

Extrajudicial Assassinations As Official Israeli Policy

By [Stephen Lendman](#)

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Theme: [Crimes against Humanity](#), [Law and Justice](#)

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Extra-judicial killings are indefensible, morally abhorrent, and illegal under international laws and norms. Article 23b of the 1907 Hague Regulations prohibits “assassination, proscription, or outlawry of an enemy, or putting a price upon an enemy’s head, as well as offering a reward for any enemy ‘dead or alive.’ ”

Article 3 of the Universal Declaration of Human Rights (UDHR) states that “Everyone has the right to life, liberty and security of person.” UDHR also recognizes the “inherent dignity (and the) equal and inalienable rights of all members of the human family.”

So do “just war” principles that rule out gratuitous violence, assassinations, especially if premeditated, war against civilians, and so on, despite the difficulties of distinguishing between combatants, those who’ve laid down their arms, and the innocent in times of war – let alone dealing with “terrorism” or what one analyst calls the “twilight zone between war and peace.” Others say it’s justifiable resistance or “blowback” in response to state-sponsored violence and other crimes of war and against humanity.

In 1980, the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders condemned “the practice of killing and executing political opponents or suspected offenders carried out by armed forces, law enforcement or other governmental agencies or by paramilitary or political groups” acting with the support of official forces or agencies.

The General Assembly also acted in response to arbitrary executions and politically motivated killings. On December 15, 1980, it adopted resolution 35/172 in which it urged member states to abide by the provisions of Articles 6, 14 and 15 of the International Covenant on Civil and Political rights that cover the right to life and various safeguards guaranteeing fair and impartial judicial proceedings.

The first principle of the 1989 UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions states:

“Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offenses. Exceptional circumstances, including a state of war or threat of war, internal political instability or any other public emergency may not be invoked as a justification of such executions. (They) shall not be carried out under any circumstances including, but not limited to, situations of internal armed conflict, excessive or illegal use of force by a public official or other person acting in an official capacity or by a person acting at the instigation, or with the consent or acquiescence of such person, and situations in which deaths occur in custody. This prohibition shall prevail over decrees issued by governmental authority.”

These articles and provisions apply to occupied civilian populations, and the Fourth Geneva Convention and its Article 3 affords ones (like the Palestinians) under foreign occupation special protection. It covers all actions related to “Violence to life and person, Murder of all kinds, mutilation, cruel treatment and torture.” In addition, “The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees....recognized as indispensable by civilized peoples.”

Its Article 32 states: “the High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.”

Its Article 85 refers to “Grave Breaches” and defines them as “Acts committed willfully and causing death or serious injury to body or health....making the civilian population or individual civilians the object of attack (or)launching an indiscriminate attack affecting the civilian population or civilian objects....”

The 2002 International Criminal Court’s Rome Statute also defines these grave violations as war crimes that include (in its Article 8):

- “Grave” Geneva Convention breaches;
- “Willing killing....”
- “Intentionally launching an attack” knowing it will “cause incidental loss of life....”
- “Killing or wounding” combatants who’ve laid down their arms;
- extrajudicial killings; and
- “Killing or wounding treacherously a combatant adversary....”

In 1982, the UN established the Special Rapporteur on extrajudicial, summary or arbitrary executions. It was one of several mandates to address disappearances, torture, assassinations and many other human rights abuses and violations of international law.

Philip Alston currently holds the post to investigate extrajudicial killings, hold governments responsible for committing them, failing to prevent them, or for not responding when they’re carried out by others. In May 2008, he issued the latest report of his “principle activities” in 2007 through the first three months of 2008. As of March 2008, he requested permission from 32 countries and Occupied Palestine to visit. In spite of “proceed(ing) with plans for a visit,” Israel “so far failed to respond affirmatively.” The Palestinian Authority (PA) “issued an invitation.”

