



Gaza Conflict: Israeli impunity must end

*A briefing paper prepared by the Ireland-Palestine Solidarity
Campaign*

Introduction

The following briefing paper outlines the views of the Ireland-Palestine Solidarity Campaign, Ireland's oldest Palestine-focused civil society organisation, on the current crisis in Gaza, and the ongoing Israeli occupation of Palestine more generally. It argues that the fault for the current conflict lies with Israel; that Israel is not interested in a just peace, but 'pacification' of the occupied Palestinians; that both a just end to the current round of violence and the occupation are possible; and that the Irish government must take concrete action, including supporting trade sanctions and arms sanctions against Israel as they have done with other states.

Background to the current conflict

The occupied Palestinian territories consist of the Gaza Strip, East Jerusalem and the West Bank. Israel conquered these territories in June 1967 and has occupied them in defiance of the wishes of their Palestinian inhabitants ever since. This is despite the fact that the international community has explicitly recognised that the Palestinian people have the right to be free in their own state, and have on numerous occasions sponsored international peace negotiations aimed at achieving Israeli withdrawal from these territories. Regardless

however, Israel has shown no interest in withdrawing or in the internationally endorsed solution of two states for two peoples. Instead, Israel has unilaterally and illegally proceeded with the colonisation of these territories through building Jewish-only settlements, annexing East Jerusalem, and constructing a separation wall within the West Bank. The result of these practices has been that peace negotiations have repeatedly collapsed, the latest breakdown occurring in April of this year.

Whilst the situation for Palestinians throughout the occupied territories is dire, in Gaza conditions are particularly severe. Indeed, any serious attempt to analyse the events currently unfolding in Gaza must not just take cognizance of the stalemated political situation described above, but must also begin by recognising that the 1.8 million people of Gaza have been living under siege since 2007. Debilitating and suffocating, the siege has suspended normal life within the territory with terrible consequences for the population's healthcare, employment and enjoyment of basic rights and freedoms. Crucially, Israel has neither allowed Gazans to be free, nor taken responsibility for its international obligations as the occupying power to provide for their welfare. Instead, in blockading them, Israel appears to intend that the people of Gaza remain imprisoned indefinitely with no prospect of either an end to the siege or political freedom. Any analysis of the present situation that fails to grasp these realities will, no matter how well-intended, merely replicate the politically contrived distortions that far too long have hindered public understanding of the true nature of the Israeli military occupation of Palestine.

The purpose of this document then is to provide information that goes beyond the constructed agenda that typically informs reporting and analysis of Israel's occupation and to give a fuller picture of the situation in Palestine. The document does this by examining and refuting the common questions and frames of reference that have been allowed to dominate and hinder public understanding of the realities of occupation.

In our conclusion we discuss what we believe the actual reasons for the Israeli attack are, what actions Palestinians are asking the international community to take, and we outline some measures that we believe are necessary to help secure a just and lasting peace in the Palestine-Israel region.



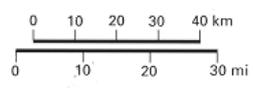
**TERRITORIES OCCUPIED
BY ISRAEL
SINCE JUNE 1967**

MEDITERRANEAN
SEA

EGYPT
SINAI

The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities or concerning the delimitation of its frontiers or boundaries.

- Armistice Demarcation Line, 1949
- .-.- Boundary of Former Palestine Mandate
- International Boundary



Eleven Questions About The Gaza Conflict

1. Hasn't Israel sought to live in peace with the people of Gaza?

Far from it, although Israeli politicians often speak of their desire to live in peace, its military, diplomatic and political actions belie their rhetoric. Militarily Israel has continually and consistently attacked Gaza through direct strikes on its civilian population and through its illegal blockade. Diplomatically Israel refuses to recognise the legality of the elected Hamas government, to speak with it or have it included as a partner in any peace process. And even more significantly, Israel has refused to acknowledge its legal and moral responsibility towards the more than 70 percent of the Gazan population who are refugees that were expelled from their homes inside of what became Israel in 1948.

Under international law these refugees have the absolute right to return to the homes, farms and villages they were driven from, yet Israel refuses even to discuss their return. Instead, violating UN Resolution 194 and Article 13 of the Universal Declaration of Human Rights, Israel exploits their former homes and lands while it expects those it dispossessed to live in poverty and without hope in overcrowded refugee camps. If Israel were serious about peace, then bringing these refugees home would form the core of its diplomatic and political strategy.

2. Didn't Israel withdraw from Gaza in 2005?

Israel contends that its occupation of Gaza ended in 2005 when it withdrew its 8,000 illegal settlers from the territory, yet militarily and politically Israel still controls the territory.

On the ground Israel has established a self-declared no go zone of up to 1,500 metres inside Gaza. Palestinians entering this area for any reason, including farming, are often shot at and killed. Effectively this puts around a sixth of the territory out of bounds to its residents.

