



Jerusalem Center for Public Affairs



The Gaza War 2014

The War Israel Did Not Want and the Disaster It Averted

The Gaza War 2014: The War Israel Did Not Want and the Disaster It Averted

Hirsh Goodman and Dore Gold, eds.

**with Lenny Ben-David, Alan Baker, David Benjamin,
Jonathan D. Halevi, and Daniel Rubenstein**



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Front Cover Photo: Hamas fires rockets from densely populated Gaza City into Israel on July 15, 2014. The power plant in the Israeli city of Ashkelon is visible in the background. (AFP/Thomas Coex)

Back Cover Photo: Hamas terrorists deploy inside a tunnel under the Gaza City neighborhood of Shuja'iya on Aug. 17, 2014. (Anadolu Images/Mustafa Hassona)

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Executive Summary

The Gaza War 2014: The War Israel Did Not Want and the Disaster It Averted is a researched and documented narrative that relates the truth as it happened. Israel was the target of thousands of rockets and mortar attacks against its civilian population, with some Israeli areas targeted that had three times the population density of Gaza. Israel clearly acted out of self-defense.

Though the images of the moment may have reflected massive damage in Gaza, the Chairman of the U.S. Joint Chiefs of Staff, Gen. Martin Dempsey, announced on November 6, 2014, that Israel had gone to “extraordinary lengths to limit collateral damage and prevent civilian casualties in the Gaza conflict.” A team of senior U.S. officers was sent to learn from Israel’s tactics. An analysis of UN satellite photos taken during the war shows that 72 percent of all damaged areas in Gaza were “within two miles of the Israeli border.”

While this was a war Israel did not want, it was a war that inadvertently preempted a terrorist massacre inside Israel’s heartland, principally through a network of sophisticated tunnels built deep under the border, and intended to stream hundreds, if not thousands, of dedicated terrorists, many on suicide missions, in the quiet of night, to destinations where they could kill as many innocent people as possible and leave Israel mauled as never before. This was potentially Hamas’ terrorist version of the 1973 Yom Kippur War, when Egypt and Syria launched a joint surprise attack on Israeli forces in Sinai and the Golan Heights.

Israel suffered 74 dead in the war. Had the Iron Dome system not intercepted 735 rockets fired from Gaza, the Israeli casualty count would have been incalculably higher. Had Hamas accepted the Egyptian ceasefire proposal of July 15, as did Israel, Palestinian wartime fatalities would have numbered less than 200, as opposed to more than 2,100 who died by the time Hamas agreed to a final ceasefire on August 27. Thus, Hamas was fully responsible for more than 1,800 Palestinian deaths.

Moreover, while UN and Palestinian sources claimed that 72 to 84 percent of Palestinians in Gaza killed during the war were civilians, there are strong reasons to argue that the percentage of civilian casualties was less than 50 percent, a low one-to-one combatant-to-civilian ratio that is unprecedented in modern-day warfare. In addition, we don’t know how many Palestinians in Gaza died as human shields or of natural causes during the 50 days of war, or how many were casualties of the 875 Palestinian rockets known to have landed inside Gaza.

Yet many in the international community uncritically accepted the narrative about the war advanced by Hamas and its allies. A discerning look at the facts of what happened, however, would lead to the conclusion that it is Hamas, not Israel, which should be in the dock for war crimes and crimes against humanity.

Preface

What follows is a researched and documented narrative of the 2014 Gaza war. While written from an Israeli perspective, this is not a document intended to negate criticism of Israel's actions during the war or improve Israel's image in the eyes of the world.

It has but one goal: to relate the truth as it happened; a truth obfuscated by the fog of war and lost in the immediacy of reportage from the battlefield; a truth perverted by those who had interest in doing so, and abused again by the one-sided mandate issued by the UN Human Rights Council on July 23, 2014, which calls for an investigation into events surrounding the war in the "Occupied Palestinian territories, including East Jerusalem and particularly the occupied Gaza Strip" – blind to the fact that Israel was the target of thousands of rockets and mortar attacks, all against civilian populations, and with some targeted Israeli areas having three times the population density of Gaza.

There is a school of thought that claims Israel wanted this war. The opposite is true. But, though this was a war Israel did not want, it was a war for which it had planned meticulously, thereby denying Hamas its main weapon: victimhood. Though the images of the moment may have reflected massive damage in Gaza, the truth is that America's highest-ranking military officer, Chairman of the Joint Chiefs of Staff Gen. Martin Dempsey, announced in November 2014 that he had sent a Pentagon study group to Israel to learn about the "extraordinary lengths" Israel had undertaken to "limit collateral damage and prevent civilian casualties in the Gaza conflict."

And it was a war that inadvertently preempted a terrorist massacre against Israel's heartland, principally through a network of sophisticated tunnels built deep under the border, and intended to stream hundreds of dedicated terrorists, many on suicide missions, in the quiet of night, to destinations where they could kill as many innocent people as possible, and leave Israel mauled as never before.

These are the essential truths of the 2014 Gaza war, truths backed by research, evidence, and accounts of events as they happened. The chapters of this study can leave no doubt as to which party should be in the dock for war crimes and crimes against humanity. More importantly, however, it rings a bell of warning that if Hamas is allowed to escape its crimes, the seeds of the next conflict will be planted.

Hirsh Goodman Dore Gold
Jerusalem 2015



Hamas terrorists deploy inside a tunnel under the Gaza City neighborhood of Shuja'iya on Aug. 17, 2014. (Anadolu Images/Mustafa Hassona)

Israel's Narrative – An Overview

Hirsh Goodman

A Catastrophe Averted

The 2014 Gaza war was a seminal event for Israel, a moment when a potential catastrophe was averted as an indirect result of a war Israel did not want and tried to contain and limit after hostilities broke out. During the ensuing 50 days of warfare that began on July 8, Hamas rejected or violated 11 international attempts to broker a ceasefire agreement, its leadership safe in underground bunkers in Gaza and headquarters in Qatar, impervious to the suffering of their own people.

Finally, seven weeks later, on August 26, with nothing achieved, Hamas agreed to let the guns fall silent. Four of its top commanders had been killed and Mohamed Deif, the legendary commander of Hamas' military wing, was thought to have been killed as well, though this has still not been confirmed.

By protracting the conflict and trying to manipulate the Gaza-based international media and world public opinion into portraying Israel's military responses as war crimes, Hamas had hoped world condemnation of Israel would force Israel into accepting its demands for open borders, a seaport and an airport to end the war – or the “victim doctrine,” as it has been called.¹

It did not work. Israel had factored in the negation of international condemnation as an intrinsic part of its own war doctrine – based on its experience in past conflicts with Hamas in Gaza in 2008-9 and 2012 – and was prepared to conduct precisely the war of attrition that Hamas had assumed it would want to avoid.

In pinpoint aerial strikes stunning for the minimal collateral damage they caused to apartment blocks in the heart of Gaza City, known to have housed Hamas command centers, weapons stockpiles and other military infrastructure, the IDF made clear that it could fight the war and maintain the support of key allies, and even the tacit support of the leadership of the moderate Arab world. To assume otherwise had been a gross Hamas miscalculation.

