

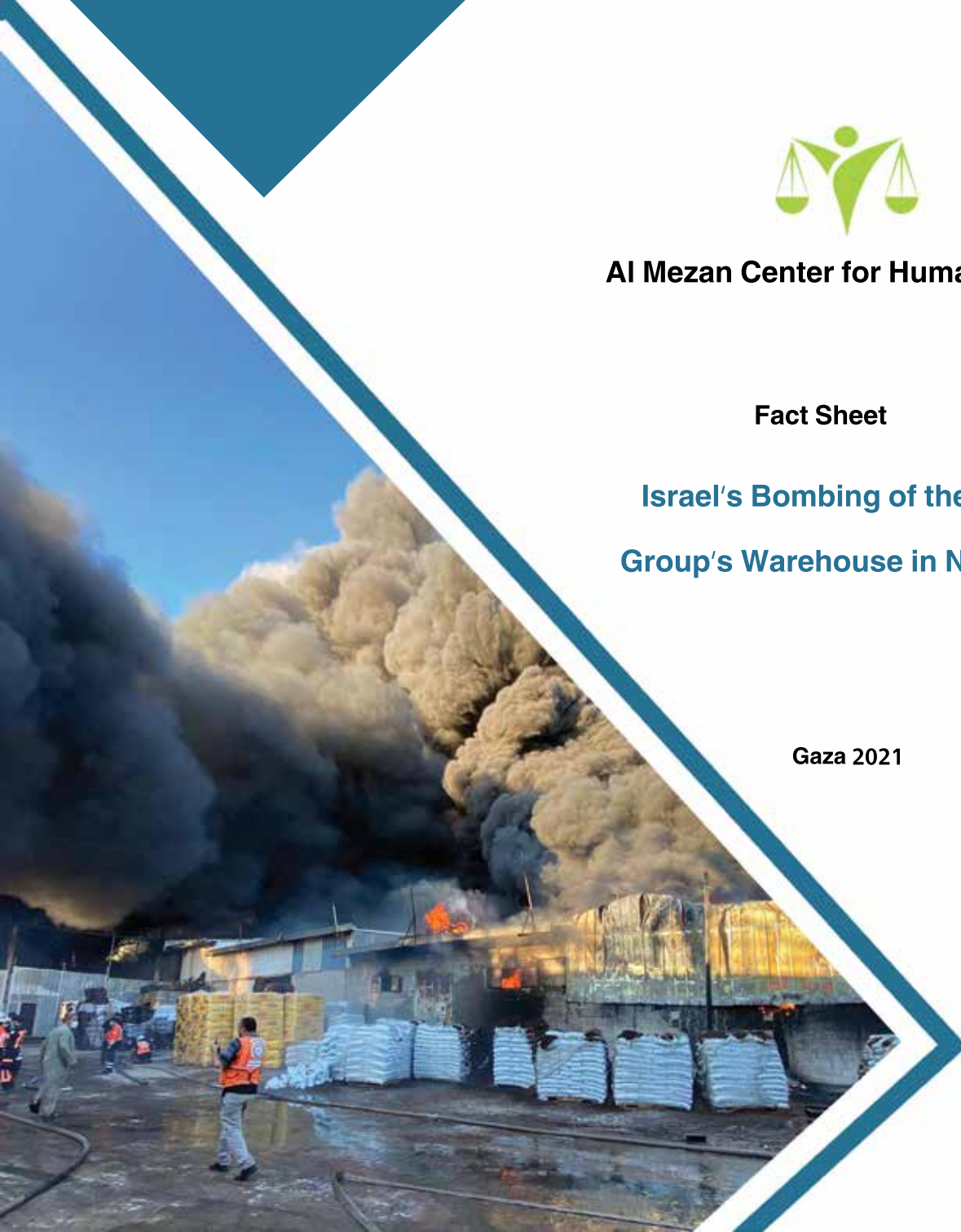


AI Mezan Center for Human Rights

Fact Sheet

**Israel's Bombing of the Khudair
Group's Warehouse in North Gaza**

Gaza 2021



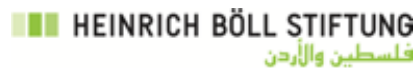


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In partnership with



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Al Mezan Center for Human Rights

Al Mezan Center for Human Rights is an independent, non-partisan, non-governmental human rights organization in the Gaza Strip, with Special Consultative status with the United Nations Economic and Social Council. Since its establishment in 1999, Al Mezan has been dedicated to protecting and advancing the respect of human rights, and enhancing democracy, community and citizen participation in Palestine, particularly in the Gaza Strip.