At sea Israel's blockade remains total, with attempts to reach the territory by sea being met with murderous violence as witnessed during the Mavi Marmara Flotilla Massacre. Worse, for Palestinian fishermen operating in Gaza, Israel's control is draconian and violent. With an arbitrary and continually changing restriction of between 3 and 6 nautical miles applied to how far they can venture off-shore, these fishermen are often fired on, their boats rammed or confiscated, and they arrested. Along with farming then, fishing is one of the most dangerous occupations a Gazan can have.

However, as if directly controlling a sixth of the territory and all its coastland and seaboard were not sufficient, Israel also completely controls Gaza's airspace. Not only did Israel bomb and destroy the territory's only airport in 2001, its pilotless drones and fighter-bombers continually over fly the territory. This is far from just unobtrusive patrolling or surveillance, for even in what is termed 'times of peace', these aircraft regularly conduct bombing strikes or deliberately create sonic booms designed to mimic the effect of bombing. And of course none of this takes away from the fact that Israeli ground forces reserve the right to enter the territory at will, whilst shelling and bombing during 'times of peace' are so regular as barely to attract notice outside of the territory.

Politically too Israel controls Gaza with each birth being required to be registered with the Israeli Interior Ministry. Indeed this Israeli ministry continues to issue ID cards to Palestinian Gazans at age 16.

Finally, it should be noted that Gaza is an integral and indivisible part of the internationally recognised occupied Palestinian territories of the West Bank, Gaza and East Jerusalem. That under international law Palestinians residing in any of these territories have an absolute right to move between them and to live where they chose within them, yet Israel absolutely denies them these rights. For all these reasons, the United Nations and all other custodians of international law refute Israel's assertion that it has ended its occupation, continuing instead to recognise that as Israel retains 'effective control' over the territory, its occupation, with its attendant obligations towards the welfare and development of its population, remains in force.



*According to the Palestinian-Israeli Oslo Accords in 1994

3. Aren't the rocket attacks unprovoked acts of terrorism?

In the context of any military occupation, resistance - both violent and nonviolent - is inevitable and is recognised as legitimate under international law (Declaration on the Granting of Independence to Colonial Countries and Peoples (1960) and the Fourth Geneva Convention and its subsequent protocols). However, the rocket attacks from Gaza, where they fail to discriminate between legitimate military targets and the Israeli civilian population, are problematic and illegal. While recognising this, it must also be said that in conditions of a suffocating siege and a huge disparity of military power and technology, to many in Gaza the rocket attacks appear to be the only way to have Israel pay any price for its occupation. A senior Hamas figure explained this rationale in an interview with Israeli newspaper Haaretz: "I would rather our cause be solved in peaceful ways, but when Israel for 20 years only destroys the dream of peace through settlements, showing lack of respect for its partner, Abbas and the PA, what's left? Israel hasn't made any positive signal that it wants peace, so we need to think about other ways." Indeed, it is not hard to understand why militant Palestinian groups, who have seen the widespread and unpunished commission of war crimes by Israel for years, would similarly ignore international law while resisting. To place the blame for violence on Palestinian actors for resisting decades of occupation is akin to blaming a rape victim for wildly lashing out at their rapist.

Additionally, in terms of immediate provocation, as if the siege, the dispossession, the over flights, the shortages, the lack of access to employment, healthcare and goods were not enough; Israel continues to kill Palestinians with impunity. For comparison, between the end of Operation Cast Lead in January 2009 and the end of May 2014, Israeli forces and citizens killed 768 Palestinians, while 38 Israelis were killed by Palestinians (figures from B'Tselem: the Israeli Centre For Human Rights in the Occupied Territories). Indeed the decision made by Hamas to end the ceasefire it had observed since November 2012 came about precisely because of the extensive and lethal Israeli military assault inflicted upon Palestinians living in the occupied West Bank throughout the month of June, during which 6 Palestinians were killed, over 90 wounded and 500 imprisoned, and the extrajudicial assassination of some of its members in Gaza in early July.

The accusation of Palestinian violence being unprovoked then arises from the fact that when Israelis are killed, their deaths are treated in the media as noteworthy events, whereas Palestinian deaths do not receive any kind of comparable coverage. This is the case even when those killed die in indisputably unjustifiable circumstances such as the 15 May 2014 killings of two Palestinian teenagers, Nadeem Siam Nawara (17) and Muhammad Odeh Abu al Daher (16). Although their murders by Israeli occupation forces were recorded on film, this provoked virtually no Irish media interest, and thus little political interest.

