a few minutes after 5 a.m., an Israeli artillery shell struck the first floor of Ahmad Shahin's two-story house in Jabalia, North Gaza, instantly killing his son Ali, 15, and injuring his daughter Alia, 14, and his niece's son Mohammad, 11-months-old.

Ahmad, Ali's father, was a pediatrician at the Kamal Odwan hospital and had turned the ground floor of his home into a clinic. Prior to the attack, Ali had cleared space in an unused part of the clinic and prepared mattresses for

20 people, mostly women and children, who had been forced to flee their homes. Ahmad told DCIP that Ali joined the family after he finished tending to neighbors that had sought shelter at their house on the ground floor.

As Israeli forces intensified their assault on Jabalia, the family gathered in the living room at the center of the house, on the first floor, to avoid shrapnel from the shelling outside.

Ali joined his family upstairs around 5 a.m., as the sound of explosions grew closer to the home. Minutes after he lay down next to his brother and closed his eyes, an Israeli artillery shell struck the house. Ahmad carried baby Mohammad as the family evacuated the home.

"I checked on my children and they were all out of the building except for Ali," said Ahmad. "He was not screaming like the others. I left them and returned to the house. I tried to find my way through the darkness and the dust. I lit my mobile phone and entered the house. There was rubble in the living room. I looked at the mattress where Ali was lying before the explosion took place, and I found him still lying on his back and covered by a blanket."

The constant shelling in the area blocked ambulances from entering. Ahmad rushed his son to Kamal Odwan hospital in his car, but doctors pronounced Ali dead upon arrival.

Alia sustained fractures to her left arm and left thigh, and Mohammad now suffers from involuntary movements caused by an injury to his head.

According to DCIP's investigation, the artillery shell created a hole about 1.5 meters (5 feet) in diameter in the ceiling of the living room. The source likely came from the east where Israel had stationed its artillery, about 3 kilometers (1.8 miles) from the house.

Shati refugee camp incident

Palestinian children from the Shati refugee camp, on the western side of Gaza City, were playing on Sweidi Street on July 28, the first day of Eid al-Fitr, which marks the end of the holy month of Ramadan. A temporary truce between Israel and Palestinian armed groups was in place at the time.

"Eid Al-Fitr is usually a busy day as children get money from their parents and buy toys and other things," said Yasser Abu Shaqfa, who owns a general store on Sweidi Street. "My neighbors from the Sarhi family had installed a swing for the children. Many young men and children were playing and enjoying their time."

Around 5 p.m., and without warning, an explosion on Sweidi Street left 13 dead, including 11 children, and several others injured. The flying shrapnel ripped through Abu Shaqfa's glass storefront and struck him in the head, chest, and arms. "I immediately hid under the counter," said Abu Shaqfa, in his sworn testimony to DCIP. "I was so confused and scared that I stepped on [my son] without realizing he was hiding there. I looked out and saw smoke rising in the street about two or three meters from the store."

Abu Shaqfa goes on to describe the carnage: "[Six-year-old] Bara Akram Meqdad was injured, with both legs cut off. His cousin, [13-year-old] Mohammad Nahed Meqdad had almost his entire head cut off. I began carrying the children out of the store and handing them over to the men, who had rushed to the rescue."

Chaos ensued on the blood-drenched street, as residents transferred the wounded to the nearby Shifa hospital. Upon hearing the explosion, Saleh Elian, 31, rushed to the scene where his son, Jamal, 8, had

just gone with friends to buy a sandwich. Saleh first saw the blood-soaked bodies of his sister's husband and his niece.

"I pulled over a taxi and took them to Shifa hospital," said Saleh, in a sworn affidavit to DCIP. "Doctors took them away, as many cars began arriving. In one car, lay two dead children. I looked at them and saw my son, Jamal, and his friend, Yousef."

Israel and Palestinian armed groups both denied responsibility for the incident. Neither launched a credible investigation to determine those responsible and hold them accountable. The Israel military released photos that allegedly show the Palestinian launch site that fired four rockets and their impact locations, including the one that struck the Shati refugee camp, and another that hit Shifa hospital.[63] An Israeli military review of the incident claimed that Israeli forces had not carried out a strike in the vicinity of the explosion.[64]

Eyewitnesses told DCIP that immediately after the explosion, Palestinian officials recovered shrapnel and other evidence. In a statement, sent via text message to journalists, Hamas spokesperson Sami Abu Zuhri said, "Israeli shrapnel has been collected as evidence from these scenes."[65]

DCIP obtained mobile phone video, taken shortly after the explosion, which shows two shrapnel pieces. According to a munitions expert, who reviewed the footage, the pieces cast further doubt that the rocket came from Israeli drones or artillery.

Under international humanitarian law, all parties to an armed conflict are obligated to take all necessary precautions to protect civilians under their control against the effects of attack, including, to the extent possible, avoiding launching attacks from or storing weapons in populated civilian areas. This obligation applies to all Palestinian armed groups in Gaza.

CASE 23: SHATI REFUGEE CAMP INCIDENT			
Date:	July 28, 2014		
Location:	Sweidi street, Shati refugee camp		
Type of Attack:	Surface-to-surface missile		
Ref. No.:	OPE140800 – OPE140810		
No. Injured:	6 children		
Killed		**Age**	**Date of Birth**
Ahmad Hazem Mohammad Shbair		8	August 4, 2005
Mahmoud Riad Hazem Mohammad Shbair		11	July 21, 2003

[63] Israel Defense Forces, *Hamas Launches Rockets on Civilians in Gaza*, IDF Blog, July 31, 2014, http://www.idfblog.com/blog/2014/07/31/hamas-launches-rockets-civilians-gaza/.
[64] Israel Defense Forces MAG Corps, *Decisions of the IDF Military Advocate General Regarding Exceptional Incidents that Occurred During Operation 'Protective Edge' – Update No. 2*, Dec. 7, 2014, http://www.law.idf.il/163-6958-en/Patzar.aspx?pos=12.
[65] Ayman Mohyeldin, Paul Ziad Nassar, & Alexander Smith, *Strikes near Gaza's Shifa Hospital, Refugee Camp Kill at Least 10*, NBC NEWS, Jul. 28, 2014, http://www.nbcnews.com/storyline/middle-east-unrest/strikes-near-gazas-shifa-hospital-refugee-camp-kill-least-10-n166571.

Bara Akram Mohammad Meqdad	6	January 15, 2008
Mohammad Nahed Mohammad Meqdad	13	December 24, 2000
Yousef Abdurrahman Hassouna	11	June 12, 2003
Mohammad Mahmoud Mohammad Abu Shaqfa	7	February 14, 2007
Mansour Rami Mansour Hajjaj	9	July 16, 2005
Jamal Saleh Jamal Alyan	8	November 15, 2005
Ahmad Jaber Ibrahim Washah	12	March 29, 2002
Mohammad Imad Mohammad Baroud	12	May 15, 2002
Osama Ahmad Helou	4	December 16, 2009

5.4. Disproportionate attacks on civilian homes

Launching an attack on an otherwise legitimate military objective amounts to a disproportionate attack when it causes incidental loss to civilian life, injury to civilians, or damage to civilian objects. A disproportionate attack is a violation of international humanitarian law and a war crime.

The mere alleged presence of a Palestinian armed group member does not provide justification under international law for an attack on a civilian home. A civilian home that is in some way deemed by Israeli forces to be "affiliated" with Hamas or another Palestinian armed group also does not in itself provide legal justification under international humanitarian law to direct an attack against that object.

In incidents where the Israeli military reportedly targeted a legitimate military objective, DCIP found that Israeli forces failed to take the necessary precautions to minimize the risk to civilians and used disproportionate force to attack alleged military objects.

The following incidents investigated by DCIP strongly suggest that Israeli forces used disproportionate force in carrying out attacks against civilian homes in violation of international law.

CASE 24: ABU JAMI FAMILY	
Date:	July 20, 2014
Location:	Residential building, Bani Suhaila, Khan Younis
Type of Attack:	Airstrike
Ref. No.:	OPE140081 – OPE140099
No. Injured:	1 child

Killed	**Age**	**Date of Birth**
Razan Tawfiq Ahmad Abu Jami	14	March 29, 2000
Jawdat Tawfiq Ahmad Abu Jami	13	May 22, 2001
Aya Tawfiq Ahmad Abu Jami	10	October 20, 2003
Haifa Tawfiq Ahmad Abu Jami	9	June 26, 2005
Ahmad Tawfiq Ahmad Abu Jami	7	December 10, 2006

Tawfiq Tawfiq Ahmad Abu Jami	5	March 5, 2009
Husam Husam Abu Qnais (cousin)	6	October 29, 2007
Ayyoub Taysir Ahmad Abu Jami	6	April 3, 2008
Fatima Taysir Ahmad Abu Jami	7	October 12, 2006
Rayan Taysir Ahmad Abu Jami	4	October 29, 2009
Rinad Taysir Ahmad Abu Jami	1	November 14, 2012
Njoud Taysir Ahmad Abu Jami	7 months	January 28, 2014
Batoul Bassam Ahmad Abu Jami	3	August 18, 2010
Suheila Bassam Ahmad Abu Jami	2	September 24, 2011
Bisan Bassam Ahmad Abu Jami	1	May 21, 2013
Sajed Yaser Ahmad Abu Jami	5	December 11, 2008
Seraj Yaser Ahmad Abu Jami	4	June 6, 2010
Sara Yaser Ahmad Abu Jami	2	November 23, 2011

Around 7:45 p.m. on July 20, an Israeli airstrike conducted without prior warning on the Abu Jami house in Bani Suhaila, Khan Younis, killed 24 people, including 18 children.

