



Right Hon Philip Hammond MP
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For the attention of: Right Hon Philip Hammond MP

22 October 2014

Dear Mr. Hammond,

Re: Use of Palestinian child as a human shield by the Israeli military in Gaza during 'Operation Protective Edge'

As lawyers committed to the protection and promotion of Palestinian human rights, we urge the British government to insist that a rigorous investigation is carried out by Israeli authorities to determine the alleged criminal responsibility of Israeli soldiers and their commanders for the abduction and use of a Palestinian child, Ahmad Abu Raida, 17, as a human shield for five days during the recent military operation in Gaza codenamed 'Operation Protective Edge'. The terrifying and cruel ordeal faced by Ahmad Abu Raida requires appropriate investigation, punishment and condemnation as it clearly amounts to the prohibited forcible use of a civilian to directly assist in military operations or to shield military forces from attack.

Defence for Children International Palestine investigation findings

The Ramallah-based Defence for Children International Palestine (DCI Palestine) has taken a signed written statement from Ahmad Abu Raida concerning his abduction and detention by Israeli military authorities for five days from 23 July 2014 until 27 July 2014. LPHR has been provided with a copy of Ahmad's signed statement by DCI Palestine which documents his extensive abuse at the hands of the Israeli military authorities. This includes repeated physical and verbal abuse, interrogation, humiliation, insults, lack of food and drink, a threat with assault of a sexual nature, and being struck in separate incidents with a helmet and with a wire. He was denied requests to call his family and the Red Cross, and he feared for his life to the extent that he wrote a 'will' during his ordeal – which has been retrieved and preserved as evidence - where he expressed the following:

"I spent Friday, July 25, with Israel occupation soldiers who locked me in this room. I do not know whether I am going to live or they are going to kill me. I do not know anything about



what might happen next to me. I am writing this letter hoping someone would find it and inform my family about it. In case I die or get arrested, please send my greetings to my family. Ahmad Jamal Abu Raida."

Ahmad's ordeal began on 21 July 2014, when Israeli tanks entered Khuza'a, during the ground invasion of the Gaza Strip. After two days of hiding at home, Ahmad's family and neighbours attempted to flee intense artillery fire. As they tried to leave, Israeli soldiers assembled civilians, separating young men from other categories of people. Ahmad was singled out despite then being a sixteen year old minor, detained with his hands tied behind his back, and kicked and insulted by a soldier.

In the days that followed, Ahmad was repeatedly interrogated about his political affiliation and the location of tunnels. He managed to sleep for just two hours on the first night, sitting in a chair with his hands tied behind him. Every day he was forced to search for tunnels in houses and other locations by Israeli military authorities, including at one point being forced to dig in a well in the afternoon sun.

Ahmad has told DCI-Palestine, "[The captain and the soldiers] were walking behind me, with their rifles pointed at me. 'Get in [the house] and see if there are tunnels or not,' [the captain] ordered me. They made me search all the rooms for tunnels. Whenever I told them there were no tunnels, they would take me out and search the room themselves."

International law and Israeli domestic law prohibition

The forced recruitment of children for participation in hostilities breaches Article 2 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children and Armed Conflict (OPAC) - ratified by Israel in 2005 - which prohibits State Parties from compelling any under 18-year-old to serve in their armies.

The prohibition on the use of human shields is found in the Fourth Geneva Convention and its First Additional Protocol. The former provides at Article 51 that the occupying power is prohibited from compelling civilians "to undertake any work which would involve them in the obligation of taking part in military operations". Under the Rome Statute of the International Criminal Court, the use of civilians as human shields constitutes a war crime.

In October 2005, the Israeli High Court of Justice ruled that the practice of using civilians as human shields runs counter to principles contained in the Fourth Geneva Convention. The court ruled in *Adalah v Military Commander of the West Bank* that "the civilian population is not to be used for the military needs of the occupying army."

Imperative need for legal accountability

The executive director of DCI Palestine, Rifat Kassis, has stated in response to the forcible use of Ahmad Abu Raida as a human shield that:



"The Israeli military has consistently accused Hamas of using civilians - particularly children - as human shields, but this incident represents a clear case of their soldiers forcing a child to directly assist in military operations. Israeli officials make generalized accusations while Israeli soldiers engage in conduct that amounts to war crimes."

LPHR is appalled by the terrifying and cruel ordeal of Ahmad Abu Raida at the hands of Israeli military authorities in apparent clear contravention of international and Israeli domestic law. We urge the British government to undertake dialogue with the Israeli government concerning this unacceptable incident and insist upon the following:

1. Israel conducts a criminal investigation into the alleged abduction, maltreatment and use of Ahmad Abu Raida as a human shield for Israeli military forces which is thorough, credible and transparent; and
2. Justice and legal accountability is secured should the thorough, credible and transparent Israeli investigation determine that members of Israeli military forces are criminally responsible for their alleged actions against Ahmad Abu Raida.

LPHR view these outcomes as imperative for the following reasons:

1. To achieve justice and legal accountability for the apparent prohibited forcible use of a child to directly assist in military operations or to shield military forces from attack;
2. To send a powerful and clear deterrent message to Israeli military forces that a breach of the prohibition on the use of civilian human shields will lead to the just imposition of individual criminal responsibility and punishment; and
3. To uphold the rule of law and diminish the ongoing threat of further serious violations by Israeli authorities of the human rights and dignity of Palestinians.

We shall be grateful for your intervention on this urgent matter and look forward to receiving your written response.

Yours sincerely,

Tareq Shrourou
Director, Lawyers for Palestinian Human Rights

CC: British Consulate General Jerusalem
Law Society in England and Wales
Bar Human Rights Committee of England and Wales