I am writing with reference to: “Facts and circumstances regarding all alleged violations of international humanitarian law and all alleged abuses of international human rights law leading up to and since April 2021”

Please be advised that this submission should not be understood as an endorsement of the Commission of Inquiry, nor its unprecedented open-ended mandate which targets Israel under the guise of concern for Palestinians. Clearly, the rights of millions of Muslims such as those who were barrel-bombed, starved or displaced by the Syrian regime or the 1.8 million Muslims interned into labor camps by China are of little or no concern to the UNHRC which has made clear that the bulk of its efforts, funding, and staffing be devoted to demonizing Israel, the UN’s only predominantly Jewish member state.

Israel grants equal rights to its Arab Muslim and Christian citizens and only seeks to live in peace and security with its Palestinians Arab neighbors.

PLEASE NOTE**:** There have been NO Israeli military or civilians in Gaza since 2005 - except Avera Mengistu, a mentally disabled man who wandered into Gaza in 2014, was detained and interrogated by Hamas and has not been released.

The Palestinian people elected Hamas in 2007 to rule Gaza. Hamas collects taxes and governs two million people. It has remained in power to the present and is responsible for the rocket launches and other acts of aggression it pursues. Its affiliates include Palestinian Islamic Jihad (PIJ).

**Violations Of International Humanitarian Law by Hamas and Its Affiliates**

Examples of International Humanitarian Rules breached by Hamas are below. This is only a partial list.

**~ Hamas’ rocket and mortar attacks****are in violation of the core principle of International Humanitarian Law (IHL) - Rule 1 (ICRC Database):**

The Principle of Distinction Between Civilians and Combatants

*Rule 1. The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants****. Attacks must not be directed against civilians.***

Hamas and groups with which it collaborates such as PIJ violate Rule 1 - they *intentionally*direct

attacks against Israeli civilians, launching rockets and mortars into population centers.

**~ Hamas’ rocket and mortar attacks are in violation of Rule 2 of International Humanitarian Law:**

Violence Aimed at Spreading Terror Among the

Civilian Population

*Rule 2.****Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.***

Hamas has a two-fold mission - to kill Israelis and to terrorize the population - not only with rockets but by carrying out suicide bombings and other attacks.

**~ Hamas’ rocket and mortar attacks are in violation of Rules 11 and 12 of International Humanitarian Law:**

Indiscriminate Attacks

*Rule 11****: Indiscriminate attacks are prohibited***

*Rule 12****: Indiscriminate attacks are those:(a) which are not directed at a specific military objective;(b) which employ a method or means of combat which cannot be directed at a specific military objective; or(c) which employ a method or means of combat the effects of which cannot be limited as required by international humanitarian law; and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.***

Hamas rockets are not directed at specific military objectives but rather are of a nature to strike civilians and civilian objects, such as homes and schools.

**~ Hamas’ rocket and mortar attacks are in violation of Rule 15 and Rule 16 of International Humanitarian Law:**

Principle of Precautions in Attack

 *Rule 15****. In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects. All feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.***

Hamas does not take any precautions whatsoever to spare the civilian population of Israel; on the contrary it actively seeks to harm civilians. Not taking steps to avoid civilian targets is in and of itself a clear violation of International Humanitarian Law, but Hamas’ actions are significantly more egregious because they seek civilian targets. They strike with deadly force with intent to kill: when they succeed, they celebrate and distribute sweets to mark the successful outcome of their malevolent intent.

*Rule 16.****Each party to the conflict must do everything feasible to verify that targets are military objectives.***

In 2007, when Human Rights Watch was still an objective, credible organization, it reported that “Palestinian armed groups fired about 2,700 Qassam-type rockets from September 2005 through May 2007**.**”  HRW stated, “Because the Palestinian groups fire these weapons at populated areas and the rockets are too inaccurate to aim at military targets with any degree of precision, the attacks violate the international humanitarian law prohibitions against attacks that target civilians or are indiscriminate.**(**[https://www.hrw.org/report/2007/06/30/indiscriminate-fire/palestinian-rocket-attacks-israel-and-israeli-artillery#](https://www.hrw.org/report/2007/06/30/indiscriminate-fire/palestinian-rocket-attacks-israel-and-israeli-artillery)**)**

Hamas does not even have the pretense of trying to hit military targets. Homes, hospitals, schools, houses of worship are all legitimate goals, as are babies and the elderly infirm. Furthermore, its weaponry is far more sophisticated and precise since the report was issued yet nonmilitary targets predominate.

