



Palestinian Centre for Human Rights (PCHR)

THROUGH EYES WOMEN'S II

GENDER-SPECIFIC REPORT ON THE LATEST ISRAELI OFFENSIVE

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INTRODUCTION

Less than four years after the Israeli offensive, codenamed 'Operation Cast Lead' (2008-9), Israel launched another large-scale offensive on the Gaza Strip codenamed 'Operation Pillar of Defence'. Although the 8-day offensive was shorter in period and did not expand to a ground invasion, the attacks had a devastating impact on the civilian people of the Gaza Strip. Available evidence indicates that war crimes were widespread, including: the direct targeting of civilians and civilian objects; indiscriminate and disproportionate attacks; and a failure to take all necessary precautions in attack to protect the civilian population, and in the choice of methods and means of warfare. For eight days, the people of Gaza were the target of Israeli attacks from land, sea, and air, and were subjected to excessive use of military power.

Fieldworkers working with the Palestinian Centre for Human Rights (PCHR) carried out extensive investigations of attacks both throughout and after the offensive, and documented violations of international human rights and humanitarian law. The findings of these investigations indicate that 171 Palestinians, including 102 civilians, were killed by Israeli forces. 35 children, 14 women, and 3 journalists were among those civilians killed. A further 648 Palestinians were wounded, including 213 children, 92 women and 12 journalists. Israeli forces carried out 1,350 airstrikes, in which 1,400 missiles were launched. 61 houses were completely destroyed, while hundreds of other houses sustained damage ranging from severe to partial.¹

However, the impact of the Israeli offensive exceeds the above-listed figures and numbers for each number indicates human lives that have been directly or indirectly affected by the brutal offensive. This impact can hardly fit in statistics and figures. Its indicators are seen in the ways in which civilians can carry out with their lives after going through such a traumatizing experience where their lives were under constant threat, the mechanisms of coming to terms with the grave losses of human life, the persistence to rebuild homes and reconstruct lives.

In Gaza, few months after the declaration of ceasefire on 22nd December 2012, the rubble of shattered buildings dotted along a main road, in the middle of a highly populated refugee camp, in a neighbourhood, in a farm or a greenhouse are stark reminders of stories of shattered lives. Yet, life in Gaza continues. And people are forced to engage in a struggle for survival.

In the aftermath of the trauma of war, when their lives were under constant threat, the people of Gaza are attempting to carry on with their lives. Many must

1. These figures refer to injuries ranging from moderate to serious. They do not include minor injuries, such as broken bones, cuts, bruises, smoke inhalation, shock, etc.

try to come to terms with grief, learn to live with injury, or attempt to rebuild their homes and reconstruct their lives.

Women accounted for approximately 12% of the persons killed or injured during the latest Israeli offensive. However, the overall impact of the offensive on women in the Gaza Strip has been severe. Women experienced physical insecurity and fear for their lives and the lives of their families, resulting in high levels of stress and long-term psychological trauma. They felt unable to protect their family members, especially their children, which had a deep impact on women. Families were fragmented due to the deliberate destruction of homes and shelters, and women bore much of the burden. Women also endured displacement as a result of home demolitions, the fear of a ground invasion, and direct threats against certain areas, delivered through the distribution of leaflets which were dropped from Israeli F16s.

In 2009, the Palestinian Centre for Human Rights (PCHR) issued a report, *Through Women's Eyes*, which explored the gender-specific impact of 'Operation Cast Lead', as well as the closure of the Gaza Strip, on women. *Through Women's Eyes II* is a follow-up to the former report, and investigates the effects of 'Operation Pillar of Defence' on women. It follows a similar structure, containing narrative accounts from female victims or their relatives, and outlining the legal framework under which each case was studied. Beginning immediately after the declaration of the ceasefire, between November 2012 and January 2013, PCHR conducted a number of interviews. The resulting report presents case studies of 12 women who were direct or indirect victims of the latest Israeli offensive. They include the wives, mothers, and daughters of civilians who were killed, male and female relatives of women who were killed, and women who suffered long-term injuries.

The interviews formed the basis of these narrative accounts, and thus read as women narrative which reflects the extent of the impact of their loss physically, psychologically, and socially, ways by which women cope with such losses and traumas of a wartime, and how they piece their lives together after some of their lives have been devastated due to such frequent attacks. Each narrative includes the interviewee's recollection of the 8 days of the offensive, and offers an insight into the deterioration inflicting the lives of those women both during those days and aftermath.

Traditionally in Palestinian society men fulfil the role of breadwinners and financial providers for the family, while women are usually expected to act as care givers, that is to take care of the children and organise the household. However, in recent times these traditional roles have been partially deconstructed through gender-role awareness, high levels of education and employability within Palestinian society, and also by the heavier financial burden placed on families which means that women have become responsible for both familial roles: that of caretaker and breadwinner. The occupation, as a result, has had a lasting influence on women's status in the Palestinian society. In addition, due to the patriarchal

nature of Palestinian society, women in the Gaza Strip – already victims of ‘peace-time’ discrimination - are particularly subjected to marginalization, poverty, and suffering brought about as a result of armed conflict and occupation.

According to the Domestic Violence Survey in the Palestinian Society conducted by the Palestinian Central Bureau of Statistics (PCBS) in 2011, around 37% of previously and currently married women have been the subject of at least one form of violence either physical, sexual or psychological. While the percentage of reported acts of violence against women in the West Bank has reached around 29.9% of the total female population, the percentage was significantly higher in the Gaza Strip where 51.1% of women have been subjected to a form of violence by their husbands. Due to the increased rate of unemployment as a result of the ongoing closure on the Gaza Strip, women have to endure economic deprivation and poverty. Trapped in situations of economic instability they may become victims of violence at the hands of their unemployed husbands. Unable to provide for their families, their husbands feel unable to perform what is perceived as their “traditional” role as breadwinners. As a result these men grow more aggressive which more often than not leads to domestic violence. Their feelings of helplessness and lack of control over ones own destiny is compounded by the frequent and sudden large-scale Israeli attacks on the Gaza Strip where the population, children in particular, are the subjects of severe violence.

In addition, women subjected to violence as a result of armed conflict and occupation also have to endure social marginalization and discrimination. The Palestinian cultural tradition perceives women as mainly dependent on male members of the family. Women do not enjoy full independence in Palestine which means it is exceptionally difficult for women to live alone after their husband or family patriarch dies. In these instances, widows are forced to return to their own family home or to re-marry. Under the current legal system in the Gaza Strip, a widow may retain custody of her children, as long as she does not remarry. If she does, custody of the children would revert to the husband’s family.²

For women in Gaza, war does not end once the last bullet is fired. Women interviewed for this report highlight the extent of the suffering inflicted on the women of the Gaza Strip and the continuous devastating consequences and difficulties which face them and their families as a result of frequent Israeli attacks and the ongoing closure of the Gaza Strip.

2. This modification in the Personal Status law was passed by the government of Gaza on 5 January 2009. Before the modification, women lost custody of the children when the children reach the ages of 9 for a boy and 11 for a girl.

STRUCTURE OF THE REPORT

Through Women's Eyes II has been divided into four sections, each correlating to a serious violation of international humanitarian law (IHL) or human rights law: the direct targeting of civilians, the direct targeting and destruction of civilian objects, indiscriminate attacks, and insufficient precautions in attacks. This structure which follows the structure of the former report was chosen in order to reflect the extent of the crimes committed by Israeli forces throughout the course of the latest Israeli offensive (Pillar of Defence). Those classifications however are not distinct as in many instances the attacks documented herein violated numerous principles of IHL.

FEMALE VICTIMS OF ISRAELI ATTACKS

Despite the protection afforded to women (as civilians) under the International Humanitarian Law, many women have are still subject to the numerous Israeli attacks on the Gaza Strip, whether directly or indirectly in grave violations of the Geneva conventions.

*Female Deaths by Year, Gaza Strip and West Bank
September 2000 – 31 December 2011*

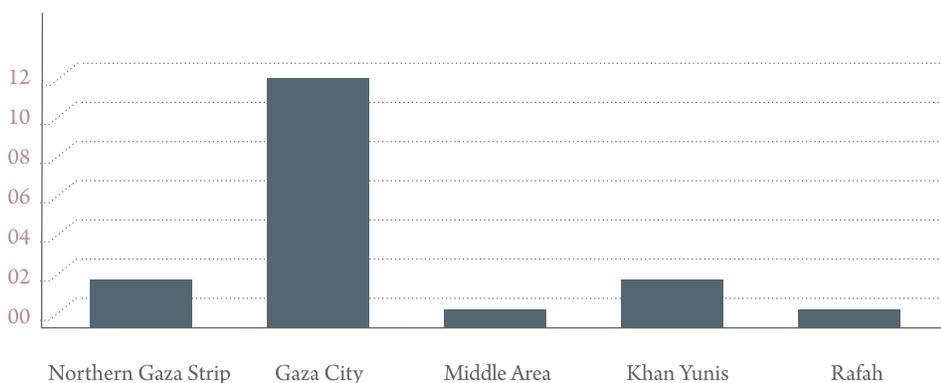
Year	Gaza Strip	West Bank
2000	0	4
2001	3	12
2002	20	30
2003	15	5
2004	8	4
2005	1	3
2006	31	6
2007	4	0
2008	17	0
2009	101	0
2010	1	0
2011	2	1

From the beginning of the Second Intifada in 2000 until the end of 2011 286 women were killed by Israeli attacks constituting around 5.5% of the total number of civilian victims. During this reporting period, 69 women were killed and 77 injured in the West Bank while 217 were killed and 1428 women were injured in the Gaza Strip.³

In the early years of the Second Intifada the majority of female victims of Israeli attacks were in the West Bank, however, post 2003 this trend shifted, and significantly more women have subsequently died in the Gaza Strip.

The dramatic rise in the number of women killed in the Gaza Strip in 2008-2009 was due to the 22-day Israeli offensive codenamed Operation Cast Lead. In this incursion 118 women were killed by Israeli occupation forces while 825 were injured. 2012 witnessed another dramatic rise in the number of female victims after Israel launched another brutal military operation codenamed Operation Pillar of Defence, where 14 women were killed and 92 others injured.

*Female Deaths by Area, Pillars of Defence
(14 - 22 November 2012)*



According to investigations and follow-up studies conducted by the Palestinian Centre for Human Rights (PCHR), the majority of women killed in the attacks were killed either inside or around houses which were targeted by Israeli warplanes. On 17 November 2012, for example, Israeli warplanes launched a missile at the al-Deeb family home in the al-Shuja'iya neighbourhood of Gaza City. As a result, Sa'diya al-Deeb (62) was killed while tending to her poultry in the yard. On the same day, IOF launched a missile at al-Tuffah Police Station. This attack resulted in the complete destruction of the police station and also a neighbouring house belonging to the Abdel 'Al family. Nawal Abdel 'Al (53) was killed while in the building. On the 18th of November 2012, 10 members of the al-Dalu family were killed, including 6 women, due to the Israeli missile

3. Figures documented in PCHR annual report of 2011.

bombardment of the family's 3-storey house. On the same day,³ members of the Abu Zour family, 2 of whom were women, as a result of the Israeli missile bombardment of a neighbouring house.

Female victims of the latest Israeli offensive were not just killed or marred physically. Many had to endure the psychological trauma of witnessing their family members be killed or wounded. Those whose homes were partially or totally destroyed had to suffer homelessness and displacement. Thousands of families living in the Gaza Strip were forced to evacuate their homes after Israeli warplanes dropped leaflets ordering residents of some of Gaza's most populated neighbourhoods to leave and move to the city centre. The centre of Gaza City however was also constantly being bombed. There was no safe haven in the Gaza Strip however many women were forced to make the difficult and sometimes life deciding decision to leave their homes. A number of families fled to UNRWA schools for shelter and protection however living conditions in these shelters were very difficult. These circumstances left affected women and their families coping with severe psychological stress and trauma. In addition, as a result of IOF airstrikes targeting civilian properties and the resulting destruction of civilian homes and livelihoods, women have suffered huge economic deprivations and impoverishment.

On the occasion of the International Day for the Elimination of Violence against Women, PCHR released an open call to the International community to offer protection to Palestinian civilians, specifically women. PCHR requests that the international community fulfils its moral and legal obligations, the most important of which are offering protection to civilians and enforcing the occupying power to respect human rights.

PCHR believes that many of the human rights violations committed by IOF during the latest Israeli offensive, codenamed Pillars of Defence were similar to those carried out during Operation Cast Lead. The impunity Israeli soldiers enjoy and the failure of the international community to persecute them for their war crimes has resulted in an increased number of civilian victims and war crimes.

PCHR stresses the protections given by IHL to women who, as civilians, do not participate directly in the hostilities. IHL also offers women special protection as especially vulnerable persons in times of armed conflicts.

INTERNATIONAL LAW

During international armed conflicts, such as the recent Israeli military offensive on the Gaza Strip, women are afforded protection under IHL, including the Fourth Geneva Convention of 1949. Women also remain protected by international human rights law, notably the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

IHL provides general protection for women as persons not directly participating in hostilities, and special protection as persons who are especially vulnerable in times of war. As the majority of women in the Gaza Strip are civilians, they benefit from all the protections extended to protected persons under customary IHL, and the Fourth Geneva Convention. IHL safeguards the basic principles of humane treatment – including respect for life and physical and moral integrity – while forbidding, inter alia, wilful killing, coercion, collective penalties, reprisals, and the destruction of objects indispensable to the survival of the civilian population.

Although the State of Israel has not ratified the Statute of the International Criminal Court (ICC), it is used as a point of reference in this report. The Statute contains the single most comprehensive definition of war crimes, all of which constitute violations of customary international law and as such are universally prohibited.

IHL is the principal legal framework through which the offensive on the Gaza Strip must be analysed however, the protections afforded by international human rights law remain relevant during times of war. While certain human rights provisions may be displaced by the more specific requirements of IHL, human rights remain applicable at all times; they are particularly relevant in the aftermath of the offensive, as civilians struggle to rebuild their lives, and to restore the basic elements of human dignity.

Applicable Legal Framework

The situation between the State of Israel and the Palestinians is one of international armed conflict and belligerent occupation. As such, the applicable bodies of international IHL include the four Geneva Conventions of 1949,⁴ the Hague Regulations of 1907, and customary IHL. The Additional Protocols to the Geneva Conventions are also relevant. Although the State of Israel has not ratified the Protocols, they were intended to expound upon the provisions codified in the Fourth Geneva Convention, particularly as these relate to the principle of distinction, and the conduct of hostilities. As such, they are of primary interpretive relevance.

