

EXECUTIVE SUMMARY

‘BLACK FRIDAY’

CARNAGE IN RAFAH
DURING 2014

ISRAEL/GAZA CONFLICT

**AMNESTY
INTERNATIONAL**



EXECUTIVE SUMMARY

On 8 July 2014, Israel launched a military operation codenamed Operation Protective Edge, the third major offensive in Gaza since 2008. It announced that the operation was aimed at stopping rocket attacks from Gaza on Israeli civilians. A ground operation followed, launched on the night of 17-18 July. According to the Israeli army, one of the primary objectives of the ground operation was to destroy the tunnel system constructed by Palestinian armed groups, particularly those with shafts discovered near residential areas located in Israel near the border with the Gaza Strip.

On 1 August 2014 Israel and Hamas agreed to a 72-hour humanitarian ceasefire that would take effect at 8am that day. Three weeks after Israel launched its military offensive on Gaza, thousands of Palestinians who had sought refuge in shelters or with relatives prepared to return to their homes during the anticipated break in hostilities.

In Rafah, the southernmost city in the Gaza Strip, a group of Israeli soldiers patrolling an agricultural area west of the border encountered a group of Hamas fighters posted there. A fire fight ensued, resulting in the death of two Israeli soldiers and one Palestinian fighter. The Hamas fighters captured an Israeli officer, Lieutenant Hadar Goldin, and took him into a tunnel. What followed became one of the deadliest episodes of the war; an intensive use of firepower by Israel, which lasted four days and killed scores of civilians (reports range from at least 135 to over 200), injured many more and destroyed or damaged hundreds of homes and other civilian structures, mostly on 1 August.

In this report, Amnesty International and Forensic Architecture, a research team based at Goldsmiths, University of London, provide a detailed reconstruction of the events in Rafah from 1 August until 4 August 2014, when a ceasefire came into effect. The report examines the Israeli army's response to the capture of Lieutenant Hadar Goldin and its implementation of the Hannibal Directive – a controversial command designed to deal with captures of soldiers by unleashing massive firepower on persons, vehicles and buildings in the vicinity of the attack, despite the risk to civilians and the captured soldier(s).

The report recounts events by connecting various forms of information including: testimonies from victims and witnesses including medics, journalists, and human rights defenders in Rafah; reports by human rights and other organizations; news and media feeds, public statements and other information from Israeli and Palestinian official sources; and videos and photographs collected on the ground and from the media.

Amnesty International and Forensic Architecture worked with a number of field researchers and photographers who documented sites where incidents took place using protocols for forensic photography. Forensic Architecture located elements of witness testimonies in space and time and plotted the movement of witnesses through a three-dimensional model of urban spaces. It also modelled and animated the testimony of several witnesses, combining spatial

information obtained from separate testimonies and other sources in order to reconstruct incidents. Three satellite photographs of the area, dated 30 July, 1 August and 14 August, were obtained and analysed in detail; the image of 1 August reveals a rare overview of a moment within the conflict. Forensic Architecture also retrieved a large amount of audiovisual material on social media and employed digital maps and models to locate evidence such as oral description, photography, video and satellite imagery in space and time. When audiovisual material from social media came with inadequate metadata, Forensic Architecture used time indicators in the image, such as shadow and smoke plumes analysis, to locate sources in space and time.

An Israeli infantry officer described to Israeli NGO Breaking the Silence the events that ensued after the Hannibal Directive was announced on the radio:

"The minute 'Hannibal Directive' is declared on the radio, there are consequences. There's a fire procedure called the 'Hannibal fire procedure' – you fire at every suspicious place that merges with a central route. You don't spare any means."

He reported that the initial burst of fire lasted three hours. An artillery soldier said his battery was "firing at a maximum fire rate" right into inhabited areas. According to the report of an Israeli military inquiry, more than 2,000 bombs, missiles and shells were fired in Rafah during 1 August, including 1,000 in the three hours following the capture.

According to the Israeli army, the initial strikes aimed to stop the movement of all "suspicious" persons and vehicles, to isolate the area until the arrival of ground forces and to target known and suspected tunnel shafts, which meant bombing residential buildings and agricultural installations suspected of harbouring tunnel exits or entrances.

Another officer explained the logic of the operation, including potentially killing the captured soldier: "In such an event you prefer a killed soldier rather than a soldier in enemy hands, like [Gilad] Shalit. I told myself 'even if I bring back a corpse I have brought back the missing person'."

As the strikes began, the roads in eastern Rafah were full of disoriented civilians moving in all directions. Believing a ceasefire had begun, they had returned – or were returning – to their homes. Many decided to turn around, attempting to flee under a barrage of bombs and gunfire. Palestinian witnesses described jets, drones, helicopters and artillery raining fire at pedestrians and vehicles at the intersections, indiscriminately hitting cars, ambulances, motorbikes and pedestrians. "You see the hysteria of the children, destruction, and mushroom clouds, and you try to get as far away from them as you can," said Wa'el al-Namla, a local resident and father of two.

