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PRESS RELEASE FOR IMMEDIATE RELEASE

GENOCIDE AND CRIMINAL MASSACRE OF PALESTINIANS

KUALA LUMPUR, 21 November 2012 – The Commission heard testimonies of witnesses continuing with the 15-year-old Mahmoud whose 21 family members were massacred by Israeli armed forces under Operation Cast Lead in 2009 where Israeli armed forces attacked Gaza. They also called five other witnesses to testify.

Today, the teenager told the Commission the ordeal his 10-year-old sister Amal endured during the attacks in 2009. Amal who was buried under dead bodies for four days is now visually impaired, her hearing is affected and she has 15 pieces of shrapnel's in her head that are medically too risky to remove.

Once again the teenager impressed the Commissioners and those who attended the hearing with his maturity and insights into the conflict.

A video animation called Samouni Street, which he was involved in the making off, was shown depicting Mahmoud's life in a peaceful farming community that was destroyed in 2009. It was a moving account of a child.

He asked, "Why were the young children killed? They are so young and cannot even hold a stone. Like my brother Ahmad. My cousins who were infants were also killed. I have heard that the soldier who kills more – and younger children - moves up higher in ranks."

He said, "What did the children do to deserve to die this way? What did the women do to become widows and what did the old people do to see all this? Nobody is defending us. It is like we are nothing. We do not have a normal happy life like other children. Where is the human right of the child?"

Even in the recent attacks, some of his neighbours have been killed. He fears for his family and relatives.

Dr. Walid Elkhatib, another witness, who comes from Bethlehem District, West Bank is a qualified medical doctor, with a Masters in Public Health, and Higher Diploma in

Health Management, testified on the effects of Israeli occupation on Palestinians, especially children.

He testified, “From 1988 until 1996, I worked as a general practitioner. I worked at an emergency clinic during the 1st intifada. I saw many patients who were brought in with different kinds of injuries as a result of Israeli violence – people with gun shot wounds, who had been exposed to tear gas and people who were physically abused by Israeli soldiers.”

“Today, I am in charge of child health and protection, social health and Palestinian child law and rights,” said the 52-year-old doctor who developed hearing problems due to constant exposure to explosions and has himself come close to being killed several times by the Israeli soldiers.

“I looked at particularly Palestinian children health, not only from the physical point of view but how much Israeli occupation has affected Palestinian children health beyond physical health. It is not merely absence of disease and disability. What I perceived as equally important was emotional, social, mental and environmental health, nutrition and behaviour.”

He said, “According to a survey conducted in Palestine in 2010 in cooperation with the World Health Organisation, which I personally oversaw, 24% of schoolchildren in Palestine have suicidal tendencies.”

He further added, “There is also increased incidents of disability among Palestinians. Among 20% of injured people have become disabled during the 2nd uprising (Intifada). The most recent report from Palestinian Ministry of Health and Ministry of Social Affairs (2011) showed that 7% of Palestinian children are disabled, some because of the intifada. Generally the number is 1-2% higher in Palestine because of the violence.”

He said, “From 2001-2011, there were 2282 cases of disability (93.9% male, 6.1% female). Most of the men were involved in the intifada. 65.6% of them suffered disability as a result of live ammunition. Others were affected by shrapnel, rubber bullet, explosions.”

“As a result of the greater number of disabilities, it means that these persons also have less opportunities for work and end up in poverty. There is greater pressure on the government to support these persons, by way of provision of social services, health services, education etc.”

“Poverty is rife in the West Bank and Gaza. It increased from an average of 20% prior to the intifada to up to 51% during the intifada. Conditions of poverty also mean poor nutrition. We found that during the Intifada, children’s growth was stunted because they did not have enough protein. There are many cases of children with low weight. During the 2nd intifada, the rate of children with low weight (less than 5 years old) increased from 2.5% to 3.2%, the rate of low height increased from 7.5% to 7.9%, and wasting (severe loss of weight) increased from 1.4% to 1.7%.”

