

HUMAN RIGHTS WATCH

## Letter to Dr. Ramadan Shalah of Islamic Jihad

February 3, 2006

Dr. Ramadan Shalah  
Secretary-General  
Islamic Jihad Organization  
Damascus

Dear Dr. Shalah,

Your organization, Islamic Jihad, has claimed responsibility for all six suicide bombing attacks against civilians inside Israel over the past year, most recently on January 19, 2006. These attacks have killed twenty civilians and wounded scores, many of them seriously. Islamic Jihad has also claimed responsibility for firing locally-made rockets at towns in Israel, including an attack today, February 3, that injured a seven-month-old baby.

Attacks that target civilians or cause indiscriminate harm to civilians, regardless of the perpetrator, constitute atrocities that flagrantly violate the most fundamental principles of international humanitarian law. The unequivocal prohibition against such attacks applies equally whether such attacks are committed by agents of a government or by armed groups, and without regard to the objectives of those responsible. Human Rights Watch calls on the Islamic Jihad organization to cease such attacks immediately and to declare that the organization will not carry out attacks targeting civilians in the future, under any circumstances.

Human Rights Watch is an international human rights organization that documents and campaigns against violations of human rights and international humanitarian law throughout the world. We have for many years researched and spoken out against Israeli abuses in the Occupied Palestinian Territories. These reports and public statements are available in English and Arabic, and can be found on our website at [www.hrw.org](http://www.hrw.org). The organization published an investigation into Palestinian suicide bombing attacks against civilians which develops these legal arguments in detail (<http://www.hrw.org/reports/2002/isrl-pa/>). The intentional killing of civilians, including reprisal attacks, constitute war crimes when committed in situations of armed conflict, and are crimes against humanity when conducted massively or systematically. Those who commit crimes against humanity and war crimes have individual criminal responsibility for their actions, and are subject to universal jurisdiction – that is, all states are responsible for bringing them to justice irrespective of where the crime was committed and regardless of the nationality of the victim or perpetrator.

Islamic Jihad has claimed responsibility for the following suicide bombing attacks against civilians in Israel over the past twelve months.

- On January 19, 2006, a 22-year-old Palestinian man, Sami Antar, from Nablus, detonated explosives on his body in a Tel Aviv restaurant popular with immigrant workers, killing himself and wounding more than two dozen Israelis. Islamic Jihad released a videotape to the media claiming responsibility.

- On December 5, 2005, a Palestinian man whom Islamic Jihad identified as Lutfi Amin Abu Sa`ada blew himself up in a shopping center in the northern Israeli city of Netanya. The attack killed five persons in addition to the bomber and wounded about forty, some seriously.
- On October 26, 2005, 20-year-old Hassan Abu Zayid carried out a suicide bombing attack in the northern town of Hadera, killing six persons and wounding several dozen others. Islamic Jihad spokesman Khadir Habib told the Associate Press that the Hadera bombing was a "natural retaliation" for Israel's killing of Luay Saadi, the Islamic Jihad leader in the northern West Bank, two days earlier.
- On August 28, 2005, a suicide bomber blew himself up at a crowded bus station in the southern city of Beersheba, after security guards prevented him from boarding a bus. The blast killed the bomber and wounded ten persons, several critically. According to news reports, both Islamic Jihad and the Al Aqsa Martyrs Brigades claimed responsibility for this attack.
- On July 12, 2005, an 18-year-old Palestinian man, Ahmad Sami Abu Khalil, carried out a suicide bombing attack at a shopping center entrance in the northern city of Netanya. The attack, claimed by Islamic Jihad, killed four civilians and one soldier besides the bomber and injured thirty. According to the Reuters news agency, in his videotaped message subsequently released by Islamic Jihad, Abu Khalil said, "We reiterate our commitment to calm, but we have to retaliate for Israeli violations."
- On February 25, 2005, `Abdallah Sa`id Badran, a 21-year-old Palestinian from Deir al-Ghusun village near Tulkarm, blew himself up outside a Tel Aviv nightclub, killing five persons besides himself and wounding about fifty, at least six of them critically. The next day Al-Jazeera aired a videotape message from Badran that was reportedly sent by the military wing of Islamic Jihad, the Jerusalem Brigades (Saraya al-Quds).