Finally, it is also worth pointing out that in the past three years, the few Israeli deaths that have resulted from rocket fire have all occurred within the context of Israeli offensives on Gaza. That is during the so-called operations *Pillar of Defence* of 2012 and today's ongoing operation *Protective Edge*. While this does not belie the real harm these rockets can cause, it does illustrate that Israel's military operations, far from preventing rocket fire, are instead the primary cause for rockets being launched at all.

4. Hasn't Israel always been careful to ensure civilian casualties are kept to a minimum?

Israel likes to portray its army as having exemplary moral standards. According to Israeli spokespeople, Israel goes to greater lengths to protect civilian lives than any other army. Speaking on Friday 18 July after the Palestinian death toll reached over 260, at least 75 percent of whom were civilians, Prime Minister Benjamin Netanyahu declared: "The IDF is a moral army like no other. Those responsible for the damage to uninvolved civilians are the Hamas, and Hamas alone, who use civilians as human shields."

Following on from this Israeli spokespeople are often effusive in their regrets about the necessity of killing civilians, but ultimately seek to displace blame on to others. Indeed, so common is this phenomena of killing and supposedly regretting that it has been given its own name - "shoot and cry." Yet taking this claim at face value, how does it stand up to analysis?

When one also considers the numbers of innocent men, women and children indiscriminately killed in recent days or in prior operations such as the now infamous operation *Cast Lead* in 2008/09, in which the UN verified that 1,383 Palestinians were killed, including 333 children, and *Pillar of Defense* in November 2012, there seems to be little or no evidence of Israel attempting to minimise civilian casualties. Indeed official June statistics from the Palestinian Ministry of Information in Ramallah and from Defence of Children International have revealed that on average one Palestinian child has been killed by Israel every 3 days for the past 13 years. That's over 1,500 innocent children prior to this month's atrocities.

Of course Israel states that fighting in a highly urban area like Gaza that there is bound to be some 'collateral damage'. However, even accepting that this is the case, this still does not explain why the ratio of civilian deaths to combatants continues to hover around the three to one level. And whilst Israel's attacks on hospitals, disabled people's centres, medical staff and children playing on a beach can only speak for themselves, a further fundamental problem that can explain the high ratio of civilian deaths is evident in Israel's policy of targeting. For, again against the rules of war, Israel defines civilian homes and infrastructure as being Hamas infrastructure. Using this definition Israel then launches strikes that kill entire families - 18 members of the Al-Batsh family and 20 members of the Al-Najjar family in just two incidents from the past three weeks.

Of course Israel also contends that it frequently gives warnings before launching attacks. Yet, apart from the fact it probably even more frequently does not give warnings, the warnings that it does give are more often than not inadequate and imprecise. For example, often when targeting a home Israel will deliver a 'warning' in one of two ways.

In the first type it will ring the house owner and tell them to evacuate. However, this system only works if firstly Israel has the correct number; and secondly, given that only a few moments of grace are provided for, the house owner is either at home or able to get in contact with those who are at home almost immediately.

The second type of warning Israel issues is called 'roof knocking'. This consists of firing a small missile at a home or building to warn the inhabitants to evacuate. Apart from the fact that this method of warning can itself be lethal, (three Palestinian children were killed by this type of 'warning' on Thursday 17 July), or indeed may be misunderstood (with people thinking the 'knock' was a bomb that failed to detonate and thus returning to their homes), the time elapsing between the 'knock' and the main strike can be as little as 58 seconds so is entirely inadequate to allow an evacuation.

Other 'warnings' Israel has given are equally indiscriminate and inadequate. For example, Israel has dropped leaflets over northern Gaza telling 100,000 people to evacuate the area. Apart from the fact that this type of warning is entirely indiscriminate, and that itself should speak volumes about the nature of Israel's targeting and use of mass firepower, it is also inadequate as within Gaza there are no safe havens. Indeed, whilst some 215,000 Palestinians have fled their homes to UNRWA schools and other facilities, this in itself will not guarantee their safety. In similar circumstances in 2009 Israel did not merely target these refuges, but in fact bombed them using the banned incendiary chemical weapon, white phosphorous. This time around, on July 24, a UNRWA school was deliberately shelled by Israeli forces in an attack that killed 15 people and injured 200, despite UNRWA having given the Israelis the exact coordinates of the building and asking for a humanitarian corridor to evacuate the hundreds of displaced civilians seeking refuge there.

Finally, given the historical context, blanket calls for Palestinians to evacuate their homes are particularly inappropriate. Many of those who now live in refugee camps in Gaza are indeed there because they responded to such blanket calls when Israel ethnically cleansed them from their homes in 1948.

Raji Sourani, the Director of the Irish Aid-funded Palestinian Center for Human Rights has clearly stated that what we are witnessing is Israel's "Gaza Doctrine", the purpose of which "is straightforward: disproportionate force is used to cause terror among the civilian population to exert political pressure on the authorities in Gaza".

