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PRESS RELEASE FOR IMMEDIATE RELEASE

PALESTINE WITNESSES RELATE ACTS OF ‘GENOCIDE’ AT KL COMMISSION HEARING

KUALA LUMPUR, 20 November 2012 – The Kuala Lumpur War Crimes Commission commenced hearing the testimonies of four of the nine complainants today. The prosecution team had intended to present 11 witnesses at the two-day Commission hearing, but only nine could make it to Kuala Lumpur. Two of the witnesses were unable to make it due to the current Palestinian-Israeli conflict.

The prosecution’s first witness was 33-year-old Palestinian Salah Al Sammouni who testified to the 5-panel Commission that 21 members of his family including his father, mother and only infant daughter were killed during a massive Israeli attack in the al-Zaytoun neighbourhood in the South-East of Gaza on 5 January 2009. The remaining 52 injured members of his family and Salah himself (covered in blood and shrapnel) amid firing bullets managed to make their way out of the neighbourhood and found civilians who were kind enough to drive them to the hospital.

He testified that the Israeli military forces, who had bombed their house three times, had denied entry to the Red Cross and hospital ambulances into neighbourhood to tend to the wounded. The ambulances only managed to make their way into his neighbourhood three days after the attack. During the attacks, a sharp metal piece had pierced his forehead and until today the doctors are unable to remove that metal piece.

Here an excerpt of his testimony – “A short while after the explosion, I heard a very loud explosion about 2 or 3 times. There was dust all over the house. I could not see anything. Later, I saw one missile come through the roof; another from the window and the third one, I do not from where. I then looked around and I saw my mother. I went to her and realized that my mother (Rahma Mohammed Mahmoud Al-Samony, then aged 43) died with half of her face blown away. My father (Talal Hilmy Mahmoud Al-Samony, then aged 49) and my only daughter (Aza Salah Talal Al-Samony, then aged 2.5) also died, with their face disfigured. A total of 21 of my family members died. More than 50 of them were injured. There was screaming, shouting and crying. Blood was everywhere. I lifted my daughter and she had wounds on her neck and stomach. She was dead. Then, I heard my wife calling my name. I

went to her. There were a lot of dead bodies on top of her. Then, I slowly pulled her out. She was injured and she was covered in blood. Three of my sons were badly injured and the other one had difficulties in breathing even now.”

Salah’s 15-year-old cousin, Mahmoud Al Sammouni, one of the few survivors of the same attack on that fateful day, also gave his statement at the hearing. However, the young teen could only give part of his testimony to the panel as he had received word that more of his family members were killed in the current conflict in the last few days. He will continue to give his testimony on Wednesday.

Mahmoud who was only 12-years-old at the time of 2009 attacks, saw his father shot in cold blood by the Israeli soldiers. He told the panel that he and his friends were playing football and mud balls around a fruit tree when they saw F16 planes flying in the area and shooting bombs and missiles. He related that there were also many soldiers on the grounds shooting at the walls of homes. He also saw parachutists coming down and landing on the highest buildings in the area and anyone who went out of their homes were shot dead.

Displaying maturity beyond his young age, Mahmoud related the terrifying ordeal he and his family underwent during the January 2009 attacks. The soldiers while shooting randomly at the family shot his 4-year-old brother twice in the chest and once in the head and four of his other brothers in their legs and behind the ear.

He related that they walked barefooted to seek help at the Al Shifa Hospital. “We went to the main road. Along the way we saw a lot of blood on the street, spent bullet shells, shoes. Iron and metal pieces were all across the street so that no one could pass. The soldiers were shooting randomly and people were scared. As we walked along the road, we saw a tank at the side of the road. It was facing the other way. When the soldiers saw us, the tank was turned in our direction and they shot right above our heads.”

The prosecution’s third witness was 22-year-old Nabil Al-Issawi from Bethlehem, West Bank. The 22-year-old former student of the Ahliya University in Bethlehem was part of a peaceful student demonstration near the Azah Refugee Camp when he was shot in the stomach by an Israeli sniper with a *Dum Dum* bullet (a bullet which expand on impact). As he lay bleeding on the street, the Israeli soldiers refused to give him immediate aid instead took pictures of him and made fun of him.

The use of *Dum Dum* bullets during a military occupation is a war crime and Nabil confirmed that the usage of *Dum Dum* bullets were a norm in the Palestine- Israeli conflict.

He was informed by the doctors that the *Dum Dum* bullet once penetrated in his body had broken into 3 pieces going into 3 different directions: 2 went out of his body through the back and his rectum while the third stayed inside his bladder near the lower spine. He was hospitalised for almost 6 1/2 months and underwent four operations.

