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amnesty international – universal children's day



action

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## Israel and the Occupied Territories and the Palestinian Authority

### ACT NOW TO STOP THE KILLING OF CHILDREN!

Palestinian and Israeli children continue to be killed, victims of the policies and practices of grown-ups who show utter disregard for the most basic human right, the right to life. In the past four years, since the outbreak of the Palestinian uprising (*intifada*), more than 550 Palestinian children have been killed by the Israeli army and more than 100 Israeli children have been killed by Palestinian armed groups. In the first 10 months of this year, some 150 Palestinian children and eight Israeli children have been killed.

Palestinian children have been killed and injured by the Israeli army, as a result of deliberate as well as reckless shooting by soldiers and shelling and bombardments of densely populated residential areas including refugee camps in the occupied West Bank and Gaza Strip. Others were killed when Israeli soldiers used excessive and disproportionate force during demonstrations or when the army launched missiles into busy streets to assassinate Palestinian militants.

The Israeli authorities have frequently stated that their troops only open fire when their lives are at risk and only respond to the sources of fire. Amnesty International's research indicates that this is not so. Amnesty International delegates have themselves witnessed unprovoked, random and reckless shooting and shelling by the Israeli army into Palestinian residential and crowded areas. Such practices, which have also been witnessed by representatives of the United Nations, European Union, members of parliaments, journalists and other foreign visitors to the Occupied Territories, have resulted in the killings of hundreds of Palestinian children and hundreds of unarmed adults.

Israeli authorities have expressed regret for some of the killings of Palestinian children, claiming they occurred as a result of mistakes. However, the Israeli army and government officials who are responsible for the conduct of soldiers and approve the army's operations, are fully aware that the use of certain weapons and/or munitions in certain situations invariably results in the killing or injuring of bystanders, including children. This reality became clear from the first days of the *intifada*, four years ago, when 15 Palestinian children and dozens of other unarmed Palestinian protesters were shot dead by Israeli soldiers in the first two weeks of demonstrations.

The killings of more than 550 Palestinian children cannot just be dismissed as "mistakes". Amnesty International is concerned that the consistent failure of the Israeli judicial authorities to carry out thorough and credible investigations into these killings, and to bring

those responsible for unlawful killings to justice, has undoubtedly encouraged such violations to continue.

Palestinian armed groups have continued to kill Israeli children in both deliberate and indiscriminate attacks. In the past four years more than 100 Israeli children have been killed and hundreds of others injured in suicide bombings, shootings and other attacks carried out by Palestinian armed groups in Israel and in the Occupied Territories.

Palestinian armed groups, notably the armed wings of *Hamas* and Islamic *Jihad* and the *al-Aqsa* Martyrs' Brigades, an offshoot of the *Fatah* party, have claimed responsibility for many of the suicide bombings, shootings and missile attacks which have killed children and other Israeli civilians. They have also repeatedly pledged to continue to carry out such attacks against Israeli civilians, which they claim are in response to killings of Palestinians by the Israeli army.

Palestinians suspected of involvement in attacks against Israelis have frequently been assassinated by the Israeli army or have been killed in armed confrontations, and thousands of others have been arrested. However, the Palestinian Authority (PA) and security forces have made no effort to investigate killings of Israeli children by Palestinian armed groups and to bring those responsible to justice. The fact that much of the PA infrastructure and security force installations have been destroyed or rendered inoperational by repeated Israeli army bombings does not absolve the PA of its duty to carry out investigations and bring to justice those who live in areas within its jurisdiction who are responsible for such crimes.

Some Palestinian political leaders, including members of the PA, have explicitly or implicitly justified or tried to explain suicide bombings and other deliberate attacks by Palestinian armed groups against Israeli civilians by arguing that Palestinians do not have tanks, airplanes or other sophisticated weapons with which to confront the Israeli army, which is one of the best equipped and powerful armies in the world. However, deliberate and indiscriminate attacks against civilians, including children, can never be justified or accepted under any circumstances.

According to the Rome Statute of the International Criminal Court, crimes against humanity are specific acts, including murder, committed as part of a "widespread or systematic attack directed against any civilian population", "pursuant to or in furtherance of a State or organization's policy to commit such attack".(7.1) This is the most contemporary formulation of crimes against humanity agreed in an international treaty.

All killings of Israeli children by Palestinian armed groups have been committed in deliberate attacks against civilians, which have been widespread and perpetrated as part of a publicly announced policy to target civilians. They therefore meet the definition of crimes against humanity.

