On July 20th 2014 the Ziada family home in Bureij refugee camp in Gaza was bombed by Israeli military forces. It was a targeted attack that reduced the three-story building to rubble and left everyone inside it fatally wounded. Amongst the dead lay Ismail Ziada’s mother, three brothers, sister-in-law and his 12-year old nephew.

Over 2,000 Palestinians were killed by the Israeli Defense Forces (IDF) during “Operation Protective Edge”. The vast majority were non-combatants and over a quarter of all people killed in the operation were children under eighteen years of age.

In the fall of that same year Ismail Ziada, a Dutch citizen resident in the Netherlands, contacted Liesbeth Zegveld, a prominent lawyer specializing in support for victims of war crimes and human rights violations. Ziada was committed to holding those responsible for the killing of his family accountable.

The original suggestion of initiating a criminal case was soon put to one side as previous experience indicated that it was highly unlikely that the public prosecutor would initiate criminal proceedings. Zegveld pointed out, however, that the Netherlands maintains a system of universal jurisdiction in civil proceedings for Dutch citizens who are unable to gain access to justice elsewhere.

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1 The Palestine Justice Campaign is a single-issue group of concerned citizens who have come together with the specific aim of raising funds to support the Ziada family in their quest for justice.
Ziada had reservations about taking the civil route, as financial compensation could never be any consolation for the loss of family members. After careful consideration, however, it was agreed to pursue the civil-suit option with the aim of initiating an accountability process, and of establishing a precedent that could benefit others and hopefully prevent further Israeli war crimes.

Papers were served on both the Chief of General Staff of the IDF at the time of the bombing, Benny Gantz, and the Commander of the IDF Air Force, Amir Eshel. Both officers have since retired and Gantz has formed a new political party which is currently vying with Israeli Prime Minister Benjamin Netanyahu’s party Likud for the title of most popular party in Israel.

The working assumption at the time was that neither officer would respond to the writ and the court proceedings would take place in absentia. However, just before the 3 month time period for submission of a response expired, both Israeli military officers appointed a lawyer to represent them. In November 2018, they finally submitted a response.

While the Ziada writ was focused on the fact that the bombing of the family home was illegal and a war crime according to international law, the response of the defendants focused exclusively on their alleged right to immunity, and on the Dutch court’s alleged lack of jurisdiction based on the argument that Ismail Ziada would have access to justice in Israel.
The recent Israeli court ruling against Dr Izzeldin Abuelaish, who filed a compensation suit against the Israeli state over the killing of three of his daughters in an IDF shelling in 2009, is further proof – if such were needed – that this is most certainly not the case.

Support the Case

A court hearing is expected to be scheduled in the second quarter of 2019 which will be the first time the court will actually consider the issues. Should the outcome be positive for Ismail Ziada it is now expected that the Israeli military defendants will pursue the case up to the Dutch Supreme Court which can take several years and significant financial resources.

The Ziada family has been using their own personal funds and generous contributions from friends and supporters to pursue their case on behalf of all the victims of Israeli war crimes. If justice is to be gained for the Palestinian victims, the case needs our moral and financial support. The target is EUR 50,000.

Every donation large or small will help the Ziada family in their search for justice for the Palestinian people. Please contribute whatever you can and encourage others to do the same.

All funds raised will be transferred directly to the law firm instructed in the case – Prakke d’Oliveira – Human Rights Lawyers Amsterdam. Any compensation received as a result of the case will be dedicated to a specially established fund for Palestinian war crime victims in general and children in particular.

Financial contributions are welcome. You will find the relevant details on the Campaign website.

Eddie Whyte
on behalf of Palestine Justice Campaign

2 https://www.independent.co.uk/voices/gaza-israel-palestine-middle-east-izzeldin-abuelaish-daughters-killed-hope-robert-fisk-a8621971.html
3 https://www.prakkendoliveira.nl/en/