“According to the United Nations Population Fund (UNFPA), there was a 40% increase of prematurity and miscarriages in pregnant women during the 2nd intifada. Israeli soldiers have also violated international law by attacking hospitals and ambulances with shelling and shooting on the excuse that wanted people or terrorists are in the hospital. Currently 53% of the Palestinian population is below 18 years old.”

He said, “Israeli forces attack hospitals and ambulances on the pretext that there are Palestinian fighters hiding there. Which is not true. I have never seen such a situation. It is my opinion that the Israeli forces allege such incidents but do so to merely justify their inhuman actions of attacking hospitals.”

It is a slow and certain destruction of a society mentally, physically and socially.

He said, “Over the years, the situation in the West Bank and Gaza has become worse. The Israeli authorities have increased in strength. We can only estimate that it will get worse in the future. The Palestinians face a lot of challenges. We are being threatened all the time by the US and Israel – they threaten to cease the transfer of taxes, to strengthen the checkpoints, to stop aid, to completely stop entry to Jerusalem.”

He continued, “Before the 2nd intifada, I believed that Israel was looking for peace with Palestinians. But now I do not believe it. Israel does not believe Palestinian territory belongs to Palestinians. They believe that it is historically Israeli and they are taking it back. They threaten to increase settlements in Palestinian territories if Palestine continues to try and gain recognition as a state from the United Nations (without membership). Israeli actions amount to the extermination of a whole state. Israel believes that eventually Palestinians will leave their lands beyond the walls. Israeli strategy is to deprive the Palestinians of their basic needs to make them leave. The Palestinians are badly in need of support services Otherwise they will have no choice but to leave.”

The prosecution subsequent witness was 54-years-old Chahira Abouardini, a mother of three who is a Palestinian refugee (political refugee) living in Camp Shatila, Beirut. She told the Commission about the events that took place at Camp Shatila, Beirut in the month of September 1982, in the now infamous Sabra & Shatila massacre.

She testified, “On 14 September 1982, the Lebanese President Bachir Gemayel was assassinated. After that incident, there were a lot of aircraft flying around Beirut. My husband told me that the situation may get worse, and to prepare the children so that we could leave. On 16 September we went to my father’s brick house on Sabra Street. There were other family members as well - my father, my sister (17 years old), my brother (24 years old) and his pregnant wife and 2 children, and my cousin and his wife and 2 children.”

Chahira who broke down while giving testimony said, “In the evening beginning from about 5pm, flares were thrown to light up the area. This went on throughout the night. The camp was full of light throughout the night. We did not know what was happening outside. We heard shooting and screaming outside. At about dusk, my

sister ran out into the street to see what was happening. She was shot dead by armed militia. When my sister was shot, she shouted for my father. My father came out of the house to see what had happened to my sister. He was also shot and killed. Their bodies were left on the street. Later I found out that those who shot my sister and father were Lebanese Phalangist militia.”

In the early hours of the morning, about 16-17 armed soldiers entered her home and shot her husband, brother and cousin dead in front of her and children. She related that militia entered homes and shot at everyone including children and animals.

She said, “Along the way to the stadium, I saw my cousin’s daughter who was pregnant lying dead. The murderers had opened her body and taken out her baby and put the baby on her. The child was dead as well. She was lying on the street.”

“Along the street there were a lot of dead bodies. Hundreds of bodies were strewn all over. We climbed a hill to the stadium. At the nearest houses I could see bodies of children. Between the houses, which had been half destroyed, there were bodies of men, and also women and children and animals.”

She testified, “In 36 hours, up to 3500 to 5,000 people from Shatila and Sabra had been massacred, There are also people unaccounted for who had disappeared. The Phalangist militia worked together with the Israelis. They were known to be puppets for Israeli forces. Israelis used them to go into our houses, because these soldiers knew the place, and could speak Lebanese. The Israelis were afraid to go in themselves.”