The three-story building had two apartments on every floor and was home to five families, comprised mostly of children. At the time of the attack, some of the children were playing on the ground floor with their grandmother and others were with their families upstairs.

Speaking to DCIP, Tawfiq Abu Jami, 35, explained that at the time of the attack he was in his second-floor apartment with his wife and children, preparing to break their fast. "It was the holy month of Ramadan, and we were sitting in a circle in front of the food. I was sitting near my little son, Noureddine. We then heard the muezzin leading the calls for prayers at 7:47 p.m., and we started eating. I was about to have my first bite, when suddenly I felt something blowing me to the other side of the room. I saw a red flash, like fire or something."

Taysir Abu Jami, Tawfiq's brother, had gone to the mosque for evening prayers that day and was not at home during the attack, which claimed the lives of his wife and all five of their children. Another of Tawfiq's brothers, Abdullah Ahmad Abu Jami, was also away from the house when it was targeted. He had taken his wife and ten children to visit his in-laws.

Of the 27 people present in the house at the time of the attack, only three survived: Tawfiq, his brother Bassam, 29, and Tawfiq's three-year-old son, Noureddine.

Tawfiq described the aftermath of the attack to DCIP: "I went to the European Hospital, and then to the morgue. And when I opened the chambers, I saw them. They were deformed and turned into pieces. I could not recognize my children, except Ahmad, 7, whose injury was in the head; Razan, 14, whose injury was in the head and abdomen; and Aya, 10, whose injury was in the head. I also recognized my wife Sabah who was eight month pregnant. I could not recognize the rest of my children, or my nephews or my nieces... O my beloved children. They are all gone. I wish I had gone too and did not have to see such scene. They were growing up before my eyes. I wanted to send them to college and help them start their own families. I miss them so much. Without them life is tasteless."

The Abu Jami building is surrounded by other homes, mostly occupied by members of the extended Abu Jami

family, as well as olive orchards and open space. There were no reports of military activity in the vicinity of the house at the time of the attack, and the Abu Jami family did not receive any warning prior to the attack.

According to DCIP's investigation, Israeli warplanes targeted the Abu Jami home because Ahmad Sahmoud, a member of the Palestinian armed group al-Qassam Brigades, was in the building at the time of attack.

CASE 25: KILANI FAMILY	
Date:	July 21, 2014
Location:	Omar al-Mukhtar street, Remal neighborhood, Gaza City
Type of Attack:	Airstrike
Ref. No.:	OPE140144 – OPE140148
No. Injured:	1 child

Killed	**Age**	**Date of Birth**
Reem Ibrahim Deeb Kilani	11	July 25, 2002
Sawsan Ibrahim Deeb Kilani	10	August 22, 2003
Yaseen Ibrahim Deeb Kilani	9	February 14, 2005
Yaser Ibrahim Deeb Kilani	7	November 26, 2006
Elias Ibrahim Deeb Kilani	3	September 18, 2010

On July 21, around 8 p.m., an Israeli airstrike struck a civilian building on Omar al-Mukhtar street in the center of Gaza City, killing the entire Kilani family, including five children.

The Kilani family had fled their home in the center of Beit Lahia, North Gaza, on July 17, after the Israeli military dropped leaflets instructing residents to evacuate. By then, the bombardment in the area and across Gaza had intensified. The family first spent one night with relatives in the Tuffah neighborhood, but after the attack on the neighboring area of Shuja'iyya, Ibrahim Kilani, 53, relocated his family to a space on the fifth-floor of the Isra Tower in the densely populated center of Gaza City.

On July 21, Israeli warplanes struck the fourth and fifth floors, causing the floors above to collapse. Ibrahim's older brother, Salah Kilani, 48, was with relatives in Zeitoun, North Gaza, when he learned of the attack through news reports. Salah told DCIP that, knowing of other Kilani families in Gaza, he did not immediately think the news could be referring to his brother's family.

"We started seeing footage of people killed or injured in the bombardment. Then I saw a girl, about 12 years old, being evacuated by paramedics. She was lying on her face and wearing blue clothes. She had a ponytail, just like the one my niece, Reem, had. So, I grabbed my mobile phone and started calling my brother Ibrahim, but I got the message that his mobile phone was unreachable. And then the breaking news said the bombardment killed the Derbas family and the family of an engineer from the Kilani family. At that moment, I realized that the bombardment targeted the apartment in which my brother's family and his in-laws were living."

The next morning, Salah arrived at the morgue to identify his family, including Reem, 11, Sawsan, 10, Yaseen, 9, Yaser, 7, Elias, 3, and their parents Ibrahim and Taghreed, 45. Elias was in his mother's arms when he died, and

they were buried together.

DCIP's investigation suggests that Shaban Dahdouh, 34, a member of the Palestinian armed group al-Quds Brigades, was the likely target of the attack. Dahdouh's body was recovered from the rubble two weeks after the attack.

CASE 26: ABU DAHROUJ FAMILY	
Date:	August 22, 2014
Location:	Zawaydeh, Deir al-Balah, Central Gaza
Type of Attack:	Airstrike
Ref. No.:	OPE140397 – OPE140398
No. Injured:	1 child

Killed	**Age**	**Date of Birth**
Abdullah Hayel Shehda Abu Dahrouj	3	July 28, 2011
Hadi Hayel Shehda Abu Dahrouj	1	November 11, 2012

On August 22, just before midnight, Israeli military airstrikes destroyed a home owned by the Abu Dahrouj family in Zawaydeh, Deir al-Balah, Central Gaza, killing Abdullah Hayel Abu Dahrouj, 3, his brother Hadi, 1, their mother and father, and their great-aunt.

Suleiman Abu Dahrouj, Abdullah and Hadi's uncle, told DCIP that Israeli forces had struck his parents' four-story house several weeks earlier, on July 16 or 17. At the time, 16 members of the Abu Dahrouj family were residing in the house, including ten children. Ten minutes before the attack, Israeli forces called Suleiman's brother Hayel, ordering his family to evacuate. The family fled immediately just before a missile hit the building, destroying the upper floors. After making repairs to the first floor of the house, Hayel returned to take shelter with his wife, two sons, father, aunt, and nephew, Mohammad.

Suleiman was in his own home next door when Israeli forces attacked the house again on August 22. "I was at home and the electricity was cut off, when suddenly a huge explosion took place and shook the entire house, with shrapnel hitting everywhere. I did not know where it had hit, so I rushed out and found that what remained of my parent's house had been completely destroyed."

As well as instantly killing the two children and their parents, the attack also injured their grandfather and their cousin. Doctors treated Mohammad Suleiman Abu Dahrouj, 10, for a fractured skull and internal bleeding at Shifa Hospital.

Suleiman told DCIP that, owing to the intensity of the impact, the bodies were not immediately recovered. "We kept searching for flesh pieces for almost a week. We found toes on the rooftop of our neighbor's house to the north of my parents' house. Whenever we found body parts, we would collect them and bury them near the graves."

The Israeli military failed to provide any advance warning of the second attack.

6. Impact of Israeli drone strikes on children in Gaza

During *Operation Protective Edge*, Israeli forces relied on unmanned aerial vehicles or drones to carry out attacks in the Gaza Strip. DCIP's investigation found that Israeli forces killed 164 children in drone attacks showing an increase in the use of drones in Gaza compared to previous Israeli military offensives.

Israeli aerial drones are equipped with advanced sensors and cameras that "provide a clear image in real time of people on the ground, day and night," according to Human Rights Watch.[66] Israeli military aerial drones in service during *Operation Protective Edge* use sensors that provide detailed views of the ground from high altitudes.[67]

In past military offensives, Israeli officials claimed that "strikes are conducted in a precise and surgical manner" and only target military objects.[68] Despite this claim and the advanced capabilities of aerial drone, DCIP documented several incidents during *Operation Protective Edge* where drone-fired missiles killed numerous civilians, including children, in circumstances that suggest direct targeting.

CASE 27: RABI QASEM RABI ABU RAS	
Date:	July 23, 2014
Location:	Um Nasr village, North Gaza
Type of Attack:	Drone-fired missile
Ref. No.:	OPE140169
No. Injured:	1 child

Killed	**Age**	**Date of Birth**
Rabi Qasem Rabi Abu Ras	9	October 3, 2004

On July 23, around 10 a.m., Rabi Qasem Rabi Abu Ras, 9, was killed by an Israeli drone-fired missile while he was outside in the open air with his mother.

Aisha Abu Ras, Rabi's mother, told DCIP that she and her family fled their home in Um Nasr, a Bedouin village near the Israeli border in North Gaza, to shelter in an UNRWA school on July 17. They fled suddenly, after the Israeli military warned residents to evacuate their homes before the assault on the northern border area. On July 23, Aisha took Rabee with her back to their home to retrieve clothes, blankets, mattresses and other items that were limited at the overcrowded shelter.

Their neighbors Alia and her son Mohammad Said Abu Ekhrait, 14, were sheltering at the same school and accompanied them to Um Nasr. As the group attempted to return from the village to the school, an Israeli artillery shell landed near the cart Aisha and Rabi were using to carry their belongings. Shrapnel injured all four civilians,

[66] Human Rights Watch, *Israel: Gaza Airstrikes Violated Laws of War*, Feb. 12, 2013, http://www.hrw.org/news/2013/02/12/israel-gaza-airstrikes-violated-laws-war.
[67] David Blair, *Israeli Drone Commander: 'The Life and Death Decisions I Took in Gaza,'* THE TELEGRAPH, Nov. 19, 2014, http://www.telegraph.co.uk/news/worldnews/middleeast/israel/11234240/Israeli-drone-commander-The-life-and-death-decisions-I-took-in-Gaza.html.
[68] Israel Ministry of Foreign Affairs, *Behind the Headlines: Operation Pillar of Defense*, Nov. 14, 2012, http://www.mfa.gov.il/mfa/foreignpolicy/issues/pages/bth_operation_pillar_of_defense_14-nov-2012.aspx.

including Mohammad, who sustained wounds to his right arm and left leg.

