



# **FAMILIES UNDER THE RUBBLE**

ISRAELI ATTACKS ON INHABITED HOMES

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# CONTENTS

Introduction .....	5
Methodology .....	6
Israeli air strikes on inhabited homes .....	8
al-Hallaq and Ammar family homes, Gaza City, 20 July .....	10
List of named individuals killed .....	16
Abu Jame' family home, Khan Yunis, 20 July .....	16
List of named individuals killed .....	18
al-Dali Building, Khan Yunis, 29 July .....	19
List of named individuals killed .....	21
al-Bayoumi family home, al-Nuseirat refugee camp, 31 July.....	22
List of named individuals killed .....	26
al-Neirab family home, Gaza City, 1 August.....	27
List of named individuals killed .....	28
al-Bakri family home, al-Shati' refugee camp, 4 August.....	29
List of named individuals killed .....	31
al-Louh family home, Deir al-Balah, 20 August .....	31
List of named individuals killed .....	33
Abu Dahrouj family home, al-Zuwayda, 23 August.....	33
List of named individuals killed .....	35
International humanitarian law .....	36

Prohibition on direct attacks on civilians and civilian objects – the principle of distinction .....	36
Prohibition on indiscriminate or disproportionate attacks.....	37
Precautions in attack.....	37
Precautions in defence and “human shields” .....	37
Accountability .....	39
Conclusion and recommendations .....	41
To the Israeli authorities .....	42
To the Palestinian authorities .....	42
To other states .....	42
Endnotes .....	44

# INTRODUCTION

Israeli air strikes during Israel's recent military operation in the Gaza Strip, Operation Protective Edge, targeted inhabited multistorey family homes. Whole families, including many women and children, were killed or injured by these targeted strikes and, in addition, there was extensive destruction of civilian property.

These attacks were carried out in the context of a 50-day conflict, from 8 July until 26 August, in which the scale of destruction, damage, death and injury to Palestinian civilians, homes and infrastructure was appalling. According to figures released by the United Nations, some 1,523 civilians, including 519 children, are among more than 2,192 Palestinians who died during the operation.<sup>1</sup> By the time of the ceasefire on 26 August there were approximately 110,000 internally displaced persons living in emergency shelter and with host families. The UN estimated that about 18,000 housing units were destroyed or rendered uninhabitable, leaving approximately 108,000 people homeless. A further 37,650 housing units were damaged.<sup>2</sup>

At the same time, Hamas and other Palestinian armed groups fired thousands of indiscriminate rockets and mortar rounds into civilian areas of Israel, killing six civilians, including one child.<sup>3</sup> Dozens of other Israelis, including at least six children, were directly injured by rockets or shrapnel. A total of 66 soldiers were killed in the fighting.

Amnesty International has documented and is continuing to document serious violations of international humanitarian law, including unlawful killings and injuries to civilians and destruction of civilian property, both by Israel and by Hamas and Palestinian armed groups.

In this report Amnesty International examines targeted Israeli attacks carried out on inhabited civilian homes in the light of Israel's obligations under international humanitarian law, specifically the rules on the conduct of hostilities. It does so by focusing on eight cases, in which targeted Israeli attacks resulted in the deaths of at least 111 people, of whom at least 104 were civilians, including entire families, and destroyed civilian homes. The cases were chosen for a variety of reasons, including the availability of witnesses, the clarity of the evidence and the number of civilians killed. They include two cases in which there were particularly high civilian casualties (at least 33 civilians killed in the bombing of the al-Dali building and 25 in the destruction of the Abu Jame' family home).

In all the cases documented in this report, there was a failure to take necessary precautions to avoid excessive harm to civilians and civilian property, as required by international humanitarian law. In all cases, no prior warning was given to the civilian residents to allow them to escape.

In four of the cases (the attacks on the Abu Jame' family home, the al-Dali building, the al-Bakri family home and the Abu Dahrouj family home), in which a total of at least 66 civilians were killed, Amnesty International has been able to identify a named individual who was an apparent member of an armed group. However, even if a fighter or a military objective was indeed present (or thought to have been present), the loss of civilian lives, injury to civilians

and damage to civilian objects appear disproportionate, that is, out of proportion to the likely military advantage of carrying out the attack, or otherwise indiscriminate. However, due to lack of information from the Israeli authorities, Amnesty International cannot be certain in any of these attacks what was being targeted. In cases where there is no military objective, an attack could violate the international humanitarian law prohibition of direct attacks on civilian objects and on civilians. Attacks directed at civilian objects or at civilians, or disproportionate and indiscriminate attacks that kill or injure civilians are war crimes. The fact that, in these eight cases which caused the deaths of at least 104 civilians, Israel has made no statement about who or what was being targeted, or even acknowledged that it carried out these particular attacks and the loss of civilian lives that they caused, is deeply worrying.

These attacks fit into a broader pattern. In addition to the cases detailed in this report, Amnesty International has documented more than 12 other targeted attacks that caused the deaths of civilians, including children, and destroyed all or part of inhabited home. Most appear to have been aerial attacks conducted by manned aircraft. Looking more widely at Israeli attacks of different kinds, including attacks during heavy fighting in areas such as al-Shuja'iyyeh and Khuza'a, the Israeli human rights organization B'Tselem listed 72 homes destroyed in the Gaza Strip in whole or in part with families inside them up until 11 August 2014. This destruction killed 547 people, of whom 125 were women under the age of 60, 250 were minors, and 29 were people over the age of 60.<sup>4</sup>

In all the cases described in this report and other similar ones during the conflict, the onus is on Israel to provide information concerning the attacks and their intended targets. Israel must also explain what precautions were taken to spare civilians in attacks that targeted military objectives but resulted in civilian deaths and injuries and destruction of civilian homes. The cases documented in this report, as well as other credible allegations of serious violations of international humanitarian law, must be promptly, independently and impartially investigated, in accordance with international law and standards and, wherever there is sufficient admissible evidence, alleged perpetrators, be they military or civilian officials, must be brought to justice in proceedings that fully respect international fair trial standards. Civilian victims and their families should receive full reparation. In addition, it is important that, following investigations, the Israeli military should learn the lessons of this and previous conflicts and change its military doctrine and tactics for fighting in densely populated areas such as Gaza so as to ensure strict compliance with international humanitarian law, in particular the principles of distinction, proportionality and precaution.

## METHODOLOGY

Amnesty International has been unable to send a delegation of researchers to visit the Gaza Strip since the beginning of the conflict. The Israeli authorities have refused, up to the time of writing this report, to allow it and other international human rights monitors to enter the Gaza Strip through the Erez crossing with Israel, despite the organization's repeated requests since the beginning of the conflict to do so. The Egyptian authorities have also not granted Amnesty International permission to enter the Gaza Strip through the Rafah crossing with Egypt, again despite the organization's repeated requests to do so.

Amnesty International has consequently had to carry out research remotely, supported by two fieldworkers based in Gaza who were contracted to work with the organization for periods of

several weeks. They travelled extensively within the Strip, visiting every site described in this briefing more than once, as soon as possible after the damage took place, interviewing victims and eyewitnesses of every case recorded and taking photos and videos of the sites. The organization consulted on the interpretation of photos and videos with military experts. It extensively reviewed relevant statements by the Israeli military and other official bodies, but they provide no indication as to whether any of the attacks in this report were directed at a particular military target. Amnesty International has therefore made considerable efforts to assess the military purpose, if any, of each attack. Amnesty International also studied relevant documentation produced by UN agencies, Palestinian, Israeli and other non-governmental organizations, local officials, media, and others who monitored the conflict, and consulted with them as needed.

Despite these efforts, the lack of access for Amnesty International's researchers, as well as military and medical experts who would have accompanied them, has clearly hindered the work of Amnesty International, as it has hindered the work of other human rights organizations that have wished to document violations of international law in the Gaza Strip. Medical evidence and evidence of weapons used, both in damaged buildings and elsewhere, help monitors to assess how, with what and why something was targeted, but they disappear quickly. Suffering from a great shortage of living space, residents of the Gaza Strip started almost immediately after the conflict, as after other recent conflicts, to clear up the rubble and use what can be salvaged to rebuild their homes. Fragments of munitions which would have shown what weapons were used have been carried off from the rubble of destroyed homes by civil defence workers, souvenir hunters and others.<sup>5</sup>

Governments who wish to hide their violations of human rights from the outside world have frequently banned Amnesty International from accessing the places in which they have been committed. Although Amnesty International researchers have consistently been able to access Israel and the occupied West Bank, they have not been allowed by the Israeli government to enter the Gaza Strip through the Erez crossing since June 2012. The UN Fact-Finding Mission on the Gaza Conflict, which was set up by the UN Human Rights Council and reported in 2009 on violations of international law by all sides during Israel's Operation Cast Lead in the Gaza Strip criticized this policy stating: "The Mission is of the view that the presence of international human rights monitors would have been of great assistance in not only investigating and reporting but also in the publicizing of events on the ground."<sup>6</sup> It added: "The presence of international human rights monitors is likely to have a deterrent effect, dissuading parties to a conflict from engaging in violations of international law."<sup>7</sup>

Amnesty International sent its findings to the Israeli authorities on 8 October 2014, requesting any relevant information that could be provided on each of the cases in this report. It sent a memorandum to the three Israeli mechanisms investigating aspects of Operation Protective Edge – the State Comptroller, the army's General Staff Mechanism for Fact-Finding Assessments, and the Knesset Foreign Affairs and Defense Committee – as well as to the army's Chief of General Staff, the Prime Minister and the Ministers of Defense, Justice and Foreign Affairs. It asked for explanations of why each of these attacks was carried out; who or what was being targeted; what means of attack were selected; what precautions were taken to minimize the risk of harm to civilians and civilian objects; and whether any investigation had taken place or was ongoing. It had not received a response before this report was finalized, but any response received will be reflected in future publications.

# ISRAELI AIR STRIKES ON INHABITED HOMES

In the eight cases documented by Amnesty International in this report Israeli aircraft dropped aerial bombs on or launched missiles at homes they knew or should have known had civilians inside. The attacks resulted in the deaths of at least 111 individuals, including at least 104 civilians, and injured many others. Some 34 apartments and neighbouring houses, home to more than 150 people, were destroyed or badly damaged in these attacks.

In at least four cases – the attacks on the al-Hallaq and Ammar family homes, the Abu Jame' family home, the al-Dali building and the al-Bayoumi family home – the normal number of residents had been swollen by the presence of family members who had fled from unsafe areas to seek safety with relatives who appeared to be living in more secure parts of Gaza. The history of the families destroyed by these attacks shows the painful struggle for survival during the war. Both the al-Hallaq and the Ammar apartments sheltered family members: from al-Shuja'iyyeh, an area of eastern Gaza which suffered heavy damage during the conflict; from al-Tuffah, a neighbourhood in the north-east of Gaza City that was considered at risk of attack; and from elsewhere. Ibrahim Shaker Abu Shouqa, who lost his wife and two daughters in the attack on the al-Bayoumi house, had moved the 10 members of his family five times during the conflict in a bid to seek safety. They went to a relative's house in al-Zuwayda, which was overcrowded with fleeing relatives, then spent 10 days camping out in an office building, until the Israel military started targeting it. Next they went to the al-Bayoumi house, then to a school run by the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), where they spent one night. According to Ibrahim Abu Shouqa, "the school was full of people, there were no other facilities... They couldn't sleep". So the family came back to the house of the al-Bayoumis; they were distant in-laws and Ibrahim Abu Shouqa's aunt was already staying there. It was a fatal decision as they arrived two nights before the attack.

The attack on the al-Dali building killed more civilians than any other single attack during Israel's recent operation. Israeli aircraft dropped without prior warning a large aerial bomb which demolished an entire apartment building, resulting in the killing of 36 people from four families, including at least 33 civilians, of whom 18 were children. Amnesty International believes this attack was targeting one individual. The second largest number of civilian deaths in any single attack in Operation Protective Edge was caused by the bomb dropped on the Abu Jame' family home, killing 26 individuals, including 25 civilians, of whom 19 were children. Only three people inside the house at the time survived. The apparent target was a fighter with the al-Qassam Brigades, the military wing of Hamas, who was not even within the house at the time, but reportedly sheltering under a balcony.

In three of the cases in this report (the al-Dali Building, the al-Bakri family home, and the Abu Dahrouj family home), the apparent target was a member of a military group, targeted at a time when he was at home with his family. Despite the presence at the time of the attack of one or, in the al-Bakri house, two apparent members of a military force in the cases documented, the presence of a large number of civilians and the expected extensive



destruction of civilian property should have resulted in the cancellation or postponement of the attack, or at least in the revision of the choice of means or timing of the attack.

In three other cases, only lengthy investigations and repeated visits by fieldworkers supporting Amnesty International's work revealed indications of possible targets: an occasionally empty student flat and the possible presence of unknown people on the same floor as the al-Hallaq apartment on the evening of the attack; an empty apartment on the third floor of the al-Bayoumi home, said by neighbours to have been used by the al-Qassam Brigades; a flat in the al-Neirab house rented to a family headed by someone known only as "Abu Amra", now said to be a member of Hamas or Islamic Jihad. In another case, that of the al-Louh family home, which is in relatively open terrain, members of an armed group may have fired a rocket from the area not far from the area during the night.

The mass casualties and extensive destruction of civilian objects that could have been foreseen were in excess of the military advantage anticipated by these attacks. The fighters who were the apparent targets could have been targeted at a different time or in a different manner that was less likely to cause excessive harm to civilians and destruction of civilian objects.

Civilian objects, such as family homes, must not be the objects of attack. A home only loses its protection from direct attack if it is being used to make an effective contribution to military operations and its destruction or neutralization would offer a definite military advantage. The presence of a member of an armed group in a home does not make the home itself a military target. And the use of a specific room or apartment to contribute to military operations would not render the entire building a military objective.