She concluded, “What I want is justice to be done and that those who killed my family members and all the people at Shatila and Sabra to be punished for their crimes.”

The prosecution’s next witness was Taghreed Nimat from Nablus, West Bank. Due to Taghreed’s father’s imprisonment for singing nationalistic Palestinian songs, the Israeli forces often targeted her, accusing her for promoting hatred against the Israeli government. In 2004, the Israeli soldiers attacked the Dr Sayed Kamal Mental Hospital in Bethlehem where she was staying and working as a psychologist. The 47-year-old Palestinian’s experiences during the hospital attack caused her to suffer a breakdown causing her to take ASVL sedatives twice and other medication for five months.

She also related how she was often harassed unnecessarily by the Israeli military soldiers whatever she went through checkpoints. They soldiers would detain her at these checkpoints for one or two hours or several hours before allowing her through or sometimes refusing entry.

The prosecution also called Anne Sunde, a 66-year-old Norwegian who is residing in Belgium. She was working as a volunteer social worker for the Palestinian Red Crescent Society in Beirut in the Sabra and Shatila Camps.

She related, “On 4 June 1982, I visited my friend at Fakhani. While we are chatting in the building, which housed the Palestine Liberation Organisation (PLO) offices, we heard loud noises of planes flying over. We rushed to the shelter in the basement of the building. Then we heard bombing nearby our building. It was loud. The building shook and I was expecting to die under it. It was my first experience of direct violence. One becomes aware what life is. The bombing seemed eternity.”

She said, “After a few days the PRCS set up a hospital in La Houd School, Hamra. Since nobody among the volunteers wanted to do cleaning (janitor), I volunteered. I did this together with Kurdish refugees.”

She said, “Finally I decided to go back to Belgium on 15 September 1982 via Damascus. However, since it was the morning after Bachir Gemayel’s (the then President-elect) death, there were no taxis to take me to Damascus. Great nervousness was felt in town. I returned to the PRCS headquarter in Hamra where most of the foreigners were located.”

She then proceeded to relate her harrowing experiences of the killings at the Sabra and Shatila Camps. She further related that when she went to the Shatila Camp she saw many dead bodies of adults and children, both male and female, in strange positions. She also saw dead animals. The bodies were already decomposing and bloated in the summer heat. The smell, she said, was unbearable and there were flies all over.

She added, “It was a horrible scene and they were digging mass graves to bury the dead.”

The prosecution next called the 66-year-old Italian expert witness Paola Manduca, a retired Professor at University of Genoa, Italy who is an expert Geneticist. In 2011, she conducted and coordinated two research projects relating to the impact of weapons on reproductive health arising from the attacks in Gaza, especially to children. She also personally spent about more than a year from December 2010 to April 2012 in Gaza, conducting research in Pediatric and maternity hospitals.

She said, “The outcome of our research points to the degradation of the reproductive health and increase in major structural birth defects, following and correlated to the military attacks and possibly to the input of toxic, carcinogen and teratogen (development interfering) agents delivered by weaponry in the environment and in the wounds of victims, and of their assumption by the inhabitants.”

She related, “We showed by analytical chemistry methods that in Gaza teratogen and carcinogen metals are found in wounds, in craters since 2006 attacks and in White Phosphorus ammunitions in 2009 and children hair one year after the 2008/09 attacks.”

She said, “Our study of birth defects in 0 to 2 year old children registered in 5 paediatric hospitals in Gaza Strip showed that there is a 1.8 fold higher frequency of birth defects in the first 6 months of year 2010, compared to the same period in 2006.”

She testified that there was an increase in birth defects in Gaza starting in 2005-06. “It is our view that such sudden increases in birth defects are usually associated to significant and sudden environmental changes.”

She confirmed that the start of the increases is correlated in their timing to the military attacks, after the Israeli armed forces left Gaza, and the first news from medical personnel on “unprecedented” wounds, meaning new kinds of wounds from weapons.