Many killings of Palestinian children by Israeli armed forces have been unlawful, as wilful, killings resulting from acts including reckless shooting, tank and aircraft shelling and bombardments and house destruction. As such these killings are grave breaches of the Fourth Geneva Convention and therefore war crimes. Such killings have been part of widespread, as well as systematic, acts against Palestinian civilians. They have been carried out by Israeli armed forces pursuant to government policy, evidenced by the knowledge and approval of government authorities who are fully aware that for over four years such practices have consistently resulted in the killing or injury of civilians and who have declined to take effective steps to prevent such killings of civilians. They, therefore, meet the definition of crimes against humanity under international law.

In addition to those who have been killed, thousands of Palestinian children and hundreds of Israeli children have been injured. Many of them have been left maimed and disabled for life. Many have also lost their parents or other relatives, sometimes killed in front of them, and will live with the trauma of such horrors for the rest of their lives.

In their daily lives, Palestinian children throughout the Occupied Territories have also been exposed to an increasingly high level of violence and violations of many of their rights including the right to education, to an adequate standard of living, to the highest attainable standard of health, to safe and secure housing, and to freedom of movement. For four years many have been confronted with Israeli army aircrafts circling the sky or launching missiles, and with Israeli army tanks outside their homes and schools. Their villages and neighbourhoods have been kept under siege and they have often been confined to their homes for days and weeks at a time by curfews and closures. They have been forced to go through military checkpoints to get to school or to take long detours and to climb over blockades or in and out of ditches in order to visit relatives or to go to the doctor.

Most of the tens of thousands of Palestinians who have had their homes destroyed by the Israeli army and who have been left homeless and destitute are children. Many children have had to run out of their homes with just the clothes on their back and watch Israeli army bulldozers crush the houses with everything inside. Others have had their homes taken over, turned into (temporary) military posts and trashed by Israeli soldiers; they have lost hundreds of schooldays and have been prevented from getting adequate medical care because of curfews and sieges. They have been separated from their imprisoned parents, whom they are not allowed to visit, and they have increasingly suffered from poverty and malnutrition – more than two thirds of the Palestinian population now lives under the poverty line as a result of closures and large scale destruction of land property.

**Below are the cases of some of the children killed this year in Israel and the Occupied Territories.** They illustrate the continued disregard by all the parties involved in the conflict for the right to life of the most vulnerable members of the Israeli and Palestinian population.

#### **Palestinian children shot dead in their classroom, on their way to school or at home**

In the space of a few weeks two Palestinian children were killed by the Israeli army while sitting in their classrooms and two others were shot dead on their way to school in Khan Yunis refugee camp in the Gaza Strip. On the morning of 7 September 2004, 10-year-old **Raghda Adnan al-Assar** was struck in the head by an Israeli bullet while sitting at her desk in UNRWA's Elementary C Girl's School in Khan Yunis refugee camp. The firing came from an Israeli army position in the Gush Katif Settlement block, west of Khan Yunis. Raghda never regained consciousness and died on 22 September.

On 13 October 2004, nine-year-old **Ghadeer Jaber Mukhaymar**, a fifth grade pupil at the UN Relief and Works Agency (UNRWA) Co-Ed Elementary D School in Khan Yunis refugee camp died of a live bullet wound to the stomach she sustained the day before from a gunshot, which again came from an Israeli military position inside the Israeli settlement block of Gush Katif.

Eight-year-old **Rania Iyad Aram** was shot dead by Israeli soldier as she was walking to school on 29 October 2004. Soldiers fired from a military base inside the Israeli settlement block of Gush Katif towards Khan Yunis refugee camp. Israeli army officials were quoted as saying the soldiers had opened "warning fire" in the direction of areas from which Palestinians

regularly fire mortars.

On the morning of 5 October 2004, thirteen-year-old **Iman al-Hams** was killed near her school in the Tal al-Sultan neighbourhood of the southern Gaza Strip town of Rafah. She was walking in the vicinity of an Israeli army observation tower and when Israeli soldiers opened fire she dropped her school bag and started to run away, but the soldiers shot her dead. Her body was left on the ground for more than an hour before the Israeli army allowed an ambulance to approach her. According to medical sources, she had at least 15 bullet wounds in the upper part of her body, including several in the head. The Israeli army claimed that she was suspected to carry explosives in her school bag, but later admitted that the bag only contained her school books. After some of the soldiers present reported that their company commander repeatedly shot the child from close range after she had been hit and was lying on the ground, the Israeli army initiated an investigation. On 15 October, the commander was suspended by the chief of staff for a "failure of leadership" but the army claimed that no proof was found to substantiate the soldiers' allegations that the company commander had repeatedly shot the child at close range. However, a military police investigation was opened and the soldier was arrested on 26 October and remains under investigation. Although investigations into killings of Palestinians by Israeli soldiers are rare and convictions of those responsible for the killings are even rarer, this case is exceptional in that Israeli soldiers present at the scene testified against their commander and their allegations were provided to the media.