In two of the cases where Amnesty International was able to identify a target, members of an armed group were using, or thought to be using, a specific room or apartment in the multistorey building. In the al-Dali building, the specific room in the apartment contained computers and was apparently used as an office by a member of the al-Quds Brigades, the armed wing of Islamic Jihad. An empty flat in the al-Bayoumi building, where 12 people were killed, was also said to be used by an armed group. In these cases, the Israeli army was under an obligation to take all necessary and feasible precautions by assessing the effects of each attack and choosing the weapons and timing of the attack to reduce to a minimum harm to civilians and damage to civilian property, including by issuing prior warnings to evacuate the buildings and surrounding structures.

In all cases, the Israeli army should have made sure to regularly review and verify intelligence information obtained to ensure that the attack was conducted against a military objective. The attacking party must suspend or cancel attacks when in doubt as to whether the target is indeed a military objective or if it is likely to be disproportionate.

The pattern documented in these cases of the Israeli army's use of large aerial bombs suggests that these attacks either were intended to cause the complete destruction of the targeted structure or a determination to ensure the killing of targeted individuals without due regard to the killing and destruction to those in their immediate vicinity. The use of large aerial bombs to level entire homes without prior warning to civilians in targeted or neighbouring houses is *prima facie* evidence of serious violations of international

humanitarian law; and the burden is on Israeli officials to explain why this practice was undertaken repeatedly, which suggests a policy. In a number of the cases, it is apparent that the Israeli army could have delayed the attack or taken additional precautions by choosing weapons that were less likely to cause excessive harm to civilians and civilian property as it has done in previous attacks, including by launching surgical strikes on specific persons or apartments.

### AL-HALLAQ AND AMMAR FAMILY HOMES, GAZA CITY, 20 JULY

On Sunday 20 July 2014, at around 6.45pm, three missiles struck the apartment of the al-Hallaq family located on the second floor of the nine-storey Cordoba Building in the Remal residential neighbourhood in central Gaza City. Two of the missiles penetrated the floor into the apartment of the Ammar family on the floor below. The attack killed seven members of the al-Hallaq family and four members of the Ammar family.

Three missiles struck the al-Hallaq family's apartment. One detonated in the television room, where the three al-Hallaq children were watching cartoons on television, killing all of them as well as the owner of the home, who was in his bedroom across the hall. Another hit the kitchen adjacent to the television room killing three women, who had been preparing *iftar*, the fast-breaking meal during Ramadan. Five men who were in the sitting room, located in the north-eastern corner of the apartment, survived the initial strike. Several minutes later, by which point the men had left the apartment in haste, a third missile struck the sitting room. At least two of the missiles penetrated the floor into the Ammar family's apartment on the floor below, killing four of its members, all children.

Fieldworkers supporting Amnesty International's work made several visits to the site of the attack and spoke to survivors from both families as well as neighbours and officials at the local police station who assisted in the removal of remnants of weapons following the attack. Amnesty International shared photos of the damage and the weapon fragments at the site with military experts who examined them and described them as remnants of large guided missiles which were likely to have been launched from the air. They left large holes of several metres in diameter in the floor of the al-Hallaq family's television room, kitchen and sitting-room. The missile strikes caused the collapse of the external walls on the eastern side of both the al-Hallaq and Ammar apartments.

There were 12 people in the al-Hallaq apartment at the time of the attack, including nine family members who were sheltering there having fled their homes in other areas. Hani Mohammad al-Hallaq and his family – his wife, Hala Akram al-Hallaq, 27, and their son, Mohammad Hani al-Hallaq, aged 2, – were hosting Hala's father, Dr Akram Hassan al-Hallaq, 65, a professor of Physical Geography at al-Aqsa University, and his wife, Souad Mohammad al-Hallaq, 62; Hala's three brothers, Hassan, Mohammad and Yousef; their cousin Raed; and Hassan's wife, Samar Usama al-Hallaq with their two children, Kenan, 6, and Sajji, 4. Dr Akram al-Hallaq had left al-Shuja'iyeh with his two sons Mohammad and Yousef and nephew Raed after receiving a pre-recorded call from the Israeli army instructing them and other residents to evacuate the area. Hassan and Samar al-Hallaq were awaiting the imminent birth of their third child and had moved to his brother-in-laws apartment for safety and to be near the hospital. Hassan al-Hallaq is an award-winning graduate of Oxford Brookes University, who has worked as an e-payments specialist at the Bank of Palestine in the Gaza Strip for the past 11 years.

Hani and Hala al-Hallaq and their son, Mohammad, all died, as did Souad al-Hallaq, Hala's mother, and Hassan al-Hallaq's wife, Samar, and their two children, Kenan and Sajji.

Mohammad Akram al-Hallaq told one of Amnesty International's fieldworkers in Gaza that the family was preparing for *iftar* when the home was attacked without any prior warning.

*"My father, my brothers, Yousef and Hassan, my cousin Raed and I were in the living-room watching the news. My mother Souad, my brother's wife Samar and my sister Hala were all in the kitchen. The three children, Kenan, Sajji and Mohammad, were in the kids' room playing and watching cartoons. My sister's husband Hani was reading the Qur'an in his bedroom.*

*"We heard an explosion at the house and the rubble was everywhere. The smoke was everywhere; everything was black. The walls fell down. We couldn't see anything; we couldn't even breathe. I was under the rubble and I was injured. My father was right in front of me under the rubble. He couldn't get himself out. He was injured and shocked – he couldn't focus at all. So I helped him out and took him to the door of the apartment so we could go downstairs. The first hit was in the kids' room. The next day we realized it had been more than one hit. We even found the living-room we were in was hit as well. But we didn't realize it back then. The neighbours had to come and explain what happened to us; we couldn't figure it out ourselves."*<sup>8</sup>

Mohammad Akram al-Hallaq, his brothers, their father and cousin quickly realized that they were the only ones to have survived the attack. Mohammad al-Hallaq recounted the aftermath:

*"I helped Yousef and Raed and got them out. They were slightly injured but were standing in shock not moving or saying anything. They had shrapnel in their bodies. Raed had shrapnel in his head and had to get stitches... I went inside but couldn't recognize the rooms because there were no walls. Even the walls of the next apartment had collapsed. I could see the street. The whole house was a big open space. I finally recognized the kids' room, the walls had fallen down and I could see the street right in front of me. Even the floor was gone and I could see the people underneath me moving; there was rubble everywhere.*

*"I got out and on my way out I saw my mother lying down in the corridor, half of her body under the rubble and the other half above. I tried to get her out but I couldn't. One of the pillars of the house fell on her body and I realized she wasn't breathing at all, but I stayed. I wanted to stay because I didn't want to regret it afterwards – maybe there was a chance to save her and I didn't want to miss that chance. Then I realized that it was over.*

*"I looked and I found my brother Hassan, who was bleeding and whose leg looked like it was broken. He was bleeding intensely – it was really severe. So I pulled him out and carried him on my shoulders. Hassan at first refused to let me take him out because that's when he saw his mother and his wife and his kids dead; he was screaming 'Leave me here!' Afterwards he was praying to God that the next missile would target him and finish his life. Until this day, Hassan calls his apartment every*

*single day hoping his wife will pick up the phone.*

*"When I was carrying Hassan downstairs, we heard another... missile. I don't know where it struck. I took Hassan to the street, but we couldn't find an ambulance, so we took a taxi to the hospital."*<sup>9</sup>

Yousef Akram al-Hallaq, Mohammad's brother, and his cousin Raed had light injuries and were the first to escape from under the rubble and leave the apartment to go to the hospital.

*"I got downstairs and took a taxi to the hospital and then Mohammad and my father arrived. Then we received the dead bodies. My mother was the first one to arrive, then Kenan my nephew, then Hassan's wife Samar. When I saw Kenan and Samar I knew that no one else had survived. Then the bodies of Sajji, Hani and Hala, my sister, arrived. As for their son Mohammad, we didn't know where he was because his body was shredded into pieces. We managed to find them, but it took us about three days. We were treated, the five of us who survived, in al-Shifa Hospital.*

*"We buried them in Jabalia in four graves next to each other. Samar and her two kids in one grave; Souad in one; Hani and Hala in another. We put Mohammad's parts in a small hole next to the graves because we couldn't find much [of his body]."*<sup>10</sup>

The five who survived the attack were all injured to varying degrees. The father, Akram al-Hallaq, had shrapnel cuts and burns all over his body. Hassan al-Hallaq was transferred to al-Makassed Hospital in Jerusalem for surgery, having severely fractured his right leg; he also sustained severe burns on the entire left side of his body, including his face, shoulder and arm.

Meanwhile, in the Ammar family home, there were also 12 people present at the time of the attack. Khalil Abed Hassan Ammar, 45, his wife Nawal, 35, and their four children – Nour, 15 Ibrahim, 13, Iman, 9, and Asem, 4, all lived there normally. Staying with them were six relatives who had fled their home in the al-Tuffah neighbourhood of north-eastern Gaza City, which was considered more dangerous: Nawal's brother, Akram Ismail Abu Jame', 47, his wife Nada Abu Jame', 37, and their four children – Reem, 20, Rawya, 18, Mahmoud, 16, and Rahaf, 4.

Khalil and Nawal Abu Jame' lost three of their children in the attack: Ibrahim, Iman and Asem. Their fourth child, Nour, survived the attack, but suffered a severe leg injury. Akram and Nada Abu Jame's daughter Rahaf was also killed. Their daughter Rawya was injured and taken to Jordan for treatment.

Khalil Abed Hassan Ammar, a medical doctor who works with the Palestinian Medical Council, described what happened:

*"On 20 July at 6.45pm, I heard the whistle of the missile before it hit. We felt it was really loud and realized it was going to hit us, or our building. It went into my kids' bedroom. We were sitting with our guests in the living-room, my wife was making iftar in the kitchen and the kids were playing in their bedroom. It turned out*

*that we were hit with two missiles. All of a sudden after the hit and after we realized what had happened, we couldn't hear the kids; their voices had completely gone that's when I realized they were all dead. The apartment was totally dark, full of smoke and a poisonous smell – we could hardly breathe.*

*"It was terrifying; we couldn't save anyone. We inhaled so much of the intoxicating smell that we couldn't do anything, so other people came inside and pulled out the dead bodies. All of the kids were burnt. I couldn't tell which were mine and which were the neighbours' – they were all in my apartment. Some of them were blown outside of the building through the windows and balconies. It was impossible to recognize them or their features. We carried whoever we were able to the ambulance. I got to the hospital and I felt that not all my kids were there and someone was missing. I only recognized Ibrahim, my eldest child, when I saw his leg and the shoes he was wearing. I had bought them for him two days before everything happened. It wasn't the whole body; it was only pieces but I recognized his leg from his trousers.*

*"When we went back to the building, there was rubble from our building in one of the houses east of it. I found the body of a little kid that was totally burned and thought he was mine. My wife said it wasn't him. I stayed in the house and contacted the civil defence and ambulance, but they were not picking up the phone. Two of my dead kids were kept out of the morgue refrigerator because it was full – they were on the ground with tens of bodies from other families. I decided to stay there with my kids."<sup>11</sup>*

Khalil Ammar's wife, Nawal Ismail Abu Jame', who was in the kitchen preparing *iftar* at the time of the attack, described how she experienced it:

*"I could hear the sound of the missile and I thought it was going to target the Na'ameh Tower because of the media offices there; it had been targeted before... The sound was terrifying, but the explosion didn't seem as loud as they do when they happen farther away. There was smoke everywhere and rubble – it was all black. I was saying my final prayers. When things calmed down a bit, I walked to my kids' bedroom through the destruction. Everything was destroyed. I couldn't see anything but destruction and couldn't hear their voices, so I knew they were all gone.*

*"Nour, my daughter, and Rawya, my niece, were on the balcony playing. Nour came out of the rubble, but Rawya was stuck and she was calling for her mum and dad.*

*"I saw Hani al-Hallaq. He was still alone and was calling the name of his wife, Hala.*

*"It was strange because I was very quiet and very calm. I think it was the trauma but I couldn't believe what was happening. I was too calm actually. I went back to the living-room with Nour and Khalil. I didn't say a word. I didn't even scream. I didn't even ask about my kids. I was at the door of my apartment and then they targeted the house again."<sup>12</sup>*

Ayman Khalil Mahmoud Haniyeh, 43, who lives with his family on the sixth floor of the Cordoba Building, was resting on his balcony when the missiles hit the al-Hallaq apartment four floors below. He said:

*"I woke up with the sound of a missile. My daughter was standing at the door and, when it hit, I flew about 12 metres from the balcony to the door of my house, right next to her. I turned and found my neighbour at the door of his apartment bleeding.*

*"There was no warning before that, not even a call, and none of the residents knew anything... I went downstairs and found an old lady with a wall that had fallen on top of her body. She was saying the last prayer; she was ready to die. She was bleeding everywhere – she was in a messy condition – and we carried her downstairs. There was another lady at the door of her bathroom – she was alive but was severely injured. I am not sure if she made it or if she died. I don't even remember which floor she was on.*

*"I heard my neighbour screaming on the first floor. This was the Ammar family. He was shouting and screaming, 'My children, my children'. So I went there... I asked my neighbour, 'Where are your kids?' and he said, 'In their bedroom'. I went in there and found the first child, a girl; she was dead. I carried her to the ambulance. Too many people were in that apartment on the first floor, so I went to the second floor to al-Hallaq's and on their balcony I found Hani's wife. She was dead. We carried her to the ambulance. I went down with the guys to the ambulance and we found Hani's body. He had fallen from his balcony on the second floor and he was already dead."<sup>13</sup>*

Ayman Haniyeh and other neighbours helped rescue the survivors and look for the dead, - they said it took a total of three days. "All I can remember are the bits and pieces I saw of bodies, teeth, head, arms, insides, everything scattered and spread. We managed with very simple, primitive tools – a broomstick and other tools – to go through the rubble," he said.<sup>14</sup>

Nawal Abu Jame' was injured and was taken to the hospital as soon as the ambulances arrived. When she was at the hospital she started looking over all the beds for her children.