The Islamic Jihad organization's military wing, Saraya al-Quds, has also carried out rocket attacks against towns inside Israel, in addition to the attack on Kibbutz Karmiya earlier today, according to the organization's alquds.net website. A January 14, 2006 website entry, for example, claims that the Saraya al-Quds fired five rockets towards Sderot in reprisal for the assassination of three Islamic Jihad members in Jenin. An entry on January 3, 2006, asserted that the group fired six rockets at Sderot. It is impossible to target these weapons with any accuracy or precision, making their use against or near civilian-populated areas a violation of international humanitarian law, which prohibits the use of weapons that cannot be directed at specific military objectives.

You and other Islamic Jihad spokespersons frequently claim that attacks by your organization are responses to Israeli attacks against Palestinian civilians, and that they are a legitimate form of resistance to occupation. Under international law attacks that target civilians or cause indiscriminate harm to civilians constitute crimes of the gravest sort. The absolute prohibition against targeting civilians extends to acts of reprisal for attacks against one's own civilians, as well as acts that a group claims are intended to resist occupation. There can never be any justification for such blatant disregard of these fundamental humanitarian principles.

We strongly urge the Islamic Jihad organization to adopt and publicize a policy of full respect for humanitarian law principles, and immediately stop the practice of targeting civilians or launching indiscriminate attacks that claim civilian lives. We ask that you publicly and unequivocally call on the military wing of your organization, the Al-Quds Brigades, and any other groups or individuals acting on behalf of Islamic Jihad, to desist from any attacks or acts of reprisal that deliberately target civilians, or

cause them disproportionate harm.

Sincerely,

Sarah Leah Whitson  
Executive Director  
Middle East and North Africa division  
Human Rights Watch

cc. Khadir Habib  
Spokesperson  
Islamic Jihad Organization  
Gaza

---

From: <http://hrw.org/english/docs/2006/02/03/isrlpa12603.htm>

© Copyright 2003, Human Rights Watch 350 Fifth Avenue, 34th Floor New York, NY 10118-3299 USA

HUMAN RIGHTS WATCH

## **Palestinian Authority: Hamas Must Condemn Attacks on Civilians**

### ***Prime Minister Should Repudiate Spokesman's Endorsement of Tel Aviv Attack***

(New York, April 21, 2006) – The new Hamas-led Palestinian Authority put itself on the wrong side of the most fundamental principle of international humanitarian law when Hamas's official spokesman defended Monday's suicide bombing in Tel Aviv, Human Rights Watch said today.

Human Rights Watch called on the Palestinian government led by the Islamic Resistance Movement, or Hamas, to state unambiguously that attacks targeting civilians constitute grave crimes no matter what the circumstances. The Palestinian Authority must take concrete steps to prevent such attacks and bring those responsible for them to justice.

"In forming a government, Hamas took on the responsibility to prevent unlawful attacks against civilians by its own forces and other Palestinian armed groups as well," said Joe Stork, deputy director of Human Rights Watch's Middle East and North Africa division.

The Palestinian armed group Islamic Jihad claimed responsibility for Monday's attack in a Tel Aviv cafe, which killed nine civilians in addition to the bomber. After the attack Sami Abu Zuhri, a long-time official spokesman for Hamas, was widely quoted as saying that "the operation is a natural reaction to continued Israeli crimes against our people," and that "the Palestinian people are in a state of self defense and have every right to use all means to defend themselves."

Other Hamas officials also endorsed the attack. Wasfi Kabha, minister for prisoners' affairs in the government, told reporters that the attack occurred "in the framework of legitimate right of resistance against Israeli violations and crimes." Musa Abu Marzuk, a senior member of Hamas's political bureau, called the attack "a natural response to the Israeli aggression on our people."

The president of the Palestinian Authority, Mahmoud Abbas, who also leads the Fatah organization, condemned the attack. However, neither Prime Minister Ismail Haniya nor any other Hamas official has apparently done so.

"Prime Minister Haniya needs to censure those in his government who have tried to justify Monday's atrocity," Stork said. "His government must unequivocally state that it will respect and enforce the most elemental principle of international humanitarian law."

Under international law, neither self-defense nor violations by an adversary can ever justify attacks that target civilians. Even in the face of Israeli violations of international human rights and humanitarian law, Palestinian armed groups have a duty to refrain from reprisals against civilians, and the Palestinian government has a responsibility to try to prevent such reprisals and punish those who engage in them.

HUMAN RIGHTS WATCH

## **Palestinian Authority: End Rocket Attacks on Civilians**

### ***Use of Indiscriminate Homemade Rockets Violates Laws of War***

(Jerusalem, November 18, 2006) – The Palestinian Authority should stop giving a wink and a nod to rocket attacks against civilians and take immediate steps to halt them, Human Rights Watch said today.

