



## Israel/Gaza: Israeli Military Investigation Not Credible

### Israel and Hamas Should Cooperate With UN Investigation

April 23, 2009

(Jerusalem) - The Israeli military's findings about the conduct of its forces in Gaza, announced on April 22, lack credibility and confirm the need for an impartial international inquiry into alleged violations by both Israel and Hamas, Human Rights Watch said today. Israel and Hamas should cooperate with Justice Richard Goldstone, the eminent international jurist appointed by the UN Human Rights Council to investigate serious laws-of-war violations during the recent conflict.

"The investigative results make clear that the Israeli military will not objectively monitor itself," said Joe Stork, deputy Middle East and North Africa director at Human Rights Watch. "The conclusions are an apparent attempt to mask violations of the laws of war by Israeli forces in Gaza. Only an impartial inquiry will provide a measure of redress for the civilians who were killed unlawfully. "

After major hostilities ended in Gaza, the Israel Defense Forces (IDF) created five teams headed by colonels to investigate the conduct of Israeli soldiers during "Operation Cast Lead," from December 27, 2008 to January 18, 2009. The teams examined attacks in which the military fired upon United Nations facilities, attacks on medical facilities and crews, claims of harm to civilians not involved in hostilities, the use of white phosphorous munitions, and the destruction of civilian structures.

The military's investigation concluded that "throughout the fighting in Gaza, the IDF operated in accordance with international law." The investigation found "a very small number of incidents in which intelligence or operational errors took place" that were "unavoidable and occur in all combat situations, in particular of the type which Hamas forced on the IDF, by choosing to fight from within the civilian population."

Human Rights Watch's investigation into the fighting in Gaza concluded that Israeli forces were responsible for serious violations of the laws of war, including the use of heavy artillery and white phosphorus munitions in densely populated areas, the apparent targeting of people trying to convey their civilian status, and the destruction of civilian objects in excess of military need. Some of the cases of white-phosphorus use demonstrate evidence of war crimes, Human Rights Watch said last month in a 71-page [report](#).

The military's finding that "no phosphorus munitions were used on built-up areas" is blatantly wrong, Human Rights Watch said. Immediately after major fighting stopped, Human Rights Watch researchers in Gaza found spent white phosphorous artillery shells, canister liners, and dozens of burnt felt wedges containing white phosphorus on city streets and apartment roofs, in residential courtyards, and at a United Nations school. Artillery shells containing white phosphorus also struck a hospital and the headquarters of

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the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA), both in central Gaza City.

Human Rights Watch has also found that Hamas committed serious violations of the laws of war by deliberately and indiscriminately firing Qassam and Grad rockets into civilian areas in Israel. Hamas has shown no inclination to investigate or prosecute alleged war crimes by Palestinian fighters, and its spokesmen continue to justify the unlawful rocket attacks that target Israeli civilians, Human Rights Watch said.

Human Rights Watch said that the Israeli military's investigations were inadequate to determine whether and when Israeli forces violated the laws of war. Without access to Gaza, the military's investigators could not have adequately interviewed Palestinian victims and witnesses of the alleged violations.

In addition, the officers who headed the investigations, all colonels, were of insufficient rank to address abuses that resulted from policies set by senior commanders, Human Rights Watch said. In June 2006, after an explosion apparently caused by an IDF artillery shell killed seven members of a Palestinian family on a Gaza beach, the Israeli military appointed a major-general to lead the inquiry.

"Credible investigations need to be thorough, transparent, and run by a senior officer," said Stork. "These investigations are none of the above."

In its investigative conclusions, the Israeli military said that a "central operational IDF investigation" of the entire Gaza operation is ongoing, and "additional issues" are undergoing "a process of verification or investigation at various levels within the IDF."

The investigative results released today try to justify civilian deaths by saying that the military warned Gaza's population of impending attack. Human Rights Watch noted that warnings do not permit a force to conduct attacks that would otherwise be unlawful. Moreover, in the case of Gaza, the warnings were frequently too vague and therefore not "effective," as required by international law.

"If the IDF believes it did no wrong in Gaza, then Israel should cooperate fully with the Goldstone investigation," Stork said. "Both Israel and Hamas should welcome this investigation."

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