*"I went downstairs with Nour and then the ambulance came and the civil defence. I waited there. Nour was screaming. She wanted to bring her brothers and sisters. I comforted her and I said that dad would go upstairs and bring them here. Her leg was burnt and her eye was bleeding and she was still screaming about her siblings.*

*"[At the hospital] they treated Nour's injury. But that wasn't our concern, not even hers. She wasn't even in pain. I wasn't even paying attention to her, because we had something even bigger waiting for us. We didn't know anything about my other children.*

*"I was asking my husband and my brothers but no one answered me. Nour insisted that a child she saw burnt was her sister Iman. Later, Khalil came to tell me that Ibrahim was dead, and I insisted on going with him to identify his body. Khalil refused but I insisted. I recognized him from his leg and trousers but he wasn't*

*complete. There were pieces of his back, leg and stomach; that's all.*

*"Then Khalil pointed to one of the dead bodies at the morgue and kept saying that it was Asem. He was still in shock and confused but I could tell it wasn't Asem, and it wasn't him. I waited at the hospital so they could find Asem.*

*"When we went to my brother-in-law's house, Khalil stayed at the hospital and was looking for Iman and didn't find her. The next morning Khalil went back to the apartment to search for the kids under the rubble. He found Asem in his room covered with a pile of rocks and rubble. I knew that they would find him in the spot where I put the bread after I make it because he likes to eat it when it's still hot and fresh. So I am sure he was right next to it eating before he was killed.*

*"In the afternoon, he buried Asem, Ibrahim and Rahaf, my niece, together. We still couldn't find Iman.*

*"Later that day my nephew called Khalil from the hospital and told him that he had found Iman. He took photos and showed them to us at the house and we realized it was her. Her father went back to the hospital and buried her. I couldn't go – I had to stay with Nour who was in pain and was crying. He buried Iman along with her brothers and her cousin Rahaf.*

*"When I was at the hospital and I wanted to say goodbye to Ibrahim there wasn't a body, only a bag full of his body's shreds and pieces but I had to hug that bag. I hugged Asem's dead body."<sup>15</sup>*

Nawal Abu Jame' told of her profound loss and trauma, as she and her only surviving child, Nour, cried together:

*"I can never go back to that house again – even if they fixed it and it was perfect. I would never go back there again. Until this day I still hear the voices of my kids and their laughter so there is no way I could back to the house where I had my memories with them... Not one day passes without thinking about what happened, without feeling the guilt."<sup>16</sup>*

Hassan al-Hallaq told Amnesty International that he and his wife had kept discussing where to move the family in order to ensure their safety. Following repeated deliberation, they chose Hani al-Hallaq's apartment as it was the safest option they had. "I would have never moved there if I didn't think it was safe," Hassan al-Hallaq told Amnesty International from his room in the Abu Raya Rehabilitation Centre in Ramallah.<sup>17</sup>

No warning was given to the families before the attack and the Israeli army has not provided any information concerning the attack or its intended target.

Neighbours told Amnesty International's fieldworker that the apartment on the western side of the first floor, across from the Ammar home, where at least one of the missiles ended up after having gone through the al-Hallaq and Ammar homes, was intermittently empty but was otherwise seasonally rented by university students. One of the neighbours said that he had

heard from others that a group of unknown people were walking around in the corridor somewhere downstairs on the night of the attack. Some neighbours speculated, without seeing them, that they might have been members of an armed group.

Hassan al-Hallaq said that his brother Mohammad had gone outside the house about 30 minutes before the attack and did not hear anything out of the ordinary around the building: "It was the hour before *iftar* and everyone was coming back home. The bakery across the street from our building was packed with people."<sup>18</sup>

It is unclear what the intended target of this attack was. Even if a group of men had entered the building and were assumed or known to have been members of an armed group by the Israeli military, its action of targeting two family apartments was reckless and disproportionate. The Israeli army must also have known that, by that time of the conflict, most families, like the al-Hallaq and Ammar families, were hosting many relatives who had fled there from other areas.

#### LIST OF NAMED INDIVIDUALS KILLED

##### al-Hallaq family

1. Hani Mohammad al-Hallaq, 21
2. Hala Akram al-Hallaq, 27
3. Mohammad Hani al-Hallaq, 2
4. Souad Mohammad al-Hallaq, 62
5. Samar Usama al-Hallaq, 29
6. Kenan Hassan al-Hallaq, 6
7. Sajji Hassan al-Hallaq, 4

##### Ammar family

8. Ibrahim Khalil Ammar, 13
9. Iman Khalil Ammar, 9
10. Asem Khalil Ammar, 4
11. Rahaf Akram Abu Jame', 4

#### ABU JAME' FAMILY HOME, KHAN YUNIS, 20 JULY

On Sunday 20 July 2014, at approximately 7.50pm, following the evening prayer, an Israeli aircraft dropped a bomb on the three-storey home of the Abu Jame' family in Abu Safar, an area near the al-Zanneh neighbourhood of Bani Suheila, east of Khan Yunis. The attack led to the killing of 25 members of the Abu Jame' family – 19 children, five women and one man – and Ahmad Sahmoud, a member of the al-Qassam Brigades, Hamas' armed wing, who was in the vicinity of the house at the time. Only three members of the family who were in the house at the time survived the attack: Bassam Ahmad Abu Jame', Tawfiq Abu Jame' and three-year-old Nour Abu Jame'.

The house, which was attacked without prior warning, was completely destroyed. A fieldworker supporting Amnesty International's work visited the site five days afterwards and photographed the huge crater created by the bomb. A military advisor supporting Amnesty International's work confirmed that the damage was consistent with that which would be caused by a large air-dropped bomb.

The three-storey house was home to at least five families and had six separate apartments,



said Tawfiq Abu Jame', who lived on the first floor with his wife and their eight children. The other first floor apartment was inhabited by Abdallah Abu Jame' his wife and their 10 children, who were away from their home at the time of the attack. On the ground floor were Fatima Abu Jame', their mother, and the orphaned Hussam Abu Qeynas, Tawfiq's nephew. The other apartment on the ground floor was occupied by Yasser Abu Jame', his wife and their five children. The second-floor apartments were inhabited by Taysir Abu Jame', his wife and their five children, and Bassam Abu Jame', his wife and their five children, respectively.

Tawfiq Abu Jame' was sitting in his apartment at the dinner table with his wife and children when the house was attacked right after the call to prayer.

*"After the Maghreb prayer, we were sitting together about to break our fast. We drank water, and then suddenly, something hit us, without any warning. I passed out and when I woke up again. I found myself in the hospital. I was injured all over my body. I asked them [family members in the hospital] what had happened and, at first, they told me everyone was fine. Ten minutes later they said that my mother had died. Then, they told me that my wife was killed. And, then, that the entire family was dead, except for me."<sup>19</sup>*

Tawfiq's nephew and two of his brothers were hospitalized after sustaining injuries while rescuing Tawfiq from under the rubble.

Taysir Abu Jame' left his second-floor apartment just before *iftar* and headed to the Omar Ibn al-Khattab Mosque nearby. "I arrived there just as the call for prayer was announced. I had told my family that I was going to pray in the mosque and be right back for the food. There was bombing around, but I saw some neighbours going to the mosque so I decided to go as well," he said.<sup>20</sup>

Ahmad Abu Jame', a relative and neighbour, said that no one had anticipated the attack, and no warning was given to his family in the building. He said:

*"If we had expected it, we would have left our house, but we did not expect it. We were just sitting down to break our fast when suddenly a bomb fell on top of my cousin's house. There was no prior warning or any kind of notice. We went out of the house to see what was happening and found my uncle's house, a three-storey building, totally collapsed with everyone inside piled up."*

The family, assisted by a rescue team, worked with bulldozer and shovels until the following morning to extract the bodies out of the rubble. "There are pictures of them in the hospital; they were in shreds, just shreds. We didn't know the names of our children – it was an unsightly scene, we couldn't tell them apart," said Ahmad Abu Jame'.<sup>21</sup>

The house was close to an open area of about 100-200 square metres in the al-Zanneh neighbourhood, which was said to be a site where the Israeli army and local armed groups had clashed. However, neighbours and relatives told an Amnesty International fieldworker that no one in the family was a member of an armed group. None of the family members killed is listed in the lists of "martyrs" published by Hamas' al-Qassam Brigades or Islamic Jihad's al-Quds Brigades.

Tawfiq Abu Jame' explained the situation:

*"We live on the way to al-Zanneh, which fighters use and which was heavily bombed. There was bombing – there was bombing the whole time. But our house had nothing to do with the fighting. No one from the family is involved in the resistance, not then, not ever."*<sup>22</sup>

Taysir Abu Jame' confirmed that the neighbourhood had been frequently bombed and most people stayed at home to keep safe.

*"There was constant bombing... Many houses around us were affected, but we had not left our house before, and we were not going to leave then. We were like everyone who stayed. There was nowhere to go and we thought that our houses were safe and that we would remain safe as long as we stayed there."*<sup>23</sup>

The apparent target of Israel's attack was Ahmad Sahmoud, a member of the al-Qassam Brigades, Hamas' armed wing. According to Israeli sources he was a high-ranking officer in the Khan Yunis command. Early reports of the attack said that he was inside the building visiting a member of the Abu Jame' family. Surviving family members and neighbours denied this.

Tawfiq Abu Jame' said that neighbours believed that Ahmad Sahmoud might have been under the balcony of his mother's apartment on the ground floor when the house was attacked.

*"We do not know the man. We know of him, but no one from the family has any relationship with him. I assure you he was not in the house. Do you think if there was anyone from the resistance in the house that I would keep my wife and kids there or that even I would stay? I would take everything and leave. No one from the family knows Ahmad Sahmoud personally and, even if we did, we would not invite him into the house during the war."*<sup>24</sup>

The Israeli army has not released any information concerning the attack or its intended target. The onus is on Israel to provide information as to who was the intended target and how the means and methods and attack used, which resulted in the deaths of 25 civilians, many injuries and the destruction of an entire house, can be justified under international humanitarian law. If Ahmad Sahmoud was the intended target this would constitute a grossly disproportionate attack, a serious violation of international humanitarian law. As soon as it was evident that so many civilians were in the house, the attack should have been cancelled or postponed.

#### LIST OF NAMED INDIVIDUALS KILLED

##### Abu Jame' family

1. Fatima Ahmad Abu Jame', 60
2. Sabah Tawfiq Abu Jame', 35
3. Razan Tawfiq Abu Jame', 14
4. Jawdat Tawfiq Abu Jame', 13
5. Aya Tawfiq Abu Jame', 12
6. Haifa Tawfiq Abu Jame', 9

7. Tawfiq Tawfiq Abu Jame', 4
8. Maysa Tawfiq Abu Jame', 7
9. Ahmad Tawfiq Abu Jame', 8
10. Shahinaz Waleed Abu Jame', 29
11. Ayyoub Taysir Abu Jame', 10
12. Fatima Taysir Abu Jame', 12
13. Rayan Taysir Abu Jame', 5
14. Rinat Taysir Abu Jame', 2
15. Nujoud Taysir Abu Jame', four months
16. Yasmin Abu Jame', 25 (pregnant)
17. Batoul Bassam Abu Jame', 4
18. Suhaila Bassam Abu Jame', 3
19. Bisan Bassam Abu Jame', six months
20. Yasser Abu Jame', 27
21. Fatima Abu Jame', 26
22. Sajed Yasser Abu Jame', 7
23. Siraj Yasser Abu Jame', 4
24. Nour Yasser Abu Jame', 2
25. Hussam Abu Qeynas, 7

Others

26. Ahmad Sulaiman Sahnoud, 34

## AL-DALI BUILDING, KHAN YUNIS, 29 JULY

On Tuesday 29 July 2014, just after 7.30am, an Israeli aircraft dropped a large aerial bomb on the al-Dali building in the city of Khan Yunis, home to the Abu Amer, Breika, al-Najjar and Mu'ammam families.

Witnesses told fieldworkers supporting Amnesty International's work who visited the site two days after the attack that a single munition hit the three-storey apartment building causing its complete destruction. A military expert helping Amnesty International's investigations examined photographs of the destruction and the shrapnel found in the rubble. He said that the scale of destruction could only have been caused by an air-dropped munition and fragments suggested a large air-dropped bomb of the Paveway type, guided by either laser or GPS, which, in the case of the Israeli army, is likely to have been equipped with a Joint Direct Attack Munition (JDAM). If witnesses' reports of a single hit are true, it was likely to have been a bomb of around 2,000 pounds (approximately 900kg).

Thirty-seven people were in the building at the time of the attack, which killed 16 members of the Abu Amer family, seven members of the Breika family, seven members of the al-Najjar family, and four of the Mu'ammam family. The damage caused by the attack to adjacent houses killed one member of the al-Ramlawi family, and a member of the Abu Sitta family. In total, 36 people were killed, including 18 children, and at least 21 people were injured, including four children, several of them critically.

The three-storey al-Dali building was divided into four apartments on two inhabited floors and a basement dwelling below it. The lower floor had two apartments: one rented by Ezz Breika's family of seven, and the other by Ahmad Mu'ammam's family of four. The upper floor, also divided into two apartments, was the home of Jamil al-Najjar's family, consisting of 11 persons, and members of Ahmad Mu'ammam's extended family who had fled Israeli attacks

on the Sufa area, near the border with Israel in the south-east of the Gaza Strip, but were absent at the time of the attack. The basement, consisting of a bedroom and a former kindergarten, was rented by Waddah Abu Amer and his family, who also had 15 relatives of theirs staying with them; they had fled their home following Israeli attacks on the 'Abasan area, near Khan Yunis.

