

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	828
Land:	Gaza-Vestbredden
Kilde:	Amnesty International
Titel:	Israeli attacks targeting Hamas and other armed group fighters that killed scores of displaced civilians in Rafah should be investigated as war crimes
Udgivet:	27. august 2024
Optaget på baggrundsmaterialet:	25. september 2024

Document #2114131

Amnesty International (Author)

Israel/OPT: Israeli attacks targeting Hamas and other armed group fighters that killed scores of displaced civilians in Rafah should be investigated as war crimes

- *New investigation reveals Israeli forces failed to take all feasible precautions to spare civilians in attacks*
- *Israeli air strikes on Rafah IDP camp on 26 May used US-made weapons*
- *Tank shells fired at IDP camp in “humanitarian zone” killed 23 civilians*
- *Civilians endangered by presence of Hamas and Islamic Jihad commanders and fighters at camps for internally displaced people*

A new investigation by Amnesty International reveals Israeli forces failed to take all feasible precautions to avoid or minimise harm to civilians sheltering at camps for internally displaced people while carrying out two attacks targeting Hamas and Islamic Jihad commanders and fighters in the south of the occupied Gaza Strip in May. These attacks likely were indiscriminate, and one attack likely also disproportionate. Both attacks should be investigated as war crimes.

On 26 May 2024, two Israeli air strikes on the Kuwaiti Peace Camp, a makeshift camp for internally displaced people (IDP) in Tal al-Sultan in west Rafah, killed at least 36 people – including six children – and injured more than 100. At least four of those killed were fighters. The air strikes, which targeted two Hamas commanders staying amid displaced civilians, consisted of two US-made GBU-39 guided bombs. The use of these munitions, which project deadly fragments over a wide area, in a camp housing civilians in overcrowded temporary shelters likely constituted a disproportionate and indiscriminate attack, and should be investigated as a war crime.

On 28 May, in the second incident investigated, the Israeli military fired at least three tank shells at a location in the al-Mawasi area of Rafah which

was designated by the Israeli military as a “humanitarian zone”. The strikes killed 23 civilians – including 12 children, seven women and four men – and injured many more. Amnesty International’s research found that the apparent targets of the attack were one Hamas and one Islamic Jihad fighter. This strike, which failed to distinguish between civilians and military objectives by using unguided munitions in an area full of civilians sheltering in tents, likely was indiscriminate and should be investigated as a war crime.

Hamas and Islamic Jihad fighters were located in the IDP camp, a location which displaced people believed was a designated “humanitarian zone,” knowingly endangering the lives of civilians. Their choice of location in both IDP camps likely violated the obligation to avoid, to the extent feasible, locating fighters in densely populated areas. Amnesty International has no information regarding the reason or motivations for their presence, but all parties to the conflict should have taken all feasible precautions to protect civilians and civilian objects.

“While these strikes may have targeted Hamas and Islamic Jihad commanders and fighters, once again displaced Palestinian civilians seeking shelter and safety have paid with their lives,” said Erika Guevara-Rosas, Amnesty International’s Senior Director for Research, Advocacy, Policy and Campaigns.

“The Israeli military would have been fully aware that the use of bombs that project deadly shrapnel across hundreds of metres and unguided tank shells would kill and injure a large number of civilians sheltering in overcrowded settings lacking protection. The military could and should have taken all feasible precautions to avoid, or at least minimise, harm to civilians.

“The avoidable deaths and injuries of civilians is a stark and tragic reminder that, under international humanitarian law, the presence of fighters in the targeted area does not absolve the Israeli military of its obligations to protect civilians.

“All parties to the conflict must take all feasible precautions to protect civilians. This also includes the obligation of Hamas and other armed groups to avoid, to the extent feasible, locating military objectives and fighters in or near densely populated areas.”

Amnesty International interviewed 14 survivors and witnesses, surveyed the locations of the attacks, visited a hospital in Khan Younis where the wounded were receiving treatment, photographed remnants of the munitions used in the attacks for identification, and examined satellite imagery of the locations. The organization also reviewed relevant statements by the Israeli military regarding the attacks.

