



Israel and the Occupied Palestinian Territories – Voices from Rafah

“My children’s small bodies were torn to pieces.”

Islam Harb, 30, Rafah, occupied Gaza, who lost three of his four children in the attack – five-year-old twin daughters, Jude and Maria, and six-month-old son, Ammar, along with his mother, two sisters and two brothers.

On 12 February 2024 Amnesty International published new [evidence](#) of unlawful Israeli attacks in Gaza, which killed at least 95 civilians, including 42 children. See below for more detail and survivor testimony. This evidence, providing yet more proof of Israel’s continuing flouting of international humanitarian law, underlines the urgent need for the UK government to not only do all in its power to secure an immediate ceasefire by all parties to the conflict, but also for it to take meaningful action to hold Israeli authorities accountable for their actions, which include war crimes, crimes against humanity and a plausible risk of genocide (as identified by the International Court of Justice (ICJ)).

In the context of the catastrophic conditions in Gaza, not least the [28,775](#) Palestinians killed (as of 16 February) and an engineered famine in which all children under 5 are at [severe risk of malnutrition](#), it is simply not enough to call for an end to the fighting; it is not enough to say, as the Foreign Secretary did [recently](#), that as the occupying power in Gaza, Israel would be breaching international humanitarian law if it does not make sure humanitarian aid is available. It is patently obvious that Israel *is* preventing humanitarian aid from being available in Gaza; it is patently clear that Israel *is* breaching international humanitarian law by carrying out indiscriminate, disproportionate and direct attacks on civilians and civilian objects. The UK government must take **action** to deter Israel from continuing to commit war crimes, crimes against humanity and help prevent the crime of genocide from being carried out.

All UK Parliamentarians and political parties should press for the UK Government to:

- **Call for, and take all possible actions to achieve, an immediate ceasefire by all parties to the conflict in Israel and Gaza.**
- **Suspend the supply of arms to the Israeli authorities given that serious violations amounting to crimes under international law are being committed.**
- **Ban the importation of goods from illegal Israeli settlements, in recognition that such importation facilitates and legitimises settlements, which are a war crime.**
- **Recognise and support international justice and accountability mechanisms, such as South Africa’s genocide case against Israel at the ICJ; the case to consider the legality of Israel’s prolonged occupation at the ICJ; and the International Criminal Court’s investigation into the situation in Palestine.**

CEASEFIRE

The staggering death toll, extreme destruction and cataclysmic risk of an impending ground operation in Rafah, Gaza’s most overcrowded area, underlines the urgent need for an immediate and enduring ceasefire by all parties. A ceasefire is vital to stop the civilian death toll, enable aid agencies to get sufficient relief into the occupied Gaza Strip, and to distribute it safely and unconditionally. It would give hospitals and clinics an opportunity to receive life-saving medicines,

collect the little fuel still available locally, and water and equipment they desperately need as well as to repair damaged wards and other critical infrastructure such as the water network.

An immediate and enduring ceasefire is also needed to secure the safe release and return of all civilian hostages who are at further risk. Civilians in Israel are also exposed to harm as a result of the firing of indiscriminate rockets from Gaza, and to enable independent investigations into war crimes and other human rights violations by the International Criminal Court and the UN Independent Commission of Inquiry.

EVIDENCE OF UNLAWFUL ISRAELI ATTACKS IN GAZA CAUSING MASS CIVILIAN CASULTIES

Amnesty International investigated four Israeli strikes, three in December 2023 and one in January 2024, in Rafah at a time when it was supposedly the “safest” area in the strip. The attacks killed at least 95 civilians, nearly half of them children.

In all four attacks, Amnesty International did not find any indication that the residential buildings hit could be considered legitimate military objectives or that people in the buildings were military targets. The attacks must therefore be investigated as war crimes. These attacks evidently failed to distinguish between military objectives and civilian objects and would therefore be indiscriminate. Indiscriminate attacks that kill and injure civilians are war crimes.

Entire families were wiped out. Among those killed was a baby girl who had not yet turned three weeks. Survivors shared the following testimony:

“I lost my mother. My sister Najwa, her husband, and all of their children were killed. Abir, my closest sister, the dearest person to me, was also killed. Her loss broke my back. My brother Mohammed Al-Hadi was only recognized by his hair; nothing was left of my brother Khalil except his hand... My children were rescued from beneath the rubble alive. I look at them and cannot believe they are still alive.”

Ahlam Harb, 34, whose finger had to be amputated as a result of the strike.

“When the war started, I had only one mission in my life, to protect my children. I wish I were with them when the house was hit. My body survived but my spirit died with my children, it was crushed under the rubble with them.”