Sourani further states that, “there is no military necessity justifying the destruction of these homes: it is straightforwardly illegal to target civilian objects. In fact it is a war crime. Issuing a warning does not change this fact: it remains illegal to attack a home in the absence of military necessity.” (Sourani’s *Irish Times* article about the illegality of Israel’s actions in Gaza is worth reading in full, and is appended to this document).

5. Doesn't Israel supply Gaza with food, water, health care, electricity and all other basic necessities?

As the occupying power Israel has an international obligation to provide for both the welfare of the people of Gaza and the territory's development. In contrast however, Israel not only systematically ignores these obligations, but since the 1990s has embarked upon what Harvard Professor Sara Roy has called a policy of de-development. This indeed fits in with the Israeli Interior Minister Eli Yishai's 2012 claim that : “The goal of the operation is to send Gaza back to the Middle Ages” and, Deputy Defence Minister Matan Vilnai's 2008 threat to inflict a '*shoah*' or holocaust on the people of Gaza.

The evidence of this punitive practice, which has been denounced as an illegal collective punishment by both the United Nations Human Rights Council and the International Committee of the Red Cross, are evident everywhere in Gaza.

According to the World Food Program, the Israeli blockade means that 59% of Gaza’s food import needs are not being met leading to widespread stunting and malnutrition. Worse still, over 95 percent of Gaza's water is now unsafe for human consumption, while the lack of fuel to power retreatment plants means than millions of gallons of raw sewage is every day released into the Mediterranean. A consequence of this is that a 2009 UN report concluded that 12 percent of child deaths in Gaza are caused by diarrhoea. This situation is a result of both Israel's siege and a consequence of its direct military actions. Indeed, already during this latest assault Israel has attacked two wells and five water pipelines, potentially leaving up to 100,000 people without water in addition to the 225,000 who are already unconnected. Yet most worrying of all, even if the violence stops, unless massive remedial action is immediately undertaken and the siege lifted, the water situation will

continue to degrade to the point that by 2020 at the latest there will be no drinkable water in Gaza.

What is true of water is true also of every other utility required to sustain a civilised life in Gaza. Following the bombing of Gaza's only power station in 2006, Israel has rationed the supply of spare parts and operating fuel to a trickle. The result is that while Israel now does supply electric to the territory at full price, even this is rationed to around a third of what is needed, consequently power outages that can last up to twelve hours a day affect all areas of life, and hospitals in particular.

Similarly, construction materials, heating oil, medicines and all the other basics of civilised life are rationed and charged for. For example, according to the World Health Organisation supplies of 91 out of 416 essential drugs have run out while supplies of children's antibiotics are simply unavailable. Cumulatively this is not only exacting a devastating toll on normal life, but also putting at risk the longer-term future of the territory. Summarising the situation in 2012, the United Nations questioned whether by 2020 Gaza would be a liveable place. The bottom line then is that what little Israel does allow through its blockade is not sufficient to maintain a civilised quality of life, or even sustain the current low level of development within the territory. This is not accidental and can in no way be considered humanitarian, never mind legal, but is the intended outcome of a policy that Israeli government adviser Dov Weisglas described in 2006 as "put[ting] the Palestinians on a diet, but not to make them die of hunger."

6. Aren't the Hamas government in Gaza extremists who aren't interested in peace?

The accusation that Hamas are extremists arises primarily from their ideological and religious principles. While, as is frequently repeated by Israeli spokespeople, Hamas are not prepared to accept the legitimacy of a Jewish State built upon their homeland, this does not mean they are, as they reiterated in January 2013 and again in April of this year, committed to endless war or refusing an initiative that would permit the implementation of a two state

solution. In this their position is analogous to mainstream Irish Republicans who do not accept the partition of Ireland as a final status but who are prepared to work through peaceful means to change it.

In fact, Hamas, far from the caricature presented in the western media, have on many occasions demonstrated both their pragmatism and, unlike Israel, their ability to keep to agreed ceasefires. For example, prior to operation *Cast Lead*, Israeli government spokesman Mark Regev openly admitted that Hamas not only kept to the agreed ceasefire but also attempted to prevent other Palestinian factions from firing rockets. In that instance, as in this, and as in the 2012 operation *Pillar of Defence*, it was Israel that broke the ceasefire by killing Palestinians and striking unprovoked at Hamas.

As a senior Hamas spokesman explained to the Israeli newspaper Haaretz: “You think we don’t thirst to live in peace and prosperity and not suffer? We didn’t start this war, during which most of the casualties so far have been Palestinian citizens... When Israel attacked our people in the West Bank we could not remain silent. We had to show we’re one people and one nation and must protect our people.”

As of April Hamas has been a partner in a coalition Palestinian unity government. As a partner it accepts that government's participation in the US mediated peace process and the principle of two states for two peoples. And it is precisely because Israel fears this unity and this moderation that Gaza is today under attack.

