

## **Appendix VI. Human Rights Watch Letters and IDF Responses**

## HUMAN RIGHTS WATCH

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
Tel: 212-216-4700  
Fax: 212-736-1300  
Email: hrwnyc@hrw.org

### MIDDLE EAST AND NORTH AFRICA DIVISION

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Joe Stork, *Deputy Director*  
Fadi al-Qadi, *Regional Advocate*  
Eric Goldstein, *Research Director*  
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Nadim Houry, *Researcher*  
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Assef Ashraf, *Associate*

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July 31, 2006

Mr. Ron Roman's Office

Dear Mr. Roman,

Thank you for taking my call last week. I understand that you are out of the office over the coming days, but that your office will reply to some enquiries we have. We have been in touch with Noam and Yaron of your office. We have not heard back yet.

Human Rights Watch is seeking an explanation from the IDF of the shelling on July 24, 2006 of apartment towers in the Abraj Nada (Nada Towers) housing complex within the Bait Hanun municipality, on the road to Erez. Shelling occurred apparently from the East hitting the sidewalk, entrance area and front façade of the area between towers 10 and 15, where the DCO North office is located, in four separate incidents between 1.20pm and around 11p.m.

Were these attacks on the housing complex a mistake? Were they a response to Qassam rocket attacks, and if so, where and when were these Qassam rockets launched? What warnings if any were communicated to the residents of the towers, either directly via telephone, loudspeaker, flyers or through the DCO?

We are also seeking an explanation for the shelling on July 26 of the roof of tower 15, just above the DCO, at around 6-6.30am. On Friday, July 28, seven shells reportedly landed as close as 50m to the West of the nearby Balsam clinic in response to a Qassam rocket launch. The impact of these shells caused damage to the clinic and injured several persons. What is the current IDF policy regarding the minimum distance of its intended targets from civilians and civilian infrastructure?

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Israeli TV Channel 2 reportedly quoted the IDF as saying that these towers were empty at the time of attack on July 24. Can you confirm that such a statement was given by the IDF to the TV channel?

You can reach me under [wilckec@hrw.org](mailto:wilckec@hrw.org) or via telephone on +972 599 010194. Please send your reply as soon as possible.

Thank you.

Best regards,

Christoph Wilcke

**Israel Defense Forces**  
**IDF Spokesperson Unit**  
**International Organizations Desk**  
Phone: 03-6080220  
Fax: 03-6080312  
3185 - 8-7  
2006August6



**To**  
**Cristoph Wilcke**  
**HRW**

**RE: In response to your query**

Your query was received in our office on July 31<sup>st</sup>. Here is our response:

**The terrorist organizations operate from inside populated areas, knowingly using uninvolved civilians as human shields, whether by launching Qassam rockets from these areas, or by storing weapons in their houses. The responsibilities for any harm to civilians lies with the terrorists.**

**Preventing harm to civilians is of great importance to the IDF, and it communicates to the citizens in the Gaza Strip to avoid staying in areas where rocket launching and terrorist activity are taking place. The IDF communicates these warnings by scattering leaflets in the air, relaying messages through the Palestinian media and making repeated requests through the DCO's.**

**The area in your query has been a launching site for Qassam rockets into Israel. In July alone, over 15 Qassam rockets were launched from the Officers' residence in the complex, and from its surroundings, dozens of rockets are launched on a daily basis.**

**The IDF operates with proportion, in order to minimize the risk of harming the Palestinian population, and retaliates to the areas from which Qassams are**

**launched, in order to hit the terrorist organizations, headed by Hamas, the rocket launching cells, and terrorist infrastructure. The IDF currently operates in different areas in the Gaza Strip, in order to stop terrorist activity, and has encountered Anti-tank missiles, gun fire, and explosive devices against its soldiers on many occasions.**

Sincerely,

Ron Roman, Academic Officer  
Head of Int. Org. Desk  
IDF Spokesperson

## HUMAN RIGHTS WATCH

1630 Connecticut Avenue, N.W.  
Suite 500  
Washington, DC 20009  
Tel: 202-612-4321  
Fax: 202-612-4333  
Email: hrwdc@hrw.org