Protracting the conflict was another such miscalculation. In doing so, Hamas, in essence, defeated itself. By drawing Israeli ground forces into Gaza, albeit to a depth of only three kilometers so as to avoid entering Gaza's main population centers, Hamas inadvertently exposed its more sinister plan: the silent preparations it had made for surprise attacks that could have resulted in the massacre of countless Israeli civilians and targeted civilian infrastructure, like power stations and other sensitive facilities.

During the 2014 Gaza war, Hamas rejected or violated 11 attempts to broker a ceasefire, its leadership safe in underground bunkers in Gaza, impervious to the suffering of their own people.

At the heart of the plan was a sophisticated network of attack tunnels designed to run under the Israeli border, on which tens of millions of dollars had been spent. They were built with enough cement to build two multi-story hospitals, 20 schools, three apartment towers, and several other public structures, at a conservative estimate.

Hamas' use of tunnels for smuggling weapons and goods into Gaza, as well as for defensive purposes, was well known. But what was discovered during this war was something on a completely different scale: a network of 32 underground attack tunnels with multiple branches and exits in various stages of construction, many destined to go deep under the border into Israel, with the capacity to facilitate the passage of hundreds, if not thousands, of armed terrorists on a mission of mass slaughter against Israel's heartland.

With funding from Qatar, among others, Hamas had built the infrastructure for a surprise attack using the tunnels in tandem with raining thousands of rockets on Israeli civilian centers, some with three times the population density of Gaza.² This planned assault likely would have been reinforced with attacks by frogmen from the sea and terrorists trained on paragliders to reach strategic targets deep inside Israel from the air,³ based on what is now known of Hamas' force build-up.

This was potentially Hamas' terrorist version of the 1973 Yom Kippur War, when Egypt and Syria launched a joint surprise attack on Israeli forces in Sinai and the Golan Heights. In this case, however, Israel's cities were to be the battlefields and civilians the victims of war. It would not have been an attack to regain territory lost in war, but an indelible reminder that Hamas would never accept Israel's existence.

Israel underestimated the tunnel threat and did not fully understand the significance of the two sophisticated tunnels discovered in 2013, with exits hundreds of meters inside Israeli territory. It was assumed that these were intended to be used by Hamas for localized terror attacks, albeit more major than those seen in the past. These tunnels were thought to be for taking Israeli hostages back to Gaza to serve as negotiating tools to relieve the blockade Israel and Egypt imposed on importing materials into Gaza that could be used for military purposes.



Hamas terrorists gather inside an underground tunnel in the Gaza Strip on Aug. 18, 2014. (Reuters/Mohammed Salem)

Central to the objective would also have been the release of Hamas prisoners still held by Israel. In 2006 Hamas used a tunnel to kidnap an Israeli soldier, 19-year-old Gilad Shalit, who was repatriated five years later in exchange for 1,207 convicted terrorists imprisoned in Israel.⁴ Israel's understanding of the tunnels it had exposed in 2013, despite their advanced development, remained in the context of future abductions planned by Hamas.

Hamas' public statements, perhaps ingenuously and unintentionally, reinforced Israel's understanding of the purpose of the tunnels. In October 2013, top Hamas official Moussa Abu Marzouk wrote on his Facebook page: "The tunnel which was revealed was extremely costly in terms of money, effort and blood. All this is meaningless when it comes to freeing our heroic prisoners....It would not have been possible to free hundreds of our prisoners without the Shalit tunnel."⁵

It was also Israel's concept that Hamas' goal in constructing the cross-border tunnels was to have them serve as a means of remaining relevant at a time when it seemed its hold over Gaza was at risk. By 2013, the geo-strategic environment in the Middle East had changed dramatically to Hamas' disadvantage, and Israel saw Hamas' intended use of the trans-border tunnels, which were assumed to number fewer than a dozen, as tactical, not the main element of a multi-pronged, strategic, surprise attack designed to leave Israel mauled as never before.

The 2014 Gaza war was a decisive moment for Israel, not only for the way it was fought by Hamas or reported from Gaza by the international media, but primarily for the potential massacre it inadvertently prevented.

A War Israel Did Not Want

The 2014 Gaza war was a war Israel would have preferred to avoid, did everything it could to limit, and supported all international ceasefire efforts to end, even at the expense of leaving Hamas' entire military infrastructure in Gaza intact.

It was a war that erupted at a delicate time for Israel: An American-brokered peace initiative between Israel and the Palestinian Authority (PA), the “Kerry Initiative,” effectively ended on May 14, 2014, when, in a move that caught both Israel and the U.S. by surprise, Israel’s negotiating partner, the PA, announced the formation of a national reconciliation government with Hamas, its former antagonist that had usurped power in Gaza by way of a violent military coup in 2007, a demonstrative antithesis to any process related to peace between Israel and the Palestinians.

For the PA, the alliance with Hamas was seen as a way to reestablish itself in Gaza after being ousted by Hamas in a violent takeover in June 2007. Hamas agreed to the reconciliation government in the hope that it would help alleviate the financial crisis it faced in Gaza. As important, the new government legitimized Hamas in the West Bank, where it had long been suppressed.

Very soon Hamas was holding rallies in the West Bank, typified by green flags and anti-Israel rhetoric. At the same time, under the radar, according to authoritative Arab affairs commentator Ehud Yaari, Hamas “embarked on a significant effort to stage terrorist operations against Israel from the West Bank in the hope of destabilizing the PA and disrupting its security cooperation with Israel.”⁶

The emergence of Hamas militancy brought with it a rise in violence in the West Bank, including sporadic firing attacks against Israelis and, in Jerusalem, on the seam between east and west, daily assaults on the light rail train service that serves both Arab and Jewish neighborhoods.

Protests and clashes between Arabs and police on the Temple Mount were increasing in volume and violence and were considered potentially explosive. In the north, on the Golan Heights, the appearance of militant *jihadist* groups in close proximity to Israel’s border with Syria added to the sense of general instability and potential for conflagration.

Though since early June, a steady and persistent rain of rockets fired from Gaza had fallen inside Israeli territory, Israel’s policy remained based on restraint, rather than launching retaliatory air strikes against suspected rocket launchers and other marginal Hamas military infrastructure in Gaza. Israel did not want to inflame the situation in the West Bank and in

Jerusalem, or act in a way that potentially could direct *jihadist* attention away from its goals in Syria to fanning Israel's conflict with the Palestinians from yet another front.

Moreover, Israel was acutely aware of the complexities of going to battle in Gaza: high population densities, Hamas' known abuse of civilians and civilian infrastructure for military purposes, and complicated legal and human rights issues inherently bound up with any large-scale war in Gaza. No matter how carefully the conflict was managed, all served as a deterrent in the minds of Israel's policymakers. The heads of the security community, in particular, were of the unanimous opinion that the rocket threat from Gaza should be contained and "managed" rather than dealt with offensively and on a large scale.

The assessment in Israel was that after the peace talks failed, the rockets were Hamas' way of trying to attain parity with the PA in the new reconciliation government declared by Palestinian President Mahmoud Abbas.