Ezz Fayiz Ahmad al-Breika had been renting his apartment for three years, living there with his brothers Usama and Ahmad and Ahmad's wife and daughters. He happened to be visiting his aunt on the day of the attack. "When I arrived at the hospital, I found [the bodies of] my parents, my brother and his wife, his daughters and my other brother," he said.<sup>25</sup>

Hana' al-Najjar, wife of Jamil al-Najjar, said that they were both asleep during the attack.

*"We didn't know what happened. I was sleeping beside my children. Suddenly we woke up and the entire house collapsed on top of us. I started yelling and screaming, I have five children, three daughters, and my son's daughter. They all died. I have no one left. I said, 'Just save my children, save them, get them out – leave me and pull them out.' Nothing is left for me. My husband is dead.*

*"We were asleep. We didn't hear anything. There was nothing going on around the house. We used to have close relations with the neighbours; we were like family."<sup>26</sup>*

Hala al-Ramlawi, who lives with her husband and three children in a house that is directly adjacent to the al-Dali building, lost her daughter Aya, who was in the bathroom of the family's one-bedroom apartment when the al-Dali building was attacked:

*"I woke up around 7.45am and my kids wanted to take a bath. I put them on the mattress. My daughter asked me to take her to the bathroom. She told me to leave her in the bathroom. Suddenly, the Israelis targeted the house with a missile. I wanted to stand up and started screaming – I called my husband's name. I didn't know where to go; it was completely dark. One of my children was holding my hand; I didn't know who it was. I was under the rubble. I was very close to the main door; that's why I managed to get out."*

When she finally managed to lift herself from under the rubble and rescue her husband and other children, they realized that the children were missing:

*"I told my husband that I thought they were still inside. He went inside and took my five-year-old daughter, Samar, out. The ceiling had collapsed on top of her and she was under the rubble. He started clearing the area and also found our six-year-old son, Amir. We carried them and rushed to the hospital in a private car. My nine-year-old daughter, Aya, who was in the bathroom, was still under the rubble."<sup>27</sup>*

The Israeli government has not released any information concerning the attack or its specific target. By questioning many of the family and their neighbours an Amnesty International fieldworker found three residents who might have been the object of an attack.

Ahmad Mu'ammam, 33, was said to have been a member of the engineering corps of the al-

Quds Brigades, the armed wing of Islamic Jihad. Three witnesses interviewed by the fieldworker confirmed that Ahmad Mu'amar was a member of the al-Quds Brigades, and a relative of his said that he had an office in his home. Two witnesses said they saw remnants of a gun and a grenade-launcher in the rubble following the attack. Ahmad Mu'amar's name is the only resident of the building listed as a killed fighter – his name and photograph appear on the website of the al-Quds Brigades.<sup>28</sup>

Ahmad's wife, Tahrir Mu'amar, 30, was one of the few residents to survive the attack, although she suffered moderate injuries. The attack killed her two children – Hala Mu'amar, two years old, and Yazan Mu'amar, three and a half years old – as well as her husband, Ahmad. She insisted that the family had not received a warning prior to the attack on the house; there had been neither a telephone call, nor a warning missile fired. She confirmed that she knew Ahmad was working for the al-Quds Brigades but "didn't know what his work was". After the house was attacked, she heard from members of the al-Quds Brigades that he was a member of the engineering corps. She also said that her husband had a gun, but that he had bought it because of a family feud and not because he was involved in fighting. She said that "her husband used to have a small room with a lot of electronics and computers and used to work on the computer and internet all the time."<sup>29</sup>

A second resident of the building, Ahmad Sulaiman Abu Amer, a relative of Waddah Abu Amer, was said to have been a former member of the al-Quds Brigades, but, according to his wife, Haya' Abu Amer, had left them a year before to work with government security forces. The websites of the al-Qassam and al-Quds Brigades regularly post the names of their killed fighters, but, to Amnesty International's knowledge, has not posted any mention of Ahmad Abu Amer.

Waddah Abu Amer was reportedly a leader in the Democratic Front for the Liberation of Palestine, a political organization that has a military wing. However, Waddah was said to be a trade unionist in the organization and not involved with its military wing.

The onus is on Israel to provide information relating to why it targeted the al-Dali building. No warning was given before an attack which destroyed the whole building, causing the largest number of deaths in a single strike during Operation Protective Edge. Even if all the three men who might have been targets had been directly participating in hostilities, their presence in the house would not have deprived the other residents of their immunity, as civilians, from direct attack. Ahmad Mu'amar's computer-equipped office would not render the whole apartment building a military objective. The effects of an attack using such high-explosive munitions on a civilian building housing at least 40 civilians should have been clearly anticipated and regarded as manifestly disproportionate. The Israeli army was under an obligation to take all feasible precautions, including – given the large number of civilians present – calling off the attack or issuing a warning to the building's residents and those of neighbouring buildings to evacuate before carrying out the attack.

#### LIST OF NAMED INDIVIDUALS KILLED

##### Abu Amer family

1. Waddah Hassan Abu Amer, 39
2. Oroba Sulaiman Abu Amer, 41
3. Omar Waddah Abu Amer, 12
4. Abdel Ghani Waddah Abu Amer, 11

5. Emad Waddah Abu Amer, 10
6. Issa Waddah Abu Amer, 8
7. Ezzeddin Waddah Abu Amer, 4
8. Mona Hajjaj Abu Amer, 41
9. Ahmad Sulaiman Abu Amer, 40
10. Mohammad Ahmad Abu Amer, 12
11. Marah Ahmad Abu Amer, 10
12. Yasser Ahmad Abu Amer, 9
13. Marwa Ahmad Abu Amer, 5
14. Sulaiman Ahmad Abu Amer, 2
15. Ahmad Hassan Abu Amer, 36
16. Mohammad Hassan Abu Amer, 36

al-Najjar family

17. Jamil Ahmad al-Najjar, 48
18. Lamya Jamil al-Najjar, 23
19. Mohammad Jamil al-Najjar, 12
20. Do'aa Jamil al-Najjar, 19
21. Wael Jamil al-Najjar, 25
22. Aya Jamil al-Najjar, 18
23. Layali Wael al-Najjar, 2

Breika family

24. Fayiz Ahmad Breika, 55
25. Subiha Mu'nis Breika, 59
26. Basima Salem Breika, 32
27. Ahmad Fayiz Breika, 32
28. Jana Ahmad Breika, 3
29. Lama Ahmad Breika, 1
30. Usama Fayiz Breika, 17

Mu'ammam family

31. Ahmad Marzouq Mu'ammam, 33
32. Hala Ahmad Mu'ammam, 1
33. Yazan Ahmad Mu'ammam, 3
34. Hind Marzouq Mu'ammam, 29

Neighbours

35. Aya Sami al Ramlawi, 9
36. Aya Hassan Abu Sitta, 23

## AL-BAYOUMI FAMILY HOME, AL-NUSEIRAT REFUGEE CAMP, 31 JULY

On Thursday 31 July 2014, at approximately 8pm, an Israeli aircraft almost completely destroyed the three-storey home of the al-Bayoumi family in al-Nuseirat refugee camp, in the central area of the Gaza Strip. When the building was attacked, apparently without prior warning, there were over 40 people inside, including families that had fled their homes in the border areas.

The attack killed 14 people, including six children: five members of the al-Bayoumi family, four of the Abu Shouqa family, two of the Zaqout family and three of the al-Assar family in a neighbouring house. Scores were injured in the attack, including children: Hanan al-Bayoumi, 9, and her sister sustained burns and wounds all over their bodies.



A fieldworker supporting Amnesty International's work visited the house 18 days after the attack. The attack caused large-scale destruction that dislodged the concrete-built house's external walls and caused the upper floors to

collapse on top of the two lower ones; the entire back of the building also collapsed. The neighbouring homes were also severely damaged in the attack. Military experts supporting Amnesty International's work made a detailed examination of photos of the damage and pieces of munition and said that fragments probably came from air-launched missiles, though one crater could have been from an artillery strike. It was not clear from witness statements how many times the house was hit.

The three-storey building consisted of six apartments. On the ground floor, Abdel Hamid Yousef al-Bayoumi and his wife lived in one apartment and their son, Maher al-Bayoumi, his wife and four children, who were absent during the attack, resided in the other. On the first floor, another son, Zaher Abdel Hamid al-Bayoumi, his wife and four children lived in one apartment and a third son, Amer Abdel Hamid al-Bayoumi, his wife and seven children were in another. On the second floor, a fourth son, Mohammad Abdel Hamid al-Bayoumi, his wife and four children lived in one apartment, while another one was empty. At the time of the attack, two families who had fled from al-Bureij refugee camp had come to stay in the building: Nasser Zaqout, the brother of Amer al-Bayoumi's wife, with eight of his family members; and Ibrahim Abu Shouqa, Nasser Zaqout's nephew, and 10 members of his family.

Iman Yousef Abdel Hadi al-Bayoumi, 37, married to Mohammad Abdel Hamid al-Bayoumi, was preparing *iftar* in the ground-floor flat of her father-in-law, Abdel Hamid, when the home was attacked. She said:

*"The children were all playing everywhere: by the door, some on the stairs and some in the sitting room in my father-in-law's house. My brother-in-law upstairs had around 25 members of his wife's family – the Zaqout family – visiting from al-Bureij refugee camp.*

*"Hassan, my son, was in the bathroom washing for prayers and I was preparing my father-in-law's tea when I suddenly felt myself covered in rubble and dust. There was no warning or noise – I didn't hear a sound.*

*"The heat from the rocket subsided and I started to move the rubble away and throw off the rocks. What made it easier was that I was sitting on a chair not the floor. A gap had opened up from the living-room to the street, so I headed towards it in the dark only to find my mother-in-law hanging halfway out onto the street from the*

*opening. I held her hand and others came to help. They took us both to the hospital. What I had not realized was that the whole building had been destroyed from the back and my son Hassan was in the bathroom.”<sup>30</sup>*

Iman al-Bayoumi's 21-year-old son Hassan was killed by the attack; his body remained under the rubble until the following day. Her other children were injured and she had a head injury and burns on her legs and hands.

When the attack happened, Amer Abdel Hamid al-Bayoumi was sitting inside the home with his family and the families who had come to take refuge in his home, the Zaqout and Abu Shouqa families. He recounts that just after 8.30pm, when most of them were sitting in the living-room drinking tea, the house collapsed on top of them. Three of Amer al-Bayoumi's daughters, Abeer, Asil and Hadeel, were killed; another child was injured

Nasser Zaqout described what happened to a fieldworker supporting Amnesty International's work in Gaza:

*“I was sitting with my family. Suddenly, without any warning, - no phone or rocket warning - everything became dark and we heard an explosion and the entire house starting shaking. The shrapnel and the cement blocks began falling on our faces and heads.. All of us were buried under the rubble. I was one of the first to wake up from the shock. I sat up and tried to look for the others but I fell through a hole in the floor caused by the explosion, from the second floor to the ground floor.*

*“People started rushing to rescue those alive. I saw lights from far away and as it had just happened neighbours were scared to come close to us. I called to them and when they realized there were people still alive they wanted to rescue us. The electricity was cut and it was very dark. You couldn't see. I took a torch from someone and went to the second floor room where we had been. The first thing I saw when I entered the house was my mother, Zainab Zaqout, 77 years old, covered in rubble and cement blocks. She was in a bad state and hardly breathing...”*

Nasser Zaqout described how he came to be staying in the al-Bayoumi house:

*“I used to live in an area close to the border, east of al-Bureij Camp. One week after the war [began] the whole area was targeted by the Israelis and it was very scary to stay there – I have a wife, four children and my disabled mother. So it was my responsibility to find a safe place for them. We decided to go to the home of my sister, who is married to Amer al-Bayoumi. I brought my entire family.*

*“I asked my sister, who is my neighbour, if they [her family] would like to join us – they were also in danger – so they agreed to come to Amer's house. We stayed with them 12 days. “There was a three-day ceasefire which we welcomed and returned home. But when rockets resumed we felt obliged to return to al-Nuseirat”.<sup>31</sup>*

Ibrahim Shaker Abu Shouqa, who lost his wife, Na'ameh Darwish Abu Shouqa, and his two daughters in the attack, had moved on three separate occasions with his family – his wife and nine children – to escape attacks by the Israeli army before arriving at the al-Bayoumi home.



First, the Israeli army dropped warning flyers instructing him and other residents of al-Bureij Refugee Camp to evacuate the area and go to Deir al-Balah or al-Nuseirat camp.

*"I came home and took my wife and children, and I went out to her brother's house in the al-Zuwayda area and we stayed there for three to four hours and all of our relatives were coming to the house. There was no room for anyone. The house was small. Me and my wife sat together and consulted. My wife said it was better that we left the house. She said if we had to die, better that all the family doesn't die together; that some would die and some would live. We said OK and we left the house.*

*"We went to the Cardboard Factory, Tariqa al-Majd, Salah al-Din. And we stayed there, and enjoyed ourselves, everything was fine. A week to 10 days later, there were rocket strikes in the area surrounding the factory. We couldn't take it so we went to her aunt's house in the al-Bayoumi Building for five days.*

*"I have uncles who went to an UNRWA school and they told me to come. I listened to them and I went to the UNRWA school. Then, we realized that there was no space in the school. We slept on the floor tiles. We woke up in the morning and there was no water nor services. And I was surprised to hear that they had bombed a school in Jabalia... My wife called me in the morning and told me that the situation in the UNRWA school was difficult and that they couldn't sleep – in a classroom of six by five [metres] there are 27 people. I told her that we had better get back to my aunt's house. The next day we went to her aunt's house – we slept there for one night on the Tuesday, we woke up on Wednesday and on Thursday we were bombed."*

On the evening of the attack, Ibrahim Abu Shouqa was on his way to see his cousin, who lived in the neighbourhood. He said:

*"I was 50 metres away from my children and my wife. People started coming out to the streets and screaming 'al-Bayoumi, al-Bayoumi'. My wife, my children, my aunt – they were all inside. They killed my wife and my children for no reason. I didn't think that the Israelis would ever target the house."<sup>32</sup>*

The neighbouring homes were severely damaged in the attack. The al-Assar family home, like many others made of asbestos and concrete,<sup>33</sup> shares external walls and a roof with the al-Bayoumis' house, and was severely damaged in the attack.