In contrast then to the Hamas movement, who have this week offered Israel a ten year ceasefire in exchange for lifting the illegal siege, stand the actions of the Israeli government. A government that is prepared to launch a war to prevent a comprehensive peace; a government that is prepared to collapse a peace process to pursue a dream of ethnic colonisation. Certainly there is extremism in the Israeli-Palestinian Conflict, and most of the extremism is on the Israeli government’s side.

7. Isn't Israel just acting like any other state would act, isn't it just defending itself?

All States and people enjoy the right of self-defence. And in this conflict both peoples claim they are only defending themselves. While one could take a quick look at the casualty figures and decide that with over 1,060 dead on the Palestinian side and only 51 dead, at the time of writing, on the Israeli side (48 of these were soldiers and 3 were civilians) it is obvious who is being the most aggressive. However, that exercise, while it brings in issues of proportionality, only tells part of the story.



Similarly one could look at the recent timeline of events, and depending where you take your starting point from, one could argue that either side began the violence. This is the reason violence in Israel and Palestine is often described as tit-for-tat, or

indeed senseless. However, a more useful exercise is to actually examine what is being defended and what is being fought for.

Israel, as a military occupier, has the obligation in international law to bring its occupation to an end as soon as possible. Military occupations, by their nature are only meant to be temporary. However, Israel has occupied Palestine continually since 1967 and has eschewed all initiatives aimed at achieving its withdrawal. Going further, it has embedded its occupation through the establishment of Israeli-Jewish only colonies in the West Bank and East Jerusalem that today are home to 600,000 illegal Israeli settlers. In short, Israel does not ever intend to bring its occupation to an end.

In contrast the Palestine Liberation Organisation, the sole legitimate representative of the Palestinian people, has eschewed violence and since 1988 signalled its recognition of the Israeli state and its willingness to live in peace with Israel. This is an outcome Israel is simply not interested in, just in the past week Israeli Prime Minister Benjamin Netanyahu stating: "There cannot be a situation, under any agreement, in which we relinquish security control of the territory west of the River Jordan (the occupied Palestinian West Bank and East Jerusalem)."

When one considers then what this current round of fighting is about, it is important to realise that it is Palestinians who are fighting in self-defence for their right to be free in their own territory, while Israel is militarily pursuing its illegitimate aspiration to dominate, subjugate and colonise Palestine. The right to self-defence then lies clearly with the oppressed and not the oppressor; the occupied and not the occupier.

8. Don't the Hamas fighters hide behind civilians using them as human shields?



This is a common accusation levelled against Hamas and other Palestinian groups and is used by Israel both as an excuse for civilian deaths and as a justification for attacking civilian homes and infrastructure. Ironically however, while there is no evidence that Palestinian fighters deliberately use civilians as human shields, and only limited evidence that they have utilised civilian infrastructure to store weapons - UNRWA denounced the finding of a weapons cache at one of its abandoned schools this week, but also pointed out this was the first occasion this type of thing had occurred - there is abundant evidence that Israel deliberately forces Palestinians at

the point of a gun to act as human shields. The UN Goldstone Report, Amnesty International and the Israeli ex-soldiers NGO, Breaking The Silence, all testify to the Israeli Army's systematic use of human shields. Indeed there is a wealth of photographic and other evidence that Israel deliberately uses Palestinian civilians as human shields.

In what is referred to as the 'neighbour procedure' or the 'Johnny procedure', these reports describe the taking of Palestinian civilian hostages and the forcing of them to go before troops and enter buildings the Israeli army believe may be hostile. In the one and only instance that two soldiers have been prosecuted for this practice - they abducted a nine year old boy from his mother and forced him at gun point to open bags they suspected to be booby trapped - the punishment of the Israeli court was that the two soldiers were demoted from the rank of staff sergeant to sergeant. Unsurprisingly the sentence was widely condemned by human rights organisations as effectively giving a nod and a wink to this illegal army practice.

Finally, Israel's own Defence Ministry is in the heart of Tel Aviv. Its Shin Bet (internal security services) Headquarters are on the edge of a residential area and its Gilot military training base is next to a shopping mall. Can Israel therefore also be accused of using civilians as human shields for its military infrastructure and command and control centres?

9. Didn't Hamas start this round of fighting when it killed the three Israeli teenagers?

This is the common and deliberately misleading view presented by Israeli politicians and spokespeople. There are two things wrong with accepting this assertion. Firstly it is not true. Hamas did not kill the teenagers and they have said they did not. Israel knew very early on who the main suspects were, and the Israeli police chief Mickey Rosenfeld admitted to the BBC's Jon Donnison they were a lone cell affiliated to Hamas, but not operating under orders from the leadership. Despite this Israel chose to blame Hamas and launched a massive offensive against the organisation in the West Bank that through June saw six Palestinians killed, 90 wounded and over 500 arrested. It seems likely that Israel intended

this operation both as an illegal collective punishment and as a political manoeuvre designed to collapse the newly formed Palestinian unity government.