As a State Party to the major international human rights law treaties – including the International Covenant on Civil and Political Rights,⁵ the International Covenant on Economic, Social and Cultural Rights,⁶ the Convention on the Elimination of all Forms of Discrimination Against Women, and the Convention on the Rights of the Child (CRC)⁷ – Israel is also bound by its human rights law obligations. In its Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, the International Court of Justice confirmed the extraterritorial application of the ICCPR, the ICESCR, and the CRC with respect to Israel's actions in the occupied Palestinian territory.⁸

Rules Governing the Conduct of Hostilities

Combatants and Military Objectives – Non-Combatants and Civilian Objects

IHL aims to limit the suffering caused by war and requires that civilians be kept outside of hostilities as far as possible. Consequently, IHL establishes a distinction between combatants and non-combatants.⁹

Combatants are all those who directly participate in hostilities and all those who are entitled to do so. Members of an armed party to the conflict, including armed resistance groups, are thus considered combatants.

4. Israel's date of ratification.

5. The State of Israel ratified the ICCPR on 3 Jan., 1992.

6. The State of Israel ratified the ICESCR on 3 Jan., 1992.

7. The State of Israel ratified the CRC on 2 Nov., 1992.

8. Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory

Opinion, 2004 I.C. J. 136 (July 9) ion of a Wall in

9. Rule 1, Jean-Marie Henckaerts & Louise Doswald-Beck, Customary International Humanitarian Law,

Volume I: Rules, International Committee of the Red Cross.

Simply defined, protected persons are all non-combatants.¹⁰ The category of protected persons includes, inter alia, the civilian population, medics, civil defence units, police officers, and combatants who have laid down their arms or been placed hors de combat. Customary IHL confirms that all non-combatants enjoy general immunity, they may not be made the object of an attack,¹¹ and all possible measures must be taken to ensure their protection. IHL requires that, “in case of doubt whether a person is a civilian, that person shall be considered to be a civilian.”¹²

Civilian Objects are all non-military objectives.¹³ Military objectives, as defined in Article 52(2) of Additional Protocol I, 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 neutralization, in the circumstances ruling at the time, offers a definite military advantage.”

IHL requires that, “in case of doubt whether an object which is normally dedicated to civilian purposes ... is being used to make an effective contribution to military action, it shall be presumed not to be so used.”¹⁴ An ostensibly civilian object must be presumed to be civilian.

The Principle of Distinction

In order to ensure the protection of non-combatants, the principle of distinction has been established as the cornerstone of IHL. Customary IHL requires that “[t]he parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians.”¹⁵ Equally, “[t]he parties to the conflict must at all times distinguish between civilian objects and military objectives. Attacks may only be directed against military objectives. Attacks must not be directed against civilian objects.”¹⁶

10. Rule 5, Jean-Marie Henckaerts & Louise Doswald-Beck, Customary International Humanitarian Law,

Volume I: Rules, International Committee of the Red Cross.

11. Rule 1, Jean-Marie Henckaerts & Louise Doswald-Beck, Customary International Humanitarian Law, Volume I: Rules, International Committee of the Red Cross.

12. Article 50(1), Additional Protocol I.

13. Rule 9, Jean-Marie Henckaerts & Louise Doswald-Beck, Customary International Humanitarian Law,

Volume I: Rules, International Committee of the Red Cross.

Article 52(3), Additional Protocol I. Opinion, 2004 I.C. J. 136 (July 9) ion of a Wall in

15. Rule 1, Jean-Marie Henckaerts & Louise Doswald-Beck, Customary International Humanitarian Law,

Volume I: Rules, International Committee of the Red Cross., see Article 48 Additional Protocol I. Volume I: Rules, International Committee of the Red Cross.

16. Rule 7, Jean-Marie Henckaerts & Louise Doswald-Beck, Customary International Humanitarian Law,

Volume I: Rules, International Committee of the Red Cross..

The principle of distinction protects non-combatants and civilian objects in two key ways: first, civilians and civilian objects may not be directly attacked,¹⁷ and second, precautions must be taken when launching an attack in order to spare non-combatants

17. Rule 1, Rule 7 Jean-Marie Henckaerts & Louise Doswald-Beck, Customary International Humanitarian Law, Volume I: Rules, International Committee of the Red Cross..

THE DIRECT TARGETING OF CIVILIANS

The prohibition on directly targeting civilians forms an essential component of customary IHL;¹⁸ violations of this rule are war crimes, as codified in Articles 8(2)(b)(i) of the Statute of the ICC.

Wilful killing – intentional death resulting from fault or omission – is a grave breach of the Geneva Conventions.¹⁹

IHL requires that, “in case of doubt whether a person is a civilian, that person shall be considered to be a civilian.”²⁰

18. Rule 1, Jean-Marie Henckaerts & Louise Doswald-Beck, Customary International Humanitarian Law,

Volume I: Rules, International Committee of the Red Cross.

19. Wilful killing is recognized as a crime in Article 8(2)(a)(i) of the Statute of the ICC.

20. Article 50(1) Additional Protocol I.

Case Study 1: Ibtisam Al-Astal

“When we lose someone very precious, life goes on. Life does not stop for anyone. I have to be strong for my children. I have to move on with my life for my own children. Sadness is always there and memories linger, but life must go on.”

Ibtisam Al-Astal, wife of Ibrahim Al-Astal

According to PCHR reports, on 18 November 2012 Sunday at approximately 08:20, an Israeli warplane fired a missile at 2 Palestinian civilians, a man and his nephew, who were walking towards their agricultural land in the al-Satar al-Gharbi area, northwest of Khan Yunis. The two civilians, Ibrahim Mohammed Suleiman Al-Astal (48) and Omar Mahmoud Mohammed Al-Astal (14), were killed instantly.



Ibtisam Al-Astal with her two daughters Iman and Islam.

On Monday, 14 January 2013, PCHR interviewed Ibrahim Al-Astal's wife, Ibtisam

Al-Astal (47) at her home in the al-Satar al-Gharbi region, northwest of Khan Yunis where she now resides with her six children. After losing her husband, the only breadwinner of the family, responsibility for providing for her six children, the youngest of whom is 4 years old, rests solely on Ibtisam.

Ibtisam narrates the events of the day her husband was killed by Israeli warplanes, “ During the offensive, hearing a constant barrage of bombing became the norm. We would wake up and sleep to the sound of bombing. Early the morning of the incident, I asked my daughter to prepare us breakfast on the electric stove while we still had electricity. During the offensive, it was imperative that we rationed our limited food supplies. We lived on a diet of cooked beans and canned food as we didn't know how long the war would last. That morning Ibrahim had his breakfast with us, said goodbye to me and left the house.”

“The airstrike took place ten minutes after he left. I instinctively ran outside screaming as it was unusual to have an airstrike in our area. Our neighbourhood had remained relatively calm

Interviewee(s)

Ibtisam Al-Astal

Date of Incident

18 November 2012

Location

Al-Satar al-Gharbi area in the northwest of Khan Yunis

Victims

Ibrahim Al-Astal, 48, husband, killed
Omar Al-Astal, 14, cousin, killed.

Violations of International law include

Wilful killing: grave breach of Geneva Conventions
Direct Targeting of Civilians
Article 8(2) (b) (i) Statute of ICC

during the offensive. I believe that Ibrahim and Omar were probably the first two killed in the area.”

Ibtisam highlights the indiscriminate nature of the Israeli airstrikes. Deaths and injuries as a result of the constant bombing did not differentiate between civilians and non-civilians, children, women or the aged. Everyone was a possible target. Despite the grave loss of her husband who was killed while walking in the street, Ibtisam is still thankful that she did not lose more family members during the conflict. Her daughter who was accompanying her father could have been killed in the attack. “My 4-year old daughter, Islam, followed her father. She went with him to his uncle’s house where he left her. However, her 14-year old cousin Omar followed him and was killed in the same attack. If my daughter had been with her father, she would have been killed as well.” Ibrahim and Omar were killed on the way to their agricultural land in al-Satar al-Gharbi.

Even as PCHR conducted the interview with Ibtisam two months after the ceasefire, there was still a noticeable military presence in the air with Israeli war planes patrolling the sky above. “Everyone in the street knew that the child and my husband were instantly killed. I didn’t. I presumed it was only Omar who had been killed. I insisted on going to see his mother to offer my condolences. Upon returning home, my in-laws came to inform me of my husband’s death. My son then came and lied to me claiming that Ibrahim was merely injured. My little daughter started screaming.”

Sitting in her mother’s lap and aware that the conversation was about her deceased father, 4-year old Islam began to cry. Ibtisam explained, “Islam was very close to her father. Ibrahim used to take her for rides on his motorcycle around the outside of the house every day. His absence has left a large void in her life.

“When they set up the chairs at our home in order to begin the funeral rituals and to receive condolences at home, my daughter Islam was confused. Usually, it is only on happy occasions, like birthdays or wedding parties, that we set up the chairs in the yard. She started asking everyone, ‘Do we have a wedding today?’ and when she saw people coming, she asked, ‘Is it my father’s birthday today?’”

Before his death, Ibrahim worked as a porter in a governmental school. “The income he used to get from his job didn’t suffice the needs of our family” explains Ibtisam, “To obtain his salary now, I have been asked to provide several identification papers. Currently, virtually the only economic relief for our family is the money we receive from Ibrahim’s pension.”

Ibtisam’s eldest son, Basel (22) is a university student, studying management in the Open University. In order to pay for his education he must work as well as study. “My son also works to support the family. He studies in a university that allows for distance learning and open education. He cannot go to university regularly because of his work. Sometimes, I look at him and think he is now a non-married father of eight. He now carries all the

responsibilities of his father. He tries to, at least.”

“I feel very responsible for his predicament. I still have responsibility towards my children however it is my eldest son who bears the brunt of the responsibility now, especially financially. He has to provide for his own brothers and sisters. I can do so little about it as my role is at home, raising the children. I think the presence of my son has alleviated a lot of my suffering, but I feel very agitated watching him take the place of his father. He’s too young for such responsibility.”

The presence of a male figure in the family has somewhat relieved Ibtisam of her economic woes. However, an unpredictable future threatens any possibility of social and economic security for Ibtisam and her family. “I am very thankful that my son is old enough to shoulder this responsibility. That has been a relief, but I keep thinking if we are secure today, we might not be tomorrow. I am still very concerned about our predicament.”

Despite the relief facilitated by the presence and aid of her eldest son, Ibtisam is still haunted by the memories of her deceased husband, “I think about him all of the time. The care and support my son provides the family does not compensate for the loss of my husband. His absence has left a great void in our lives. No moment passes without remembering Ibrahim and the 24 years we shared together. He never offended me in any way possible. The day he died, I lost the most precious thing in my life.”

“I still feel that he is still alive. I believe that he’s merely absent and shall return at any moment. I have a habit of keeping Ibrahim’s share whenever I cook meals for the family. One day, I did what I usually do and apportioned his share. When I saw my child eating it, I asked her, “Why are you eating your father’s share?” Confused, she replied, “Father is dead.”

“This generation is aware of what is going on around them. They have witnessed Israeli attacks for too long and have lost many loved ones as a result. They know what it means to lose a parent in a bombing.

They have been born to a situation where they are made to acknowledge the causes of their loss. As a result, they are forced to be political. You cannot lie to them and tell them their father is merely gone and will come back. His photo is posted on street corners like the hundreds of other pictures of martyrs plastered on the walls of Gaza City. They know that he was killed by an Israeli bomb.”

Despite the grief of losing a husband, the subsequent new responsibilities placed on her and her family, and the fear of future economic hardship, Ibtisam has remained light hearted for the sake of her children. Asked how she manages to do so despite the difficulties she faces on a daily basis, Ibtisam answers, “Yes, we were afraid during the offensive. We would sometimes be taken by surprise by a sudden explosion. However, we needed to retain as normal a life as possible. When we initially heard bombing we would feel terrified, but within minutes, we would go about our daily chores like nothing had happened.”



Iman, Ibtisam's daughter, holding her school certificate of appreciation for high achievement @PCHR

“My children are also a comfort. As students, they are very high achievers who have memorized large sections of the Qura'n. I try to emulate their father's passion for education by continuing to encourage their interest in academia and learning.”

Ibtisam did not complete secondary school however, she is very keen on her children's education, in particular her daughters'. During the interview, Ibtisam's daughter produces her school certificate which includes an appreciation letter, acknowledging her high scholastic achievements. Ibtisam looked at the certificate and stated, “This is the fruit of our patience.”

“When we lose someone very precious, life goes on. Life does not stop for anyone. I have to be strong for my children. I have to move on with my life for my own children. Sadness is always there and memories linger, but life must go on.”

Case Study 2 : Wafaa Abu Amra

“I thought Ahmed might have been injured but I never believed he could have been killed. I could not tolerate the idea of his death. He must have been saved for my sake. Death is a fact we choose not to believe.”

“Now, because I’m a widow, I’m the subject of pity as society does not believe I can handle things anymore because of the absence of Ahmed. This is how our society perceives widowed or divorced women. That’s why I decided that I needed to work.”

Wafaa Abu Amra (35,) wife of Ahmed Abu Amra.



Ahmed Abu Amra

According to PCHR investigations, on Sunday 18 November 2012, at approximately 21:00, an Israeli warplane fired a missile at a motorcycle travelling near the al-Maliya intersection in the west of Gaza City. The missile instantly killed the vehicle’s 2 civilian passengers: Nabeel Ahmed Ouda Abu Amra (28) and Ahmed Mohammed Abu Amra (40).

On 26 December 2012 PCHR interviewed the wife of Ahmed, Wafaa Abu Amra (35), in her house in Remal Quarter, Gaza City. During our visit Wafaa was still within the Iddah²¹ period, following the death of her husband.

Married for over 10 years, Wafaa is now a widow and single mother to three children: Mahmoud 10, Hamed 8, and Lamees 5. Wafaa was financially dependent on her husband who before his death had been promoted from a teaching Position in the English department to be the head of Public Affairs in Al-Azhar Religious Institute, Gaza.

When requested to narrate the details of that day her husband Ahmed died,

21. Iddah: Waiting period following a woman’s divorce or the death of her husband, during which she may not remarry. The specific length of time may vary. For divorced women, this period typically lasts three menstrual cycles. If a woman is pregnant, the period will last until the birth of her child. `asDuring the iddah, a husband must continue to provide maintenance payments (nafaqa) and a divorce is considered revocable for the duration of the iddah period. For widows, the iddah lasts four months and ten days. There is no iddah period if the woman is still a virgin.

Wafaa heaved a sigh, nodded and started with her last memories of Ahmed before the incident, “On Sunday 18 December 2012, Ahmed was at home when his cousin Nabil visited and asked him to accompany him for a visit to one of their relatives. They stayed at their cousin’s for a while. On their return home, Ahmed was directly targeted by a missile and killed alongside his cousin Nabil.”