Ahmad Nasman, 30, a physiotherapist, who lost his wife Oula, 29, and their three children: Arwa, 5; Karam, 4; and Ayla, three months. His parents, Hassan, 63, and Omayya, 58, were also killed, as was his sister Aya, 28. They made the gruelling journey from Gaza city to Rafah in a horse-drawn cart through the so-called “safe corridor” which he described as a “corridor of hell”. It took him four days to retrieve the body of his baby daughter Ayla from the rubble; she was only recognizable by her clothes. The blast decapitated his five-year-old daughter, Arwa.

“I couldn’t open my eyes because they were full of glass, shrapnel and sand. My whole body was beneath the rubble, only my foot was visible, maybe it took 20 minutes for the rescuers to get me out,”

Malak Al-Shaer, whose husband and 16-year-old daughter were killed along with six members of her husband's family, including Farah, 16; Omar, 14; Mohammed, 13; and Dima, 1.

“Sometimes I still cannot figure out if this was real or a nightmare. My nephew has a daughter, who is not yet three weeks, his other son, is not yet two years old... Can you imagine these children’s bodies being crushed under the rubble?”

Mohamed Zu’rub, whose house was also damaged in a strike on 19 December 2023 at about 1.30am in western Rafah.

UK ARMS

There is a clear risk that arms and military equipment transferred to Israel will be used to facilitate or commit serious violations of international law, including attacks that may amount to war crimes and plausibly amount to genocide. The UK government should immediately suspend both extant licences for military equipment and technology and the issuing of new licences while Israel continues to carry out widespread serious violations including war crimes, with impunity. Failure to do so risks the UK government breaching its own laws and international obligations and being complicit in grave abuses.

As a party to the Genocide Convention, the UK is bound to ensure it helps prevent violations and ensure it is not complicit in violations of the Convention. Given the ICJ's finding that there is a plausible risk that Israel is committing genocide against Palestinians in Gaza, unless the UK immediately ceases transfer of any arms or military equipment, it risks becoming complicit in violations of the Genocide Convention.

The UK government exploits a loophole, set out in the 2002 "incorporation guidelines"¹, to arm Israel by supplying components for US-made F-16 and F-35 fighter aircraft, in the full knowledge they're being used in military action in Gaza where thousands of civilians have already been killed and are expected to continue to be killed, following relentless and indiscriminate Israeli attacks. As detailed in this briefing, Israel's military conduct in Gaza has repeatedly involved unlawful attacks.

In previous escalations of the conflict, the UK government has acknowledged that a number of UK arms export licences, specifically "incorporation licences" whereby UK components have been sent to third destinations for onward export to Israel, have been used by the Israeli defence and security forces in Gaza. For example, in 2009, the UK government acknowledged² that components for F-16 combat aircraft, Apache attack helicopters and a variety of naval systems, had likely been used in Gaza by the IDF. Similarly, in 2014, a UK government review concluded that export licence for military radar systems, combat aircraft and military vehicles had likely been used.

It is clear that the UK's arms licensing system is not fit for purpose in assessing risk, is riddled with loopholes and is in desperate need of root-and-branch reform. In the meantime, the UK should immediately suspend both extant licences for military equipment and technology and the issuing of new licences of arms and security equipment to Israel, including components supplied via third countries.

- During the 2014 Israel/Gaza crisis when the current Foreign Secretary was Prime Minister, the UK government announced that it would block arms exports to Israel if the terms of the then ceasefire were violated; [stating](#) "We welcome the current ceasefire... However, the UK government has **not been able to clarify if the export licence criteria are being met. In light of that uncertainty we have taken the decision to suspend these existing export licences** in the event of a resumption of significant hostilities."; what will it take to suspend licences now?
- Will he set out a comprehensive explanation of why the UK continues to consider transfers of arms to Israel should not be prohibited, given the clear risk that such items could be used in the commission of unlawful attacks, including war crimes and plausibly contraventions of the Genocide Convention?

¹ The guidelines allow the UK to supply components to an intermediate country if that country is an ally and has a recognised export control system, even if that country then exports that item to destinations the UK would not approve sales to directly.

² See Ministerial answer to question on export licences

https://publications.parliament.uk/pa/cm200102/cmhansrd/vo020708/text/20708w01.htm#20708w01.html_dpthd0.

- Will he confirm whether the 2002 “Incorporation Guidelines” are still being used and have been consulted in decision making regarding incorporation licences for third destinations for onward export to Israel since October 2023?

WEST BANK AND EXPANSION OF SETTLEMENTS

On 5 February 2024 Amnesty International published shocking [analysis](#) of a brutal wave of violence against Palestinians in the Occupied West Bank. Between 7 October and 31 December 2023, 299 Palestinians were killed, marking a 50% increase compared to the first nine months of the year. 2023 was already the deadliest year for Palestinians since the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) began recording casualties in 2005.

