

Statement by Wendilyn Emrys  
LA City Council, August 15, 2014

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Good morning. I am Wendilyn Emrys. I am an Historian, Writer, Publisher, Theatrical Producer and Business Owner. I reside in Lake Balboa, and I am here today to object to Resolution 14-002-585, aka Resolution: "Applauding Israel's Actions in War on Gaza" or calendared as "Denounces the Use of Human Shields by Hamas in violation of International Human Rights Law". I am neither a Jew nor a Muslim, I am however a person who values the Rule of Law and Justice above all things. I believe that as our City Council, you too should look to Truth and Justice for all. This Resolution is UnJust and should be quashed.

First of all, this Resolution is disingenuous, not based on the known facts of the situation, and is highly misleading as to its assertions. It is heavily one sided in favour of Israel. The Palestinians are an oppressed people, as such they have the right, per the First Additional Protocol of the 1977 Geneva Conventions to fight their oppressors. Hamas is no longer a rogue terrorist group such as ISIL or al Qaeda, but are now the elected officials of the Palestinian Populace.

This resolution states that Hamas uses Civilians as Human Shields, but there are no real independent witnesses to this, whereas there are multiple independent witnesses to Israel using Palestinians as Human Shields, as reported by the UN, Amnesty International and Euro-Mid Observers. Even the Israeli High Court found that the IDF routinely used civilians as Human Shields.

This resolution also states that Israel gives warnings to civilians to flee areas that they will bomb. Even these so called warnings are a fiction, because even while telling people to get out of harm's way ISRAEL BOMBS the UN refugee areas where they go for sanctuary. Even AFTER the UN tells them multiple times that these areas are UN Refugee areas. Israel is supposed to be a member of the UN, yet they have the effrontery to bomb UN properties.

Please see the documents I have provided corroborating the statements made above.

The above facts being the reality of the situation and not a political spin advanced by a specific special interest group, I object to this resolution as Biased, Untrue, and Unjust. As such it would be a travesty for this Council to countenance it. I ask you to look at the evidence provided, to recognize that WE are America, where we attempt to foster Truth and Justice. This resolution relies not on Truth, and it is FAR from Just. Please quash it.

## Euro-Mid Documents Israel's Use of Human Shields in Gaza

• 2014-08-10

Geneva- The Israeli military uses Palestinian civilians as human shields, a new report from the Euro-Mid Observer for Human Rights soon will reveal. An investigative team from the non-governmental organization, based in both Geneva and the Gaza Strip, has obtained first-person testimony from several families in various locations describing their capture and use as “shields” for Israeli soldiers for hours at a time.

“The Israeli government has tried to defend its indiscriminate killing of civilians - including more than 400 children - by claiming that resistance fighters hide among the people, when actually there is no place in Gaza that is safe from the bombs and shelling,” says Ramy Abdu, chair of the Euro-Mid Observer. “Instead, what we have documented is that Israeli forces have literally used Palestinian civilians as shields as they killed their neighbors.”

One of these victims, Ramadan Muhammad Qadeeh, who lives in the town of Khuza'a in the southern Gaza Strip, recounted his family's harrowing ordeal in a video interview recorded by Media Town and released by Euro-Mid Aug. 9. An Israeli assault leveled much of Khuza'a, leaving whole streets flattened and once-grand mosque domes reduced to ground level. One man recalled counting 360 shell attacks in a single hour. Most of the town's 14,000 inhabitants fled. On July 25, says Qadeeh, he was sitting in his home with his extended family of 27, including 19 women and children. At 1 p.m., Israeli forces stormed into the house. His 65-year-old father, Muhammad Qadeeh, who holds a Spanish travel document, tried to tell the soldiers that they are civilians, repeating it once in Hebrew and then in Arabic. When he took a step toward the soldiers, one of them fired two bullets directly into his heart from a distance of just one meter. He died immediately, in front of his family.

“Then they ordered us to take off our clothes and tied our hands up. They took us to one of the rooms and used us as shields, making us stand at the windows as if we were looking outside,” Qadeeh says. “I was at one window and three children from my family at another. The soldiers then began firing around us.”

The family members were moved to different rooms and windows, with bullets flying around them, for more than eight hours without food or drink. “It was terrifying, I don't know how we survived,” he says.