### MIDDLE EAST AND NORTH AFRICA DIVISION

Sarah Leah Whitson, *Executive Director*  
Joe Stork, *Deputy Director*  
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September 14, 2006

Mr. Ron Roman  
Head of the International Organizations Desk  
IDF Spokesperson Unit  
Israel Defense Forces

Dear Mr. Roman,

We would very much appreciate it if your office could provide us with responses to the questions listed below. The questions, for the most part, relate to IDF policies with regard to artillery shelling directed at northern Gaza and specific incidents that have occurred in that connection. Several other questions relate to IDF closure policies concerning the Gaza Strip.

Because we would like to take into account the views of the IDF in reports that we are preparing, we hope you will be able to respond to us within the coming two weeks, and in any event not later than October 4, 2006.

#### Incident-specific questions:

- 1) On January 5, 2006, artillery shells landed at the edge of Beit Hanoun. It was part of an overnight barrage of about 100 shells. They killed 27-year-old Yassir Abu Jarad. Shell fragments also pierced the walls of a nearby home and injured 12-year-old Mahmoud Salah Abu Harbid. We would appreciate it if you could inform us of the reason for the strike. Was this area the intended target of this strike?
- 2) On March 14 at around 9:30 p.m., a shell fragment from an artillery shell shattered the glass of an upper floor apartment window at al-`Awda Towers. It landed on the sofa, which 32-year-old Mohamed Bassouni had been sitting on moments

before. No one was injured in the attack. We would appreciate it if you could inform us of the reason for the strike. Was al-`Awda Towers the intended target of this strike?

- 3) On April 4 around 3:20 p.m., artillery shells destroyed several homes at the edge of Beit Lahiya. At least three of the homes belonged to the Abu Shamas family. The attack killed 42-year-old `Abdullah `Abd al-Datsa on the street. Several people were injured in their homes, including 22-year-old Khalid Ahmed Abu Shamas and 30-year-old Mustafa Ahmed Abu Shamas. Another strike occurred the next day. We would appreciate it if you could inform us of the reason for the strikes. Were these houses the intended target of these strikes?
- 4) On April 5 around 8 a.m., at least two shells landed in the yard of al-Masri home in Beit Lahiya. No one was injured because the children had just gone inside. There was evidence of structural damage to the house. We would appreciate it if you could inform us of the reason for the strike. Was this house the intended target of this strike?
- 5) On April 6 around 11:30 a.m., artillery shells landed on a greenhouse in the al-`Atatra area of Beit Lahiya injuring 60-year-old Rajab Abu Halima and 20-year-old Ahmed Ramadan. We would appreciate it if you could inform us of the reason for the strike. Was the greenhouse the intended target of the strike?
- 6) On April 10 around 5:35 p.m., an artillery shell landed on the home of the Gabin family in the al-Amal neighborhood in the north of Beit Lahiya. It killed 8-year-old Hadi and injured ten others. The shell also destroyed half of the house. We would appreciate it if you could inform us of the reason for the strike. Was this house the intended target of this strike?
- 7) On April 17 around 6 to 6:30 p.m., ten to twenty artillery shells landed near Sheikh Zayid City in Beit Lahiya. They killed 15-year-old Mamdouh Mohamed Abeyed and injured 15-year-old Mohamed Hamdi Abu Tabak and 14-year-old Amar Abul Qas. We would appreciate it if you could inform us of the reason for the strike. What was the intended target of this strike?
- 8) On April 29 around 3:30 to 4 p.m., an artillery shell directly hit the house of Shahdi Mohamed Abu Oda in the al-Amal neighborhood of Beit Hanoun. At least two children were injured: 13-year-old Abdul Rahman and Abu Oda's 5-

year-old nephew, Mohamed. We would appreciate it if you could inform us of the reason for the strike. Was this house the intended target of this strike?