Inam Ouda Ayed bin Hammad, a local resident, told Amnesty International that, after 9am on 1 August, she noticed the shelling intensifying and missiles landing in close vicinity to their home in the al-Tannur neighbourhood of Rafah. She and her family were on the streets seeking shelter elsewhere when a bomb hit a building nearby and killed her son Anas, her cousin Wafa and at least 14 other civilians, as well as injuring scores of fleeing civilians.

One of the scenarios that the Israeli military considered was that the captured soldier,

Lieutenant Goldin, had been wounded and taken to the Abu Youssef al-Najjar hospital, the medical facility closest to the area of capture. The flood of casualties started coming into the hospital at about 10am, according to medical staff. The attacks around the hospital grew nearer and more frequent as the day went on. Studying photographs of the hospital, Forensic Architecture noted both internal and external damage. On the satellite image taken on 14 August, Forensic Architecture detected one crater about 120m south-west of the hospital and three craters about the same distance north-east of the hospital.

Patients, staff and persons seeking refuge at the hospital proceeded to evacuate the building in a rush when the attacks intensified. An organized evacuation took place in the evening. By about 7pm the hospital was closed and reporters claimed that the entire neighbourhood around the Abu Youssef al-Najjar hospital was under artillery fire.

On the same day three ambulances from the hospital went to collect wounded people near a mosque in Rafah; one ambulance was hit and completely destroyed by what appeared to be three drone-launched missiles. The three medics and all the wounded within the ambulance were burnt to death. A second ambulance left, while the other, which remained to collect the wounded and dead, was hit by another apparent drone strike.

The pounding of Rafah continued for three days after the initial strikes of 1 August, even after Lieutenant Goldin was declared dead by an Israeli rabbinical court and buried on 2 August.

There is overwhelming evidence that Israeli forces committed disproportionate, or otherwise indiscriminate, attacks which killed scores of civilians in their homes, on the streets and in vehicles and injured many more. This includes repeatedly firing artillery and other imprecise explosive weapons in densely populated civilian areas during the attacks on Rafah between 1 and 4 August. In some cases, there are indications that they directly fired at and killed civilians, including people fleeing.

Public statements by Israeli army commanders and soldiers after the conflict provide compelling reasons to conclude that some attacks that killed civilians and destroyed homes and property were intentionally carried out and motivated by a desire for revenge – to teach a lesson to, or punish, the population of Rafah for the capture of Lieutenant Goldin.

There is consequently strong evidence that many such attacks in Rafah between 1 and 4 August were serious violations of international humanitarian law and constituted grave breaches of the Fourth Geneva Convention or other war crimes.

The UN Independent Commission of Inquiry on the 2014 Gaza Conflict examined the Israeli army attack on Rafah on 1 August and also raised serious concerns about the conformity of the Israeli army actions on that day with international law. The Commission investigated attacks it considered disproportionate or otherwise indiscriminate and found that some might amount to war crimes. The Commission also concluded that the Israeli army did not appear to have taken precautions to verify that targets of attacks were lawful military objectives and to choose the weapons which could avoid or minimize civilian casualties and destruction to civilian structures.

Israeli army commanders and officers can operate in confidence that they are unlikely to be held accountable for violations of international law due to the pervasive climate of impunity that has existed for decades. This is due, in large part, to the lack of independent, impartial and effective investigations. Despite the massive toll that Operation Protective Edge had on civilians in Gaza, almost one year after the conflict, military prosecutors have indicted only three soldiers for one incident of looting. A significant number of cases have been closed on the basis that no crimes were committed (the main reason given in such decisions) or that there was insufficient evidence to indict.

With regard to Israeli army operations in Rafah between 1 and 4 August, the Israeli authorities have failed to conduct genuine, effective, and prompt investigations into any of the allegations of serious violations of international humanitarian law documented in this report, let alone to prosecute individuals, including commanders and civilian superiors, suspected of committing or ordering related crimes under international law. The authorities have failed to ensure that victims have effective access to justice, or to provide them with full and prompt reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

The events need to be independently and impartially investigated. Amnesty International's view is that no official body capable of conducting such investigations currently exists in Israel. It is therefore calling on the Israeli authorities to: co-operate fully with the ongoing preliminary examination by the Prosecutor of the International Criminal Court into the situation in the Occupied Palestinian Territories and any future investigations or prosecutions; reform their domestic mechanisms for investigating allegations of violations of international humanitarian law to ensure that it is independent, effective, prompt and transparent; allow human rights organizations access to Gaza to investigate suspected violations of international law by all parties to the conflict; and immediately and fully lift the blockade imposed on Gaza since 2007.

Amnesty International is also asking the international community in general to support the role of the International Criminal Court in examining allegations of crimes under international law including those documented in this report, and to pressure the Israeli and Palestinian authorities to co-operate fully with the Office of the Prosecutor. All states should oppose punitive measures against Palestine for joining the International Criminal Court or for submitting information on Israeli violations to the Court or taking other steps to activate international justice mechanisms.

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