

To Menachem Mazuz, Attorney General of Israel

Charges against certain civil and military officials of Israel for Genocide, Crimes of War, Crimes against Humanity and Conspiracy to commit these crimes in Hebron and the surrounding areas, under the “Law for the Prevention and Punishment of the Crimes of Genocide of 5710 - 1950”, which was passed by the Knesset on 29 March 1950, as well as under other currently valid laws which require the punishment of these crimes.

(1) I accuse, collectively and individually

- Colonel **Yehuda Fuchs**, IDF, commander of the occupation forces in Hebron
- Lt. Col. **Aviv Feigel**, head of the so-called “Israeli Civil Administration” in Hebron
- Major General **Gadi Shamni**, IDF
- Brigadier General **Yoav Mordechai**, IDF, head of the so-called “Israeli Civil Administration”
- Brigadier General **Noam Tivon**, IDF, commander of the occupation forces.
- General **Gabi Ashkenazi**, IDF, Chief of the General Staff
- Brigadier General **Avichai Mendelblit**, IDF, Military Advocate General
- Head of the Shin Bet **Yuval Diskin**
- **Others unknown** who participated in the accused crimes in any capacity

(2) Of the following criminal acts, which are punishable under the laws of Israel

- Killing inhabitants of Hebron
- Causing serious bodily and mental harm to inhabitants of Hebron
- Inflicting upon the inhabitants of Hebron conditions of life calculated to bring about the physical destruction of all or a part of them
- The wanton destruction of private and public property in Hebron
- Looting and pillaging of private and public property in Hebron

- Conspiring to commit crimes of genocide against the population of Hebron
- Inciting others to commit crimes of genocide against the population of Hebron
- Attempting to commit crimes of genocide against the population of Hebron
- Complicity in the commission of crimes of genocide against the population of Hebron
- Other criminal offenses related to above crimes, especially grave crimes against humanity, war crimes, and terrorism directed against the population of Hebron
- Including in their plans the calculation that their recklessly criminal and immoral acts would cause violent responses from the side their Palestinian victims, thus willingly and deliberately endangering the safety and security of the Jewish population of Israel.

(3) Gadi Shamni, Yehuda Fuchs and Aviv Feigel used their positions in the IDF and in the “Civil Administration” during a time of calm, to subject the population of Hebron to measures of collective punishment and to conditions of life calculated to bring about the physical destruction of at least part of the population of my homeland Hebron, and to personally undertake, as well as to give orders to soldiers and other employees of the Israeli authorities under their command, to commit unprovoked acts of grave criminality against the population of Hebron in order to provoke as a result that persons within the population of Hebron would commit acts of aggression against the population and the government of Israel.

(4) On Tuesday, 24 February 2008, **Gadi Shamni** issued several so-called “military orders” in which he ordered the expropriation and transference of the property of Palestinian citizens and charitable organizations in Hebron into his own property. These documents were given personally to the affected by **Yehuda Fuchs, Aviv Feigel** and other officers and personnel of the IDF and the “Civil Administration”. One of the affected, Abed Al-Khader Al-Kaisy, cited **Yehuda Fuchs** as stating that they (the IDF) know that there is no connection to Hamas, but that they would confiscate the property anyway, and that the IDF “could do whatever they wanted” in Hebron because they were not bound by any laws or treaties in their actions.

(5) **Gadi Shamni** based his illegal orders on his “powers” and on laws of the British Mandate. The “British Mandate” ended on 15 May 1948, the date on which the British invaders declared its end. It was an illegal colonial occupation regime which had no legitimacy whatsoever in Palestine, and its ability to enforce these laws ended on that date. To accord any legality or legitimacy to these laws is equivalent to according legality and legitimacy to the collective of administrative orders, laws and decrees issued by the National Socialists in support of their genocide against Jews, Gypsies, Communists and other “undesirables” in the territories under their occupation in eastern Europe.

(6) As a commander of an illegal occupation army, the invocation of such “powers” by **Gadi Shamni** is morally and legally equivalent to the claim of jurisdiction by any NS Gauleiter charged with the extermination of “undesirables” in the territories under Nazi occupation, and the looting of their property. As such, Shamni has no legal standing to order the transference of Palestinian property, and his “powers” end with the willingness of those under his command to execute his immoral, illegal and criminal orders.

(7) Neither **Gadi Shamni** nor any other Israeli has any legal jurisdiction whatsoever, and certainly no legal powers, anywhere in Palestina. As essentially illegal foreigners, it is not within their capabilities to determine what is right or wrong, legal or illegal, for any Palestinian to do anywhere in Palestine.