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Introduction

Between 10-21 May 2021, Israel carried out a full-scale military offensive against the Gaza Strip. The documentation collected by Al Mezan Center of Human Rights (Al Mezan) shows that over the 11 days, 240 Palestinians, including 60 children and 38 women, were killed by Israeli forces, while another 1,968 sustained injuries, including 630 children and 397 women.

The offensive was characterized by deliberate and concentrated attacks on residential buildings and civilian objects. As a result, 1,313 residential units were destroyed and 6,367 others were damaged, whereas 189 public establishments, 25 factories, and 141 shops were destroyed, with others incurring material losses. For instance, 4,208,153 square meters of agricultural land was damaged, as well as 682 public establishments, 34 factories, and 342 shops⁽¹⁾.

During the offensive, residential areas in North Gaza endured intense shelling by Israeli artillery forces, which deliberately fired tens of missiles at the Khudair Group's agricultural chemical warehouse—Gaza's largest in the industry. As a consequence, a fire broke out on the premises of the warehouse, burning all its contents.

This fact sheet looks into the bombing of the Khudair Group warehouse and subsequent fire and provides an analysis of the incident's health risks and repercussions on the environment. It also makes recommendations to the international community and relevant Palestinian ministries and authorities. The information provided in this factsheet is based on Al Mezan's monitoring and documentation, victims' testimonies, and expert opinions.

(1) Al Mezan Center for Human Rights (joint documentation campaign with Al-Haq.)

Property Characteristics and Operations

The Khudair Group leads the import and marketing of agricultural supplies through four subsidiaries with administrative and commercial headquarters throughout the Gaza Strip, employing 60 people. The Group's warehouse is in As-Siyafa, approximately three kilometers to the perimeter fence in Beit Lahia, North Gaza, and 1.6 km to the beach. It consists of eight tin-covered storage units, with a yard in the middle. Combined, the warehouse is about 6,750 square meters in size.

Khudair Group's four subsidiaries are:⁽²⁾

- Khudair Brothers, Gaza City, owned by Mahmoud Idris Khudair and his sons Hani and Majed.
- Lamor for General Trade, Gaza City, owned by Hani, Majed, and their brother Haytham.
- MEDOR General Trading and Contracting Company, Gaza City, owned by Suhail Idris Khudair and his son Nawaf.
- Al Barari General Trading, Beit Lahia, owned by Ahmed Idris Khudair.

(2) Information collected by Al Mezan Center for Human Rights on 10 September 2021.

Illustrated map of the warehouse location in Beit Lahia



Incident Description

At around 5:50 pm on Saturday, 15 May 2021, Israeli artillery forces to the north of Gaza fired tens of shells at the Khudair Group, causing its warehouse to catch fire. The fire destroyed the storage units and their contents, forming a large hazardous smoke cloud that was swept east and south by air currents. The safety of nearby residents was soon compromised, notably as the burning chemicals released an unpleasant smell that reportedly forced several families to flee their homes.

One of the business owners at Khudair Group told Al Mezan:



I was scared and panicking because of the continued Israeli airstrikes in my area. My family and I were forced to evacuate and sought shelter in a house in Gaza City on 13 May 2021. At around 6:00 PM on Saturday, 15 May 2021, a neighbor called me and told me that Israel's artillery shells hit my company's warehouse (Khudair Brothers) and my relatives' companies as well. The contents inside the warehouse caught fire. I immediately headed there and witnessed the fire engulf the company's warehouse and its contents. Clouds of smoke were covering the place and then the civil defense crews arrived to extinguish the fire. I was hearing the terrorizing sound of bombs in the area during the crews' attempts to put out the fire. They showed great efforts but were unable to control the fire because of its magnitude and the ongoing shelling in the area. The crews withdrew at 11:00 PM the same day. The next morning, the firefighting operations resumed after the fire crews were reinforced with additional personnel and equipment. But the more they tried to extinguish the fire in one place, the faster it caught in another. The firefighting operations did not succeed due to the abundance of chemicals inside the warehouse. Attempts to extinguish the fire were accompanied by uninterrupted airstrikes so the situation was very dangerous. Due to the intensity of the airstrikes, I had to leave the place with no hope that the fire could be extinguished as the fire destroyed our commercial properties in front of my eyes and all attempts were in vain. The fire lasted for 22 days, and unpleasant odors continued to be released. Following the end of the Israeli offensive, some of my sons and I returned home and smelled the unpleasant odor even after the waste was moved from the place. Days later, a rash began to spread across my body. My sons who returned home with me had it as well, while my sons who stayed at their house in Gaza City did not.



