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Israeli forces in the southern Gaza town of Khuza'a fired on and killed civilians in apparent violation of the laws of war in several incidents between July 23 and 25, 2014. Deliberate attacks on civilians who are not participating in the fighting are war crimes.

Seven Palestinians who had fled Khuza'a described to Human Rights Watch the grave dangers that civilians have faced in trying to flee the town, near the Israeli border, to seek safety in Khan Younis. These included repeated shelling that struck apparent civilian structures, lack of access to necessary medical care, and the threat of attack from Israeli forces as they tried to leave the area.

"When will there be justice for the civilians in Khuza'a, who suffered shelling for days, then faced deadly attacks by Israeli soldiers after being ordered to leave the town?" asked Sarah Leah Whitson, Middle East and North Africa director.

Khuza'a, which has a population of about 10,000, was the scene of fighting between Israeli forces and Palestinian armed groups during an Israeli ground offensive in the area on July 23, Israeli news media reported. Israeli forces provided general warnings to Khuza'a residents to leave the area prior to July 21. While the laws of war encourage "advance, effective warnings" of attacks, the failure of civilians to abide by warnings does not make them lawful targets of attack - for obvious reasons, since many people do not flee because of infirmity, fear, lack of a place to go, or any number of other reasons. The remaining presence of such civilians despite a warning to flee cannot be ignored when attacks are carried out, as Israeli forces have done previously.

"Warning families to flee fighting doesn't make them fair targets just because they're unable to do so, and deliberately attacking them is a war crime," Whitson said.

Human Rights Watch investigated several incidents between July 23 and 25 when, local residents said, Israeli forces opened fire on civilians trying to flee Khuza'a, but no Palestinian fighters were present at the time and no firefights were taking place.

On the morning of July 23, Israeli forces ordered a group of about 100 Palestinians in Khuza'a to leave a home in which they had gathered to take shelter, family members said. The first member to leave the house, Shahid al-Najjar, had his hands up but an Israeli soldier shot him in the jaw, seriously injuring him.

Israeli soldiers detained the men and boys over age 15 in an area close to the Gaza perimeter fence. Based on statements from witnesses and news reports, some were taken to Israel for questioning. Israeli forces released others that day, in small separate groups. As one group walked unarmed to Khan Younis, Israeli soldiers fired on them, killing one and wounding two others.

Two older men whom Israeli forces briefly detained near the perimeter fence had been seriously wounded in earlier Israeli bombardments and died soon after being released, two witnesses said. The laws of war provide that wounded civilians and combatants should be given necessary medical care to the fullest extent practicable and with the least possible delay.

In another incident on July 23, Israeli soldiers fired on a group of civilians who had been told to leave their home in Khuza'a, killing Mohammed al-Najjar, a witness said.

One case illustrates the dangers facing civilians both who remain in place and who heed Israeli orders to leave. On July 25, an Israeli strike killed three civilians - Motassem al-Najjar, 5; Kamel al-Najjar, 62; and Salim Qdeih, around 70 - who were among 120 people sheltering in the basement of a home, witnesses said. Another 15 people were wounded. The local Red Cross had difficulty reaching people wounded by shellings in the town. The International Committee of the Red Cross (ICRC) reported that on July 25, a Red Crescent volunteer was mortally wounded in an Israeli attack in Khuza'a, and other volunteers who tried to rescue him were fired on. Under the laws of war, medical workers are civilians who may not be targeted for attack.

Those who had survived the attack on the basement fled after the strike and walked to Khan Younis, carrying white flags and raising their hands when they came across Israeli soldiers. An Israeli missile strike hit one group of them, killing a man and wounding his cousin, the cousin told Human Rights Watch.

Human Rights Watch interviewed displaced residents from Khuza'a in Khan Younis. They said they believed that several hundred people were trapped and unable to leave Khuza'a, and expressed concern that many bodies were left in the rubble after intensive Israeli shelling.

Human Rights Watch was unable to conduct research in Khuza'a itself. All four roads leading to the town were impassable due to large bomb craters, and it was not clear whether Israeli forces would permit entrance.

Previous fighting in Gaza between Israeli and Hamas forces and other Palestinian armed groups has resulted in near-total impunity for serious violations of international humanitarian law. Palestinian President Mahmoud Abbas should urgently seek International Criminal Court (ICC) jurisdiction over crimes committed on and from Palestinian territory, as a step toward reducing the accountability gap for grave abuses and deterring crimes in violation of international law, Human Rights Watch said.

"The horrors of war are bad enough for civilians even when all sides abide by the law," Whitson said. "But it's abhorrent that Israeli forces are making matters even worse by so blatantly violating the laws of war designed to spare civilians."