On Wednesday, a homemade rocket fired from Gaza killed Faina Slutzker, a 57-year-old Israeli woman, in the Israeli town of Sderot. The attack also seriously wounded a 24-year-old Israeli, Maor Peretz, who according to media reports lost both of his legs. Hours later, another rocket landed near the police station in Sderot, seriously wounding a 17-year-old boy. Four other rockets landed in Ashkelon, an Israeli town 8 kilometers north of the Gaza Strip.

The military wings of Hamas and Islamic Jihad claimed responsibility for the attack that killed Slutzker. In a statement, the armed wing of Hamas, the Ezzedine al-Qassam Brigades, said the attack was in retaliation for the killings in Beit Hanoun last week.

“The Hamas-led Palestinian Authority needs to take immediate steps to end attacks on civilians by Hamas’s own militant wing and other armed groups,” said Sarah Leah Whitson, Middle East director at Human Rights Watch. “If the Palestinian Authority aspires to recognition as a lawful government, it must stop these blatant violations of the most fundamental principles of international humanitarian law.”

Any party to an armed conflict is obligated to abide by international humanitarian law, or the laws of war. International humanitarian law prohibits direct attacks against civilians and civilian objects as well as indiscriminate attacks and attacks that cause disproportionate damage to civilians. A prohibited indiscriminate attack includes using weapons that are incapable of discriminating between civilians and combatants or between civilian and military objects.

Human Rights Watch said that Qassam rockets, named after the armed wing of Hamas, are by their very nature problematic weapons because it is not possible to direct them at military targets with any degree of precision. They are primitive, short-range, homemade rockets that do not have the technical capability to be guided. Typically, a Qassam is made up of a 1-meter-long tube filled with 6 kilograms of explosives and has a range of 3-10 kilometers. Because Qassams are not capable of accurate targeting, it is unlawful to use them in or near areas populated with civilians.

Hamas has claimed that its rocket attacks are a response to Israeli attacks that have killed civilians, including the recent attack on Beit Hanoun. Human Rights Watch said that unlawful attacks said to be committed in response to another unlawful attack are a form of reprisal, which is a violation of international humanitarian law. Reprisals also inevitably lead to a downward spiral of tit-for-tat attacks with dangerous consequences for civilians, Human Rights Watch said.

“The fact that Hamas characterizes its attacks as reprisals does not exempt it from the ban on targeting civilians,” said Whitson. “There is never any justification for targeting civilians.”

Since September 2005, Palestinian armed groups have fired around 1,700 homemade rockets into Israel, injuring 38 civilians. These attacks have killed nine civilians, including four children, since June 2004, and have caused many civilian injuries and damage to some civilian infrastructure, such as homes. Not a single one of these attacks has hit a military target.

“Palestinian authorities have not made serious efforts to end these homemade rocket attacks,” said Whitson. “Faina Slutzker’s death proves the lethal danger that these attacks pose to civilians.”

In the past, Israel has retaliated against Qassam attacks with large-scale military operations that have resulted in the deaths of civilians, leveled land, and demolished homes and other buildings. Most recently, the Israeli military launched a six-day operation into Beit Hanoun that killed at least 52 Palestinians and destroyed at least 30 houses, damaging dozens more. The day after withdrawing their troops, the Israel Defense Forces fired artillery shells at the Gaza town of Beit Hanoun, killing 19 Palestinian civilians and wounding dozens more. Most of the dead came from the Athamna family, the majority of them women and children.

Human Rights Watch has called upon the Israeli government to conduct a comprehensive independent investigation to determine if the attack on Beit Hanoun was a violation of international law and to establish who should be held accountable for the lethal fire. Human Rights Watch has also said that the investigation should examine the policy that has led Israel to fire some 15,000 artillery shells into Gaza since September 2005, killing 49 Palestinian civilians and seriously injuring dozens more, as well as causing severe damage to homes, businesses and agricultural land.

---

## Related Material

### [Hamas Must End Attacks Against Civilians](#)

Press Release, June 9, 2005

### [More of Human Rights Watch's work on Israel and the OPT](#)

Country Page

---

From: <http://hrw.org/english/docs/2006/11/18/isrlpa14639.htm>

© Copyright 2003, Human Rights Watch 350 Fifth Avenue, 34th Floor New York, NY 10118-3299 USA

HUMAN RIGHTS WATCH

hrw.org | DEFENDING HUMAN RIGHTS WORLDWIDE

HUMAN RIGHTS NEWS

Search

ENGLISH ESPAÑOL PORTUGUÊS 中文

- [Home](#)
- [News Releases](#)
- [About HRW](#)
- [Get Involved](#)
- [Publications](#)
- [Info by Country](#)
  - [Africa](#)
  - [Americas](#)
  - [Asia](#)
  - [Europe/Central Asia](#)
  - [Middle East/N. Africa](#)
  - [United States](#)

