

February 2, 2006 7:00PM EST

Letter to Dr. Ramadan Shalah of Islamic Jihad



Your organization, Islamic Jihad, has claimed responsibility for all six suicide bombing attacks against civilians inside Israel over the past year, most recently on January 19, 2006. These attacks have killed twenty civilians and wounded scores, many of them seriously. Islamic Jihad has also claimed responsibility for firing locally-made rockets at towns in Israel, including an attack today, February 3, that injured a seven-month-old baby.

February 3, 2006

Dr. Ramadan Shalah
Secretary-General
Islamic Jihad Organization
Damascus

Dear Dr. Shalah,

Your organization, Islamic Jihad, has claimed responsibility for all six suicide bombing attacks against civilians inside Israel over the past year, most recently on January 19, 2006. These attacks have killed twenty civilians and wounded scores, many of them seriously. Islamic Jihad has also claimed responsibility for firing locally-made rockets at towns in Israel, including an attack today, February 3, that injured a seven-month-old baby.

Attacks that target civilians or cause indiscriminate harm to civilians, regardless of the perpetrator, constitute atrocities that flagrantly violate the most fundamental principles of international humanitarian law. The unequivocal prohibition against such attacks applies equally whether such attacks are committed by agents of a government or by armed groups, and without regard to the objectives of those responsible. Human Rights Watch calls on the Islamic Jihad organization to cease such attacks immediately and to declare that the organization will not carry out attacks targeting civilians in the future, under any circumstances.

Human Rights Watch is an international human rights organization that documents and campaigns against violations of human rights and international humanitarian law throughout the world. We have for many years researched and spoken out against Israeli abuses in the Occupied Palestinian Territories. These reports and public statements are available in English and Arabic, and can be found on our website at www.hrw.org. The organization published an investigation into Palestinian suicide bombing attacks against civilians which develops these legal arguments in detail (<https://www.hrw.org/reports/2002/isrl-pa/>). The intentional killing of civilians, including reprisal attacks, constitute war crimes when committed in situations of armed conflict, and are crimes against humanity when conducted massively or systematically. Those who commit crimes against humanity and war crimes have individual criminal responsibility for their actions, and are subject to universal jurisdiction – that is, all states are responsible for bringing them to justice irrespective of where the crime was committed and regardless of the nationality of the victim or perpetrator.

Islamic Jihad has claimed responsibility for the following suicide bombing attacks against civilians in Israel over the past twelve months.

- On January 19, 2006, a 22-year-old Palestinian man, Sami Antar, from Nablus, detonated explosives on his body in a Tel Aviv restaurant popular with immigrant workers, killing himself and wounding more than two dozen Israelis. Islamic Jihad released a videotape to the media claiming responsibility.
- On December 5, 2005, a Palestinian man whom Islamic Jihad identified as Lutfi Amin Abu Sa'ada blew himself up in a shopping center in the northern Israeli city of Netanya. The attack killed five persons in addition to the bomber and wounded about forty, some seriously.

- On October 26, 2005, 20-year-old Hassan Abu Zayid carried out a suicide bombing attack in the northern town of Hadera, killing six persons and wounding several dozen others. Islamic Jihad spokesman Khadir Habib told the Associate Press that the Hadera bombing was a “natural retaliation” for Israel’s killing of Luay Saadi, the Islamic Jihad leader in the northern West Bank, two days earlier.
- On August 28, 2005, a suicide bomber blew himself up at a crowded bus station in the southern city of Beersheba, after security guards prevented him from boarding a bus. The blast killed the bomber and wounded ten persons, several critically. According to news reports, both Islamic Jihad and the Al Aqsa Martyrs Brigades claimed responsibility for this attack.
- On July 12, 2005, an 18-year-old Palestinian man, Ahmad Sami Abu Khalil, carried out a suicide bombing attack at a shopping center entrance in the northern city of Netanya. The attack, claimed by Islamic Jihad, killed four civilians and one soldier besides the bomber and injured thirty. According to the Reuters news agency, in his videotaped message subsequently released by Islamic Jihad, Abu Khalil said, “We reiterate our commitment to calm, but we have to retaliate for Israeli violations.”
- On February 25, 2005, `Abdallah Sa`id Badran, a 21-year-old Palestinian from Deir al-Ghusun village near Tulkarm, blew himself up outside a Tel Aviv nightclub, killing five persons besides himself and wounding about fifty, at least six of them critically. The next day Al-Jazeera aired a videotape message from Badran that was reportedly sent by the military wing of Islamic Jihad, the Jerusalem Brigades (Saraya al-Quds).

The Islamic Jihad organization’s military wing, Saraya al-Quds, has also carried out rocket attacks against towns inside Israel, in addition to the attack on Kibbutz Karmiya earlier today, according to the organization’s alquds.net website. A January 14, 2006 website entry, for example, claims that the Saraya al-Quds fired five rockets towards Sderot in reprisal for the assassination of three Islamic Jihad members in Jenin. An entry on January 3, 2006, asserted that the group fired six rockets at Sderot. It is impossible to target these weapons with any accuracy or precision, making their use against or near civilian-populated areas a violation of international humanitarian law, which prohibits the use of weapons that cannot be directed at specific military objectives.

You and other Islamic Jihad spokespersons frequently claim that attacks by your organization are responses to Israeli attacks against Palestinian civilians, and that they are a legitimate form of resistance to occupation. Under international law attacks that target civilians or cause indiscriminate harm to civilians constitute crimes of the gravest sort. The absolute prohibition against targeting civilians extends to acts of reprisal for attacks against one’s own civilians, as well as acts that a group claims are intended to resist occupation. There can never be any justification for such blatant disregard of these fundamental humanitarian principles.

We strongly urge the Islamic Jihad organization to adopt and publicize a policy of full respect for humanitarian law principles, and immediately stop the practice of targeting civilians or launching indiscriminate attacks that claim civilian lives. We ask that you publicly and unequivocally call on the military wing of your organization, the Al-Quds Brigades, and any other groups or individuals acting on behalf of Islamic Jihad, to desist from any attacks or acts of reprisal that deliberately target civilians, or cause them disproportionate harm.

Sincerely,

Sarah Leah Whitson
 Executive Director
 Middle East and North Africa division
 Human Rights Watch

cc. Khadir Habib
 Spokesperson
 Islamic Jihad Organization
 Gaza

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