- 9) What was the military objective of the June 28 IDF bombing that destroyed 6 transformers at the Nuseirat power plant? What alternative means to achieve this objective did the IDF consider? Why, for example, did the IDF not temporarily disrupt Gaza's electricity supply by shutting off the 57% of Gaza's electricity that is supplied by the Israel Electric Company over feeder lines from Israel into Gaza?
  
- 10) In the early morning of July 3, 2006, at approximately 1:30 a.m., according to witnesses, an IAF attack helicopter fired a missile at a first-floor flat in Building 25 of the Nada Apartments. The flat was occupied by an association whose name indicated that it provided assistance to disabled persons. Apparently no one was present or injured in the attack. We would appreciate it if you could inform us of the specific purpose of this attack.
  
- 11) On July 19, at approximately 6:20 p.m., a drone-fired missile struck and killed Hanan Ibrahim Arruki (37) and her daughter, Fadwa Faisan Arruki (14), in garden of their Maghazi home. According other family members, who were present but unhurt in the attack, there had been fighting earlier in the day around the edge of the Maghazi Refugee Camp, in the fields to the east, and near the UNRWA school and clinic to the south, but not in the immediate vicinity of the Arruki house and not for more than an hour prior to this incident. We understand that the IAF drone missiles can be targeted with considerable precision. We would appreciate it if you could inform us of the reason for the missile strike that killed these two individuals.
  
- 12) Several Palestinian DCO officials whose office is at the Nada Apartments told HRW that the office received a telephone call on the evening of July 23 from an Israeli counterpart, whose name they gave as Samir Kayouf. They said Kayouf told them to warn residents "not to go outside" because the IDF intended to shell the vicinity of the apartments.
  - Can you confirm that an IDF officer made such a warning call that evening?
  - Did the warning concern a strike that evening? For what period of time did the IDF intend for residents to remain indoors?
  - What precautions did the IDF take to avoid harm to civilians as a result of its military operations after it has given a warning of this sort?

- 13) The next day, July 24, at approximately 1:15 – 1:30 p.m., the IDF fired 2 or 3 artillery shells that exploded near the entrance of Building 10 of the Nada Apartments, killing 31-year-old Sadiq Nasr, a resident, his nephew, Salah Nasr, 16, and Sa`di Ahmad Na`im, a 30-year-old paramedic from a nearby clinic, and wounding several others. Several ranking DCO officers told HRW that they phoned their IDF counterparts immediately to protest and spoke with an IDF officer named Zeidan. In the past, the DCO officers said, their IDF counterparts would express regret for any shelling error that damaged or endangered civilian areas, but that this time there was no expression of regret. After an artillery strike at about 3 p.m. that same afternoon, close to the entrance of Nada Building 12, killed 11-year-old Khitam Tayah and injured her 12-year-old sister Nuha, the DCO officers said they called the IDF to protest again, and that “Zeidan” phoned back to say that residents should leave the building and those who remained did so at their own risk.
- Can you confirm the occurrence and content of these reported telephone exchanges with Palestinian DCO officers or other Palestinian security officials?
  - What was the military objective of the artillery strikes at the entrance of Building 10 and later at the entrance of Building 12?
- 14) Later on the evening of July 24, at around 10 or 11 p.m., an IDF artillery shell struck and gutted the front room of a third-floor apartment in Building 14. Was this the intended target? What was the military objective of this artillery strike?
- 15) In your August 6 response to our query of July 31, you wrote, “In July alone, over 15 Qassam rockets were launched from the Officers’ residence in the [Nada] complex.” Does this refer to the DCO offices in Building 15? Was this residence the intended target of the artillery shells fired at the Nada Apartments on July 24 and again on July 26? If not, could you please indicate to what residence you are referring, and whether that residence was the IDF’s intended target?
- 16) In our query of July 31, we sought information about the IDF artillery shells which, according to witnesses, landed close to the entrance of the Balsam Hospital, a small medical facility just south of the Nada complex. Your August 6 response did not address this incident, so we would like to repeat our request: On July 28, at approximately 7 or 8 p.m., according to witnesses, an IDF artillery shell landed about 10 meters from the front entrance of the Balsam Hospital, a small medical facility just south of the Nada Apartments. Witnesses said that within a few minutes at least two other shells landed a short distance away, close to the road that runs along Buildings 16 - 19,

seriously wounding Na'im Abu Anzain, 58, a local shopkeeper, and several other persons. According to witnesses, no rocket firing or other Palestinian military activity had occurred in this area. Can you please explain the purpose of firing these shells in this area at this time?

