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## **ADDAMEER PUBLIC STATEMENT ON DETAINEES ARRESTED FROM GAZA**

12 January 2009

### ***Press Release - January 12, 2009***

In light of the persistent aggression, humanitarian crisis, arbitrary killing and continued systematic devastation of all Palestinian institutions and civilian facilities in the Gaza Strip, Addameer Prisoners' Support and Human Rights Organization strongly condemns the IOF's acceleration of its use of disproportionate force, which the IOF has been allowed to utilize against the Gaza Strip since the 27th of December 2008.

Israel's assumption that anything is a justifiable military target has had overwhelming consequences on the ground. In addition to the IOF's acceleration, its devastation of schools, mosques and other premises with civilian character, Israel's air strikes and ground incursions have to date resulted in the total destruction of at least 300 houses and damage to 3,800.

Addameer considers the total military actions that the IOF are executing in the Gaza Strip as constituting a form of genocide against the Gaza population. We stress that collective punishment is a violation of international humanitarian law. Thus, Addameer is particularly outraged by the failure of the UN Security Council to take efficient action to stop the killing of hundreds of civilians and for a severe humanitarian crisis in disrespect of the rules of international law and the UN Charter.

In addition to the war crimes mentioned above, Addameer is increasingly alarmed at reports that hundreds of Palestinians from the Gaza Strip have been detained by Israeli forces during its current attacks on Gaza, that some of them have been transferred to Israel for interrogation, and that Israel has committed a number of detention cells in Ketziot Prison designated as a place of detention for "unlawful combatants" from Gaza. Reports from local partners in Gaza maintain that Israeli soldiers have entered and taken up positions in a number of Palestinian homes, forcing families to stay in a ground floor room while they use the rest of their house as a military base and sniper position. This clearly increases the risk to the Palestinian families concerned and means they are effectively being used as human shields. One eyewitness account from a family member trapped by the IOF for six days in one room of their home in the Al-Mughrqa area, south of Gaza City states:

"33 members of the family have been trapped in the house without food or drink since Sunday, when Israeli tanks moved into the area. Al-Wahidi said Israeli soldiers forced them into one room. The soldiers are occupying the roof of the building and the surrounding area. The army has refused to allow food, including milk for the small children among them"(1)

In another incident Addameer has heard an account from one civilian who was arrested when IOF soldiers invaded his village and arrested all of his male cousins, friends and neighbors. This man was blindfolded and pushed down the staircase of his home resulting in several broken ribs. He maintains that he and the other men were forced to walk approximately two kilometers to a location near the Gaza-Israel border where the Israeli military tanks are currently stationed. None of the men were informed of their exact location. After two days this man was released and dropped off in an area where military operations are being presently conducted. He states in addition to being exposed to military fire, no military personnel were informed of his release so he was lucky not to have been killed on his walk back home. He maintains that he does not know what happened to any of the other men that were arrested along with him.

On the 8th of January 2009, Addameer sent a letter to the International Committee of the Red Cross (ICRC), in which we outlined our concerns that those detained may be at serious risk of torture. We accordingly requested that the ICRC provide us with information concerning what attempts have been made to ascertain the location of those detained, had relatives of the detained been informed and what mechanisms have been put in place to assure that those detained are not subjected to torture. Until now, the response we received from the ICRC is that they have 'no information they could communicate at this time.' As an organization that advocates for the human rights of prisoners, we are thus appalled that the IOF have prevented members of the ICRC, other international and UN bodies and Palestinian human rights organizations from getting access to the people in its custody.

In another alarming development, more evidence is emerging of the barbaric way the Israeli Government and the IOF are executing their war against the people of Gaza. Two incidents clearly show that Israel is committing some of the worst war crimes ever to be imposed on a national population.

An incident covered by the ICRC in the town of Zeitoun in the east of Gaza shows the decadence of the IOF in their treatment of women, children and the injured. (2)

In a statement issued by the ICRC, it is stated that: Four small starving children too weak to stand were found next to the bodies of their dead mothers by ambulance men who had been trying to reach their Gaza neighborhood for four days after it came under Israeli attack. So weak were the survivors after four days without food and water that when the Red Cross finally gained access to them they all had to be carried out. The ICRC had requested safe passage for ambulances to access this neighborhood since 3 January but it only received permission to do so from the Israel Defense Forces during the afternoon of 7 January. This is a shocking incident," said Pierre Wettach, the ICRC's head of delegation for Israel and the Occupied Palestinian Territories. "The Israeli military must have been aware of the situation but did not assist the wounded. Neither did they make it possible for us or the Palestine Red Crescent to assist the wounded."

