

**Targeting Homes, Shelters and Shelter Seekers
during Operation Cast Lead
in the Context of Israeli Military Practice**

*Submission of the
Housing and Land Rights Network – Habitat International Coalition
to the UN Fact-finding Mission on the Gaza Conflict*

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Operation Cast Lead

From the outset of Operation Cast Lead, Israeli airstrikes attacked private homes and many civilian public and private structures as a matter of course. All are prohibited targets under the laws of war, unless absolutely necessary for military purposes and/or are themselves sources of the adversary's military activity. This report addresses only those most-clearly prohibited objects classified as civilian residences and places of refuge for the civilian population trapped in the Gaza Strip under bombardment. Some of those refuges were UN facilities well known and monitored in cooperation between UN and Israeli officials through their "joint coordination map."

Much of the destruction was wanton and resulted from direct attacks on civilian objects as well as indiscriminate attacks that failed to distinguish between legitimate military targets and civilian objects. Such attacks violated fundamental norms of international humanitarian law, notably the prohibition on direct attacks on civilians and civilian objects (the principle of distinction) and the prohibition against the disproportionate use of force, as well as the ban on collective punishment.

Hundreds of civilians were killed in attacks carried out using high-precision weapons, including bombs and missiles launched from Israeli F-16s, and tank shells, as well as weapons whose use is prohibited in residential, urban and civilian-inhabited areas. The Israeli army also shot civilians, including women and children, at close range when those persons posed no threat to the lives of the Israeli soldiers. Aerial bombardments targeted and destroyed civilian homes without warning, killing and wounding scores of their inhabitants, often while they slept. Other attacks injured and killed civilians in and around their home in broad daylight by precision *Hellfire* missiles launched from helicopters and unmanned aerial vehicles (UAVs).

Israeli aircraft repeatedly and indiscriminately fired white phosphorus, a highly incendiary and restricted substance, over densely populated residential areas, killing and wounding civilians and destroying civilian property. Often the Israeli army launched white phosphorus from artillery shells in airburst mode, which widely spread the devastating consequences of the incendiary chemical weapon. Each shell spewed over a hundred felt wedges impregnated with a highly incendiary substance, which rained down over houses and streets, igniting on exposure to oxygen and setting fire to people, homes and other buildings and properties.

UN Shelters

Early in the war, on 29 December 2008, Israeli military authorities targeted an area of Khan Yūnis that housed an UNRWA civil defense centre, as confirmed through Israeli telephone warnings to the local fire brigade. Although such UNRWA facilities normally would host sheltering displaced persons, the UNRWA Preparatory “A” Girls School across the street, closed for the Islamic New Year holiday, was not inhabited on that date. At about 15:30 on 29 December, an Israeli missile attack damaged the school and killed an UNRWA guard.¹

On 5 January 2009, the UNRWA Asma’ Coeducational Elementary School in Gaza City was officially opened as a shelter and apparently was under close Israeli surveillance from the air. Like all UN facilities used as shelters, UN personnel registered and searched shelter seekers for any weapons upon their entry, ensuring that such facilities remain neutral and devoid of military use or involvement. Earlier that day, Israeli planes dropped 300,000 leaflets and deployed other means to advise residents to take shelter in the city centres. In what the UN Headquarters Board of Inquiry determined as an “egregious breach of the inviolability of United Nations premises,” Israeli warplanes then struck the toilet bloc of the shelter, killing three male shelter seekers.²

Most infamous of these attacks, due to widespread media coverage and international outcry, was the attack the following day (6 January) in which Israeli forces fired 120 mm mortar rounds at the UNRWA Jabāliya Preparatory Boys “C” School (a.k.a. al-Fakhūra School). UNRWA officials communicated the school’s GPS coordinates to the Israeli military and informed that, as of 5 January 2009, the school was functioning as a shelter for displaced persons. Israeli forces struck the building in the afternoon of 6 January, killing between 30 and 40 persons, including a 14-year-old boy outside the school compound, and injured about 50 others.³