On 24 June 2024, Amnesty International sent questions regarding the two incidents of attacks to the Israeli authorities. On 5 July 2024, Amnesty International also sent questions to the Chief Public Prosecutor and Ministry of Justice officials in the de facto Hamas administration, asking about the presence of commanders and fighters in these civilian areas. At the time of publication, no responses had been received.

Strikes on Kuwaiti Peace Camp

In the afternoon of Sunday 26 May, Hamas claimed responsibility for launching a series of long-range indiscriminate rockets at Tel Aviv from Rafah. The Israeli military [said the rockets were intercepted](#) by the Iron Dome air defence system, and no casualties were reported.

At approximately 8.45pm, the Israeli military dropped two bombs on the Kuwaiti Peace Camp, and [announced](#) it had “struck a Hamas compound in Rafah in which significant Hamas terrorists were operating”. The Israeli military later issued an [update](#) stating they had killed two senior Hamas military commanders, Yassin Rabie and Khaled Najjar. However, it later emerged that Khaled Najjar had been injured, but not killed. A military commander of Hamas’ Al-Qassam Brigades – Khuweiled Ramadan – was also killed, in addition to at least two other Hamas fighters whose identities Amnesty International was able to verify. The killing of Yassin Rabie and Khuweiled Ramadan were confirmed by the Ministry of Health in Gaza and in eulogies.

The Israeli [military claimed](#) the strikes were carried out with “the smallest munitions which can be launched by fighter jets”. Based on photographs of remains of the bombs taken at the site by Amnesty International’s fieldworkers, the munitions were identified as US-made GBU-39s by the organization’s weapons experts. The bombs contain an explosive charge of 17kg. However, the total weight of each bomb is 113kg, capable of throwing metal fragments hundreds of metres. The Israeli military has smaller precise missiles, carried by drones, that contain far less explosives and have a smaller area effect.

By using explosive munitions with wide area effects in an IDP camp, when smaller area effect munitions were available, the Israeli military likely failed to take all feasible precautions to avoid or minimise incidental harm to civilians and damage to civilian objects.

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Lina al-Attar, 21, was injured in the strikes. Her mother, aunt, sister-in-law, grandfather and uncle were all killed. She told Amnesty International: “We were staying in a safe place for displaced people, just metal sheds and tents, no houses around or wanted people. This was a green [safe] area on the maps thrown [dropped] by the Israeli army... After we prayed the Maghreb prayer, we were just sitting around chatting and relaxed as there was no sound of drones or shelling.

“I did not hear the sound of the missile... My brother lifted the metal which had fallen on me... He had been injured in his hand and was also injured in his shoulder by shrapnel... I managed to lift the rest of the metal and to free ourselves, and found everybody strewn on the ground, in pieces and in pools of blood.

“My mum was dead. My father was screaming for help. My brother’s wife was killed on the spot where she was sitting holding her baby in her arms. I took her baby and gave him to my father. Then I took my little girl from my husband’s lap as he was injured. We managed to save ourselves, but there were so many people dead all around us.”

The strikes were followed by a fire which caused further death and injury. Amnesty International's weapons experts analysed footage filmed at the scene and

posted online by residents immediately after the strikes, and concluded that the size and intensity of the fire were likely caused by cooking fuel stored at the location struck by the Israeli bombs.

One resident, displaced from northern Gaza since November 2023, told Amnesty International: "I was about 30-40 metres from the bombing... I heard the sound of two huge strikes in succession, and then a massive fire started.

"I heard people shouting, and I lay down on the ground. I still tremble when I recall the scene. I saw people burning. We have lived through bombardment, but I'd never seen anything like that... We were looking for safety, we just want to live, and now we are lost again."