The group abandoned the cart, and Rabi started to run toward an ambulance in the street. A drone-fired missile struck him, killing him instantly. Aisha was not far behind her son when the drone missile detonated.

"As the dust faded away, I saw Rabi. He was dismembered. His arms and legs were cut off. The upper part of his body was separated from his lower body, which was turned into small pieces. I screamed. I shouted to the ambulance. I rushed to the paramedics and told them about it, but they said they could not approach the location without prior coordination with the Israeli army."

CASE 28: JOUDEH FAMILY	
Date:	August 24, 2014
Location:	Tal al-Zatar, Jabalia refugee camp, North Gaza
Type of Attack:	Drone-fired missile
Ref. No.:	OPE140379 – OPE140382
No. Injured:	1 child

Killed	**Age**	**Date of Birth**
Tasnim Isam Mustafa Joudeh	14	June 29, 2000
Raghad Isam Mustafa Joudeh	12	January 19, 2002
Mohammad Isam Mustafa Joudeh	7	September 7, 2006
Osama Isam Mustafa Joudeh	6	January 29, 2008

On August 24, around 4 p.m., an Israeli drone-fired missile struck the Joudeh family's yard without warning in Tal al-Zatar, Jabalia Refugee Camp, North Gaza, killing a mother and four of her children. Thaer, 9, was left permanently disabled in the attack.

According to the children's father Isam Joudeh, interviewed by DCIP, the family was alone in their open yard, enjoying the shade on the hot summer's day. "My family and I were sitting in the eastern side of the yard, which is cooler than the house because it is planted with four trees of pomegranate and orange. The electricity was cut off as usual. My wife was fasting, while the rest of the children and I were getting ready to have lunch. We were joking and laughing with each other."

When Isam stepped inside for a moment, to wash his hands and fetch water, he heard an explosion. Rushing outside to check on his family, Isam could only see smoke, the result of shrapnel hitting a gas container. As the air cleared, Isam saw his wife and children sprawled across the yard, covered in blood.

"They were all on the ground. They were not moving. I could not believe it. Is it a dream? I could not believe what I saw. I shook myself to wake up, but I saw the same scene. Okay, which one should I carry first? Where to ask for help? I did not know. All of this happened in a few seconds."

Isam was able to identify his son Mohammad, 7, who suffered a blow to his face, only from the clothes he wore. His other three children, Osama, 6, Raghad, 12, and Tasnim, 14, suffered fatal injuries to their heads. His son Thaer was lying awkwardly between his siblings, but still conscious. Isam carried Thaer out of the yard as neighbors

arrived to help evacuate the other bodies.

Thaer was treated at Shifa Hospital, where doctors had to amputate his right leg from above the knee. He also lost two fingers from his right hand and sustained shrapnel injuries to his arms and left leg.

CASE 29: ABDEL-RAHMAN BASSAM ABDEL-RAHMAN KHATTAB	
Date:	July 10, 2014
Location:	Residential building, Abu Safar neighborhood, Deir al-Balah, Central Gaza
Type of Attack:	Drone-fired missile
Ref. No.:	OPE140020
No. Injured:	0 children

Killed	**Age**	**Date of Birth**
Abdel-Rahman Bassam Abdel-Rahman Khattab	5	April 26, 2009

On July 10, around 4:30 p.m., an Israeli drone-fired missile killed Abdel-Rahman Bassam Khattab, 5, as he played alone on the rooftop of his family's home in Deir al-Balah, Central Gaza.

Abdel-Rahman's father, Bassam Khattab, told DCIP that he was tending the sheep in the barn next to the home with his brothers when they heard the explosion. They rushed to the rooftop and discovered Abdel-Rahman on the ground and alone.

"I held Abdel-Rahman in my arms. Both legs were almost cut off and were dangling. Shrapnel was covering his entire face, and his right eye had exploded. I realized that an Israeli drone missile had bombed the flat, as the damage was limited."

DCIP's investigation determined that Abdel-Rahman would have been clearly seen from the air as he played on the roof.

CASE 30: REMAHI FAMILY	
Date:	July 22, 2014
Location:	Jafarawi area, Wadi Salqa, Deir al-Balah, Central Gaza
Type of Attack:	Drone-fired missile
Ref. No.:	OPE140154 – OPE140155
No. Injured:	2 children

Killed	**Age**	**Date of Birth**
Iman Ibrahim Ayesh Remahi	16	June 17, 1998
Ibtihal Ibrahim Ayesh Remahi	4	February 16, 2010

Around 4:30 a.m. on July 22, two Israeli drone-fired missiles struck Ibrahim Remahi's farm, resulting in the death of Iman, 16, and Ibtihal, 4.

The family was sheltering at their farm in the Jafarawi area of Deir al-Balah after fleeing their home in Wadi Salqa village, close to the Israeli-Gaza border. An initial drone attack that targeted the patio adjacent to the farm's main building killed Iman and Ibtihal's adult brother Yousef as he prayed outside.

Iman and Ibtihal, who ran outside to see what had happened, were killed in a second attack launched by the same drone. Shrapnel from the explosion scattered throughout the house, injuring multiple other family members.

Noureddine Remahi, one of Iman and Ibtihal's brothers, described the scene to DCIP: "My sister Iman was on the floor with my other sister, Ibtihal, in her arms. Iman was on her back, suffering a head injury. There was a big hole in the right side of her head. Ibtihal was injured all over her body - her clothes were all covered in blood."

Four adult members of the family sustained injuries, as well as a further two children: shrapnel struck Asma, 14, and eight-month-old Malak sustained injuries to her back.

CASE 31: KHALILI FAMILY	
Date:	July 30, 2014
Location:	Residential building, Salaheddine street, Tuffah neighborhood, Gaza City
Type of Attack:	Drone-fired missile
Ref. No.:	OPE140299 – OPE140302
No. Injured:	0 children

Killed	**Age**	**Date of Birth**
Mahmoud Ashraf Mahmoud Khalili	7	April 1, 2007
Dima Ashraf Mahmoud Khalili	4	October 23, 2009
Zeyad Ashraf Mahmoud Khalili	2	March 31, 2012
Lama Ahmad Mahmoud Khalili	3	December 19, 2010

On July 30, around 9 a.m., an Israeli drone fired a missile at the extended Khalili family as they gathered in the garden in front of their home on Salaheddine street, in the Tuffah neighborhood of Gaza City. The attack resulted in the deaths of four adults and four children: Ashraf and Neda Khalili with their three children Mahmoud, 7, Dima, 4, and Zeyad, 2, and Ahmad and Aya Khalil with their daughter Lama, 3.

The missile resulted in an explosion that spread a fire quickly through the lower floors of the house. The family's broom-manufacturing business, located on the ground floor, exacerbated the fire, which destroyed the factory.

Ismail Khalili, brother to Ashraf and Ahmad, gave a sworn testimony to DCIP: "Their bodies were burnt and charred. We could not see any injuries, and the doctors said they were killed as a result of burns. It was a painful scene. I could not stay in the morgue because of the terrifying scene. I was collapsing."

Mahmoud, 7, was the only initial survivor of the attack. Suffering from third-degree burns, he was transferred to

Egypt for treatment. He succumbed to his injuries on August 1.

CASE 32: FARRA FAMILY	
Date:	August 1, 2014
Location:	Manar neighborhood, Maan village, Khan Younis
Type of Attack:	Drone-fired missile
Ref. No.:	OPE140307 – OPE140311
No. Injured:	6 children

Killed	Age	Date of Birth
Nadeen Mahmoud Abdel-Salam Farra	15	December 7, 1998
Yara Mahmoud Abdel-Salam Farra	8	April 9, 2006
Mohammad Mahmoud Abdel-Salam Farra	12	April 20, 2002
Lujein Basem Abdel-Malek Farra	4	May 22, 2010
Abdurrahman Basem Abdel-Malek Farra	8	April 6, 2006

In the early hours of August 1, 2014, members of the extended Farra family were sleeping in their home in Maan village, east of the southern Gaza town of Khan Younis. At 2:30 a.m., without warning, an Israeli drone-fired missile hit the building. As the families evacuated their apartment, another missile hit the building. A third drone missile struck the group as they ran on the street, killing five children and four adults, as well as injuring a further six children.

Mahmoud Farra, father of three of the killed children, spoke to DCIP in a sworn testimony. "I looked around and saw everyone on the ground. I saw [my nephew's wife] Awatef on her face, she was not moving. Her son Abdel-Rahman was on her right, suffering a head injury, while her daughter Lujein was lying next to her and was not moving either. My nephew Osama Abdel-Malek was lying dead on his face next to Abdel-Rahman, with his head cut open. I then saw my son Mohammad lying on his back. He was not moving. I could not believe it. I rushed to him and began checking his pulse. He had a pulse and I felt his body was warm. He was suffering a chest injury."

It was only at the European hospital that Mahmoud learned that the attack had killed three of his children: Nadeen, 15, Yara, 8, and Mohammad, 12, as well as Abdel-Rahman, 8, and Lujein, 4, from his nephew's family. He states that the family has no wanted men, fighters, police or other faction members in the family.

Of the six injured children Miriam Najjar, Mahmoud's 2-month-old granddaughter, sustained the most critical injuries and was transferred to Egypt for treatment.