Also on that day (6 January), without warning to UNRWA’s al-Burajj Health Centre, Israeli aircraft struck the urban area in which the Centre is located. When heavy aerial bombardment destroyed a vacated four-storey apartment building near the UNRWA Health Centre’s entrance, the debris and shrapnel from the explosion injured nine UNRWA Health Centre staff, caused severe injuries to three patients, one of whom consequently died, and caused damage to the building and an UNRWA vehicle.⁴

On 15 January, Israel’s air and ground forces were attacking Gaza City in the vicinity of UNRWA Headquarters, where displaced persons had sought shelter. Shrapnel from a high explosive shell fired into the compound injured one UNRWA employee and two shelter seekers. However, that attack could have resulted in far-greater loss of life and property. The UNRWA compound there contains food and fuel stores that easily could have erupted under the accompanying incendiary wedges dropped in Israel’s phosphorus bombardment of the urban area. Only quick action by UNRWA staff to extinguish the phosphorous wedges evaded further disaster. Despite subsequent Israeli claims that a Palestinian fighter had fired from the compound, the Board of Inquiry found no such evidence and determined this Israeli military behaviour to be “grossly negligent [such that] amounted to recklessness.”⁵

One of the 91 provisional UN-administered shelters reported to the Israeli military, the UNRWA Bayt Lāhia Elementary School, came under Israeli attack on 17 January 2009. The facility had been operating as a shelter for nearly two weeks by the time, when Israeli aircraft exploded two rounds of white phosphorous above the school at 06:40. Ordnance shell casing fell onto the building, crashing through the roof and killing two children, aged 5 and 7, and wounding their mother and cousin. The continuous bombardment of the school with M825A1 shells caused white phosphorous to fall on the school and on fleeing shelter seekers. In addition to the damage to the building, this attack left two dead and a total of some 13 injured.⁶

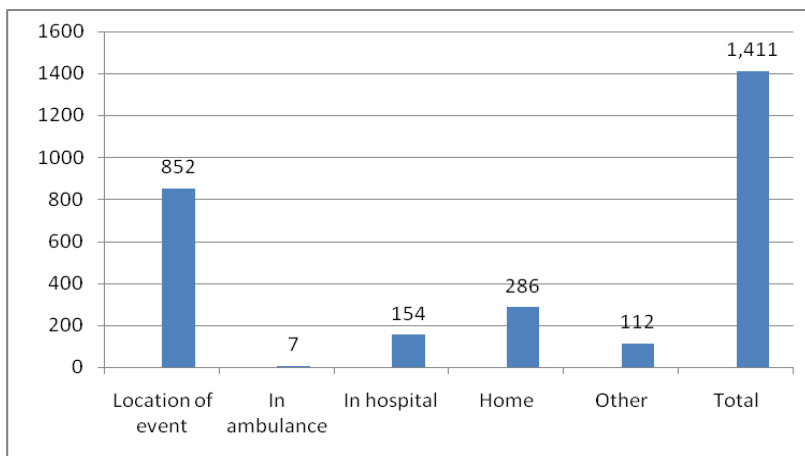
In all of these incidents, the Board of Inquiry found Israeli forces to have breached the inviolability of United Nations premises and property of the United Nations, which the military subordinated to demands of military expediency, or otherwise determined no military purpose. Therefore, the Board of Inquiry found Israel liable for damage injuries and deaths incurred.⁷

Civilian Residences and Shelters

During the military operation, Israeli forces killed or fatally wounded a total of 1,411 persons, of whom 355 were children (under the age of 18); 110 were women and 240 were resistance fighters. In the process, Israel’s air and ground actions partially or fully destroyed 11,135 homes, 209 industrial premises, 724 commercial establishments, 650 vehicles and 6,271 dunams (627.1 hectares) of agricultural land. This section conveys the best available information on the destruction of houses and other residential structures across the Gaza Strip during Operation Cast Lead.

