



# **Al Mezan Center for Human Rights**

## **The Abu Is'ayid Family Case Study**

### **A Story of Attacks in the Access Restricted Area and Waiting for Justice**

## Access Restricted Areas (ARA) in the Gaza Strip

Over the past 14 years Israel has gradually decreased access to Palestinian land in the Gaza Strip including farmlands and fishing grounds along the eastern and northern borders by land and western border by sea. These access restricted areas (ARA), also referred to as a buffer-zone, are militarily enforced by incursions and use of live fire at residents, workers, and property.

Prior to the Second Intifada in 2000, the Israeli military unilaterally implemented an undefined “no-go” zone and began leveling lands near the 1949 Armistice Line (Green Line). By mid-2006, Israel was leveling Gaza lands and civilian structures between 300 and 500 meters from the Green Line and the fishing area was reduced to six nautical miles (nm) from the 20 nm agreed under the 1994 Oslo Accords. Since then, the designated fishing zone has been restricted between 3 nm and the current 6 nm. In January 2009, the Israeli military dropped leaflets informing residents not to move within 300 meters from the Green Line at risk of being shot at. In practice, Palestinians are shot at beyond 1,500 meters from the border fence.<sup>1</sup>

The Israeli military have permanently displaced all families and communities in the 300m zone, and many beyond, with the demolition of structures and homes. The enforcement of the ARA prohibits Palestinians from accessing 35 per cent of cultivable lands and 17 per cent of the Gaza Strip.<sup>2</sup> Due to Israel’s closure of the Gaza Strip and subsequent limitation on resources, many families in the ARA have remained despite the risks to life and wellbeing.



Map of Gaza Strip from Google Earth after locating Abu Is'ayid family house by GPS.

<sup>1</sup> UNDER FIRE: Israel’s Enforcement of Access Restricted Areas in the Gaza Strip, January 2014. Report from NRC.

<sup>2</sup> Al Mezan Center for Human Rights, *Factsheet: Displacement in the “Buffer Zone” Three Years after Operation Cast Lead*, 1 January 2012, <http://www.mezan.org/upload/13210.pdf> (accessed on 15 February 2014).

## **The Abu Is'ayid Family Property**

The Abu Is'ayid family live and work in Juhr Al Dik, in the middle of the Gaza Strip. The family members work in agriculture and farming and own 26 dunams<sup>3</sup> of land in the ARA. The property is located east of Gaza Valley in the middle of the Gaza Strip. The land extends 1,000 meters west from the eastern borders between the Gaza Strip and Israel.

Until April 2011, the Abu Is'ayid family was living in a two-story home approximately 300 meters away from the border fence. Naser Abu Is'ayid, his wife, and five children were living on the upper floor and Jaber Abu Is'ayid, Naser's father, was living on the ground floor with his wife, Sa'ada, and daughter Ameera. To the east of the house is located the home of Naser's brother, Mohammed, who lives there with his wife, Sanaa, and their two children. To the west of the family home is a tinplate-roofed and plastic-covered pergola where the family members used to sit in the evening.

## **Attacks Against the Abu Is'ayid Family**

Israel forces have twice attacked the Abu Is'ayid family, with deadly consequences:

### **First Attack in July 2010**

The first attack took place on Tuesday, 13 July 2010, at around 8:45pm. The family was sitting in front of their house watching television when Israeli fire hit 40 meters southwest of the home.<sup>4</sup> Two family members were injured.<sup>5</sup> The family quickly went inside with the two casualties and contacted an ambulance. Israeli authorities prevented the ambulance from reaching the site for an hour and a half.<sup>6</sup> Shortly thereafter a shell fell north of the house, followed by live fire and flares.

Live fire and shelling continued for some time. Naser's wife at the time, Ne'ma Yousif Abu Is'ayid, exited the home to retrieve her son, Jaber, who had not made it inside at the time of the initial attack. Ne'ma was hit by Israeli shelling and

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<sup>3</sup> Note: 1 dunam is equal to 1,000 square meters

<sup>4</sup> According to the Gaza NGO Security Office (GANSO) data base, there was one mortar fired from the same district on the same day; however, details as to place of firing or time are not available.