- 17) On August 1, at approximately 1:30 p.m., according to witnesses, an IDF drone fired a missile at the entrance way into the Nada Apartments, between Buildings 9 and 10. The explosive killed a 14-year-old Arif Abu Haida at the scene and fatally wounded a 25-year-old woman, Mervat Mamluk, in a passing taxi. This attack also wounded four other persons, including the taxi driver, a Mr. al-Jindi, and 45-year-old Sami `Abd al-Hadi. We understand from witnesses that Palestinians fired one or more rockets approximately an hour earlier from the open area between the apartments and the large water tower to the north, but that no rockets or other military activity had occurred at the site where the missile struck. We also understand that the drone-fired missiles can be targeted with great accuracy. We would be grateful if you could provide us with the reason(s) for this missile strike.

#### General Questions:

- 1) What is the probable circular error of the 155mm artillery shells the IDF uses against targets in northern Gaza?
- 2) What are the kill and injury radii from blast and from fragmentation of the 155mm artillery shells the IDF uses in northern Gaza? How far do your 155mm shells throw fragments?
- 3) How many artillery shells has the IDF fired into northern Gaza since August 31, 2005 and of those how many have been fired since November 1, 2005?

#### Policy Questions relating to artillery shelling

- 1) *Ha'aretz* reported the week of April 9 that the IDF had reduced its "safety zone" between the impact point of artillery strikes and civilian areas from 300 meters to 100 meters. Can you confirm that the original "safety zone" was 300 meters? Has that zone been reduced to 100 meters? If so, why and when was this change implemented? Does this mean the IDF never fires into an area closer than 100 meters from a home? Has the "safety zone" changed since then?

- 2) Does the IDF target specific rocket launch sites or general areas used by rocket launchers? Why does the IDF target former rocket launch sites if the rocket launchers are no longer there? Does the IDF use artillery shelling as a form of area denial to prevent rocket attacks?
- 3) How does the IDF respond the criticism that 1) many of its artillery strikes may violate international humanitarian law because they are “not directed at a specific military objective” and 2) these attacks may violate IHL’s proportionality test?

Questions relating to closure policies

- 1) Between June 23 and September 3, the IDF kept the Karni terminal closed to all Palestinian exports, even on days when the terminal is open for humanitarian imports, with the exception of 20 truckloads that were permitted through on August 6 and 7. What are the security reasons for this nearly total blockade on all Palestinian commercial and agricultural exports for this period?
- 2) A recent report in *Ha'aretz* cited a Defense Ministry meeting transcript in which the IDF advocates maintaining closure of the Rafah crossing as “a means of applying pressure” to secure release of Cpl Gilad Shalit. Could you please confirm if this is the IDF policy regarding the Rafah crossing, and to whom the IDF is applying pressure? Could you also inform us if this is the IDF policy regarding other crossings as well, in particular Karni?

Thank you in advance for your attention to this request. We hope you will be able to respond within the next two weeks, in order that we can take your views into account in reports we are preparing, and in any case not later than October 4, 2006.

Sincerely,

Joe Stork  
Deputy Director  
Middle East and North Africa division



<b>Israel IDF International</b>	<b>Defense Spokesperson Organizations</b>	<b>Forces Unit Desk</b>
Phone:		03-6080220
Fax:		03-6080312
<u>3225</u>	-	<u>א-ז</u>
2006	באוקטובר	12

**Joseph Stork**  
**Deputy Director**  
**Middle East and North Africa division**  
**Human Rights Watch**

**RE: In response to query**

Dear Mr. Stork,

With regard to your enquiry of September 14 2006, please find below the IDF's response:

Israeli citizens are subjected daily to indiscriminate terror attacks, as rockets are launched from the Gaza strip towards Israel. Over the last year alone more than 900 Qassam rockets were launched, injuring scores of people and causing severe damage. The IDF operates to protect Israeli citizens, and retaliates with fire towards the rocket launching grounds, while maintaining the utmost effort to avoid any harm to populated areas.