The numbers of persons killed and extent of property destroyed by the Israeli occupation forces have been provided by the field investigations of Al Mezan Center for Human Rights, Palestinian Center for Human Rights, al-Dameer Association for Human Rights and other reliable local sources. Those sources differ to some degree in their numerical findings, but are consistent in their analysis that the majority of house demolitions

Fatalities by Location of Death	
Location of event	852
In ambulance	7
In hospital	154
At home	286
Other	112
Total	1,411



and destruction of residences were without military purpose or necessity. The present rendition of the facts relies primarily on Al Mezan’s statistics, but augments those with other sources as identified.

The high numbers of Gaza’s war victims killed in their

homes constitutes the second largest category of fatalities, after those classified succumbing at the location of other military operations. However, this does not form an exact correlation between civilians dying at home and those attacked in their homes. This classification of fatalities also does not distinguish between combatants and civilians. It could be conceivable—however, not very likely—that a combatant or civilian could be wounded elsewhere and died at home. Partially evident in the relatively low proportion of fatalities taking place in hospital, as compared with other places, is attributed to the unlikelihood that many such cases would not have the mobility to be transported to hospital under the general ban on safe movement throughout the Strip.

Affected Homes by Extent of Damage/Destruction by Governorate												
Extent	Governorate											
	North Gaza		Gaza City		Dayr al-Balah		Khan Yunis		Rafah		Totals	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Complete	888	26.852	902	15.36	175	37.63	245	50.52	417	42.25	2,627	23.62
Partial	2,419	73.148	4,976	84.65	290	162.37	240	49.48	570	57.75	8,495	76.38
Totals	3,307	100	5,878	100	465	100	485	100	987	100	11,122	100

In the various aggregations of these figures, some minor discrepancies appear. However, it is generally perceived that such variations do not significantly effect the thesis that the attacks on private homes and shelters formed a major feature of the military operation.

The consequent displacement of civilians from such attacks swelled the numbers of shelter seekers throughout the war. Those fleeing from direct attacks on their homes—apart from other well-founded fear—are enumerate in the following table.

Residents of Affected Homes by Extent of Damage/Destruction and Governorate						
Governorate	Extent of damage/destruction				Totals	
	Complete	Residents	Partial	Residents	Homes	Residents
North Gaza	888	8,023	2,419	24,286	3,307	32,309
Gaza City	902	7,810	4,980	52,583	5,882	60,393
Dayr al-Balah	175	1,280	290	2,487	465	3,767
Khan Yūnis	245	1,688	240	1,887	485	3,575
Rafah	417	3,042	570	4,155	987	7,197
Total	2,627	21,843	8,499	85,398	11,126	107,241

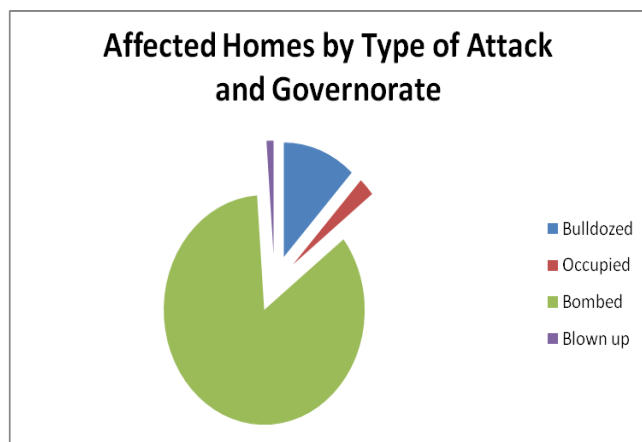
Israeli civilian and military spokespersons have repeated their intent to destroy targets not characterized as having military objectives, or the destruction of which does not meet the requirements of military necessity. " Hamas's civilian infrastructure is a very, very sensitive target. If you want to put pressure on them, this is how," said Matti Steinberg, a former adviser to Israel's domestic security.⁸

Tactical forms of house demolition

Israeli forces pursued a variety of means to destroy housing across Gaza. These included:

1. bombing by airstrikes,
2. razing with military bulldozers,
3. detonation with strategically placed explosives,
4. burning by white phosphorous-induced fires,⁹ as well as
5. damage and destruction by the vandalism of Israeli soldiers occupying confiscated homes to base military operations or surveillance.