<sup>5</sup> Sanaa and Ameera

<sup>6</sup> Before entering border areas – ie. areas within one kilometer from the border - Palestinian ambulances are required by Israeli authorities to first receive coordination through the International Committee of the Red Cross.

died immediately. An older family member, Jaber Abu Is'ayid, was also injured in the attack; Jaber was hit by shrapnel in his right thigh.

The children continue to suffer from the trauma of the attack, particularly from witnessing their mother's death. The children struggle in their studies and socially at school. Naser's children are currently receiving psychosocial care from Médecins Sans Frontières (MSF).<sup>7</sup> As a result of the attack, Naser's apartment on the upper floor was damaged, along with the front of the house.



Photo taken after second attack on the Abu Is'ayid home, taken by Al Mezan staff

## Second Attack in April 2011

In the evening hours of Thursday, 28 April 2011, the Abu Is'ayid family was gathered as usual in their home. The situation was calm. There were no military activities or clashes in the area.<sup>8</sup>

At approximately 9:00 pm, more than five shells suddenly hit the house. Naser's daughter, Maysa, and son, Bahaa', sustained bruises due to the falling of debris. They were pulled from the rubble shortly after the attack. Naser's son, Alaa, sustained shrapnel in the abdomen and neck. Naser's sister-in-law, Sanaa, sustained shrapnel in her left leg. Naser's brother, Mohamed, was injured above his right eye. The apartment of Naser and his family on the upper level was completely destroyed; the ground floor apartment sustained moderate damages.

Asmahan, the second wife of Naser Abu Is'ayid, describes the attack:

*Suddenly, I heard the sound of a huge explosion and I felt as though the place we were in was shaking. I saw thick dust rising from the south of the pergola, filling the space. The lights and the TV went off. Then I heard another explosion. I*

<sup>7</sup> NRC, an interview with Naser on Sunday 10 November 2013.

<sup>8</sup> According to the GANSO data base no military activity was recorded from the Palestinian side on this date.

*grabbed the children and I went to the middle of the pergola, next to the living room window on the ground floor. Then I heard another explosion. My sister-in-law Sana' was screaming: "I'm injured, I can't walk." She was crawling on the ground. I was holding up my mobile phone as a light. I saw blood on Sanaa's foot. I could hear everyone screaming.*

*I was holding Alaa and Sa'ad close to me. Alaa was holding onto me and he wasn't moving because of how afraid he was. I heard my husband speaking on the telephone saying: "We've been hit. We've been hit." I called over to him and I told him that Sanaa had been injured. He said to me: "Be patient for ten minutes and the ambulance will come." He also told me that Maysa had been injured. Then I heard another explosion and then I heard my brother-in-law Mohammed shout: "I've been injured." His voice was near the house. We stayed where we were. My uncle and my husband told us not to go out and to stay where we were. My husband handed me his mobile phone through the window so I could use it to light up the room. Then I received a telephone call on my husband's mobile. I answered the phone and a man spoke to me.*

*He said that no-one should leave the house until the ambulance arrived. We stayed there and after about an hour I saw two ambulances coming closer to the house. I noticed that Alaa wasn't moving and I said to him: "Are you okay?" He said: "I'm scared." I walked to the two ambulances and I saw medics pick up my brother-in-law Mohammed from the ground about 100 meters to the east of our house. I picked up Jaber and Alaa who was still holding onto me and he walked next to me to the ambulance. I felt that he was moving slowly. We got to the ambulance and then I saw that there was blood on Alaa's stomach and I realized that he'd been injured. I told the medics. I also told them about Sanaa. They carried her to the ambulance. We all left the house and went in the ambulances. The ambulances drove to my brother-in-law Nahedh's house and stopped. Jaber, my uncle, my aunt, the children and I got out of the ambulance and we went into Nahedh's house. The ambulance went on its way to the hospital<sup>9</sup>.*

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<sup>9</sup> Part of Asmahan Abu Maraheel affidavit, collected by lawyer Yaser Al Mana'ma, Al Mezan Center for Human Rights 3 May 2011.