Sixteen-year-old **Asma al-Mughayr** and her 13-year-old brother **Ahmad** were shot dead within minutes of each other on the roof-terrace of their home in Rafah on the morning of 18 May 2004. Each was killed by a single bullet in the head, Asma while taking clothes off the drying line and her brother Ahmad while feeding the pigeons. All available information indicates that the bullets which killed the two children were fired from the top floor of a nearby house, the highest building in the area, which had been taken over by Israeli soldiers shortly before the two children were shot. According to the children's family only single gunshots were heard when the children were killed and no explosions were reported at the time. They claim Ahmad ran downstairs to call for help after his sister Asma was shot; he was shot in the head as he re-emerged from the staircase onto the roof-terrace. Amnesty International spoke with several foreign journalists who visited the al-Mughayrs' house and the nearby house which was being used by Israeli soldiers at the time and reviewed photos taken by them. In the nearby house the journalists found an empty Israeli army ammunition box, spent bullet cases and leftovers from Israeli army food rations next to the holes which Israeli soldiers had pierced in the walls of the house to use as sniper positions. Pictures show that there was a clear view of the al-Mughayr roof-terrace, where the two children were killed; they also show bullet holes on the clothes hanging on the drying line, on the satellite dish and on the wall; they did not show any damage which could have been caused by an explosion or by shrapnel from an explosion.

Eleven-year-old **Maram al-Nahleh** was killed on the doorstep of her family home in the West Bank town of Nablus in the morning of 15 September 2004. Maram was a pupil in the sixth grade of the Khalidiya primary school. The morning of the incident, at 5am, there was heavy shooting in the area, which continued for some time. At around 10am, after it had been quiet for some time and the residents of the area thought that the army had left, Maram's family and their neighbours went out in the street to check what had happened; there were bodies of Palestinians near the house and further up and down the road. Maram was standing in the gate opening to the street near her parents when she was hit by a bullet in the face. The shot was fired from a private house higher up the hill, which had been taken over by Israeli soldiers during the night. According to Maram's parents, there was no other shooting at the time, and only one shot was fired, which killed Maram almost instantly. Maram's father took her to hospital by car, but she had died already. The soldiers left the area around 11am.

### **Israeli children shot dead while travelling by car with their mother**

Eleven-year-old **Hila Hatuel** and her three sisters, **Hadar, Roni** and **Meirav**, aged nine, seven and two, were killed by Palestinian gunmen on 2 May 2004 as they were travelling by car in the Gaza Strip with their mother Tali, who was eight months pregnant. The four children and their mother were shot dead at close range by two Palestinian gunmen who had previously shot at their vehicle and caused it to career off the road. Rescue workers said the children had bullet wounds to the head. The gunmen also fired on another car but the driver was able to reverse to safety, suffering light wounds only. The shooters were then killed by Israeli soldiers, two of whom were wounded in the exchange of fire. The shooting attack took place on a road which links the Israeli settlement block of Gush Katif (in the south-west of the Gaza Strip), where the Hatuel family lived, with Israel. Tali Hatuel and her husband David, originally from the Israeli town of Ashkelon, had moved to Gush Katif 12 years ago. Tali was a social worker for the Gaza Coast Regional Council where she worked with the families of victims of Palestinian attacks. The Palestinian armed group Islamic *Jihad* and the Popular Resistance Committees, an umbrella organization of Palestinian armed groups, claimed responsibility for the killings.

### **Palestinian children killed in the shelling of a non-violent demonstration**

Ten-year-old **Walid Naji Abu Qamar**, 11-year old **Mubarak Salim al-Hashash** and 13-year-old **Mahmoud Tariq Mansour** were among eight unarmed demonstrators killed in the early afternoon of 19 May 2004 in Rafah, in the Gaza Strip, when the Israeli army open fire on a non-violent demonstration with tank shells and a missile launched from a helicopter gunship. Dozens of other unarmed demonstrators were wounded in the attack. Amnesty International delegates were in the vicinity of the demonstration at the time of the incident. They saw Israeli army helicopters hovering over the area and dropping what appeared to be flares, followed by several rounds of heavy shelling. According to Israeli army and government officials, tanks shelled a nearby empty building and a helicopter fired a missile in a nearby open space in order to deter the demonstrators from proceeding towards Israeli army positions.

