



**Facts and figures on Israeli military attacks on Palestinian civilians in the Gaza Strip and the West Bank, including East Jerusalem, and in the occupied 1948 territories**

**(Between May 10 and 21, 2021)**

All of Palestine, including the 1948 occupied territories, the West Bank, Jerusalem and the Gaza Strip, were under wide-scale Israeli military attacks in addition to the ongoing and grave human rights violations of Palestinian civilians everywhere. This wave began with Israeli occupation forces and settler attacks on Palestinian civilians in places of worship, including in the Church of the Holy Sepulcher and the Aqsa Mosque, in addition to arrests and attempts to expel families from the Sheikh Jarrah neighborhood in Jerusalem. This was followed by the repression of peaceful marches in the West Bank and Palestinian cities inside the Green Line, culminating in an 11-day Israeli military bombardment of the Gaza Strip from May 10-21, which targeted Palestinian civilians, infrastructure, health facilities and centers and medical teams, in addition to the media, press offices, education facilities and farmland.

In regards to the crime of settlements via the expropriation of Palestinian land and the expulsion of the indigenous people to replace them with foreigners, there is no overlooking the systematic crimes committed by settler groups under the full protection of and coordination with Israeli occupation authorities. In Jerusalem, settlers opened fire on Palestinians in what looked like a military parade, in clear daylight, in the town of Shufat, injuring three youths. A similar scene played out in Hebron, where a settler shot and killed a Palestinian woman. Over and above the crime of settling on occupied land, settlers have killed and attacked Palestinians and their properties for years, committing war crimes for which Israel and its leaders are responsible.

**Legal background**

This newest wave of incidents included a large number of grave human rights violations, beginning with the threat of forced displacement of Palestinian families in Sheikh Jarrah. This is also a war crime and crime against humanity in accordance with Articles 7 and 8 of the ICC Rome Statute, whereby an occupying authority displaces the legitimate civilian population from its occupied territories.

International law is adamant in that the city of Jerusalem is considered occupied territory, confirmed by the advisory decision of the International Court of Justice (ICJ) on the separation



and annexation wall.<sup>1</sup> Based on this, the description of this land in international law as occupied means the law in effect is the law of the state to which this land belongs. In this case, this means the state of Palestine, whereby Palestinian courts have the right to adjudicate in any legal case within its territorial jurisdiction, in accordance with Article 64 of the Fourth Geneva Convention.<sup>2</sup> Hence, there is no legitimacy to Israeli courts in political decisions, which are considered a part of a system that legitimizes and reinforces settlements and colonization in the occupied Palestinian territories. On the contrary, Israeli judges should be tried for legalizing international crimes such as forced displacement, settlements and collective punishment. In addition, the UN Security Council condemned all legal and de facto changes carried out by Israeli occupation authorities in East Jerusalem, of which Sheikh Jarrah is a neighborhood.<sup>3</sup>

### **Position of international human rights law**

In regards to international human rights treaties, Israel ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights. In light of this, the ICC deemed the ICCPR in force in terms of the actions taken by a country in exercising its legal jurisdictions outside of its territory. This means it is applicable to East Jerusalem, which is occupied territory over which Israel is the occupying power. The same applies to the International Covenant on Economic, Social and Cultural Rights.<sup>4</sup>

The International Declaration of Human Rights protects the right of ownership, in Article 17/2<sup>5</sup>. Likewise, Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) stipulates the prohibition of racial discrimination due to race, nationality or ethnicity in the granting of rights, including those pertaining to the right of ownership.<sup>6</sup>

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<sup>1</sup> The 2004 ICJ decision on the separation and annexation wall stipulates in Paragraph 78 that: The territories situated between the Green Line and the former eastern boundary of Palestine under the Mandate were occupied by Israel in 1967 during the armed conflict between Israel and Jordan.

<sup>2</sup> Article 64 of the 1949 Fourth Geneva Convention stipulates the following: "The penal laws of the occupied territory shall remain in force... the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws."

<sup>3</sup> One of these is Resolution 289/1971, which confirmed that the seizure of land by military force is impermissible and Resolution 2334 /2016 that called for an end to Israeli settlements in the Palestinian territories. The resolution stipulated a demand on Israel to halt settlements in the West Bank, including in East Jerusalem and confirmed the illegitimacy of Israel's construction of settlements in the 1967 occupied territories.