Hamas linked its attacks to its demand that Israel lift the limitations on goods allowed into Gaza imposed after Operation Pillar of Defense in 2012, and made all the more painful with the ouster of the Muslim Brotherhood's supportive regime in Egypt in the summer of 2013.

Egypt's new president, Abdel Fattah el-Sisi, closed hundreds of the tunnels under the Gaza-Egypt border, which had for years allowed for the free flow of goods and weapons into Gaza, and which were a source of revenue for Hamas through the taxes it imposed on tunnel operators.⁷

The loss of income from tunnel taxes compounded Hamas' precarious financial situation and left it unable to pay the 42,000 civil servants it had appointed to replace those loyal to the PA who, ironically, continued to receive their salaries from the West Bank.⁸ Unemployment in Gaza was 46 percent (58 percent for those of working age under 30), and per capita GDP less than half of that in the West Bank, with the average around \$4 per day.⁹

These economic realities, combined with Hamas' brutality toward those who did not abide by its strict Islamic code and bitterness over the visibly opulent lifestyles of the Hamas elite, led to major internal resentment mounting against the regime. It became critical for Hamas to change the dynamic it found itself in, leading to its sporadic rocket fire against Israel and the attempts to use the tunnels to kidnap hostages back into Gaza in late 2013 and again toward the summer of 2014.

The dynamic took on a new dimension when on the night of June 12, 2014, Hamas operatives in the West Bank kidnapped three Israeli teenagers after enticing them into a car at a bus stop outside the West Bank settlement of Alon Shvut in the Gush Etzion bloc. The plan was orchestrated and designed by a senior Hamas official residing in Turkey who had been deported by Israel in 2010.



Prime Minister Benjamin Netanyahu speaks at the funeral of Eyal Yifrach, Naftali Fraenkel, and Gilad Shaar on July 1, 2014. The three boys were abducted and murdered by Hamas terrorists in the West Bank on June 12. (PMO/Flickr)

In an effort to locate the kidnapped teens and apprehend the perpetrators, the IDF launched Operation Brothers' Keeper, the largest military deployment in the West Bank since the height of the Second Intifada in 2002. Simultaneously, there was a massive crackdown on Hamas institutions that had begun to spawn in the West Bank, many rekindled by the dozens of convicted terrorists released by Israel and allowed to return to the West Bank as part of the Shalit deal, 51 of whom were re-arrested during the operation.¹⁰

The kidnapping and uncertainty over the fate of the three students galvanized Israel in an almost unprecedented way. The televised agony of their families, and the familiar and normative manner in which they came across, struck a chord with the entire nation.

Then, on June 15, when 30,000 Israelis from all walks of life gathered at the Western Wall to pray for the safety of the kidnapped teens, four rockets were fired from Gaza at Ashkelon, an Israeli city north of the Gaza Strip. Two of the missiles that posed threats to populated areas were intercepted by Israel's recently installed and highly successful Iron Dome anti-rocket system. The other two rockets fell in open areas, causing no damage.

Four days later, on June 19, five members of a Hamas special force unit died when a tunnel they entered in southern Gaza collapsed and smothered them to death.¹¹ It was assumed that the dead were members of a special Hamas unit trained to kidnap Israelis.

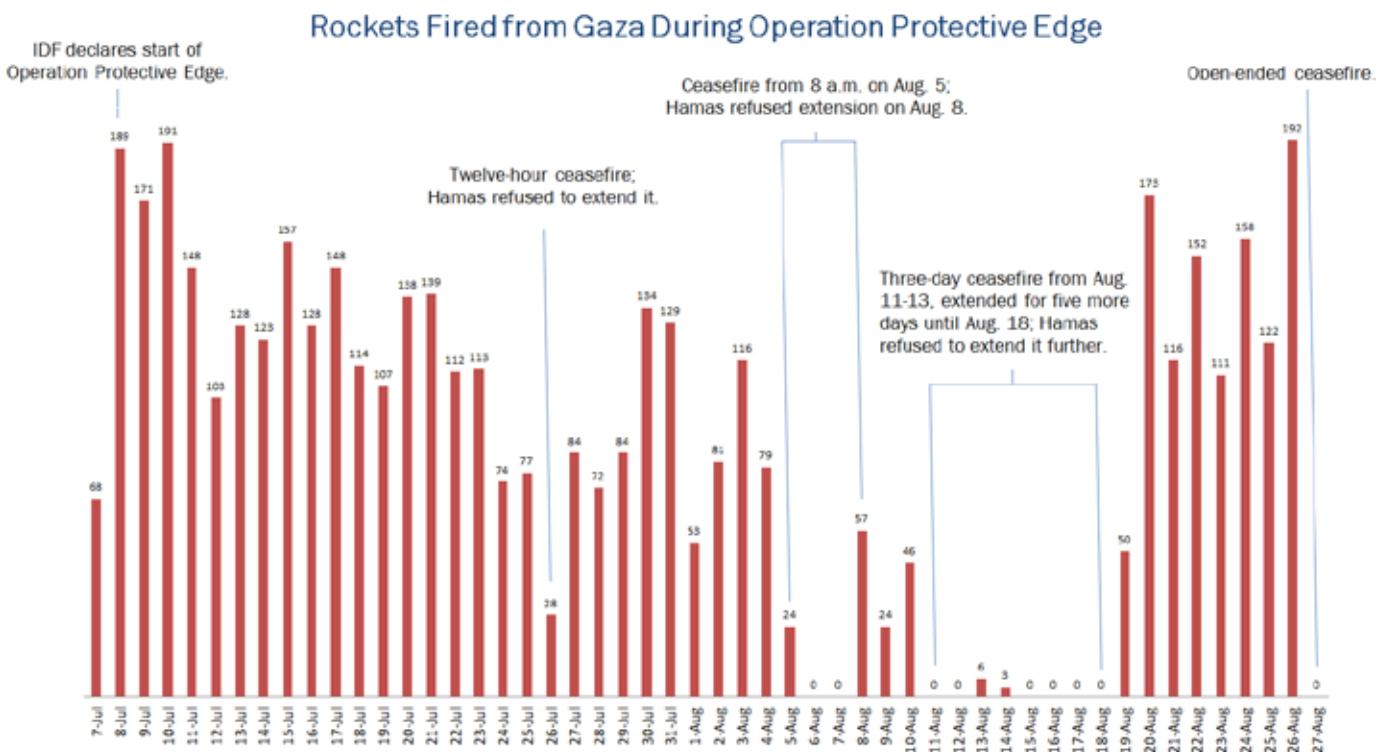


The Iron Dome missile defense system in Tel Aviv fires an interceptor missile at an incoming rocket from the Gaza Strip on July 9, 2014. (AP/Dan Balilty)

Israeli intelligence had warned of an impending attack through a tunnel Hamas had built in the direction of Kibbutz Sufa, at the southern end of the Gaza Strip, planned for late June or July. Israel had bombed the tunnel in the hope of destroying it, and generally believed that the tunnel's subsequent collapse had thwarted the kidnapping attempt.