After both the first and second attacks on the Abu Is'ayid family home, the Israeli authorities delayed permission for Palestinian ambulances to enter the area. Ambulance medic, Mohammed Abu Ammra, relays the process and his long wait near the home that contained the injured family members:

*The Signal Officer told me that he had received a call informing him that there were injured people east of Juhr Ad-Dik (Wadi Gaza) Village. He didn't know the details. I got into an ambulance with Abdel Kareem Abu 'Amra. Abdel Kareem drove us to the area to check it*



*Recent photo of southern view of Abu Is'ayid house by Al Mezan staff*

*out; we were prepared to deal with an emergency. I kept in close contact with the Signal Officer. We pulled into an area near the houses of the Abu Is'ayid family. We were more than one kilometer away from the eastern borderline.<sup>10</sup> I saw a crowd of people; they told me that the Abu Is'ayid home had been bombarded with missiles and that there were injured people inside. I knew the house well because less than a year ago I was there with my colleagues after it had been shelled; we evacuated the residents including two people who were seriously wounded and one person who had been killed. The house is around 250 meters away from the borderline.*

*I stayed where I was. I didn't go to the house because without coordination through the International Committee of the Red Cross, my managers at work can't allow us to enter areas that are within one kilometer from the borderline. I updated the Signal Officer on what had happened and I asked him to coordinate with the Red Cross. Then, another ambulance arrived to support us. My colleague, Naser Al-Buheisi, was driving and Hatem 'Awad was with him. When we go to areas near the borderline we go with an ambulance which is supported by another vehicle, in case of further emergencies. I then received a call from someone who works at the Red Cross. I told him where we were. About 40 minutes later I received another call from someone at the Red Cross who told me*

<sup>10</sup> The 'borderline' is the borderline with Israel.

*that the coordination [with Israeli authorities] had been done and that we could enter the area.*

*We checked that the internal and external lights were on, along with the car board lights. I then got the green light from the Signal Officer to enter the area. I asked the second ambulance to go ahead, with our vehicle in support from behind. My colleagues drove onto the dirt track, at the end of which was the house with the injured people. I drove our vehicle behind them until we reached the Abu Is'ayid family home. I stayed in contact with the Red Cross. I saw one of the family members in front of the house. He was signaling to us with his hands. I told the Red Cross employee that we had arrived at the location. We stopped about 100 meters away, to the north of the house.*

*I saw that the man was directing my colleague Hatem to one of the injured people near the house. My colleague Abdel Kareem and I got out... I saw some women coming out of the house. They were helping another woman - who was about 30 years old - walk on one foot. The other [foot] was lifted up off the ground. I saw blood covering it. Abdel Kareem and I helped her to the ambulance.<sup>11</sup>*

### **The Abu Is'ayid family today**

After the two heavy bombardments on the Abu Is'ayid family home and the total destruction of Naser's apartment, Naser, Asmahan, and the children moved their home into two tents supplied by the International Committee of the Red Cross (ICRC). Until he could find an alternative solution, Naser erected the tents on his land about 500 meters from their home and 800 meters from the border fence. Now the family struggles with the heat in the summer and the bitter cold in the winter. The tent has sunk several times over the years due to heavy rains and the children are continually falling ill due to the harsh living conditions. Naser thought that the tents would be a short-term



Recent photo of Abu Is'ayid family members in front of their tents

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<sup>11</sup> Interview of ambulance medic who works for the Palestinian Red Crescent, by lawyer, Yaser Al Mana'ma, 24 May 2011.

solution. He moved his family into the tents almost three years ago and the tents remain their home today.<sup>12</sup>

Following each attack the family home the Abu Is'ayid family requested that the Israeli Military Advocate General (MAG) open criminal investigations into the actions resulting in the attacks. The outcome of the investigation into the 2010 incident is pending, while the MAG stated that technical difficulties were the reason for the 2011 incident; the case was concluded hastily and closed without a criminal investigation.

Just under two years on from the initial attack on the home, the Abu Is'ayid family decided to initiate legal proceedings against the State of Israel for the unlawful attacks against them; proceedings that Naser still hopes will help better the living conditions of his children and bring long awaited justice to the family. On 11 July 2012, the Abu Is'ayid family initiated the legal process before the Israeli District Court in Beersheba, Israel, asking for compensation for the damages suffered by the family as a result of the first (2010) incident. No evidence or witnesses have been heard on the case to date. An initial preliminary hearing is scheduled for March 2014.

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<sup>12</sup> An interview with Naser Abu Is'ayid, NRC, Sunday 10 November 2013.