(8) The orders issued by **Gadi Shamni** are illegal in themselves, regardless of their content. The same applies to all other orders or decrees issued by the occupying powers. The mere presence of the occupiers on Palestinian territory constitutes a crime as set forth in the Israeli Law against Genocide in section 1.(a)(3).

(9) The orders issued by **Gadi Shamni** decree the expropriation and transference into ownership of his command of the infrastructure (buildings) and everything in them, of the Palestinian Youth Center, Orphanage and Daycare Center for children for the poor families in Hebron, of the “Cake Bakeries”, of a Trade Center, of the storage facilities for food and flour, of all the stocks of food in these facilities which are destined to be distributed to poor families in Hebron, of the Physical Therapy Institute, of the Barbershop, of the Library, Salons, of a Supermarket, of apartments used by poor families, of the Islamic schools for boys and girls, and of the Islamic Charitable Organization for the Youth in Hebron, by the first of April, 2008.

(10) The organizations, buildings and shops which **Shamni** ordered transferred to his ownership are run by the Palestinian Authority in Hebron and are located in the Palestinian Area H1. Beyond the illegality of the presence of **Shamni** and his troops in Hebron, it is forbidden under the “Oslo Agreement” to the IDF to issue any military orders related to this area, or to be present in this area at all.

(11) On 26 February 2008, **Yehuda Fuchs** and **Aviv Feigel** arrived at the facilities of the Charitable Organization in company of a detachment of IDF soldiers. The IDF soldiers under the direct and personal orders of **Yehuda Fuchs**, according to witnesses present during the event, proceeded to vandalize the premises. They went from room to room destroying the facilities of the buildings, furniture, equipment and personal effects of the orphans, and looting furniture and equipment as ordered by **Yehuda Fuchs**, **Aviv Feigel** and other IDF officers present.

(12) The IDF soldiers under direct and personal orders of **Yehuda Fuchs** and **Aviv Feigel** pillaged the complete stock of food destined to be distributed among the poor of the city. They looted and pillaged refrigerators, kitchen equipment, books, clothing, eight lorries full of food, clothes destined to be given to the poor, tools, books and other property at the location.

(13) The orders of **Gadi Shamni** and the consequent looting of above mentioned property by **Yehuda Fuchs**, **Aviv Feigel** and the soldiers under their orders has caused extreme duress for 13.500 orphans, 1.000 poor families, 9.000 school children, 2.500 children who attend the daycare center, some other families, and the about 800 persons who work at this charitable organization. All these persons depend wholly or in part on the handouts of foods and clothing of the charitable association or on the salaries paid by this organization for their subsistence.

(14) On 14 February 2008, **Aviv Feigel**, issued orders for the demolition of a clinic and 15 homes in the district of Hebron, in Beqa'a. The clinic and all the other buildings exist since before 1948, but were declared “illegal” by **Aviv Feigel**. The pretext used by **Feigel** was the fact that the families at the locality allowed a doctor to use one of their houses to give treatment to the sick of the about 700 families who live in the Al-Beqa’a valley, which act converted this house into a clinic.

(15) The families of Beqa’a decided to allow the doctor to use one of their houses because, **since 1967 and in clear violation of the duties which Israeli contracted under the Geneva conventions, the “Civil Administration” refused to grant building permits to any of the about 700 Palestinians families who lived in Al-Beqa’a, despite the increased number of these families, the new marriages and the basic needs of these persons.** Instead, the IDF and the “Civil Administration” have done everything in their power to deny inhabitants of Beqa’a the fulfillment of their basic needs and to inflict upon them conditions of life calculated to bring about the physical destruction of all or a part of them.

(16) The “Civil Administration” under **Aviv Feigel** and his predecessors in the post issued and implemented illegal orders for several demolitions in Al-Beqa’a during the previous years. In clear contravention of the obligations contracted by Israel under the Geneva Conventions, which state that Israel as the occupier has the obligation to insure the safety and security of all Palestinians as well as the fulfillment of all their needs, **Aviv Feigel** and his predecessors in the post illegally took agricultural lands belonging to the residents of Al-Beqa’a in order to open the “Jews-only” bypass road 60, and proceeded to increase the illegal Jewish settlements in the area and to build an oil station on property stolen from its Palestinian owners.

(17) **Yehuda Fuchs** has used his authority since taking over as military occupation commander in Hebron to deny Palestinians who live in Area H2 in Hebron to access, walking or driving, their homes through Al-Shuhada street. All accesses to the Hebron H2 Area have been blocked with military checkpoints and electronic gates. No vehicles are allowed through, except the IDF and the illegal Jewish settlers. The blocking off of Area H2 and the other 113 known roadblocks kept by the IDF in Hebron deny sick inhabitants of Hebron access or passage, even in emergency cases.