7. Children killed in attacks on schools by Israeli forces

During *Operation Protective Edge*, Israeli forces killed at least 18 children in attacks on or near schools.

In at least three incidents, Israeli forces carried out indiscriminate or disproportionate attacks against schools. In two separate incidents documented by DCIP, Israeli forces indiscriminately attacked two UNRWA-run schools in North Gaza, killing nine children and injuring at least 32 children. On August 3, in a disproportionate attack, an Israeli drone-fired missile struck near the front gate of an UNRWA-run school in Rafah killing nine children and injuring at least 12 others. The three schools were serving as shelters for civilians, including children who had fled areas bombarded by Israeli air, naval and ground forces.

Israeli airstrikes and shelling completely destroyed two schools and damaged 279 others, including 187 government schools and 92 UNRWA-run schools.[69] Following an Israeli strike near an UNRWA-run school in Rafah on August 3, United Nations Secretary-General Ban Ki-Moon denounced the attacks as "criminal acts" and called on Israeli forces to be held accountable for the "gross violation of international humanitarian law."[70]

Under international humanitarian law, schools and hospitals are presumed to be civilian objects, and attacks must not be directed against them. However, where a school is being used for a military purpose, that school becomes a military object, loses its protection under international humanitarian law, and can be subject to lawful attack.[71] A school only loses protection under international humanitarian law for the specific time that it is being used for military purposes.

In July, UN staff discovered rockets belonging to Palestinian armed groups hidden on the premises of two vacant UNRWA schools. UNRWA staff conducted regular inspections of their schools.[72] Though the schools became lawful targets under international humanitarian law for the time that the rockets remained stored there, as soon as they were removed from the premises, these schools regained their protected status under international law.

All parties to an armed conflict are obligated under international humanitarian law to take all necessary precautions to protect civilians under their control from the effects of attack, including avoiding launching attacks from, or storing weapons in, populated civilian areas. Additionally, all parties to an armed conflict must take necessary precautions when attacking to minimize harm to civilians and civilian objects. Parties to an armed conflict must provide effective advance warning to civilians prior to an attack and are obligated to terminate an attack that may be expected to cause incidental loss to civilian

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[69] This includes damage to 148 out of 395 public schools, 75 out of 245 UNRWA-run schools and 10 out of 50 private schools. UNICEF-OPT, *Humanitarian Situation Report 7–20 November 2014*, Nov. 20, 2014, http://www.unicef.org/mena/UNICEF_State_of_Palestinehumanitarian_SitRep_20_November_2014.pdf

[70] Jason Burke, *Gaza School Attack Denounced As 'Criminal Act' By UN Chief*, THE GUARDIAN, Aug. 3, 2014, http://www.theguardian.com/world/2014/aug/03/israel-air-strike-un-school-gaza-rafah.

[71] Specifically, protection is lost under international humanitarian law where the nature, location, purpose or use of the school makes an effective contribution to military action and where its partial or total destruction would provide a definite military advantage.

[72] *See* UNRWA, *UNRWA Strongly Condemns Placement of Rockets in School*, Jul. 17, 2014, http://www.unrwa.org/newsroom/press-releases/unrwa-strongly-condemns-placement-rockets-school; and UNRWA, *UNRWA Condemns Placement of Rockets, for a Second Time, in One of its Schools*, Jul. 22, 2014, http://www.unrwa.org/newsroom/press-releases/unrwa-condemns-placement-rockets-second-time-one-its-schools

life or injuries to civilians, or damage and destruction to civilian structures that would be deemed excessive when compared to the direct military advantage.

DCIP investigations into the following three attacks on or near UNRWA-run schools in Gaza found no reports of military activity in or near the schools at the time they were attacked.

CASE 33: UNRWA COEDUCATIONAL ELEMENTARY "A" AND "D" SCHOOL	
Date:	July 24, 2014
Location:	Beit Hanoun, North Gaza
Type of Attack:	Artillery shelling
Ref. No.:	OPE140178 – OPE140183
No. Injured:	At least 16 children

Killed	**Age**	**Date of Birth**
Abed Rabo Jamal Ayyoub Shanbari	17	March 17, 1997
Mohammad Akram Abdel-Aziz Kafarneh	15	December 30, 1998
Suha Abed Rabo Mohammad Mesleh	1	March 6, 2013
Abed Rabo Shaiboub Ahmad Shanbari	16	February 7, 1998
Miriam Shaiboub Ahmad Shanbari	12	December 22, 2001
Ali Rabo Shaiboub Ahmad Shanbari	9	September 8, 2004

Just before 3:00 p.m. on Thursday, July 24, six children were killed when several Israeli artillery shells struck the UNRWA Co-ed Elementary "A"and "D" School in Beit Hanoun.

When the first artillery shell exploded in the schoolyard, families were gathered outside waiting for Red Cross buses to arrive to evacuate them. A second shell hit a classroom on the second floor of the building, causing a fire to break out in the room. The third artillery shell struck adjacent buildings, causing further death and injury to civilians in the area.

Among those in the crowd waiting to be evacuated was Abed Rabo Mesleh, 37. He explained to DCIP that he had brought his family to the school after the situation around their home in the Amal neighbourhood of Beit Hanoun became too dangerous. When the first shell struck, Abed's cousin Sakher, 25, was injured, and he helped him inside. When he came back into the yard, he found his son Ahmad, 13, on the ground against the wall with a deep shrapnel wound in his chest.

"While I was trying to stop Ahmad's bleeding, my son Sami came to the room carrying his one-year-old sister Suha in his arms. Sami was scared and shivering. His face was pale. "Are you alright? Are you injured?" I asked him, and he said he was not injured, even though he was covered in blood. I looked at Suha and saw a big cut to the left side of her neck, which was covered in blood and seemed if she were cut with a knife. She was dying. I took her from Sami. She stopped breating, and died in my arms."

Shrapnel also injured Abed's daughter Nour, 10, in the neck and his son Mahmoud, 6, in the legs. The children were treated for the injuries and Ahmad was transferred to Kamal Odwan hospital, where he underwent an emergency operation.

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Inside the school, Mohammad Kafarneh, 15, was helping his father lock empty classrooms on the south side of the building when the first shell landed in the schoolyard. Mohammad's father, Akram Kafarneh, told DCIP that his family fled their home near Nasr Mosque in Beit Hanoun following the Israeli ground offensive. Akram is a janitor at the UNWRA school, and was asked to help clean and lock the empty rooms as people were evacuated. As Mohammad was approaching his father to hand him the classroom keys, the second shell struck the building. Shrapnel struck Mohammad's chest, killing him on the spot. Mohammad's brother Ahmad, 10, was also injured in the thigh and head by shrapnel from the shell.

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Eight members of the Shanbari family, including four children, died in the Israeli shelling on the school. According to Hussein Sheiboub Shanbari, 20, who survived the attack, several members of the family sought shelter at the UNRWA school after fleeing the assault on their area in the Amal neighborhood of Beit Hanoun.

In an interview with DCIP, Hussein said that some of his family was outside in the yard waiting for Red Cross buses while others were with him inside the school. The first shell landed in the yard about 5 meters (16 feet) away from where Hussein sat with his siblings in the classroom. Shrapnel from the explosion entered the classroom and injured Hussein's brother Ali, 9, in the back of his head.

"I carried Ali in my arms, without looking at my other siblings, and rushed to the front gate. At that moment, a second explosion struck the eastern side of the yard. I put Ali by the gate and placed his hand on his head, which was bleeding like a fountain, but I could not stop the bleeding."

Ali died from his head injuries. Leaving his brother by the front gate, Hussein searched for the rest of his family. The first two attacks also claimed the lives of his brother Abed Rabo, 17, sister Miriam, 12, and mother, Fatima.

"A third explosion hit the western side of the yard. All three explosions took place within about five minutes. Everyone was terrified and running in different directions. Everyone was injured because we were all gathering in the yard waiting for the buses to arrive."

The Israeli attacks on the school also seriously wounded several of Hussein's siblings. Manar, 15, lost both legs and sustained an abdomen injury, and was transferred to Jordan for treatment. Ibrahim, 11, suffered critical leg and abdomen injuries, and was transferred to Turkey for treatment. Fathi, 4, was hospitalized at Shifa hospital for a shrapnel injury to his heart.

Other children from the family to suffer injuries included Fawziya, 16, Nidal, 16, Yousef, 13, Abdullah, 4, and Mahmoud, 17. Fawziya and Nidal were treated for injuries to their pelvic area while Nidal and Yousef underwent treatment for wounds in their legs. Mahmoud sustained a serious injury to the arteries in his left leg, impairing his ability to walk properly.

While in the morgue searching for members of his family not yet accounted for, Hussein discovered his cousin, Abed Rabo Jamal Ayyoub Shanbari, 17, was also killed in the Israeli attack on the school.

The location of the school was reportedly provided to Israeli forces by UN staff on 12 separate occasions, and no military activity was reported in the immediate vicinity of the school at the time of the attack.

CASE 34: UNRWA ELEMENTARY GIRLS SCHOOL "A"	
Date:	July 30, 2014
Location:	Jabalia refugee camp, North Gaza
Type of Attack:	Artillery shelling
Ref. No.:	OPE140296 – OPE140297, OPE140600
No. Injured:	At least 16 children

Killed	Age	Date of Birth
Osama Mohammad Mohammad Suhwail	16	August 9, 1997
Ihab Mohammad Mohammad Suhwail	15	January 17, 1999
Ala Khader Ramadan Salman	17	April 11, 1997

On July 30, 2014, Israel artillery shells struck the UNRWA Elementary Girls School "A," also known as the Abu Hussein school, in Jabalia refugee camp, North Gaza. The attacks killed three children and injured at least two.

