

URGENT APPEAL

Defence for Children International – Palestine Section

Gaza under attack – hundreds killed

Location of incident: Gaza Strip, Occupied Palestinian Territory
Nature of incident: Aerial bombardment of densely populated areas
Date of incident: 27 December 2008 and continuing
Number of fatalities: As at 30 December: around 360¹
Number of injuries: As at 30 December: as many as 1,400²

On the morning of Saturday, 27 December 2008, Israeli aircraft started bombing targets in the densely populated Gaza Strip. The air attacks continued throughout Saturday and on into Sunday, Monday, Tuesday and are ongoing. According to media sources, Israeli armoured forces and troops are massing on the border in what appears to be a prelude to a ground incursion.

As of Tuesday, 30 December, local NGOs and media outlets are reporting at least 360 killed and as many as 1,400 injured, of which 180 are in a critical condition. DCI-Palestine currently estimates that 38 children have been killed.

Reports from the Gaza based organisation, Al-Mezan, suggest that the first wave of air attacks coincided with the change in school shift, when tens of thousands of schoolchildren were on their way to or from school.³ This fact should reasonably have been known to those who ordered, planned and carried out the attack. In a further sign of Israel's reckless disregard for its obligations under international law, seven adult students from an UNRWA educational institution died in an airstrike while they were waiting for a bus to take them home.

Israel's defence minister, Ehud Barak, is reported to have said on Monday that his army is fighting a 'war to the bitter end.'⁴

Background information

Israel has occupied the West Bank, East Jerusalem and Gaza Strip (the Occupied Palestinian Territory) since 1967. There are currently more than 462,000 illegal Israeli settlers in the West Bank and East Jerusalem,⁵ in contravention of article 49 of the Fourth Geneva Convention and UN Security Council Resolutions.⁶ These

¹ BBC News - http://news.bbc.co.uk/2/hi/middle_east/7804218.stm

² Guardian - - Israel is saying its army is fighting war to the bitter end with Hamas (30 December 2008) - <http://www.guardian.co.uk/world/2008/dec/29/gaza-israel-palestinians-middle-east>

³ Al-Mezan Center for Human Rights - http://www.mezan.org/site_en/press_room/press_detail.php?id=919

⁴ Guardian - - Israel is saying its army is fighting war to the bitter end with Hamas (30 December 2008) - <http://www.guardian.co.uk/world/2008/dec/29/gaza-israel-palestinians-middle-east>

⁵ B'Tselem, *Land Expropriation and Settlements – Statistics, 2007*. Figures based on Israel's Central Bureau of Statistics as of September 2007. See <http://www.btselem.org/english/Settlements/Statistics.asp>.

⁶ Article 49 of the Fourth Geneva Convention states that 'the Occupying Power shall not deport or transfer parts of its own civilian population into territory it occupies.' UN Security Council Resolution 465 (1980) states that '...All measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal

settlements are a constant source of friction and provocation throughout the region. In September 2005 Israel removed its illegal settlements from Gaza under its 'disengagement plan' but remains in occupation as it effectively controls the entry and exit points, the airspace, the surrounding sea and even tax collection and the civil registry.

Following the Hamas victory in the Palestinian parliamentary elections of January 2006, Israel allowed only basic humanitarian goods and supplies to enter the Gaza Strip, despite its total dependence on Israel. This policy intensified following Hamas's takeover of Gaza in June 2007. Since then, Israel has kept the border crossings between Israel and the Gaza closed, with minor exceptions. In September 2007, Israel officially declared Gaza a 'hostile entity', a categorisation unknown to international law, and introduced a policy severely limiting supplies of food, fuel and electricity, interspersed with periods of total blockade. The restrictions on Gaza were further tightened on 5 November 2008 and in December 2008, the UN body responsible for distributing aid to refugees, UNRWA, was no longer able to distribute food aid to 750,000 dependent men, women and children.

Israel justifies its siege of Gaza on the basis of the unlawful firing of rockets on Israeli population centres by Palestinian armed groups, and relies on the principle of self-defence to justify the current attacks.

Since September 2001, 22 Israelis have been killed by rockets and mortars fired from the Gaza Strip into Israel. Four of those fatalities occurred after Israel started bombing Gaza on Saturday, 27 December.⁷ During the same period, more than 3,521 Palestinians have been killed in Gaza by Israeli forces.⁸ This amounts to a ratio of 160 Palestinians killed for every one Israeli, suggesting that the current Israeli attacks are a wholly disproportionate response.