**~ Hamas’ rocket and mortar attacks are in violation of Rule 20 of International Humanitarian Law:**

Advance Warning

***Rule 20. Each party to the conflict must give effective advance warning of attacks which may affect the civilian population, unless circumstances do not permit.***

Hamas never gives warning of its attacks - this lack of warning increases casualties and strikes terror into the hearts of people who have seconds to run to shelter. Children are terrified. Old people and the infirm can’t make it and have died or been severely injured.

**Evidence of Hamas’ Violations of International Humanitarian Laws Enumerated Above**

The following list of Rocket Attacks is evidence of Hamas’s breach of International Humanitarian Law - Rules 1, 2, 11, 12, 15,16, 20.

These are just some of the rocket attacks and civilian casualties caused by Hamas rockets launched in violation of the above-listed international humanitarian laws.

2021

From Jan 18 - May 20, 2021 Hamas launched **4422 rockets** into Israeli towns and cities, hitting civilian targets including Kindergartens. Resulting deaths included:

10 May 2021 - Two women were killed by a Hamas rocket attack on the city of Ashkelon.

11 May 2021 - A woman was killed in her home by a rocket launched from Gaza. 12 May 2021 - A **5-year-old boy** was killed when a rocket penetrated the safe room of his family’s apartment building. (<https://nypost.com/2021/05/12/israeli-boy-5-killed-by-hamas-rocket-in-town-near-gaza>)The fact that homes need safe rooms to try to protect residents from Hamas rocket attacks gives an idea of how prevalent and destructive these attacks are.

12 May 2021 - Three people were killed by Hamas rocket barrages including Khalil Awad and his teenage daughter Nadin.

13 May 2021 - Two women were critically injured while running for shelter during a rocket attack and later succumbed to their injuries.

15 May 2021 - A man was killed by fragments of a Palestinian rocket that exploded near his home. A woman was injured and succumbed two days later.

18 May 2021 - Two men from Thailand were killed by mortar fire from the Gaza Strip.

2020

In just two days, Feb 2020, Palestinian Islamic Jihad (PIJ) fired 90 rockets at population centers in Israel from Gaza, again a breach of humanitarian law.

 2019

1295 rockets were fired at Israel from by various Palestinian groups into civilian areas, contravening humanitarian law which prohibits the targeting of civilians.

 2018

At least 350 rockets were fired at Israel by Palestinian terror groups in Gaza hitting homes, schools, community centers and a bus.

2014

 **Palestinians launched 4,225 rockets and mortars at Israeli civilian** **targets** including:

Jul 19, 2014 - Ouda Lafi al-Waj, 32, was killed and three members of his family were injured, when a rocket fired from the Gaza Strip.

Jul 23, 2014 - Narakorn Kittiyangkul, 36, from Thailand was killed by a mortar fired from Gaza while working in a greenhouse in Ashkelon.

Aug 22, 2014 - Daniel Tregerman, **age 4,** was killed when a mortar shell fired from the Gaza Strip exploded outside the family’s home.

2011

[Apr 7, 2011](https://www.mfa.gov.il/MFA/ForeignPolicy/Terrorism/Pages/Two-injured-in-anti-tank-missile-attack-on-school-bus-7-Apr-2011.aspx) - Daniel Viflic, 16, died on17 April of mortal wounds suffered when an anti-tank missile was **fired at a school bus.**

Aug 22, 2011 - Eliyahu Naim, 79, who sustained serious head injury while running for cover during an Ashkelon rocket attack died at Hadassah Hospital on Sept 4, 2011.

Aug 20, 2011 - Yossi Shushan, 38, was killed when a Grad rocket exploded, suffering a fatal injury to his head.

Oct 29, 2011 - Moshe Ami, 56, of Ashkelon, was killed when shrapnel from a Grad rocket hit his car.

[May 14, 2008](https://www.mfa.gov.il/MFA/ForeignPolicy/Terrorism/Pages/Grad%20rocket%20strikes%20busy%20Ashkelon%20mall%2014-May-2008.aspx) - An Iranian-made Grad rocket launched from the Hamas-controlled Gaza Strip**hit** **a busy shopping mall** in central Ashkelon. 90 people were wounded, four of them seriously, among them a 24-year-old mother and her infant daughter.

Respectfully submitted,

Lynn C. Koss

New York, USA

February 17, 2022