Civil defense crews were unable to contain the fire due to its magnitude and the intensity of the Israeli shelling at the time. Supplemented by the Municipality of North Gaza, the efforts to extinguish the fire continued until 6 June 2021, during which time the crews used around 450 tons of sand⁽³⁾.

The Head of the Fire and Rescue Department in Jabalia Civil Defense provided the following account of the attack:



When we arrived at the scene, we realized how challenging the magnitude of the fire would be. The firefighters and rescue crew could not bear the intensity of the smell emitted by the fire despite wearing protective masks. Personnel from other districts were dispatched to the site, and additional quantities of water were provided by the Municipality of Beit Lahia. The fire was releasing fumes and gases due to the nature of the burning substances. We could not control the fire in the first three days, and every time we put out the blaze somewhere, it would reignite somewhere else. The firefighting operations lasted for 22 days. The operations took a long time because it was unsafe to move to and stay there amid the ongoing Israeli bombing. So we were forced to withdraw from the site by night and return to work in the morning when the fire reignited. It was difficult to put out burning chemicals with water because we do not have foam fire extinguishers, which are used in such types of fires. So, sand was the alternative to extinguish the fire. We evacuated the residents of the area from their homes out of fear over their lives and health. During the daily firefighting operations, 25 officers were burned in various parts of their bodies. The fire fully engulfed the stores and their contents, and we could not save any of the contents⁽⁴⁾.



(3) Atef al-Sultan, Director of the Health and Water Department in the municipality of Beit Lahia, interviewed by Al Mezan on 20 October 2021.

(4) Samir Atta Okal, Head of the Fire and Rescue Department in Jabalia Civil Defense, interviewed by Al Mezan on 20 October 2021.







Legal Analysis – Israel's military conduct under international law

Israel's deliberate attack on the Khudair Group warehouse may amount to a war crime under the Rome Statute of the International Criminal Court. Pursuant to Article 8(2) of the Statute, "war crimes" means: (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention: (i) Wilful killing; (ii) Torture or inhuman treatment, including biological experiments; (iii) Wilfully causing great suffering, or serious injury to body or health; (iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly; [...]"⁽⁵⁾.

The Statute also specifies other serious violations of the laws and customs applicable in international armed conflict as war crimes, namely, "intentionally directing attacks against civilian objects, that is, objects which are not military objectives; intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated"⁽⁶⁾.

The Khudair Group warehouse is clearly a civilian object⁽⁷⁾ and, as such, enjoys protection from indiscriminate attacks under international humanitarian law.⁽⁸⁾ Accordingly, the Israeli attack against the warehouse violated the basic principle of distinction and may amount to a war crime. Notably, the destruction of the warehouse may also amount to a form of collective punishment⁽⁹⁾ and a grave breach of the Fourth Geneva Convention of 1949⁽¹⁰⁾.

(5) Rome Statute of the International Criminal Court, 17 July 1998, Art. 8(2).

(6) Ibid.

(7) See IHL Customary Rule 1 at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule1.

(8) See IHL Customary Rule 7 at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule7

(9) Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, 12 August 1949, Art. 33.

(10) Geneva Convention IV, Art. 147.

Furthermore, Article 54 of the First Protocol Additional to the Geneva Conventions of 1949—which is reflected in customary law—prohibits any attack or destruction of objects indispensable to the survival of the civilian population.⁽¹¹⁾ At the same time, customary international humanitarian law also prohibits “the use of methods or means of warfare that are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment is prohibited. Destruction of the natural environment may not be used as a weapon”.⁽¹²⁾

The attack and its detrimental effects on the environment infringe several fundamental human rights and freedoms, including, the rights to life,⁽¹³⁾ to health,⁽¹⁴⁾ to work,⁽¹⁵⁾ and to an adequate standard of living, which include the right to adequate food⁽¹⁶⁾.

(11) Protocol Additional (I) to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (hereinafter: Additional Protocol I), 8 June 1977, Art. 54(2).

(12) See IHL Customary Rule 45 at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule45.

(13) International Covenant on Civil and Political Rights, 16 December 1966, Art. 6.