Israel's use of the tactic of blowing up Palestinian homes with explosives suggests a high degree of confidence that soldiers were operating in a field free of armed resistance, tunnels, or other means for resistance fighters to be stationed. The army applied such a house-demolition method, including also through its "clearance" of wide areas upon leaving an installation zone that has become known as the "day after" procedure. These tactics required Israeli soldiers to leave their armored vehicles on foot and enter houses to place the explosive charges at cardinal points in the building's structure for remote detonation. It also indicates their confidence that the houses were not already booby-trapped.¹⁰ When redeploying to a new area, this practice effectively meant blowing up or bulldozing entire neighborhoods in a scorched-earth policy euphemized as "the day after" procedure.¹¹



On 4 January 2009, Israeli soldiers shot members of the Abu Halima family as they brought relatives to hospital to seek treatment for injuries incurred in a devastating white phosphorus attack on their home in the Sayafa area, in the northwest of Gaza. Matar Abu Halima, 27, and his cousin Muhammad Hikmat Abu Halima, 19, were both killed in the attack. Matar's mother, Nabīla, told Amnesty International of the struggle to bring the wounded to hospital and Israeli forces' denial of aid workers to reach the site, where their deceased relatives remained for 11 days before being removed for burial.¹²

Affected Homes by Type of Attack and Governorate												
Type of attack	Governorate										Totals	
	North Gaza		Gaza City		Dayr al-Balah		Khan Yunis		Rafah			
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Bulldozed	498	14.49	474	8.297	43	9.13	225	46.58	67	6.907	1,307	11.8
Occupied	220	6.403	68	1.19	1	0.212	1	0.207	0	0	290	2.619
Bombed	2,625	76.4	5,142	90.01	426	90.45	257	53.21	900	92.78	9,350	84.44
Blown up	93	2.707	29	0.508	1	0.2129	0	0	3	0.309	126	1.138
Totals	3,436	100	5,713	100	471	100	483	100	970	100	11,073	100

All types of housing became the target of the advancing air and ground forces. According to the monitoring of Al Mezan Center, the most commonly affected structures were ground floor (one-storey) homes, apartments and other residential buildings. Refugee shelters built by UNRWA form another category of often-affected housing, which is found in the eight refugee camps throughout the Gaza Strip and which host about 46% of the Strip's total registered refugee population.¹³

Israeli forces targeted the home of Islamic law professor and Hamas leader Sheikh Nizar Rayyān in Jabāliya, on 1 January, killing him and 15 members of his family, including 11 children. The force of the bombardment destroyed ten adjacent houses. On 11 January, Israeli forces killed four members of a single family when an Israeli tank fired a shell into their home in Gaza City.¹⁴

Affected Residences by Type of Structure

Type of structure	Number	%
Villa	176	1.59
Ground floor	2,490	22.54
Rural house	373	3.37
Penthouse	1	0.009
Residential building	4,303	38.96
UNRWA housing	779	7.05
Apartment	2,921	26.45
Totals	11,043	100

On 4 January, Israeli forces knowingly massacred some 30 Palestinians in the Zaitūn neighborhood, southeast of Gaza City, when they shelled a house where they had ordered about 110 civilians to take shelter and remain indoors. Just 24 hours after delivering their order, the Israeli army shelled the house. About half the Palestinians sheltering there were children. The Israeli army personnel then prevented medical teams from entering the area to evacuate and treat the wounded, allowing some International Committee of the Red Cross (ICRC) and the Palestinian Red Crescent Society staff eventually to approach the site on foot—without ambulances—during the three-hour lull in hostilities, three days later, to evacuate about 30 survivors, including 18 wounded.