In another incident, on July 23, 17-year-old Ahmad Jamal Abu Reeda, says he was restrained by Israeli troops who threatened to kill him. After harshly interrogating and beating him, the troops ordered Abu Reeda to walk ahead of them at gun point, accompanied by police dogs, as they searched houses and other buildings. Several times, they demanded that he dig in places they suspected tunnels to exist. Abu Reeda was forced to remain with the Israeli forces for five days.

Euro-Mid Monitor notes that the Israeli practice of using Palestinians as human shields is not new. It previously documented an incident in which Israeli military forces stormed a home in the village of Silwad, near Ramallah in the West Bank, and used it as a watchtower for snipers. The home's residents – two elderly Palestinians with American citizenship – were herded into and kept in one of the rooms after their phones were confiscated.

“International humanitarian law prohibits the use of civilians as human shields,” says Abdu.

“Fighting forces must make every effort to protect civilians who are not involved in killing and make sure they are kept away from danger. Israel must be held to account by the organizations charged with upholding international law.”

[Source: the Euro-Mid Observer for Human Rights;

<http://www.euromid.org/en/article/597/Euro-Mid-Documents-Israels-Use-of-Human-Shields-in-Gaza>]

## **Israel Bombs Another UN School – Killing Women and Children – Despite UN Telling Israel 17 Times that the School Sheltered Civilians**

Posted on July 30, 2014 by WashingtonsBlog

6th UN Shelter Bombed by Israel

**Many Gazans have been ordered by the Israeli military to leave their homes.**

The Gaza strip was already very small and overcrowded – and Israel has just taken away 44% of it – and so many civilians have crowded into UN shelters ... which they assumed were safe.

By way of background, the United Nations Relief and Works Agency (UNRWA) runs a number of shelters in Gaza. Israel has bombed numerous UNRWA shelters in the last week. Pierre Krähenbühl – Director of Operations at the International Committee of the Red Cross – tweets today:

*This is **6th time** one of our @UNRWA schools has been struck. Our staff leading int'l response are being killed. This is a breaking point.*

BBC reports today:

*Israel **attacked a UN-run school housing refugees in Gaza despite warnings that civilians were there, the UN has said.***

*UN spokesman Chris Gunness said “the world stands disgraced” by the attack, in which 15 died and dozens were hurt.*

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*Mr Gunness, from the UN Relief and Works Agency (Unrwa), told the BBC that **Israel had been told 17 times that the school in the Jabaliya refugee camp was housing the displaced.***

*He said there had been “**multiple deaths**” including women and children, adding that the attack caused “**universal shame**”.*  
*Bob Turner, Unrwa’s Gaza director, said the UN was “**confident**” Israel was responsible.*

*He said UN workers had collected fragments of projectiles that suggested they were artillery shells fired from Israeli positions to the north-east of the school.*

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*“The last time was hours before the fatal attack,” he said. “Our initial assessment is that it was Israeli artillery that hit our school.”*  
Israel previously attacked different UN shelters, killing civilians. For example, Antiwar reported last week (citing coverage in the New York Times):

*UN Secretary-General Ban Ki-moon was “shocked and appalled” today with the news that Israeli forces attacked a UN school backed full of refugees in the Gaza Strip. At least 16 civilians were confirmed killed in the attack, and around 200 wounded.*

*The school was one of several designated UN shelters in the Gaza Strip, and the UNRWA says they sent “precise coordinates” of all the shelters to the Israeli military, and not just so they could target them.*

Reports state that that particular UN school – 1 of 6 hit – was bombed three separate times.

21:39 , 10.11.05



# חדשות news

Print

## Human Shields



Defense Minister Shaul Mofaz Photo: Gil Yohanan

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### Mofaz: IDF to appeal 'human shield' ruling

**High Court rules that 'human shield' and 'early warning' procedures used by IDF to apprehend terrorists are illegal; Mofaz intends to use democratic means to review the issue**

Hanan Greenberg

Defense Minister Shaul Mofaz on Tuesday demanded that the High Court review a ruling it issued last Thursday in which it declared that the 'human shield' procedure employed by the IDF when detaining Palestinian terror suspects is illegal and violates international law.

Sources at the Ministry of Defense said that Mofaz' comments are not an attempt to subvert the Court's decision, adding that the defense minister intends to use democratic means to revoke the ruling.

According to defense officials, the Israel Defense Forces made use of the 'human shield' procedure on 1,200 occasions over the last five years, and only on one occasion did a Palestinian civilian get hurt.

An 18-year-old Palestinian was killed in 2002 during one such operation.

Mofaz instructed the IDF to freeze the use of the 'human shield' and 'early warning' procedures in its arrest operations in the territories until the Court holds a new hearing on the issue.