(14) International Covenant on Economic, Social and Cultural Rights, 16 December 1966 (ICESCR), Art. 12.

(15) ICESCR, Art 6.

(16) ICESCR, Art 11.

Repercussions on the Environment

The warehouse's fire burned for 22 days and destroyed close to 259 tons of highly toxic pesticides. The cloud of smoke advancing from the site could be seen in Gaza City and North Gaza for the whole period. Further, residues of the burned chemicals remained in place between 15 May and 22 September 2021, posing serious risks to the environment and to the health of roughly 90,000 people in the Beit Lahia Municipality.⁽¹⁷⁾

In addition to fire emissions that influence air quality, each time an active chemical burns, its particles end up falling to the ground and contaminating the soil as they adhere to the surface of leafy plants, potentially reaching groundwater.⁽¹⁸⁾ In the Khudair Group warehouse case, the hazardous waste remained in place for a long period, spreading airborne contaminants elsewhere.

Some chemical pesticides used in agriculture are particularly toxic because they can penetrate easily through the human body and stay there for years due to their physicochemical properties.⁽¹⁹⁾ Exposure usually occurs through skin contact or inhalation. Dioxins were among the hazardous chemicals known to have been released during the warehouse fire. Examples of chronic effects of human exposure to these pollutants include cancer, reproductive harm, hormonal imbalance, and suppressed immune system. Although the local authorities launched a holistic response to the incident, including the safe disposal of the hazardous waste in Juhr Al-Deek Landfill in September, there are reasonable grounds to believe the contamination has not been fully eliminated and will likely result in health and environmental consequences. Laboratory tests found concentrations of chemical pesticides and trace elements in soil samples from the site⁽²⁰⁾.

(17) Beit Lahia Municipality, Statistics of 2017, available at: <https://www.bietlahia.mun.ps/index.php/2017-09-03-2017/11-11-16-20-03-42-38-21>

(18) Mohammed Musleh, Head of Hazardous Waste Department at the Water and Environment Quality Authority, interviewed by Al Mezan on 10 October 2021.

(19) Ibid.

(20) Mohammed Musleh, interviewed on 19 October 2021.

Effects on Public Health

Exposure to toxic emissions from the combustion of pesticides is linked to short-term adverse health effects such as abdominal pain, nausea, headache, vomiting, stinging eyes, and rashes. People who are exposed to such chemicals are at a greater risk of developing various cancers—an example of known chronic effects—including leukemia, lymphoma, brain tumors, and cancers of the kidneys, breast, prostate, pancreas, liver, lung, and skin. They can also develop serious conditions later in life, such as neurological toxicity, disruption of the endocrine system, and reproductive problems like infertility, birth defects, and early neonatal death. In addition, such exposure has been associated with the elevated incidence of dermatitis, weakened immune system, severe respiratory diseases, and diabetes.⁽²¹⁾ Excessive exposure might even be deadly.

According to Al Mezan's investigations, several residents have suffered from skin rashes following the incident. Some even continue to develop rashes to this moment. Alarmingly, two pregnant women reportedly suffered miscarriages, while others complained about relevant symptoms. To date, unpleasant smells are released from the site and continue to cause suffocation and insomnia for many.

(21) Khaled al-Tibi, Director of the Environmental Health Department at the Ministry of Health, interviewed by Al Mezan on 11 October 2021.

The affidavits below, collected by Al Mezan, reflect the population's suffering as a result of the warehouse fire:

1. At around 11:00 PM on 29 May 2021, while my brother Khaled Salah Khader Khudair, 12, was standing next to the wall that separates our relatives' warehouse and the garden of our house, he fell to the ground and injured his right knee. My father accompanied him to the Indonesian Hospital for treatment, where doctors sutured the wound with 12 stitches. Almost seven days later, his leg and knee were swollen, and my father took him to the hospital and then to complete the treatment in Egypt. He underwent three surgeries there. That is when doctors discovered a metal fragment in his knee and removed it. He currently cannot walk on his foot or even bend it. I learned from my father that the medical report states that the fragment led to poisoning in my brother's right leg. He is still undergoing treatment. Twenty days following the end of the Israeli offensive, blisters and tiny zits similar to mosquito bites started to appear on my body. Over time, the zits swelled slightly, and I could not stop scratching them, as they were bleeding and releasing pus. I headed to Al Atatra Clinic for treatment and the doctors told me that the rash is caused by skin infections which is still spreading till this moment. I also learned that many neighbors were diagnosed with the same condition⁽²²⁾.