“That day he had advised some family members to stay at our house for the duration of the war, as our house is built of concrete and therefore safer than other homes owned by our relatives. I agreed as I was very afraid and I would have appreciated the company. After this conversation, I made him promise not to go out because of the danger outside. He promised me that he wouldn’t however merely a few hours later Nabil arrived at our door and requested he join him to visit family.”

“I pleaded for him not to go, but he did not respond to me. In order to distract the children from the bombing he got their drawing notes and asked me to keep them busy drawing while he was gone. He told me he would return in a few minutes.”

“After he left, I became hysterical. I couldn’t understand why he had left the house at this time. I started rebuking myself for allowing him to go out and for not trying harder to keep him inside the house. That was before I heard the news about his death.”

“When I heard the sound of the explosion that killed Ahmed and Nabil, I screamed his name. I felt something bad had happened and immediately panicked. In an effort to calm me my son attempted to console me by stating that his father was at Nabil’s house. I turned on the TV on a news channel and read the news about the killing of two people in Tal El Hawa after the last bombing. I didn’t know what to do. That evening bombs fell from everywhere: air and sea, it was terrible. I was numb and didn’t know what to do. I only had enough credit on my phone for one call, so I called Nabil’s wife. When she answered she was screaming and crying as she had already been informed that her husband had been killed. At this stage, Ahmed had not been confirmed among the dead as he had not been carrying his ID at the time of the attack. Nabil’s wife said she was terrified as she has heard the name of her husband on the radio. I tried to comfort her.”

“I was extremely worried over Ahmed. Nabil’s wife comforted me by stating that she hadn’t heard his name on the radio. I thought he may have been injured but I never thought it possible he could have been killed and could not tolerate the idea of his death. He must have been spared for my sake. Death is a fact we choose not to believe.”

“As news of his death started to surface, friends and family started calling. I told them it couldn’t be Ahmed and couldn’t understand what was happening. In my heart I knew it was true, but I couldn’t stand the thought of losing him. My son, then, read the name of his father on the news. After I turned off the TV I have

no memory of the ensuing events..All I recall was my trembling and hearing Ahmed and Nabil's names called from outside my house. I opened the window and asked about Nabil. I didn't want to ask about Ahmed as I didn't want to get confirmation that he was dead."

"That night, I kept looking at my phone, thinking that I might get a call telling me he wasn't dead. Unfortunately my uncle eventually called and confirmed that Ahmed's body was in the hospital. Even after hearing this, I kept repeating to myself that it might not be him. When they asked me to bring a photo for him so that they would make him posters, I shouted at them: 'Ahmed is not dead'".

"I saw his body in the hospital the next morning and finally couldn't deny it anymore. I chose not to see the severity of his injuries as I wanted to remember him the way he was. I spoke to him and asked him how could he leave me this way?"

"Some members of my family come to check on me and to keep me company every now and again as they don't want me staying alone. However, there's a feeling inside of me that I'm lonely no matter how many people are around."

"He was a great husband. I lived with him for around 10 years and he was everything to me. He never hurt me in any way. He was also very attached to the kids. He encouraged and helped them with their studies as well as treating them kindly. It has been very hard for me fill the void his death has left."

"As a mother, my duty towards my children could not wait until I had finished grieving for my husband. They needed me to help them with their studies for exams. During this period I was receiving condolences, and as a result was very weak and sad, but I had to be strong for the kids. I used to cry all night and wash my face in the morning so as to be smiling and happy once the children woke up."

"Ahmed's children are very aware of their father's absence. Every time they open their books, they are faced with their father's name. He encouraged them to do sports. I ask them to think that he's travelling, but they say if he was so we would have been able to call him."

"While my children have been severely psychologically affected by the offensive, they have been given psychological treatment to deal with the traumas they have endured. I also went to a treatment session to overcome my own depression and psychological issues resulting from the death of Ahmed and to consult with the doctor with regard to my children. My eldest son, Mahmoud, suffers from numerous issues including a lack of desire to study, insomnia, as well as every time someone leaves the house he thinks he/she might die. He does not sleep unless holding my hand, and he tries to act like his father. My little girl also shows signs of psychological issues. After the death of her father she received a teddy bear as a gift which she now clings to all the time, and calls "Baba" (father)".

nothing in her life except grieve and sit at home. I refuse to let people look at me with pity. I want to work and dedicate all my time to my job and my children.”

“My children’s welfare takes precedence now. They are the most important thing in my life. I am not really important now. For me, I consider that everything ended on 18 November 2012. Time stopped on that day. My house is full of memories however due to my day to day responsibilities I have not had a chance to sit alone and decide on what I should do and how I’m going to move on with my life.”

“I still refuse to believe the reality of what has happened however, I must be strong for my kids. I still cannot forget the memories of Ahmed. The hurt I feel is only getting harder to bear. He was my life. He used to take care of everything, even the shopping for the kids and the grocery. We only had to ask for something, and it would be there the next day. People say I’m a strong woman. I hope to get stronger with time.”

“During the war, I would only play the cartoon channel on TV for the children. After sunset, when the bombings intensified, I made a point of cooking them sweet things. I wanted them to feel safe, but I couldn’t protect them.”

Wafaa has a History Diploma and has been promised a position at the Institute where her husband used to work. Currently, Wafaa has to rebuild her life as a working, single mother. For her, obtaining a life of independency will not be easy however she is determined to face both her own fears and her fear regarding society’s perception of her as a widow. Wafaa explains, “the community around you makes you feel that you’re nothing after the death of your husband. Unlike my sisters, I refused to marry the traditional way, at an early age. I believe that a man is very important in a woman’s life, but I do also believe that it is important for women to have an independence from her husband. Women are also strong even with the absence of a husband. Sometimes, when Ahmed was alive, I would see him very rarely because of his work, but life used to go on and I managed. But now, because I’m a widow, I’m the subject of pity as they think that I cannot handle things anymore. This is how our society perceives women whether they are widowed or divorced. That’s why I decided that I needed to work.”

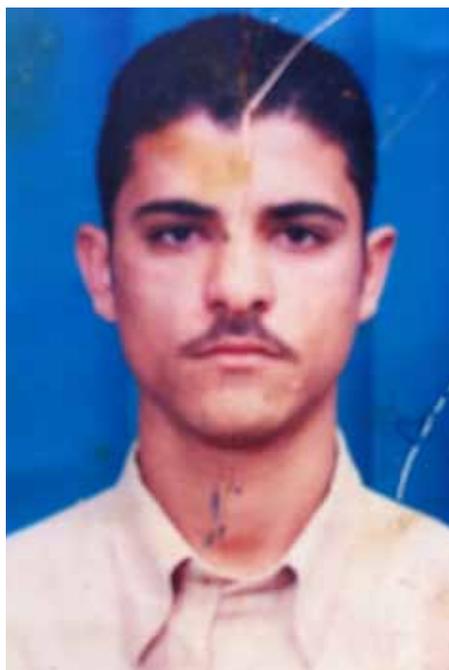
As a widow, whose husband was recently killed in the latest offensive, Wafaa now faces a battle alone against bureaucracy on a daily basis. “Now, I am faced with a murderous routine and bureaucracy that does not even care about my feelings. When I received the papers that categorised me as a “widow, I was torn How does my identity card no longer carry his name? They insist on killing him.”

Ahmed and Nabil were directly targeted by an Israeli warplane. Given its capability, it is reasonable to assume that the operator could have identified the two as civilians. PCHR believes that Ahmed and Nabil were directly targeted, in violation of the fundamental norms of IHL. As such, PCHR believe that this attack constitutes the crime of wilful killing, a grave breach of the Geneva Conventions. It is also a war crime, as defined in Article 8(2)(b)(i) of the Statute of the ICC.

Case Study 3 : Tahreer Salman

"She wanted to provide her children with a good education. She used to say that she would love to have her own house and to design it in her own way, but death was closer than her dreams." Sohad Salman, Tahreer's sister-in-Law

Sohad Salman (19) Tahreer's sister-in-law



Mohammed Talal Saad Salman (27)



Tahreer Salman , 22.

According to PCHR reports, on the evening of Friday 16 November 2012, Israeli forces launched 47 airstrikes, targeting agricultural plots, open areas, a house, and a garden. As a result of these attacks, 2 Palestinian civilians, including 1 woman, were killed, while 64 civilians, including 27 children, 12 women and a member of a Palestinian armed group, were wounded. At noon on Friday, 2 civilians were killed when an Israeli warplane attacked a number of civilians who were in the garden of a house belonging to Ghazi Abed Salman on Beit Lahia main road. The victims were identified as: Tahreer Ziad Salman (22) and Mohammed Talal Saad Salman (27).

On Sunday 2 December 2012, PCHR visited the home of the victim, Tahreer Salman, and was shown the exact spot where both she and her cousin Mohammed were directly targeted by the same airstrike. The remains of the missile

Interviewees

Sohad Salman (19) Tahreer's sister-in-law

Date of Incident:

16 November 2012

Location:

Beit Lahia main road

Victims:

Tahreer Ziad Salman (22)
Killed.

Mohammed Talal Saad
Salman (27) Cousin, Killed.

Violations of International law include:

Willful killing: grave breach of Geneva Conventions
Direct Targeting of Civilians:
Article 8(2)(b)(i) Statute of ICC

were still lying on the ground beside a damaged car; spots of blood were spread along the chicken's den where the victims were feeding the birds at the time of the airstrike. Tahreer lived in an extended family home with her inlaws. There, PCHR interviewed Tahreer's sister-in-law, Sohad Salman (19), who resides in the same family home where Tahreer lived and who was present at the time of the airstrike. Sohad narrated the events of the day, "It was Friday around noon and we were cooking. Tahreer was preparing food with us. My other sister-in-law and I went inside to prepare the food for lunch. Tahreer had followed her husband Jamal outside to the yard. They were checking the chicken's den when we heard the missile."

"When we went out, smoke and dust were everywhere. It was an awful scene, and we started screaming. We found their bodies lying in the yard. Tahreer had been killed immediately while her husband Jamal had been seriously injured. Mohammed was also killed. We immediately called for an ambulance however they were very slow to arrive. Due to the delay, we carried their bodies on to the street and stopped passing cars, asking for a lift to the hospital. One of the children was also injured as well as Tahreer's son (2.5 years old). Tahreer's 18-month daughter also suffered minor injuries."

The Salman family are an example of how the fear of constant bombing has led to the fragmentation and displacement of families living in the Gaza Strip. Sohad explains, "During the war, we were terrified. We kept thought constantly about evacuating the house as we did not feel safe. During the daytime, my father-in-law used to gather us in the house, but at night we used to go and sleep at our relatives' "

"It was an unforgettable day. My mother-in-law and I still expect Tahreer to come back at any second. We sometimes try to convince ourselves that she is merely visiting family visit and she will be back soon. We cannot believe that this has happened."

"Before the incident, we were staying with our families as normal. My aunt wanted us to gather for a Friday meal. We were making bread when at around 9:30 the electricity went off. We couldn't bake on the Taboon because we were terrified they might target any smoke coming from the yard like in the previous offensive four years ago. Tahreer was terrified when we started working with a small fire. She urged us to work as quickly as possible. "

"Tahreer's children did not leave her side for a minute during the aggression. Minutes before the airstrike, she took the children inside the house, and then she followed her husband outside to the yard. When the airstrike happened, the house's windows and roof shattered which rained glass down upon my family. We heard my aunt screaming from outside. As I went out, I heard someone say "Your children were killed." I immediately panicked and started running around the yard looking for the children. When the smoke and dust cleared we saw bodies scattered on the ground. Tahreer had shrapnel lodged in her head, her clothes were torn and her body was horribly injured. While we knew immediately she had lost her life, we had a vain hope she was still alive. Tahreer's husband was also

hit in the stomach, the legs and the arms. He still suffers serious injuries.”

“We didn’t want to move their bodies because we might hurt them, but because of the delay with the arrival of the ambulance we moved them by car to the hospital. They were also afraid because of the danger of an Israeli assault. After midday, nobody would walk in the street.”

“We witnessed the most awful days. While preparing food we were terrified. We used to hide inside our houses when the airstrikes intensified. With the constant news about people getting killed in their own yards, I feared for my children. As I couldn’t prevent my daughter from playing outside in the yard, I had to send her to my family home because I believed it was safer.”

“After Tahreer was killed we were too terrified to stay in the family home. We resorted to sheltering with relatives for the duration of the war. We left the house immediately and everything in it behind. The family was separate and displaced to various homes. Some resorted to relatives while others to neighbours’ houses.”

Tahreer was living in a room in the family house with 3 families of in laws. It was not hard to speculate on the economic deprivation she had to withstand while living as the wife of an unemployed husband. The entire extended family economically depends on an in-law who works in the governmental police services. He supports his brothers and their families with a wage of around 17.000 shekels a month (around 450\$). This insufficient income has left some of the families in debt. Tahreer’s husband, thus, was not financially stable. He was barely able to manage the needs of his children. These children are now left motherless. When PCHR held the interview with Tahreer’s family, her husband Jamal who was seriously injured by the same airstrike was receiving treatment in one of the hospitals in Egypt. Tahreer’s children, 3 year old Obeida and 18 month old Ghazal, were being moved between the houses of their mother and father’s families. Their grandfathers are now their main caretakers.

Tahreer’s children with their grandfather.



“Jamal wanted was building a new apartment on the upper floor of the family house as he was not satisfied residing in a shared room. He wanted to build a bigger space for Tahreer and the children. He was very happy with the progress of the construction of the upper floor. He used to collect the ruins of destroyed and shelled buildings in the neighbourhood to build her the house. Tahreer also wanted an independent life and to provide her children with a good education. She used to say that she would love to have her own house and to design it on her own, but death was closer than those dreams.”

The willful killing of civilians is a grave breach of the Geneva Conventions, and a war crime as defined in Article 8(2)(a)(i) of the Statute of the ICC.

The direct targeting and murder of civilians amounts to the crime of willful killing, a grave breach of the Geneva Conventions, it is also a war crime, as codified in Article 8(2)(b)(i) of the Statute of the ICC. The direct targeting of a civilian object is a war crime as defined in Article 8(2)(b)(ii) of the Statute of the ICC.

DIRECT TARGETING AND DESTRUCTION OF CIVILIAN OBJECTS:

The prohibition on directly targeting civilian objects constitutes a fundamental component of customary IHL; violations are war crimes, as codified in Article 8(2)(b)(ii) of the Statute of the ICC.

