

Military prosecutor clears Israeli forces in 2014 Gaza war

By Jean Shaoul
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Israel's military prosecutor has exonerated the country's military forces of any wrongdoing in seven horrific incidents that took place during the 2014 war on Hamas, the militant group that controls Gaza, including an airstrike that killed 15 members of a single family.

No criminal charges will be laid against those who carried out airstrikes targeting civilians and United Nations buildings that attracted world-wide condemnation, not least from human rights organisations within Israel itself.

The military advocate general closed 13 criminal investigations and rejected criminal probes of a further 80 incidents. Criminal investigations were ordered into just two cases, one involving abuse of a Palestinian and the looting of his property and the other concerning the intentional discharge of a weapon and damage to property.

According to the advocate general's report, the army has received 500 complaints regarding 360 violations committed by Israeli forces during the war. The Israeli military has opened an investigation into just 24 cases and thus far has indicted three soldiers for looting.

None of the numerous cases involving the deaths of more than 1,000 civilians have been submitted for criminal investigation. This is because Israel routinely labels all civilians in Gaza as potential "militants" and "terrorists" during its military offensives so as to categorize Palestinian homes as "Hamas command centres" and thereby provide a pseudo-legal pretext for targeting them.

The decision highlights once again Israel's refusal to hold its top military brass and politicians responsible for their criminal actions, in flagrant disregard of evidence and facts. It underscores the Zionist state's policy of blaming its victims for the crimes it commits,

and its contempt for international law. It presages even more deadly wars in the future.

The deadliest incident under review was an August 1, 2014 airstrike on the Gaza town of Rafah that killed 15 members of the Zoroub family. The military prosecutor said that although the civilian casualties were higher than expected, the airstrike complied with international law, which allows attacks on homes used for military purposes. The statement claimed that among the dead was senior Hamas commander Nazmi Zoroub, but Zoroub's brother-in-law contradicted this, saying Zoroub was wounded in a different attack and was not in the building at the time of the bombing.

Another deadly incident was a July 21, 2014 strike that killed 12 members of the Siyam family in Rafah. The military prosecutor said he could not find evidence that the victims were killed by an Israeli airstrike, concluding that their deaths were the result of mortar shells misfired by Palestinian militants.

A third incident related to an airstrike on July 20, 2014 killed seven members of the Ziyadeh family in the Bureij refugee camp. The Israelis claimed Hamas was using the camp as a command and control centre. Several militants, including three members of the Ziyadeh family and a senior Hamas leader, were among the dead.

The military advocate general even deemed entirely lawful the shelling of a United Nations school in Rafah in which 10 people died, since "proper procedures had been followed." He preposterously claimed that the military had authorised the strike with a low-explosive missile to minimise damage to the surroundings after a sweep of the area showed no civilians in harm's way. The Israeli army claimed it launched the attack after it sighted three Palestinian fighters on a motorcycle heading towards the school gate.

The attack was strongly condemned at the time by United Nations Secretary General Ban Ki-moon. Even Washington called it “disgraceful.”

Last year, a UN investigation held Israel responsible for the bombing of seven UN sites, including five schools, used as civilian shelters during the war. Those attacks killed 44 Palestinians and wounded 227 others. Ban condemned the attacks “as a matter of the utmost gravity” and insisted that UN locations were “inviolable.” Acceding to heavy pressure from Tel Aviv and Washington, however, the UN agreed to delay publication of its review until after Israel had completed its own inquiries.

In June 2015, a report by the United Nations Human Rights Council (UNHCR), with which Israel refused to cooperate, concluded that Israel committed war crimes during the 51-day offensive dubbed “Operation Protective Edge.” UNCHR highlighted the disproportionate casualty toll between the two sides. Among Palestinians, 2,251 were killed, of whom 1,462 were civilians, a third of these being children. A total of 11,231 were injured. On the Israeli side, 67 soldiers and six civilians were killed and 1,600 people were injured.

The evidence compiled by UNCHR showed that the quasi-genocidal character of the Israeli offensive was deliberate, not accidental, and was planned at the highest levels of the Israeli government. It concluded that Israel’s response to rocket fire from Gaza, the ostensible cause of the war, was disproportionate and could amount to a war crime, warranting a referral to the International Criminal Court (ICC).

It called on Israel to break with its “recent lamentable track record in holding wrongdoers responsible.”

The UNHCR review was only one of a number of reports, including by Amnesty International, the UN Office for the Coordination of Humanitarian Affairs, the Associated Press, and the Israeli NGOs B’Tselem and Breaking the Silence, which documented the criminality of Israel’s assault on Gaza.

Last year, ICC prosecutors, responding to a request from the Palestinian Authority (PA), which joined 22 UN conventions and institutions, including the ICC, at the end of 2014, said it would launch a preliminary examination to scrutinize “in full independence and impartiality” whether crimes might have been committed during the 2014 war. The ICC has the

power to intervene in cases where a country is deemed incapable of conducting a proper investigation.

Neither Israel nor the US, prime candidates for prosecution, has signed up to the ICC. Israel has threatened to retaliate against the PA if it pursues Israelis in the court, while the US Congress has adopted a law blocking US aid to Palestine in the event of ICC proceedings.

This latest report by Israel’s military prosecutor is one of several such investigations carried out by Israel in order to exonerate itself and preempt inquiries by the ICC into possible war crimes. These whitewashes are being conducted because the ICC will not investigate if Israel carries out its own investigations.

The publication of the military advocate general’s report coincides with Israel’s launching of air and tank strikes on 50 sites in northern Gaza, injuring four Palestinians. The entirely disproportionate assault was in response to a single rocket fired from Gaza at the Israeli city of Sderot by an Islamist group opposed to Hamas. That incident caused no casualties or damage.

Israel’s Foreign Ministry spokesperson Emmanuel Nahshon strongly rebuffed criticism from Turkey, which has just ratified the normalisation of its ties with Israel after a six-year break following Israel’s killing of ten Turkish activists aboard the 2010 Mavi Marmara aid flotilla to Gaza.

Nahshon said, “The normalisation of our relations with Turkey does not mean that we will remain silent in the face of its baseless condemnations.” He added, “Israel will continue to defend its civilians from all rocket fire on our territory, in accordance with international law and our conscience.”

The UN has warned that Gaza, subject to an Israeli blockade, supported by Egypt, since 2007, could become “uninhabitable” by 2020. Its 1.8 million citizens live in dire poverty due to the siege that has crippled the economy. There has been little rebuilding since the war due to the blockade, leaving 75,000 Palestinians in makeshift accommodation.

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