The steady chain of events – the formation of the PA-Hamas national reconciliation government, the appearance of al-Qaeda-type units on the northern border, and the continual rocket barrage from Hamas – all crystallized into one contiguous threat in the minds of the Israeli public. This reached a breaking point on June 30, when the bodies of the three teens were found hastily buried in a shallow grave on a piece of land specially purchased for that purpose north of Hebron. It transpired that the kidnappings had been perpetrated by members of the Qawasmeh clan, known for its close affiliation with Hamas, with 15 family members killed in the Second Intifada, nine of whom died as suicide bombers.

Intensity mounted when, on July 2 in Jerusalem, a 16-year-old Palestinian boy, Mohamed Abu Khdeir, was kidnapped and burned alive, his body later found in a Jerusalem forest. On July 6, Israeli police arrested six Jewish suspects, three of whom subsequently admitted to the abduction and murder, motivated, they said, by revenge for the three murdered Israeli teenagers.



Hamas and other terrorist groups in the Gaza Strip fired more than 4,500 rockets at Israel during the summer 2014 war. (Source for data: IDF Intelligence presentation to foreign reporters on Sep. 3, 2014)

The atmosphere in the West Bank became explosive and violent riots erupted in Jerusalem, including on the Temple Mount. But the government again decided to keep its responses to the growing rocket threat as low-key as possible, so as not to create a volatile trans-border situation that could reel out of control.

Between the successes of the Iron Dome system and the relative lack of damage caused by the increasingly regular rocket attacks, given the complexities of mounting a major military operation in Gaza, and despite growing internal criticism for seeming inaction, the Israeli security cabinet, on the strong advice of the military-security establishment, opted to continue a policy of restraint vis-a-vis Gaza. The hope was that ultimately diplomacy would resolve the Gaza issue. “Experience has shown that during moments like these, one must act in a level-headed and responsible manner and not hastily,” Prime Minister Netanyahu said on July 6.¹² It was judged that Hamas did not want a full-scale war, but rather tactical gain in terms of its ability to retain support and control in Gaza.

The situation continued to escalate, however. On July 7, an anti-tank RPG was fired at IDF troops along the border fence.¹³ Later, six Hamas fighters were killed in an explosion in a tunnel under construction in southern Gaza. Hamas and other groups fired a total of 68 rockets on July 7, including an attack on the major southern city of Beersheba.¹⁴

Overnight on July 8, Palestinian rockets reached Tel Aviv, Jerusalem and Hadera, over 100 kilometers north of Gaza, and Hamas frogmen were intercepted at Zikim, a beach on the Mediterranean coast just north of the Gaza Strip, while trying to infiltrate Israel from the sea. War with Hamas had become unavoidable and on July 8, in response to the mounting attacks from Gaza, Operation Protective Edge was declared.

The War's Other Victim: The Truth

Operation Protective Edge escalated into 50 days of conflict during which Hamas and other groups fired 4,258 rockets and countless mortar rounds into Israel. Israel responded with 5,226 air strikes and a limited ground campaign.¹⁵ The actual death count in Gaza is still an open question, but has been put at over 2,100 combatants and civilians. Israel suffered 74 dead. Had the Iron Dome system not intercepted 735 rockets fired from Gaza and calculated to be on trajectories toward densely populated areas, the Israeli casualty count would have been incalculably higher.¹⁶

The dead and wounded, however, were not the only casualties of this war. Truth was another.

The evidence of Hamas' war crimes and violations of all accepted humanitarian norms is plentiful and irrefutable, ranging from the placement of headquarters under hospitals,¹⁷ tunnel entrances under houses, and rocket launchers in schools, to the storage of weapons in mosques. The list is nearly endless. To cite just one example: in an interview with *CBC News* on July 30, John Ging, the UN OCHA director, said: "Yes, the armed groups [in Gaza] are firing their rockets into Israel from the vicinity of UN facilities and residential areas, absolutely."¹⁸

Attuned to the international criticism that followed Operation Cast Lead in 2008-9 and the conflict of 2012, and to the complications of fighting an enemy deeply embedded in civilian infrastructure, the Israel Defense Forces had taken unprecedented precautions to limit collateral damage. Israel has strict target-vetting procedures involving legal and other experts, uses high-precision munitions to limit collateral damage, and abides by rules of engagement designed to minimize harm to civilians and civilian property, including special authorizations required for the destruction of buildings and advance warnings to civilians in areas to be targeted.

Israel had gone to “extraordinary lengths to limit collateral damage and prevent civilian casualties in the Gaza conflict.” – Chairman of the U.S. Joint Chiefs of Staff Gen. Martin Dempsey, November 6, 2014

America's highest-ranking military officer, Chairman of the Joint Chiefs of Staff Gen. Martin Dempsey, testified before a forum of the Carnegie Council for Ethics in International Affairs in New York on November 6, 2014, that Israel had gone to “extraordinary lengths to limit collateral damage and prevent civilian casualties in the Gaza conflict.” He cited the multiple steps Israel had taken to warn civilians to leave areas about to be attacked, even at the expense of forfeiting operational surprise, and said he had dispatched a Pentagon team to study Israel's actions to “try and limit civilian casualties, to include making it known they were going to destroy a particular structure.”¹⁹

This is not the image many have of the war, partly because for 50 days public opinion was fed by Hamas-controlled reportage and footage, skillfully framed to conform to the “victim doctrine.” Casualty figures from dubious sources, with nothing to back them up, were reported as gospel. Few in the international media based in Gaza during the war (or their editors back home) dared challenge the restrictions imposed on them, fearful of reprisal.

A telling indication of just how serious these controls were, however, can be found in a Foreign Press Association statement issued in Jerusalem on August 11, in which the FPA “protests in the strongest terms the blatant, incessant, forceful and unorthodox methods employed by the Hamas authorities and their representatives against visiting international journalists in Gaza over the past month.”²⁰ The statement continued that the international media “cannot be prevented from reporting by means of threats or pressure, thereby denying their readers and viewers an objective picture from the ground.”

In a clear indictment of Hamas’ attempts to control the media, it concluded: “We are also aware that Hamas is trying to put into place a ‘vetting’ procedure that would, in effect, allow for the blacklisting of specific journalists. Such a procedure is vehemently opposed by the FPA.”

The IDF will be the first to admit that, despite all precautions, accidents happen and civilians are inadvertently killed. There are also individual transgressions by lone soldiers, beyond the immediate control of the authorities.

Selective blindness is not a double standard; it is an absence of standards.

To this end, on September 10, in a press conference with the international media, the IDF Military Advocate General’s Corps (MAG) reported on a preliminary military investigation underway into 55 alleged cases of military misconduct, as well as five instances of possible criminal misconduct, including an incident in which at least 16 civilians sheltering in a UN school in Beit Hanoun were killed, and the death of four boys killed while playing on a Gaza beach.²¹

And on December 6, the IDF Spokesman announced that on the basis of recommendations by the Fact Finding Assessment Mechanism, an independent legal review committee, eight additional criminal investigations had been initiated, with another 85 cases under review.²²

Some human rights groups with a history of anti-Israel bias responded by saying that the IDF could not be trusted to investigate itself. Their reaction, however, ignored the IDF’s strict conformity to international law, the independence and transparency of the military justice system, its cooperative relations with the International Red Cross and multiple agencies of the UN, including UNIFIL, UNTSO, UNDOF and UNRWA among others, as well as the fact

that the IDF, like all arms of government, is subject to the judicial supervision of the High Court of Justice, with all issues justiciable, including the conduct of military operations.