Alaa al-Assar insisted that the family had not received any warning prior to the attack:

*"I prayed the Maghreb prayer and I suddenly felt the dust all over the house. The entire house was black; there was no electricity. It was horrible; the smoke was everywhere. I couldn't breathe, my stomach hurt. The dust was everywhere. I went out and started screaming: 'My parents, my parents!' "My brother Ra'fat started screaming 'Lama' and started digging in the rubble. His daughter had been so excited to go to school – my mum bought her a new school bag. Ra'fat's wife was injured and was trying to get her kids out of the rubble, although she was injured*

*and covered in blood. She wasn't able to say goodbye to her daughter Lama. We were all injured. It took me more than 30 minutes to leave the house and nobody was able to go inside because of the fire. People couldn't save me because of the fire.*"<sup>34</sup>

Alaa al-Assar told Amnesty International's fieldworker that there was no fighting in the area on the day of the attack and that no one living in the al-Bayoumi building was involved in any military activities, nor affiliated politically with any faction.

However, two neighbours maintained that, following the attack, they found out that at least four members of the al-Qassam Brigades, the armed wing of Hamas, including a battalion commander and a communications officer, were apparently using the empty apartment in the building for some time prior to the attack. One of them was said to have been killed in the attack on the al-Bayoumi home, but his name is not known to Amnesty International and does not appear in the list of named individuals killed below. It was said that another was injured in the attack, while two others escaped and were killed in an attack on a nearby mosque. Amnesty International has been unable to verify this information.

However, even if the empty flat in the al-Bayoumi building was used by the al-Qassam Brigades, the loss of civilian life in this attack was clearly disproportionate. The survivors of the attack said that they received no warning and the Israeli army has made no statement concerning either the intended target or any warning given. The Israeli forces were under an obligation to take all feasible precautions, including – given the large number of civilians present – calling off the attack or issuing a warning to the building's residents and those of neighbouring buildings to evacuate, before carrying out the attack.

#### LIST OF NAMED INDIVIDUALS KILLED

##### al-Bayoumi family

1. Hadeel Amer al-Bayoumi, 14
2. Abeer Amer al-Bayoumi, 27
3. Asil Amer al-Bayoumi, 16
4. Hassan Mohammad al-Bayoumi, 21
5. Mohammad Abdel Majeed al-Bayoumi, 14

##### Abu Shouqa family

6. Na'ameh Darwish Abu Shouqa, 43
7. Labiba Ibrahim Abu Shouqa, 24
8. Ilham Ibrahim Abu Shouqa, 18
9. Malak Shakir Abu Shouqa, 2

##### Zaqout family

10. Zainab Yousef Zaqout, 77
11. Hassan Nasser Zaqout, 21

##### al-Assar family

12. Abeer Nahidh al-Assar, 27
13. Rinad Ashraf al-Assar, 1
14. Lama Ra'fat al-Assar, 7

## AL-NEIRAB FAMILY HOME, GAZA CITY, 1 AUGUST

On Friday 1 August 2014, at approximately 11.30pm, an Israeli aircraft dropped a bomb on the house of the al-Neirab family in the residential neighbourhood of al-Sabra in Gaza City. The two-storey house was completely destroyed, killing all five members of the family, including three children. At least 20 people in the surrounding homes were injured in the attack.

A fieldworker working for Amnesty International visited the site of the attack on 25 August and spoke to witnesses and other neighbours. She found several centimetre-long pieces of thick metal that appeared to be the components of an aerial bomb at the site of the al-Neirab home. Photos of the fragments and damage were shown to a military expert supporting Amnesty International's work. The complete destruction of the home and witness accounts that the home was hit with a single munition are in keeping with the use of aerial bombs of the Paveway kind, equipped with a Joint Direct Attack Munition (JDAM) system. However, a precise analysis is limited by the fact that the photographs were taken long after the attack.<sup>35</sup>

The two-storey building was home to the al-Neirab family. Two other families – the al-Ghorra family and the family of a man who went by the name of “Abu Amra” – were living in two apartments that Ahmad al-Neirab had constructed on the upper floor about five years before the attack so as to give him an income to supplement the low pension he was receiving from the Palestinian Authority. However, they had left their homes and gone to stay elsewhere at the start of the hostilities.

A relative said that Ahmad al-Neirab, concerned for his family's safety, had taken his wife and three children to his sister's house for the five nights preceding the attack. The morning of the day of the attack, when a ceasefire was announced, Ahmad al-Neirab and his family decided to go back to their home.

Amnesty International's fieldworker visited relatives of the al-Neirab family living in the al-Shabora refugee camp in Rafah. They told her that they had intended to visit their relatives' home in Gaza City during the ceasefire announced on the morning of 1 August 2014, but they had not gone since the ceasefire ended shortly after an Israeli soldier was captured in eastern Rafah that morning. Two days after the attack on the family's home in Gaza City, on 3 August 2014, the al-Neirab home in al-Shabora refugee camp was attacked together with three other homes of the extended family, killing seven people from the al-Ghoul, Manyarawi and Ayta families.<sup>36</sup>

Na'ameh Abdel Hadi Mohammad Abdel Al, 71, lives with her husband on the ground floor of a two-storey house located around 10 metres from the al-Neirab home. Her son, Yunis, his pregnant wife and eight children live above them, on the second floor. Her daughter was staying with her at the time, together with her husband and their nine children. Na'ameh Abdel Al told a fieldworker supporting Amnesty International's work about the day of the attack:

*“At 11.30pm, there was a huge explosion... There were a lot of people in the house and we were all suffocated because of the smell and smoke. I passed out. One of my grandchildren, who was injured, came and carried me to a neighbour's house.”*

Six members of the Abdel Al family were injured in the attack on the al-Neirab home, including four children, who were asleep in their room when the house's external walls collapsed on top of them. Na'ameh Abdel Al said:

*"The rubble was everywhere and was blocking the street so the ambulance couldn't get there. The bulldozer got here and tried to clear the street so that the ambulance could go inside. Even then the medics couldn't get the bodies out of the rubble, so they had to bring in the bulldozer so that they could get the dead bodies from underneath. They were able to get the five bodies out and they were dead, all of them."*

Neighbours said that no one expected the house to be targeted. Na'ameh Abdel Al explained:

*"The owner was almost 70 years old and he had three children. His eldest child was in ninth grade [at school], another was in fourth grade and the youngest was in kindergarten. He spent around 50 years of his life trying to have them. He struggled his whole life to bring them into this world and then they were just killed at once."<sup>37</sup>*

Neighbours told Amnesty International's fieldworker that they believed that the attack was intended to target the home of the man who went by the name of "Abu Amra", who was not in his apartment at the time. Two neighbours said that on the day of the attack he had gone to his home between 7pm and 8pm and left shortly after.<sup>38</sup>

A relative said that Ahmad al-Neirab did not know who "Abu Amra" was working with before the recent hostilities. Neighbours told him that he was a political member of either Hamas or Islamic Jihad, but was not involved with any military wing nor contributing to the fighting. When Ahmad al-Neirab and his family came back to the house on the morning of 1 August following the announcement of a ceasefire, they were told that "Abu Amra" and his family had not returned to their rented apartment.<sup>39</sup>

No prior warning of any attack was given and the Israeli army has given no reason for their attack on the al-Neirab family home. Amnesty International has been unable to confirm the identity of "Abu Amra" nor whether or not he did have any relationship with any armed group. Even if "Abu Amra" was a fighter or otherwise had been directly participating in hostilities, this attack was carried out in a manner that violated international humanitarian law. At the very least, necessary precautions should have been able to verify both whether the intended target was in the house and whether civilians were there. In case of doubt, the attack should have been cancelled. Short of that, other precautions, including warning civilians, should have been taken to minimize the risk of harm to civilians.

#### LIST OF NAMED INDIVIDUALS KILLED

##### al-Neirab family

1. Suhaila Ahmad Mahmoud al-Neirab, 39
2. Ahmad Mohammad al-Neirab, 67
3. Mohammad Ahmad Mohammad al-Neirab, 14
4. Mahmoud Ahmad Mohammad al-Neirab, 10
5. Mu'min Ahmad Mohammad al-Neirab, 6

## AL-BAKRI FAMILY HOME, AL-SHATI' REFUGEE CAMP, 4 AUGUST

On Monday 4 August 2014, at approximately 10.15am, an Israeli aircraft dropped what appears to have been an aerial bomb on the crowded three-storey house of the al-Bakri family in the densely populated al-Shati' refugee camp in Gaza City. The attack killed five members of the al-Bakri family, as well as Ibrahim al-Mashharawi, said to have been a friend of Ramadan al-Bakri, who was visiting the house at the time of the attack.



Fieldworkers supporting Amnesty International's work visited the site of the attack three weeks later. They saw the rubble of the al-Bakri home with many of the family's belongings amidst it. At least three neighbouring buildings were damaged in the attack, including a two-storey home whose external walls on both floors had collapsed completely (exposing four rooms). Remnants of a missile were identified at the site, but, according to a military expert supporting Amnesty International's work, the level

of destruction, which caused the three-storey home's complete collapse, could not have been caused by such a munition. The military expert's assessment was that, while no aerial bomb fragments were found, the destruction was likely to have been caused by such a weapon. Though there was some damage to surrounding buildings, the bomb appeared to have been precisely targeted.

There were 21 people in the house at the time of the attack. Kamal Ahmad Mohammad al-Bakri, 72, and his wife, Raisa Mahmoud al-Bakri, 62, and their daughter, Hadiya Kamal Ahmad al-Bakri, 38, lived on the ground floor. The first floor was home to one of Kamal's sons, Ramadan Kamal Ahmad al-Bakri, 32, who was unemployed, and his wife and their three children. In the apartment on the second floor were another son of Kamal's, Mohammad Kamal Ahmad al-Bakri, 37, and his wife, Ibtisam Ibrahim al-Bakri, 38, and their six children – Yasmin, 11, Hanin, 9, Asil, 7, Hilal, 5, Ali, 3, and Asma, three months. The apartment on the third floor was home to a third son of Kamal's, Ahmad Kamal Ahmad al-Bakri, 42, and his wife, Soua Mohammad al-Bakri, 26, and their children, Kamal, 4, and Rama, aged one and a half.

Raisa Mahmoud Mohammad al-Bakri, 62, was watching the news in her living-room. She described how her son Mohammad lost his wife Ibtisam and two of his daughters, Asil and Asma, and how her son Ahmad in turn lost his only son, Kamal:

*"It was horrible. The walls fell over my body. I was just lying there. The neighbours came and started lifting the rubble and carried me to the ambulance. I got injured in my eye and couldn't see clearly. My two poor children – one lost his wife and two kids, and the other, after spending 15 years in [an Israeli] prison and finally managing to have his first son, is gone."*<sup>40</sup>

Four-year-old Kamal spent 10 hours in an intensive care unit before dying of severe internal

bleeding. Another of Mohammad and Ibtisam al-Bakri's daughters, Hanin, and Ahmad al-Bakri's wife, Soua, were transferred to Turkey for medical treatment due to the severity of their injuries

Mohammad al-Bakri, a street cleaner with the Gaza Municipality, told Amnesty International's fieldworker that he and his brothers were sitting together with his family, minutes after the 10am truce had begun that morning. He described how he found out that Ramadan al-Bakri had been killed:

*"We were sitting making breakfast for the children and baking bread, then the explosion happened. We weren't aware of anything until we found ourselves in hospital. According to neighbours and eyewitnesses, it was two F-16 missiles. Ramadan's body was shredded – it was in two halves and his head wasn't there. The only way to recognize him was an injury he got in his leg in the first intifada so they recognized him by that mark. We didn't get a call or a warning or a knock on the roof or anything."*<sup>41</sup>

A neighbour who lives several metres away from the house was in his home at the time of the attack and said:

*"All of a sudden everything turned black. What was really disastrous was that normally when the Israelis hit a house a bulldozer comes and clears the way in a matter of minutes, but this hit was in the camp... The houses are glued to each other, so it was impossible for the bulldozer to get there. So the neighbours started digging in the rubble with their tools. One of the neighbours volunteered and said 'You can demolish my house so that you can enter the al-Bakri house.' It was Ahmad Zaquout. He really meant it; it was a catastrophe.*

*"They had to keep digging for three days to get the other half of Ramadan's body out of the rubble. The people formed a line in front of the house and started picking up one stone at a time and handing it to each other so that they could get the people out from under the rubble. The houses there are right next to each other and there is no distance in between. All the surrounding houses were damaged and a lot of people got injured."*<sup>42</sup>

At least 20 people in surrounding homes were injured.

Although family members denied it, both Ramadan Kamal al-Bakri and Ibrahim al-Mashharawi were members of Islamic Jihad's al-Quds Brigades, as was confirmed when, after some weeks, their names appeared on their list of "martyrs".<sup>43</sup>

No warning was given before the attack and the Israeli army has not provided any information about the attack or what it was targeting. However, if Ramadan Ahmad al-Bakri and Ibrahim Mohammad al-Mashharawi were the intended targets, in view of the fact that there were 21 people in the house at the time, the Israeli forces should have taken necessary precautions to minimize the risk to civilians in the house, either by giving a warning or by choosing a time and means of targeting him that was less likely to kill civilians.