The second thing that is wrong with accepting this assertion is that it repeats the mistake of privileging Israeli lives over Palestinian ones. Palestinian deaths at the hands of Israel are consistent and ongoing. In just the occupied West Bank in 2013, 27 Palestinians were killed by Israel, and up to the abduction of the Israeli teenagers in June, a further 10 Palestinians including 3 children were killed. Any one of these fatalities could be taken as the starting point for this round of violence. The main point to realise is that military occupation is applied oppression and is inherently violent. As such the occupation breeds and provokes the very violence it then condemns. The answer of course to stop this 'cycle of violence' is for Israel to end its occupation and allow Palestinians to live in freedom and peace.

10. If Hamas are defeated in Gaza won't that mean everyone, Israeli and Palestinian will be able to live in peace?

Peace, as defined by Israel, is Israel's right to live without violence while it inflicts massive, systematic and deliberate violence on Palestine. In reality, when Israel talks of 'peace' what it means is 'pacification' of the occupied Palestinian population. In this situation it is simply unrealistic to expect a people that are treated as subhuman, systematically discriminated against, denied Statehood, kept in an open prison, denied freedom of movement, denied essential medicines, and prevented from exercising their inalienable civil, political, social and economic rights to simply accept their lot.

The occupation of Palestine, and in particular the continuing blockade of Gaza, makes it impossible for Palestinians to have any chance of a normal dignified life. With homes subject to arbitrary demolition, lands subject to confiscation, and residency subject to revocation, there are no people on earth who would accept that this situation constitutes peace or who would accept it peacefully. In this Palestinians are no different in their reaction from all other peoples who have suffered foreign domination, subjugation and colonisation. Peace then will come when the impunity that Israel currently enjoys is ended.

As the UN Goldstone Report concluded in the aftermath of the 2009 *Cast Lead* massacre in Gaza: "The Mission is firmly convinced that justice and respect for the rule of law are the indispensable basis for peace. The prolonged situation of impunity has created a justice crisis in the Occupied Palestinian Territory that warrants action... that long-standing impunity has been a key factor in the perpetuation of violence in the region and in the reoccurrence of violations, as well as in the erosion of confidence among Palestinians and many Israelis concerning prospects for justice and a peaceful solution to the conflict."

We in Ireland-Palestine Solidarity Campaign echo that call for accountability. In the earnest hope that all peoples of the region will be able live together in peace and justice, we call for an end to the culture of impunity that breeds violence and destroys lives.

11. Didn't Hamas reject a ceasefire agreement?

A number of alleged truce agreements have been put forth with the backing of various international actors. The very first one was negotiated by Egypt and Israel, reportedly at the behest of Quartet Middle East Peace Envoy Tony Blair. Neither Hamas, nor any other Palestinian armed resistance group were consulted about the initiative and it was presented to them as a take-it-or-leave-it fait accompli, which Hamas and others rejected. Crucially, neither this nor any subsequent proposed agreement has addressed Palestinians' key demands, especially the immediate end of the siege of Gaza. Indeed, Hamas and other armed resistance factions set out their terms for a lasting, 10-year- ceasefire which has subsequently been endorsed by the Fatah-dominated Palestinian Authority:

1. Withdrawal of Israeli tanks from the Gaza border.
2. Freeing all the prisoners that were arrested after the killing of the three Israeli teenagers.
3. Lifting the siege and opening the border crossings to commerce and people.
4. Establishing an international seaport and airport which would be under U.N. supervision.
5. Increasing the permitted fishing zone to 10 kilometers.
6. Internationalizing the Rafah Crossing with Egypt and placing it under the supervision of the U.N. and some Arab nations.
7. International forces on the border between Israel and Gaza.
8. Easing conditions for permits to pray at the Al Aqsa Mosque.
9. A prohibition on Israeli interference in the Palestinian unity government reconciliation agreement.
10. Re-establishing an industrial zone and improvements in further economic development in the Gaza Strip.

These terms, all reasonable, just and in line with international law, have been rejected out of hand by Israel, with Justice Minister Tzipi Livni saying they were "completely unacceptable". The closest any offer has come to the demand for an immediate end to the siege is an Egyptian proposal that states "crossings shall be opened and the passage of persons and goods through border crossings shall be facilitated once the security situation becomes stable on the ground." No timeline is specified and Hamas are all too aware that Israel will be under no obligation to lift the siege under such wording. Indeed, previous ceasefire agreements between Hamas and Israel have never seen the lifting of the siege take place, and constant violations of ceasefire terms by Israel.