Selective blindness is not a double standard; it is an absence of standards. Take the issue of proportionality. Israel is “accused” of suffering “only” 74 fatalities, including 67 soldiers killed in combat. The death toll in Gaza, on the other hand, has been put at over 2,100, including around 500 children, though it is yet to be determined how many of the dead were Hamas operatives, how many died as human shields or of natural causes during the 50 days of war, and the number of casualties that were a result of 875 rockets known to have misfired and landed inside Gaza.²³

Anthony Reuben, the head of statistics at *BBC News*, warned in a report published on August 8 and updated on August 15 that caution was needed with Gaza casualty figures, noting that in the past, the number of its operatives that Hamas initially said were killed ultimately proved to be higher.²⁴

Reuben cited a *New York Times* analysis, also published in August, which looked at the names of 1,431 casualties and found that “the population most likely to be militants, men ages 20 to 29, is also the most overrepresented in the death toll. They are nine percent of Gaza’s 1.7 million residents, but 34 percent of those killed whose ages were provided.”²⁵ Reuben also noted that three men had been killed to every woman, further indicating that many more of the dead were fighters than indicated by either Hamas or the UN figures published at the time.

The real truth behind these disproportionate numbers, however, is to be found in the totally different attitudes Israel and Hamas hold on the value of human life. Respect for the living and life is a cornerstone of Israel’s national ethos. Hamas worships the cult of death, with suicide bombers and the slaughter of innocent civilians the currency of its thinking.

While Hamas invested its resources in terror tunnels and other instruments of death, Israel, together with the U.S., developed the Iron Dome anti-rocket system. With an accuracy rate of over 90 percent, it successfully intercepted 735 rockets calculated to have been heading for Israeli population centers, out of the 4,258 fired by Hamas during the war. Had all these rockets reached their targets, the Israeli casualty toll would have been incalculably higher than the six rocket-related civilian deaths recorded,²⁶ while there is no telling what the ultimate damage to Israel’s civilian infrastructure would have been.

The lack of symmetry in casualties is also not to be found in the alleged excessive use of force by Israel during the war, but in the fact that while Hamas uses civilians as human shields, Israel developed a comprehensive civil defense and emergency response apparatus at massive cost, which includes a nationwide early-warning system, designated safe areas in all public places, fortified protected rooms built by law in all homes, and evacuation of areas in close proximity to the Gaza border. In addition, all summer camps, weddings, soccer games, and other public events were banned from taking place anywhere within range of Hamas’ rockets.

Asymmetry has many textures, way beyond simple numbers, as was succinctly summed up by Ami Ayalon, former head of the Israel Security Agency, in a July 23 article in the *New York Times*: “We do not measure ethics and morality by counting dead bodies. The fact that many more Palestinians than Israelis have died does not mean that our cause, or this war, is not just. Many more Germans than Americans died in World War II. Does that mean that Hitler was right and America was wrong?”²⁷

Israel, from past experience, is acutely aware of the complexities of war in Gaza, an area of 360 sq. km., roughly twice the size of Washington, D.C., populated by nearly two million people and 75 percent urbanized. Without diminishing from the nightmarish reality warfare imposed on the Gazan people, consider the 5,226 airstrikes against Hamas targets embedded in civilian infrastructure during the 50-day campaign, and then consider what the casualty rate might have been had Israel been inured to the consequences of war for the civilian population.

The Council of Duplicity

International governmental support for Israel, including throughout the moderate Arab world, was overwhelmingly in Israel’s favor during the war, notwithstanding the anti-Israel demonstrations organized by advocacy groups in Europe and the United States. To the world’s leaders, it was clear which party started the war and which side then protracted the conflict by refusing all international attempts to end it.

There was no ambiguity about which side was deliberately putting innocent civilians at risk, and which side was doing all it could to protect them, which side abided by international conventions in fighting the war, and which side flaunted them.

On July 8, White House Spokesman Josh Earnest strongly condemned “the continuing rocket fire inside Israel and the deliberate targeting of civilians by terrorist organizations in Gaza,” adding that “no country can accept rocket fire aimed at civilians and we support Israel’s right to defend itself against these vicious attacks.”²⁸

On July 8, White House Spokesman Josh Earnest strongly condemned “the continuing rocket fire inside Israel and the deliberate targeting of civilians by terrorist organizations in Gaza....We support Israel’s right to defend itself against these vicious attacks.”

John Baird, the Canadian Foreign Affairs Minister, said that “Israel has every right to defend itself, by itself, from such belligerent acts of terrorism,”²⁹ while UN Secretary General Ban Ki-moon “condemn[ed] the recent multiple rocket attacks on Israel from Gaza” and said the “indiscriminate attacks on civilian areas must stop.”³⁰



On July 23, 2014, the UN Human Rights Council issued a resolution condemning Israel. The resolution did not mention Hamas once. (UN/Jean-Marc Ferré/Flickr)

The EU ambassador to Israel, Lars Faaborg Andersen, expressed “unreserved solidarity” with Israelis;³¹ British Prime Minister David Cameron “condemned the appalling attacks being carried out by Hamas;”³² German Chancellor Angela Merkel phoned her support to

Prime Minister Benjamin Netanyahu on July 9 and is quoted as “condemning Hamas’ rocket attacks in the strongest terms;”³³ and Federal Foreign Minister Frank-Walter Steinmeier, in a statement, demanded that “Hamas’ murderous rocket attacks on Israeli towns must be stopped immediately.”³⁴

In stark contrast, however, and not unpredictably, the UN Human Rights Council (UNHRC), in a document remarkable for its one-sidedness and pre-judgment, issued the following statement:

On 23 July 2014, the Human Rights Council adopted a resolution in which it decided to establish an independent, international commission of inquiry to investigate all violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military operations conducted since 13 June 2014, and to report to the Council at its twenty-eighth session in March 2015.³⁵

It goes on to “deplore” Israel’s “massive...military operations” and “condemn” Israel “in the strongest terms for the...gross violations of international human rights and fundamental freedoms arising from the Israeli military operations...which has involved disproportionate and indiscriminate attacks...including the targeting of medical and humanitarian personnel, that may amount to international crimes” – and this, but a small taste of the actual document itself, before the investigation into the circumstances surrounding the war had even opened its doors.

The one-sidedness is blatant also in terms of what the resolution does not say: no mention of the thousands of indiscriminate rocket and mortar attacks on Israel, no mention of the psychological terror experienced by Israeli civilians in the wake of the incessant rocket barrages they had been subjected to, no mention of the thousands of Israeli families evacuated from their homes or of the heavy economic damage sustained by Israel as a result of the war, including the forced temporary closure of its international airport and ports as a result of rocket fire.

By specifying that the HRC commission investigate only “those violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip,” the HRC has made it impossible for Israel to cooperate with the commission’s work and thereby grant the predisposed process de-facto legitimacy.