Unlawful Attacks and the Plight of Civilians in Khuza'a

Incident 1, Khuza'a, July 23

Akram al-Najjar, 15, said that after Israeli forces began shelling Khuza'a on July 18, his family had "run from house to house seeking shelter." On the night of July 22, "more than a hundred people had gathered in one house." At 6 a.m. on July 23, he said, Israeli forces "caught us in the house and told us to come out." He told Human Rights Watch:

The first one to walk out of the house was Shahid al-Najjar. He had his hands up, but the soldiers shot him. He was shot in the jaw and badly injured, but he survived. Two of the people in the house spoke Hebrew and asked the soldiers why they shot him, and the soldiers said that the rest of the men had to take our clothes off before we walked out. The rest of us came out.

Akram al-Najjar and his grandfather, Mohammed al-Najjar, 75, interviewed separately, said that Israeli soldiers separated the women and men in the group, told the women to leave the area on foot, and allowed boys under age 14 to go with them. The Israeli forces then took the men and older boys to a nearby home, where they put about 50 of them in a room and allowed them to put their clothes back on. Next, the soldiers escorted the group to an alleyway, handcuffed them, and put them in a single-file line, where they waited for several minutes. The soldiers then ordered the group to walk east for about 10 minutes, until they reached another house. Mohammed al-Najjar said:

They put us in a corner. There were a lot of soldiers around, and their weapons. For half an hour, we were standing in the corner, not allowed to speak. Behind the house, there are sand dunes leading to the border [with Israel]. They took us to the sand dunes. They gave the older people water and treated the wounds of the injured. They separated us again, and let the old men and the younger boys go.

He said soldiers had also taken him to the sand dunes where soldiers treated a head wound from a few days earlier when a shell exploded near where he was taking shelter. At around 11 a.m., soldiers again separated the group, according to age, he said. "The men aged 16 to 50 they kept with them, and let the rest of us go," Mohammed al-Najjar said.

Mohammed and Akram al-Najjar, who left Khuza'a in different groups, said that two elderly men died while trying to leave the area on foot. Mohammed al-Najjar said that one of the men in his group, Abu Wa'el Sanfoura, in his late 60s, "had been burned on the face in the bombardment, and he died from his injuries after we had been released by the Israelis, while we were on the road." Akram al-Najjar said that his group "had been carrying Suleiman al-Najjar with us, who had been wounded before, during the shelling. He was 70. He died and we left his body behind."

Akram al-Najjar said that soldiers allowed him to leave the area on the afternoon of July 23, in a separate group of 16 boys and young men, and that the group came under fire after they had reached the Tawhid mosque, in the northwestern part of Khuza'a:

The youngest boy in my group was 14 and the oldest one was 19 years old. We had walked from the dunes and had reached the mosque. We got 50 meters past it, and soldiers started shooting at us. The shooting injured three of us. One of them died. He was shot in the stomach.

He said he did not know the name of the young man who had been killed, but that no one in the group was carrying a weapon. He said there were no Palestinian fighters near his group, and that he did not see or hear any exchanges of fire between Israeli ground forces and Palestinian fighters. After the shooting at the Tawhid mosque, the group ran toward a gas station that "had already been bombed":

It had two rooms that we took cover in. There were six of us in one room, six in the other, and others were hiding across the street. We were trapped there for three days without food or water, there was shelling all around us. A neighboring house was hit, but there was nothing we could do. We used Suleiman's phone to call our relatives who had made it out already, and they called the Red Cross, but they couldn't get coordination [Israeli military permission for safe passage]. Then

at 8 a.m. [on July 26] we were told there was a ceasefire, so we started walking, and then we met a family. While we were walking we heard soldiers on a megaphone telling us to go to the school in Abasan. After walking a few kilometers we met up with ambulances there.

Mohammed al-Najjar said he believed that his sons Imad, 42 - Akram's father - Adnan, 40, and Iyad, 30, were still in Israeli custody. Akram said that he last saw his brother Mohammed, 17, in Israeli custody. An Israeli news website, Walla, and the daily Haaretz, both reported that Israeli forces detained hundreds of Palestinians during military operations in Gaza as of July 24, including 150 on July 23. An unknown number of detainees have been released, according to media reports.

Incident 2, Khuza'a, July 23

In a separate incident on July 23, Hossein al-Najjar, 58, said that he and 50 members of his extended family and neighbors had been trapped in Khuza'a by shelling from July 18 to July 22. He said that Israeli forces shot and killed his cousin, Mohammed al-Najjar, when a group of civilians tried to leave the area on July 23. At dawn on July 23, Israeli forces called his home, and "said we had to get out immediately." Israeli forces attacked the house soon afterward. "We had only seconds to get out, we weren't able to carry anything out with us," al-Najjar said. "Why did they attack us? We had no weapons in the house. We were not fighting them."

The group was walking northeast, in the direction of Abasan, a town between Khuza'a and Khan Yunis, when they came under small-arms fire, al-Najjar said. "While we were walking out, my cousin Mohammad was shot," he said. "He was shot with a bullet, not hit by shrapnel. We carried him with us all the way to Abasan." Al-Najjar did not see where the shot was fired from, but said he saw only Israeli ground forces in the area, not Palestinian fighters. Al-Najjar's cousin died soon after.

