

Israel's Targeting of Law Enforcement Agencies in the Gaza Strip: Undermining the Rule of Law and Deepening the Humanitarian Tragedy

Factsheet

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Introduction

Since 7 October 2023, the occupying Power, Israel, has continued its war of aggression against the Gaza Strip, targeting civilians and civilian objects protected by the International Humanitarian Law (IHL). According to the Palestinian Central Bureau of Statistics (PCBS),¹ as of 10 August 2024, a total of 39,790 Palestinians fell victim to this aggression. While 92,002 people were injured, over 10,000 persons were missing.²

In line with a systematic policy, during ground incursions and in ongoing violent bombardment, the Israeli occupying forces (IOF) target civilians as well as civilian institutions and infrastructure, including law enforcement agencies and personnel. All of these are civilian objects, which are protected under IHL.

This paper investigates the IOF pursuit to cause chaos, compromise community safety, and aggravate the humanitarian tragedy by targeting law enforcement agencies and justice sector facilities. As one component of the Israeli genocide against the Palestinian people, this serves Israel's main goal of making the Gaza Strip unliveable.

The status of law enforcement agencies under IHL

According to the IHL provisions, the State's law enforcement agencies are considered to be protected civilian objects. Any military operations launched against law enforcement agencies are tantamount to targeting protected civilians, who may not be the object of attack under IHL. These civilian agencies can only be targeted if they join military forces.³

In its 1996 Advisory Opinion, the International Court of Justice (ICJ) emphasises that parties to the conflict have a duty to distinguish between civilian and military targets, which may not be targeted. These involve any government institution that works towards enforcing the law, including the police agency.⁴

In this context, the Report of the United Nations Fact Finding Mission on the Gaza Conflict (Goldstone Report) stresses that Israel's military attack on police headquarters was in violation of IHL as the "Gaza police were a civilian law-enforcement agency."⁵

¹ PCBS, *Israel has killed 1.8 percent of the Gaza population since 7 October* (in Arabic).

² Ministry of Health, Gaza, 10 August 2024.

³ Additional Protocol I to the 1949 Geneva Conventions (1977), Article 43(3).

⁴ ICJ, *Legality of the Treat or Use of Nuclear Weapons*, Advisory Opinion of 8 July 1996, <https://www.icj-cij.org/files/case-related/95/095-19960708-ADV-01-00-EN.pdf>.

⁵ Human Rights Council. *Human Rights in Palestine and other Occupied Arab Territories: Report of the United Nations Fact Finding Mission on the Gaza Conflict*. UN Doc. (A/HRC/12/48), 15 September 2009, para. 34.

IOF target of justice agencies and facilities in the Gaza Strip

As part of a systematic policy, Israel has consistently targeted law enforcement premises and personnel across the Gaza Strip. This policy has not been the product of the current war of aggression against Gaza. In previous wars, the IOF already targeted many headquarters of law enforcement agencies, particularly police stations, vehicles, and personnel. Hundreds of law enforcement officials were killed.

During the current war of aggression, the IOF have bombed and destroyed numerous law enforcement premises, including buildings housing courts and Public Prosecution offices.

Targeting police stations and correction and rehabilitation centres

1. Police

In the Gaza Strip, there are 22 police stations, including detention centres (police holding cells), interrogation rooms, General Investigation departments, and Anti-Narcotics Administration offices. At the governorate level, five police district headquarters are in place. In addition, the Arafat Police Headquarters (Al-Jawazat) houses the Office of the Chief of Police, specialised offices, as well as General Investigation, Anti-Narcotics Police, and Forensic Evidence departments.

The IOF have targeted police headquarters and stations throughout the Gaza Strip. In the in Central Gaza governorate, the IOF destroyed 19 police stations completely and another three partially. While one sustained partial damage, four police district buildings were totally destroyed. Utter destruction was also caused to the Al-Jawazat headquarters, including all departments and units.⁶

On 7 October 2023, some 1,600 inmates and detainees were released from police holding cells. As the Office of the Chief of Police reported to the Independent Commission for Human Rights (ICHR), police personnel were evacuated from all police stations in line with a plan which was developed in advance.

Since the genocide started, the IOF have targeted and killed over 5,000 civil police officers and personnel. Police officers were directly hit while on duty, bringing the security situation under control or securing assistance. While some killed in the indiscriminate bombardment of residential areas, others were targeted as citizens in displacement sites. For example,

- On 18 March 2024, during the siege on the Shifa Medical Complex, the IOF extrajudicially killed Major General Fayeq al-Mabhough, Gaza Police Operations Officer.

⁶ Based on ICHR documentation.

According to information reported to the ICHR, Al-Mabhouh was in charge of coordination with local families and UNRWA to secure and bring assistance into Northern Gaza.