(18) On Monday, January 7, 2008, local resident **Kifah Ashraf Elias Sider** gave birth to her child Ahmad at 3AM in the middle of the street at a roadblock kept by the IDF under orders of **Yehuda Fuchs** near the occupied Tel Rumeida. Kifah and her husband Ashraf are longtime residents of Tel Rumeida.

(19) At about five in the afternoon of Tuesday, July 3, 2007, troops under the orders of **Yehuda Fuchs** murdered in cold blood Ahmad Mohsen Al-Skafi, a boy of age 14, in Lossah, a part of Eissa, a suburb in the south-west of Hebron near Wadi Taffouh in area H1 under Palestinian control according to the “Oslo Agreements”. These soldiers

subsequently prevented the family from recovering the body of Ahmad, instead sending their dogs to eat part of the body. Aware of the gravity of this crime, personnel from the IDF subsequently offered an unknown quantity of money to the Al-Skafi family in order to compel them to desist from pressing criminal charges.

(20) In the early morning of 6 June 2007, paratroopers presumably under the command of **Yehuda Fuchs** massacred the family of Yehya Al-Jabari in the B'er Haram Al-Ram area of Hebron. The pretext of this massacre was that the 17-year old son of the family was a “terrorist”, what caused **Yehuda Fuchs** to send about 50 soldiers to arrest him. The IDF soldiers shot their way into the house and then went room to room and murdered or severely injured and brutalized several integrants of the Al-Jabari family. Murdered during this incident were Mr. Yehya Al-Jabari, aged 80, Kamil Al-Jabari, age 24, Radi Al-Jabari, age 36, both sons of the family. Fatima Al-Jabari, 65, wife of Yehya, was left in critical condition, severely wounded by multiple shots. The Jewish troops proceeded to terrorize the surviving women and children and left only after these had signed a paper stating that they would turn in their 17-year old brother.

(21) **Yehuda Fuchs** instituted a policy which denies the poor families who live in Area H2 in the old city of Hebron free movement. He closed and sealed all the entrance to the old city of Hebron. The Israeli military forces fixed metal plates and iron gates at the entrances, the keys are kept by Israeli troops. In addition to the restriction of free movement of the inhabitants, the IDF under **Yehuda Fuchs** and the “Civil Administration” under **Aviv Feigel** and predecessors in the post encouraged and protected criminals and supplied alcoholics and drug dealers with drugs in the area in order to discourage the resident families from staying. This has caused the ruin and eviction of thousands of families who lived in the old city of Hebron due to the impossible living conditions imposed upon them by the occupation, which were planned and calculated by **Yehuda Fuchs**, **Aviv Feigel** and others unknown with the purpose to destroy their livelihoods.

(22) All acts described above constitute crimes of genocide, grave crimes against humanity, war crimes and grave crimes under various Israeli laws.

(23) Even if the soldiers and civil employees who perpetrated above described crimes were not under the direct orders of **Gadi Shamni, Yehuda Fuchs** and **Aviv Feigel**, these three and the other individuals named in these charges are the representatives of Israel as the occupying power in Palestine, and as such are personally responsible for the well-being and the safety and security in their property and in their lives of the population subject of the occupation, irrespective of quaint claims from Israel regarding the legal status of the Palestinian territories.

(24) I accuse as “**others unknown**” the soldiers of the units under direct or indirect command and control of **Gadi Shamni, Yehuda Fuchs** and **Aviv Feigel**, as perpetrators, accomplices and co-conspirators so far they participated in any of the crimes described. IDF soldiers receive training which enables them to understand the difference between legal and illegal orders. Furthermore, Israeli soldiers have no lawful obligation to follow patently illegal orders. It follows that their participation in these crimes was willful and with full knowledge, awareness and understanding that their deeds constitute crimes.

(25) I accuse **Yoav Mordechai**, head of the so-called “Israeli Civil Administration”, a supervising official with commanding authority over all employees of his organization, for ideating, planning, tolerating, covering up, enabling, ordering, financing, aiding and abetting, co-conspiring with those named here and with **others unknown**, to commit the crimes described above.

(26) I accuse **Noam Tivon**, military commander of all the IDF occupation forces stationed or otherwise present on Palestinian territory, a supervising officer with commanding authority over all integrants of the units under his command, for ideating, planning, tolerating, covering up, enabling, ordering financing, aiding and abetting, and co-conspiring with those named here and with **others unknown**, to commit the crimes described above.

(27) I accuse **Gabi Ashkenazi**, Chief of the General Staff of the IDF, a supervising officer with commanding authority over all integrants of all units of the IDF, for ideating, planning, tolerating, covering up, enabling, financing, ordering, aiding and abetting, encouraging and co-conspiring with those named in this document and with **others unknown**, to commit the crimes of constituting genocide described above.