'They were killed in cold blood': al-Mawasi strike

On Tuesday 28 May, at approximately 2.45pm, the Israeli military launched at least three tank shells at a location in the al-Mawasi area of Rafah – designated for months by the Israeli military as Gaza's "humanitarian zone" – which killed 23 people and injured many more.

Amnesty International's research found that two fighters – one from Hamas and one from Palestinian Islamic Jihad – had been staying in tents close to displaced civilians near the site of the strikes. These fighters may have been the intended target of the strikes. Another source told Amnesty International there were fighters in a jeep moving through the area at the time, which the strikes narrowly missed. Amnesty International was not able to determine if the fighters in the jeep were the same fighters staying in the tents.

Amnesty International's weapons experts analysed photos of fragments of the weapon used, and identified the ordnance as 120mm tank rounds. Satellite imagery indicates there were Israeli military positions within 120mm cannon range on the morning of the attack.

Two of the shells hit the outer wall and patio of the al-Hams family home, killing Beesan al-Hams, aged seven, and her brother, Saleh al-Hams, aged five. Another civilian, Ibrahim al-Ghaffari, 63, was also killed.

Mohammad Salah al-Hams, the children's uncle, told Amnesty International: "Saleh and Beesan were visiting their maternal grandfather. After lunch they went out of the family compound to throw away the rubbish. They were outside for something like 40 to 90 seconds, when the shells hit, only seconds apart. I was nearby and rushed to the house. Their

father came out of the house and ran to where Saleh was lying dead. He had been hit in the head... Beesan had been thrown to a nearby tent by the force of the explosion. She was badly injured and was rushed to the hospital but died."

Minutes later, another tank shell hit a camp nearby, killing 20 displaced civilians, including 10 children, seven women and three men.

Isra Ali, a 33-year-old displaced woman from Shuja'iyah in Gaza city, lost her husband, Ashraf Mohammed Ali, a 42-year-old taxi driver, and her son Amir, 11.

She told Amnesty International: "I was preparing a simple lunch for the family when I heard distant sounds, back-to-back. I didn't pay much heed because we're used to shelling and strikes, but then minutes later... I heard a deafening sound. The first thing I saw after that was shreds, bodies of people turned into shreds. The tents were not damaged, but children, including my son Amir, were torn to shreds. We don't know why this place was hit.

"Now my husband is gone, my little boy is gone. Where do I go with my children? How can we survive? My family has been torn apart; my husband, the family's sole breadwinner, is killed. I don't feel safe here, but I don't know how to manage or what to do."

The Israeli military did not offer any explanation for the attack, but later [stated that](#) "contrary to the reports from the last few hours, the IDF (Israel Defence Forces) did not strike in the Humanitarian Area in Al-Mawasi".

After the strikes, some residents confronted the two fighters and asked them to leave the area, reflecting growing anger in Gaza over armed groups' conduct endangering civilians. However, the presence of fighters continued, resulting in the entire population of the area – those displaced, as well as residents – leaving a few days later.

The obligations of Israel, Hamas and other armed groups under international humanitarian law

The concentration of civilians in small areas of Gaza has been exacerbated by the successive waves of mass displacement, coupled with Israel's ongoing illegal blockade that restricts the movement of people seeking safety outside Gaza. These conditions make it all the more important that the parties to the conflict strictly adhere to the rules of international humanitarian law which aim to protect civilians from the effects of military operations.

The presence of military objectives does not absolve Israeli forces of their obligations under international humanitarian law, including their duty to respect the principles of distinction and proportionality, as well as their obligation to take all feasible precautions to spare civilians.

The principle of distinction, a fundamental principle of international humanitarian law, requires parties to distinguish at all times between military objectives and civilians or civilian objects, and to direct their attacks only at military objectives.

In addition to prohibiting attacks directed at civilians, international humanitarian law prohibits indiscriminate attacks, meaning those that are of a nature to strike military objectives and civilians or civilian objects without distinction. The principle of precaution further requires parties to a conflict to take constant care to spare civilians and civilian objects, including by taking all feasible precautions to avoid, and in any event minimize, incidental harm to civilians and damage to civilian objects.