The US Position On Extrajudicial Killings

In 1976, President Gerald Ford signed Executive Order (EO) 11905 banning the practice against foreign leaders in peacetime and by implication against others. Yet Reagan’s Defense Secretary, Caspar Weinberger, argued that only “murder by treacherous means” is

forbidden so assassinations are acceptable as long as they're unrelated to "treachery."

George Bush then swept aside subtleties, reversed Ford's EO, and authorized the CIA to assassinate Osama bin Laden, his supporters, and publicly stated that bin Laden "was wanted, dead or alive." His Defense Secretary, Donald Rumsfeld, concurred and called killing "terrorists" an act of "self-defense."

In June 2008, Philip Alston visited the US. He met with federal and state officials, judges and civil society groups in New York, Washington, Alabama and Texas. He also conducted a fact-finding tour of US prison and detention facilities and presented his findings at a June 30 press conference. He sharply criticized the Bush administration, the country's flawed judicial system, and continued rule of law violations. He cited:

- racism in the application of the death penalty;
- the lack of transparency in Guantanamo prisoner deaths;
- a lack of information about Iraq and Afghanistan civilian deaths; the unwillingness of Department of Defense officials and others to cooperate; his concern about serious human rights violations as well; and
- the refusal of the US Justice Department to prosecute mercenary contractors (like Blackwater Worldwide) who commit unlawful killings. Or the US military.

Israeli Extrajudicial Killings

Throughout its history, Israel willfully and systematically committed premeditated extrajudicial killings of Palestinians and other Arabs as official state policy - carried out with explicit high-level political, judicial and military authorization and allegedly in "self-defense" against individuals threatening Israeli security. Government officials even admit that certain persons are targeted, and Dan Haluts, former Israeli Army Chief of Staff, once told the Washington Post (in August 2006) that "Targeted killing is the most important method in the fight against 'terrorism.'" In other words, premeditated murder is acceptable as long as it's properly classified.

In May 2007 on Israeli Army Radio, Binyamin Ben-Eliezer, former Infrastructure Minister, defended the practice and said: "We decided to carry out more physical liquidation operations against (Palestinian) 'terrorists'....I think this will eliminate the damage caused to Israeli territory due to the launching of Palestinian rockets."

Almost never do Israeli government or military officials show evidence that targeted individuals acted violently or threatened Jewish citizens. Simply calling them "terrorists" is justification enough - to kill them extrajudicially, with no recourse to due process or respect for international law that bans the practice for any reason.

"My crime was to protest Israeli assassinations"

On January 5, 2007, the London Guardian headlined that comment in reporting on Jewish activist Tali Fahima's first interview following her release from Israeli incarceration. Sitting with her arms handcuffed to a chair's legs 16 hours a day, her captors said they wanted to teach her to be a "good Jew." She was imprisoned for 30 months for traveling to the West

Bank, “meeting an enemy agent and translating a simple army document.”

She explained and said her crimes were for refusing to work with Shin Bet (Israel’s secret service), going to see the Palestinians, then protesting the Israeli assassinations policy. She was kept in isolation for nine months. Finally, at the urging of her lawyer, she struck a plea bargain for a shorter sentence, and ended up being “unbowed” by her experience. She learned how Sin Bet “terroriz(es)” people, both Palestinians and Jews. “About the nature of the government, how they do not want us to see what is going on in our name.”

On August 8, 2004, she was arrested and placed under administrative detention in September. In December, she was charged with “assistance to the enemy at time of war.” It was trumped up and false. In January 2005, the Tel Aviv district court ruled that she should be placed under house arrest during her trial. Jerusalem’s high court overruled it on the grounds that she “identifie(d) with an ideological goal.” In December 2005, she pled guilty under her plea bargain to meeting and aiding an enemy agent and entering Palestinian territory. In January 2006, she was released.

She felt compelled to make regular Jenin visits. Talk to hundreds of people, including Palestinian resisters, and for the first time heard their point of view and how hard things are under occupation. For showing compassion and disagreeing with Israeli policies, she was imprisoned for nearly 30 months on false charges. Not even Jews are safe from harsh state retribution against anyone showing defiance or daring to resist injustice.