Conversely, Israel agreed to cooperate with the UN Headquarters Board of Inquiry, established by UN Secretary General Ban Ki-moon to investigate the damage to UNRWA and UN facilities during the war and investigate cases in which weapons were found in UN facilities.³⁶ Israel supports the Board’s quest for truth in determining what actually happened at the UN’s facilities during the war, what they were used for prior to the war, and whether there was any collusion by UN employees and Hamas prior to and during the war.

There is no denying the damage the war caused the people of Gaza and their property, but as explicitly shown by satellite photography publicized by the UN itself, almost all of the IDF’s activity was concentrated in those areas of Gaza near the Israeli border, where the entrances to dozens of secret tunnels had been discovered and where Hamas had hidden hundreds of rocket and mortar launchers in civilian infrastructure.

At no stage of the war did Israeli ground forces go deeper than three kilometers into Gaza, and then only to destroy the tunnels and rocket launchers that were discovered. IDF ground forces remained clear of Gaza’s main population centers, even though they, too, contained much of Hamas’ military infrastructure and the underground bunkers from which Hamas’ leadership conducted the war.

While the world was led astray by pictures of destruction from specific sites in Gaza, an analysis of UN satellite photos taken during the war shows that 72 percent of all damaged areas in Gaza were “within two miles of the Israeli border,” many in the Shuja’iya district where Hamas had concentrated and concealed much of its offensive infrastructure.³⁷



IDF officers escort injured Palestinian civilians for treatment at the IDF field hospital on the Israeli side of the Erez border crossing with the Gaza Strip on July 21, 2014. (IDF/Flickr)

The same analysis shows clearly how Israel avoided hitting essential infrastructure in Gaza, while Hamas fired thousands of rockets into Israel indiscriminately aimed at cities with three times the population density of Gaza.

If Israel had so wanted, it could have literally starved Gaza into submission by controlling the access points through which all supplies enter the Gaza Strip from Israel. Despite repeated attacks on the crossing by Hamas and its surrogates, and at great personal risk, Israeli officials facilitated the entry of 5,779 trucks with supplies and 20 million liters of fuel into Gaza during the war.

Over 250 ambulances and 4,000 Palestinians and foreign nationals crossed from Gaza into Israel during Operation Protective Edge, a few for treatment in a hospital Israel had set up adjacent to the Gaza border for this purpose and others for transfer to other hospitals in Israel or abroad. And for the entire duration of the conflict, Israel continued to supply Gaza with electricity, except when power lines were hit and could not be repaired without great risk to repair crews. Israel saw its war as directed against Hamas, not the people of Gaza.

By blinkering itself to the war crimes and crimes against humanity committed by the Hamas leadership against its own people, the UN Human Rights Council is condoning barbarism and encouraging terror. Doing so under the aegis of an international organization supposedly dedicated to protecting human rights makes a mockery of that very concept.

To any objective eye, it is Hamas, not Israel, which should be in the dock of world opinion; it is Hamas, not Israel, which should be the subject of outrage by the plethora of human-rights groups that claim Israel's conduct of the war was disproportional, while remaining indifferent to the horrendous abuses perpetrated by Hamas against its own people.

To condemn Israel for its conduct of this war while ignoring Hamas' war crimes and crimes against humanity is tantamount to the encouragement of terror. Wars are never perfect and always ugly. The perversion of the truth that surrounds them, however, is dangerous as well.

It would be easy and cheap to catalogue here the collateral damage caused by Western coalitions in their battles in Iraq, Libya, Afghanistan, and other distant places where thousands of innocent civilians have been the victims of collateral damage, where hospitals and schools were inadvertently destroyed.

Israel, however, is looking for neither comparisons nor excuses for its conduct during Operation Protective Edge. On the contrary, it has welcomed the media and representatives from foreign armies so they can learn from the IDF's experience about how to limit civilian casualties under impossible circumstances.

The world would be well-served if the UNHRC would do likewise.

It is Hamas, not Israel, which should be in the dock of world opinion; it is Hamas, not Israel, which should be the subject of outrage by human-rights groups. To ignore Hamas' war crimes and crimes against humanity is to encourage terror.

The End Game

In the first week of August Israel withdrew its ground forces from Gaza. Thirty-two offensive tunnels with multiple entrances and exits had been discovered and destroyed, and the IDF said it had accomplished its mission.³⁸ There had been strong political pressure on the prime minister, including from key ministers within his cabinet, to order the IDF to penetrate deeper into Gaza and even to re-take the entire Gaza Strip, which Israel had unilaterally evacuated a decade before, in 2005, when it forcibly removed 8,000 people from their homes and demolished 21 Jewish communities.

But the thought of taking control of Gaza again was nowhere in the minds of the decision-making echelons in early August, who were focused instead on a strategy of how to end the month-long conflict, not protract it. In the background, as the fighting raged on, there were indications that Hamas was inching toward agreeing to a ceasefire at the Cairo talks, though none of its conditions had been met.



Prime Minister Benjamin Netanyahu, Defense Minister Moshe Yaalon, and IDF Chief-of-Staff Lt.-Gen. Benny Gantz speak to the media on Aug. 27, 2014. (AP/Sebastian Scheiner)

Indeed, it was agreed that a 72-hour temporary ceasefire would begin at midnight on August 10; it was then extended for five days, till midnight of August 18 and, at the request of the Egyptians, it was extended again by 24 hours, to end at midnight on August 19.

Eight hours before the expiration of the August 19 extension, a salvo of rockets was fired at Beersheba and Netivot, a town of 30,000 in southern Israel, and later at Ashkelon, Ashdod, Tel Aviv and Jerusalem, some 50 rockets in all.

Initially, the Israeli air force responded against localized targets in the same manner in which the war had been conducted until that point. But Hamas' August 19 violation of the ceasefire, one of many along a long road of ceasefires it had already broken, led to Israel's realization that a change of approach was necessary if the conflict was to end.

Clearly, Hamas was using the diplomatic process in Cairo to prolong the war. By making and breaking ceasefires until at least some of its conditions were met, Hamas hoped it would have something tangible to show the people of Gaza for the ruin it had brought on their heads. To do otherwise was tantamount to defeat, which in fact it was.



Beersheba residents inspect damage to a house on July 12, 2014, after it was hit by a rocket fired by Palestinian terrorists in the Gaza Strip. Without the Iron Dome, hundreds of houses in Israel would have looked like this. (AFP/Menahem Kehana)

Shortly before midnight on August 19, the Israeli delegation to the Cairo talks was ordered home.³⁹ That same night, Israeli jets launched two attacks on a three-story building in the Sheikh Radwan neighborhood of Gaza City, the home of the Al-Dalou family, where the IDF had hard intelligence that Mohammed Deif, the commander of Hamas' military arm and at the top of Israel's most-wanted list of terrorists for decades, was covertly visiting his family.

The first two missiles, high-precision ordnance with deep penetrative capabilities, failed to detonate. A second attack with three missiles, minutes later, demolished the house and killed Deif's wife and child; there remains no clear evidence that Deif himself had been killed.⁴⁰

What Israel signaled by the attack, regardless of whether Deif was dead or alive, was that it had brought the war to the doorstep of Hamas' leaders; that the strategy of using the people of Gaza as human shields, commandeering their houses, schools, mosques and hospitals and building Hamas command centers beneath them, would no longer keep them safe. The war was now personal and Hamas' leadership, not its infrastructure, was the target.