Conclusion

So, if the current Israeli attack is not about stopping rockets, or punishment for the deaths of three teenagers, then what is it about?

That Israel perceives the Hamas-Fatah Palestinian unity government as a threat and a problem is no secret. Many experts on the Palestine-Israel question have posited this as the primary, or one of the primary, reasons behind the attack. For example:

"Israel's main goals are to weaken Hamas and to prevent an inter-Palestinian reconciliation, which would strengthen the Palestinians and make them more capable of resisting inexorable Israeli pressure." – **Prof. Rashid Khalidi** (*Edward Said Professor of Arab Studies at Columbia University, former advisor to Palestinian negotiators*)

"Israel has been on high alert since Hamas and Fatah signed a reconciliation agreement in late April, and particularly since a new PA government was formed with the endorsement of both Fatah and Hamas thereafter. Its primary goal is to ensure that the Palestinians remain divided and its current campaign should be seen above all as an attempt to sabotage the reconciliation agreement and initiatives to move it further forward." - **Mouin Rabbani**, (*Senior Fellow with the Institute for Palestine Studies, Former Senior Middle East Analyst with the International Crisis Group*)

"Prime Minister Benjamin Netanyahu is attacking Gaza in response to domestic and international political considerations that have nothing to do with any threat posed by Hamas. Right before the start of this latest assault on Gaza, Netanyahu suffered several blows politically: he failed to thwart the start of a US-Iran rapprochement; was unable to stop the establishment of a Palestinian unity government; and was widely blamed for the collapse of the peace talks renewed by US Secretary of State John Kerry last summer. His political standing as well as that of Israel's had been seriously weakened and by launching an attack on the Gaza Strip, he appears strong to the Israeli public, shifts international attention away from Israel's responsibility

for the failure of negotiations, and puts enormous pressure on the recently formed Palestinian Authority national unity government, which Israel wishes to undermine.”
- **Noura Erakat** (*Human rights attorney, Assistant Professor at George Mason University*)

History has proven that Israel cannot defeat Hamas militarily. Therefore, if Israel is serious about wanting a permanent end to Palestinian rockets then a solution is within its grasp: the terms of the Hamas ceasefire agreement are eminently reasonable, and should form the basis for any lasting ceasefire.

However, it is our belief that Israel has no interest in pursuing a just peace, either in the immediate case of Gaza, or as regards the decades-long occupation of Palestine. The current onslaught is but the latest massive attack on the Palestinian people in an ongoing process of ethnic cleansing and colonisation. At other times this practice takes on a less dramatic facade, but it is a constant process nonetheless. Palestinians have been subject to Israeli injustice too long, and it must end. When this round of bloodletting ends, Palestinians simply cannot find themselves facing another huge onslaught in two or three years' time, it simply cannot be allowed to happen yet again, nor can Palestinians be allowed to remain under the illegal Israeli-imposed siege.

Recommendations

We believe the Irish government has a key role to play in helping bring about an end to the Israeli-imposed injustices faced by the Palestinian people; most immediately an end to the current assault and a lifting of the siege of Gaza. The most important point to make is that Israel acts as it does because it enjoys international impunity. Israel has never faced meaningful sanction from the international community, despite constant human rights and international law violations. Indeed, Israel is rewarded via US grants and EU cooperation agreements in trade and science.

We believe the Irish government should listen to the call for justice from Palestinian civil society. We believe the call for Boycotts, Divestment and Sanctions to be the best manner in which Israeli impunity can be ended, and a just and lasting peaceful solution based on the inalienable rights of the Palestinian people found.

Therefore, in line with the demands of our Palestinian partners, until Israel ends its occupation of Palestinian land, and abides fully by its obligations under international law, including granting equality to all its citizens and implementing the Palestinian refugees' right of return to their homeland, we ask the Irish government to:

- **Call for the suspension of Israel from the Euro-Med Agreement.** This agreement grants Israel trading privileges with the EU. Article 2 of the Agreement states that “Relations between the Parties, as well as all the provisions of the Agreement itself,

shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement.” If “respect for human rights” form an “essential element” of the agreement, then Israel should not be a party to the agreement.

- **Call for an international and EU arms embargo on Israel.** There is a Palestinian-led international civil society initiative calling for the end of the arms trade with Israel. Countries should neither sell arms to, nor buy arms from Israel. Israel uses such weapons to terrorise, and ‘battle tests’ its own exportable weapons on, the captive Palestinian population.
- **Ban the importation of Israeli goods.** In 1986, Ireland became the first country in Western Europe to ban fruit and vegetable from Apartheid South Africa. The Irish government should again lead the way and take steps to ban Israeli goods from Apartheid Israel, revenues from which help fund the Israeli brutal assaults like ‘Operation Protective Edge’ and the many others that have gone before it.
- **Expel the Israeli Ambassador and recall Irish diplomats from Israel.** There is huge public support for such a move.