Around 5 a.m., people sheltering in the school were woken by an Israeli artillery shell that hit the street near the school gate, to the south of the building. A second shell struck the school bathrooms, scattering shrapnel and glass across the schoolyard and over women and children who were taking shelter in the classrooms. As people rushed inside from the courtyard to flee the attack and check on their families, at least two more shells landed inside the school.

In a testimony collected by DCIP, Yasmin Khader Mahmoud Suhwail said that her family had fled to the school following the Israeli ground offensive on Beit Hanoun. She slept in a classroom with her children Bisan, 14, Abdel-Qader, 11, Mousa, 9, and Hasan, 5, while her elder sons Osama, 16, and Ihab, 15, slept in the corridor outside the room with their father.

The bathroom hit by the second artillery shell was just ten meters (32 feet) from the classroom where Yasmin and her children were sleeping. The number of occupants in the classroom swelled as people rushed in to seek shelter, including Yasmin's two sons and husband.

At that moment, a further two artillery shells, only ten seconds apart, struck the classroom. The blow knocked Yasmin briefly unconscious. When she regained consciousness, she found Osama dead, and Abdel-Qader and Mousa injured.

"I looked around and saw Osama on the floor, with his face under the rubble. I recognized him from his shirt. I thought he was unconscious or injured. I sat next to him and started lifting the stones away from him. I reached out to his head to get it out, but I felt I was touching hot blood and bones. I looked closely, and saw part of his head was missing. He was dead."

When she left the room to look for her other children she found her son Ihab, 15, under a pile of rubble in the doorway, his head and abdomen severely injured. He was evacuated in an ambulance and hospitalized.

Ihab was admitted to the intensive care unit and underwent surgeries to remove his spleen and treat a brain haemorrhage caused by shrapnel. He was eventually transferred to Maqased hospital in Jerusalem and then to the Bethlehem Arab Society for Rehabilitation. On December 25, Ihab died from his injuries.

Abdel-Qader suffered a retinal detachment in the right eye that has impaired his eyesight, as well as injuries to his

chest and arm.

The Israeli attack on the UNRWA school caused the death of one other child, Ala Khader Ramadan Salman, 17.

DCIP found that the location of the school was provided to Israeli forces by UN staff on at least 17 separate occasions, and no military activity was reported in the immediate vicinity of the school at the time of the attack.

CASE 35: UNRWA RAFAH BOYS PREPARATORY SCHOOL "A"	
Date:	August 3, 2014
Location:	Rafah
Type of Attack:	Drone-fired missile
Ref. No.:	OPE140344 – OPE140351, OPE140610
No. Injured:	At least 12 children

Killed	**Age**	**Date of Birth**
Saqer Bassam Suleiman Kashef	7	June 30, 2007
Tareq Zeyad Suleiman Abu Khathla	9	June 7, 2005
Yousef Akram Saleh Skafi	15	May 12, 1999
Ahmad Khaled Ismail Abu Harba	14	June 12, 2000
Monther Mohammad Ghanem Abu Rejel	5	October 13, 2008
Aya Mohammad Ghanem Abu Rejel	3	October 5, 2010
Amr Tareq Said Abu Rous	15	November 7, 1998
Ismail Samir Suleiman Shallouf	16	October 22, 1997
Izzudin Walid Mohammad Abu Snaimeh	12	July 4, 2002

Around 10:40 a.m. on August 3, an Israeli drone-fired missile struck two young men travelling on a motorcycle in front of the gate to the UN-run Boys Preparatory School "A" in Rafah. The attack killed nine children.

When the missile struck, the schoolyard was crowded with displaced persons staying at the UNRWA shelter, and children were in the street buying sweets from the vendors.

Majdi Mohammad Ali Abu Harba, 13, and his cousin Ahmad Khaled Ali Abu Harba, 14, who live in Block B of Shabura camp in Rafah, were standing in front of the school gate helping their fathers sell sweets and goods to the people taking shelter. During the school year, the boys' fathers regularly sell ice cream and sweets to students from this same location.

In a sworn testimony given to DCIP, Majdi said that he saw a speeding motorcycle come toward the school from Awdeh Street. The missile struck the motorcycle, scattering shrapnel everywhere.

"I was so scared that I lay down on the ground to avoid getting hit by shrapnel that was falling on us and scattering everywhere inside the school," said Majdi. "There were many people in the schoolyard and in the street in front of

the school."

Majdi hid behind the ice cream cart. When he looked up, he saw that his father, uncles, and two cousins, Ahmad, 14, and Yousef Akram Saleh Skafi, 15, were severely wounded. He later learned that the attack killed both of his cousins.

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Saqer Bassam Suleiman Kashef, 7, had just convinced his father to give him money for ice cream and was heading toward the street vendors when the drone missile struck. Shrapnel flew into the school, fatally injuring Saqer as he walked toward the gate. He was pronounced dead at the European Hospital.

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Izzeddine Walid Mohammad Abu Snaimeh, 12, was also heading toward the gate on Awdeh Street when the missile struck. He was on his way to the pharmacy to buy medicine for his mother. Izzeddine suffered a severe head injury in the attack and was transferred to Nasser Hospital in Khan Younis, where he was pronounced dead shortly after arrival.

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At the time of the attack, Amr Tareq Said Abu Rous, 15, was sitting on the street opposite the school, waiting to fill empty bottles with water for his family. His father, Tareq, told DCIP that his son sustained fatal shrapnel injuries to his head and abdomen in the strike.

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Miriam Abu Khatla, 46, was sitting about 15 meters (49 feet) from the gate in the schoolyard with other women, watching her children play around her. The attack killed her son, Tareq Zeyad Suleiman Abu Khatla, 9, and severely injured another son, Anas, 12. In a sworn testimony to DCIP she said: "I approached the gate to search for the children and check on those who were on the ground. And then I saw Tareq on the ground on his face, with his head and the lower part of his back bleeding. His eyes were open, but he was unconscious. He was not breathing or moving."

Ambulances took both children to the hospital, but Tareq was pronounced dead later that day. Anas suffered internal bleeding and was hospitalized for a month. He still suffers from health problems as a consequence of his injuries.

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Mirvat Khalil Abu Rejel told DCIP that her son Monther Mohammad Abu Rejel, 5, twin daughters Aya and Dua, 3, and her niece Najah Salman Abu Rejel, 6, were heading to the bathrooms located near the gate when the missile struck. Monther died from shrapnel injuries to his chest and the back of his head. Aya was critically injured in the chest and was admitted to the intensive care unit at the European Hospital, where she was pronounced dead later that day. Her twin sister Dua survived the attack, though she suffers from psychological trauma, along with the rest of her siblings. Their cousin Najah sustained serious injuries to her abdomen and underwent treatment at the European Hospital.

DCIP's investigation confirmed that Ismail Samir Suleiman Shallouf, 16, from Kherbet al-Adas, was on the motorcycle and died in the attack. He was not affiliated with any armed group.

The location of the school was reportedly provided to Israeli forces by UN staff on 33 separate occasions. No

military activity was reported in the immediate vicinity of the school at the time of the attack.

8. Child recruitment by Israel's armed forces and Palestinian armed groups

Child recruitment refers to the practice by armed forces or groups of recruiting or using any person below 18 years of age, in any capacity. This can include the use of children in both combat or support roles, including as informants or human shields.

The current generally accepted definition of what constitutes a child associated with an armed force or armed group is contained in the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the Paris Principles), which states:

> A child associated with an armed force or armed group refers to any person below 18 years of age who is, or who has been, recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes. It does not only refer to a child who is taking, or has taken, a direct part in hostilities.[73]

The UN Security Council has identified the recruitment or use of child soldiers as one of six grave violations against children during armed conflict.[74] "Recruitment" is defined in the Paris Principles as the "compulsory, forced and voluntary conscription or enlistment of children into any kind of armed force or armed group."[75] "Unlawful recruitment or use" is defined as the "recruitment or use of children under the age stipulated in the international treaties applicable to the armed force or armed group in question or under applicable national law."[76]

The use of children in armed conflict is prohibited under customary international law, international humanitarian law and international human rights law, and punishable as a war crime under international criminal law. All states are bound by customary international law norms that broadly prohibit child recruitment by armed forces or groups, and their involvement in hostilities.

Under international humanitarian law, 15 years is the minimum age for compulsory recruitment or involvement in hostilities.[77] This applies to both governmental and non-governmental actors, in both international and non-international armed conflict.

Conscripting or enlisting children under the age of 15 into armed forces or groups or using them to participate actively in hostilities is considered a war crime under the Rome Statute of the International Criminal Court.[78]

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[73] Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups 7 (2007), http://www.unicef.org/emerg/files/ParisPrinciples310107English.pdf [hereinafter *Paris Principles*].
[74] The UN Security Council has passed a series of resolutions condemning the recruitment and use of children in armed conflict, specifically resolutions 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009) and 1998 (2011).
[75] Paris Principles at 7.
[76] *Id.*
[77] *See* Protocol II at art. 4(3)(c); Protocol I at art. 77(2).
[78] Rome Statute of the International Criminal Court, art. 8(2)(b)(xxvi) & art. 8(2)(e)(vii), Jul. 17, 1998, http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf (including in the definition of war

Furthermore, international humanitarian law explicitly prohibits parties to a conflict from directing "the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations."[79]

Child recruitment by Israeli armed forces during Operation Protective Edge

Despite an October 2005 ruling of the Israeli High Court of Justice prohibiting the practice under Israeli domestic law, evidence and documentation collected by DCIP suggests that Israeli forces continue to use Palestinian children as human shields during ground military operations.