- [Printer Friendly Version](#)
- [Suggest This Page to a Friend](#)
- [Add to del.icio.us \(?\)](#)

- [digg \(?\)](#)
- [RSS \(?\)](#)

- [Global Issues](#)
  - [Arms](#)
  - [Business](#)
  - [Children's Rights](#)
  - [Counterterrorism](#)
  - [Economic, Social & Cultural Rights](#)
  - [HIV/AIDS](#)
  - [International Justice](#)
  - [LGBT Rights](#)
  - [Prisons](#)
  - [Refugees](#)
  - [United Nations](#)
  - [Women's Rights](#)
  - [More...](#)

- [Campaigns](#)
- [Commentary](#)
- [Film Festival](#)
- [Photo Galleries](#)
- [Audio / Video](#)
- [Site Map](#)
- [Contact Us](#)
- [Corrections](#)
- [Permissions](#)
- [RSS](#)

# Israel/Gaza Strip: Rockets and Shelling Violate Laws of War

## *Neither Defense Nor Retaliation Is Justification*

(Jerusalem, July 1, 2007) – Palestinian rocket attacks on Israeli towns and Israeli artillery strikes near populated areas in northern Gaza have caused hundreds of civilian casualties since September 2005 and constitute serious violations of the laws of war, Human Rights Watch said in a report released today.

The 146-page report, "Indiscriminate Fire: Palestinian Rocket Attacks on Israel and Israeli Artillery Shelling in the Gaza Strip," finds that both Palestinian armed groups and the Israel Defense Forces (IDF) have shown insufficient regard for civilian life. Palestinian armed groups, including Hamas, Islamic Jihad, Fatah's al-Aqsa Brigades, and the Popular Resistance Committees, say the deliberate attacks on civilians with locally made and highly inaccurate rockets, known as Qassams, are reprisals for Israeli actions – but reprisals against civilians are always illegal. A reported reduction by the IDF in the "safety zone" between artillery targets and civilian areas in Gaza, as well as a sharp escalation of shelling in April 2006 following the Hamas political takeover of the Palestinian Authority, led to a jump in civilian casualties.

"Tit-for-tat abuses can't be justified by arguing that the other side violated the law first: the laws of war are meant to protect civilians from harm, whatever the reason," said Joe Stork, deputy director of Human Rights Watch's Middle East division. "Otherwise, the cycle of violence spirals out of control, as happened in Gaza and Israel."

The Human Rights Watch report comes on the eve of a July 2 High Court hearing about an IDF policy that reportedly reduced the "safety zone" between artillery targets and civilian areas from 300 to 100 meters in April 2006. Human Rights Watch found that all fatalities and all but eight injuries from artillery fire between September 2005 and

**Donate now**  
to Human Rights Watch

Also Available in  
عربي FRANÇAIS עברית РУССКИЙ

**Related Material**  
[Indiscriminate Fire: Palestinian Rocket Attacks on Israel and Israeli Artillery Shelling in the Gaza Strip Report, July 1, 2007](#)

[Free Email Newsletter](#)

May 2007, which Israel claimed was in self-defense, occurred after this change in policy.

Amidst the ongoing factional fighting in Gaza between Hamas and Fatah, Palestinian armed groups continue to launch rockets toward Israel. In May 2007, rockets killed two Israeli civilians in Sderot and injured 22. On June 20, rockets injured three civilians in an attack claimed by Islamic Jihad.

Israel has not fired artillery into Gaza since an attack on November 8, 2006 killed 23 Palestinian civilians. Despite its moratorium, the IDF says that it still considers artillery fire a legitimate response to Palestinian rocket attacks "subject to the limitations of international law."

"There is an opportunity to end this appalling disregard for civilian lives if both parties learn the lessons of the past two years," Stork said. "Hamas authorities in Gaza should end rocket attacks by all groups on Israeli towns, while Israel should uphold its moratorium on artillery use in Gaza, or at least not shell near populated areas." Hamas should also ensure that no attack of any sort is launched from near a populated area.

In "Indiscriminate Fire," Human Rights Watch examines the use of rockets and artillery following Israel's withdrawal from Gaza in September 2005.

From September 2005 to May 2007, Palestinian armed groups fired almost 2,700 locally-made rockets toward Israel. They killed four and injured 75 Israeli civilians. In May 2007, many residents of Sderot, the hardest hit city, left for other parts of the country. Palestinian rockets also caused at least 23 Palestinian casualties when they fell short of the border. Rocket attacks from mid-2004 to September 2005 killed another six Israeli civilians.