#### LIST OF NAMED INDIVIDUALS KILLED

##### al-Bakri family

1. Ibtisam Ibrahim al-Bakri, 38
2. Asil Mohammad al-Bakri, 7
3. Asma Mohammad al-Bakri, three months
4. Kamal Ahmad Kamal al-Bakri, 4
5. Ramadan Ahmad al-Bakri, 32

##### Others

6. Ibrahim Mohammad al-Mashharawi, 32

#### AL-LOUH FAMILY HOME, DEIR AL-BALAH, 20 AUGUST

On Wednesday 20 August 2014, at approximately 5am, an Israeli aircraft dropped a large aerial bomb on the al-Louh family's two-storey home in the al-Hikr neighbourhood in southern Deir al-Balah. The home of Ra'fat Mustafa Mahmoud al-Louh and his family was completely destroyed and the adjacent home of his father, Mustafa Mahmoud al-Louh, was severely damaged. The two houses are separated by a narrow walkway only a couple of metres wide and share a zinc roof.

Ra'fat al-Louh, his heavily pregnant wife, Nabeela Eid al-Louh, and their three children, Mustafa, Maysara and Farah, were all killed in the attack. Ra'fat's younger brother, Ahmad, who worked with him selling vegetables and was staying in his home, was also killed in the attack. Another brother, Mohammad, was killed when the asbestos roof and walls collapsed on him as he was sleeping in his bedroom in the adjacent house of his father, Mustafa Mahmoud al-Louh, who, along with another son, Mu'min, and his daughter Wafa' sustained serious injuries. Iman Yunis al-Louh, 18, a niece of Ra'fat's, died the following day of the injuries she sustained in the attack. At least seven neighbours, three children and four women, belonging to the al-Louh, Hamash and Abu Rikab families, were injured in the attack. In addition, several neighbouring buildings were damaged; a relative's two-storey home across the street lost its external walls facing the street, while its inner walls and furniture were severely damaged.

A fieldworker supporting Amnesty International's work visited the site on the day of the attack and saw a large crater several metres deep at the al-Louh family home. The family's belongings and furniture were scattered at a distance of several metres from the mouth of the crater. Witnesses said that the home was hit with a single munition. A military expert working with Amnesty International examined photos of the fragments and the damage and said that the fragments found at the site of the attack were consistent with an attack by a large aerial bomb of the Paveway type, possibly one of around 2,000 pounds (approximately 900kg). Fragments of 155mm artillery munitions were also found on the site.

Mustafa Mahmoud al-Louh, 60, who suffers from diabetes and high blood pressure, was preparing to leave to the mosque when the family home was attacked. He explained how he found out that his daughter-in-law Nabeela Eid al-Louh and grandchildren of his had been killed:

*"At 5am I was washing to prepare for prayers at the mosque when our house was hit... There was no prior warning or anything."*

*"Two of the little children we found on the roof... and their mother was found in agricultural land 100 metres away, her body scattered... She was nine months pregnant. They took them all to the hospital and tried to save the unborn child, but it died a few minutes after the doctors took it out."*<sup>44</sup>

Wafa' Mustafa al-Louh, 19, was asleep in her father Mustafa Mahmoud al-Louh's house at the time of the attack. She described the scene to which she woke up:

*"I woke up suddenly hearing a thud and finding all the walls on top of us. The concrete was all over me and only my legs were visible.*

*"I heard my brothers and mother calling out to us, and also my brother Mohammad, who was still alive then – all of them were calling us to see if we were alright. Mohammad was calling out to my father asking him if our mother and Mu'min and I were fine, and my father reassured him.*

*"My father was digging trying to get me out from under the concrete and finally got me out. He called out to Mu'min who told him that he was alright except for his legs. My father then called out to Mohammad, but he did not reply; he had died. When my father finally got me out, I tried to run, but could not see where to go. The whole house had turned into a pile of rubble."*

Mohammad al-Louh died when the walls of Mustafa's house collapsed on top of him. Wafa' al-Louh sustained injuries as a result of the concrete collapsing on top of her body and received a serious electric shock, resulting in burns to her leg, when her foot caught on exposed electric wiring when she tried to escape from under the rubble. She was taken to hospital by relatives, where, according to her, she was X-rayed, received five stitches to her head and had her arm bandaged. She said she had trouble breathing as a result of the smoke.

She said that most of the family were asleep, except for her parents: her mother was in the kitchen and her father was preparing for the dawn prayer. "Mu'min and I were asleep in the corridor, we had taken to sleeping in the corridor since the start of the war – we were afraid to sleep in our room," she said.<sup>45</sup>

Mu'min Mustafa al-Louh, 20, who works as a barber, was living in the house of his father, Mustafa Mahmoud al-Louh. He said:

*"I was asleep in the corridor next to my sister Wafa' when we were awakened at about 5am to find the house had fallen on top of me. The stones were all over me. I tried slowly to move them away till I managed to take out my hand and signal to the others to take out my sister Wafa' first. They came and dug her out from under the rubble then brought me out."*<sup>46</sup>

Mu'min was taken to Al-Aqsa hospital with a broken pelvis and injuries to his legs.

All witnesses who gave statements said that none of the family members was involved with armed groups. Mustafa Mahmoud al-Louh said that his son Ra'fat was an employee of the



Palestinian Authority, but that, since the monthly salaries had been delayed, he and his brother Ahmad, who also died in the attack, were working as fruit and vegetable sellers with a mobile cart. He said:

*“Ahmad was spending the night at Ra’fat’s house so he could go early in the morning to Khan Yunis to buy more produce. When the house was hit, Ahmad flew in the air and his body was riddled with shrapnel; they collected his pieces. Ra’fat was also thrown out [of his home]; they found his body at the neighbour’s house.”<sup>47</sup>*

Ra’fat’s brother Mu’min al-Louh said:

*“Earlier Ra’fat had gone out with a torch to investigate a rocket that he thought had gone up from the olive fields east of our house. He thought a rocket had fallen on the house. They probably thought that Ra’fat had shot the rocket from the field and thought he was from the resistance.”<sup>48</sup>*

Israel has not released any information concerning the attack or its intended target. There was no warning of the attack to the civilians living in the house. The names of the killed family members are mentioned as “civilians” in the news reporting on the websites of Hamas’ al-Qassam Brigades and Islamic Jihad’s al-Quds Brigades. If Israeli forces believed that Ra’fat Mustafa al-Louh had fired a rocket and then ran into the house, they should have taken all feasible precautions to identify who else was in the house. It should have been apparent that there were civilians inside, including several children. Under these circumstances, even if they believed that a fighter was present, Israeli forces should have realized that bombing the house would be a disproportionate attack.

#### LIST OF NAMED INDIVIDUALS KILLED

##### al-Louh family

1. Ra’fat Mustafa al-Louh, 30
2. Nabeela Eid al-Louh, 28
3. Mustafa Ra’fat al-Louh, 12
4. Maysara Ra’fat al-Louh, 10
5. Farah Ra’fat al-Louh, 6
6. Ahmad Mustafa al-Louh, 20
7. Mohammad Mustafa al-Louh, 21
8. Iman Yunis al-Louh, 17

#### ABU DAHROUJ FAMILY HOME, AL-ZUWAYDA, 23 AUGUST

On Saturday 23 August 2014, at approximately 12.15am, two houses that belonged to the Abu Dahrouj family in al-Zuwayda, a village in the central Gaza Strip, were completely destroyed by bombs, killing five members of the family. The neighbouring homes of Jihad Mansour, Ibrahim Thabet and Sulaiman Abu Dahrouj were damaged, and some neighbours sustained light injuries.

Fieldworkers supporting Amnesty International’s work in Gaza visited the site of the attack more than once, the first time on the day after the attack. The rubble of three adjacent homes were sprawled across several tens of metres. Photographs of remnants of weapons found at the site of the attack were shown to a military expert assisting Amnesty International, who said that they included a thick sheath that appeared to belong to one of

the large aerial bombs that targeted the homes on 23 August and added that the bombs were probably of the Paveway type weighing 1,000 pounds (approximately 450kg) or 2,000 pounds (approximately 900kg). The military expert also identified a missile engine, potentially belonging to a missile that targeted the home in an earlier strike on 16 July 2014.

One of the Abu Dahrouj family's houses was a four-storey building containing four flats with 17 family members in all. On the first floor lived the head of the family, Shehdeh Abd Rabbo Sulaiman Abu Dahrouj, aged 69, with three other family members. Below him lived his sister, Hayat Abd Rabbo Sulaiman Abu Dahrouj, and above him, on the second floor, lived his son Nahel Shehdeh Abu Dahrouj, with four other family members, and, on the third floor, another son, Wael Shehdeh Abu Dahrouj, with five family members. The small one-storey house beside it belonged to another son, Hayel Shehdeh Abu Dahrouj, his wife, Huda Mohammad Abu Dahrouj, and their two children – Abdullah, aged three, and Hadi, aged one and a half.

Five people were killed in the attack: Hayel and Huda Abu Dahrouj and their two children, as well as Hayat Abu Dahrouj. In addition, several others were severely injured. They included Shehdeh Abu Dahrouj and his grandsons Mohammad, aged 11, and Abdel Hamid, whose head required stitches, among many others.

This was the second time the two houses had come under attack; they were both targeted on 16 July 2014. At that time the family was ordered to evacuate their homes by a telephone call and Israeli aircraft shot a missile at the two houses. The walls of Shehdeh Abu Dahrouj's house fell down but some pillars remained standing.

The family decided to leave their home and rented another apartment about 500m from their home, which was also targeted but no one died in that attack.

At the time of the attack of 23 August, Wael Abu Dahrouj, was at the home with his brother Hayel and Hayel's wife, Huda, and their two children, Abdullah and Hadi, his aunt Hayat and a nephew from another brother, Mohammad Sulaiman Shehdeh Abu Dahrouj, 11. He told Amnesty International's fieldworker:

*"The house was targeted without warning... We tried to take them out of the rubble they were in pieces; we found their parts on the rooftops of our neighbours. A couple of the surrounding houses were on fire. Our neighbours were hiding under their beds and furniture, thinking that their houses were the target."*<sup>49</sup>

Shehdeh Abu Dahrouj was lying down in his bed in a room on the first floor of the house. He said:

*"I felt the whole house was shaking. I thought that they had targeted one of the neighbours. A few seconds later I felt something heavy on me, I wanted to move my legs or my arm but I couldn't; with time it got heavier and heavier. Then I wasn't able to move. More weight got on my left lung and I couldn't breathe. Minutes later, someone was yelling from the neighbours: 'Where are you?' I tried to tell him that I was there and he was able to hear me. He was yelling at the bulldozer to move the rubble away and get me out. The weight was getting lighter and I could feel the blood moving in my veins. It was so strong the whole house went upside down."*

*“The wall fell down and they [the rest of the family] were blown from the house about 10 metres away. My sister [Hayat] died straight away. They were found in pieces and some of the pieces are still under the rubble. Two days ago, we found some of their pieces on a tree. My other grandson Mohammad Sulaiman might be transferred to Germany because he suffers memory loss and requires medical treatment.”<sup>50</sup>*

Survivors and neighbours told Amnesty International that when rescue teams arrived at the site to help recover the bodies from under the rubble, an Israeli aircraft fired a missile at some open land near the destroyed home.<sup>51</sup>

The intended target of the attack appears to have been Hayel Abu Dahrouj, a member of Islamic Jihad’s al-Quds Brigades,<sup>52</sup> who had returned to his house shortly before the attack. “He missed his kids so he came back to the house,” his brother Wael told Amnesty International’s fieldworker. Amnesty International has not managed to ascertain the importance of Hayel Abu Dahrouj in the military hierarchy, for instance, if he was a simple member or someone more important. Israel has been no statement on their intended target and, unlike on previous occasions, no warnings were given to the Abu Dahrouj family..

If Hayel Abu Dahrouj was the intended target, it is unclear why Israeli forces did not take necessary precautions to minimize the risk to civilians in the homes. For example, there are important questions about why no warning given, as was apparently done before the 16 July attack, and why the Israeli military did not choose a time and means of targeting him that was less likely to kill civilians.

#### LIST OF NAMED INDIVIDUALS KILLED

##### Abu Dahrouj family

1. Hayel Shehdeh Abu Dahrouj, 30
2. Huda Mohammad Abu Dahrouj, 26
3. Abdullah Hayel Abu Dahrouj, 3
4. Hadi Hayel Abu Dahrouj, 1
5. Hayat Abd Rabbo Sulaiman Abu Dahrouj, 47

# INTERNATIONAL HUMANITARIAN LAW

International humanitarian law, codified, among other places, in the Hague Regulations, the Geneva Conventions and their Additional Protocols, is a body of rules and principles whose central purpose is to limit, as much as possible, human suffering in times of armed conflict. It sets out standards of humane conduct and limits the means and methods of conducting military operations. Its focus is the protection of those not participating in hostilities, particularly civilians, as well as combatants who are sick, wounded or captured.

The rules on the conduct of hostilities, which are most relevant to this report are set out in the 1977 Additional Protocol I to the Geneva Conventions. Israel is not a party to Protocol I, but the rules cited below reflect customary international humanitarian law and are legally binding on all parties to an armed conflict.

