

Submission sheet

Individuals, groups and organizations wishing to submit information and documentation to the United Nations Independent International Commission of Inquiry on the occupied Palestinian Territory, including East Jerusalem, and Israel (hereafter the “COI”) are kindly asked to fill in this sheet with any information they are able to provide, and attach it to their submissions.

It is not a requirement to provide all requested information if not available, though particular attention should be given to filling in the section on consent.

Unless indicated otherwise in the form, the COI will consider all materials received to be usable in its reports, but without attribution as to the source

Name of submitting individual/entity	Shmuel Baron
Contact of submitting individual/entity	Email(s): baronshmuel65@gmail.com Telephone/WhatsApp/Signal/Other: Web Address: Agree to be contacted by the COI: Yes <input type="checkbox"/> No <input type="checkbox"/> Yes
Relationship of submitting entity/individual to the alleged victim/s	
Human rights violation/s or abuses alleged to have occurred	<p> Hamas is an Islamist militant group based in the Gaza Strip, which has been designated by the US, the EU and other countries as a terrorist group. Hamas has been using human shields in conflicts with Israel since 2007. Although the definition of human shields is not consistent among states and inter-governmental organisations, the Statute of the International Criminal Court (ICC) states the war crime of using human shields encompasses “utilizing the presence of a civilian or other protected person to render certain points, areas, or military forces immune from military operations.”¹ Hamas relies on the Israeli government’s aim to minimise collateral damage, and is also aware of the West’s sensitivity towards civilian casualties. Hamas’ use of human shields is therefore likely aimed at minimising their own vulnerabilities by limiting the Israeli Defense Forces’ (IDF) freedom of action. It is also aimed at gaining diplomatic and public opinion-related leverage, by presenting Israel and the IDF as an aggressor that indiscriminately strikes civilians.² Hamas’ most common uses of human shields include:</p> <ul style="list-style-type: none"> ☑ Firing rockets, artillery, and mortars from or in proximity to heavily populated civilian areas, often from or near facilities which should be protected according to the Geneva Convention (e.g. schools, hospitals, or mosques). ☑ Locating military or security-related infrastructures such as HQs, bases, armouries, access routes, lathes,³ or defensive positions within or in proximity to civilian areas. ☑ Protecting terrorists’ houses and military facilities, or rescuing terrorists who were besieged or warned by the IDF. Combating the IDF from or in proximity to residential and commercial areas, including using civilians for

	<p>intelligence gathering missions. By engaging in these acts, Hamas employs a win-win scenario: if indeed the IDF uses kinetic power, and the number of civilian casualties surges, Hamas can use that as a weapon in the lawfare it conducts. It would be able to accuse the IDF (and Israel) of committing war crimes, which in turn could result in the imposition of a wide array of sanctions. On the other hand, if the IDF limits its use of military power in Gaza to avoid collateral damage, Hamas will be less vulnerable to Israeli attacks, and thereby able to protect its assets while continuing to fight. Hamas' growing strategic distress in the face of recent geopolitical developments will probably push the organisation towards a more pragmatic strategy in the near future. However, the movement is simultaneously preparing itself for yet another round of armed conflict with Israel. If this indeed happens, and in light of the success of the human shield practice, there is every reason to believe Hamas will continue resorting to the use of civilians as human shields.</p> <p>https://stratcomcoe.org/cuploads/pfiles/hamas_human_shields.pdf</p>
<p>Violations of the laws and customs of war (international humanitarian law)</p>	
<p>Date/s of incident/time period</p>	
<p>Place of incident</p>	<p>Village/township/city: Gaza Strip Province:</p>
<p>Name/s of alleged victim/s gender, age</p>	<p>Name: Civilian population of Gaza Strip Gender: Age: Father's name: Nationality: Profession: Phone number/email: Address:</p>
<p>Identification of those allegedly responsible</p>	<p>Name of alleged perpetrator if known:</p> <ol style="list-style-type: none"> 1. Hamas Chief of the Political Bureau Ismail Haniyeh 2. Hamas Deputy Chief of the Political Bureau - Mousa Abu Marzouq and Khaled Mashal 3. Yahya Sinwar, leader of Hamas in the Gaza Strip 4. Mohammed Deif born Mohammed Diab Ibrahim al-Masri, chief of staff and supreme military commander of Hamas' Izz ad-Din al-Qassam Brigades <p>State or non-state entity with which perpetrator is affiliated, if any: Hamas</p> <p>Any identifying marks of the perpetrator which indicate their affiliation, such as the colour or pattern of their uniform and uniform's insignia:</p>