The extensive destruction of property not justified by military necessity is a grave breach of the Geneva Conventions. Significant in this regard is the International Criminal Tribunal for the former Yugoslavia's finding in Blaskic, where the court held that "the notion of 'extensive' is evaluated according to the facts of the case – a single act, such as the destruction of a hospital, may suffice to characterize an offence under this count".

IHL requires that, "in case of doubt whether an object which is normally dedicated to civilian purposes, such as places of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used".

Destruction of Homes, Reconstruction of lives: Shattered homes: Shattered lives

The impact of the loss of one's home:

The extensive destruction of property was a prominent feature of the latest Israeli offensive where civilian objects were direct targets of Israeli warplanes. According to PCHR follow-up investigations, 61 civilian houses were directly targeted by Israeli warplanes during the last offensive. The constant bombing however, led to the complete destruction of 126 houses, and 191 building units which were the homes of 216 families. 160 houses in which 329 families reside were partially destroyed.

In most cases, families did not receive any warning before their houses were directly bombed by F16s. Homes, thus, were demolished upon the heads of its civilian residents, mostly leading to a loss of human lives residing safely at home. Women, along with their families had to go through experiences of life and death where they had to endure hours of being entrapped within the rubble of their own homes.

The alleged warning technique Israeli occupation forces sometimes used to warn civilians was by firing a knock missile towards the house after which residents are expected to leave the house before F16s carry out another airstrike that leads to the destruction of the whole house. This missile, however, has the power to penetrate through the roofs of two floors and can lead to serious injuries and sometimes to the death of civilians. Those missiles can easily kill when directed at the civilian population who are often residing safely in their homes. This leads to a state of panic and confusion amongst women as they are forced to decide what to do. Should they leave the house or stay, especially considering that

there was no guaranteed safety outside of the house? Women also had to decide which belongings to take in the short time they are given before their whole property collapses. Many women had to endure watching their own house being bombed before their eyes.

Whether issued a warning or not, families were eventually displaced in a time of constant shelling and bombing. The loss of one's own secure house indicated the women's feelings of utmost insecurity as the family's only safe shelter would be levelled to the ground leaving families both as refugees and displaced in their own home and neighbourhoods. For anyone, the loss of one's home is very painful, but Palestinian women tend to invest all their resources in their homes. The loss of the home does not only constitute an economic problem, but the symbolism of their home in a patriarchal society is beyond any monetary value. For those women, the end of the offensive was not the end of the struggle, they were now faced with the task of rebuilding their destroyed homes and piecing together their shattered lives. With the lack of any sustainable income, especially in families that have already lost their breadwinners during the offensive, rebuilding one's house is an extreme financial burden. Women become even further traumatized by the fear of economic loss and impoverishment resulting from losing one's home and property. As a result many become mainly aid dependent, damaging what self esteem and sense of independence they have left.

The indiscriminate Israeli attacks included civilian objects including health, cultural, relief, industrial, and agricultural properties. The destruction caused disruption in various sectors of the Gaza Strip including that of education. 33 UN schools, 55 governmental schools, and 4 private schools were severely destroyed as a result of indiscriminate attacks. Two days after the Egyptian brokered cease-fire, tens of thousands of school children headed back to school in Gaza to the shattered buildings that were once their classrooms, which then smelled of powder, dust and rubble, after experiencing eight days of aggression.

Some people lost their only source of livelihood, especially farmers. Approximately 243,300 dunums of agricultural land were totally or partially destroyed. These lands constituted the only source of income and livelihood to hundreds of families whose main income depends on agricultural land.



Case Study 4: Salah Family

“One moment you are sleeping peacefully, the next you are buried under the rubble of your own home.” Safaa El Madhoun (23) daughter of Fayza Salah

“I was conscious. I could hardly breathe, and I felt death was close so I started repeating prayers. I repeated it tens of times, every time thinking that it should be the last time before my life was over, and before I’m buried under my own home.” Safaa El Madhoun (23)

Fayza Ahmed Mahmoud Salah (53) @PCHR

On 17 November 2012, PCHR reported Israeli warplanes fired 3 missiles at a house belonging to Suleiman Abdul Hamid Salah near al-Khulafa Mosque in Jabalya town. The house was destroyed with its residents trapped inside. 31 civilians, including 12 children and 7 women, were wounded. The wounded include 10 residents of the house. Additionally, dozens of nearby houses were heavily damaged.

On Sunday 2 December 2012, PCHR interviewed Fayza Ahmed Mahmoud Salah, (53) in her rented house in Jabalya. Fayza is a mother of seven and also a grandmother. At the time of the attack, most of her extended family members, including the families of her two married daughters Safa (23) and Fatma (21), were present in the house. At the

Interviewees:

Fayza Ahmed Mahmoud Salah (53) mother
Safaa El Madhoun (23) daughter

Date of Incident:

17 November 2012

Location:

Near Khulafa Mosque in Jabalya town, North Gaza, Palestine

Victims:

10 members of the Salah extended family
Fayza Ahmed Mahmoud Salah (53) mother, injured
Safaa El Madhoun (23) daughter, injured
Fatma Salah (21) daughter, injured
Zakariya Salah (18) son, injured
Mohammed Salah (13) son, injured
Lina Ghabboun (2) granddaughter, injured
Mohammed Ghaboun (3) grandson, injured
Shatha El Madhoun (4) granddaughter, injured
Amr El Madhoun (1) grandson, injured
Suliman Salah (60) father, injured

Violations of International law include:

Direct Targeting of Civilians:
Article 8(2)(b)(i) Statute of ICC
Direct Targeting Civilian

Object:

Article 8(2)(b)(ii) Statute of ICC

time, the building was sheltering three families of 12 members, mostly women and children.

Fayza explains how her house was thought of as a safe shelter for her daughters, “My daughter Safaa had been staying with me in the ground floor for a while. My other daughter Fatma came for a visit with her two children that day and decided to stay over. Fatma has two children one of whom is a 2-year girl who was about to celebrate her second birthday. She celebrated it at the hospital.”

“The house had two floors. We performed our Fajr prayer and then my daughter prepared us breakfast with tea to feed the little kids. We were all present in the same room except for my husband. We were still in bed, but we were all awake talking when bombs started shaking the house. It was around 5:50 a.m. and the streets were all empty. People came along to help rescue us. Most of us were injured, some of us critically,” added Fayza.

Safaa, Fayza’s 23-year old daughter, narrating the details of the time she spent under the rubble, trapped in a life and death situation under the wreckage of her own home, stated “I was the last of ten people to be lifted from beneath the rubble. The whole roof had collapsed on my leg. The rescue process was too terrible to recall. They wanted to get me out by pulling me by my hands but I knew that this would have further damaged my limbs. I shouted at them to break the wall over my legs.”

After pausing for a few seconds to gather her thoughts Safaa continues, “One moment you are sleeping peacefully, the next you are buried under the rubble of your own home. Under the rubble, I was conscious the whole time. I could see it all happening. I was suffocating. I stayed under the rubble for about 25 minutes. At the time I was incapable of gauging how long I was trapped, but that is what I was told after I was rescued. I could hardly breathe, and I felt death was very close, so I started repeating some prayers. I repeated it tens of times, every time thinking that it would be the last time before my life ended, and before I’m buried under my own home. Right now, I still cannot believe I am sitting here in front of you.”

Safaa, a mother of two children, 4-year old Shatha, and 1-year old Amr, had no knowledge of whether her children were alive after the airstrike. All she could remember was that her children were sitting close to her at the time of the attack. “I didn’t think about anyone then. I thought that my children were all buried under the rubble as well. They brought me my son when I was at the hospital. My daughter was at home. She had a broken arm. All I thought about under the rubble was the heat of the fire. I expected that if I didn’t die of suffocation, I’d die as a result of the fire raging through the wreckage.”

“We were bombed by 3 successive airstrikes from an F16. The first rocket hit the wall and window of the house. Both shattered and were blown into the street. We were so terrified that we were about to jump from the first floor in an attempt to

save ourselves, but we did not have time to. The second and the third missiles hit the home immediately afterwards. The rockets were faster than us. There was no time for us to run for our lives and save ourselves. I am still thankful that we were residing on the first floor as the ground floor was levelled to the earth. We would have been crushed.”

“I had lived on the ground floor for the previous four months while my own house was under construction. When my sister came to stay over, she insisted that I come upstairs as she wanted company. I prepared dinner in my flat on the ground floor and went upstairs. Ten minutes before the airstrike I went downstairs to make some tea and to bring some clothes for the little kids: ten minutes before the house was completely destroyed.”

“The first minutes under the rubble, I could feel my daughter somewhere near. I could feel people trying to rescue her. When I was out, I wasn't aware that I was the last one to be lifted out of the rubble. I thought my kids were still underneath the wreckage. I started shouting, 'Please save my children. They were right beneath me.' I was suffocating, but I pointed to where they were. An extra bulldozer was brought to lift what was beneath, but nothing was found. I then received a call from the hospital saying that my children were ok. They had been taken to Kamal Odwan's hospital. I couldn't believe my eyes when they brought them to me alive.”

“My daughter does not remember a thing. She is four years old and she cannot remember anything that happened. She might have been unconscious. Whenever I ask her about the cause of her broken hand, she says she doesn't know.”



Safaa's son, Amr El Madhoun (1) @PCHR

Fayza adds, “Some of the children can clearly remember the events of that day. My granddaughter, 4-year-old Shatha, recalls a nightmare scenario under the rubble, ‘I awoke from sleeping. It was dark and there were rocks all over me. I kept shouting at mother but she didn’t respond. My 13 year old brother Mohammed now fears going to the nearby supermarket when it’s dark. During the war, he was clung to me all the time and would follow me around whenever there was an airstrike. He would sometimes scream hysterically after an airstrike.’”

Besides the psychological trauma inflicted on the children as a result of the attack, Fayza’s husband was also severely injured. Despite her own injuries, Fayza has to provide the necessary medical care that her husband needs due to his injury. As her husband is now incapable to work due to his disabilities, Fayza is also crippled by her fear of financial difficulties that might threaten the future of her family.

“We still don’t know how we’ll manage to rebuild the house. We usually depend on aid in such circumstances. Last time, we were granted some money by the UN. We did the construction ourselves.” Fayza explained.

Fayza has mentioned no reason why a home sheltering a family whose residents were mostly women and children would be targeted. “We did not expect to be targeted otherwise, my daughter would never have left her own house. Fatma was terrified to stay on her own with her kids during the offensive. She needed company, so she came over. The house was hit directly without any previous warning. This is a residential area. It does not even have any empty lands from which rockets could be fired.”

This is the fourth time the Salah Family’s house has been the subject of Israeli airstrikes. The airstrikes have either directly targeted the house resulting in its complete destruction or were directed at a nearby building resulting in partial destruction of the house. Fayza explains, “The first time the house was destroyed was about eight years ago as a neighbour’s house was targeted and our house was partially destroyed as a result. The second time was seven years ago, and it was completely destroyed by direct airstrikes which Israel claimed as a mistake as they were targeting a neighbour’s house and not ours. The third was during the Israeli offensive in 2008-2009 when the house was also completely destroyed. Therefore this is the fourth time for us to rebuild the house which we already had only recently been reconstructed less than 18 months ago.”

“When the house was totally destroyed seven years ago, we were notified by the neighbours that Israel was planning to target their house, so they asked all the neighbours to evacuate their houses as well. We evacuated, and when we came back, our house had been levelled to the ground. Our neighbour’s house, which had been threatened with demolition, was not damaged. It was only our house that had been completely destroyed as a result of the airstrike, which Israel subsequently claimed was a mistake” explained Safaa.

Despite the severe emotional trauma that the Salah family women have had to endure after being rescued from under the rubble of their own home, the challenge of holding the family together, rebuilding the house, providing psychological support for the children and challenging the financial obstacles that might result from the loss of their home and the injury of their main breadwinner lies ahead.

The Salah family home was hit repeatedly by Israeli warplanes. Even if there had been resistance activity in the area, a fact which witnesses have denied, Israeli forces were under an obligation to spare civilians. Their home was not being used by the resistance, and was a civilian object. As a result of the repeated targeting of the house, which was hit by F16 on four separate occasions, PCHR believe that the house was directly targeted, a violation of the principle of distinction, and a war crime, as codified in Article 8(2)(b)(ii) of the Statute of the ICC.

PCHR believes that the direct targeting of a civilian object, resulting in the death or injury of civilian inhabitants, constitutes the crime of willful killing, a grave breach of the Geneva Conventions. It could reasonably be expected that attacking a civilian house would result in the injury or death of its civilian inhabitants.

The ruins of the Salah house @PCHR



Case Study 5: Nour Hijazi

“There was no warning. We were directly targeted,”

“Four years ago, when my big brother Mohammed was killed in an Israeli attack, my mother was 5-months pregnant. When she gave birth to a baby boy, she called him Mohammed after his brother. 4-year old Mohammed was killed in this offensive.”

Nour Hijazi, 19.



Nour Hijazi (19) @PCHR



4-year old Mohammed and 2-year-old Suhaib

Interviewees

Nour Hijazi (19) daughter

Mustafa Hijazi (20) son

Date of Incident:

Monday 19 November 2012

Location:

North of Jabalya, block 8

Victims:

Fuad Khalil Hijazi, (46) father, killed.

Suhaib Hijazi (2) son, killed.

Mohammed Hijazi (4) son, killed.

Amna Hijazi (46) mother, injured.

Mustafa Hijazi (20) son, injured.

Ashraf Hijazi (17) son, injured.

Osama Hijazi (13) son, injured.

Mosaab Hijazi (2) son, injured.

Sondos Hijazi (10) daughter, injured.

Nour Hijazi (19) daughter, injured.

Suhaib Hijazi (2) son, killed.

Mohammed Hijazi (4) son, killed.

Violations of International law include:

Willful killing:

grave breach of Geneva Conventions

Direct Targeting of Civilians:

Article 8(2)(b)(i) Statute of ICC

Direct Targeting Civilian Object:

Article 8(2)(b)(ii) Statute of ICC

On Monday 19 November at approximately 19:20, an Israeli warplane fired a missile at a house belonging to Fuad Khalil Hijazi (46) in the north of Jabalya. The house was destroyed and Hijazi and his 2 children, 4-year old Mohammed and 2-year-old Suhaib, were killed. 28 civilians, including 7 residents of the house, were also injured.

On Thursday, 6 December 2012, PCHR interviewed Nour Fouad Hijazi (19) at

their newly rented house in Jabalya. The family has rented the house after their house was totally levelled to the ground by the Israeli airstrike. When PCHR interviewed her, Nour was lying on her bed unable to move due to an injury in her spine.

