

Defence for Children International
Rifat Odeh Kassis
Telephone number: +972 2 242 7530
Email: rifat.kassis@dcj-pal.org

ENGLISH ONLY

HUMAN RIGHTS COUNCIL
Ninth special session

Written statement submitted by Defence for Children International (DCI), a non-governmental organisation in special consultative status

Title:

Child fatalities as a consequence of Israel's military operation code-named "Cast Lead" in the Gaza Strip, ongoing since 27 December 2008

Text:

Defence for Children International-Palestine Section (DCI-Palestine) is dedicated to promoting and protecting the rights of Palestinian children in the Occupied Palestinian Territory (OPT) as articulated in the UN Convention on the Rights of the Child. Among other activities, DCI-Palestine documents and monitors individual violations of Palestinian children's rights, using a team of fieldworkers around the OPT¹.

This statement is submitted to provide information to the Human Rights Council's ninth Special Session on "*The Grave Violations of Human Rights in the Occupied Palestinian Territory including the recent aggression of the occupied Gaza Strip*", and focuses on the child fatalities resulting from the ongoing Israeli military operation code-named "Cast Lead", started on the morning of Saturday, 27 December 2008.

As of 7 January 2009 5:00pm, media and NGO reports indicate that around 600 Palestinians may have been killed, and more than 2,900 injured since the beginning of the Israeli military offensive 12 days ago. **According to DCI-Palestine estimates, as many as 132 children could already have been killed in the Operation.**

¹ To ensure the utmost accuracy of its violation reports, DCI-Palestine fieldworkers collect their information from a variety of sources: detailed testimonies and sworn statements are taken from victims, family members and/or eye witnesses; medical reports, birth/death certificates and photographs are also collected to form a complete file. Fieldworkers take particular effort to ensure that all information is accurate by carefully corroborating and cross-checking their accounts with those of other human rights organisations, the media, local officials, and Israeli government statements. DCI-Palestine fieldworkers work in a demanding and frequently dangerous environment. Security conditions sometimes inhibit immediate data collection at the scene. All cases for which DCI-Palestine has been unable to find eyewitnesses, or other credible sources of information, are acknowledged as unconfirmed.

- At around 7:00pm on Sunday, 28 December 2008, the Keshko family was sitting around a fire in farmland near their home in al-Zaitun, central Gaza. During the course of the evening, the father asked one of his daughters, Ebtihal, to get some tea from the kitchen. Almost as soon as Ebtihal entered the house it was hit by a missile and reduced to rubble. Ebtihal (7 years old) and her sister-in-law Maysa, who was also inside the house, were killed instantly.
- Early on Monday 29 December, an Israeli missile struck the Imad Aqel Mosque in Jabalia camp, damaging the surrounding houses many of which had asbestos roofs. Five sisters the Ba'lousha family were killed in their sleep: Jawaher (4 years old), Dena (7), Samar (12), Ekram (13), and Tahreer (17). Their bedroom had been completely destroyed by the explosion.
- Shortly after 1:00am, on Monday, 29 December 2008, the Al-Absi family was struck by a missile whilst the family was sleeping in their house in the Yebna refugee camp, Rafah, in southern Gaza. Three boys were killed in the attack: Sudqi (4 years old), Ahmad (12), and Mohammad (13).
- On Friday, 2 January 2009, two brothers and their cousin from Al-Qarara refugee camp in southern Gaza went to pick some sugar cane. At around 2:00pm, as the boys were leaving, they were struck by an Israeli missile reported to have been fired from a drone aircraft. Two boys died at the scene, whilst the third boy died on the way to hospital. They were: Abed (8 years old), Mohammad (11), and Abed (11).
- At around 3:30pm on Tuesday, 6 January 2009, the Israeli artillery attacked the al-Fakhora School in Jabalia refugee camp in Gaza, killing over 42 people, including 14 children. The school, run by UNRWA, was targeted with three shells, one of which landed on a neighbouring house killing 10 members of the Deep family (including 4 children). The school premises were being used as a refuge by 350 civilians, families who thought they would be safe in a UN building. UNRWA strongly condemned this attack, saying "all UN schools in Gaza are clearly marked, flying the UN flag, and that the Organization has provided the GPS coordinates of all of its installations in the area to Israel".

These deaths were the obvious and foreseeable consequence of firing missiles into densely populated areas. Indiscriminate attacks violate basic principles of international humanitarian law and illustrate the Israeli army's flagrant disregard for the lives of Palestinian civilians, including children; but the wilful targeting of civilians and civilian areas is a grave breach of the Fourth Geneva Convention and amounts to a war crime.

DCI-Palestine wishes to remind the international community and Israel that personal criminal responsibility attaches to grave breaches of the Fourth Geneva Convention, and that there is no time limitation on when these prosecutions may be initiated. All parties to the Convention have a legal obligation to prosecute such offences.

The latest attack on Gaza must be viewed in context. Despite the ‘disengagement’ and removal of its illegal settlements from Gaza in September 2005, Israel clearly remains the occupying power, as it effectively controls the entry and exit points, the airspace, the surrounding sea and even tax collection and the civil registry. Israel imposed harsh restrictions on the movement of people and goods in and out of Gaza in June 2007 precipitating a humanitarian disaster. The stranglehold on the population of 1.5 million was further tightened on 5 November 2008.

Since June 2007, Gazans have been unable to export any goods, and supplies into Gaza, including humanitarian aid, have been greatly restricted. The situation has since deteriorated to the point where UNRWA is no longer able to distribute food in Gaza to 750,000 refugees. The capacity of the health sector has been almost totally crippled by the combined ongoing blockade and repeated military offensives on the Gaza Strip, and hospitals are no longer capable of providing adequate healthcare, even in times of relative peace².

Although rocket fire into Israel is the only show of resistance left to Palestinians being suffocated in Gaza, it is undoubtedly illegal and should be condemned. However, Israel is not permitted to collectively punish the entire civilian population for the actions of a few militants. Although official Israeli spokespersons have repeatedly stated during the course of the last two weeks that the airstrikes are targeting Hamas infrastructure, current figures reveal that a huge proportion of those killed and injured are civilian, including women and children.

In light of the facts stated above, DCI-Palestine urges the Human Rights Council to:

- Issue recommendations for Israel to (i) cease its military operation immediately, (ii) allow the provision of urgent humanitarian and medical assistance to the Gaza Strip as a matter of urgency, and (iii) lift its blockade of the Gaza Strip to allow the free flow of goods and services in and out of the territory.
- Condemn the Israeli military use of indiscriminate force, and the lack of proportionality of its response to rocket fire.
- Despatch a fact-finding mission to Israel and the OPT to carry out an independent inquiry into each incident involving child fatalities in Gaza during operation “Cast Lead”, and recommend that those found responsible for war crimes be prosecuted.

² The largest recent full scale military offensive into Gaza was launched in February and March 2008; it was codenamed ‘Warm Winter’. That operation killed 120 people, including 33 children.