The military effort to stop the rocket launches from within the Gaza strip is complex. This is, among other things, due to the nature of the activities of the terrorist organizations, and primarily due to the fact that they operate adjacent to and within populated residential areas, using houses as shelter from the IDF forces that operate from the air, sea and ground in order to locate them and stop the launches.

Unfortunately, the terrorist organizations take advantage of the IDF's unwillingness to harm civilians, and intentionally operate near and within populated areas, using the Palestinian population as a human shield.

Avoiding harm to Palestinian civilians is a high priority to the IDF. Frequent calls are routinely made, for the safety of the residents of Gaza, to avoid areas where terrorist activity and Qassam launches take place. This is achieved through the distribution of pamphlets from the air, repeated calls through the DCOs', and messages to the Palestinian media. The IDF emphasizes its' warning to the Palestinian population to avoid staying in any area where terrorists operate.

The IDF deeply regrets any injury or damage caused to civilians, but emphasizes that it is the terror organizations, who fire from greenhouses and agricultural fields, that are responsible for harm to the Palestinians' livelihoods. This is the inevitable outcome of the continuation of the Qassam launchings, and so responsibility lies with the terror organizations, as well as the Palestinian Authority, that has failed to act to stop the launches.

The IDF is meticulous in its observation of international humanitarian law, including the principles of distinction and proportionality. The IDF only attacks specific, distinguishable targets according to precise information. Accordingly, the IDF is careful to only attack targets when it possesses information to the effect that these target are legitimate military targets namely, that their nature, location, purpose or use make an effective military contribution. Moreover, the IDF does not attack legitimate military targets when such an attack is likely to cause disproportionate incidental damage to civilians.

It is important to clarify that a site which is used for rocket launches, even if it is not being used to launch rockets at the time of attack, may *because of its location*, be again used to launch rockets. Such a target makes a substantial military contribution due to its location, making it a legitimate military target.

The IDF retaliates with artillery fire towards the rocket launching zones in the northern Gaza strip, from which Qassam rockets are repeatedly launched towards Israel. The purpose of this fire is to disrupt, frustrate and prevent the entry of Qassam launching units to these areas, and

minimize the threat of projectile fire from them, and the harm and damage to Israeli towns and villages.

The use of artillery fire began, for the most part, in November 2005, and thousands of artillery shells have since been fired in retaliation to the Qassam launches.

The IDF began operation "Summer Rain", in which it operated heavily inside the Gaza strip, as a result of the abduction of Cpl. Gilad Shalit by Palestinian terror organizations. The IDF operation is aimed against the terrorist organizations and infrastructure alone, in order to prevent terrorist threats, damage terrorist infrastructure, and disable the Qassam launchers. The terrorists are currently operating from within populated areas, using innocent civilians as human shields.

The terrorists fire anti-tank missiles, mortar shells, guns and rifle fire at Israeli troops, from inside the buildings in the area of IDF operation, operating on the assumption that the IDF will avoid retaliation as a result. In spite of this cynical abuse of the rules of IHL, IDF forces are instructed to withhold fire towards terrorists when uninvolved civilians are in danger, unless faced with a clear and immediate threat.