Chief Military Prosecutor Avichai Mandelblit held talks on Tuesday with Central Command officers who told him that in overnight raids during which 20 Palestinian fugitives were arrested, IDF soldiers made no use of the 'human shield' or the 'early warning' procedures, in compliance with instructions issued by the IDF Chief of Staff Dan Halutz.

A senior official in the military prosecution told Ynet that the defense minister instructed the IDF to shelve the procedure in accordance with the High Court's ruling and forbade its usage even in exceptional circumstances.

"The ruling necessitates new operational procedures, such as public announcements, yet the IDF is subordinate to the political and legal echelon; following the High Court's ruling it was decided to freeze this procedure and that's what has been done," the official said.

#### Chief of Staff: Obey High Court

IDF Chief of Staff Dan Halutz was swift to instruct IDF commanders to immediately enforce the High Court's ruling which forbids the use of Palestinian civilians to assist security operations in the Palestinian territories.

"The IDF now expects soldiers, and anyone else, who know of a breach of the rules, to report them to commanders," wrote Major General Halutz. "Every incident will be investigated and treated severely," he added.

Halutz's orders were given out despite the IDF's claim that the army has already ceased using Palestinian civilians to aid them for a long period. Despite this, the Chief of Staff sent out new instructions in light of the High Court's ruling.

Halutz's new guidelines are primarily aimed at the 'early warning' practice' which has developed in the army recently, after a ban on the use of the human shield' procedure.

Under the 'early warning procedure,' residents who reside close the home of a wanted Palestinian can "volunteer for missions" under the request of soldiers. The High Court condemned this type of practice, and the Chief of Staff has said that soldiers could not use such tactics in the future.

[Back](#)

<http://www.washingtonsblog.com/2014/07/israel-bombs-6-un-shelters-killing-women-children-despite-repeated-please-un.html>

<http://www.thenation.com/article/180783/five-israeli-talking-points-gaza-debunked#>

# The Nation

## Five Israeli Talking Points on Gaza— Debunked

**Israel claims that it is merely exercising its right to self-defense and that Gaza is no longer occupied. Here's what you need to know about these talking points and more.**

*Noura Erakat*

*July 25, 2014*

Israel has killed almost 800 Palestinians in the past twenty-one days in the Gaza Strip alone; its onslaught continues. The UN estimates that more than 74 percent of those killed are civilians. That is to be expected in a population of 1.8 million where the number of Hamas members is approximately 15,000. Israel does not deny that it killed those Palestinians using modern aerial technology and precise weaponry courtesy of the world's only superpower. In fact, it does not even deny that they are civilians.

Israel's propaganda machine, however, insists that these Palestinians wanted to die ("culture of martyrdom"), staged their own death ("telegenically dead") or were the tragic victims of Hamas's use of civilian infrastructure for military purposes ("human shielding"). In all instances, the military power is blaming the victims for their own deaths, accusing them of devaluing life and attributing this disregard to cultural bankruptcy. In effect, Israel—along with uncritical mainstream media that unquestionably accept this discourse—dehumanizes Palestinians, deprives them even of their victimhood and legitimizes egregious human rights and legal violations.

This is not the first time. The gruesome images of decapitated children's bodies and stolen innocence on Gaza's shores are a dreadful repeat of Israel's assault on Gaza in November 2012 and winter 2008–09. Not only are the military tactics the same but so too are the public relations efforts and the faulty legal arguments that underpin the attacks. Mainstream media news anchors are inexplicably accepting these arguments as fact.

Below I address five of Israel's recurring talking points. I hope this proves useful to newsmakers.

### **1) Israel is exercising its right to self-defense.**

As the occupying power of the Gaza Strip, and the Palestinian Territories more broadly, Israel has an obligation and a duty to protect the civilians under its occupation. It governs by military and law

enforcement authority to maintain order, protect itself and protect the civilian population under its occupation. It cannot simultaneously occupy the territory, thus usurping the self-governing powers that would otherwise belong to Palestinians, and declare war upon them. These contradictory policies (occupying a land and then declaring war on it) make the Palestinian population doubly vulnerable.