Nour was advised by the doctors to continue to lie on her back for two months with as little movement as possible. She was released from the hospital four days after her arrival despite her need for constant medical care.

After the death of her father and the absence of her mother, who has been receiving medical treatment at an Egyptian hospital due to her severe injuries Nour, the only woman and the eldest sister in the family, was expected to look after the family and help keep them together. However, due to her serious injury, she can do little in support of her own brothers and sisters.

Speaking of her injury, Nour told PCHR, "I was told that I will have to wait for two months moving at all. After this two month period has ended, I shall use a wheel chair. It shall take a long time before I start walking again. I have two broken bones in my back which means I am incapable of even sitting as it is too painful."

For a 19-year old high school student, the attack was a disruption to one of the most important academic years in Nour's life as it was the year before her graduation and had the opportunity to gain her access to university. However, with her current injury, the consequent poverty that might be threatening the family after the death of their father, and with the loss of their only shelter, it is hard to know whether Nour shall be able to overcome these obstacles and manage to continue with her studies to fulfill her dream of becoming a teacher.

Narrating the events of what happened the day of the attack was difficult for Nour. She could not articulate the details of how their life used to be before the aggression. "Normal" Nour kept repeating when asked how days passed in those abnormal days of the offensive. She did not elaborate on what normal meant nor how a life under constant bombing could ever be described as "normal". It seems that compared to the how life looks for Nour now, life even under the constant threat of death was considered normal.

Nour started narrating the details of the attack, " My mother, my brothers, my sister and I were sitting in the room. My father was in the saloon with Suhaib and Mohammed. We were watching the live broadcast of the airstrikes on TV. There was a sudden light. Seconds later, the whole house fell over our heads. I fell unconscious. I was later told that I had been found by the neighbours on their roof, having been thrown there by the force of the explosion. I spent the next four days in hospital."

The Hijazi family, which consisted of 10 members including Nour's father, her mother, six brothers and a sister, were all present at home when the airstrike

shook their home. Nour's father and her two brothers Suhaib and Mohammed were killed instantly in the attack. The rest of the family members who were in the room were all injured. Nour's mother was badly injured. "There was no warning. We were directly targeted," Nour added.

Nour and her mother were the most seriously injured. 2-year old Mosaab was thrown out of the house. He was found walking and crying in the street after the home was destroyed. Ashraf had bruises over his head, eyes, and chest. He was in the same room as his mother.

"My mother was in a coma. She was transferred to Egypt right away. We only told her about the loss of Mohammed, Suhaib and father two days ago. Before that, we weren't able to talk to her as she was unconscious. We used to contact her through my aunt. But when she improved, we could finally talk to her. She used to ask about Mohamed, Mosaab, and Suhaib, because she was very attached to them as they are her youngest children. We couldn't tell her the truth right away. She cried a lot when she learned what had happened to them, but then she was steadfast as usual."

This is not the first time for the Hijazi family to be the direct victims of Israeli indiscriminate attacks. They have been the victims of a previous tragedy that claimed the life of their son Mohammed in 2008.

"Mohammed was our big brother. He was 17 when he was killed. My mother was psychologically torn by his death. It took her quite a while to get over the grief of losing her first son."

On 1 March 2008, Mohammed was walking in the company of some friends in the street when he was killed by a direct airstrike. "Four years ago, when my big brother Mohammed was killed in an Israeli attack, my mother was 5-months pregnant. When she gave birth to a baby boy, she called him Mohammed after his brother. 4-year old Mohammed was killed in this offensive."

"Mohammed's death was a different story. When he died in 2008, we mistook him for one of his friends, another child called Mohammed Abu Salama, who was present in the Intensive care-unit. We thought the child in the hospital was my brother. His face did look like Mohammed and because of the severe bruises in his face, we could not identify him. We kept visiting him at the hospital and my mother stayed at his side for around 13 days before we discovered it was not Mohammed. We found out afterwards that Mohammed had died immediately in the attack but that his body was not identifiable as it had been found in parts. It was only when the child in the ICU started to get better that we realised that it wasn't Mohammed. We didn't have an opportunity to say goodbye to Mohammed. When my mother gave birth she named the baby in honour of her eldest son Mohammed. Now both Mohammeds have been killed."



The house belonging to the Hijazi family was wholly destroyed rendering the family homeless. “The whole house was destroyed. I still cannot tell what sort of bombs they used against us.” The family had been living in the house for only a year after moving away from their extended family house. “We bought this house only a year ago. Before that we used to live in the family house which was too small. We needed a bigger space. After 22 years, my father finally managed to save enough money to buy a bigger house. Now, the house has been completely destroyed.” The family currently lives in a rented house in Jabalya Refugee camp. Mustafa (20) the eldest son in the family, has turned into its only supporter after the death of his father. The children are now dependent on both family members and aid.

Climbing the wreckage of what was once his home, Mustafa points out where he was sitting before the attack and the location from which he was lifted from under the rubble.” After the airstrike, I was conscious of the dust and the heavy bricks of cement over my body. I started suffocating. Minutes later, when I could no longer breathe, I was lifted out just in time by the medics.” It took the medics over an hour to identify where Mohammed, Suhaib and father were, and when they were lifted from under the rubble , they retained no signs of life.”

Showing PCHR the remains of the belongings of his home, a broken bike, a shattered baby bed, torn pants, Mustafa recalled part of the phone conversation with his mother that morning. “When my mother called this morning, she told me that if any journalists ask me why they had bombed the house, I should answer, “Because little Mohammed and Suhaib were firing rockets.”

The Hijazi family home lies in the mid of a refugee camp which is a highly populated civilian area. Even if there was resistance activity in the area and there is no evidence of any, Israeli forces were under an obligation to spare civilians. Their home was not being used by the resistance, and was a civilian object. PCHR believes that the house was directly targeted, a violation of the principle of distinction, and a war crime, as codified in Article 8(2)(b)(ii) of the Statute of the ICC. Given the location of the Hijazi family home, and the lack of resistance

activity in the area, PCHR believe that the destruction of their home cannot have been justified by military necessity.

PCHR believe that the direct targeting of a civilian object, resulting in the death of civilian inhabitants, constitutes the crime of wilful killing, a grave breach of the Geneva Conventions. It could reasonably be expected that attacking a civilian house would result in the injury or death of its civilian inhabitants.

The direct targeting of the children is a violation of customary IHL, and a war crime, as codified in Article 8(2)(b)(i) of the Statute of the ICC.

Case Study 6: Nesreen Arafat:

"My children are possessed by fear. I don't know how I am going to help them move on with their lives." Nesreen Arafat (27) Mother of Ronan.

"I am surrounded by fears. I feel that everything around me could crumble at any second just like everything fell over our heads the first time."

Nesreen Arafat (27)



Nesreen Arafat (27) @PCHR



Ronan Arafat (5)

According to PCHR reports, on 14 November 2012, an Israeli warplane fired 3 missiles at a house belonging to Salah Jalal Arafat in al-Zaitoun neighbourhood in the east of Gaza City. The house and a neighbouring one belonging to Arafat's brother were destroyed. One of Arafat's children, 5-year-old Ronan, was killed and another two children and two women were wounded.

On 17 December 2012, PCHR interviewed Nesreen Arafat (27), mother of the child who was also killed in the attack. Nesreen is a mother of three: Jalal (8), Maria (10), and Ronan (5). The children were all present at the time of the attack that instantly killed Ronan.

Ronan was one of the first child victims of the offensive and the Arafat family were amongst the first civilians to be directly targeted by Israeli warplanes in the first day of the offensive. The unexpected attack on the family took place on a relatively calm day, before the extensive bombing all around the Gaza Strip had begun, so before her house was targeted by Israeli warplanes, Nesreen had been going about her normal activities as a mother.

Interviewees

Nesreen Arafat (27)

Date of Incident:

14 November 2012

Location:

Al-Zaitoun neighborhood in the east of Gaza City

Victims:

Ronan Arafat (5) daughter, killed.
Violations of International law

include:

Willful killing:
Grave breach of Geneva Conventions
Direct Targeting of Civilians:
Article 8(2)(b)(i) Statute of ICC
Direct Targeting Civilian
Object:
Article 8(2)(b)(ii) Statute of ICC

Narrating to PCHR the events of the day of the attack, Nesreen began, “On the day it started we had guests visiting. It was relatively calm that day when all of a sudden, mosques started declaring the assassination of Al-Jaabari. Our guests wanted to leave as they felt things were not safe anymore. I was saying goodbye to them when I heard the first missile hitting the plot next to the house. I was just crossing to the Saloon when the house started falling over our heads. I saw the bricks falling apart and I was suddenly under the rubble. My head was the only part that saw the light but the rest of my body was covered with the bricks and the wreckage of the house.”

“I could not see my son Jalal, but I could only hear his voice crying, ‘Mother, I’m suffocating. Help me.’ His fading voice kept repeating. His aunt Eman was able to lift herself up and went looking for him, but she couldn’t see him either. He was completely buried. Maria was thrown to one of the holes created by the missile but she was ok. I wasn’t able to move, neither was Jalal. We were calling on Ronan but she didn’t utter a word. We couldn’t hear her voice. I was lifted from under the rubble in minutes, then they got Jalal out. Both of us were immediately transferred to hospital, but they spent about 30 minutes looking for Ronan before they could find her. She was dead.”



The second missile has directly hit the house of the Arafat family where, according to Nesreen, only children and women were present. “There were five people in the house at the time of the attack. The three kids, Eman, their aunt and I. The house could not have been a possible target. My house is surrounded by empty plots and orange orchards and I didn’t hear any rockets fired from where I live. Before the missile hit the plot, there was no sign of a coming offensive. We were the second family targeted after Jaabari. Before the attack, children were playing around the house, and

we felt worried as the Israeli warplanes started intensifying its flight over the Gaza Strip. We asked them to get in the house for fear of strikes.”

Not only does Nesreen have to deal with the loss of her little daughter but she also has to support two more children who have been through an intensely traumatic experience, “Jalal was in shock for a week afterwards. He stopped speaking to anyone nor did he respond to our calls for a week. Even now, he still asks me, “Why couldn’t they get Ronan out alive and why are we still alive while she isn’t?”

After a week, I tried to talk to him. I tried to make him speak to me, and I asked him why he wasn't talking to me anymore. He would look at me and tell me that it is because I did not get Ronan out of the rubble. He still accuses me of not trying hard to get her out. He is improving though. He stayed at home for a long time as he refused to return to school. I attempted to alleviate some of his stress by giving him some massage sessions so that he could relax and relieve the intensity of the fear."

"He is still in fear, however. Every day at sunset, the same time the house was targeted, Jalal and Maria cling to me and they don't allow me to leave them alone. They are still afraid and cannot forget that day" added Nesreen.

"Maria was extremely attached to her little sister. She still talks to her pictures, cries and asks the figure of Ronan in the pictures for forgiveness. Now, every time they eat something she used to like, they start crying. They blame me for not rescuing her from the rubble, especially Jalal. He used to ignore me. I told him that I couldn't have saved her because I was also trapped."

For Nesreen, the trauma she faced did not end with the pain of losing a daughter on the first day of the aggression, she still had to show stoic steadfastness before her own children for the next 7 days of the offensive. She had to provide comfort for her them during times of constant shelling and to face the fear of losing another life or destruction of yet another home. During the offensive, the family were displaced from their own home after their house was completely shelled. They were forced to take shelter in another relative's home, a house which they believed would be safer.

"During the offensive, with missiles constantly falling, my children felt that they were being targeted and that they would be buried under the rubble again. Now, they can't even bear the sound of thunder. Yesterday, when it was raining, they clung to me and started crying. My children are possessed by fear. I don't know how I am going to help them move on with their lives."

"I am no better than the children. I don't think I can live normally any more. I am shrouded with fears. I feel that everything around me could crumble at any second just like everything fell over our heads the first time. I am torn inside but I cannot show how I feel to my children. I am still terrified. I feel that war is going to break out again at any second. A neighbour's house may get targeted again. In this circumstance our house could easily also be destroyed again. I feel that my house is going to be shelled again. I am terrified for my family, my husband and the kids. I feel I might lose them."

After the shelling of their house which was completely destroyed as a result of the attack, the family have been shattered and have had to resort to living in a close relative's house for shelter before they were able to rent a new house. Nesreen can no longer imagine the idea of rebuilding the house or living in the area any longer. "It's a newly built house. We've only been living there for 10 months.

We had been living with the family of my husband before. It took me a while to adjust to the place, but now I cannot think of going back.”

“I don’t like this new house. I cannot stay alone here. My husband either stays with me or when he’s at work, my mother comes to stay over. I used to stay home alone. Now, I cannot stay alone. I feel safer when someone is around.”

“Ronan was a lovely kid. She was full of life and always smiling. She used to repeat all what she’d learn back in the kindergarten for me.”

“They brought her to me, dead. When I entered the hospital, I wasn’t expecting she’d be killed. My brother was trying to comfort me so he lied to me saying that he saw her breathing and that she was fine. After a while, they could no longer lie to me and told me she had been killed.”

“When I hear Ronan’s name spoken, I feel helpless. Last Thursday 12 December was her birthday. She would have turned 6. Now I’m pregnant. I was pregnant when the house was destroyed. The rubble was all over me, but I’m still pregnant. Ronan used to sing me, “ Moma is bringing us a baby” when I told her I was expecting. Now, we’re bringing a new life to our shattered lives.”

Case Study 7: Al Nassasra Family

"I felt terrified. I felt something might happen. I felt that I was a possible target every second even when what I was carrying was only bread" Rana Nasasra (21) daughter.



Sakher Nassasra @PCHR



Lama Nassasra (3) @PCHR



Amani Nassasra (37) @PCHR



Amani Nassasra with her two daughters @PCHR

Interviewees

Rana Nassasra (21) daughter.
Amani Nassasra (37) step-mother.

Date of Incident:

20 November 2012

Location:

Naser Neighbourhood, Rafah,
South of Gaza

Victims:

Ahmed Tawfiq al-Nassasra (17)
son, killed
Mohammed (19) son, killed.
Amani Nassasra (37) step-
mother, injured.
Sakher Nassasra (5) son, injured.
Lama Nassasra, daughter,
injured.

Violations of International law include:

Willful killing:

Grave breach of Geneva
Conventions

Direct Targeting of Civilians:

Article 8(2)(b)(i) Statute of ICC
Direct Targeting Civilian

Object:

Article 8(2)(b)(ii) Statue of
ICC

According to PCHR reports, at approximately 22:00 on Tuesday, 20 November 2012, an Israeli warplane fired a missile at a tin-roofed house belonging to Tawfiq Mamdouh al-Nassasra (50) in the al-Nasser neighbourhood, north of Rafah. The house was destroyed, and 2 members of the family, including 1 child, were killed: Ahmed Tawfiq al-Nassasra (17); and his brother Mohammed (19). The other 9 members of the family, including 3 women and 5 children, were wounded.