Ireland has supported international sanctions on many human rights abusing countries in the past, distant and recent. Why have we never supported sanctions against Israel?

It is time to stop singling out Israel for special treatment, it is time to end Israeli impunity, it is time for concrete action to be taken, for, if it is not, we will be back here again in two or three years’ time discussing yet another Israeli massacre of Palestinians.

Ireland Palestine Solidarity Campaign

29th July 2014

Appendix:

It is a war crime to target densely packed Gaza homes

The 'Gaza doctrine' of collective punishment and deliberately spreading terror among civilians is illegal

Raji Sourani, The Irish Times, Wed, Jul 23, 2014

Once again the Gaza Strip is subject to intense attack from Israeli forces. As of yesterday the Palestinian Centre for Human Rights has documented 593 killed, among them 483 civilians – 151 children, 82 women – and 3,197 injured. Among the injured are 926 children and 641 women, although this does not include the figures for the border areas or the Shejeia area.

Once again it is the civilian population which is targeted, deliberately brought into the eye of the storm.

Everyone in the Gaza Strip is exhausted, worried and terrified. This is as Israel intended. We believe that Israel is deploying the “Gaza doctrine”, a policy with its roots in the Dahiya doctrine first witnessed in the 2006 Lebanon war, and subsequently refined in the Gaza Strip.

The purpose of the Gaza doctrine is straightforward: disproportionate force is used to cause terror among the civilian population to exert political pressure on the authorities in Gaza.

This policy of collective punishment, of deliberately causing terror, is unequivocally illegal but it is all too real.

This policy is evident in the intense bombardment of the Gaza Strip that preceded the start of the current offensive. For two weeks following the tragic kidnapping of three Israeli teenagers in the West Bank, open areas in the Gaza Strip were subject to intense bombardment. There is no military advantage to be acquired from the targeting of empty fields or desolate places. The purpose was instead to demonstrate Israel's force and presence. We could not sleep. We were constantly shaken by the thundering impact of one-tonne bombs.

However, the most obvious illustration of this policy in practice has been the widespread targeting of the homes of Hamas and Islamic Jihad fighters. These homes are typically targeted in two phases whereby a “warning” is issued to the house in question so that it may be evacuated. This warning takes the form of either a dud missile (termed “roof knocking”) or a phone call. The house is then targeted and destroyed, anywhere from five to 15 minutes later or sometimes even longer.

How is the destruction of these homes justified?

The law of armed conflict states that only combatants and military objectives may be targeted. Civilians and civilian objects are protected from direct attack.

Destruction

Military objectives are “those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage”.

The law of armed conflict permits the targeting of combatants. As such, in principle it is possible that a house may be targeted to target the combatants contained within (this attack is still subject to the requirement of proportionality). However, Israel has consistently issued warnings before an attack is launched, ensuring that no combatants are present.

The other legal possibility is that a home may also be targeted if it is being used to “make an effective contribution to military action”; ie if it is being used to store weapons or as a base from which attacks are launched. However, in the overwhelming majority of cases documented by the Palestinian Centre for Human Rights we have not found evidence that homes have been used to either store weapons (demonstrated by secondary explosions) or as a base from which to launch attacks (determined through interviews with neighbours and witnesses).

If a home does not satisfy these criteria then it is not a military objective and cannot be attacked.

A home cannot qualify as a military objective just because it is owned by a member of Hamas or Islamic Jihad.

Significantly, the law of armed conflict clearly states that “in case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used”.

No military necessity

Simply put, there is no military necessity justifying the destruction of these homes: it is straightforwardly illegal to target civilian objects.

In fact it is a war crime. Issuing a warning does not change this fact: it remains illegal to attack a home in the absence of military necessity.

The only conclusion we can draw is that these are punitive house demolitions, and it is significant that Israel has resumed its policy of punitive house demolitions in the West Bank in recent weeks.

This is why we are forced to conclude that Israel has revitalised the Dahiya doctrine, and refined it for use in Gaza.

If the objective is to cause terror it is working. The Gaza Strip is one of the most densely populated areas in the world. These homes that are targeted are not isolated. They are in the middle of densely populated residential areas. Even if one home is targeted, many others will inevitably be affected. This is why the rate of civilian casualties is so high.

The reason is simple: you cannot drop a one-tonne bomb in a residential area without causing catastrophic damage to any civilians or civilian objects nearby.

In the face of this reality the civilians of Gaza are left without protection. We want to be treated as equals. We want our rights to be respected and protected. We ask that international law be applied equally to Israel and Palestine, to Israelis and Palestinians. The rule of international law must be respected, and all those responsible for violations must be held to account. We demand the rule of law.

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<http://www.pchrgaza.org/portal/en/>*