The precarious and unstable conditions in the Gaza Strip from which Palestinians suffer are Israel's responsibility. Israel argues that it can invoke the right to self-defense under international law as defined in Article 51 of the UN Charter. The International Court of Justice, however, rejected this faulty legal interpretation in its 2004 Advisory Opinion. The ICJ explained that an armed attack that would trigger Article 51 must be attributable to a sovereign state, but the armed attacks by Palestinians emerge from within Israel's jurisdictional control. Israel does have the right to defend itself against rocket attacks, but it must do so in accordance with occupation law and not other laws of war. Occupation law ensures greater protection for the civilian population. The other laws of war balance military advantage and civilian suffering. The statement that "no country would tolerate rocket fire from a neighboring country" is therefore both a diversion and baseless.

Israel denies Palestinians the right to govern and protect themselves, while simultaneously invoking the right to self-defense. This is a conundrum and a violation of international law, one that Israel deliberately created to evade accountability.

## **2) Israel pulled out of Gaza in 2005.**

Israel argues that its occupation of the Gaza Strip ended with the unilateral withdrawal of its settler population in 2005. It then declared the Gaza Strip to be "hostile territory" and declared war against its population. Neither the argument nor the statement is tenable. Despite removing 8,000 settlers and the military infrastructure that protected their illegal presence, Israel maintained effective control of the Gaza Strip and thus remains the occupying power as defined by Article 47 of the Hague Regulations. To date, Israel maintains control of the territory's air space, territorial waters, electromagnetic sphere, population registry and the movement of all goods and people.

Israel argues that the withdrawal from Gaza demonstrates that ending the occupation will not bring peace. Some have gone so far as to say that Palestinians squandered their opportunity to build heaven in order to build a terrorist haven instead. These arguments aim to obfuscate Israel's responsibilities in the Gaza Strip, as well as the West Bank. As Prime Minister Netanyahu once explained, Israel must ensure that it does not "get another Gaza in Judea and Samaria.... I think the Israeli people understand now what I always say: that there cannot be a situation, under any agreement, in which we relinquish security control of the territory west of the River Jordan."

Palestinians have yet to experience a day of self-governance. Israel immediately imposed a siege upon the Gaza Strip when Hamas won parliamentary elections in January 2006 and tightened it severely when Hamas routed Fatah in June 2007. The siege has created a "humanitarian catastrophe" in the Gaza Strip.

Inhabitants will not be able to access clean water, electricity or tend to even the most urgent medical needs. The World Health Organization explains that the Gaza Strip will be unlivable by 2020. Not only did Israel not end its occupation, it has created a situation in which Palestinians cannot survive in the long-term.

### **3) This Israeli operation, among others, was caused by rocket fire from Gaza.**

Israel claims that its current and past wars against the Palestinian population in Gaza have been in response to rocket fire. Empirical evidence from 2008, 2012 and 2014 refute that claim. First, according to Israel's Ministry of Foreign Affairs, the greatest reduction of rocket fire came through diplomatic rather than military means. This chart demonstrates the correlation between Israel's military attacks upon the Gaza Strip and Hamas militant activity. Hamas rocket fire increases in response to Israeli military attacks and decreases in direct correlation to them. Cease-fires have brought the greatest security to the region.

During the four months of the Egyptian-negotiated cease-fire in 2008, Palestinian militants reduced the number of rockets to zero or single digits from the Gaza Strip. Despite this relative security and calm, Israel broke the cease-fire to begin the notorious aerial and ground offensive that killed 1,400 Palestinians in twenty-two days. In November 2012, Israel's extrajudicial assassination of Ahmad Jabari, the chief of Hamas's military wing in Gaza, while he was reviewing terms for a diplomatic solution, again broke the cease-fire that precipitated the eight-day aerial offensive that killed 132 Palestinians.

Immediately preceding Israel's most recent operation, Hamas rocket and mortar attacks did not threaten Israel. Israel deliberately provoked this war with Hamas. Without producing a shred of evidence, it accused the political faction of kidnapping and murdering three settlers near Hebron. Four weeks and almost 700 lives later, Israel has yet to produce any evidence demonstrating Hamas's involvement. During ten days of Operation Brother's Keeper in the West Bank, Israel arrested approximately 800 Palestinians without charge or trial, killed nine civilians and raided nearly 1,300 residential, commercial and public buildings. Its military operation targeted Hamas members released during the Gilad Shalit prisoner exchange in 2011. It's these Israeli provocations that precipitated the Hamas rocket fire to which Israel claims left it with no choice but a gruesome military operation.