2. After the end of the Israeli offensive on 21 May 2021, my family and I returned home. Smoke and odors were still emanating from the fire site in the warehouse of our neighbors from Khudair family and the fire reignited again even after it was extinguished. While I was home, my children and I had difficulty breathing due to the rising odors and smoke from the place of the fire. But we had to stay home because we did not have any other shelter. Odors continued to spread even after the fire was put out. In mid-September 2021, a rash began to appear on my body, as well as on my mother's and my children's bodies. The rash caused severe skin itching to me and my family members. We went to the Indonesian Hospital for treatment and the doctors told me that a number of residents of the area have had a rash. They assume the burning of the Khudair warehouse to be the cause of these symptoms.⁽²³⁾

(22) Shadi Salah Khudair lives near the Khudair Group warehouse. He was interviewed by Al Mezan on 11 October 2021.

(23) Riyad Hasan Ghabayen lives near the Khudair Group warehouse. He was interviewed by Al Mezan on 11 October 2021.

Effects on the Gaza Strip's agricultural sector

Both As-Siyafa and Alatatra—where the warehouse is located—are largely agricultural areas. Together, they are approximately 4,557 dunums in size and inhabited by 8,700 people.⁽²⁴⁾ The incident is expected to directly impact the agricultural productivity of the two areas in terms of quantity and quality.

The Khudair Group's imports and supplies account for over 35 percent of the available agricultural products in the Gaza Strip. The Group's warehouse was used to store around 259 tons of highly hazardous pesticides, 1,758 tons of fertilizers, 9,312 tons of seeds, as well as large quantities of plastic supplies⁽²⁵⁾.

The owners of the four subsidiaries identified 1,598 types of pesticides, fertilizers, seeds and agricultural supplies that were stored in the warehouse at the time of the attack,⁽²⁶⁾ and estimated the material losses incurred by their respective companies at tens of millions of shekels.⁽²⁷⁾ Prices of various agricultural supplies witnessed a steep rise following the incident⁽²⁸⁾.

(24) Beit Lahia Municipality, statistics of 2017, available at: <https://www.bietlahia.mun.ps/index.php/2017-09-03-2017/11-11-16-20-03-42-38-21>

(25) Gaza's Ministry of Agriculture, information obtained by Al Mezan on 9 September 2021.

(26) The types of supplies destroyed in the attack were reported by the subsidiaries as follows: 790 by Khudair Brothers, 653 by MEDOR General Trading and Contracting Company, 115 by Lamor for General Trade, and 40 by Al Barari General Trading. The tin-covered storage units were destroyed as well.

(27) Competent authorities are yet to release official figures of the financial losses incurred by the Khudair Group.

(28) Adham al-Bassiouni, Director of the Plant Protection and Quarantine Department in the Ministry of Agriculture, Gaza, interviewed by Al Mezan on 6 October 2021.



Summary and Recommendations

Summary and Recommendations

The Israeli attack that destroyed the Khudair Group's warehouse—an object clearly having civilian nature—and simultaneously adversely harmed the environment and prejudiced the health of the protected civilian population constitutes a serious violation of international law that may amount to a war crime.

The fact sheet offers the following recommendations, notably in light of the persisting health and environmental risks:

1. The international community must uphold its legal and moral obligations vis-à-vis the protected Palestinian people and ensure Israel's respect of international humanitarian law, particularly the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.
2. A serious, comprehensive investigation into the incident must be launched, and relevant international bodies must be duly informed, including the commission of inquiry established by the Human Rights Council, in order to ensure full accountability for alleged crimes and guarantee redress for victims.
3. The Palestinian Ministry of Health is urged to form a specialized medical committee aiming at providing residents of As-Siyafa with urgent medical attention, particularly in light of the emerging reports of skin rashes and miscarriages. Should the Israeli attack be found as the direct cause of these health effects, legal action must be taken.
4. Following the safe disposal of hazardous waste, the Ministry of Agriculture should continue conducting tests of the soil, water, and crops in the affected area to ensure absence of contaminants.
5. Close follow-up is needed from the Water and Environment Quality Authority to deter any deterioration of the current environmental crisis. To this end, the creation of special units at central landfills for the safe and permanent disposal of hazardous waste is strongly urged.
6. Mobilize support for the Khudair group to ensure the resumption of their work and its vital contribution to Gaza's agricultural sector.