<sup>4</sup> For this purpose, Article 17 of the International Covenant on Civil and Political Rights stipulates the following: "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. 2. Everyone has the right to the protection of the law against such interference or attacks."

<sup>5</sup> Article 17/2 of the IDHR states the following: "No one shall be arbitrarily deprived of his property."

<sup>6</sup> To prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law...including The right to own property alone as well as in association with others (v) and The right to housing(iii)



Moreover, the two international conventions both prohibited discrimination in Article 2 of each treaty respectively.<sup>7</sup>

### **Position of International Humanitarian Law**

Article 46 of The Hague 1907 Regulations states that the occupying power must respect the lives and private properties, which cannot be “confiscated”. The Hague Regulations are considered customary international law, which limits the powers of the occupying authority; hence, all countries have a legal obligation to respect these binding regulations, including Israel.

As for the 1949 Fourth Geneva Convention on the protection of civilians in time of war, which Israel ratified on July 6, 1951, it is obligatory in the case of all the occupied Palestinian territories as a whole, including Sheikh Jarrah. This was confirmed by the advisory opinion of the International Court of Justice (ICJ) in 2004. Furthermore, in December, 2001, the high contracting parties of the Fourth Geneva Convention adopted a statement stipulating that “the ICRC has always affirmed the de jure applicability of the Fourth Geneva Convention to the territories occupied since 1967 by the State of Israel, including East Jerusalem.”

Article 53 of the same convention states: “Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.” Hence, the occupying power should not carry out the full or partial “expulsion” of the civilian residents in occupied Sheikh Jarrah given there is no legal justification related to the security of the population or which is “absolutely necessary by military operations.” Rather, their expulsion is aimed at ethnic cleansing and illegal settlements, which comprise a war crime.

In addition are the violations against religious and holy sites and the hindrances to freedom of worship. Christian worshippers were prevented from safely reaching the Church of the Holy Sepulcher during Easter and were assaulted en masse by Israeli police. Similarly, worshippers in the Aqsa Mosque Compound were attacked and beaten by Israeli police.

Furthermore, the Hague Regulations of 1899 and 1907 are applicable to the Aqsa Mosque and all Muslim and Christian places of worship as are the 1949 Fourth Geneva Convention Regulations and Protocols, given that these sites are part of East Jerusalem, which was occupied by Israel in 1967. Also, the Hague Convention for the Protection of Cultural Property in the Event of Armed

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<sup>7</sup> Article 2/1 of the 1966 ICCPR states: Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 2/2 of the ICESCR states: The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.



Conflict of 1954 is applicable. Moreover, Article 27 (4) of the fourth annex of the 1907 Hague Convention stipulates the necessity of military forces, if besieged, to use “all means so as not to harm buildings with the purpose of worship, arts, sciences, charitable activities, historical artifacts or the spiritual heritage of peoples.” Moreover, Article 56 of the 1954 Hague Convention stipulates the prohibiting of “seizure or sabotage of places of worship...and historical buildings.” Article 53 of the Additional Protocol I and Article 16 of Additional Protocol II of the 1949 Fourth Geneva Convention states “it is prohibited to commit any acts of hostility directed against historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples.” Also, the 1954 Hague Convention obligates any occupying power to preserve cultural and religious properties and considers any attacks on them a war crime.

The Israeli assault on the Gaza Strip clearly targeted civilians and civilian targets. According to the 1949 Fourth Geneva Convention and Additional Protocol I of 1977, Article 52 stipulates that all civilian objects must be protected; Article 147 of the agreement prohibits the illegitimate destruction of properties, considering this a grave violation. Furthermore, Article 25 of the 1907 Hague Protocol on the rules of land warfare stipulates that: “The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited”. Likewise, Article 8, Paragraph B of the ICC Rome Statute considers the targeting of civilians and civilian facilities during war as a war crime within the jurisdictions of the Court.<sup>8</sup>

In addition to this is the extreme violence and crimes perpetrated against the Palestinians inside the 1948 areas, over and above the institutionalized system of discrimination against them for years. This includes discriminatory laws and legislation, which constitutes the crime of “racial discrimination” according to the 1965 International Convention on the Elimination of All Forms