She said, “We found that 66% of Gaza parents with a birth defect child were exposed to bombing or /and White Phosphorus shelling during Operation Cast Lead in 2008/09.”

She continued, “Couples with birth defect children reported exposure to White Phosphorus 15 fold more often than couples with normal child.”

She added, “Our studies have presented proof of a rise in birth defects in Gaza, increasing after the attacks in 2006 and continuing increase up to 2011. It showed correlation of birth defect occurrence with exposure to White Phosphorus shelling. It also showed contamination of the soil by teratogen and carcinogen metals. It showed accumulation of these teratogen and carcinogen metals in children’ hair. She also presented proof that teratogen and carcinogen metals are delivered by weapons into the flesh of victims.”

She concluded that there is long-term effect on reproductive health associated to metal contamination by exposure to weaponry during war and by war remnants.

The Prosecution in its submission urged the Kuala Lumpur War Crimes Commission (KLWCC) to make the necessary recommendations on the indictment and persons to be charged to the KLWC Tribunal. They recommended that the state of Israel be indicted for war crimes, crimes against humanity and genocide from the evidence tendered.

International commissions over the years have concluded that Israel had committed genocide and war crimes. After Operation Cast Lead, the UN Goldstone Report stated that Israel committed war crimes in the destruction of civilian infrastructure and in the killing of civilians.

The UN Security Council resolution 521 (1982) condemned the criminal massacre of Palestinian civilians in Sabra and Shatila. The UN General Assembly resolution (ES-7/9 24 September 1982) resolved that the massacre was an act of genocide. The UN MacBride Commission formed after the Sabra and Shatila massacre concluded that Israel had committed genocide and war crimes.

The UN General Assembly on 16 December 1982 passed a resolution reaffirming the applicability of the Geneva Convention to the protection of civilians in the occupied Palestinian and Arab territories including Jerusalem. It noted the failure of Israel to comply with numerous resolutions. It noted also that the actions and record establish

conclusively that it is not a peace loving member state and has not carried out its obligations under the Charter of the United Nations.

And yet the international community has failed to take any action against Israel.

Genocide, under the 1948 Genocide Convention is the deliberate infliction of conditions of life calculated to bring about the physical destruction of a people in whole or in part. The evidence adduced show that the state of Israel has been engaged in acts of genocide against the Palestinian people. Genocide includes both physical and mental harm caused by the Israeli occupation as well as the bombing and killing of civilians that is going on even now in Gaza.

Gaza and West Bank are under military occupation of Israel. The Fourth Geneva Convention provides protection for people under a military occupation. Israel has breached practically all the articles of the Geneva Convention.

Israel's contention that it is not in occupation of Gaza and West Bank once it withdrew its troops. The reality is Israel is in occupation since the test is belligerent control –Israel is in control. It has blockaded Gaza from the sea and surrounded it by a wall on the land. The Egyptian border is sealed with Gaza. Israel exercises control with the blockade of Gaza, the attack and killing of civilians, the denial of essential supplies, constant killing of civilians. Gaza is under siege.

The World Court in its Advisory Opinion in 'the wall case' in July 2004, participated by the Israeli and Palestinians, rejected all of Israel's arguments that they are not an occupying force. The opinion of the World Court was that the construction of the wall in Occupied Palestinian Territory is contrary to international law.

Israel is stealing Palestinian water and diverting it to Israel and its settlers while Palestinians are being deprived of water. Hundreds of checkpoints have been established by Israel across West Bank and Gaza limiting the access of Palestinians travelling from town to town. With the wall built by Israel the Palestinians are almost in a 'prison'.

Wide spread systematic torture of Palestinians as shown in evidence before the Commission have in numerous cases been documented extensively over the years by human rights organisations including Amnesty International that clearly show that Israel has committed war crimes.

Based on evidence and records, the Sabra and Shatila massacre is a clear case of genocide and war crimes. The Israeli forces had played a key role in working with the Phalangist militia in perpetrating this crime. The Palestinian fighters had withdrawn to Tunisia and the Palestinian civilians at the camps were assured by the US that they would be protected under the Habib Agreement. The International forces consisting of Italian, French and US forces withdrew a day before the massacre started and reappeared after that in Beirut.