International humanitarian law also prohibits disproportionate attacks, which are those which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

Parties must also take all feasible precautions to protect civilians and civilian objects under their control against the effects of attacks.

For Hamas and other Palestinian armed groups fighting in Gaza, this includes avoiding, to the extent feasible, locating military objectives and fighters within or near densely populated areas, including IDP shelters.

Precautions for an attacking party include verifying that targets are military objectives; choosing appropriate weapons and tactics to avoid or minimise incidental harm to civilians and damage to civilian objects present in the vicinity of targeted military objectives; assessing whether the attack may be expected to be disproportionate, and in such cases to cancel or suspend it; and giving effective advance warning to civilians, unless circumstance do not permit.

Intentionally utilizing the presence of civilians or other protected persons to render certain areas immune from military attack is prohibited under international law. Amnesty International was not able to establish whether or not the fighters' presence in the camps was intended to shield themselves from military attacks. However, under international humanitarian law, even if one party uses "human shields", or is otherwise unlawfully endangering civilians, this does not absolve the opposing party from complying with its obligations to distinguish between military objectives and civilians or civilian objects, to refrain from carrying out

indiscriminate or disproportionate attacks, and to take all feasible precautions to spare civilians and civilian objects.

Background

Before the beginning of the ground incursion on 7 May 2024, Rafah had been hosting more than 1.2 million people from areas further north who were forcibly displaced since 13 October 2023, when the Israeli military issued the [first mass “evacuation” order](#) to the population of north Gaza. Some 85% of Gaza’s population has been displaced at least once, and many have now been forced to move several times. It is now estimated that [more than one million Palestinians](#) have been displaced from Rafah following Israel’s expansion of [military operations](#) in the area.

Since October 2023, Amnesty International has conducted in-depth investigations into 16 Israeli air strikes that killed a total of 370 civilians, including 159 children, and left hundreds more wounded. Amnesty International has found evidence of [war crimes by Israeli forces](#), including [direct attacks on civilians and civilian object or indiscriminate attacks](#), as well as other unlawful attacks and collective punishment of the civilian population. The organization has called on the Prosecutor of the International Criminal Court to expedite its investigation into the situation in Palestine, and it is campaigning for an immediate ceasefire.

On 7 October 2023, Hamas and other Palestinian armed groups launched indiscriminate rockets against, and sent fighters into, southern Israel, committing war crimes such as the deliberate mass killings of civilians and hostage-taking. According to Israeli authorities, around 1,200 people were killed. Amnesty International [has called for Hamas and other armed groups to be held accountable](#) for the deliberate killings, abductions and indiscriminate attacks. Amnesty International is calling for the immediate release of all civilian hostages held in Gaza. Hostage-taking is a serious violation of international humanitarian law and constitutes a war crime.

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Associated documents

Document ID 2114131 Translation / language version

27 August 2024 | [Amnesty International](#) (Author)

State of Palestine

Gaza Strip: Article on the attacks by Israeli armed forces on the Rafah IDP camp on 26 and 28 May 2024, during

which 59 people were killed

Israelische Angriffe in Rafah müssen als Kriegsverbrechen
untersucht werden (Appeal or News Release, German)

de

ID 2114545

ecoi.net description:

Gaza Strip: Article on the attacks by Israeli armed forces on the Rafah IDP camp on 26 and 28 May 2024, during which 59 people were killed

Country:

State of Palestine

Source:

[Amnesty International](#) (Author)

Published:

27 August 2024

Original link:

<https://www.amnesty.org/en/latest/news/2024/08/israel-opt-israeli-attacks-targeting-hamas-and-other-armed-group-fighters-that-killed-scores-of-displaced-civilians-in-rafah-should-be-investigated-as-war-crimes/>

Document type:

Appeal or News Release

Language:

English

Available on ecoi.net since:

28 August 2024

Document ID:

2114131

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Country of Origin and
Asylum Research and
Documentation
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