During *Operation Protective Edge*, in one incident, Israeli soldiers detained and forced Ahmad Abu Raida, 16, at gunpoint to search for tunnels for five days, during which time he was interrogated, verbally and physically abused, and deprived of food and sleep.

Since 2004, DCI-Palestine has documented over 20 cases of Palestinian children used as human shields by Israeli forces, most of which occurred after the 2005 decision by the Israeli High Court of Justice.[80] During *Operation Cast Lead* in December 2008 and January 2009, at least seven Palestinian children between the ages of nine and 17 years were used as human shields in Gaza by Israeli forces.[81]

CASE 36: AHMAD JAMAL AHMAD ABU RAIDA			
Date:	July 23-27, 2014		
Location:	Khuzaa, Khan Younis		
Type of Violation:	Human shield / child recruitment		
Ref. No.:	OPE140700		
Victim		**Age**	**Date of Birth**
Ahmad Jamal Ahmad Abu Raida		16	August 14, 1997

During *Operation Protective Edge*, DCIP documented one case involving the use of a child as a human shield by Israeli forces. DCIP obtained sworn testimonies from the child involved, the child's father, and an eyewitness who confirmed that Israeli soldiers had detained the boy.

Israeli soldiers allegedly used Ahmad Abu Raida, 16, as a human shield for five days while holding him hostage during Israel's ground invasion of the Gaza Strip in July 2014.

Ahmad, from Khuzaa, near the southern Gaza town of Khan Younis, was 16 years old when Israeli soldiers took him from his family on July 23. They forced him at gunpoint to search for tunnels for five days, while also subjecting him to interrogations, verbal and physical abuse, and depriving him of food and sleep. Ahmad told DCIP in a sworn

crimes in situations of international armed conflict the "conscripting or enlisting children under the age of fifteen years into national armed forces or using them to participate actively in hostilities," and in situations of non-international armed conflict the "conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities.").

[79] Protocol I, art. 51(7).

[80] DCIP, *Palestinian Boy Allegedly Used As Human Shield Near Ofer*, Feb. 26, 2013, http://www.dci-palestine.org/documents/palestinian-boy-allegedly-used-human-shield-near-ofer.

[81] DCIP & AL-MEZAN CENTER FOR HUMAN RIGHTS, BEARING THE BRUNT AGAIN: CHILD RIGHTS VIOLATIONS DURING OPERATION CAST LEAD 52 (2009), http://www.dci-palestine.org/sites/default/files/bearingthebruntagain.pdf.

testimony that Israeli soldiers attempted both to extract information from him regarding Hamas members, and to recruit him as an informant, before releasing him on July 27.

Ahmad's ordeal began on July 21, when Israeli tanks entered Khuzaa. After two days of hiding at home, Ahmad's family and neighbors attempted to flee intense artillery fire. As they tried to leave, however, Israeli soldiers assembled civilians, separating young men from others.

A soldier singled out Ahmad, detained him with his hands tied behind his back, and kicked and insulted him. Ahmad's family was released, but lost sight of him as they fled the area.

In the days that followed, despite not being associated with Hamas, Ahmad was interrogated about his political affiliation and the location of Hamas tunnels. He managed to sleep for just two hours on the first night, sitting in a chair with his hands tied behind him. Every day he was made to search for tunnels, including at one point digging under the afternoon sun.

Speaking to DCIP, Ahmad said, "[The Captain and the soldiers] were walking behind me, with their rifles pointed at me. "Get in and see if there are tunnels or not," [the Captain] ordered me. They made me search all the rooms for tunnels. Whenever I told them there were no tunnels, they would take me out and search the room themselves."

Ahmad details an almost constant stream of abuse and threats during his detention, including kicks and punches, whips with a wire, and threats of a sexual nature.

"I was crying and begging him to stop, but he did not show any mercy. He kept hitting me over and over. He poured a glass of water on my trousers. He insulted me using very dirty words that I am familiar with, and other dirty words that I have never heard of. Even soldiers who did not speak Arabic insulted me as well. They threatened to 'shove a stick into my…bottom' if I did not tell them where the tunnels were."

When a soldier left Ahmad alone in a civilian house for a period, he found some notepaper and wrote a secret letter to his family, believing that he would be killed.

The letter, translated into English by DCIP, read: "I spent Friday, 25 July with Israel occupation soldiers who were locking me in this room. I do not know whether I am going to live or whether they will kill me. I do not know anything about what will happen to me next. I am writing this letter hoping someone will find it and inform my family. In case I die or get arrested, please send my greetings to my family. Ahmad Jamal Abu Raida."

On July 26, according to the affidavit, soldiers ordered Ahmad to climb down into a hole and dig for tunnels. When he replied that the hole was the entrance of "a sanitation well," the captain "took off his helmet and hit me with it on my head."

After complaining that he was feeling ill and could not dig anymore, Ahmad was taken to a relative's house, where soldiers again interrogated him about alleged Hamas tunnels: "I told them I did not know anything about the tunnels, so they would slap me across the face or on my neck, or punch me or kick me whenever they wanted," Ahmad said.

On Sunday, July 27, before Ahmad was finally released, the soldiers asked him if he would "work for them as a spy." When he refused, a soldier "pointed to the police dogs they had with them and said, 'You see that dog; it's better than you.'"

Ahmad's father, Jamal Abu Raida, confirmed that, for five days, the family believed that he was dead.

According to *The New York Times*, "the Israeli military confirmed that troops had suspected Ahmad of being a militant and detained him during their ground operation in Gaza, noting his father's affiliation with Hamas. A

military spokesman promised several times to provide more details, but ultimately did not deal with the substance of the allegations." The military spokesman told *The New York Times* that the incident had "been referred to the appropriate body for examination."

Ahmad's ordeal, as he describes it, represents an explicit breaking of international humanitarian law as referenced above: in the event a civilian is detained, the occupying power is prohibited by the laws of war from compelling the civilian "to undertake any work which would involve them in the obligation of taking part in military operations."

Child recruitment by Palestinian armed groups, generally

The principle of distinction under international humanitarian law demands that all parties to a conflict must at all times distinguish between civilians and combatants. Attacks must only be directed at military objects, including combatants or individuals actively involved in hostilities. The goal of this rule is to ensure that civilians are protected against attacks.

A civilian, including a child, can lose protection under international humanitarian law when directly taking part in hostilities. Protection under international humanitarian law is only lost for the specific period that an individual is actively engaged in hostilities.

Due to the sensitive nature of the issue within Palestinian society, it is difficult to ascertain the number of children involved in hostilities in Gaza. Despite these challenges, DCIP investigations into children killed during *Operation Protective Edge* found that at least six Palestinian children killed in Israeli attacks were likely associated with Palestinian armed groups.

Recent changes to the Palestinian legal framework have helped to reduce unlawful recruitment of children by Palestinian armed groups. In 2012, the Palestinian Authority enacted the amended Child Law that "prohibits the recruitment or use of children in military actions or armed conflict" and requires the State of Palestine to take measures to ensure that children are not recruited or used by armed forces or groups.

In 2010, the Palestinian Authority, Hamas, and other Palestinian armed groups signed a written code of conduct that includes an obligation not to recruit children. Furthermore, on April 1, 2014, Palestinian Authority President Mahmoud Abbas signed applications to join 15 international treaties and conventions including the Convention on the Rights of the Child (CRC) and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC). The Optional Protocol includes obligations and prohibitions related to the recruitment of children.[82]

These changes show progress, yet they have failed to end child recruitment. Reports of children recruited by Palestinian armed groups continue to surface. During Israel's military offensive on the Gaza Strip in November 2012, known as *Operation Pillar of Defense*, DCIP documented one case involving a child, recruited by Hamas' military wing, who served as a lookout on the Israel border with Gaza. During *Operation Protective Edge*, DCIP documented six cases involving children killed who were likely associated with Palestinian armed groups.

[82] Dalia Hatuqa, *'Paradigm Shift': Palestinians Join Treaties*, AL JAZEERA, Apr. 22, 2014, http://www.aljazeera.com/news/middleeast/2014/04/shift-palestinians-join-treaties-2014418111950813313.html.

There are significant obstacles to gathering comprehensive and detailed information concerning child recruitment and the use of children in hostilities by Palestinian armed groups. Challenges include concerns regarding collaborators or informants within the community, and the fact that being identified as a member of a Palestinian armed group may lead to long-term imprisonment by Israel or potentially being subject to a targeted assassination by Israeli forces.[83]

DCIP remains highly concerned that the ongoing Israeli blockade of Gaza significantly increases the risk that children will be vulnerable to recruitment. The blockade has devastated livelihoods and created a man-made humanitarian crisis where the economic situation is constantly deteriorating. The potential result is that children may be pushed to volunteer or join armed groups to help to provide for their families.

9. Situation in Gaza six months on

Since hostilities ended in August, children in Gaza have remained vulnerable due to massive destruction to civilian infrastructure and unexploded ordnance. Children make up the majority of the 108,000 residents left homeless after the war.[84] Challenges to rebuilding damaged or destroyed homes under the blockade were further compounded by UNRWA's announcement in January that it was forced to suspend its cash assistance program due to lack of funds. The announcement came after a winter storm that partially destroyed homes, tents or temporary homes constructed of wood. Four infants died of hypothermia in January, the eldest only 18 months old.[85] All were from families whose homes were damaged or destroyed during *Operation Protective Edge*.