Crimes against humanity come from the Nuremberg trials drafted by the US to deal with the Nazis prosecution of Jews which include murder, torture, imprisonment,

rape, persecution of a specific identifiable group based on racial, national, ethnic basis. Interestingly, the Israeli war crimes are the same with the only difference being the scale but it is an on going process of destruction of the Palestinian people.

The International Criminal Court (ICC) had refused to accept the Palestine complaint on war crimes against Israel. Palestinians have tried to obtain justice that has been continuously denied to them. The Palestinian complainants now turn to the KIWCC for assistance in obtaining justice.

The Commission upon hearing the evidence and the prosecution submissions announced that as per the charter of the KIWCC they would be deliberate on the facts and the law and prepare a report and its recommendations at a later date.

The 5-panel Commissioners' is headed by **Musa Ismail**, a former Magistrate, who is currently a practicing lawyer. The other Commissioners include lecturer and author **Prof Hans-Christof von Sponeck**, who was also a former UN Assistant Secretary General responsible for humanitarian operations in Iraq, Nobel peace prize nominee **Denis J. Halliday**, who worked for the UN for 34 years and was head of the UN Humanitarian Programme in Iraq, **Dr Zulaiha Ismail**, former Dean of the Centre for Graduate Studies Universiti Teknologi MARA (UiTM) and currently actively involved with NGOs specifically on the plight of the Palestinians and lastly, **Michel Chossudovsky**, a professor of economics emeritus, University of Ottawa and Director, Centre for Research on Globalisation (CRG).

The prosecution team for the commission hearing is lead by Prof Gurdial Singh Nijar, prominent law professor and author of several law publications. He is assisted by Prof Francis Boyle, Avtaran Singh and Gan Pei Fern.

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About Kuala Lumpur War Crimes Commission (KIWCC)

The KLFCW established the Kuala Lumpur War Crimes Commission (The Commission), to investigate cases of war crimes that have been neglected by established institutions such as the International Criminal Court. The Commission seeks to influence world opinion on the illegality of wars and occupation undertaken by major Western powers.

The aim of The Commission is thereby to hold perpetrators of war crimes accountable for

their actions especially when relevant international judicial organs fail to do so.

The Commission

The commission's function is to:

i) **receive complaints** from any victim(s) of any conflict on:

- (a) Crimes against peace
- (b) Crimes against humanity
- (c) Crimes of genocide
- (d) War crimes

ii) **investigate** the same and prepare a report of its findings. To further call for more evidence or where The Commission is satisfied to recommend prosecution

The Legal Team

The legal team's aim is to present the complaints of victim(s) of any conflict and to act on the recommendation of The Commission's report and to frame charges and prosecute accused person(s).

The Tribunal

The Tribunal shall adjudicate on the charges filed against the accused person(s) The applicable standard of proof shall be beyond reasonable doubt.

About the Kuala Lumpur Foundation to Criminalise War (KLFCW)

Malaysia's fourth Prime Minister Tun Dr Mahathir Mohamad founded the Kuala Lumpur Foundation to Criminalise War (KLFCW), a non-governmental organisation established under the laws of Malaysia on 12 March 2007.

The main objectives of the Foundation, as stated in its Statutes are, inter alia:

1. To undertake all necessary measures and initiatives to criminalise war and energise peace;
2. To provide relief, assistance and support to individuals and communities who are suffering from the effects of war and armed conflict wherever occurring and without discrimination on the grounds of nationality, racial origin, religion, belief, age, gender or other forms of impermissible differentiations;
3. To promote the education of individuals and communities suffering from the effects of war or armed conflict;
4. To foster schemes for the relief of human suffering occasioned by war or armed conflict;
5. To provide for mechanisms or procedures in attainment of the above purposes.