Affected Homes by Type of Urbanization Category and Governorate

Type of urbanization	Governorate										Totals	
	North Gaza		Gaza City		Dayr al-Balah		Khan Yunis		Rafah			
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Refugee camp	251	7.58	193	3.28	299	64.3	14	2.86	42	4.25	799	7.176
Rural	1,632	49.3	724	12.3	156	33.5	79	79	280	28.3	3,179	28.55
Urban	1,427	43.1	4,965	84.4	10	2.15	89	18.2	666	67.4	7,157	64.27
Totals	3,436	100	5,882	100	465	100	483	100	970	100	11,135	100

On Friday, 9 January, Israeli aircraft attacked the house of Fayiz Salha with a heavy missile. A drone (UAV) had fired a warning missile two minutes earlier. The inhabitants did not manage to leave the house before the major bombardment; therefore, Israeli forces killed six of its residents; including four children and two women: Rula Fayiz Salha, 1; Baha' Fāyiz Salha, 4.5; Rana Fāyiz Salha, 12; Dhia' Fāyiz Salha, 14; Fatima al-Haw, 22; Randa Fāyiz Salha, 33. The attack completely destroyed the house and damaged four neighboring homes.¹⁵

On 12 January 2009, an Israeli aircraft fired a missile at Hammūda-and-Banna apartment compound, which is located in al-Zarqa' area in Jabāliya town. While the residents of the compound were trying to vacate their apartments following the first attack, the Israeli occupation forces fired several artillery shells at the compound, killing 18-year-old Ayat Kamāl al-Banna, and injuring four others, including two children. Once ambulances arrived at the scene of the attack to pick up the victims, at approximately 16:22, Israeli troops fired several shells at them, striking an ambulance and killing Dr. Issa `Abd ul-Rahīm Sālih, 28, and injuring ambulance driver Ahmad `Abd al-Bari, 25. The shelling of the same apartment compound continued, killing a 23-year-old woman, Fariāl Kamāl al-Banna, and a 20-year-old man, Mustafa al-Bāsha, and injuring another five people.¹⁶

There is no evidence that residents' affiliation to Hamas or any other organization formed any pretext for the attacks on Palestinian family homes in Gaza. In the afternoon of 8 January 2009, an Israeli shell struck the home of a well-known Fatah political leader, Dr. Jaber Abū al-Naja', on the seventh floor of the Doctors' Tower (*Burj al-Attibba'*) in Gaza's Tal al-Hawa neighbourhood. The strike killed his wife, Ruqaya, and his son-in-law, journalist Ihāb al-Wahīdi. The attack also seriously injured his daughter, Ihsan. Dr. Abū al-Naja has testified how he was at home with his family listening to the news when the attack devastated his family.¹⁷

In the afternoon of 16 January 2009, two 120 mm Israeli tank shells struck a room in the fourth floor apartment of Dr. `Izz al-Dīn Abū al-'Aish, a well-known friend of Israel, killing three of his daughters, and seriously injuring another daughter, a niece and his brother. Two successive salvos struck the girls' room, where the five teenagers were studying. In this now-infamous case, on 4 February, the Israeli army finally admitted that the strike had been from an Israeli tank.¹⁸ Later, in a BBC interview, Israel's then Interior Minister, Meir Sheetrit, dismissed the strike on Dr. Abū al-'Aish's house, saying: "If somebody has to be blamed, it is the Hamas."¹⁹

According to the findings of a recent Amnesty International investigation,

For the vast majority of homes destroyed, more than 3,000, and damaged, some 20,000, during Operation "Cast Lead", the Israeli army has provided no evidence to substantiate its allegations that the houses were used as combat positions, as military command centres or to manufacture or store weapons – or for any other purpose which, under certain circumstances, would have made it lawful to target them.²⁰

