

# UN survey documents Israeli war crimes in Gaza

**Jean Shaoul****18 February 2015**

A survey by the Associated Press of 247 Israeli air strikes that hit residential compounds last summer, provides further damning evidence of the criminality of its murderous 50-day war on Gaza.

The brutality of the US-backed Israeli war against a defenceless civilian population in one of the most densely populated areas in the world shocked and outraged people across the globe including in Israel itself. It was a war characterised by the wanton killing of civilians and the massive destruction of homes, hospitals, schools, mosques and infrastructure such as water, electricity and sanitation.

According to estimates by the United Nations, the war killed at least 2,205 Palestinians, of whom 1,489 were civilians. The dead included 540 children—25 percent of the entire death toll. The large number of civilian deaths, two thirds of the total, emphasises the callous and one-sided nature of the war, especially set against the fact that just 66 Israeli soldiers and seven civilians were killed.

The Israel Defense Forces (IDF) targeted homes, often of the families of militants belonging to Hamas, Islamic Jihad and other groups. At least 18,000 homes were destroyed or severely damaged, leaving 100,000 people homeless, as well as 111 UN buildings, many of them schools and hospitals.

The purpose of the AP survey was to establish who had been killed in the raids on homes, since neither the IDF nor Hamas, which controls Gaza, nor any of the other militant groups have released information about the targets or the casualties in the strikes on homes. With the help of Al Mezan, a Gaza human rights group, and B'Tselem, the Israeli rights group, the AP team examined 247 air strikes—excluding artillery strikes that are notoriously inaccurate—that witnesses said, and inspections confirmed, hit residential sites.

The survey showed that 508 of the 844 people killed in those 247 strikes—out of some 5,000 air raids—were children, women and older men. Just five percent of the total strikes resulted in a disproportionate number of deaths—one third of the total—with most of the people killed being civilian non-combatants.

The survey also found:

- \* 280, or one third of the total number killed, were children under the age of 16; 108 were between the ages of one and five, and 19 were babies.

- \* One third of the strikes resulted in the deaths of three or more members in the same family.

- \* 96, or 11 percent, of the 844 killed were confirmed or suspected militants.

- \* The remaining 240 dead were males between the ages of 16 and 59, about whom the AP survey found no links with militant groups.

The deadliest attack occurred early in the morning of July 29, a Muslim holiday, flattening a building in Khan Younis and killing 33 people from four families.

International humanitarian law outlaws the bombing of homes unless they are being used for a specific military purpose such as storing weapons or as a launching site for attacks, or there is a “clear military advantage” that outweighs the civilian death toll.

Alex Whiting, a Harvard law professor and former top official at the International Criminal Court (ICC) in The Hague, explained that while a high civilian death toll does not, on its own, constitute evidence of war crimes, and each strike must be investigated separately, a high civilian toll “certainly raises a red flag and suggests that further investigation is warranted.”

Thus far, the issue of Israel’s air raids on homes has not featured explicitly in the various investigations into possible war crimes. With working people around the world horrified by Israel’s brutality, the European

powers are becoming increasingly concerned that Israel's actions will spark a broader anti-war movement or a Palestinian uprising that will cut across their own strategic interests and destabilise the oil-rich region.

In January, the Palestinian Authority signed up to 22 UN conventions and institutions, including the ICC, paving the way for the Palestinians to pursue Israel through the ICC for war crimes over its murderous assaults on the Palestinians in Gaza in 2008-2009, 2012 and last summer's 50-day war. Two weeks later, ICC prosecutors said it would launch a preliminary examination to scrutinise "in full independence and impartiality" whether crimes might have been committed during last summer's war.

The UN Human Rights Council has also formed a commission of inquiry into the war. Israel has refused to cooperate, claiming that it is biased against Israel.

A second UN investigation is examining the deaths, injuries and damage to UN premises hit by Israeli air raids, and the discovery of weapons in some vacant UN schools.

Israel is carrying out a number of investigations, in order to exonerate itself and challenge any enquiries by the ICC or UN into possible war crimes—which will not investigate if Israel carries out its own criminal investigations. The Military Police, under instructions from the Military Advocate General's Office, have launched 13 criminal investigations, closing nine, claiming there was no evidence of wrongdoing.

While the military is also examining 85 complaints about "exceptional incidents," it is highly unlikely they will be upheld or result in any action. Few charges have ever been brought against officers for either criminal or disciplinary infractions in battle. The reports relating to these investigations are not expected before Israel's elections on March 17.

None of the parliamentary enquiries into the war are likely to be published before the election either, if indeed they are ever published at all.

In December, Amnesty International reported that Israeli air strikes that destroyed four multi-storey buildings in Gaza during the last four days of the war in August 2014, were a deliberate and direct attack on civilian buildings and amounted to war crimes, calling for an independent and impartial investigation.

Philip Luther, director of the Middle East and North

Africa Programme at Amnesty International, said, "All the evidence we have shows this large-scale destruction was carried out deliberately and with no military justification."

He added, "Both the facts on the ground and statements made by Israeli military spokespeople at the time indicate that the attacks were a collective punishment against the people of Gaza and were designed to destroy their already precarious livelihoods."

Last month, B'Tselem published a report into 70 air strikes by Israel on homes in Gaza that killed 606 people, including 93 children under five. Significantly, the human rights organisation accused Israel of breaching international humanitarian law, focusing not so much on the military but on ministers, including Prime Minister Binyamin Netanyahu, who authorised the policy of attacking homes.

The situation in Gaza remains desperate. Twenty thousand people are homeless and many are sleeping amid the rubble. Children died of hypothermia during the weeklong period of snow and ice in early January that swept the region. There has been little reconstruction, in large part because of the Israeli-Egyptian blockade. Last month, the UN Relief and Works Agency announced it could no longer continue its cash assistance programme in Gaza for repairs to damaged and destroyed homes and for rental subsidies to the homeless because little of the \$5.4 billion aid pledged by donors at the Cairo conference last October had been delivered.



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