Incident 3, Khuza'a, July 23-25

Kamel Ibrahim al-Najjar, 59, and his daughter-in-law Hakima Abu Reida, 28, interviewed separately, said that Israeli shelling had trapped them in Khuza'a from July 23 until the early morning of July 26. They had called the Red Cross repeatedly to request evacuation, but said they were told that the Israeli military would not agree to coordinate it.

The family had gathered for shelter with about 30 other people when Israeli forces began shelling the area on the night of July 22. Attacks nearby blew out the windows and damaged the building, and the next day, the group moved to a neighbor's house, where there were already 80 people in the basement. "By that point we were 120 people, 10 men and the rest women and children," Kamel al-Najjar said.

Abu Reida, who is eight months' pregnant, told Human Rights Watch:

At 6 or 7 a.m. on [July 24] we heard there was a ceasefire. Our house is in the middle of Khuza'a, and we walked and walked to get to the western end of town, counting on an ambulance to be there. We were getting close but then we saw another group of people up ahead, coming under attack. I don't know where the shelling came from, but people were saying, "There's no ceasefire, it's a trap." So we turned back. We went to a neighbor's basement.

Following a night of heavy shelling, after dawn on July 25 an Israeli munition hit the house where the group was taking refuge, without warning. The strike killed Motassem al-Najjar, 5, Kamel al-Najjar, 62, and Salim Qdeih, aged about 70, Abu Reida and al-Najjar said. Abu Reida said:

It was a shock, the blast, it knocked the breath out of me. I had no time to say the [prayer for the dying]. I don't know why they hit the house, it was random. There was no resistance there, just us. We realized people had been killed, and everyone focused on getting out of the building: grab

your children and run before the roof caves in. A nearby house was not as badly damaged, so we went there. I work as a nurse so I started giving first aid.

The attack wounded about 15 people, said Kamel al-Najjar, who was wounded in the eye and head. Abu Reida said she performed first aid on Rawan Ali al-Najjar, 7, who had a deep cut on her head, and Rana Kamel al-Najjar, 23, who was injured in her left leg, and Mohammed Qdeih, 6.

The Israeli military permitted two Palestinian ambulances to enter part of Khuza'a for one hour on July 24 to collect the wounded and recover bodies, according to news reports. On July 25, Israeli forces granted a request by the International Committee of the Red Cross for "coordination" or permission to access Khuza'a for the Palestinian Red Crescent Society (PRCS), so that workers could retrieve the bodies of "a number of people killed during the bombardment in Khuza'a on 23 July," the UN reported.

However, members of the al-Najjar family said that the Palestinian Red Crescent had not been able to reach them. "We kept calling the Red Cross but they could not get coordination from the army for us to leave, so the women went and made a white flag," Kamel al-Najjar said.

The ICRC reported that also on July 25, an Israeli attack killed "a Palestinian Red Crescent [Society] volunteer [...] as he attempted to treat wounded people in Khuza'a." The ICRC said, "Other paramedic volunteers who tried to rescue him were also targeted, making it impossible to bring him to hospital in time."

Kamel al-Najjar and Abu Reida said that their group left at 6 a.m. on July 26 because of the deteriorating condition of the wounded and fears that the house where they were taking refuge would collapse. Abu Reida said:

The only men with us were our husbands and children. We thought we saw resistance next to the house, and we shouted at them to stop fighting and move away, but then we saw that they were Israeli special forces! So we made white flags and started walking, we took random back roads and alleys to avoid soldiers and tanks, but they were everywhere.

They joined another group of people trying to get to safety, 150 people in all. They carried the wounded and a woman with a physical disability for almost a kilometer until they found an abandoned cart, which they then pushed over sandy ground for another kilometer.

Kamel al-Najjar said that the group passed by Israeli military bulldozers and tanks on the outskirts of Abasan al-Kabira: "We were about 50 meters from them, we raised our white flag and continued walking. Everyone was holding their hands up in the air except those carrying the wounded." The group eventually reached several Red Crescent ambulances. "We gave them the wounded and the weak, because we had gone without food or water for three days," al-Najjar said. "And we continued walking, to an area that is supposed to be the safe zone. We saw cars and gave them some more of our wounded."

At that point, he said, an apparent missile strike wounded him and killed his cousin, Shadi Yousef al-Najjar, 22, who was part of the group that had walked from Khuza'a. He was not carrying a weapon, was not a member of an armed group, and there was no fighting in the area at the time, al-Najjar said:

Suddenly I found myself on the ground. Shadi was killed. I put my hand to my side, and started running, calling for an ambulance. I saw cars ahead of me and they took me in, my left leg was broken and shrapnel in my right, but I didn't even know it, I was running due to adrenaline. They put Shadi in the car too. I was riding with the dead.

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