Contrary to repeated allegations by Israeli officials of Hamas fighters' use of "human shields," no evidence from any party has revealed such a practice on Hamas' part, nor of any related evidence rendering civilian properties, especially homes, as sources of armed resistance. Similarly, no evidence has come forward to verify Israeli claims that that Hamas or other Palestinian fighters directed the movement of civilians to shield military objectives from attack, that Hamas or other armed groups forced residents to stay in or around buildings used by fighters, or that resistance fighters prevented residents from leaving buildings or areas that resistance fighter had commandeered.²¹

Displacement

The precise number of displaced persons in Gaza is unknown. However, 32 UNRWA schools across the Gaza Strip had capacity to shelter 30,000 people in their buildings and compounds, but aid officials warned that the dire security situation made it impossible to operate at full capacity.²² According to Al Mezan Center for Human Rights, those seeking shelter in UN installations represented only about 10% of the total newly displaced persons in Gaza.²³

The Israeli invasion forces have displaced civilians violently by means of:

1. Direct house bombardment, resulting in casualties;
2. Threatened bombardment of neighbors' houses;
3. Spreading fear among residents by dropping threatening leaflets and/or otherwise ordering them to vacate their homes.

At the same time, as shown below, the Israeli army cut Gaza into four parts and launched attacks on humanitarian workers; rendering humanitarian agencies unable to tend to even 10% of the displaced population.

Demography of homelessness

Of those forced to seek shelter following the military damage or destruction of their home, over half were children. A relatively small percentage of the total affected families (7%) were female-headed households, but their actual number of 763 such families is significant.

Affected Homes by Composition of Household					
Governorate	Male	Female	Total households	Total residents	Children residents
North Gaza	3,104	202	3,306	32,322	15,498
Gaza City	5,466	411	5,877	60,469	30,560
Dayr al-Balah	420	45	465	3,767	1,793
Khan Yunis	440	45	485	3,575	1,822
Rafah	926	60	986	7,197	3,444
Totals	10,356	763	11,119	107,330	53,117

Deceptive warnings

Randomly placed telephone calls with recorded messages, leaflets dropped from aircraft and radio broadcasts by the Israeli army across Gaza reportedly caused widespread panic, but offered little protection. These “warnings” instructed inhabitants to leave their homes and neighbourhoods; whereas, in many such areas, residents were trapped in their homes under complete curfew and with the growing knowledge that any movement in the open could invite a direct missile or sniper attack.

Others who fled their homes were killed or injured when UN schools and other places where they had sought shelter came under Israeli attack.²⁴ Many Gazans whom Israeli occupation forces ordered to stay put in specific shelters, as in the case of above, subsequently became the target of Israeli missile fire. The putative warning system was neither effective nor ingenuous.