Thus, two days later, before dawn on August 21, three of Hamas' top commanders were killed simultaneously in an airstrike on Rafah in the south of Gaza: Raed Attar, in charge of Hamas' overall tunnel network, one of the few people who had all the pieces of the puzzle in his head and a close associate of Mohammed Deif; Mohammed Abu Shamalah, commander of the southern Gaza Strip, close associate of Deif and senior member of Hamas' military command; and Mohammed Barhoum, a Hamas operative of lower rank.⁴¹

It was a blow from which Hamas was not to recover, a “tie-breaker,” as Amos Harel, the military editor of *Ha’aretz*, called it. A part of Hamas’ top military command had now been wiped out; the integrity of its internal security apparatus exposed as irreparably breached; its arsenals depleted, supply routes cut off, and its leadership in disarray, divided, and in fear for their lives.

For Hamas the war was effectively over. It would take another week of violence, however, with Hamas firing 100 rockets a day at Israel and Israel responding with emboldened air force attacks, for the guns to fall silent.

An August 26 statement issued by the Egyptian Foreign Ministry announced that Israeli and Palestinian leaders had reached an open-ended ceasefire agreement, effective at 7 p.m. that evening,⁴² but not before the war claimed its last Israeli victims, Ze’ev Etzion, 55, and Shahar Melamed, a 43-year-old father of three, when a mortar shell from Gaza fell on Kibbutz Nirim just an hour before the ceasefire was due to take effect.

In reporting on the ceasefire from Jerusalem that day, the *New York Times* wrote that Hamas had declared victory “even though it had abandoned most of its demands, ultimately accepting an Egyptian-brokered deal that differs little from one proffered on the battle’s seventh day.”⁴³

Had Hamas agreed to the deal on the seventh day of the war, a lot of lives would have been saved and much destruction prevented. Conversely, given the extent of the military infrastructure exposed and destroyed during the days of battle that ensued, who knows how many lives this war may have ultimately saved.

Lessons for the Future

With the appearance of Iron Dome as an effective countermeasure to the Hamas rocket threat in the March 2012 Operation Pillar of Defense, achieving an 86 percent rate then and much improved since, Hamas had to rethink its strategy. Tunnels were embryonic at that stage, used sporadically for localized under-the-border attacks on Israeli soldiers and civilians in proximity to the Gaza border.

With the help of expertise, weapons, training, funds, support and encouragement from Iran, Turkey, Qatar, the Muslim Brotherhood in Egypt and others, Hamas developed a new strategy with which to hit Israel, the formation of a fighting force with all the elements of a regular army: a hierarchical structure of command divided into six regional brigades with sophisticated command and control capabilities, dedicated specialized units, like frogmen and paragliders, thermal detection equipment, anti-tank and anti-aircraft missiles, and, above all, 32 attack tunnels, some as deep as 18 meters underground, to hit deep and hard at the enemy – Israel.

Together with the Palestinian Islamic Jihad, on the eve of Operation Protective Edge, Hamas’ integrated fighting force in Gaza numbered some 32,000 highly-trained, well-equipped, totally dedicated troops, unlike the fleeing Egyptians or Syrians found chained to their positions in the Yom Kippur War.



Hamas is preparing for its next war with Israel. (AP/Mohammed Asad)

In the context of the mission these men were trained for, Hamas' army in Gaza essentially constituted the largest single concentration of suicide bombers in the world, pieced together over six years at the cost of millions of dollars, for a single act of terror that, like 9/11, the world would never forget.

Things went wrong for Hamas because it underestimated the enemy. It thought Israel would be so deterred by international public opinion that, eventually, it would have to give in to Hamas' demands. Neither side expected the war to continue for 50 days, Israel initially underestimated the tunnel threat, and Hamas, for all its planning and investment, failed to understand that the shield of victimhood was no longer effective.

The real way to defeat Hamas is not by military strength, because no matter the care taken, there will always be collateral damage in conflict. It is by turning Hamas' weapon on itself, by making it accountable for its war crimes and its crimes against humanity, and by eventual democratic processes that will allow the people of Gaza to elect a better future for themselves than the reality now imposed on them by Hamas.

To allow Hamas to escape with its crimes is to light the fuse of the next conflict. That is the main message of the 2014 Gaza war and it must be understood if the next round of bloodshed is to be averted.

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Hamas fires rockets from densely populated Gaza City into Israel on July 15, 2014. The power plant in the Israeli city of Ashkelon is visible in the background. (AFP/Thomas Coex)

Telling the Truth about the 2014 Gaza War

Ambassador Dore Gold

The 2014 Gaza war began with an outright act of aggression by Hamas of escalating rocket attacks on Israel's towns and cities. But over time, a completely different version of events emerged, based not on the truth of what happened but on a Palestinian narrative that seemed to capture the imagination of many observers in the West. In fact, at one point, the Hamas prime minister, Ismail Haniyeh, appeared to gloat over this development. On August 29, 2014, he appeared on the Qatari satellite channel *Al-Jazeera* and declared, "Our narrative has gained the upper hand."¹

The Hamas leader also explained how this had been accomplished: the Palestinian media and its supporters "constituted the river from which the global media quenched its thirst for information about what was happening."

This version of the war reached beyond the mass media, affecting the perceptions of governments, international organizations, and NGOs alike. In short, the real truth about what transpired during the war was superseded by a highly subjective presentation that suited the Hamas interest, and which it skillfully sold to international opinion-makers.

The real truth about what transpired during the war was superseded by a highly subjective presentation that suited the Hamas interest, and which it skillfully sold to international opinion-makers.

It was entirely forgotten that Israel unilaterally withdrew from every square inch of the Gaza Strip in 2005. But rather than rocket fire diminishing with the removal of Israel's military and civilian presence, the rate actually shot up dramatically by 500 percent the following

year and would continue to spike upwards in the years that followed. By 2007, Hamas had violently overthrown the Palestinian Authority in Gaza. In the 2014 Gaza war, there was one fundamental truth that needed to be taken into account: If Hamas wanted to stop the war, all it had to do was stop firing on Israel. This was demonstrated by the fact that Israel agreed to eleven ceasefire proposals that Hamas refused.

Yet all this background, which should have shaped opinions about the Gaza war, found little or no expression in the international discourse about this latest round of armed conflict. What, then, emerged as the key elements of the narrative about the Gaza war that so many in the international community became convinced were correct? Those elements are outlined here and addressing them is the purpose of the chapters that follow:

Downplaying the Scale of the Threat to Israel

It came to be asserted that the scale of the threat Israel faced in the Gaza war was not serious. The Hamas missiles that rained upon its cities were dismissed by *The Guardian*, for example, as “useless fireworks.”² But what might have happened if there had been no Iron Dome missile interception system, or had the Hamas network of attack tunnels been fully exploited? This was rarely considered in the international discourse about the war.