Here are our responses to the incidents raised in your query:

- On January 5<sup>th</sup> 2006, 3 Qassam rockets were launched towards Israel from the northern Gaza strip, at least one of them from the Beit Hanoun area. The day before that, on the 4<sup>th</sup>, 13 Qassam rockets were launched towards Israel from the northern Gaza strip, at least 3 of them from the Beit Hanoun area. The IDF retaliated with artillery fire to the point of the launch, and not towards populated areas, in order to disrupt, frustrate and prevent the entry of Qassam launching units to the launching zones.
- On March 14<sup>th</sup> 2006, 8 Qassam rockets were launched towards Israel from the Gaza strip, at least 4 of them from the northern part. The IDF retaliated with artillery fire, in order to disrupt, frustrate and prevent the entry of Qassam launching units to the launching zones.
- On April 4<sup>th</sup> 2006, 6 Qassam rockets were launched from the Beit Lahia area. The IDF retaliated with artillery fire, in order to disrupt, frustrate and prevent the entry of Qassam

launching units to the launching zones. The IDF did not fire towards populated areas, and is unfamiliar with any injury or any allegation of injury to Palestinian civilians.

- On April 5<sup>th</sup> 11 Qassam rockets were launched from the northern Gaza strip, causing severe damage to nearby Israeli towns and villages. The IDF retaliated with artillery fire, in order to disrupt, frustrate and prevent the entry of Qassam launching units to the launching zones. The IDF is unaware of any Palestinian allegations about damage to a building.
- On April 6<sup>th</sup> 2006, prior to the time stated in your query, 2 Qassam rockets were launched from the Al Atatra area, injuring 2 Israeli citizens, and started a fire in a factory that led to severe damage. The IDF retaliated with artillery fire towards the vicinity of the launch. The IDF has warned the Palestinian population not to remain in the vicinity of rocket launching areas and has asked them to refuse to allow the area surrounding their homes to be used by rocket launching units. The terrorists often launch rockets from greenhouses and agricultural fields.
- On April 10<sup>th</sup> 2006, prior to the stated time, 2 Qassam rockets were launched towards Israel from the northern Gaza strip. The IDF retaliated with artillery fire, but did not fire at the building mentioned. The retaliatory fire was towards open spaces, and no deviation was observed at the time.
- On April 17<sup>th</sup> 2006, prior to the stated time, 2 Qassam rockets were launched towards Israel from the al Rul neighborhood in the northern Gaza strip. The IDF retaliated with artillery fire, but did not fire towards populated areas, and is unaware of any injury, or allegation of injury to Palestinian civilians.
- On April 29<sup>th</sup> 2006, one Qassam rocket was launched towards Israel from the northern Gaza strip, prior to the stated time. The IDF retaliated with artillery fire, in order to disrupt, frustrate and prevent the entry of Qassam launching units to the launching zones. The IDF did not fire at the building mentioned, but towards open spaces; there was no deviation from the target.
- On July 3<sup>rd</sup> 2006, The IDF attacked, from the air, a weapons production site in Beit Hanoun. Before the strike, The IDF called upon the areas' residents to avoid remaining in buildings where weapons are stored, for their own safety.

- On 19/07/06 IDF forces set out on an operation in Al Muasi area to destroy terrorist infrastructure and terrorist groups. During the operation dozens of anti-tank missiles were fired upon the forces as well as fire from light fire arms. All were shot from the refugee camp area and jeopardized the troops' safety. The IDF returned fire towards the sources of the fire.
- On the 24/07/06, up until the hour stated in your query, 6 Qassam rockets were fired towards Israel. Some of the rockets were fired from the Officers' residence and the surrounding area. In retaliation, the IDF fired artillery towards the launching zones and around the officers' barracks. Since January 2006 over 42 Qassam rockets have been fired from the Officers' residence and the area surrounding it. The IDF deeply regrets any injury to Palestinian civilians, but it is the terrorist organizations who take advantage of Palestinian citizens and fire from populated areas. The IDF repeats its warning to the Palestinian population to avoid areas from which rockets are fired and to condemn terror groups who operate from within their area of residence.
- In our response of the 6/8/06 to a question from HRW about the use of the term "Officers' residence" the intention was to refer to the Officers' residence and the surrounding areas (within a radius of a kilometer and a half).
- On the 27/8/06 11 Qassam rockets were fired towards Israel, two of which were fired from the Officers residence located in the Nada Complex. A number of these rockets landed in and caused considerable damage to the city of Sderot. The IDF responded with artillery fire in order to disrupt, frustrate and prevent the entry of terrorists armed with rockets to the areas used for the firing of rockets and is unfamiliar with any injury or any allegation of injury to Palestinian civilians.
- On the 1/8/06 at 4:00 am, 4 Qassam missiles were fired towards Israel from the area surrounding the Officers residence. In the afternoon IDF forces spotted several terrorist suspects that had arrived at the Officers residence in order to remove the Qassam rocket launchers that were used earlier. The IDF forces opened fire and were able to identify a direct hit to the terrorist suspects without injury to passersby. The IDF again warns the Palestinian population to refuse to allow their homes so be used as "human shields" by terrorists firing Qassam rockets from within the immediate vicinity.