“As a result I missed my last semester in the school (namely, from January to Jun

2008). This affected my academic performance, and I scored poorly in the CGPA (Cumulative Grade Point Average). As a result, I was precluded from pursuing the university course of my choice, namely law,” said Nabil who is currently pursuing business studies.

“The course of my life has been altered dramatically. As of now, I have an abdominal scar for life and discomfort in sitting upright. I cannot swim competitively as I used to. Apart from this, my family members and I have been prohibited from going to Israel. Further, whenever I go through the Israeli military checkpoints, I am always harassed. I have been traumatised by the incident. Whenever I am about to go through numerous military checkpoints in West Bank, I am in the constant state of anxiety and fear,” said Nabil who also informed the panel that he and his family is blacklisted from travelling to the nearby Jerusalem since he was shot.

He demands freedom in his country, stressing that it is the basic right of human beings not to be harassed by forces that have been placed there illegally.

The fourth witness who appeared before the Commission was 42-year-old Jawwad Musleh from Beit Sahour, near Bethlehem, West Bank. The tourism program coordinator gave testimony of the repeated incidents of incarceration that he had been subjected to since the age of 15 and gave the Commission a clearer picture of the socio-economic outlook of West Bank.

He testified that he was first arrested in 1985 when he was 15-years-old on the accusation that he was a member of the Palestine Front for the Liberation of Palestine (PFLP).

He said, “I was first taken a place called Elmaskobeya Prison in West Jerusalem for investigation. Later I was taken to Damoun prison located in Haifa and finally I was taken to Ramallah prison in the West Bank.”

He told the panel that the Israeli forces had used different kinds of torture on him. He revealed that they especially used mental and psychological torture and wanted him to admit that he was a member of the PFLP. He was held prisoner for 20 months.

He revealed, “The main charge against me was that I was a member of the Palestine Front for the Liberation of Palestine (PFLP). They wanted me to admit that I was a member of the PFLP. They tried to make me believe that they knew everything about me. I refused to confess. Then they began to beat me all over using clubs, sticks, even their feet and hands. The worst part was when there was no interrogation. They put me in confinement with my hands tied behind my back and a hood over my head. The hood was extremely smelly. I could barely breathe. I could not move. My hands were cuffed behind either to a chair or a piece of iron welded to a wall. I had no opportunity to go to the bathroom or to eat. When I did ask for water or to go to the bathroom, the soldiers would blackmail me. They asked me to confess, and only then would they give me water or take me to the bathroom. They prevented me from sleeping or eating or drinking.”

“In the end I did confess. I was just a kid. There was a court hearing and there was a

lawyer representing me. However, from what I know the decision is usually made by the Israeli intelligence.”

Since then, he has been arrested a total of 8 times and each time he was tortured when he was incarcerated. During each interrogation, they wanted to know about his activities and his relationship with PFLP. There were various charges against him: rioting, participating in demonstrations, illegal activities, boycotting Israeli goods and inciting others to do the same, that he was security threat and a danger to the state of Israel.

He testified, “In the last 2 detentions in 1989 and 1990, I was arrested for “administrative reasons”. This is a tool the Israelis use for people who are suspected of being active in political activities but for which there is no proof. In such detentions, a person is not entitled to a hearing or lawyers to object to or challenge the detention. You are sent straight to prison. You can only object to the period of detention. The period of detention is usually 6 months. Very often the sentence is confirmed for 6 months. Only in rare cases, it may be decreased to 4 or 3 months.”

He added, “These kinds of arrests are common. Before the advent of the Palestinian authority in 1994, it occurred more frequently and more people were arrested. Now there are more than 5000 prisoners in Israeli prisons.”

The focus of the interrogation was always on his relationship with political parties, and they would also try to find out more about other people, as they wanted to get the names of other people active in the Palestinian cause.

He related, “Twice, I was sent to Qeziot Military Camp located in the Negev desert south of Palestine. It looks exactly like a Nazi concentration camp with watchtowers and fences. It is located in the middle of the desert and completely isolated from the world. There is no radio, television, newspapers or even visits. I had no access to my family or lawyers for 6 months each time. It was very difficult to lawyers to visit us. I only met my lawyer once each time. The situation in this military camp is horrible because I was isolated, and I had very little food, and even what I had was of poor quality.

In Qeziot, we were all housed in tents. These tents were installed on sandy ground. Each section had 10 tents. There were fences all around. In one tent, there would be 20 to 22 persons. It was very crowded. It was always dusty. Dust and sand would get into our food. We didn’t have books or anything to read and write. All we got was some food and a small mattress.”