Israel’s brutal repression in the Occupied West Bank is a feature of its crime against humanity of apartheid, which also includes Israel’s policy and practice of settling its civilians in occupied Palestinian territory. This displacement of the local population violates the Fourth Geneva Convention and constitutes a war crime. It has also resulted in other grave human rights violations against Palestinians: forcible displacement, land confiscation, demolition of homes and structures, and discrimination.

The UK government has called on Israel to stop its settlement expansion. It has also [condemned](#) the building of such settlements, in Gaza. However, this has clearly made no difference as rampant settlement expansion has accelerated in recent years: the first six months of 2023 saw the most approvals of settlement housing units since monitoring began in 2012. The UK is indirectly supporting settlement maintenance and expansion by allowing goods produced there into the UK market and allowing firms based in the UK to conduct business with settlements.

Amnesty International is calling for the UK government, and all UK political parties, to adopt a policy position of **stopping the importation of products arising from activities that are a grave breach of international human rights law and international humanitarian law, such as use of forced labour, or originating from territories that are occupied illegally under international humanitarian law.**

- Does he accept that settlement expansion is an Israeli State policy, as well as a war crime? What steps is he taking to hold the Israeli government accountable for settlement expansion?
- Why will the UK not ban the import of goods from illegal Israeli settlements, given they facilitate and legitimise a war crime?
- Why has the UK not introduced a geographically explicit territorial clause in its Free Trade Agreement (FTA) with Israel, to make unequivocally clear the agreement’s inapplicability to the Occupied Palestinian Territories (OPT)?

INTERNATIONAL HUMANITARIAN LAW, WAR CRIMES AND ACCOUNTABILITY

In 2021, the International Criminal Court opened an investigation into the situation in the State of Palestine with a mandate covering crimes under international law committed by all parties in the current conflict, as well as the crime against humanity of apartheid⁸ against Palestinians. In a [statement](#) dated 17 November 2023, the Prosecutor of the International Court, Karim Khan KC stated that he stands ready to work with all parties and called for their “full cooperation with my office”; including to complement domestic accountability efforts, “to ensure that justice is delivered for those affected by Rome Statute crimes”. He also called on all State Parties to the Rome Statute (which includes the UK) to provide the ICC with the tools and resources needed to allow them to fulfil their mandate.

Amnesty calls on the ICC prosecutor to expedite the investigation and to include the recent crimes committed by all parties, in Israel and all of the occupied Palestinian territories. Given the UK

government has now recognised the independence and jurisdiction of the International Criminal Court regarding its ongoing investigation into the situation in Palestine – it should ensure the ICC receives full and all necessary resources, including for its investigation into the situation in Palestine.

The UK must also recognise the jurisdiction and independence of the ICJ and publicly call on Israel to comply with its ruling, including the provisional measures issued on 26 January 2024. The UK should request to see a copy of Israel's report to the court (due within one month of the order) laying out how it is complying with its orders. It is nonsensical to simultaneously state respect for the independence of the ICJ but also state that Israel's "actions cannot be described as a genocide", when the Court itself hasn't made a final determination but has found a plausible risk. The UK's [response](#) to the Court's ruling was therefore wrong and undermined the international rule of law.

The UK should also support the independence and jurisdiction of the ICJ when it intervenes in the public hearings at the ICJ's examination of the legal consequences of Israel's prolonged occupation, scheduled for the week beginning 19 February 2024. Israel's occupation of Palestine is the longest and one of the deadliest military occupations in the world. For decades it has been characterised by widespread and systematic human rights violations against Palestinians. The occupation has also enabled and entrenched Israel's system of apartheid imposed on Palestinians.

The current conflict raging in the occupied Gaza Strip, where the ICJ has ruled there is a real and imminent risk of genocide, has brought into sharp focus the catastrophic consequences of allowing Israel's international crimes in the OPT to continue with impunity for so long. The UK must recognise that helping to end Israel's illegal occupation is a prerequisite to stopping the recurrent human rights violations in Israel and the OPT. The UK must support the ICJ's decision to issue an opinion examining the legality of Israel's longstanding military occupation, recognise the illegality of Israel's occupation of Palestinian territory and the reality that the occupation is one of the root causes at the heart of the ongoing crisis in Israel and the Occupied Palestinian Territories.

- In its intervention the ICJ's examination of the legal consequences of Israel's prolonged military occupation of Palestinian territory, will the UK recognise the ICJ independence and jurisdiction and support the court's decision to issue an opinion examining the legality of the occupation?

/Ends