Explosive remnants of war remain a threat to children, as Israeli forces' unexploded ordnance lies dispersed in and around homes, public spaces, and buildings throughout Gaza. On October 22, 2014, Mohammad Sami Abu Jarad, 4, died after triggering an unexploded Israeli hand grenade left in his family's house in Maghayer, Beit Hanoun, North Gaza. According to a DCIP investigation, Israeli soldiers had occupied the house during the ground invasion, and had left the grenade in the home along with remnants of other weapons. Mohammad handled the grenade as his family checked on the damage done to the house following the war.

Normally, schools can provide children with a safe and supportive environment where they have the space to work through traumatic experiences. Children in Gaza are in dire need of such support, but schools and staff are now ill equipped to provide it. Around 90 percent of the 252 UNRWA-run schools in Gaza operate on double and, in some cases, triple shift schedules. Reconstruction of destroyed or damaged infrastructure is consistently hindered by Israeli restrictions on the import of construction materials.[86] Despite efforts to provide much-needed psychosocial support and counseling to children,

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[83] For a background on the rise of Palestinian armed groups, *see* DCI-PALESTINE, RECRUITMENT AND USE OF PALESTINIAN CHILDREN IN ARMED CONFLICT (2012), http://www.dci-palestine.org/sites/default/files/recruitment_report_-_final.pdf.

[84] UNICEF-OPT, *Humanitarian Situation Report January 16-25, 2015*, http://www.unicef.org/appeals/files/UNICEF_SoP_SitRep_29_January_2015.pdf.

[85] Jane Rice, *Babies Die In Gaza Due To The Resource Siege*, AL JAZEERA, Feb. 24, 2015, http://www.aljazeera.com/indepth/features/2015/02/babies-die-gaza-due-resource-siege-150223075856017.html.

[86] UNRWA, *Gaza Situation Report 75*, Jan. 16, 2015, http://www.unrwa.org/newsroom/emergency-reports/gaza-situation-report-75.

repeated Israeli military offensives have led to the doubling of post-traumatic stress disorder (PTSD) rates among children in Gaza since 2012.[87]

While the scope of long-term consequences for children from the most recent Israeli military offensive is somewhat uncertain, it is clear there is potential for serious and permanent psychological damage to child survivors. Approximately 1,000 children sustained injuries resulting in permanent disability, and will require significant psychological and medical support, which authorities in Gaza struggle to provide. Families, many now dealing with the loss of their homes and livelihoods, will struggle to care for children who require significant support.

Children who escaped physical injury are nevertheless likely to suffer from some form of psychological trauma, having experienced fear and, in many cases, intense violence, at close quarters. According to evidence collected by DCIP, after the offensive many children exhibited signs of psychological trauma, including bed-wetting, difficulty sleeping, and separation anxiety from parents or other caregivers. In the month following the ceasefire, the UN estimated that approximately 373,000 children required immediate and specialized psychosocial support.[88]

Many children lost relatives or became orphaned and now find themselves as heads of households, as caregivers or supporting younger siblings. These children themselves require support to deal with their loss and their new responsibilities. Many will struggle financially to care for themselves and others, and may lack the opportunity to continue with their education.

The issues noted above, coupled with the young average age of Gaza's population, not only present significant challenges for individual children, but also for the future of Gaza. For a generation of Palestinian children in Gaza, the norm has been instability, fear, and repeated military offensives, alongside uncertain futures offering limited opportunities.

[87] Louisa Lamb, *The Psychological Trauma Of Catastrophe: Gaza's Children*, Aug. 10, 2014, http://www.commondreams.org/views/2014/08/10/psychological-trauma-catastrophe-gazas-children.
[88] UN OCHA-OPT, *Situation Report*, Sep. 4, 2014, http://www.ochaopt.org/documents/ocha_opt_sitrep_04_09_2014.pdf.

10. Accountability

The international community has failed to hold Israeli forces or officials accountable for grave human rights violations against Palestinians. Israel's armed forces have been consistently implicated in serious, systematic and institutionalized human rights violations against Palestinian children living in the West Bank, including East Jerusalem, and the Gaza Strip.

Repeated Israeli military offensives and prolonged military occupation combined with Israel's complete disregard for international law have hindered any meaningful efforts toward implementing comprehensive protections for Palestinian children. In a context where systemic impunity is the status quo, the need for justice and accountability is urgent.

While Israeli authorities have selectively opened their own investigations into several incidents that occurred during the military offensive, previous experience has shown that Israeli authorities are incapable of conducting serious, independent and impartial investigations into grave human rights violations against Palestinian children.[89]

A recent study of Israel's investigations of incidents stemming from the latest assault on Gaza found that investigations "fall far short of the international standards of independence, impartiality, effectiveness, promptness, and transparency."[90]

The prohibition of targeting, killing and maiming civilians, including children, as well as the right to life are fundamental principles enshrined in international humanitarian law and international human rights law. However, protections, as well as justice and accountability, remain elusive for children living in the OPT.

The continued failure of the international community to demand justice and accountability has provided tacit approval of the persistent denial of Palestinian rights. The international community must demand an end to Israel's illegal blockade of Gaza and challenge systemic impunity by investigating allegations of war crimes and holding perpetrators accountable.

UN Security Council's Children and Armed Conflict Agenda

Over the past 15 years, the Office of the UN Secretary-General, the Security Council and various UN agencies have repeatedly affirmed that protection of children in situations of armed conflict is a fundamental peace and security concern. Security Council Resolution 1612, adopted in 2005, formally established a UN-led, evidence-based monitoring and reporting mechanism (MRM) on grave violations against children during armed conflict. The stated purpose of the MRM "is to provide for the systematic gathering of accurate, timely, objective and reliable information on grave violations committed against children in situations of armed conflict."[91]

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[89] *See* ADALAH, REPORT SUBMITTED TO THE U.N. INDEPENDENT COMMISSION OF INQUIRY ON THE 2014 GAZA CONFLICT (Jan. 31, 2015, http://www.adalah.org//uploads/1_Adalah-Submission-UN-COI-Gaza-2015.pdf.

[90] *Id.* at 2–3.

[91] *See* OFFICE OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON CHILDREN AND ARMED CONFLICT (OSRSG-CAAC), UNICEF & UN DEPARTMENT OF PEACEKEEPING OPERATIONS, GUIDELINES: MONITORING AND REPORTING MECHANISM ON GRAVE VIOLATIONS AGAINST CHILDREN IN SITUATIONS OF ARMED CONFLICT (2014), http://www.mrmtools.org/mrm/files/MRM_Guidelines_-_5_June_2014(1).pdf.

Since 2007, a UNICEF-led working group has worked to monitor and report on grave violations against children in Israel and the OPT. The working group includes international, Israeli and Palestinian NGOs and UN agencies, including DCIP, UNICEF, OCHA, OHCHR, and UNRWA. The working group monitors and reports on killing and injuries, arrest and detention, ill-treatment and torture, recruitment and use of children by armed forces and groups, attacks on schools and hospitals, displacement, and denial of humanitarian access. Inputs based on UN-verified information and documentation collected by the working group are regularly submitted to the Office of the Special Representative for Children and Armed Conflict and included in the UN Secretary-General's annual reports on children and armed conflict.

The UNICEF-led working group on grave violations against children in Israel and the OPT is one of the most proficient monitoring and reporting groups associated with the global MRM due in part to the strength of local civil society. This is affirmed by the repeated inclusion of detailed and comprehensive data and information on grave violations against children in the OPT in each of the Secretary-General's annual report on children and armed conflict issued since 2006.[92]

Information and data included in the 2006 Annual Report of the Secretary-General on Children and Armed Conflict details killing and maiming and attacks against schools committed by Israeli forces. The report notes that during the Israeli military offensive known as *Operation Summer Rains*, between June 28 and September 30, 2006, around "289 Palestinians were killed, of whom 65 per cent were children, and over 1,261 injured in the Gaza Strip, of whom 189 were children."[93] The report also states generally that Israeli military "incursions and shelling as well as direct military attacks have damaged schools and health facilities."[94]

Nearly eight years later, by simply updating the figures in these statements, the same language could be used in the Secretary-General's next annual report to detail the situation for Palestinian children in 2015.[95]

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[92] UN Secretary-General, *Annual Report of the Secretary-General on Children and Armed Conflict*, ¶¶ 63–66, U.N. Doc. A/61/529 (Oct. 26, 2006), http://www.un.org/en/ga/search/view_doc.asp?symbol=A/61/529; UN Secretary-General, *Annual Report of the Secretary-General on Children and Armed Conflict*, ¶¶ 78–87, U.N. Doc. A/62/609 (Dec. 21, 2007), http://www.un.org/ga/search/view_doc.asp?symbol=A/62/609&Lang=E&Area=UNDOC; UN Secretary-General, *Annual Report of the Secretary-General on Children and Armed Conflict*, ¶¶ 83–94, U.N. Doc. A/63/785 (Mar. 26, 2009), http://www.un.org/ga/search/view_doc.asp?symbol=A/63/785&Lang=E&Area=UNDOC; UN Secretary-General, *Annual Report of the Secretary-General on Children and Armed Conflict*, ¶¶ 99–109, U.N. Doc. A/64/742 (Apr. 13, 2010), http://www.un.org/ga/search/view_doc.asp?symbol=A/64/742&Lang=E&Area=UNDOC; UN Secretary-General, *Annual Report of the Secretary-General on Children and Armed Conflict*, ¶¶ 120–129, U.N. Doc. A/65/820 (Apr. 23, 2011), http://www.un.org/ga/search/view_doc.asp?symbol=A/65/820&Lang=E&Area=UNDOC; UN Secretary-General, *Annual Report of the Secretary-General on Children and Armed Conflict*, ¶¶ 82–96, U.N. Doc. A/66/782 (Apr. 26, 2012), http://www.un.org/ga/search/view_doc.asp?symbol=A/66/782&Lang=E&Area=UNDOC; UN Secretary-General, *Annual Report of the Secretary-General on Children and Armed Conflict*, ¶¶ 108–120, U.N. Doc. A/67/845 (May 13, 2013), http://www.un.org/ga/search/view_doc.asp?symbol=A/67/845&Lang=E&Area=UNDOC; and UN Secretary-General, *Annual Report of the Secretary-General on Children and Armed Conflict*, ¶¶ 78–85, U.N. Doc. A/68/878 (May 15, 2014), http://www.un.org/ga/search/view_doc.asp?symbol=A/68/878&Lang=E&Area=UNDOC.