According to the Gaza Government Media Office (GMO), Al-Mabhouh was extra-judicially killed two days after he had managed to provide access for 15 aid trucks to Northern Gaza. Earlier, the IOF had obstructed access for humanitarian aid over a period of four months.

The GMO stated that the extra-judicial killing of Al-Mabhouh constituted a crime. Al-Mabhouh made extensive efforts to control the security situation and secure access for assistance to Northern Gaza.⁷

- On 6 July 2024, the IOF targeted a police foot patrol, including both officers and personnel, from the Tal as-Sultan Police Station, west of Rafah city. These included Colonel Fares Abdul Aal, Director of the Tal as-Sultan Police Station. The patrol was carrying out policing duties, providing services to citizens', securing homes, and protecting public properties. Three police officers and personnel were killed together with Abdul Aal. Another eight sustained various injuries.⁸

The targeting of civil police premises and personnel has completely disrupted police operations. The police command and district headquarters have been forced to perform policing functions in the field and in an unstable setting, only implementing emergency operations and prompt interventions. They are unable to detain offenders or launch full investigations. The police strategy of action is focused on the immediate resolution of disputes.

As police headquarters were targeted, the majority of files and cases under investigation have been damaged, depriving complainants of fulfilling their rights. Citizens have not been capable of lodging complaints or reporting problems, disputes and incidents. In some cases, citizens have taken the law into their own hands. Phenomena of violence have spread out, causing some form of security instability. Meantime, the IOF have continued to target any police movements and operations in support of the civil police.

Along this vein, the ICHR has documented a number of incidents, including:

- On 29 May 2024, M. N., a leading activist in the Jenin Martyrs Brigades and former political prisoner, was shot directly while he was near to the Al-Baraka junction on the Shuhada Street in Deir al-Balah. Having succumbed to his wounds, he was transported to the Shuhada Al-Aqsa Hospital in Deir al-Balah.

⁷ GMO press release.

⁸ Police Directorate General, Gaza, press release.

It is worth noting that M. N., who was born on 19 January 1969, was a resident of the Al-Bureij refugee camp and a Fatah activist during the first *Intifada*.

M. N. was reportedly killed on grounds of a latent blood feud with the family of A. A member of that family fatally shot M. N., allegedly because the latter caused the death of his father during the first *Intifada*.

- On 25 June 2024, a verbal exchange broke out over a renewed dispute between members of families H and D down the Souq Street in close proximity to schools and tents on the Deir al-Balah beach. The quarrel escalated into an altercation and fistfight, which soon evolved into pistol and Kalashnikov rifle shooting. An exchange of fire took place between both families. Several family members climbed up to the roof a residential tower in the area and opened fire, injuring S. B., a member of the Sakhr Habash Region Command in Deir al-Balah. S. B. was a passer-by and had nothing to do with the dispute. He sustained a bullet wound and died.

Of note, the ICHR contacted and visited the police station (General Investigation Department) in Deir al-Balah for more details about the incident. However, the communication ended without any results. Police (Investigation) officers do not operate in public. Current personnel are in plain clothes and change every now and then. The person in charge or contact point is unidentified in fear of being targeted or hit.

The targeting of law enforcement agencies has resulted in spreading chaos, taking the law into one's hands, and thefts. In addition to attacks on public and private institutions, attempts have been and continue to be made to loot humanitarian assistance and rob antiquities. In particular, hospitals have been assaulted, with individuals stealing whatever they could get their hands on, including medical devices, supplies, and consumables. A case in point was the Gaza European Hospital. A mob of thieves looted the hospital resources while it was being evacuated.

2. Correction and rehabilitation centres

In addition to the Directorate General of Correction and Rehabilitation Centres, six correction and rehabilitation centres are in operation in the Gaza Strip. Distributed throughout the Gaza Strip governorates, these centres used to have a capacity of some 2,582 male and female inmates, including both detainees and convicts. Correction and rehabilitation facilities have been targeted by the IOF. The outcome was as follows:

- The building housing the Directorate General of Correction and Rehabilitation Centres was completely destroyed. While four were fully blasted, two correction and rehabilitation centres sustained partial damage.

- On 13 October 2023, all inmates were let out when the IOF targeted correction and rehabilitation centres.⁹ According to information received by the ICHR, 60 percent of the inmates were held in criminal cases or family disputes, including murders and collaboration with the Israeli occupying authorities. Additionally, 320 inmates were detained in the Military Police detention centre in the Gaza city. This facility was completely destroyed.

After correction and rehabilitation centres had been bombed and destroyed, persons with criminal records were let out, so crimes have registered a significant increase. The phenomenon of taking the law into one's hands has gained ground. The incidence of altercations, abductions, and blood feud crimes, leading to deaths and injuries, has also surged. Furthermore, family "gangs" have emerged, particularly in Northern Gaza and Gaza city.