For days the IOF refused to allow the Red Cross access - for days the IOF were aware of the plight of the women and children inside the building and for days they did nothing. By any standard, moral or legal, the actions of the IDF in Zeitoun are an outrage to humanity. Even with fighting continuing, Israel has clear obligations under international humanitarian law to provide and facilitate humanitarian assistance to civilians and must fulfill these immediately. Instead, Israel has been actively blocking essential medicine, food, fuel, and electricity in violation of its duties as an Occupying Power. According to the ICRC, Israel has failed to undertake its obligation to assist injured amidst conflict, leaving civilians to bleed to death, and children on the verge of starvation next to their dead mothers and other relatives for days. Israel has not even allowed for independent humanitarian agencies to aid these civilians. (3)

In another alarming development, Addameer is appalled to learn of unconfirmed reports that extra-judicial executions are being carried out by the IOF against some of those civilians that are in its

captivity. Information is emerging that some detained civilians are being taken from their houses into the street and executed. Other accounts indicate that the IOF is deliberately shelling houses where civilians are still being detained. One such incident is the incident at the Salmuni household in which over 30 people are reported to have died.

With foreign journalists and local and international lawyers barred by Israel from entering Gaza, it is not easy to reconstruct every detail of what happened with any certainty. As noted in the New York Times, Israel denies media representatives access to the humanitarian impacts of its military operations in

Gaza while encouraging journalists to view any harmful effects of the rocket attacks on civilians in Israel. (4) At present it is extremely difficult for local human rights fieldworkers to leave their houses. Fieldworkers have said that if they attempt to leave their house they are immediately exposed to shooting by IOF soldiers. As a result it is almost impossible to get full information on the current situation regarding how many civilians have been detained and how many bodies currently lie beneath shelled houses. In light of this, Addameer demands that the IOF immediately permit access to Palestinian and international human rights monitors so that they may be able to verify such accounts immediately.

As of the 12th January 2009, media and NGO reports indicate that around 900 Palestinians may have been killed, and more than 4,100 injured since the beginning of the Israeli military offensive "Cast Lead" 14 days ago. The Israeli military attacks on the Gaza Strip represent war crimes and crimes against humanity, both in regard to the obligations of an Occupying Power and in the requirements of the laws of war. The Israeli attacks continue to reveal a disproportionate use of military force, and by aiming its attacks at civilian areas in one of the most crowded areas of land in the world, Israel directly targets civilians in violation of the fundamental international humanitarian law principles of distinction, proportionality, military necessity and precautions in attacks.

In light of the war crimes committed by IOF against the Palestinian civilian population and civilian objects in Gaza. Addameer:

- Strongly condemns the actions of the IOF in Gaza, many of which represent war crimes and crimes against humanity by intentionally targeting civilians by killing and starvation.
- Warns that the international community has so far been unwilling to bring the Israeli serious breaches of international law to an end. We thus call upon the international community, particularly the High Contracting Parties to the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Times of War of 1949, to live up to their legal and moral responsibilities by investigating and bringing to an end Israel's grave breaches of international humanitarian law. States Parties to the Convention are called on to urgently convene their conference, and to uphold their obligations under an obligation, under Common Article 1, by ensuring respect of the Convention.
- Reiterates its call upon the High Contracting Parties to the Fourth Geneva Convention to uphold their obligations under article 1 of the Convention and ensure respect of its provisions. Civilians must be protected and those who deliberately target them must be held accountable in accord with international law.
- Finally Addameer repeats our concern for the fundamental human rights of those detainees presently in IOF custody. Addameer's position on these prisoners is that they should be considered as prisoners of war and should be treated according to the Third Geneva Conventions relative to the Treatment of Prisoners of War 1949 (5) .

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1. 'Trapped by Israeli troops for six days in one room, 33 Gazans seek Red Cross intervention'. Available online at: <http://www.maannews.net/en/index.php?opr=ShowDetails&ID=34814>. Accessed

on 9/01/09.

2. *International Committee of the Red Cross Press Release. 8/01/2009. Available online at: <http://www.icrc.org/web/eng/siteeng0.nsf/html/palestine-news-080109?opendocument>*

3. *Ibid 1.*

4. *United Nations High Commissioner for Human Rights, 'Statement of Special Rapporteur for the Palestinian Territories Occupied Since 1967 for Presentation to the Special Session of the Human Rights Council on the Situation in the Gaza Strip, 9 January 2009. Available online at: <http://domino.un.org/unispal.nsf/47d4e277b48d9d3685256ddc00612265>*

5. *Third Geneva Conventions relative to the Treatment of Prisoners of War 1949. Available online at: <http://www.unhcr.ch/html/menu3/b/91.htm>*

*This entry was posted on Wednesday, February 11th, 2009 at 12:53 pm and is filed under Addameer Press Releases 2009. You can follow any responses to this entry through the RSS 2.0 feed. Both comments and pings are currently closed.*

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