

Israel and the 'Gaza doctrine': It is a war crime to target densely packed Gaza homes

Thursday 14 August 2014, by [SOURANI Raji](#) (Date first published: 23 July 2014).

The 'Gaza doctrine' of collective punishment and deliberately spreading terror among civilians is illegal.

Once again the Gaza Strip is subject to intense attack from Israeli forces. As of yesterday the Palestinian Centre for Human Rights has documented 593 killed, among them 483 civilians – 151 children, 82 women – and 3,197 injured. Among the injured are 926 children and 641 women, although this does not include the figures for the border areas or the Shejeia area.

Once again it is the civilian population which is targeted, deliberately brought into the eye of the storm.

Everyone in the Gaza Strip is exhausted, worried and terrified. This is as Israel intended. We believe that Israel is deploying the “Gaza doctrine”, a policy with its roots in the Dahiya doctrine first witnessed in the 2006 Lebanon war, and subsequently refined in the Gaza Strip.

The purpose of the Gaza doctrine is straightforward: disproportionate force is used to cause terror among the civilian population to exert political pressure on the authorities in Gaza.

This policy of collective punishment, of deliberately causing terror, is unequivocally illegal but it is all too real.

This policy is evident in the intense bombardment of the Gaza Strip that preceded the start of the current offensive. For two weeks following the tragic kidnapping of three Israeli teenagers in the West Bank, open areas in the Gaza Strip were subject to intense bombardment. There is no military advantage to be acquired from the targeting of empty fields or desolate places. The purpose was instead to demonstrate Israel's force and presence. We could not sleep. We were constantly shaken by the thundering impact of one-tonne bombs.

However, the most obvious illustration of this policy in practice has been the widespread targeting of the homes of Hamas and Islamic Jihad fighters. These homes are typically targeted in two phases whereby a “warning” is issued to the house in question so that it may be evacuated. This warning takes the form of either a dud missile (termed “roof knocking”) or a phone call. The house is then targeted and destroyed, anywhere from five to 15 minutes later or sometimes even longer.

How is the destruction of these homes justified?

The law of armed conflict states that only combatants and military objectives may be targeted. Civilians and civilian objects are protected from direct attack.

Destruction

Military objectives are “those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage”.

The law of armed conflict permits the targeting of combatants. As such, in principle it is possible that a house may be targeted to target the combatants contained within (this attack is still subject to the requirement of proportionality). However, Israel has consistently issued warnings before an attack is launched, ensuring that no combatants are present.

The other legal possibility is that a home may also be targeted if it is being used to “make an effective contribution to military action”; ie if it is being used to store weapons or as a base from which attacks are launched. However, in the overwhelming majority of cases documented by the Palestinian Centre for Human Rights we have not found evidence that homes have been used to either store weapons (demonstrated by secondary explosions) or as a base from which to launch attacks (determined through interviews with neighbours and witnesses).

If a home does not satisfy these criteria then it is not a military objective and cannot be attacked.

A home cannot qualify as a military objective just because it is owned by a member of Hamas or Islamic Jihad.

Significantly, the law of armed conflict clearly states that “in case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used”.

No military necessity

Simply put, there is no military necessity justifying the destruction of these homes: it is straightforwardly illegal to target civilian objects.

In fact it is a war crime. Issuing a warning does not change this fact: it remains illegal to attack a home in the absence of military necessity.

The only conclusion we can draw is that these are punitive house demolitions, and it is significant that Israel has resumed its policy of punitive house demolitions in the West Bank in recent weeks.

This is why we are forced to conclude that Israel has revitalised the Dahiya doctrine, and refined it for use in Gaza.

If the objective is to cause terror it is working. The Gaza Strip is one of the most densely populated areas in the world. These homes that are targeted are not isolated. They are in the middle of densely populated residential areas. Even if one home is targeted, many others will inevitably be affected. This is why the rate of civilian casualties is so high.

The reason is simple: you cannot drop a one-tonne bomb in a residential area without causing catastrophic damage to any civilians or civilian objects nearby.

In the face of this reality the civilians of Gaza are left without protection. We want to be treated as equals. We want our rights to be respected and protected. We ask that international law be applied equally to Israel and Palestine, to Israelis and Palestinians. The rule of international law must be respected, and all those responsible for violations must be held to account. We demand the rule of law.

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* First published: Wed, Jul 23, 2014, 02:00:

<http://www.irishtimes.com/news/world/middle-east/it-is-a-war-crime-to-target-densely-packed-gaza-homes-1.1874825>

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<http://www.pchrgaza.org/portal/en/>