In relation to the topic of the closure of various Crossings that you raised in your query:

The opening and closing of the Karni crossing, as with all policies regarding its operation, is a decision made at the governmental level, and as such we would suggest that you address your query to the Ministry of Defense.

Nevertheless, it should be noted that the Crossing is under constant threat from terror organizations, and the IDF receives many warnings of the intention of the terrorist organizations to attack it. The booby trapped tunnel that was found on the 28/7/06 from Sajayah to the Karni Crossing, threatening the crossing, is just one example of the methodical attacks that the terrorist organizations make on the fabric of daily Palestinian life.

With regard to your query about IDF safety buffers, we cannot provide further detail as this is an operational issue. Nonetheless, the IDF's safety buffers are adequate, and in keeping with the standards required by international law.

Sincerely,

Ron Roman, Academic Officer  
Head of Int. Org. Desk        IDF  
   Spokesperson

## HUMAN RIGHTS WATCH

1630 Connecticut Avenue, N.W.  
Suite 500  
Washington, DC 20009  
Tel: 202-612-4321  
Fax: 202-612-4333  
Email: hrwdc@hrw.org

### MIDDLE EAST AND NORTH AFRICA DIVISION

Sarah Leah Whitson, *Executive Director*  
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Hania Mufti, *London Office Director*  
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October 26, 2006

Ron Roman

Head of the International Organization Desk  
Office of the IDF Spokesperson

Dear Mr. Roman,

Thank you again for your response of October 12 to our earlier questions. We would appreciate it very much if you could respond to these additional queries at your earliest opportunity. We would appreciate it very much if you could send your response no later than November 13 so that we can reflect the IDF's views in our report.

1) According to our findings, IDF artillery shelling into the Gaza Strip has killed at least 30 Palestinians and wounded 182 others, some seriously. Our research indicates that at least 21 of those killed and 70 of those injured were women, children, or elderly. Without regard to the precise numbers, which may or may not accord with IDF estimates, can you tell us if, to your knowledge, any Palestinians killed or wounded by IDF artillery fire in the Gaza Strip since September 2005 were armed militants or were engaged in hostile activity against Israel or the IDF? The IDF was quoted in the media of September 19, 2006 as saying it had "positive identities of over 220 gunmen killed in fighting, and can confirm their affiliation with terror organizations." Were any of these 220 killed by artillery shelling?

2) IDF artillery shelling into the Gaza Strip increased sharply from March 2006 (more than 446) to April 2006 (more than 4,522, a tenfold increase). Palestinian rocket fire increased much less dramatically in this period (from 136 in March to 152 in April). What is the reason for the big increase in IDF artillery fire in April?

3) When we met with Maj. Gen. Kalifi on June 19, he told us that the IDF's internal investigation of the June 9 explosion on the Gaza beach was at that point still on-going. Can you let us know if that report has been completed and, if it has not, when you expect it will be?

HUMAN  
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[www.hrw.org](http://www.hrw.org)

Thank you in advance for your attention to this request. We look forward to your response at your earliest opportunity, and in any case not later than November 13.