In another disturbing development, on 14 December 2008, the UN Special Rapporteur for the Occupied Palestinian Territory, Professor Richard Falk, was denied entry into Israel when he tried to visit in his official UN capacity. Professor Falk intended to travel to the West Bank and Gaza Strip in order to assess the situation for himself, in advance of preparing a report on the humanitarian situation to the UN Human Rights Council. In a recent statement describing his deportation, Professor Falk said: 'By attacking the observer rather than what is observed, Israel plays a clever mind game. It directs attention away from the realities of the occupation, practising effectively a politics of distraction.'

Legal position

In exercising effective control over Gaza, Israel is still regarded by all reputable international lawyers as the Occupying Power under the Geneva Conventions. Israel is currently in violation of a number of obligations it owes as Occupying Power, and obligations imposed on it under the laws of war, including prohibitions against:

validity and ... Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention.'

⁷ Israeli Ministry of Foreign Affairs website - <http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Palestinian+terror+since+2000/Victims+of+Palestinian+Violence+and+Terrorism+sinc.htm>

⁸ Sources: Al-Mezan Center for Human Rights (2000-2007 - 2782 Palestinian fatalities) - http://www.mezan.org/site_en/statistics/index.php; OCHA (Jan - Oct 2008 - 389 Palestinian fatalities) - http://www.ochaopt.org/documents/POC_Monthly_Tables_October_2008.pdf; Aljazeera English (27 December - 30 December 2008 - around 350 Palestinian fatalities) - <http://english.aljazeera.net/news/middleeast/2008/12/200812306307620900.html>

- ***Collective punishment:-***

Israel is not justified in collectively punishing 1.5 million Gazans for the actions of a few militants.

- ***Targeting civilians: –***

Israel is not justified in conducting airstrikes in one of the most densely populated areas in the world, whereby high civilian casualties are not only foreseeable, but inevitable.

- ***Disproportionate military response:-***

Israel is not justified in destroying every police and security office of Gaza's elected government, and killing and injuring hundreds of civilians, in circumstances where the illegal firing of rockets from Gaza has killed 22 Israelis in the last eight years.

This year marks the 41st anniversary of Israel's military occupation of the West Bank, East Jerusalem and Gaza Strip.

Recommended action

Please send Urgent Appeals asking for:

- An immediate end to Israel's attacks on the Gaza Strip and a ceasefire by all parties.
- The immediate provision of urgent humanitarian and medical assistance to the Gaza Strip.
- The immediate lifting of Israel's siege of the Gaza Strip to allow the free flow of goods and services in and out of the territory.
- An immediate freeze of the EU-Israel upgrade process. Any future Action Plan for the upgrade must include clear and measurable human rights benchmarks for which Israel must be held accountable.

Appeals to:

European Union

HE Mr. Hans-Gert Poettering
President of the European Parliament
European Parliament
Rue Wiertz, PHS 11BO11
Brussels 1042, Belgium
Fax: +33 3 88 179769
Email: hpoettering@europarl.eu.int

Mr. Karel Schwarzenberg
Minister of Foreign Affairs
(the Czech Republic currently holds the Presidency of the EU)
Ministerstvo zahraničních věcí
Loretánské náměstí 5
118 00 Praha 1
Czech Republic
Email: info@mzv.cz

UK

Rt Hon David Miliband MP
Secretary of State for Foreign and Commonwealth Affairs
Email: milibandd@parliament.uk
Salutation: Dear Minister

US

H.E. Mr. Jake Walles
Consul General
Consulate General of the **United States of America**
27 Nablus Road
PO Box 290, East Jerusalem
Email: WallesJ@state.gov

Israel

Prime Minister
Office of the Prime Minister
3 Kaplan Street, PO Box 187, Kiryat Ben-Gurion, Jerusalem, 91919, Israel
Fax: +972- 2-651 2631
Email: rohm@pmo.gov.il, pm_eng@pmo.gov.il
Salutation: Dear Prime Minister

Tzipi Livni,
Israeli Minister of Foreign Affairs,
9 Yitzhak Rabin Blvd.
Kiryat Ben-Gurion,
Jerusalem 91035.
Email: sar@mfa.gov.il
Salutation: Dear Minister

Ehud Barak
Minister of Defence, Ministry of Defence,
37 Kaplan Street, Hakirya, Tel Aviv 61909, Israel
Fax: +972 3 691 6940
Email: minister@mod.gov.il
Salutation: Dear Minister

Please inform DCI-Palestine about your letters and let us know if you receive any response to your appeals;
quote the UA number at the top of this document – ria@dc-pal.org