On Tuesday 17 January 2013, PCHR visited the house in which the whole Nassasra family had been displaced after the total destruction of their home. Currently residing at a relative's house surrounded by empty agricultural land, the family of around 11 members have to be crammed into a house that contains none of their belongings as all have been totally damaged by the airstrike.

The house does not provide a proper environment for healthy children, let alone children who were seriously injured by the attack and who are in need of constant medical support. When PCHR visited the family, one of the children, Sakher (5), was lying on a mattress in the yard protected from the burning sun by a tin-roof. The boy was unable to move due to his injury. After the airstrike, Sakher had to undergo several surgeries including a splenectomy. He also suffers from internal injuries in his right lung and his feet, in addition to arachnoid hemorrhage and broken legs. Before he was transferred to a hospital in Egypt for medical treatment, it was hard to believe that the boy would walk again. He spent about a month receiving medical treatment and undergoing surgery before he was able to return home. His home, however, has been completely levelled due to the airstrike. He thus spends most of his day lying on that mattress with no proper care facilities.

Also in the yard another child confined to a wheelchair after being severely injured in the attack watched us approach. After the attack, Lama (3) nearly had to have her legs amputated; however, doctors were finally able to connect the nerves saving her legs in the last minute. At the time of the interview, Lama's legs still had platinum rods in them, and she was still unable to move.

The Nassasra family consists of 13 members of whom the oldest is 21 years old and the youngest is 18 months old. The whole family were present at home at the time of the attack. Most of them were already asleep when the F16 missile hit the house. Where their house once stood now consists of a large crater. The home was directly targeted while all its residents were asleep inside.

PCHR interviewed Rana Nassasra (21) the eldest sister in the Nassasra family who only sustained minor injuries in the attack. Rana narrates, "On the day of the attack we were visiting our grandfather's house which is situated almost 15 minutes from our home. That day my uncle called, concerned over how intensive the Israeli warplanes activity was so we headed back home. I told Mohammed how terrified I felt because of the sounds of the warplanes. I felt death was really close and I vowed not to leave home before it had ended. That was around 8 p.m. We arrived home safely and we spent the night chatting together before going to sleep. After dropping off to sleep I don't remember anything."

“That morning I had baked some bread, so I asked Mohammed to help me carry it outside. Mohammed started joking about the sound of the drones which were flying above our heads. I felt terrified and felt that something might happen. I thought that I was a possible target every second, even when what I was carrying was only bread. So, I hurried to the house.”

“At night when I went to bed, I couldn't go to sleep right away as I envisioned that anyone of us might be killed at any second. As a result, I cried myself to sleep. When I woke up, the house had been destroyed.”

Rana was the only member of the family not to have been thrown out of the building by the force of the explosion. She was found under the rubble. Her memories of her time trapped under the rubble are not very clear, “I still think it was a dream. I was under some bricks. At first, I thought I was dreaming but then I started suffocating and I realized that I was not and that we had actually been bombed. I stayed under the rubble for a while but then I started screaming as I could not breathe. My injuries were minor when I was rescued so I went straight to my grandfather's house.”

“I only learned of the death of my brothers at around 1 am. I didn't see them when they got them out from under the rubble. I was not really aware of anyone around at that time. I saw people coming to aid in the rescue attempt but I left immediately for my grandfather's house. I was looking for a safe place.”

After the death of her mother seven years ago, Rana found herself as the only woman and caretaker of the house; therefore, she had to leave school to take care of her younger sisters and brothers. Her father got married two years later, but it was hard for her to continue an education because of their poor economic circumstance. Rana's life has dramatically changed since the incident. Weeping, Rana continues, “If we could go back in time, everything would be ok again. Life was miserable back then, but it was much better than how it looks now.”

“It's not about the house. Houses are bricks. I do not feel sorry for the bricks but I cannot bear the thought of losing my brothers. If they only destroyed the house, it would have been rebuilt and replaced. I cannot get my brothers back.”

Rana was also responsible for comforting and supporting the rest of her family, especially the children, “During airstrikes, the children used to feel afraid. The children are very aware of what is going on. They would watch TV and yet still be very aware of the airstrikes outside. They would hear the constant bombing, be aware of the presence of the warplanes and also the violent capabilities of those machines.”

“We did not expect to be directly targeted while sitting inside our house. We were expecting death every second, but not inside our house. One's home should be one's symbol of safety and security. We were expecting we might die while walking in the street, or from a close airstrike, but not to be bombed directly while sleeping. It didn't matter how aware we were of the fact that civilians are

targeted on daily basis by Israelis. We never expected it would be our turn to be targeted.”

Injured in the same attack were also Rana’s step-mother, wife of Tawfiq and mother of two of his girls, Amani Nassasra (37) who has suffered critical eye injury that led to a partial loss of sight. Amani’s face was also disfigured. When PCHR met with Amani she had fully covering her face with a veil.

“The whole family were asleep at the time of the bombing. Usually, I stay a little later with my husband to watch the news to keep updated on the offensive. We were hoping to hear word of a ceasefire. We were terrified. I have children who are 18 months and 3 years old. They have not witnessed any wars before and don’t know what weaponry and militarism mean. Children their age all around the world are supposed to learn how to play, not live through a war” Amani narrated.

Amani is a mother of two girls, 3 year old Lama and 18 month old Sama. She has been married to Tawfiq for 5 years and has been looking after his children as well. “I’m always checking after the children and the house when everyone is asleep. I did what I usually do, and we started watching TV! I changed to Al Jazeera hoping for news of a close ceasefire. Seconds later, I felt nothing. When I was awake in the hospital, I was informed that our house was directly targeted by warplanes. When I was trapped under the rubble and once free, was sent to the hospital immediately as some shards of shrapnel had cut through my face, so I urgently needed stitches. The doctor began stitching up my wounds without using any anaesthetics. Due to the pain I regained consciousness. I was also hit in the eye and very nearly lost my eyesight. For 5 days, I was unable to see a thing. I had first and second degree burns as well as remains of shrapnel embedded in my face.”

Amani did not wear a veil before the airstrike, but now has decided she should wear it when she goes out. It was apparent that she was still not comfortable with the distortion that has been caused to her face due to the injury as she repeated, “I cannot go out looking like this.”

Amani was first transferred to the European hospital in Gaza, and was then transferred to Naser Hospital for medical treatment where she stayed for 3 weeks before being transferred to Israel for her eye surgery. However, as she still suffers from internal bleedings, she has to wait for a further eye operation in Jerusalem. Amani was told that she might not fully recover her eyesight even after the operation. She comments, “I said it’s no problem as long as I can see my girls and look after them. I don’t want to regain my full eyesight. I only want to regain enough eyesight that would enable me to see my children.”

Asked about how safe she felt during the offensive considering the fact that she was residing in what seemed a relatively calm agricultural area, Amani said, “We are living in a very calm area. In the last war, we were not witnesses to tragic events taking place in the area. It’s an agricultural area so it’s relatively calm. However, as long as the offensive was continuing we did not feel safe at all. Not only me, but

we all felt that we were possible targets who could get hit any second especially watching the news and seeing that other innocent civilians were being targeted. No one felt safe.”

“My life is now completely different. The offensive has taken away my independence and rendered me disabled. Before, I was relatively independent and I was the one responsible for the house. I could take care of my own girls. Now, I am unable to. Sometimes, I cannot even get myself a glass of water. I need assistance in all aspects of my life. Even for simple tasks like getting my medicine and treatment, I cannot go alone.”

“The feeling of impotence is a heavy burden. Simple daily tasks are no longer a possibility. That’s why I feel incapable. It has been extremely tough.”

“When my little Lama cries and I try to comfort her, she refuses me. She tells me that she feels afraid of me because she doesn’t recognise my face. ‘You went to the hospital and you changed your face and now I feel afraid of you’, she -repeats.”

“She’s always silent. She only talks to her little sister and her father, as she is afraid of people. When we stayed at the hospital, she was afraid of the unfamiliar faces and felt insecure. Now, she cannot get along with people, she feels terrified and isolated.”

“She is also suffers psychologically when she sees other children playing around her while she is entrapped in her wheelchair. She sometimes tells me that her only wish is to get rid of the iron in her legs and run again. She was a playful girl, full of life, but now she cannot move.”

“My life will never be the same. This has been a terribly tough experience. Now, I look in the mirror and I cannot identify myself. The hardest part is when my children cannot recognise me, and when they show fear when I get closer to them. ‘I cannot kiss you because your face is no longer beautiful’, my little daughter keeps telling me.”

“I am still in a state of shock. I still cannot believe what has happened to me. Sometimes, I wake up and I convince myself that I have not lost my eyesight. I am still in denial. I try to convince myself the attack never happened and that we were not targeted but I soon get back to reality. Death is all around us, but experiencing such a violent attack on your family is a completely different matter.”

With the constant sound of the F16 hovering on low altitude in the sky of Gaza despite the claimed ceasefire, PCHR asked Amani if she feels safe after the declaration of the ceasefire. Amani answered, “I don’t feel safe now. We have had to adapt our lives to expect a similar offensive every three or four years. We are expecting another offensive soon. We do not know when but we know it is coming.”

“I cannot provide my children with protection. I feel incapable, impotent, and

helpless. I relied on what I thought was a safe house, in which I attempted to protect my children and look what has happened to us.”

“Now the house has been totally levelled, as if it was stolen. I cannot bear to visit our home after the bombing. I am still not sure if we’re building another house. I told them that I don’t want to build a house in the same place. It would bring back painful memories.”

Amani requested the help of the Palestinian Centre for Human Rights because she wanted to be informed on how she could file a case against the Israeli air forces. She also wanted answers on why exactly a civilian house was targeted while its residents were sleeping and what threat it constituted to the soldier who fired the missile. “I do not want to stay silent. War is not over. Criminals should be put to justice. We are still here demanding our right to be heard. They have to stop their collective punishment policies. They have to be deterred. If international law and the ICC did not criminalize them and stop their crimes against humanity, who would?”

INDISCRIMINATE ATTACKS

Indiscriminate attacks are those which are “of a nature to strike military objectives and civilians and civilian objects without distinction.”²²

Customary IHL defines indiscriminate attacks as those: which are not directed a

- a. Against a specific military objective;
- b. Which employ a method or means of combat which cannot be directed at a specific military objective; or
- c. Which employ a method or means of combat the effects of which cannot be limited as required by international humanitarian law;²³

Disproportionate attacks are a form of indiscriminate attack. A disproportionate attack is one that “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 direct military advantage anticipated.”²⁴

Intentionally launching an indiscriminate attack is a war crime, as defined in Article 8(2)(b)(iv) of the Statute of the ICC.

22. International Committee of the Red Cross, Customary International Humanitarian Law, Rule 12

23. 21 Article 51(4), Additional Protocol I. (2005).

24. Article 51(5)(b), Additional Protocol I.

Case Study 8: Abu Zour Family

According to PCHR reports, on Monday 19 November 2012 at approximately 03:00 an Israeli F-16 fighter jet fired a missile at a four storey house belonging to Mohammed Khalil Azzam (55) in the al-Zaitoun neighbourhood in the east of Gaza City, after Israeli drones had fired three warning missiles at the house. As a result, the house, which had been previously vacated, was completely destroyed. Four nearby houses, whose residents were unable to leave, were also destroyed, and 4 civilians, including 3 members of the same family (2 women and 1 child) were killed.

As a result of the attack, two buildings belonging to Abu Zour family were destroyed, completely and partially by the F16 rockets. On 10 December 2012, PCHR interviewed the families of the two women victims of Abu Zour family Sahar (20) and Nesma (21).

Sahar was a resident of one of the buildings belonging to the relatives of the Abu Zour family which was totally destroyed as a result of the F16 attack on Azzam's house. A mother to two children, 2 year old Shahed and 4 month old Mohammed, Sahar was one of the last female victims of the offensive who was killed in her own home as a result of the total destruction of the house where she lived along with her extended family.

Sahar was not the only female victim of the attack. The house where Sahar lived also sheltered her extended family. Her mother in law, Tahani Abu Zour (50) was one of the female survivors of the attack. Tahani, a mother of eight of whom around five were present at home at the time of the attack, was injured. Interviewed by PCHR at a rented house in the Al-Zaitoun area where she currently resides after her house was totally destroyed, Tahani gave testimony on the details of the attack that took the life of



Tahani Abu Zour (50) @PCHR

Interviewees

Tahani Abu Zour (50)

Date of Incident:

19 November 2012

Location:

al-Zaytoun neighborhood in the east of Gaza City

Victims:

- 1- Sahar Fadi Abu Zour (20) killed.
- 2- Nisma Helmi Abu Zour (21) killed.
- 3- Mohammed Eyad Abu Zour (5) killed.

Violations of International law include:

Indiscriminate Attack:

Article 8(2)(b)(iv) Statute of ICC

Direct Targeting Civilian Object:

Article 8(2)(b)(ii) Statute of ICC



Sahar's baby with his grandmother

Sahar, badly injured her 10 year old son Mohammed and also left her injured. At the time of the interview, Mohammed had been transferred to Tunisia to be treated for a serious head injury and had been accompanied by his big brother Haitham who sustained minor injuries.

Tahani started, "We woke up due to the sound of the first rocket. We were all awake except for Mohammed. He was sleeping in my bed. Mohammed, his father and I were sleeping in the room but the rest of the family were sleeping in the saloon. It was around 2:30 a.m."

"I heard people screaming. I asked Abu Haitham to check on his brother and to see what was going on. Meanwhile, I tried to comfort the kids telling them that it must be an airstrike nearby. The screaming didn't stop. Abu Haitham returned with the women from his brother's house. They were outside on the staircase so I opened the door to let them in to the saloon where we were sitting. One of them asked for water. I saw blood on the floor so I wanted to check who was injured. It was Fouad, the son of one of my in-laws. I was about to start nursing him, but I am not sure what happened next. I woke up to find myself covered in sand and rocks, under the rubble of my house."

"When I woke up, there were sand, glass and rocks all over my body. I was half-buried under the rubble. I could see blood all over my arms. My eyes were bloody and there were bruises all over my body. I lifted the rocks from over my arms but I couldn't lift my legs."



Recalling the details of the time spent under the rubble of her own home, Tahani continues, "When my son Mosaab (12) lifted himself up from the rubble, he wasn't badly injured, but he couldn't recognize me. He asked me, "Who are you?" I told him that I was his mother. He couldn't lift me. Abu Haitham, my husband, didn't recognise me either. He started screaming for help. I started shouting. 'I'm ok. Check on the children. Find Shahed Mohammed, Ahmed and Sahar.' I couldn't see any of them. I only saw Mosaab and Fatma, and they were still alive."