The Palestinian Centre for Human Rights Documentation of Israeli Targeted Assassinations

The (1995 established) Palestinian Centre for Human Rights (PCHR) functions independently in Gaza and enjoys “Consultative Status” with the UN’s Economic and Social Council (ECOSOC). It’s also an affiliate of the International Commission of Jurists-Geneva, the International Federation for Human Rights (FIDH) in Paris, the Euro-Mediterranean Human Rights Network in Copenhagen, the Arab Organization for Human Rights in Cairo, and the International Legal Assistance Consortium (ILAC) in Stockholm.

Palestinian lawyers and human rights activists established it to:

- “protect human rights and promote the rule of law;”
- create, develop and promote a democratic culture in Palestinian society; and
- work for Palestinian self-determination and independence “in accordance with international law and UN resolutions.”

PCHR issues documents, fact sheets, and reports like its quarterly accounts of Israeli extrajudicial executions in the Occupied Palestinian Territories (OPT). Its latest one is from April through June, and a more comprehensive one covered August 2006 through its latest June 2008 data.

PCHR states: It’s “investigated and documented these (killings) in depth (and) concluded that the IOF (Israeli Occupation Forces) have consistently acted with utter disregard for the lives of (mostly innocent) Palestinian civilians in the OPT, and that IOF have continued to carry out state sanctioned extra-judicial executions, (in violation of) international human rights law....in the overwhelming majority of cases....suspects could have been arrested, but

no efforts were made....and they were instead extra-judicially executed” - according to official state policy.

The Human Toll

Since the second Intifada’s September 2000 inception through June 30, 2008, and excluding all other Palestinian killings, the IOF carried out 755 OPT executions. Victims included 521 extrajudicially targeted and 233 bystanders, including 71 children and 20 women. In Gaza, 405 were killed. Another 350 in the West Bank. The methods used included:

- F-16, unmanned drone, and attack helicopter-launched air-to-surface missiles; tank shelling; missile launchers and gunboats;
- Israeli military undercover units disguised as Palestinians; first established during the first (1987 - 1993) Intifada; they became more active during the second one; could easily have arrested suspects but instead killed them at short range; and
- IOF targeted house ambushes in the West Bank.

Most often, civilians are attacked in their homes, vehicles, on streets and at workplaces. Sometimes entire families are killed, including children, women, the elderly, and infirm, and a July 2002 incident was typical. It targeted Salah Shehada, an Ezzedeem Al-Qassam Brigades (the Hamas armed wing) leader.

The IOF knew he was with his wife and children. That they lived in a densely populated residential area, and former Israeli Army Chief of Staff, Moshe Ya’alon, admitted that he knew Shehada’s wife and daughter “were close to him during the implementation of the assassination....and there was no way out of conducting the operation despite their presence.” An Israeli F-16 bombed his home, and completely destroyed it. Two neighboring ones also and damaged 32 others.

The toll was horrific - 77 injured civilians; 16 others killed, including Shehada, his wife, daughter, assistant, eight children, (one a two-month old baby), and two elderly men and two women. It was an indefensible criminal act of wanton murder.

In May 2007, an air-to-surface missile targeted the Al-Hayia family at his eastern Gaza meeting hall. It scored a direct hit. Killed were seven members of his family, another Palestinian and the object of the attack - Sameh Saleh Farawana, a Hamas activist. In addition, three others were wounded.

In July 2006, air-to-surface missiles destroyed Dr. Nabil Abdol Latif Abu Selmeya’s home in Gaza City’s Al-Sheikh Radwan district. He, his wife, and seven children were killed. In addition, 34 bystanders were injured, including 5 children and six women. At least 15 neighboring homes were also damaged in an operation Israelis said targeted Mohammed Al-Deif, Hamas’ armed wing leader and apparently Israel’s most wanted man.