Sincerely,

Eric Goldstein  
Acting Deputy Director



<b>Israel IDF International</b>	<b>Defense Spokesperson Organizations</b>	<b>Forces Unit Desk</b>
Phone:		03-6080220
Fax:		03-6080312
<u>3250</u>	-	<u>8-7</u>
28	November	2006

**To**  
**Eric Goldstein**  
**Human Rights Watch**

### **RE: In Response to Your Query**

Since 2002, Palestinian terror organizations in the Gaza strip have been relentlessly launching Qassam rockets towards Israel with every intention to kill and maim Israeli civilians. These attacks are an integral part of the terror campaign being waged by these organizations against the State of Israel and her citizens, against which Israel has been defending herself for over six years.

Despite the implementation of the disengagement plan, whereby the Israeli presence in the Gaza strip was terminated, the terror organizations have continued their Qassam barrage: Since disengagement, over 1000 Qassam rockets have been fired at Israeli communities, while the Palestinian Authority has stood idly by. In performance of its duty to protect the citizens of Israel, the IDF has engaged in military activity with the object of preventing the Qassam launches.

The military effort to stop the launchings from inside the Gaza strip is a complex one. This is due, inter alia to the modus operandi of the terrorists, who routinely operate inside and adjacent to populated areas, using houses and buildings to conceal their activities from the IDF forces.

The terrorist organizations cynically take advantage of the IDF's reluctance to harm civilians, deliberately operating from within populated areas and using the civilian population as a "human shield", thus flagrantly and routinely violating the rules of international law.

The IDF employs various means and measures in its effort to protect the citizens of Israel from the ongoing and escalating Qassam fire. One of the means employed is to direct artillery fire towards uninhabited areas serving as platforms for Qassam launches. Such artillery fire is employed in cases of operational necessity, such as when intelligence warnings are received of an imminent Qassam launch. In addition, in cases of operational necessity (such as following the terror attack of June 25<sup>th</sup> 2006, in which Cpl. Gilad Shalit was abducted) the IDF has conducted limited focused operations against terrorist elements. All IDF activity is conducted in accordance with the rules of international law, while striving to avoid civilian casualties as far as possible.

The IDF, in all its operations, takes safety measures in order to minimize collateral damage. The IDF regrets any harm caused unintentionally to civilians or civilian property as a result of operations aimed at preventing the launch of Qassams.

The IDF will continue to operate, by whichever means necessary, in order to protect Israeli civilians from attacks by the Palestinian terrorist organizations.

The claims of 30 casualties as a result of IDF artillery fire since September 2005 are unfamiliar to the IDF, and do not conform with the information at its disposal.

**Regards,**

**Ron Roman, Academic Officer  
Head of Int. Org. Desk**

**IDF**

**Spokesperson**

[Sent via email on Wed 06-Jun-07 4:23 PM]

Ron Shalom,

Following our conversation earlier today, I am writing to follow up with the details of our request.

HRW would like to know whether the IDF has ceased its moratorium on the use of heavy artillery fire in the Gaza strip. If so could you answer the following questions:

- 1) When was this change implemented?
- 2) What reason was given for this change in IDF policy?
- 3) Who made the decision regarding this change, and what did that decision process entail?
- 4) What mechanisms exist in order to prevent and/or minimize harm to civilian non-combatants from artillery use?

If you could pass on this information, in its entirety or even partially, as soon as possible, this will help us include your response in our report due for release latter this month (June 2007).

Thanks,

Jonathan Fox  
MENA Consultant  
Human Rights Watch

<b>Israel IDF International Phone: Fax: 3297 17</b>	<b>Defense Spokesperson Organizations - June</b>	<b>Forces Unit Desk 972-3-5691842 972-3-5693971 8-7 2007</b>
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**Jonathan Fox**  
**Human Rights Watch**

**RE: In response to query**

**"The IDF views the use of artillery as a legitimate means to deal with the threat of incoming rocket fire from the Gaza Strip, subject, of course, to the limitations imposed by international law, i.e. military necessity, distinction, proportionality etc. The IDF's Rules Of Engagement define the circumstances in which artillery fire may be employed, and the limitations on such use (including safety margins from inhabited areas).**

**In answer to your inquiry, since November 2006 there was no use of artillery, and there has been no change of policy."**

**Regards,**

**Ron Roman, Academic Officer  
Head of Int. Org. Desk  
IDF Spokesperson**