The horror of losing her children has not yet left Tahani. Despite the depth of her injury and the loss, she still feels that she could have lost more. “If my son’s family had slept downstairs, they would all have died. Thankfully, that night they slept upstairs. The electricity was off, so we started the generator and sat down together at our house on the second floor, watching TV. Haitham asked his wife Sahar if there was any electricity downstairs in his house. She said there wasn’t any so he slept in his sister’s bed instead of going down to his own house. He could have been dead too.”

Tahani has begun to deal with the implications and impact that has been inflicted on her family as a result of the destruction of her house. She now realizes that amongst the losses, the injured daughter and the severely injured son, and the death of her daughter in law, she now bears the responsibility for taking care of her grandchildren with the absence of their mother. Dealing with her own injury and the psychological trauma that she has been subjected to does not sound a priority as she has her grandchildren to look after, a destroyed house to rebuild, and a shattered family to gather once again under the same roof. Tahani explains, “I’m injured. My granddaughter Shahed is also injured. She constantly cries and shouts for her mother. When I could no longer take it, I asked her where should I get your mama from? Shocked and upset she slapped me on the face. She’s a child but she needs her mother. I am trying to comfort her as much as possible and take care of both of them. They are now my children. I will raise them just like I raised their father.”

During the aggression, Tahani’s biggest fear was that her family would be shattered and displaced, therefore, despite her fear of the constant bombing, she preferred to stay home to keep her family united. “During the aggression, we did not feel threatened. Nobody evacuated their houses. I told Abu Haitham many times that I wanted to leave the house, but when I saw the neighbours around us, I used to keep calm and feel a bit safe. Why should I leave my house after all? My family were concerned about us and they’d asked me to join them at their home, but I didn’t want to do it. I couldn’t leave my children and my husband.”

“Now, I have become the victim of my own fear. We have worked hard to have this home built. We lived here for a year as a family. We only installed the windows three months ago. Now, we are shattered.”

On a PCHR visit to the house location, we met with Saadi Abu Zour (24) husband of the second female victim of the same attack (Nesma Abu Zour) who agreed to give PCHR a witness account of the attack. Severely grieved by the loss of his wife, Saadi showed us to the remnants of his recently-built house in the third floor of his family building which was partially destroyed due to the attack.

Saadi explained that the three storey house used to be the home of six families of the Azu Zour extended family who are now displaced into various rented houses. Their house is now unliveable after the devastating damage caused by the bombing of the Azzam house which was closely attached to the Abu Zour building. Saadi has been married to Nesma (20) for three years and they have two

children: 2 year old Ehab, and 1 year old Rawan. "The children are increasingly aware of the absence of their mother and enquire about her whereabouts often", says Saadi. "When they ask me where their mother is I tell them she's above in heaven. My son lifts his head up and sends her a kiss."

According to Saadi, during the offensive, Nesma refused to leave the house or flee to the safer zones. "She refused to leave the house. She wanted to stay together with the children. She didn't want them to feel her fear. She didn't want them to feel that things were very dangerous"

"At the night of the attack, at around 3:30 a.m. the children, Nesma, and I were all sleeping in this room on the same bed. A warning missile suddenly hit the building next door and one of the windows of the room fell over our heads while we were sleeping. We were not injured though. Nesma refused to go downstairs. We took the mattress and put it in front of the window. She put the other mattress in one of the corners of the room. I was trying to comfort her when another missile broke through the ceiling of the room. I saw it with my own eyes. The room had turned dusty and I was hit by the other window. I fainted."

"The television actually fell on Nesma's head. She was hurt but not badly. My brother hurried up to save us. The force of the rocket had thrown me to the corner of the staircase. I pointed to the room when I was asked where Nesma and the kids were."

"This all happened around 3 a.m., and it took less than five minutes before the F16 rocket was fired. After the second missile, we were taken downstairs. Everyone then left the house. I attempted to get to our neighbour's house for refuge. My uncle did not let Nesma come with me. I was holding her hand when my uncle Haitham said she'd better be at their home. I was carrying my son when a neighbour took him to his house. I was heading towards Nesma to get her to come with us as well. The power of the next F16 missile blew her away. Everything turned black and I couldn't see where Nesma was anymore. She was thrown somewhere else.

"I could only recognize my daughter Rawan by the sound of her crying. She was thrown to the neighbour's house."

Saadi, walking and showing us around the rooms of his now deserted house, spoke about how the house offers constant reminders of his wife. The 24 year old Saadi contemplated the ruins of his life. What has once been his happy and clean house has now turned into a reminder of an unjust and murderous attack that took the life of his wife. The television falling over her head is a reminder. The window which was destroyed and fell over their heads was a reminder. The room where they celebrated Nesma's last birthday was also a reminder, as was the tidiness of tea cups lining in the kitchen's cupboards in the mess of the targeted house.

When PCHR met with Saadi, he had still not returned to his normal life. Saadi works as an electrician, but since the attack, he could not resume his job as he's still burdened by both his own injury and by the loss of his wife. "My father urged me to return to my job, but I have not yet been able to do so. I haven't recovered from the shock yet."

Case Study 9: Eseifan Family

“I went to visit the graveyard where they were buried yesterday. I didn’t want to leave them there. I wanted to take them back home with me.” Reda Eseifan (24), mother of Jumana and Tamer.



Room where the Eseifan Family were sleeping at the time of the attack @PCHR



Tamer Eseifan (4) @PCHR

On Sunday, 18 November 2012, at approximately 02:00 a.m. Tamer Salama Eseifan (4) and his sister Jumana (2) were killed when an Israeli warplane fired a missile at an agricultural plot belonging to the Masoud family near the al-Bashir mosque in the Tal al-Zatar area of Jabalya town. A house belonging to Salama Ibrahim Eseifan was destroyed and his 2 of his children were killed. Salama was injured as a result of the airstrike.

On Sunday 2 December 2012, PCHR interviewed the mother of both Tamer and Jumana, Reda Eseifan (24) known as Samah, at the family’s home in Tal al-Zaatar area in North Gaza. Reda is staying there after her home, located in the upper floor of the family home, has been badly damaged. Her home only had one room and a kitchen. Now, the family’s home is occupied by five families of around 30 members.

Reda started recollecting the events of the day before the attack. “The 17th of November 2012 is a day I will never be able to forget,” said Reda. “The kids wanted to go out so I took them to my family’s

Interviewees

Reda Eseifan known as Samah (24)

Date of Incident:

18 November 2012

Location:

Tal al-Zatar area, Jabalya town, North Gaza

Victims:

Tamer Eseifan (4), son, killed.
Jumana Eseifan (2), daughter, killed.

Violations of International law include:

Indiscriminate Attack:
Article 8(2)(b)(iv) Statute of ICC

home in Jabalya Refugee camp at around 9 a.m. I couldn't stay there for long. I was terrified as the bombing was intensifying, and I headed back home early noon."

"On the way home the streets were empty, so I preferred walking right beside the wall for fear of a falling missile. Jumana was fearless. She was running ahead of me, but I shouted at her to slow down. It was very dangerous, but I finally arrived home safely."

During the operation, the four members of Eseifan family used to sleep in the same bed together due to the two children's fear during nights of heavy bombardment. "We moved them to our bed, and they slept there between me and their father. Tamer woke up suddenly at the middle of the night. He was thirsty, and he asked for milk. He had a cough so I wanted to get him what he wanted. I went to the kitchen to make him some milk, then it all happened. None of us heard any warning or the sound of the bomb landing."

On Sunday at 2 a.m., as result of a missile fired at an agricultural plot belonging to a neighbouring family, a rock demolished the wall of the Salama's bedroom and settled on the bed where the Eseifan family were sleeping.

"All I heard was Salama screaming. I went back to the room and I saw the rock on the bed where they were sleeping. I couldn't see anyone. I didn't imagine they would be dead. I ran to my brother in law's apartment downstairs where they were unaware of anything. Nothing has happened to their house. No one heard any explosions. I screamed breathless, "Please help Salama."

"I was in shock. I couldn't speak. I saw it all and heard Salama screaming, but I couldn't speak. I also was unable to identify where the kids were."

The mother of Salama adds, "Their mother was in shock. She couldn't say where the kids were. My son ran to the rescue of his brother and his children and told me that the rock had thrown the kids somewhere else in the room. They were buried under the rubble of the wall. I asked Reda several times to tell me where the children were, but she was unconscious. She couldn't utter a word. It was when Salama was rescued that he identified the location of the kids. He's the one who pointed out their location."

Salama, Tamer and Jumana were lifted from under the wreckage by their uncles. Reda was too shocked to accompany them to the hospital. "I couldn't go to the hospital with my husband and my kids. Israeli warplanes were hovering in the sky all the time. It was very dangerous to go outside at the time of the attack. The ambulance met them on the way and told them that Jumana was still alive when they got her out but she wouldn't survive due to the seriousness of her injuries. She was transferred from Awda hospital to Shefa Hospital due to her serious injury. I was also told that Tamer was breathing as well, but he had an internal bleeding. The blood came out of his ears and the back of his head and he didn't make it to the hospital. There was no hope. They had been mortally injured and there was nothing that could be done to save them. I said my final goodbyes to my children at Kamal Udwan Hospital."

Reda received the news at around 6 a.m. “I had a hope that they were only injured. I kept waiting for them to come back. When their uncle came, I couldn’t think of why they had left them at the hospital. Why aren’t they back yet? I expected that I might have lost one of them. So I asked who it was? Was it Tamer? Was it Jumana? I never imagined anything like that would happen to them. They are my kids. They belong nowhere except in my arms. Now they were just gone. They were dead.”

Tamer and Jumana are Reda’s only children. She has been married since 2008 and she decided she would only have two kids because of the current economic and social condition of her family. Salama, their father and the only breadwinner in the house, is a tailor by trade but he could barely provide for the family. “Tamer’s greatest wish was to go to kindergarten. He used to point at school bags and pencils. Our financial situation has been difficult. We couldn’t afford to register him.”

During the aggression, Samah attempted to keep her children as safe as possible even under such insecure conditions where her own life was also under threat. As a mother, she tried to manage continue with life normally to distract the children from the ongoing bombardment. She remembers that she used to feed her children while they were watching cartoon on TV in order to divert their attention from the ongoing horrific news. She also kept them away from the street, but the children could hardly escape the terror of the ongoing aggression: “Tamer was aware of the bombing around him. He was terrified. My aunt once knocked at our door because she wanted us to stay with her downstairs during the heavy airstrikes. I looked for him and he was hiding in a corner of the room. When I asked him what was wrong he started crying, “The rockets. The rockets.”

Twenty days after her children have been killed; Reda is still in a state of shock and refusing to believe she has lost them. While speaking she recalls the memories of Tamer and Jumana and smiles momentarily before realizing that they are gone. Reda wells up and is unable to hold back her tears while holding one of her son’s shirts, “They were sleeping in their father’s arms. He was rocking Tamer to go back to sleep. They are the world to me and in seconds they were crushed like a biscuit. I could have been killed with them, but Tamer saved me.”

“Every place reminds me of them. I wander in the street and all I see is Tamer running around. Now, I go upstairs to collect their belongings, without my aunt knowing. My aunt doesn’t let me go upstairs so I sneak up. I brought his bike yesterday. He was playing with the bike the day he died.”

“At the funeral, while people were coming and going to give condolences for the loss of Tamer and Jumana I had still had hope that my two children would just return home. I kept looking at the front door, telling myself he’s playing with the kids and he’d be back soon. I still cannot believe it. Both of them. Killed at once. I have none of them left.”

“I went to visit the graveyard where they were buried yesterday. I didn’t want to leave them there. I wanted to take them back home with me.”

Case Study 10: Nabahin Family:

“Riham was my most precious thing in life. My home is still filled with her memories, her laughter and her childish spirit. She was only a girl, 4 years old. She hadn’t been to kindergarten yet. She was an innocent child. She was not a threat. What is her guilt to die this way? Why did they kill her? Why did they deprive me of her smile? “

Samah al-Nabahin (36)



Samah al-Nabahin (36) with her two children @PCHR

According to PCHR reports, on 21 November 2012 at approximately 16:15, an Israeli warplane fired a missile that landed near a house belonging to Maher Mohammed al-Nabahin, killing his child, 4 year old Riham, and wounding his wife.

On 16 January 2013 PCHR interviewed the mother of Riham, Samah al-Nabahin (36) at her family’s house in Nuseirat Refugee Camp. Samah is a mother of 3 children, the youngest of whom was Riham who was killed instantly as a result of a missile fired by Israeli warplanes around her house. Samah was also injured. Both were transferred to the nearest Medical Centre before they were transferred to al-Aqsa Hospital where Samah learned of the death of her daughter.

Riham was one of the last victims of the Israeli offensive as she was killed the day the offensive on the Gaza Strip ended and a bilateral ceasefire took place.

During the offensive, Samah had to leave her

Interviewees

Samah al-Nabahin (36)
mother of Riham.

Date of Incident:

21 November 2012

Location:

Nuseirat Refugee Camp

Victims:

Riham Maher al-Nabahin (4)
daughter, killed.

Violations of International law include:

Indiscriminate Attack:
Article 8(2)(b)(iv) Statute of
ICC



Riham al-Nabahin (4).

own house which was not secure enough for her or for the family. Samah's house is tin-roofed, so did not provide a safe shelter. As a result she sheltered in her sister's house which is built with concrete and is located in the Burajj area. This was the best way Samah could think of to protect her own family and children however even at her sister's house she was terrified during the offensive.

The attack took place near Samah's home when Samah was returning to get some of the children's clothes washed before she returned to her sister's place. A missile fired near to their house in Nuseirat led to the death of her 4 year old daughter.

Samah narrates, "That day, the electricity had been cut at my sister's home in Burajj, so I returned to my home in the Nuseirat Refugee camp to wash my clothes. Riham was terrified. She wanted to stay at her aunt's house till the war was over. beat the sounds of bombing, she would find solace in my arms."

Riham is not Samah's only child. Samah has three children, all of whom were present at home at the time of the attack. The first days of the offensive were very terrifying for the children, especially while sheltering in her in secure and unprotected tin-roofed house.. Samah explains, "During the first days of the offensive, I was terrified. I gathered the children around me in the room. After I acknowledged the degree of unsafety we were in I escaped to my sister's home."

"Even the children were very scared at home. 7 year old Islam would get sick with fear and while bombings took place Islam would run in to the street. As a result of Islam's fear her father agreed to take us to my sister's house in Burajj. I couldn't deal with their fear and thus we evacuated to a safe house."