## PROHIBITION ON DIRECT ATTACKS ON CIVILIANS AND CIVILIAN OBJECTS – THE PRINCIPLE OF DISTINCTION

A fundamental rule of international humanitarian law is that parties to an armed conflict must at all times “distinguish between civilians and combatants”, especially in that “attacks may only be directed against combatants” and “must not be directed against civilians.”<sup>53</sup> A similar rule requires parties to distinguish between “civilian objects” and “military objectives”. These rules are part of the fundamental principle of “distinction”.<sup>54</sup>

“Civilian objects are all objects that are not military objectives.”<sup>55</sup> And military objectives are “those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.”<sup>56</sup> Military advantage may not be interpreted so broadly as to render the rule ineffective. Using this provision to justify attacks aimed at harming the economy of a state or demoralizing the civilian population in order to weaken the ability to fight would distort the legal meaning of military advantage, undermine fundamental principles of international humanitarian law, and pose a severe threat to civilians.

Objects (or locations) that do not meet these criteria are civilian objects. In cases where it is unclear whether a specific object such as a home or residential building, place of worship, school, media office, medical facility, or government building is being used for military purposes, “it shall be presumed not to be so used”.<sup>57</sup>

According to the Rome Statute of the International Criminal Court, intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities and intentionally directing attacks against civilian objects constitute war crimes.<sup>58</sup>

In addition, as regards the destruction of entire homes, including apartment buildings, the 1949 Fourth Geneva Convention regulates Israel’s actions as the occupying power in the Gaza Strip. Article 53 provides that:

*“Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public*

*authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations."*

According to Article 147 of the Fourth Geneva Convention, "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly" is a grave breach of the Convention, and thus a war crime.

## PROHIBITION ON INDISCRIMINATE OR DISPROPORTIONATE ATTACKS

The corollary of the rule of distinction is that "indiscriminate attacks are prohibited".<sup>59</sup>

Indiscriminate attacks are those that are of a nature to strike military objectives and civilians or civilian objects without distinction, either because the attack is not directed at a specific military objective, or because it employs a method or means of combat that cannot be directed at a specific military objective or has effects that cannot be limited as required by international humanitarian law.<sup>60</sup>

International humanitarian law also prohibits disproportionate attacks, which are those "which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated."<sup>61</sup> Intentionally launching an indiscriminate attack resulting in death or injury to civilians, or a disproportionate attack (that is, knowing that the attack will cause excessive incidental civilian loss, injury or damage) constitutes a war crime.<sup>62</sup>

## PRECAUTIONS IN ATTACK

The protection of the civilian population and civilian objects is further underpinned by the requirement that all parties to a conflict take precautions in attack. In the conduct of military operations, then, "constant care must be taken to spare the civilian population, civilians and civilian objects"; "all feasible precautions" must be taken to avoid and minimize incidental loss of civilian life, injury to civilians and damage to civilian objects.<sup>63</sup> The parties must choose means and methods of warfare with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.<sup>64</sup> Everything feasible must be done to verify that targets are military objectives, to assess the proportionality of attacks, and to halt attacks if it becomes apparent they are wrongly directed or disproportionate.<sup>65</sup> Where circumstances permit, parties must give effective advance warning of attacks which may affect the civilian population.<sup>66</sup>

## PRECAUTIONS IN DEFENCE AND "HUMAN SHIELDS"

Warring parties have obligations to take precautions to protect civilians and civilian objects under their control against the effects of attacks by the adversary. As with precautions in attack, these rules are particularly important when fighting is taking place in areas with large numbers of civilians.

Each party to the conflict must, to the extent feasible, avoid locating military objectives within or near densely populated areas.<sup>67</sup> The authoritative commentary of the International Committee of the Red Cross (ICRC) on this provision explains that the use of the term "feasible" is used to illustrate "the fact that no one can be required to do the impossible. In this case it is clear that precautions should not go beyond the point where the life of the population would become difficult or even impossible." And it notes: "Moreover, a Party to the conflict cannot be expected to arrange its armed forces and installations in such a way as to make them conspicuous to the benefit of the

adversary.”

Furthermore, Article 50(3) of Additional Protocol I states that “The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character.”

As indicated by the ICRC in its commentary, “In wartime conditions it is inevitable that individuals belonging to the category of combatants become intermingled with the civilian population, for example, soldiers on leave visiting their families. However, provided that these are not regular units with fairly large numbers, this does not in any way change the civilian character of a population.”

In other words, the fact that Palestinian fighters in Gaza may be located within civilian areas does not in any way negate Israel’s obligations with respect to civilians, including the principle of distinction, the prohibition on indiscriminate or disproportionate attacks, and the precautions in attack detailed above.

# ACCOUNTABILITY

Those who have breached international humanitarian law and committed war crimes should be held accountable.

Three Israeli investigations have emerged in relation to Operation Protective Edge. Firstly, on 13 August 2014, the State Comptroller, a role which also functions as an ombudsman and is currently held by Joseph Shapira, a former military judge in the Occupied Palestinian Territories, announced that, in the light of allegations that “Israel breached international law and has not examined IDF action according to international law”, he intended to investigate the “decision-making process and oversight mechanisms” employed by the country’s political and military leadership before and during Operation Protective Edge.<sup>68</sup> Since then there have been no further announcements, as far as Amnesty International is aware.

The following day, on 14 August, the Chief of General Staff, Lieutenant General Binyamin Gantz, ordered the General Staff Mechanism for Fact-Finding Assessments (FFA) to examine “Exceptional Incidents that occurred during Operation ‘Protective Edge’”. According to the website of the Military Advocate General, 44 “Exceptional Incidents” (where there may be “reasonable grounds for suspicion of a violation of the law”) have been referred to the FFA for assessment, and “over 50 additional incidents have so far been identified for referral to the FFA Mechanism in the near future.” The purpose of these investigations was said to be threefold: to reach decisions regarding whether to open a criminal investigation; for a “lessons-learned” process” and for “the issuance of operational recommendations that will assist in preventing exceptional incidents in the future”.<sup>69</sup>

On 10 September 2014 it was announced that the FFA Mechanism had completed its work on 12 incidents, which had been referred back to the Military Advocate General for decision. The Military Advocate General decided to close the case with regard to seven of the cases and was said to have “ordered criminal investigations with regard to two of the incidents”. The remaining incidents were pending decision. None of the cases examined in this report was mentioned, so Amnesty International has no information as to whether they were among the “Exceptional Incidents”.<sup>70</sup>

Later, at the end of August, the Knesset Foreign Affairs and Defense Committee also set up a subcommittee to inquire into Operation Protective Edge in Gaza. According to Israeli media reports, the purpose of the subcommittee’s inquiry was to learn lessons from the operation and it intended to issue its report in January 2015.<sup>71</sup>

Up to now the investigations of alleged violations of international law against Palestinians during Israeli military offensives in the Gaza Strip have failed to be independent, thorough or impartial. After Operation Cast Lead, in December 2008 and January 2009, only three investigations ended in indictments, and the most serious punishment was one of 15 months’ detention for the theft of a credit card.<sup>72</sup> After Operation Pillar of Defense in November 2012, the Chief of Staff appointed Major General Noam Tibon to head a military commission into possible “illegal conduct” and passed its findings on 80 cases to the Military Advocate General, who examined 65 and said he found no justification for launching

a criminal investigation.<sup>73</sup> The same senior officer is heading the General Staff Mechanism for Fact-Finding Assessments examining “Exceptional Incidents” during Operation Protective Edge.

Amnesty International agrees with the conclusion of the Israeli human rights organization B'Tselem that “there is currently no official body in Israel capable of conducting independent investigations of suspected violations of international humanitarian law”.<sup>74</sup>

On 23 July 2014 the UN Human Rights Council adopted resolution S-21/1 to set up a commission of inquiry “to investigate all violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military operations conducted since 13 June 2014, whether before, during or after, to establish the facts and circumstances of such violations and of the crimes perpetrated and to identify those responsible, to make recommendations, in particular on accountability measure all with a view to avoiding and ending impunity and ensuring that those responsible are held accountable, and on ways and means to protect civilians against any further assaults, and to report to the Council at its twenty-eighth session” in March 2015.<sup>75</sup>

A statement by the Israeli Foreign Ministry said that the “Human Rights Council has long ago become the terrorists’ rights council”, adding that the Chair of the Commission of Inquiry was biased against Israel and that it would not co-operate with the investigation.<sup>76</sup>

Given Israel’s long-standing failure to investigate and prosecute alleged war crimes, and its resolve to conduct such investigations under deficient domestic mechanisms under the supervision of high-level military officials, Amnesty International recommends that the international community should ensure that possible crimes under international law, including war crimes, committed during Operation Protective Edge are subject to proper investigation and those reasonably suspected of criminal responsibility are brought to justice in fair trials, including through states exercising universal jurisdiction for war crimes or through the jurisdiction of the International Criminal Court.



# CONCLUSION AND RECOMMENDATIONS

The unprecedented number of attacks on inhabited homes during Operation Protective Edge, and the number of civilian casualties and scale of destruction and serious damage resulting from the attacks documented in this report, and other such attacks, are more than just a human tragedy. They raise difficult questions for the Israeli government and the army which they have so far failed to answer. The pattern of attacks suggest military tactics were adopted that are incongruent with the binding rules governing the conduct of hostilities in international humanitarian law. The fact that the Israeli military began carrying out aerial bombardment of inhabited homes in the first days of the conflict<sup>77</sup> and that this tactic was used for the duration of the operation, as illustrated by the dates of the attacks in this report, seems to suggest that Israel's political leadership endorsed this manner of conducting hostilities.

The lack of any explanation from Israeli officials of what was being targeted and significant doubt in some of these attacks on civilian homes of whether a military objective was present are deeply disturbing. In those cases where Amnesty International has been able to determine the possible intended target, it has found either that it was not in fact a military objective, that the devastating toll on civilians and civilian property was out of all proportion to any military advantage from the attack and/or that Israel failed to take necessary precautions to minimize harm to civilians and damage to civilian objects. This is particularly evident given the alternatives available, including postponing an attack until the target was not inside a house full of children and other civilians; using means of attack which are less devastating, as Israeli forces have done in other strikes targeting individuals which did not bring entire buildings down on top of their civilian residents; and giving effective warning to civilians in the targeted building and surrounding structures prior to carrying out the attack.

The onus is on the Israeli government to explain what the intended target was in each of these attacks, in what way the target was a lawful military objective, what the means and methods of attack used were and why they were selected.

Amnesty International has documented the commission of serious human rights violations and abuses, as well as violations of international humanitarian law and war crimes by Israeli forces, Hamas and Palestinian armed groups over many years with impunity. The large number of civilian casualties, as well as the destruction and displacement in the Gaza Strip, on the one hand, and the toll of indiscriminate rockets fired by Palestinian armed groups on civilians in Israel, on the other, during Operation Protective Edge only make ending this impunity more urgent. Neither the Israeli nor the Palestinian authorities have taken meaningful measures to stop these serious violations, or to bring those responsible to justice. Ending the systematic impunity for past crimes would serve as a deterrent against their repetition, and is thus a critical component to ensuring the protection of civilians on both sides in the long term. To that end Amnesty International is making the following recommendations:

## TO THE ISRAELI AUTHORITIES

- The Israeli authorities should co-operate with the Commission of Inquiry set up by the UN Human Rights Council and offer them complete access to relevant personnel, documents and other material. It should also cooperate with other human rights investigations into violations of international law by all parties to the conflict. Given the conclusion reached by the UN Expert Committee in 2010, local Israeli and international human rights groups and the absence of concrete measures to reform deficient investigative mechanisms, there is as yet no official Israeli body capable of conducting investigations in accordance with international law into allegations war crimes committed or ordered by members of Israeli military and civilian officials.
- They should also allow Amnesty International and other human rights organizations access to Gaza to investigate suspected violations of international law by all parties to the conflict.
- They should ensure that the Israeli military revises its doctrine and tactics for fighting in densely populated areas such as Gaza so that they fully adhere to international humanitarian law, in particular the prohibition of indiscriminate and disproportionate attacks, and the requirement to take precautions in attack.
- They should accede to the Rome Statute of the International Criminal Court and issue a declaration accepting the International Criminal Court's jurisdiction since 1 July 2002.
- They should provide full reparation to all victims of serious violations of international humanitarian law, including individuals whose homes and property were unlawfully destroyed or damaged during Operation Protective Edge.

## TO THE PALESTINIAN AUTHORITIES

- The Palestinian authorities should issue a declaration accepting the International Criminal Court's jurisdiction over crimes committed since 1 July 2002 and accede to the Rome Statute of the International Criminal Court.

## TO OTHER STATES

- All states should provide full support to the UN-mandated commission of inquiry and ensure it is resourced sufficiently to allow it to accomplish its tasks effectively and promptly.
- All states and international actors such as the European Union should support the International Criminal Court's exercise of jurisdiction over Palestinian territory. The UN Security Council should refer the situation in Israel and the Occupied Palestinian Territories to the Prosecutor of the International Criminal Court to investigate crimes under international law by all parties to the conflict.
- Individual states should start criminal investigations in national courts, exercising universal jurisdiction, wherever there is sufficient evidence of war crimes or other crimes under international law, and seek to arrest alleged perpetrators and bring them to justice in proceedings that fully respect international fair trial standards.

- All states should suspend the transfer to Israel of arms, munitions, weapons and military equipment, until substantive steps have been taken by Israel to achieve accountability for previous violations and effective mechanisms are in place to ensure that weapons and related equipment will not be used to commit serious violations of international human rights and humanitarian law. The suspension should include all indirect exports via other countries, the transfer of military components and technologies, and any brokering, financial or logistical activities that would facilitate such transfers.

## ENDNOTES

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<sup>1</sup> OCHA, *Protection of Civilians Weekly Report, 30 September – 13 October 2014*, 17 October 2014 ([www.ochaopt.org/documents/ocha\\_opt\\_protection\\_of\\_civilians\\_weekly\\_report\\_2014\\_10\\_17\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2014_10_17_english.pdf))

<sup>2</sup> OCHA, *Occupied Palestinian Territory: Gaza Emergency Situation Report (as of 4 September 2014, 08:00 hrs)*, 4 September 2014 ([www.ochaopt.org/documents/ocha\\_opt\\_sitrep\\_04\\_09\\_2014.pdf](http://www.ochaopt.org/documents/ocha_opt_sitrep_04_09_2014.pdf)).

