

Israeli War Crimes Against Palestine: Witness Testimonies. Kuala Lumpur War Crimes Tribunal

Hearings of the Kuala Lumpur War Crimes Commission (KLWCC)

By [Kuala Lumpur War Crimes Commission \(KLWCC\)](#)
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[We repost this important article first published in November 2012 in relation to the current developments in Gaza.]

Global Research Editor's Note

At the height of the bombing of Gaza, legal proceedings directed against the State of Israel involving the initial hearings of the Kuala Lumpur War Crimes Commission were launched in Kuala Lumpur, Malaysia. The decision to launch these proceedings was taken by the Commission in May of 2012.

Pertaining to alleged Israeli war crimes, the Kuala Lumpur War Crimes Commission heard the testimonies of nine complainants.

The following summary of testimonies presented to the Commission provides a historical background on Israeli crimes against humanity extending from the Sabra Shatila Massacres to the 2008-2009 Operation Cast Lead, which resulted in the killings of entire families.

We invite our readers to carefully examine these witness testimonies. They are of crucial importance in an understanding of the current situation in Gaza. Selected excerpts and quotations below. Scroll down for prosecutors' press release :

“Why were the young children killed? [Gaza, January 2009]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.”

“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?”

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.

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.

[Gaza, January 2009] “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.”

In the early hours of the morning [Sabra and Shatila witness testimony], 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.

“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.”

On May 11 2012 the Kuala Lumpur War Crimes Tribunal rendered a historical guilty verdict in The Kuala Lumpur War Crimes Commission v. George Walker Bush et al . The decision to launch a legal war crimes procedure against the State of Israel was taken by the Kuala Lumpur War Crimes Commission in the wake of this historic judgment.

Michel Chossudovsky,

Member of the Kuala Lumpur War Crimes Commission, Director of the Centre for Research on Globalization (CRG)

Kuala Lumpur, November 22, 2012

I – 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.”

Kuala Lumpur War Crimes Tribunal

II - 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.”

The Kuala Lumpur War Crimes Commission hearing on Palestine. The world must do more to help Palestinians. Pic by Chan Wai Yew 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. I 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's 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.

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. I 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 **Michel Chossudovsky**, 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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