[93] UN Secretary-General, *Annual Report of the Secretary-General on Children and Armed Conflict*, ¶ 63, U.N. Doc. A/61/529 (Oct. 26, 2006), http://www.un.org/en/ga/search/view_doc.asp?symbol=A/61/529.

[94] *Id.* at ¶ 66.

[95] *See* UNICEF-OPT, *CAAC Bulletin on escalation of the conflict in East Jerusalem, Gaza and southern Israel July & August 2014*, Oct. 3, 2014, http://www.unicef.org/oPt/Jul-Aug_2014_-_CAAC_Bulletin_03-OCT_-_Final.pdf.

The children and armed conflict framework has failed to foster accountability and compliance of Israeli forces with international child protection standards. Though each annual report subsequent to the 2006 annual report includes mention of grave violations committed by Israeli forces, specifically killing and maiming and attacks against schools, these and other grave violations committed by Israeli forces against children living in the OPT have continued unabated.[96]

UN Independent Commission of Inquiry on the 2014 Gaza Conflict

In July 2014, the UN Human Rights Council passed a resolution establishing the Independent Commission of Inquiry on the 2014 Gaza Conflict to investigate all violations of international humanitarian law and international human rights law during Israel's July-August military offensive. The Commission was charged with establishing "facts and circumstances of such violations and of the crimes perpetrated and to identify those responsible, to make recommendations, in particular on accountability measures, all with a view to avoiding and ending impunity and ensuring that those responsible are held accountable."[97]

The Commission was supposed to present its final report and findings to the Human Rights Council on March 23, 2015 during its twenty-eighth regular session, but the presentation was postponed to the June 2015 Human Rights Council session.

To the extent that the Commission finds evidence of violations of international humanitarian law and international human rights law, the international community must strongly support the findings and any follow-up international accountability mechanisms recommended by the Commission.

International Criminal Court

On January 1, 2015, the Government of Palestine accepted the jurisdiction of the International Criminal Court involving crimes committed in the OPT, including East Jerusalem, since June 13, 2014.[98] The Office of the Prosecutor opened a preliminary examination into the situation of Palestine and is currently evaluating issues of jurisdiction and admissibility to determine if there are grounds to open war crimes investigations related to alleged crimes committed after June 13, 2014.

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[96] *Id.* and *see also* UN OCHA-OPT, *Situation Report*, Sep. 4, 2012, http://www.ochaopt.org/documents/ocha_opt_sitrep_04_09_2014.pdf; UN Committee on the Rights of the Child, *Concluding observations on the second to fourth periodic reports of Israel*, U.N. Doc. CRC/C/ISR/CO/2-4 (Jul. 4, 2013), http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-ISR-CO-2-4.pdf; UN Human Rights Committee, *Concluding observations on the fourth periodic report of Israel*, U.N. Doc. CCPR/C/ISR/CO/4 (Nov. 21, 2014), http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/225/55/PDF/G1422555.pdf; and *Report of the United Nations Fact Finding Mission on the Gaza Conflict*, U.N. Doc. A/HRC/12/48 (Sep. 25, 2009), http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/158/66/PDF/G0915866.pdf.

[97] H.R.C. Res. S/21/1, ¶ 13, U.N. Doc. A/HRC/RES/S-21/1 (Jul. 24, 2014), available at http://www.ohchr.org/EN/HRBodies/HRC/SpecialSessions/Session21/Pages/21stSpecialSession.aspx.

[98] State of Palestine, *Declaration Accepting the Jurisdiction of the International Criminal Court*, Dec. 31, 2014, http://www.icc-cpi.int/iccdocs/PIDS/press/Palestine_A_12-3.pdf; and International Criminal Court, *The State of Palestine accedes to the Rome Statute*, Jan. 7, 2015, http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/pr1082_2.aspx.

Third state responsibility and international humanitarian law

International humanitarian law includes clear obligations for third states, including that all High Contracting Parties to the Geneva Conventions have a duty to "respect and ensure respect" for international humanitarian law in all circumstances.

Third state parties have the authority under international law to initiate criminal investigations in their own courts exercising universal jurisdiction "where there is sufficient evidence of the commission of grave breaches of the Geneva Conventions" and proceed with prosecutions where warranted. Grave breaches of the Geneva Convention, defined in Article 147, include acts involving willful killing or seriously injuring civilians and extensive destruction to civilian property that is not justified by military necessity.

11. Conclusions and recommendations

The incidents detailed in this report present just a snapshot of the devastation caused by Israel's 50-day assault on Gaza. DCIP's investigation into Palestinian child fatalities during *Operation Protective Edge* found overwhelming and repeated evidence of international humanitarian law violations committed by Israeli forces, including direct attacks on children, and indiscriminate and disproportionate attacks on civilian homes and schools.

Evidence and testimonies collected by DCIP show that there were no safe places for children in Gaza during the Israeli assault. Children were subjected to a barrage of drone-fired missiles, bombs dropped by warplanes, and high-explosive artillery shells. This regardless of whether they were at home, sheltering in schools, or fleeing in the streets with their families.

It is clear that Palestinian children continue to withstand the worst of Israel's repeated military offensives and increasingly suffer from a man-made humanitarian crisis created by Israel's ongoing blockade of Gaza.

The violations perpetrated during *Operation Protective Edge* significantly exceed the previously unprecedented scale and severity of violations committed against Palestinian children during *Operation Cast Lead* in December 2008 and January 2009. In order to challenge systemic and seemingly perpetual impunity and increase protections for children, Defense for Children International Palestine strongly urges that the following measures be taken:

1) The Government of Israel should:

- End its prolonged military occupation of Palestinians living in the Occupied Palestinian Territory, and its eight-year siege on the Gaza Strip, a form of collective punishment prohibited under international law;

- Conduct impartial and independent investigations into any alleged violations of international humanitarian law by Israeli armed forces, and if there is sufficient evidence, initiate criminal proceedings against alleged perpetrators ensuring full respect for international fair trial standards;

- Fully cooperate with the UN-mandated Independent Commission of Inquiry on the 2014 Gaza Conflict, ensuring complete access to the West Bank, including East Jerusalem, and the Gaza Strip, as well as to relevant personnel, documents and other material;

- Fully cooperate with all UN human rights mechanisms, including the Human Rights Council and its special procedures, as well as any investigations conducted by the International Criminal Court;

- Allow international human rights organizations unrestricted access to the West Bank, including East Jerusalem, and the Gaza Strip in order to investigate alleged violations of international law committed by all parties to the conflict; and

- Fully comply with international humanitarian law and international human rights law, in accordance with the 2004 International Court of Justice advisory opinion.

2) The State of Palestine should:

- Reissue a declaration accepting the ICC's jurisdiction over crimes committed in the Occupied Palestinian Territory since July 1, 2002;

- Fully cooperate with the UN-mandated Independent Commission of Inquiry on the 2014 Gaza Conflict, any investigations conducted by the International Criminal Court, and all UN human rights mechanisms, including the Human Rights Council and its special procedures; and

- Conduct impartial and independent investigations into any alleged violations of international humanitarian law by Palestinian armed groups, and if there is sufficient evidence, initiate criminal proceedings against alleged perpetrators ensuring full respect for international fair trial standards.

3) The international community should:

- Demand that Israel end its prolonged military occupation of Palestinians living in the Occupied Palestinian Territory, and its eight-year siege on the Gaza Strip, a form of collective punishment prohibited under international law;

- Call on the UN Secretary-General to list Israel's armed forces in his 14th Annual Report on Children and Armed Conflict for committing grave violations against children during armed conflict, specifically killing and maiming and attacks against schools;

- Fully support the International Criminal Court's exercise of jurisdiction over the Occupied Palestinian Territory, and oppose and refrain from taking any punitive measures against the State of Palestine for engaging with the International Criminal Court.

- Fully support the UN-mandated Independent Commission of Inquiry and any findings of violations of international humanitarian law and international human rights law, as well as any follow-up international accountability mechanisms recommended by the Commission.

- Call on Israel to accede to the Rome Statute of the International Criminal Court.

OPERATION PROTECTIVE EDGE
A WAR WAGED ON GAZA'S CHILDREN

For children living in the Gaza Strip, 2014 was a year that brought violence, fear, and loss. The Israeli military offensive that lasted 50 days between July 8 and August 26, dubbed *Operation Protective Edge*, killed 547 Palestinian children, 535 of them as a direct result of Israeli attacks. Another 3,374 children suffered injuries in attacks, including over 1,000 children whose wounds rendered them permanently disabled.

In total, *Operation Protective Edge* claimed the lives of 2,220 Palestinians, including at least 1,492 civilians. Five Israeli civilians, including one child, and 67 Israeli soldiers also lost their lives.

Investigations undertaken by Defense for Children International Palestine (DCIP) into Palestinian child fatalities during *Operation Protective Edge* found overwhelming and repeated evidence of international humanitarian law violations committed by Israeli forces. These included direct attacks on children, and indiscriminate and disproportionate attacks on civilian homes, schools, and residential neighborhoods.

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Defense for Children International PALESTINE