Endnotes

- ¹ “Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into certain incidents in the Gaza Strip between 27 December 2008 and 19 January 2009,” A/63/855 and S/2009/250, 15 May 2009, [hereinafter: Board of Inquiry], p. 4.
- ² “Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into certain incidents in the Gaza Strip between 27 December 2008 and 19 January 2009,” A/63/855 and S/2009/250, 15 May 2009, pp. 5–6.
- ³ *Ibid.*, pp. 6–7.
- ⁴ *Ibid.*, pp. 7–9.
- ⁵ *Ibid.*, p. 14.
- ⁶ *Ibid.*, 14–16.
- ⁷ *Ibid.*, throughout.
- ⁸ Witte and Raghavan, *op. cit.*
- ⁹ B’Tselem, “Israel is using phosphorous illegally in Gaza Strip bombings,” 12 January 2009, at: http://www.btselem.org/English/gaza_strip/20090112_use_of_white_phosphorus.asp.
- ¹⁰ See Rovena, *op. cit.*, p. 56.
- ¹¹ Testimony of a soldier from the Armored Corps Brigade, sent in to replace the Gi’vati (Infantry Brigade), “Testimony 2, House Demolitions,” in *Breaking the Silence, Operation Cast Lead*, July 2009, pp. 8–9.
- ¹² Donatella Rovera, *Operation “Cast Lead”: 22 Days of Death and Destruction* (London: Amnesty International, 2 July 2009), pp. 4, 24–36. See also Ghada Abu Halima’s account of the incident to Israeli human rights organization B’Tselem, “Testimony: Members of Abu Halima family killed and burned in army’s bombing of their house, 3 January 2009” at: http://www.btselem.org/English/Testimonies/20090104_Abu_Halima_home_set_on_fire_by_shelling.asp. Ghada Abu Halima died of her wounds on 29 March 2009, in an Egyptian hospital.
- ¹³ UNRWA statistics as of 31 December 2008, at: <http://www.un.org/unrwa/publications/index.html> and <http://www.un.org/unrwa/refugees/gaza.html>.
- ¹⁴ Ibrahim Barzak and Matti Friedman, “Israeli troops advance deep into Gaza, Palestinian gunmen provide fierce resistance,” *Associated Press (AP)* (11 January 2009), at: <http://www.sunsentinel.com/news/nationworld/snsapmlisraelipalestinians.0,4532899.story>.
- ¹⁵ Al Mezan Center for Human Rights, “IOF Continue to Raid Homes, Destroy Them on Their Residents Death Toll in Gaza Rises to 830, including at Least 194 Children and 58 Women,” press release, 10 January 2009.
- ¹⁶ Al Mezan Center for Human Rights, *Humanitarian Crisis Deepens as IOF Escalates Its Aggression: Thousands of Gazans Isolated under Scarcity of Food, Power, Healthcare and Water*; Press Release, 13 January 2009.
- ¹⁷ Rovera, *op. cit.*, pp. 23–24.
- ¹⁸ Israel Defence Forces Spokesperson, “IDF Investigation Results, Dr. Abu El-Eish Residence,” 4 Feb 2009, 17:08 IST, at: <http://idfspokesperson.com/2009/02/04/idf-investigation-results-dr-abu-el-eish-residence-4-feb-2009-1708-ist/>.
- ¹⁹ Jeremy Bowen, “Gaza stories: Israeli minister,” BBC News (9 February 2009), at: http://news.bbc.co.uk/2/hi/middle_east/7878711.stm.
- ²⁰ Rovena, *op. cit.*, p. 54.
- ²¹ Amnesty International, *op. cit.*, p. 4. See also League of Arab States, “Report of the Independent Factfinding Committee on Gaza: No Safe Place,” 30 April 2009.
- ²² OCHA, “Protection of Civilians Weekly Report, 1–8 January 2009,” at: <http://unispal.un.org/unispal.nsf/47d4e277b48d9d3685256ddc00612265/728f5c23074b54308525753900731d0b!OpenDocument>; also Barzak and Friedman, *op. cit.*
- ²³ Al Mezan, 11 January 2009, *op. cit.*
- ²⁴ Office for the Coordination of Humanitarian Affairs (OCHA) had confirmed that: “Growing pockets of Gazans are trapped in their homes... Gazans cannot flee to safety or access food because of Israeli ground forces in the area. In addition to dropping leaflets over areas including northern Gaza, the entire eastern border of Gaza and Rafah, the Israeli army is broadcasting messages over local radio and television stations and phoning people all over the Gaza Strip, ordering people to evacuate their homes and go to urban areas. Panicked, people are fleeing amidst gunfire and shelling.” “Situation Report from the Humanitarian Coordinator” (7 January 2009), at:

http://www.ochaopt.org/documents/ocha_opt_gaza_humanitarian_situation_report_2009_01_07_english.pdf.