Targeting the courts, Public Prosecution and lawyers

Proceeding with the destruction of all justice facilities, the IOF has targeted buildings housing civil and family courts, Public Prosecution offices, and premises of the Palestinian Bar Association (PBA), as shown below:

1. Civil courts

The IOF totally destroyed the Justice Palace. Constructed in 2018, this facility used to house major courts in the Gaza Strip, including the High Court, trial chambers, lawyers' rooms, and visitor halls. Hundreds of thousands of case files involving the rights of litigants used to be stored in the building. While the court complex in Northern Gaza was destroyed, partial damage was caused to court complexes in Khan Yunis and Rafah.¹⁰ As a consequence, a large number of case files were damaged. Due to destruction, some 1,210,000 case files are estimated to have been decimated, including 900,000 files in the Justice Palace, 100,000 in Northern Gaza courts, 150,000 in Khan Yunis courts, and 60,000 in Rafah courts. These included original judgements and documents of litigants before the courts.¹¹

Official documentation shows that more than 10 judges have been martyred, including Ashraf Rafiq Fares, judge at the Gaza High Court, his wife Hidaya al-Astal, and son Mustafa Ashraf Fares. On 7 November 2023, Fares' house was directly hit by Israeli warplanes.

This has adversely affected functions of the justice sector. While rights have not been realised, court rulings have not been enforced. Parties to disputes altered facts in some cases pending trial. Citizens' rights have been dissipated, resulting in the spread of chaos and taking of the law into one's hands.

⁹ Based on ICHR documentation.

¹⁰ ICHR interview with Judge Ashraf Nasrallah, Secretary General of the High Judicial Council.

¹¹ ICHR interview with Judge Ashraf Nasrallah, Secretary General of the High Judicial Council.

2. Family courts

Thirteen family courthouses are distributed to all five governorates of the Gaza Strip, including the premises of the High Council of Family Courts.¹²

Soon after the aggression against the Gaza Strip was initiated in October 2023, the High Council of Family Courts made a decision on the suspension of family court functions. Until the day on which court functions are resumed, this period would see a suspension of statutory time limits.¹³

During the aggression, family court buildings sustained damage to various degrees, as follows:

- While two were substantially damaged, five family courthouses sustained partial damage. Ten courthouses were robbed by unidentified individuals. Archival documents of two family courts were set on fire. Two family court judges, three court staff, and three registrars authorised by family courts to perform marriages were martyred.¹⁴
- In the Gaza city and Northern Gaza governorate, family courts have gone out of service. Currently, marriage and divorce applications are processed by judges, who are still located in the Gaza and Northern Gaza governorates, with lawyers preparing all relevant transactions.¹⁵
- Throughout the Gaza Strip governorates, a number of family court judges have commenced work on sites, other than family court premises. Executed family court applications are limited to marriage and divorce, powers of attorney, and deeds, including certificates of guardianship, custody, succession, and no-objection certificates. However, no new cases are admitted nor are previous cases heard.¹⁶

For instance, in the Central Gaza governorate, court functions were resumed in mid-February 2024, processing some simple transactions. Since early March 2024, the court has been officially receiving all applications in Central Gaza.¹⁷ Except on Fridays, the court is open for a few hours every day in a judge's house to process marriage and divorce applications by consensual agreement. It also handles some transactions issued by family courts.

Suspended and unstable court functions have resulted in failure to prove many divorce cases and given rise to serious problems during the periods of application for approval of travel requests. In

¹² PCBS, https://www.pcbs.gov.ps/statisticsIndicatorsTables.aspx?lang=en&table_id=2085.

¹³ Decision of the High Council of Family Courts.

¹⁴ Meeting with Dr. Sa'id Abu al-Jabin, member of the High Family Court and High Council of Family Courts.

¹⁵ Based on ICHR documentation.

¹⁶ Based on ICHR documentation.

¹⁷ Interview with President of Family Court of Appeals in Khan Yunis, 18 May 2024, Deir al-Balah Court, Women Affairs Centre.

addition, alimony cases involving both wives and children have been put on hold as the Alimony Fund is incapable of performing its statutory duty.

3. Public Prosecution

Both situated in upper floors, the Public Prosecution headquarters and Office of the Attorney General were completely destroyed, together with the Institutions Prosecution office in the Ansar complex. In addition to the District Public Prosecution offices in Northern Gaza, the District Public Prosecution premises on the Shifa Street were partially destroyed, resulting in the destruction of a large number of prosecutorial files. Four members of the Public Prosecution, including prosecutors and heads of prosecutors' district offices, were martyred.¹⁸

4. Palestinian Bar Association

In the Gaza Strip, the IOF have also targeted and completely destroyed the PBA building. The IOF have also demolished more than 200 law firms and offices on top of official and legal documents and financial transactions, including cheques, sale contracts, etc.