### **Israeli children killed in suicide bombing and missile attacks**

Three Israeli children were killed in recent months in the southern Israeli town of Sderot by Qassam rockets fired by Palestinian armed groups from the Gaza Strip. Three-year-old **Afik Zahavi** was killed on 28 June 2004 when a rocket exploded in the middle of a road which runs past a nursery school in the Neveh Eshkol neighbourhood, in the centre of the town. Afik Zahavi and his mother Ruth were standing on the sidewalk waiting to cross the street to the school. Afik Zahavi sustained serious injuries to his legs and began losing blood rapidly. By the time the ambulance came, he had lost consciousness and he died soon after. His mother was injured in the legs and neck. A 49-year-old man who was sitting on a nearby bench was instantly killed in the explosion and more than 10 other people were wounded. This was the first time that a Qassam missile fired from the Gaza Strip caused Israeli fatalities and casualties, even though in the past two years Palestinian armed groups have fired hundreds such missiles from the Gaza Strip in the direction of the nearby Israeli town of Sderot.

On 29 September 2004, on the eve of the Jewish Sukkot holiday, four-year-old **Yuval Abebeh** and two-year-old **Dorit Aniso** of Sderot became the next victims of Palestinian Qassam

rocket fire from the Gaza Strip. Yuval and Dorit were visiting their grandmother and were playing outside the house when they were hit by the rocket. They both suffered serious injuries and died shortly afterwards in hospital. About 30 other people were wounded in the attack. The armed wing of the Palestinian group *Hamas* claimed responsibility for both attacks.

Three-year-old **Aviel Atash** was fatally injured when two Palestinians blew themselves up in a double suicide attack on two buses in the southern Israeli town of Be'er Sheva on 31 August 2004. Aviel and his mother, Rachel, were travelling on one of the buses, on their way home from a trip to a shopping mall. Aviel died moments after reaching the hospital and his mother was seriously wounded. Fifteen other Israelis were also killed in the attacks, and some 100 others were wounded. The armed wing of the Palestinian group *Hamas* claimed responsibility for the suicide bombings.

## The right to life of all children must be respected!

### Please send appeals, calling on the Israeli and Palestinian authorities:

- To ensure that thorough and impartial investigations are promptly carried out into the killing of every child, that the findings of these investigations are made public and that those responsible for such unlawful killings are brought to justice in fair trials.
- For Israel to take concrete measures to ensure that Israeli soldiers do not target children and put an end to reckless, random and disproportionate fire into residential areas.
- For the PA to exercise all possible efforts to take effective action in order to prevent anyone under its jurisdiction from attacking or otherwise endangering the safety of children or any other civilians.
- To act in the best interests of all children, in particular to respect children's right to life.

### Calling on Palestinian armed groups:

To put an immediate end to the targeting of children or any other civilians in Israel and in the Occupied Territories.

### And calling on the leadership of Palestinian political movements and parties:

- To instruct all those under their command or influence not to attack children or other civilians under any circumstances and to make clear that such attacks will not be tolerated.

### ADDRESSES FOR APPEALS

<b>Ahmad Quray (Abu Ala'a)</b> , Prime Minister Prime Minister's Office Ramallah, West Bank Palestinian Authority Fax: +972 2 2409648	<b>Ariel Sharon</b> , Prime Minister Office of the Prime Minister 3 Kaplan Street, P O Box 187 Kiryat Ben-Gurion, Jerusalem 91919 Israel Fax: +972 2 5664838
<b>Nahed al-Rayyis</b> , Minister of Justice Ministry of Justice P O Box 1012 Gaza City, Gaza Strip Palestinian Authority Fax: +972 8 2829197	<b>Shaul Mofaz</b> , Minister of Defence Ministry of Defence Kaplan Street Hakiryat, Tel Aviv 67659 Israel Fax: +972 3 6916940

<b>Fatah</b> <a href="mailto:fateh@palnet.com">fateh@palnet.com</a>  <b>Al-Aqsa Martyrs' Brigades</b> (armed wing Fatah) <sup>1</sup> <a href="mailto:kataeb_aqsa@hotmail.com">kataeb_aqsa@hotmail.com</a>	<b>Yosef Lapid</b> , Minister of Justice Ministry of Justice 29 Salah al-Din Street Jerusalem 91010 Israel Fax: +972 2 6287757
<b>Hamas</b> <a href="mailto:admin@hamasonline.com">admin@hamasonline.com</a>  <b>Iz al-Din al-Qassam Brigades</b> (armed wing Hamas) <sup>1</sup> <a href="mailto:info@alqassam.info">info@alqassam.info</a>	<b>Menahem Mazuz</b> , Attorney-General Ministry of Justice 29 Salah al-Din Street Jerusalem 91010 Israel Fax: +972 2 530 3367 - +972 2 6274481 - +972 2 6285438
<b>Islamic Jihad</b> <sup>1</sup> <a href="mailto:myquds@hotmail.com">myquds@hotmail.com</a>	

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<sup>1</sup> No postal addresses or fax numbers are available for these groups. E-mail addresses have been taken from websites of these groups, and may be subject to changes.