### **4) Israel avoids civilian casualties, but Hamas aims to kill civilians.**

Hamas has crude weapons technology that lacks any targeting capability. As such, Hamas rocket attacks ipso facto violate the principle of distinction because all of its attacks are indiscriminate. This is not contested. Israel, however, would not be any more tolerant of Hamas if it strictly targeted military objects, as we have witnessed of late. Israel considers Hamas and any form of its resistance, armed or otherwise, to be illegitimate.

In contrast, Israel has the eleventh most powerful military in the world, certainly the strongest by far in the Middle East, and is a nuclear power that has not ratified the non-proliferation agreement and has precise weapons technology. With the use of drones, F-16s and an arsenal of modern weapon technology, Israel has the ability to target single individuals and therefore to avoid civilian casualties. But rather than avoid them, Israel has repeatedly targeted civilians as part of its military operations.

The Dahiya Doctrine is central to these operations and refers to Israel's indiscriminate attacks on Lebanon in 2006. Maj. Gen. Gadi Eizenkot said that this would be applied elsewhere:

What happened in the Dahiya quarter of Beirut in 2006 will happen in every village from which Israel is fired on. [...] We will apply disproportionate force on it and cause great damage and destruction there. From our standpoint, these are not civilian villages, they are military bases.

Israel has kept true to this promise. The 2009 UN Fact-Finding Mission to the Gaza Conflict, better known as the Goldstone Mission, concluded "from a review of the facts on the ground that it witnessed for itself that what was prescribed as the best strategy [Dahiya Doctrine] appears to have been precisely what was put into practice."

According to the National Lawyers Guild, Physicians for Human Rights-Israel, Human Rights Watch and Amnesty International, Israel directly targeted civilians or recklessly caused civilian deaths during Operation Cast Lead. Far from avoiding the deaths of civilians, Israel effectively considers them legitimate targets.

##### **5) Hamas hides its weapons in homes, mosques and schools and uses human shields.**

This is arguably one of Israel's most insidious claims, because it blames Palestinians for their own death and deprives them of even their victimhood. Israel made the same argument in its war against Lebanon in 2006 and in its war against Palestinians in 2008. Notwithstanding its military cartoon sketches, Israel has yet to prove that Hamas has used civilian infrastructure to store military weapons. The two cases where Hamas indeed stored weapons in UNRWA schools, the schools were empty. UNRWA discovered the rockets and publicly condemned the violation of its sanctity.

International human rights organizations that have investigated these claims have determined that they are not true. It attributed the high death toll in Israel's 2006 war on Lebanon to Israel's indiscriminate attacks. Human Rights Watch notes:

The evidence Human Rights Watch uncovered in its on-the-ground investigations refutes [Israel's] argument...we found strong evidence that Hezbollah stored most of its rockets in bunkers and weapon storage facilities located in uninhabited fields and valleys, that in the vast majority of cases Hezbollah fighters left populated civilian areas as soon as the fighting started, and that Hezbollah fired the vast majority of its rockets from pre-prepared positions outside villages.

In fact, only Israeli soldiers have systematically used Palestinians as human shields. Since Israel's incursion into the West Bank in 2002, it has used Palestinians as human shields by tying young Palestinians onto the hoods of their cars or forcing them to go into a home where a potential militant may be hiding.

Even assuming that Israel's claims were plausible, humanitarian law obligates Israel to avoid civilian casualties that "would be excessive in relation to the concrete and direct military advantage anticipated." A belligerent force must verify whether civilian or civilian infrastructure qualifies as a military objective. In the 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."

In the over three weeks of its military operation, Israel has demolished 3,175 homes, at least a dozen with families inside; destroyed five hospitals and six clinics; partially damaged sixty-four mosques and two churches; partially to completely destroyed eight government ministries; injured 4,620; and killed over 700 Palestinians. At plain sight, these numbers indicate Israel's egregious violations of humanitarian law, ones that amount to war crimes.

Beyond the body count and reference to law, which is a product of power, the question to ask is, What is Israel's end goal? What if Hamas and Islamic Jihad dug tunnels beneath the entirety of the Gaza Strip—they clearly did not, but let us assume they did for the sake of argument. According to Israel's logic, all of Gaza's 1.8 million Palestinians are therefore human shields for being born Palestinian in Gaza. The solution is to destroy the 360-kilometer square strip of land and to expect a watching world to accept this catastrophic loss as incidental. This is possible only by framing and accepting the dehumanization of Palestinian life. Despite the absurdity of this proposal, it is precisely what Israeli society is urging its military leadership to do. Israel cannot bomb Palestinians into submission, and it certainly cannot bomb them into peace.