Additionally, some 160 trainee lawyers were martyred during the ongoing aggression against the Gaza Strip.¹⁹

The ICHR is of the view that the suspension of courts, of all types and degrees, has directly jeopardised citizens' material and moral rights and impeded their interests because court sessions have been postponed until after the aggression comes to an end. Beside protracted court proceedings, original case files have been damaged. Moreover, courts are unable to consider release orders, arrest warrants, bail applications, and summary matters.

Disrupted functions of the Public Prosecution have caused severe damage to the justice sector and undermined citizens' rights. Prosecutors have not been able to carry out assigned duties, including personal interrogations as well as execution of arrest warrants and release orders. Many other procedural complications have affected citizens' rights, freedoms, and security.

Many lawyer offices have been directly and indirectly hit, causing various degrees of damage to these facilities. More importantly, damage has caused the loss of critical files and documents, substantially impairing citizens' rights and obstructing cases pending before courts.

By targeting law enforcement agencies, Israel seeks to deepen the humanitarian tragedy in all its social, economic, psychological, environmental, and other manifestations. Israel has the intent to

¹⁸ ICHR interview with Judge Ashraf Nasrallah, Secretary General of the High Judicial Council.

¹⁹ ICHR interview with Lawyer Abdul Aziz al-Ghalayini, PBA board member.

spread chaos and undermine the rule of law, community safety and social fabric, serving its main goal of making the Gaza Strip unliveable.

Justice facilities constitute the basis for community stability and the rule of law. Courts, Public Prosecution, police, and other civilian objects have national symbolic significance. The foregoing is one of many indications of Israel's intent to commit genocide against Palestinians in the Gaza Strip and impose on civilians living conditions calculated to cause their physical destruction. To this avail, Israel is deliberately destroying the essential foundations civilian life. Destruction of law enforcement agencies is the most visible manifestation of Israel's intent.

According to GMO information, Israel has systematically targeted law enforcement agencies since the outset of the aggression. This is planned to undermine the rule of law, dismantle justice and security systems in the Gaza Strip, spread chaos, and compromise community safety and social fabric.

And if all of the foregoing were not sufficient, almost complete security vacuum and lack of accountability and protection mechanisms have negatively impacted the conditions of women. Of note, gender-based violence has been on the rise. In view of the absence of law, recurrent displacements, and overcrowded shelters, women are subjected to violence by their families or by strangers across displacement sites. Women are highly vulnerable to being bargained away for humanitarian assistance. Some aid workers exploit the opportunity of aid distribution to harass, verbally abuse, or humiliate women.²⁰

Clearly, Israel's military action against law enforcement agencies not only aims at spreading chaos and crimes, but also entrenches the humanitarian crisis across the Gaza Strip. In northern and central Gaza, the risk of famine is exacerbated because targeted persons are central to and directly responsible for coordinating aid distribution and security with local families and relief organisations, particularly the UNRWA. While humanitarian aid convoys are robbed and stolen, the IOF has further committed many massacres against hungry people, who were waiting to receive aid. In this context, hundreds were martyred, especially in the Al-Nabulsi roundabout area.

By its policy of targeting law enforcement agencies, Israel intends to break down social cohesion and community safety so that manifestations of chaos persist and go into greater depth. Israel also allows room for the theft and robbery of aid because it aims to continue to use starvations as a weapon against civilians and obtain political gains. As a glaring manifestation of state terrorism, starvation is a link in the chain of the genocide against the Gaza population.

²⁰ Al-Ghuneimi, Zeinab. "Women and girls' suffering multifaceted under the Zionist aggression. *Wattan News Agency* (in Arabic)

Recommendations

As the occupying Power, Israel is responsible under International Law for maintaining the security and safety of the population as well as for providing basic services, including food supplies, health, and education. Nevertheless, Israel has continued to commit genocide against Palestinians without restraint or real pressure from the international community, particularly High Contracting Parties to the Geneva Conventions.

Against this background, the ICHR demands that the High Contracting Parties to the Geneva Conventions, United Nations and its relevant specialised bodies condemn Israel's deliberate targeting of law enforcement agencies and civilian institutions, which provide humanitarian and relief services in the Gaza Strip. In addition to ceasing this breach, real pressure needs to be placed on Israel to put an end to the genocide it has been unrelentingly perpetrating in the Gaza Strip. Israel will be demanded to comply with the ICJ ruling, take all measures to prevent completion of the genocide, and undertake to ensure that humanitarian assistance and services reach besieged Palestinian in Gaza.

The international community, governments, international organisations, and United Nations must exert pressure on Israel to force it implement the United Nations Security Council Resolution 2728 on ceasefire and Resolution 2720 on the widening of humanitarian access to the Gaza Strip.

The ICHR stresses the need for putting in place a national plan to deal with the legal dilemmas arising from the destruction of court archives, Public Prosecution files, and case files in lawyers' offices.