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<sup>8</sup> For the purpose of this Statute, “war crimes” means:

B) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

1. Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
2. Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;
3. Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
4. Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;



of Racial Discrimination.<sup>9</sup> These are also tantamount to the crimes of persecution and apartheid in accordance with the ICC Rome Statute.<sup>10</sup>

### Data on violations in Gaza

- From May 10 until noon of May 21, the Office of the High Commissioner for Human Rights OHCHR confirmed that 242 Palestinians, including 66 children, 38 women (four of whom were pregnant) and 138 men (including 17 elderly) were killed in Gaza. The final tally also included three special needs persons, one of which was a child, and two physicians.
- At least 14 families in Gaza lost three or more members in the same incident, totaling 77 victims.
- According to the Ministry of Health, 1, 948 Palestinians were wounded, including 610 children, 398 women (including three who are pregnant) and 940 men. The injuries ranged between severe (90), moderate (384) and light (1,319).
- The number of injured in the age group (18-39) totaled 808. In the age group (40-59) there were 321 injuries and among those below 18, there were 540 injured, in addition to 91 over the age of 60. Additionally, 165 of the injured are expected to have permanent disabilities.
- According to the Ministry of Public Works and Housing a total of 258 buildings were destroyed, comprising 1,042 housing and commercial units. Another 769 housing units suffered serious damage and are no longer inhabitable. Minimal damage was incurred by 14,536 housing units. In addition, 54 educational facilities were damaged during the escalation, including 46 schools, two kindergartens, one UNRWA vocational training center, a Ministry of Educational directorate and Islamic University buildings. Around 600,000 students lost a considerable amount of education in addition to suffering psychosocial repercussions.
- According to the health cluster, six hospitals and 11 primary health centers were damaged, one seriously, and one hospital stopped functioning because of a five-day power cut.
- On the nights of May 20 and 21, approximately 120,000 people were internally displaced and fled for protection to 58 UNRWA-run schools, including 170 special needs persons. After the ceasefire, the majority of these people returned to their homes, with only 330 left as of May 22. According to the Ministry of Social Development, there were 70,000 people who stayed with host families as of May 21.
- The Gaza Electricity Distribution Company stated that additional damages were incurred by the electricity networks and feedlines, with the average electricity supply at seven hours a day in all parts of Gaza. The current electricity supply from all sources is approximately 100 megawatts, which is much less than the 400 megawatts Gaza needs, thus largely hampering the provision of basic services.

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<sup>9</sup>Article 1 of the International Convention on the Elimination of all Forms of Discrimination states: "the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

<sup>10</sup>See Article 7 of the ICC Rome Statute of 1988 pertaining to crimes against humanity (Paragraph 1/h, Paragraph 2/R and Paragraph 2/h)



## **Data on violations in the West Bank, including East Jerusalem, and inside the Green Line**

Tensions are still high in the West Bank, including East Jerusalem, where demonstrations and clashes between Palestinians and Israeli forces broke out in several locations, including in the Aqsa Mosque Compound and at Damascus and Lion's Gate in the Old City.

- Since May 10, Israeli forces killed 27 Palestinians and injured another 6,794 in the West Bank during protests, clashes and attacks, with 60% being treated for teargas inhalation. 25% of the injuries were from rubber-coated metal bullets, 11% were from live ammunition and 4% from beatings, burns, falls or vehicular attacks.
- Based on a statement issued by the Ministry of Health, Jerusalem hospitals received over 400 wounded people, 22 of whom were in serious condition from Israeli army attacks on citizens inside the Aqsa Mosque grounds, in the Sheikh Jarrah neighborhoods and the alleyways and streets of Jerusalem.
- Furthermore, two youths from the 1948 territories were also killed (Mousa Hassouna and Mohammed Kiwan), the former by a settler bullet and the latter by Israeli police gunfire.
- Occupation forces arrested around 2,650 Palestinians from last April until May 26, 2021 with the majority of detainees from pre-1948 Palestinian areas. There were 850 arrests since May 9 alone, including 61 children and 7 women. The number of administrative orders issued against detainees reached 100, with 52 new orders and 48 renewed orders.
- In Jerusalem, since the confrontations began at Damascus Gate, the number of arrests has reached over 400. There were 169 cases of Jerusalemite youths arrested, including 46 minors and 10 females (including one girl). The highest number of arrests was recorded on May 12 when 60 people were arrested in one day, mostly in Essawiyeh, the Old City and Silwan.
- The number of arrests in the remaining West Bank areas was over 550.
- Number of indictments: the Israeli public prosecution submitted 116 indictments in which the clause "racial motive" was used for detainees inside the 1948 areas.