Description of the incident(s)/allegations (2000-word limit)	<p>Detailed description of:</p> <ul style="list-style-type: none"> - the incident(s) or alleged violation(s), including dates, specific locations (e.g. street, building) and number and types and name(s) of victim(s) - the context in which they took place - alleged perpetrators - alleged motive <p>Please also include information on the impact of these violations, as well as age and gender-sensitive considerations (e.g. how these violations affected women and men, girls and boys differently).</p>
Description of the State's response, (500-word limit)	<p>Indicate whether the incident was reported to the authorities: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, which authorities:</p> <p>Information on any investigations, judicial processes, decision/judgements and sentences, including reparations, in response to the incident:</p>
Methodology employed in the collection of information	<p>Please provide a description of the methodology employed in the collection of the information shared- primary, secondary sources, means of verification, etc., along with how informed consent was gained from the information provider. If needed, attach a copy of the relevant standard operating procedures followed.</p>
Consent	<p>Please indicate whether you, the person submitting the information, agree to the following use of the information by the COI with or without personally identifiable data:</p> <p><u>INFORMED CONSENT TO USE THE INFORMATION:</u></p> <p>1. Use internally and publicly (e.g. public report, press release), with <input type="checkbox"/> without <input type="checkbox"/> personally identifiable data. Agree</p> <p>2. Use internally only (within the COI), with <input type="checkbox"/> without <input type="checkbox"/> personally identifiable data. Agree</p> <p><u>INFORMED CONSENT TO SHARE THE INFORMATION:</u></p> <p>1. Raise the case with national authorities, courts or accountability mechanisms that respect international standards (including due process) with <input type="checkbox"/> without <input type="checkbox"/> personally identifiable data. Agree</p> <p>2. Share info with national human rights institutions, with <input type="checkbox"/> without <input type="checkbox"/> personally identifiable data. Agree</p> <p>3. Refer to national or international organizations (including UN human rights mechanisms and other UN entities) providing victim</p>

	<p>assistance (e.g. ICRC, medical, legal), with <input type="checkbox"/> without <input type="checkbox"/> personally identifiable data. Agree</p> <p>5. Share info with international and regional courts – including the International Criminal Court (ICC) -, or accountability mechanisms of other States that respect international standards (including due process) with <input type="checkbox"/> without <input type="checkbox"/> personally identifiable data. Agree</p> <p><u>Additional Details on Consent:</u></p> <p>Please indicate if consent to provide this information to the CoI has been received from the alleged victims (any consent given must be provided by the victim or by relatives or legal representatives on their behalf, or by a parent/legal guardian in case of a child) Yes <input type="checkbox"/> No <input type="checkbox"/>; consent provided by: _____</p> <p>If necessary, please explain:</p>
<p>Description of any broader issues not related to specific violations (2000-word limit)</p>	<p>Description should be succinct, highlighting issues of relevance to the mandate of the COI, and include concrete examples whenever possible.</p> <p>Please also include information on the impact of these violations, as well as age and gender-sensitive considerations (e.g. how these violations affected women and men, girls and boys differently) as relevant.</p>
<p>Any other human rights NGOs to whom you reported the incident</p>	<p>If appropriate, please provide name and contact information of any other person or organization to whom the incident was reported.</p>
<p>Additional materials (documents, images, videos, etc) relevant to the incident(s)/allegation(s)</p>	<p>Please indicate, if you are aware of, or in possession of, any additional materials from other sources (including the media and NGOs) in which the above incident(s)/allegations are cited, that are deemed relevant/useful. The COI may follow-up at a later date in order to receive the material(s) indicated.</p> <p>Date of publication:</p> <p>Title: Hamas’ use of human shields in Gaza</p> <p>Source (author/organisation): The NATO Strategic Communications Centre of Excellence (NATO StratCom COE)</p> <p>Web link;</p> <p>https://stratcomcoe.org/cuploads/pfiles/hamas_human_shields.pdf</p> <p>Type of material: 1 Documents <input type="checkbox"/> (total doc); Image <input type="checkbox"/> (total images); Video <input type="checkbox"/> (total videos); Other (please specify)</p>