"I was at home ,,standing next to my two children when the attack took place. I went somewhere to get the comb when my little girl was killed. I saw her injured body with my own eyes and immediately started screaming. I ran to her, unaware of the injuries I had also sustained. I saw her lying on the ground, and I knew that she had been killed. We were first taken to the medical centre in Nuseirat and then they transferred us together in an ambulance to Al-Aqsa Hospital in Deir El balah were I was informed of her death.

"Even now I cannot believe that she is dead. I still convince myself that she is still alive. I feel like I might go insane when I think of my loss. She's always on my mind. Every place reminds me of her. When I sleep, I feel that she is sleeping next to me like usual. It's very difficult to lose a child."

“Riham was my most precious thing in life. Home is still filled with her memories, her laughter and her childish spirit. She was only a child, 4 years old. She hadn't been to the kindergarten yet. She is an innocent child. She was not a threat. What is her guilt to die this way? Why did they kill her? Why did they deprive me from her smile?”

INSUFFICIENT PRECAUTIONS IN ATTACK

Customary IHL requires that, “[i]n the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects.

All feasible precautions must be taken to avoid, and in any event to minimise, incidental loss of civilian life, injury to civilians and damage to civilian objects.”²⁵ Accordingly, Article 57(2) of Additional Protocol I requires that:

- a. those who plan or decide upon an attack shall:
 - i. do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection but are military objectives within the meaning of paragraph 2 of Article 52 and that it is not prohibited by the provisions of this Protocol to attack them;
 - ii. take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss or civilian life, injury to civilians and damage to civilian objects; (iii) refrain from deciding to launch any attack 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;
- c. an attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one or is subject to special protection or that the attack 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;
- d. effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit.

25. Rule 15, Jean-Marie Henckaerts & Louise Doswald-Beck, Customary International Humanitarian Law, Volume I: Rules, International Committee of the Red Cross.

Case Study 11: Sabah Eskafi (41)

On 22 November 2012 the ceasefire took place to end the Israeli offensive on the Gaza Strip however the death toll continued to rise. Sabah Eskafi was one of those who died after the offensive ended, a female victim who died after suffering a mortal head injury as a result of missile shrapnel hitting her while she was walking in the street during the offensive. Eskafi was transferred directly to a hospital in Egypt for treatment, however five days later, on 26 November 2012, Sabah died.. She was the last female victim of the latest Israeli offensive on the Gaza Strip.

On 3 January 2013 PCHR headed to her home in the Zaitoun neighbourhood of Gaza for an interview with her family. In her house where posters of Sabah fill the walls, PCHR interviewed Sabah's husband, Fayez Rajab Eskafi (47) and her daughter Saada (23). Sabah had been married for around 25 years and is a mother of nine: 5 sons and 4 daughters of whom the oldest is 23 and the youngest is 9.

Fayez began to narrate the events of the day Sabah was injured, "On the 19 November 2012, Sabah went out to get medications for my mother from the UN medical center in Salah El-Deen Street. Several airstrikes took place which targeted the Haddad family home. She was hit in the head by shrapnel as a result of those airstrikes. As residents of the Haddad's family's house had been warned to evacuate the house and that a bombing of the building was imminent, an ambulance was in the area. The house was bombed by a drone and then an F16 missile. She was hundreds of meters away from target, but she was still hit by shrapnel."

"She was transferred to the hospital where she went straight to the operating theatre. It was around noon when we had a phone call informing us of her injuries. We went to the hospital right away. It was chaotic so it took us



Poster of Sabah Eskafi (47) @PCHR



Fayez Rajab Eskafi(47) husband of Sabah

Interviewees

Fayez Rajab Eskafi (47)
husband.
Saada Fayez Eskafi (23)
daughter.

Date of Incident:

19 November 2012

Location:

Zaitoun Neighbourhood,
Gaza City

Victims:

Sabah Eskafi (41) killed.

Violations of International law include:

Indiscriminate Attack:
Article 8(2)(b)(iv) Statute
of ICC

around half an hour to locate her in the operation room. She was then taken to the ICU. When I went in to see her in the ICU I could not recognize her due to her disfigurement. I was unable to recognize my own wife.”

“The next day, I was told that it was necessary to transfer her to Egypt as she was in a very critical condition. She shouldn’t have been transferred for 72 hours after the initial operation but due to overcrowding they were forced to move her to an Egyptian hospital for treatment to make space for new patients.”

Sabah, who went in a coma immediately after being injured, was transferred to an Egyptian hospital in Arish after being issued a medical report on the seriousness of her injury. However, due to not having a valid passport, Fayez was not able to accompany his wife to Egypt. Fayez continues, “I did not have a valid passport at the time, so I couldn’t accompany her, but one of my aunts could. When I called to be updated on her condition, my aunt told me that her condition was not improving.”

“I decided that I should be at her side myself. On Thursday, they had transferred her from a hospital in Arish to a military hospital in Cairo. On Friday, I went to the Rafah Border, determined not to leave until I gained entry to Egypt. I would have even gone through the tunnels to be with her.”

“When I arrived at the hospital, I was not allowed to see her because as it is a military facility. I had to wait until visiting time at 7p.m. the next day. When I saw her there, I saw how terrible her condition was. I was hopeful when I saw her in Gaza, but when I saw her in the hospital in Egypt, I couldn’t hold back my tears.”

“The next day, Sunday, I went in to the ICU to see her again. I saw that she actually moved her hands, I called everyone in Gaza telling them that she might wake up, but when I talked to the doctor, he said that there was no hope. On Monday, while waiting in the hospital, I received a telephone call informing me that she had died.”

“I found comfort in the other Palestinian injured people and their companions recuperating at the hospital. I wasn’t alone. In the same room, were Palestinians who had lost more than one member of their families and who were expecting to lose more at any time.”

Fayez has been left alone to raise a family of nine children, one of whom is disabled. Fares is thirteen but he was born with a disability which burdens him with both comprehension and speaking difficulties. “Fares never stops asking about his mother. He still does not understand what happened to her. He keeps asking when she shall be back. Even my 9 year old daughter Wala does not understand that death means that she will never see her mother again. I took them to the graveyard. They saw her grave, yet they still do not understand. I, myself, still cannot believe she is gone so how can I expect our children to?”

“No one can believe that she is gone.” added Saada (23) Sabah’s eldest daughter. “We were all at home when it happened. She went outside to get the medicine. Then we were informed about her injury. We didn’t know the seriousness of her situation and presumed she had only suffered a minor injury. When we heard that she would be transferred to Egypt, we knew it was serious but we still hoped she would return soon. We didn’t have a chance to say goodbye to her before she left. Everything happened too fast.”

Saada left preparatory school at a young age due to poor achievement. However, with the encouragement of her mother she was applying for re-admission to get her preparatory school certificate so she could register as a high school student the next year. Her mother was always encouraging. “She even went with me to the tests. I finished my exams, and soon after the offensive began.” Saada recollects, “My mother was very keen we would pursue our education. After her death I have no will to start all over again without her. She wanted me to be a nurse. I wish I could achieve her dream. But, maybe when conditions are a bit better, I’ll go back to school.”

Saada is Sabah’s eldest daughter. She is only 23 but she now has to take on the full responsibility of not only managing the household but also raising her siblings. “I never expected I would be burdened with such responsibility so soon. As much as I could, I try to make up for my mother’s absence. It is still very difficult for me to deal with my little sisters and brothers though. I try to give them as much psychological and emotional support as possible.”

“She has left a large void in my life. She used to be my only comfort and my best friend. I used to tell her everything. She wasn’t only a mother. Not that she has gone, I feel like my soul has gone with her.”

Sabah’s life was thus put to an end not only by the shrapnel head wound but also due to the terrible medical conditions which hospitals in the Gaza Strip have been suffering with for years due to the Israeli blockade. “I was very hopeful that she would get back to us alive. She was transferred to Egypt for 7 hours by an ambulance. Can you imagine how a critical condition like hers could survive a 7 hour journey before reaching a hospital that can provide her with proper treatment?” said Fayez.

Study Case 12: Nawal Abdul Aal

“We slept feeling terrified and we were expecting an airstrike at any second. We were fully dressed when we went to sleep for the fear of a close airstrike.”

Sharehan Abdel Aal (25)



Daughter of Nawal Abdul Aal before the rubble of their home @PCHR

Interviewees

Sharehan Abdul Aal (25)
daughter.

Samah Abdul Aal (26)
daughter-in-law

Date of Incident:

18 November 2012

Location:

Al-Tuffah neighborhood in the
east of Gaza city

Victims:

Nawal Faraj Abdul Aal (53)
mother, killed.

Violations of International law include:

Indiscriminate Attack:

Article 8(2)(b)(iv) Statute of
ICC

Insufficient precautions:

Article 57(2) (b) of Additional
Protocol

According to PCHR reports, on Sunday 18 November 2012 at approximately 07:10, Israeli warplanes fired a missile at a police station in the al-Tuffah neighborhood in the east of Gaza city, completely destroying it. A nearby house belonging to Othman Hussein Abdul Aal was also destroyed, and his wife, Nawal Faraj Abdul Aal (53) was killed.

PCHR went to the location of what was once the home of Abdul Aal family, which had sheltered around six families, to meet with the family of Nawal. At the time of the airstrike most of the family members were within the building and had to be rescued from under the rubble of their own home. There were no signs of the house among the destruction caused to the area by the airstrike. Thus, the interview with the family of Nawal was held on the debris of their completely decimated house. The building was not directly targeted but it was completely destroyed as a result of the airstrikes which had targeted the nearby police station.

The house was sheltering 9 members of the Abdul Aal family at the time of the attack, mostly women and children. The rest of the family had been evacuated

to various places due to the constant fear of the police station close to the house being targeted.



The Abdel Aal family home @PCHR

Sharehan (25) one of Nawal's daughters who was lifted from under the rubble of the airstrike, started narrating her story, "There were around nine people in the house when it was bombed. My father, mother and my brothers Wesam (19), Mareehan (16), Shareehan (25), Refaat (26), his wife (22) and 2 of his children. My little sister Shaymaa was staying at my sister's in Khan Younis."

"There were no warning missiles. It was early in the morning at around 6:30 a.m. Some of us were sleeping and others had just woken up. Mareehan was in the company of my mother. I was staying in another room. The bombing took place, and the airstrikes took place immediately thereafter meaning I couldn't get out of the building. My mother was under the concrete. She was able to speak though. She addressed my brother Wesam and asked him to rescue Mareehan and take care of her."

"We left the house many times during the offensive because it was insecure and we thought they might bomb the police station next to our house but then my father said it's alright as they would have bombed it by then. The day before the attack, we left the house, but my father got us to come back to sleep in our house. However, we slept feeling terrified, expecting an airstrike at any second. We were fully dressed when we went to sleep for the fear of a close airstrike."

Sharehan's sister in law Samah Abdelaal (26), a mother of three, had already evacuated to her family's house at the time of the attack, but she did not hesitate to continue narrating the story after Sharehan became too emotional to recollect what happened, "Wesam tried to lift himself from under the rubble but he couldn't. He was holding a torch and started flashing it so that they could see him and find him. In a while, their mother's voice faded. When the Civil Defense came to rescue them, three of the family members were rescued, and the rest

were still trapped under the rubble. When the family went to the hospital to check on the girls, they could find none. So, they called the Civil Defense again and informed them that some of the family members were still under the rubble of the house. When the Civil Defense men were on site again, Mareehan started talking to them. She pointed them to where she was and told them that her mother and brother were under the rubble as well. After a while, they were able to lift Wesam. They got Mareehan out as she was taking her last breathes.”

“Nawal, my mother in law, was the last person to be lifted from under the rubble. They couldn’t find her in the same place she was in when the airstrike took place.” Four hours after the airstrike took place, Nawal was finally found under the rubble of her own house. She was dead when they got her body out.

Mareehan was evacuated from under the rubble four hours after the airstrike however she was unable to recount much about her time submerged beneath the wreckage.. She affirmed that she was mostly conscious during those four hours, but she only pointed with her hand to the location where she was found under the rubble. She said that all she remembers was sleeping in the same room with her mother. Then four airstrikes took place. She was conscious the entire time. She remembers the conversation that took place between Wesam and her mother. She remembers Wesam asking his mother if she was still alive or not. She remembers that her mother answered, “Your sister Mareehan might be dead”. She remembers that she screamed she was alive but no one heard her. She remembers hearing the bulldozer which dug the hole in the rubble after which she could get out.

The Abdel Aal house is home to around 29 members of the Abdul Aal family however most of the families in the house have evacuated the premises. Samah explains, “We are used to similar airstrikes and we’re used to being displaced out of our house every time a airstrike hits one of the military or the governmental buildings nearby. We were too terrified this time to stay in the house. We resorted to moving to our extended families’ houses in different locations.”

The house, that was once the safe haven of a 29-member family, lies now in ruins. It can no longer provide shelter to any of the family members who have been consequently displaced to various places but who still come often to the rubble of their house which they are determined to build all over again.

WOMEN VICTIMS OF THE ISRAELI OFFENSIVE (14-22 NOVEMBER 2012)

	Name	Age	Address	Date of Death	Place of attack
1	Heba Adel Fadil Al-Mashharawy	19	Gaza	14/11/2012	Gaza
2	Tahreer Ziyad Mohammed Salman	22	North Gaza	15/11/2012	North Gaza
3	Samaher Khalil Mahmoud Qudaih	28	Khan Younis	17/11/2012	Khan Younis
4	Amina Matar Hassan Al – Muzannar	75	Gaza	18/11/2012	Gaza
5	Tahani Hassouna Ahmed Al-Dalou	20	Gaza	18/11/2012	Gaza
6	Samah Abdel Hamid Ishaq Al-Dalou	25	Gaza	18/11/2012	Gaza
7	Suhaila Mahmoud Yassin Al-Dalou	74	Gaza	18/11/2012	Gaza
8	Raneen Jamal Mahmoud Al-Dalou	25	Gaza	18/11/2012	Gaza
9	Saadiyya Mohammed Aydi Al Deeb	64	Gaza	18/11/2012	Gaza
10	Nawal Faraj Mahmoud Abdel Aal	51	Gaza	18/11/2012	Gaza
11	Sahar Nadi Asaad Abu Zour	20	Gaza	19/11/2012	Gaza
12	Nesma Helmi Salem Abu Zour	19	Gaza	19/11/2012	Gaza
13	Yousra Basel Murtada Al Shawa	18	Gaza	20/11/2012	Gaza
14	Sabah Mohammed Harb Eskafi	41	Gaza	26/11/2012	Gaza



