

HUMAN RIGHTS



Israeli Attacks on Educational Institutions in the Gaza Strip Violate International Law

Press Release, *Al-Haq* and *Al Mezan*, 6 July 2006

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Palestinians inspect the rubble at the Islamic University in Gaza city, July 4, 2006. (MaanImages/Magnus Johansson)

At around 1:00 am on Tuesday, 4 July 2006, an Israeli Apache helicopter fired one missile at the Islamic University in Gaza City. As a result of the attack, the target, a student council office, caught fire and was completely destroyed. At approximately 1:50 am on Wednesday, 5 July 2006, an Israeli aircraft dropped a bomb on the Dar al-Arqam School in al-Tuffah neighbourhood of Gaza City, destroying a number of classrooms. These attacks came less than a week after the IAF fired a missile at the Islamic University, hitting a football field.

Article 56 of the Hague Regulations, which reflect customary international law, states that institutions dedicated to education, "even when State property, shall be treated as private property" and that, "All seizure of, destruction or wilful damage done to institutions of this character ... is forbidden." Both the Islamic University and the Dar al-Arqam School are institutions dedicated to education. Therefore, the wilful damage done to them was in clear violation of international humanitarian law.

Furthermore, according to the International Committee of the Red Cross, customary international law establishes that,

The parties to the conflict must at all times distinguish between civilian objects and military objectives. Attacks may only be directed against military objectives. Attacks must not be directed against civilian objects.

Educational establishments are civilian objects, and can only be military objectives for the period when they provide an effective contribution to military action. In case of doubt, they shall be presumed to be civilian objects. Tuesday's attack on the university was justified by an Israeli military spokesperson by saying it was a "compound used by terror groups for

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instructing and directing terrorists." Wednesday's attack was similarly justified by saying the school was used in "planning terror attacks against Israel." However, Al Mezan field information indicates that there were no people in the buildings during the attacks, let alone anyone engaged in military activities. As the buildings were not providing an effective contribution to military action at the time of the attacks, they were civilian objects and targeting them was illegal.

These attacks were therefore manifestly illegal under international humanitarian law and may amount to grave breaches under the Fourth Geneva Convention which, in Article 147, prohibits the "extensive destruction of property ... not justified by military necessity and carried out unlawfully and wantonly."

The recent attacks on educational institutions in the Gaza Strip are a worrying development in the trend of Israeli attacks targeting civilian infrastructure. Roni Bar-On, Israeli Interior Minister, has been reported as stating, "We will strike and will continue to strike at (Hamas') institutions." Any such future attacks on civilian objects would be illegal under international humanitarian law. Al-Haq and Al Mezan therefore call upon the international community to condemn this, and all other, illegal targeting of civilian infrastructure; and to take active measures to ensure that Israeli authorities respect and comply with their obligations under international law.

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