<sup>3</sup> OCHA gives the figure of five civilians. In addition to these five individuals, Amnesty International considers Dror Khenin, a building project contractor who was killed on 15 July while distributing food to soldiers near the Erez crossing, to have been a civilian since, according to its information, he was not directly participating in hostilities at the time.

<sup>4</sup> See B'Tselem, *Families bombed at home, Gaza, July-August 2014 (initial figures)*, 11 August 2014 ([http://www.btselem.org/gaza\\_strip/201407\\_families](http://www.btselem.org/gaza_strip/201407_families)).

<sup>5</sup> For instance, some individuals pick up fragments of munitions as souvenirs or to use to make practical or decorative objects. See for example AFP, *Remnants of war become art in Gaza*, 2 October 2014 ([www.agencefrance-presse.com/en/node/2899296](http://www.agencefrance-presse.com/en/node/2899296)).

<sup>6</sup> UN Fact-Finding Mission on the Gaza Conflict, *Human Rights in Palestine and other Occupied Arab Territories: Report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48)*, 23 September 2009 (unispal.un.org/UNISPAL.NSF/0/25184E52D3E5CDBA8525763200532E73), para. 1734.

<sup>7</sup> UN Fact-Finding Mission on the Gaza Conflict, *Human Rights in Palestine and other Occupied Arab Territories: Report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48)*, 23 September 2009 (unispal.un.org/UNISPAL.NSF/0/25184E52D3E5CDBA8525763200532E73), para. 1747.

<sup>8</sup> Interview by an Amnesty International fieldworker on 27 August 2014.

<sup>9</sup> Interview by an Amnesty International fieldworker on 27 August 2014.

<sup>10</sup> Interview by an Amnesty International fieldworker on 27 August 2014.

<sup>11</sup> Interview by an Amnesty International fieldworker on 26 August 2014.

<sup>12</sup> Interview by an Amnesty International fieldworker on 27 August 2014.

<sup>13</sup> Interview by an Amnesty International fieldworker on 26 August 2014.

<sup>14</sup> Interview by an Amnesty International fieldworker on 26 August 2014.

<sup>15</sup> Interview by an Amnesty International fieldworker on 27 August 2014.

<sup>16</sup> Interview by an Amnesty International fieldworker on 26 August 2014.

<sup>17</sup> Interview in Ramallah by Amnesty International on 28 August 2014.

<sup>18</sup> Interview in Ramallah by Amnesty International on 28 August 2014.

<sup>19</sup> Interview by an Amnesty International fieldworker on 16 August 2014.

- <sup>20</sup> Interview by an Amnesty International fieldworker on 16 August 2014.
- <sup>21</sup> Interview by an Amnesty International fieldworker on 25 August 2014.
- <sup>22</sup> Interview by an Amnesty International fieldworker on 16 August 2014.
- <sup>23</sup> Interview by an Amnesty International fieldworker on 16 August 2014.
- <sup>24</sup> Interview by an Amnesty International fieldworker on 16 August 2014.
- <sup>25</sup> Interview by an Amnesty International fieldworker on 16 August 2014.
- <sup>26</sup> Interview by an Amnesty International fieldworker on 31 July 2014.
- <sup>27</sup> Interview by an Amnesty International fieldworker on 31 July 2014.
- <sup>28</sup> See page on Ahmad Mu'ammar on the website of the al-Quds Brigades ([saraya.ps/index.php?act=ImgFile&id=3702](http://saraya.ps/index.php?act=ImgFile&id=3702))
- <sup>29</sup> Interview by an Amnesty International fieldworker on 16 August 2014
- <sup>30</sup> Interview by an Amnesty International fieldworker on 18 August 2014
- <sup>31</sup> Interview by an Amnesty International fieldworker on 18 August 2014.
- <sup>32</sup> Interview by an Amnesty International fieldworker on 18 August 2014.
- <sup>33</sup> Many homes in refugee camps are built cheaply of concrete and asbestos or have asbestos roofs.
- <sup>34</sup> Interview by an Amnesty International fieldworker on 18 August 2014.
- <sup>35</sup> One photo shows an impact mark on a portion of the concrete roof which might have been caused by a missile fired in a procedure known as a "knock on the roof" (by which a missile is fired at a house to warn of its imminent destruction). However, all witnesses insisted that no warning of the attack was given and the Israeli army has issued no statement that it did so either. Amnesty International and other human rights organizations have consistently said that the Israeli procedure of firing a warning missile before destruction of a building, which was first used in 2009, is not an effective warning. Many individuals have been killed in homes by such "warning" strikes.
- <sup>36</sup> Interviews with relatives of the al-Neirab family in Rafah by an Amnesty International fieldworker on 8 September 2014.
- <sup>37</sup> Interview by an Amnesty International fieldworker on 5 September 2014.
- <sup>38</sup> Interviews with neighbours by an Amnesty International fieldworker on 5 September 2014.
- <sup>39</sup> Interviews with relatives of the al-Neirab family in Rafah by an Amnesty International fieldworker on 8 September 2014.
- <sup>40</sup> Interview by an Amnesty International fieldworker on 28 August 2014.
- <sup>41</sup> Interview by an Amnesty International fieldworker on 28 August 2014.
- <sup>42</sup> Interview with a neighbour by an Amnesty International fieldworker; name withheld at his request.
- <sup>43</sup> See the relevant pages on the website of the al-Quds Brigades: Ramadan al-Bakri ([www.saraya.ps/index.php?act=ImgFile&id=3715](http://www.saraya.ps/index.php?act=ImgFile&id=3715)); Ibrahim al-Mashharawi ([www.saraya.ps/index.php?act=ImgFile&id=3712](http://www.saraya.ps/index.php?act=ImgFile&id=3712)).

<sup>44</sup> Interviews by an Amnesty International fieldworker on 21 August 2014.

<sup>45</sup> Interviews by an Amnesty International fieldworker on 21 August 2014.

<sup>46</sup> Interviews by an Amnesty International fieldworker on 21 August 2014.

<sup>47</sup> Interviews by an Amnesty International fieldworker on 21 August 2014.

<sup>48</sup> Interviews by an Amnesty International fieldworker on 21 August 2014.

<sup>49</sup> Interview by an Amnesty International fieldworker on 15 September 2014.

<sup>50</sup> Interview by an Amnesty International fieldworker on 15 September 2014 .

<sup>51</sup> Interviews with neighbours of the Abu Dahrouj family (names withheld) on 15 September 2014.

<sup>52</sup> See photo of Hayel Abu Dahrouj on the website of the al-Quds Brigades ([www.saraya.ps/uploads/General/140827105646bSXm.jpg](http://www.saraya.ps/uploads/General/140827105646bSXm.jpg)).

<sup>53</sup> ICRC Customary IHL Study, Rule 1; see also Additional Protocol I to the Geneva Conventions (Protocol I), Article 48 and Additional Protocol II to the Geneva Conventions (Protocol II), Article 12(2).

<sup>54</sup> In the context of the conflict in Gaza and Israel and in this report, Amnesty International uses the term civilian to describe people who were not taking direct part in the hostilities. In case of doubt, individuals should be presumed to be civilians

<sup>55</sup> ICRC Customary IHL Study, Rule 9.

<sup>56</sup> ICRC Customary IHL Study, Rule 8.

<sup>57</sup> Protocol I, Article 52(3). The authoritative ICRC Commentary on the Additional Protocols to the Geneva Conventions interprets the expression “definite military advantage anticipated” by stating that “it is not legitimate to launch an attack which only offers potential or indeterminate advantages.”

<sup>58</sup> Rome Statute of the International Criminal Court, Article 8(2)(b)(i) and(ii).

<sup>59</sup> ICRC Customary IHL Study, Rule 11; Protocol I, Article 51(4).

<sup>60</sup> ICRC Customary IHL Study, Rule 12; Protocol I, Article 51(4)(a).

<sup>61</sup> ICRC Customary IHL Study, Rule 14; Protocol I, Articles 51(5)(b) and 57.

<sup>62</sup> ICRC Customary IHL Study, Rule 156, pages 599-601.

<sup>63</sup> ICRC Customary IHL Study, Rule 15. See also Protocol II, Article 13(1).

<sup>64</sup> ICRC Customary IHL Study, Rule 17.

<sup>65</sup> ICRC Customary IHL Study, Rules 16-19.

<sup>66</sup> ICRC Customary IHL Study, Rule 20.

<sup>67</sup> ICRC Customary IHL Study, Rule 23; see also Protocol I, Article 58(b).

<sup>68</sup> Haaretz, *State Comptroller to probe conduct of country's political and military leaders in Gaza op*, 13 August 2014 ([www.haaretz.com/news/national/.premium-1.610345](http://www.haaretz.com/news/national/.premium-1.610345)).

<sup>69</sup> Haaretz, *Israeli army's Gaza inquiry meant to head off calls for war crimes probe*, 14 August 2014 ([www.haaretz.com/news/diplomacy-defense/.premium-1.610475](http://www.haaretz.com/news/diplomacy-defense/.premium-1.610475)). See also IDF MAG Corps, *Operation*

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*Protective Edge: Examinations and Investigation*, 10 September 2014 ([www.law.idf.il/261-6858-en/Patzar.aspx?pos=1](http://www.law.idf.il/261-6858-en/Patzar.aspx?pos=1)).

<sup>70</sup> IDF MAG Corps, *Operation Protective Edge: Update re Individual Incidents*, 10 September 2014 (<http://www.mag.idf.il/163-6859-en/Patzar.aspx>).

<sup>71</sup> Ynetnews, *Knesset Committee launches Protective Edge Probe*, 1 September 2014 ([www.ynetnews.com/articles/0,7340,L-4566505,00.html](http://www.ynetnews.com/articles/0,7340,L-4566505,00.html)).

<sup>72</sup> See Amnesty International, *Israeli campaign to avoid accountability for Gaza war crimes must be rejected* (Index: MDE 15/023/2011), 6 April 2011, ([www.amnesty.org/en/library/asset/MDE15/023/2011/en/89722ec2-d35c-4392-bbcd-df2a97646a0b/mde150232011en.pdf](http://www.amnesty.org/en/library/asset/MDE15/023/2011/en/89722ec2-d35c-4392-bbcd-df2a97646a0b/mde150232011en.pdf)); B'Tselem, *Three years since Operation Cast Lead: Israeli military utterly failed to investigate itself*, 18 January 2012, ([www.btselem.org/gaza\\_strip/20120118\\_3\\_years\\_after\\_cast\\_lead](http://www.btselem.org/gaza_strip/20120118_3_years_after_cast_lead))

<sup>73</sup> See Amnesty International, *Israel/OPT: Amnesty International's written statement to the 22nd session of the UN Human Rights Council (25 February- 22 March 2013): The Need for Accountability for Gaza/Israel conflicts* (Index: MDE 02/001/2013), 20 February 2013 ([www.amnesty.org/en/library/asset/MDE02/001/2013/en/2e16eba0-23a0-4242-8796-301d0d3a1f28/mde020012013en.pdf](http://www.amnesty.org/en/library/asset/MDE02/001/2013/en/2e16eba0-23a0-4242-8796-301d0d3a1f28/mde020012013en.pdf))

<sup>74</sup> B'Tselem, *Israeli authorities have proven that they cannot investigate suspected violations of international humanitarian law by Israel in the Gaza Strip*, 5 September 2014 ([www.btselem.org/accountability/20140905\\_failure\\_to\\_investigate](http://www.btselem.org/accountability/20140905_failure_to_investigate)).

<sup>75</sup> Resolution adopted by the Human Rights Council, S-21/1, *Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem*, 23 July 2014 ([www.ohchr.org/Documents/HRBodies/.../A-HRC-RES-S-21-1\\_en.doc](http://www.ohchr.org/Documents/HRBodies/.../A-HRC-RES-S-21-1_en.doc)).

<sup>76</sup> Arutz Sheva Israeli national news, *Liberman: UNHRC is the Council for Terrorist Rights*, 24 July 2014 ([www.israelnationalnews.com/News/News.aspx/183271#.VEjVCfnF8Yo](http://www.israelnationalnews.com/News/News.aspx/183271#.VEjVCfnF8Yo)).

<sup>77</sup> The Israeli military attacks on the Kaware' family home in Khan Yunis (killing nine civilians, including six children) and on the Hamad family home in Beit Hanun (killing one member of an armed group and five civilians, including one child) both took place on 8 July 2014, the first day of the conflict.





## **FAMILIES UNDER THE RUBBLE**

### **ISRAELI ATTACKS ON INHABITED HOMES**

Among the targets of Israeli air strikes during Operation Protective Edge, Israel's military operation in the Gaza Strip in July and August 2014, were inhabited multistorey family homes. Whole families were killed or injured by these targeted strikes and, in addition, there was extensive destruction of civilian property.

In this report Amnesty International examines Israeli attacks carried out on inhabited civilian homes in the light of Israel's obligations under international humanitarian law, specifically the rules on the conduct of hostilities. It does so by focusing on eight cases, in which targeted Israeli attacks resulted in the deaths of at least 111 people, of whom at least 104 were civilians, including entire families and 62 children, and destroyed civilian homes.

These cases, as well as other credible allegations of serious violations of international humanitarian law, must be promptly, independently and impartially investigated, in accordance with international law and standards and, wherever there is sufficient admissible evidence, alleged perpetrators, whether military or civilian officials, must be brought to justice in proceedings that fully respect international fair trial standards.

Amnesty International has documented and is continuing to document serious violations of international humanitarian law, including unlawful killings and injuries to civilians and destruction of civilian property, both by Israel and by Hamas and Palestinian armed groups.

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