“I was also held 3 times at the Dahariyeh Military Camp located south of Hebron. That is also a very horrible place. The rooms were small and very, very crowded. We used to sleep with our legs over each other. There was no space to move. The rooms also very dirty. We were forced to wear prison clothes that were dirty and smelly. There was no access to any bathroom or toilet. The prison guards would bring us a barrel. All of us had to ease ourselves in the barrel openly in the room. When the barrel was full, we were allowed to take it out and empty it and bring it back. Everything used to smell bad, our mattresses and our clothes. There was no natural

light. We were not allowed to leave the room. In other prisons, prisoners are allowed 1 or 2 hours in open space. In Dahariyeh, prisoners cannot go out unless going to court or being transferred to other prisons. I was never visited by my family or lawyer.”

“We were sometimes beaten by soldiers, although no interrogation was being carried out. They would count us 3 times a day. We would have to stand with our faces towards the wall. If anyone moves or talks, we were beaten hard with clubs. If anyone moved an inch or coughed or sneezed, all would be beaten.”

In December 1992 while preparing for participation in a peaceful demonstration on the anniversary of PFLP, he was shot twice in the leg by the Israeli army. It damaged a sciatic nerve in his leg and caused complete impairment and paralysis of his foot.

“Being detained and spending time in prison hardened my resolve to struggle. I became more aware of the cause of the struggle, the history and later I continued being active in the cause. The Israeli forces think that they can kill our soul and patriotism by sending us to prison. However, it is there that our loyalty to our homeland is strengthened.”

He added, “More and more Palestinian lands are being taken away. More and more Israeli colonies are being built on lands in the West Bank and Jerusalem. The situation is more complicated now. There are 700,000 Jewish settlers living in the West Bank and in Jerusalem. Jerusalem is being “Judaised” or “Israelised”. The Israelis are taking more and more Palestinian lands and building more and more settlements around Jerusalem to make it more and more Jewish and to force Palestinians to leave Jerusalem.”

On the subject of the Wall, he testifies, “When it came to building the apartheid wall, the Israelis said it is a security barrier. However, it is actually a strategy to confiscate and expropriate more land. It is not built on the border but inside the West Bank, and this has further reduced the landmass of the West Bank. So Jerusalem, which was part of the West Bank, has now been taken away and annexed to Israel by the construction of the wall.”

He said, “Life for Palestinians in Jerusalem is very difficult. The strategy is to make Palestinians leave and to replace them with Jews to make a Jewish city. Now about 200,000 Palestinians live in and around East Jerusalem mainly, and this number is getting less and less by the day. Israel says that Jerusalem is its capital.”

He further related, “Jerusalem is important for Muslims and Christians. For Muslims, the Dome of the Rock and the Al Aqsa mosque are very sacred places. The sacred places for Christians are the Sepulchre Church the Via Dolorosa. But both Christian and Muslim Palestinians cannot visit these places. Historically, Jerusalem has always been the centre and the heart of Palestine, economically, culturally, historically but now we are not allowed.”

He said, “To move from one place to another in the West Bank, we have to pass through check points. At every checkpoint we have to show identification. There are

at the moment 730 checkpoints and roadblocks in the West Bank. This excludes 'flying checkpoints', which the Israeli set up at any place at any time."

He related that the Israeli army control the checkpoints, some checkpoints they can pass with no problem, in some they have to submit ID, while others they have to wait for hours as they are very crowded. He revealed that a journey of one hour could take five hours. And when there is a demonstration, the checkpoints are simply shutdown.

On the issue of water supply, he revealed that Palestinians suffer from water shortages as the Israeli authorities control the control of water. "Water is supplied to the Israeli settlers at a cheaper price, and 5 times more in volume, compared to Palestinians. It is our land, but we pay more and get less water. The water supplied to Palestinians is inadequate for our daily use and causes us great hardship and suffering," he said.

He further revealed, "Many farmers depend on olive harvests. Palestine is full of olive trees. Many farmers' lands have been divided by the wall or the farms are located next to Israeli settlements or military camps. Farmers are therefore deprived of access to their lands. In some cases, they are only given permits to go to their lands during harvest in October. But because they are deprived of access throughout the year to fertilise, water and tend to their trees, the harvest is poor. In many instances, settlers have stolen olives from the farms. In other instances, settlers have burned the trees. Most of the Israeli settlements are located in higher land. Sewage water is discharged to the lower lands, where most of the Palestinians reside. This destroys the farms and trees, and damages the environment."

The 5-panel Commissioners hearing the testimonies of witnesses 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.

The Commission will be conducting an open hearing on the complaints on 20 -21, November 2012, from 8.30 – 5.00 pm at the Dewan Tun Dr Ismail at the Putra World Trade Centre (PWTC) in Kuala Lumpur. Members of the public are cordially invited to attend the event.

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About Kuala Lumpur War Crimes Commission (KLWCC)

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.