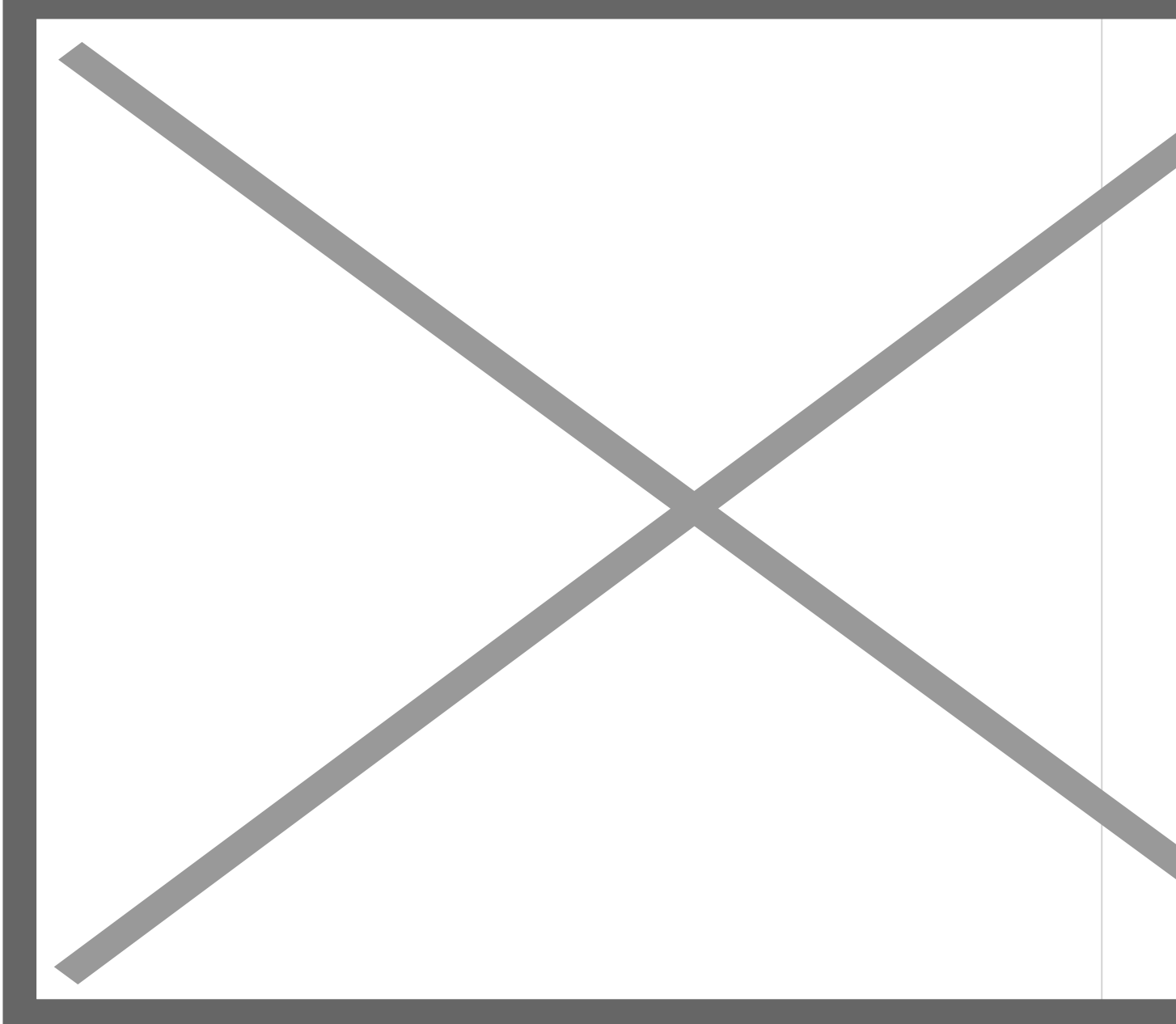


Dutch court rules Israel's Gantz cannot be held liable for Gaza attack

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A protester holds up a placard painted in the colours of the Palestinian flag during a rally against Israel's bombardment of the Gaza Strip, in The Hague [Remko de Waal/AFP]

The Hague, December 7 (RHC)-- Israeli Defense Minister Benny Gantz and another former senior military officer cannot be held liable in a case brought by a Palestinian Dutch man who lost six relatives in a 2014 air attack in Gaza, a Dutch appeals court has ruled.

Ismail Ziada's mother, three brothers, a sister-in-law, a young nephew and a friend were killed in the attack during Israel's 2014 offensive targeting Gaza. Universal jurisdiction allows countries to prosecute serious offences such as war crimes and torture regardless of where they were committed. Ziada's case was thrown out by a lower Dutch court in January 2020, which ruled that the principles of universal

jurisdiction could be applied for individual criminal responsibility, but not in civil cases.

The case against Gantz and former air force commander Amir Eshel could not proceed because the men have “functional immunity from jurisdiction,” The Hague District Court ruled at the time.

The Hague Court of Appeal said Tuesday that the lower court was right to rule that Gantz, who was a senior military officer at the time of the attack, and Eshel had immunity because they were carrying out Israeli government policies. “Dutch courts are not competent here to judge the claim. The [lower] court rightly decided that,” The Hague Court of Appeal said.

“High-ranking military personnel have carried out official policy of the state of Israel, which renders a judgement on their actions moribund.” The court added that it was “not blind to the plaintiff’s suffering.”

The lower court also said that Ziada was free to sue the men in Israel. At hearings in 2019, Ziada rejected the idea that he has access to justice in Israel as “farical as well as vicious”.

Israel’s defense minister since last year, Gantz was the chief of general staff of the Israeli army at the time of the air raid on the Bureij refugee camp in Gaza on July 20, 2014. At least 2,251 Palestinians, mostly civilians, and 74 Israelis, mostly soldiers, were killed in the attack.

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