



בצלם - מרכז המידע הישראלי לזכויות האדם בשטחים (ע.ר.)
مركز المعلومات الإسرائيلي لحقوق الإنسان في الأراضي المحتلة-بتسيلم

B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories

5 May 2009
no.13214

To Mr Menachem Mazuz
Attorney General

Dear Sir,

Soldiers firing at civilians carrying white sheets and preventing medical treatment in Khan Yunis, on 13 Jan. '09.

Following my letter to you of 26 March '09, on the need of establishing an independent mechanism to investigate the conduct of the army during the fighting in operation Cast Lead, I hereby approach you regarding another incident on which we have received information that gives rise to the suspicion that the army was operating in violation of international humanitarian law.

On Tuesday, 13 Jan. '09, at about 8am, soldiers called on to the residents of the A-Najar neighborhood of the town of Khuza'a in Khan Yunis to leave their homes and evacuate the area. The residents began departing their homes. Among them were Rawhiya Sliman A-Najar, 48, and Yasmin Khaled Ibrahim A-Najar, 24. The two women were carrying white sheets and were leading a group of women (the coordinates of Rawhiya A-Najar are $N31^{\circ} 18' 37$, $E034^{\circ} 22' 00'$).

Some 200 meters from the home of Fares Suleiman Moslem A-Najar, where soldiers were positioned (the coordinates of the house are $"N31^{\circ} 18' 42$, $E034^{\circ} 21' 55"$), shots were fired at the women. Rawhiya a-Najar was hit in the head and fell to the ground, while Yasmin was hit in her right leg (the coordinates of the place where Rawhiya A-Najar was hit are $"N31^{\circ} 18' 39$, $E034^{\circ} 21' 58"$). Panic ensued, and people ran for cover. Yasmin A Najar hid behind a trash can and later returned home. Rawhiya A Najar remained lying on the ground.

Local residents summoned an ambulance for Rawhiya a-Najar. When the ambulance came to a distance of about 200 meters, it was fired upon, apparently by the soldiers positioned in the house of Hassan Qdeih, which is situated a hundred meters from there (see attached map. The coordinates of the ambulance when it was fired at were $N31^{\circ} 18' 39.24$, $034^{\circ} 21' 52.17'$. The coordinates of the Hassan Qdeih house were: $"N31^{\circ} 18' 41$, $E034^{\circ} 21' 53"$).

The driver of the ambulance, Marwan Muhammad Mahmoud Abu Rida, 40, took the ambulance to a side alley to avoid the shooting, but soldiers continued firing at it. He was fired at whenever he tried to approach wounded Rawhiya A-Najar. After 45 minutes, Marwan entered a nearby home, that of Yussef Ibrahim Muhammed A-Najar, to take cover (the coordinates of Yussef A-Najar's house are $"N31^{\circ} 18' 38.64$, $E034^{\circ} 21' 51.91'$. A minute later,

fire was also opened at the house, in which some 40 people were at the time. No one was wounded by the fire.

From information collected by Btselem it appears that the army took over the town of Khuza'a and called upon residents to evacuate the area. For reasons unclear, when the residents began leaving their homes, the soldiers opened fire at them. Needless to say, firing at civilians who do not pose a risk is illegal, and raises grave suspicions that the soldiers were acting in violation of international humanitarian law, and even of the military's own orders.

Furthermore, the soldiers prevented the evacuation of Rawhiya A-Najar to a hospital. It is unclear what, if any, was the justification for firing at an ambulance and preventing medical treatment. Such firing is prohibited, and it too gives rise to grave suspicions that the army was acting in violation of international humanitarian law.

Considering the severity of the incident and its grave results, I would ask you to order an investigation of the incident. This investigation must also include examining the responsibility of the command and the orders given.

Please find attached a CD with photographs and coordinates from the event.

Sincerely,

A handwritten signature in black ink, appearing to be 'JM', with a long horizontal flourish extending to the right.

Jessica Montell

Executive Director