



Right Hon Philip Hammond MP
Foreign Secretary
Foreign and Commonwealth Office
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City of Westminster
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For the urgent attention of: Right Hon Philip Hammond MP

12 April 2016

Dear Mr. Hammond,

Re: Urging the end of Israel's deliberate and/or reckless military airstrikes against family homes in Gaza following the killing of two children in their beds

As lawyers committed to the protection and promotion of Palestinian human rights, we urge the British government's intervention in ending Israel's deliberate and/or reckless military airstrikes against family homes in Gaza. This follows the killing of two children, Yasin Abu Khusah, aged 9, and Israa Abu Khusah, aged 6, whilst sleeping in their beds on the early morning of 12 March 2016. They were killed in a makeshift shelter, constructed partially from tin and asbestos, that had been their family's home since the 2014 Israeli military offensive on Gaza when their original home was destroyed.

LPHR's carefully considered position is that the Israeli military's deliberate and pervasive targeting of family homes during their 2014 military offensive on Gaza was unlawful and incurred individual criminal responsibility. The killing of Yasin and Israa in a makeshift shelter, who were among the 100,000 Gazan residents internally displaced because of the destruction or severe damage of approximately 18,000 housing units in 2014, is a direct legacy of that devastating military offensive.

B'Tselem has documented the fatal incident of 12 March 2016. It notes that according to an Israeli military spokesperson, Israeli air force planes attacked a training camp belonging to the military branch of Hamas in the al-Sayfa area of Beit Lahiya, which was launched in retaliation for the firing of a rocket into Israel. No Hamas military operatives were injured in the attack. B'Tselem then notes that the Israeli military spokesperson failed to mention that the attack also hit the home of the Abu Khusah family, which was situated about 50 metres away from the base, alongside other homes. Their home was struck by a block of stone or concrete that, propelled by the force of the blast, went through the roof. Eight members of the Abu Khusah family lived in the home. Yasin was killed on the spot; his sister, Israa, died of



her injuries later that day. Their brother Ayub, aged 12, sustained a minor head wound, and their 5 year old sister, Ikram, suffered very slight injuries.

B'Tselem provides the following legal analysis of the Israel military's use of airstrikes, with excerpts highlighted for emphasis by LPHR:

*"Israel's longstanding policy of air strikes on the Gaza Strip reflects decision makers' inconceivable disregard for the lives of the people living there. Israel is duty-bound to do everything in its power to avoid injury to civilians. Yet **despite repeated civilian fatalities and casualties, Israel refuses to change its policy and continues to adopt a distorted and far-reaching interpretation of the provisions of international humanitarian law in order to justify its position. This policy is unlawful and immoral.**"*

*"In this instance, the attack was carried out in circumstances that were completely under Israel's control, including the time and location of the strike. Accordingly, if there was in fact any justification for such an attack, other than its symbolic value, the military should have ensured that only the facility itself would be hit, and that civilians living in the vicinity – whose presence was or ought to have been known to those planning the strike – would come to no harm. Having failed to do so, **the decision makers in both the military and political echelons bear liability for the children's death.**"*

This reflects LPHR's own legal analysis of the deliberate and pervasive military targeting of civilian homes in Gaza in 2014, that resulted in massive loss of civilian life, including 370 children and 241 women killed inside their homes. We asserted in a complaint submitted to the UN Commission of Inquiry on Gaza that the large-scale, deliberate and systematic targeting of family homes indicated that international humanitarian law and human rights law violations were committed which may amount to war crimes and crimes against humanity. Our [critical legal analysis](#) was shared by the Commission in its [report](#).

The killing of Yasin and Israa underscores our grave concern that continued impunity and absence of effective deterrence for the perpetration of alleged serious international crimes will only serve to encourage the horrific recurrence of the apparently unlawful killing of Gazan residents within their own homes by Israel's military forces.

We therefore urge the UK government to:

- Publicly assert the vital need for a credible, impartial, independent and transparent investigation to be carried out into the killing of Yasin and Israa so that legal accountability is secured for any military and political official who is criminally liable for their deaths.
- Urge that Israel ends its apparently unlawful use of military airstrikes in Gaza on the basis that it a) demonstrates disregard for civilians and civilian objects in breach of international human rights law, and b) appears to be carried out in violation of relevant



international humanitarian law principles of distinction, proportionality and precaution.

- Publicly assert the ongoing vital need for fully credible and independent criminal investigations, accountability and state responsibility and reparations for all alleged serious violations of international humanitarian and human rights law in relation to the widespread and systematic targeting of family homes that caused massive civilian loss of life during Israel's military offensive on Gaza in 2014.

We should be grateful for your careful consideration of this urgent matter and for your reply.

Yours sincerely,

Tareq Shrourou,
Director, Lawyers for Palestinian Human Rights