### **Testimonies from Sheikh Jarrah**

**Jenna Mohammed Kiswani:** Palestinian child, Jenna Kiswani, 16, from the western sector of Sheikh Jarrah neighborhood in occupied Jerusalem, is still recovering at home after being shot with a rubber bullet by Israeli police, which fractured her spinal cord.

In his testimony, Jenna's father relayed what happened on that day: My daughter and I stepped out of the house just for a minute but were surprised to see four policemen, pointing their guns at us in front of our gate and demanding that we go back inside. We immediately heeded their demand but we had barely taken a few steps inside the gate when one of the policemen randomly opened fire. Jenna was hit and she fell to the ground, screaming in pain. She had been hit by a rubber-coated metal bullet in the back. When I went to help her stand up, I was hit in the foot by shrapnel from a stun grenade. That is when Red Crescent paramedics arrived and transported Jenna to Al Maqassed Hospital where she remained for several days. Her tests showed her spinal cord had been fractured in addition to damage to one of her kidneys. She is at home now but is still in a lot of pain.



**Bassam Mazen Kiswani:** Bassam, 9-years old, is from the northern Jerusalem suburb of Beit Hanina. He was arrested and detained inside an Israeli police car, charged with throwing stones at settler homes.

In his testimony, Bassam’s father, Mazen Kiswani said: “Israeli police raided our home and arrested Bassam, detaining him inside a police car, claiming he had thrown a stone at a settler’s house 10 meters from our home, while playing with his friends. It all happened very fast. His sister and cousin were crying and pleading with the police to release Bassam, but instead, they took him to the “Neve Yacoub” police station. I followed them there immediately and filed a complaint about what had happened. They questioned me and Bassam about the stone-throwing and I told them my son was playing and had not thrown any stones. Hours later, they released him on bail.” The father adds, “Even though it has been days since the incident, Bassam is still fearful. He hardly leaves the house to play, even with his cousins.”

**Maisa Abu Ghazala, correspondent for “Maan” News Agency**

On May 10, the 28<sup>th</sup> day of Ramadan, I was with a group of journalists, some of whom work with foreign and local agencies and news websites, in addition to four medics in uniform. We were on the platform of the Dome of the Rock when Israeli soldiers stormed the place and started pushing us out. While we were trying to find a safe place and distance ourselves from the soldiers, they started firing stun grenades at us at close range. One grenade hit me in the knee and another one in the chest. I kept walking in spite of the pain because the stun grenades were still being fired. We were not able to reach the Aqsa Clinic because a group of soldiers were standing at the nearby police station and were firing rubber bullets in our direction, but we were able to reach one of the rooms. A medic came and with the help of my colleagues, offered me first aid for burns and contusions.

I stayed inside the Aqsa Mosque Compound for hours until Israeli forces withdrew and I went to a clinic for treatment. My injury impacted my field work because I was not able to walk for about two weeks.

**Sources:**

- Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, August 12, 1949
- Rome Statute of the International Criminal Court adopted in Rome on July 17, 1998.
- Special treaty on respecting the laws and customs of war on land – the Hague Regulations of October 18, 1907.
- Universal Declaration of Human Rights, 1948
- International Covenant on Civil and Political Rights of 1966
- International Convention on the Elimination of All Forms of Racial Discrimination of 1965
- <https://www.ochaopt.org/ar/content/escalation-gaza-strip-west-bank-and-israel-flash-update-12-covering-1200-21-may-1200-23-0>
- Palestinian Prisoners’ Club data
- Office of the UN High Commissioner for Human Rights (OHCHR)
- United Nations Office for the Coordination of Humanitarian Affairs (OCHA)
- Adalah Center