(28) I accuse **Avichai Mendelblit**, Military Advocate General of the IDF, a supervising officer with commanding authority over all integrants of all units of the IDF, for ideating, planning, tolerating, covering up, enabling, financing, ordering, aiding and abetting, and co-conspiring with those named here and with **others unknown**, to commit the crimes described above.

(29) I accuse **others unknown** occupied in any capacity or function at the offices under the command of **Avichai Mendelblit**, whom I suspect of having used their knowledge in matters of law to plan and justify the crimes constituting genocide described above, of having personally drafted the illegal orders issued by **Gadi Shamni**, or at least of having assisted in their drafting, and for ideating, planning, tolerating, covering up, enabling, ordering, financing, aiding and abetting, and co-conspiring with the others accused here, to commit these crimes constituting genocide.

(30) I accuse the head of the Shin Bet **Yuval Diskin**, a supervising officer with commanding authority over all integrants of all units of Shin Bet, for ideating, planning, tolerating, covering up, enabling, financing, ordering, aiding and abetting and co-conspiring with those named here and with **others unknown**, to commit the crimes described above. I suspect that **Yuval Diskin** or persons under his command passed falsified information, invented charges, to **Gadi Shamni, Aviv Feigel, Yehuda Fuchs** and **others unknown**, information which was used as a pretext for the illegal orders issued by **Gadi Shamni** and the murders described above, which constitute genocide.

(31) I suspect that **Yuval Diskin** and persons under his command run illegal spying operations in Palestine during which the names of “undesirables” are assembled in lists which are passed on to death squads operating within his organization and within the IDF so that these “undesirables” be murdered. I suspect that **Yuval Diskin** runs and directly supervises the activities of such death squads within the organizational structure of the Shin Bet, death squads which have orders to murder “undesirables” in Palestine, which are crimes constitutive of genocide against the Palestinian people.

(32) I collectively accuse all those named here, and **others unknown**, of having participated in the accused crimes willfully and in full awareness that these actions constitute grave crimes under Israeli laws and under the laws of other jurisdictions, including but not limited to their countries of origin or of countries of which they possess nationalities besides the Israeli nationality.

(33) I collectively accuse all those named here, and **others unknown**, of having participated in the accused crimes due to base motivations originating in racial and religious hatred, and in order to gain unwarranted economic advantages for themselves, their families and their associates.

(34) Contravention of orders, dereliction of duty and abuse of power are not at issue, because, in the commission of these crimes, apart from their personal motivations as imputed in the previous paragraph, all the accused acted under direct and indirect orders of their civil and military superiors as well as under the influence of Jewish political and religious authorities in Israel and abroad, which have enunciated within the context of their Zionist ideology a policy of genocide and extermination against the Palestinian people as a whole.

(35) In cases such as those presented here, where the gravity of the perpetrated crimes combined with the certainty that the accused will commit similar crimes again if left unpunished, the certainty that the accused will conspire to cover up these crimes and intimidate or murder witnesses and cover up, hide or destroy evidence, the law allows that the accused be placed under preventive detention and that all their property be placed under preventive confiscation while the outcome of investigative procedures is pending.

(36) The office of the Attorney General has the duty under enacted laws to initiate penal investigative procedures against the individuals named above, and against other participants in these crimes, as appropriate. The office of the Attorney General is reminded of section 4 of the Israeli Law on Genocide, which reads “A person guilty of an offense under this law shall be punished whether he is a legally responsible ruler, a member of a legislative body, a public individual or a private individual”. The mass and preponderance of material and circumstantial evidence leaves no room for an acquittal of the accused individuals under the law.

(37) It is in the best interest of the accused and of Israel that the office of the Attorney General, as well as organizations working together with the Attorney General, undertake their duties in such a way that their ability and their willingness to fully implement the pertinent laws remains documented in observable fact and serves as a deterrent for others who would undertake to perpetrate similar crimes.

(38) Similarly, it is in the best interest of the accused and of Israel that the office of the Attorney General, as well as organizations working together with the Attorney General, undertake their duties in such a way that the equality of rights, duties and protection under the laws of Israel of both the Jewish and the Palestinian populations remains documented in observable fact.

(39) Similarly, it is in the best interest of the accused and of Israel that the office of the Attorney General, as well as government offices working together with the Attorney General, undertake their duties in such a way that no space is left for the impression that feigned legal procedures are being undertaken in order to cover up the crimes and help the accused escape from their responsibility, rather than to indict and punish the accused of these grave crimes.

(40) Due to the eminent public interest in this matter in Palestine, in the world and in Israel, I request to be informed of all further steps which the office of the Attorney General as well as other authorities will undertake in this matter.

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21 March 2008