During the same time period, from September 2005 through May 2007, the IDF fired more than 14,600 155mm artillery shells into Gaza. Shells fired close to populated areas killed 59 people and wounded 270, most if not all of them civilians.

The Human Rights Watch report found that Palestinian armed groups have deliberately targeted and launched indiscriminate attacks against Israeli civilians in violation of the laws of war. In addition to inflicting scores of casualties, the attacks have caused property damage and created a pervasive climate of fear in affected Israeli communities.

Palestinian armed groups also at times endanger civilians by placing their highly portable rocket launchers near residential areas in Gaza. Such actions violate the duty to take all feasible precautions to minimize civilian casualties.

Israelis in turn failed to take all feasible precautions to minimize civilian casualties from artillery fire and, in at least one case, its strikes were indiscriminate. Other times, the evidence suggested that the attacks were disproportionate, causing expected civilian loss that was excessive compared to any anticipated military gain. Many artillery shells

that Israel fired into Gaza landed close to populated areas and sometimes directly struck homes, causing serious harm, loss of life and structural damage.

Israel justified its attacks as self-defense, and some IDF officials claimed that Palestinian rocket fire grew less accurate after artillery strikes pushed launch sites farther away from the border. But the IDF artillery attacks do not seem to have lessened the overall incidence of damaging rocket attacks or significantly affected the ability of Palestinian groups to launch attacks.

“If the IDF resumes shelling in Gaza, it should do so only where it can distinguish between civilians and combatants,” Stork said.

The report is based on two field missions to Israel and Gaza, during which Human Rights Watch researchers conducted more than 100 interviews with victims, witnesses and others, and evaluated physical evidence. Researchers also held meetings with Israeli and Palestinian military and government officials.

“Indiscriminate Fire” includes two detailed case studies of fatal IDF artillery strikes. The first presents the findings of Human Rights Watch’s investigation into a June 9, 2006 explosion on a Gaza beach that killed seven civilians and injured dozens more. Human Rights Watch determined that a 155mm Israeli artillery shell – either one fired that day or an unexploded one set off by nearby firing that day – caused the blast. It also found that an Israeli investigation into the incident failed to take into account evidence from sources other than the IDF, thus betraying a lack of interest in arriving at the truth of what happened.

The second case study examines a series of IDF artillery attacks during the week of July 24, 2006, which on at least six occasions struck the densely populated Nada Apartments complex near a large open area from which Palestinians fired rockets. The strikes killed four civilians, including two children, wounded 14, and forced hundreds of families to flee.

“The Nada Apartments case shows how the actions of both Palestinians and the Israelis proved fatal to civilians,” Stork said. “It seems the Palestinians were moving launch sites closer to the apartments, endangering the residents, while the IDF struck the apartments directly, despite real-time warnings that civilians were being killed. Both practices violate international humanitarian law.”

Human Rights Watch called on Israel to conduct independent and comprehensive investigations into the strikes on the beach in June and on the Nada Apartments in July, as well as the November 2006 strike that led to the artillery moratorium. Human Rights Watch said Israel should investigate and, as appropriate, discipline or prosecute individuals who may be responsible for artillery attacks conducted in serious violation of the laws of war.

Human Rights Watch called on the Palestinian Authority and leaders of political factions to condemn and repudiate rocket attacks that are directed at civilian

populations or cannot discriminate between civilians and combatants. The Palestinian Authority should take concrete steps to prevent such attacks from the territory under its jurisdiction and investigate and prosecute those responsible for such attacks, Human Rights Watch said. Hamas, which recently assumed control of Gaza, must take similar steps to prevent attacks like that of June 20, 2007.

### Suggest This Page to a Friend

Your Email (required)

Your Friend's Name

Friend's Email (required)

Email addresses are not stored.

Your Message

Enter Security Code

(case sensitive)



Please read the [HRW Privacy Policy](#)



[Contribute to Human Rights Watch](#)

[Home](#) | [About Us](#) | [News Releases](#) | [Publications](#) | [Info by Country](#) | [Global Issues](#) | [Campaigns](#) | [Community](#) | [Bookstore](#) | [Film Festival](#) | [Search](#) | [Site Map](#) | [Contact Us](#) | [Press Contacts](#) | [Privacy Policy](#)

© Copyright 2006, Human Rights Watch 350 Fifth Avenue, 34th Floor New York, NY 10118-3299 USA