In January 2008, an air-to-surface missile struck a civilian vehicle carrying three members of the Al-Yazji family killing Mohammed Al-Yazji, his five-year old son, and his 40-year old brother. Three bystanders were also injured. IOF sources later admitted the attack was in error and was meant for another vehicle carrying Palestinian resistance activists.

In August 2007, a Gaza operation near the Rafah International Crossing Point killed two

civilians, injured 12 others and slightly wounded three targeted activists who escaped. Moments later, another vehicle was struck nearby killing the driver, a civilian bystander, and wounding 12 others, including a child.

In November 2006 in eastern Gaza, a vehicle was struck carrying Bassel Sha'aban Ubeid, an Ezzedeem Al-Qassam Brigades member. He and a colleague were killed. In addition, five Amen family members were injured, including two children.

Throughout the reporting period, there were many more killings in Gaza and the West Bank. In November 2006, four Jenin civilians. In February 2007, three others in Jenin. In March 2008, four Bethlehem civilians. Many others throughout the Territories in Ramallah, Nablus, Rafah, Khan Younis, Tul Karim, north, central and southern Gaza, and elsewhere – against activists, resisters, civilians, women and children for the crime of being Palestinians wanting self-determination, freedom, and respect for their rights under international law. For their part, Israelis, with world support and complicity, continue denying it to them repressively and illegally.

Extrajudicial Executions in the Latest Reporting Period - April - June 2008

During the period, the IOF conducted eight OPT assassinations killing a total of 16 people, including two civilian bystanders. Two operations were carried out in the West Bank. Six others in Gaza.

On April 14, an air-to-surface missile killed Ibrahim Mohammed Abu 'Olba, the National Resistance Brigades' (the Democratic Front for the Liberation of Palestine's armed wing) leader in northern Gaza. Two civilians were also injured, including a 15-year old boy. In addition, a number of nearby houses were damaged.

On April 15, an air-to-surface missile killed Abdullah Mohammed al-Ghassain, an al-Quds Brigades' (the Islamic Jihad's armed wing) activist in northern Gaza. Three others were also injured.

On April 17, the IOF besieged a building in Qabatya village, southeast of Jenin in the northern West Bank. They opened fire at a civilian car, ordered people out of the building, and fired shells and demolished it with a bulldozer. Two dead Palestinians were found inside.

On April 20, an air-to-surface missile killed Nour al-Dibari in Gaza. A second missile targeted a number of Palestinians who just left a grocery shop. Its owner was seriously injured as well as his son. At least one other Palestinian was hurt as well.

On June 29, the IOF entered Tubas in the northern West Bank and set a cemetery ambush for a group of Palestinian children there throwing stones and Molotov cocktails at military vehicles. They opened fire and killed one 16-year old from multiple gunshots to the chest and abdomen.

PCHR "asserts that the Government of Israel continues to act recklessly, and with utter disregard for the human rights of the Palestinian people, including (their) right to life" and safety. Israel also fails "to meet its obligations under human rights law, including the Fourth Geneva Convention." An Israeli government representative wasn't available for comment.

Stephen Lendman is a Research Associate of the Centre for Research on Globalization. He lives in Chicago and can be reached at lendmanstephen@sbcglobal.net.

Also visit his blog site at sjlendman.blogspot.com and listen to The Global Research News Hour on RepublicBroadcasting.org Mondays from 11AM - 1PM US Central time for cutting-edge discussions on world and national topics with distinguished guests. All programs are archived for easy listening.

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Articles by: **[Stephen Lendman](#)**

About the author:

Stephen Lendman lives in Chicago. He can be reached at lendmanstephen@sbcglobal.net. His new book as editor and contributor is titled "Flashpoint in Ukraine: US Drive for Hegemony Risks WW III."

<http://www.claritypress.com/LendmanIII.html> Visit his blog site at sjlendman.blogspot.com. Listen to cutting-edge discussions with distinguished guests on the Progressive Radio News Hour on the Progressive Radio Network. It airs three times weekly: live on Sundays at 1PM Central time plus two prerecorded archived programs.

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