This apartment building in the central Israeli city of Rishon LeZion was severely damaged when a rocket fired from Gaza struck it on Nov. 20, 2012. Without the Iron Dome, much of central Israel would have looked like this. (Miriam Alster/FLASH90)

The tunnels presented an entirely new dimension of the conflict that analysts of the Gaza war barely absorbed. Did Hamas invest millions of dollars in the tunnel system so that a squad of three or five of its operatives could get behind Israeli lines? Or was something far more ominous afoot, involving hundreds, if not thousands, of Hamas operatives infiltrating Israel?

Given that the Hamas tunnel project's cost was estimated at about \$90 million, it is hard to imagine that the complex of concrete-lined and accessorized tunnels was constructed for smuggling a small number of terrorists into Israel. For these reasons, a correct overview of the war, with which this study begins, is critical to gaining an understanding of exactly what was at stake.³

Finally, the downplaying of the threat to Israel emanated from the fact that a change had occurred in how Israel was perceived as compared with how it was seen historically. In its first decades, Israel could be correctly described as a small state surrounded by potential war coalitions of Arab countries capable of fielding quantitatively superior standing armies. But with the breakup of several Arab states to Israel's east, like Iraq and Syria, for now those threats of the past no longer seemed relevant and Israel appeared to be largely facing a much smaller Palestinian military challenge.

With the Gaza war, the Israel Defense Forces appeared to have to defend themselves against a Hamas statelet, alone, that was smaller than Israel itself. That Hamas was backed by the



Hamas spent many years digging a vast network of tunnels that opened inside Israel.

power of the Islamic Republic of Iran, Turkey, and a global Muslim Brotherhood network financed by Qatari oil money was not readily perceived. As a result, the imagery of the war had reversed who was David and who was Goliath in this conflict, affecting how international opinion judged the case for Israel as a whole and the seriousness of the residual threat to Israeli security from Hamas attacks alone.

Arguing that Hamas Had Become Moderate

Then there was the belief that Hamas had become more moderate and was emerging as a legitimate diplomatic partner, despite the fact that it had been designated as an international terrorist organization by the United States, Canada, the European Union, and others. This raises two essential questions: First, what exactly was Hamas' world view in 2014 and what were its strategic goals? Was it another Palestinian organization seeking to address well-known grievances, including the quest for Palestinian statehood? Or was Hamas, which by its own admission was part of the global Muslim Brotherhood, an integral part of a larger *jihadist* movement, linked to Iran, with goals that went far beyond the Gaza Strip?

This question, in turn, affected international perceptions of the two sides in this struggle: Was the Hamas-led regime in the Gaza Strip a small political movement standing alone against a powerful Israel? Alternatively, and more correctly, was the Hamas regime the tip of an Islamist iceberg, backed by regional allies that sought to vanquish Israel and threaten the West as a whole? In the past, Israel had been perceived as a small state, only 44 miles wide (with the West Bank), facing a hostile group of neighbors whose land mass was nearly 600 times greater. Which image of Israel's situation was correct?

Was the Hamas-led regime in the Gaza Strip a small political movement, or was it the tip of an Islamist iceberg, backed by regional allies that sought to vanquish Israel and threaten the West as a whole?

In reality, Hamas hosted a whole coalition of terrorist organizations in the Gaza Strip, including groups like Palestinian Islamic Jihad, many of which were tied to Tehran. The regime in Gaza was not isolated. It received training and weaponry from Iran and Syria. Qatar, which had become a hub for global *jihadist* groups, provided huge amounts of financial assistance. And more recently, Hamas established an operations center in Turkey, which directed attacks in the West Bank.

Second, if Hamas had evolved into a pragmatic political movement, as some in the West contended, it could then be asked why a diplomatic option wasn't attempted to address its concerns? Even prior to 2014, there had been prominent voices in the British House of Commons and among former officials in the U.S. foreign policy establishment who called for an open political dialogue with Hamas. Many of Israel's critics wrongly assumed that there had been a missed opportunity for diplomacy.



Hamas executed 18 Palestinians on Aug. 22, 2014, for suspected collaboration with Israel. (Reuters)

Ironically, while the West debated whether Hamas had become more moderate, Egyptian intelligence circles became convinced that Hamas was colluding with Ansar Beit al-Maqdis, the Sinai *jihadist* group that subsequently joined ISIS. And a host of Arab states, from Egypt to Saudi Arabia and the United Arab Emirates (UAE), determined that the Muslim Brotherhood, the parent organization of Hamas, was a terrorist organization, leading them to outlaw it in their countries.

When Hamas publicly executed 22 Gazan residents, including two women, for alleged collaboration with Israel (some of whom are believed to have been incarcerated in a Hamas prison with no contact with the outside world),⁴ commentators in leading Arabic newspapers began drawing comparisons between Hamas and ISIS.⁵

Misrepresenting the Percentage of Palestinian Civilians Killed

No other issue affected international perception of the war more than the reports on Palestinian casualties in the Gaza Strip. Most observers assumed that the reports from the UN on the situation in Gaza were accurate and could be relied upon. This included the contention by the UN Commissioner for Human Rights, Navi Pillay, that “around 74 percent” of Palestinian fatalities were civilians – a number that was well beyond the proportion of civilian casualties in other recent wars fought by Israel in Gaza.⁶

Was this figure based on reliable information? It was irresponsible to make such claims about the percentage of civilian fatalities while the Gaza war was still raging and before the fog of ongoing combat cleared. Yet both *BBC* and *CNN* ran with Pillay's numbers.⁷ Much of the network coverage of Palestinian casualties was based on sources from Hamas, who warned Palestinians not to divulge information about the death of terrorist operatives. The net result of this policy was to skew any data about the ratio of combatants to civilians killed in the Gaza war.⁸ Previous postwar studies checking Gaza casualties name by name have found that the casualty lists provided by Hamas include many combatants who were misidentified as civilians.⁹

By the end of the war, *BBC*'s head of statistics warned, "Caution Needed with Gaza Casualty Figures." *BBC* cites an Israeli official who explained, "The UN numbers being reported are, by and by large, based on the Gaza health ministry, a Hamas-run organization."¹⁰

Since Hamas' known interest was to smear Israel and advance its "narrative," one might have expected greater caution on the part of the media in releasing this kind of material, with at least some effort to consider such questions as whether casualties were civilian or military, and whether they were caused by Hamas' policy of using the Palestinians as human shields or by extensive Hamas booby-trapping of residential areas. Completely under-reported were Israel's efforts to limit civilian casualties and to alleviate the suffering of Palestinians in the Gaza Strip through massive amounts of humanitarian aid that was provided even as the war raged and supply trucks were under fire.¹¹

Yet, dramatic press releases about civilian losses accompanied the war all along. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) published a situation report on July 22, 2014, claiming that "one child has been killed in Gaza every hour for the past two days." If true, it was a horrible development that every Israeli would find deeply disturbing. But was this dependable data? In a footnote to its report, OCHA termed its data "preliminary information" and "subject to change based on further verifications."¹²

As a result of the reports on Palestinian casualties, there was a worldwide rush to judgment about Palestinian losses in Gaza that put the blame squarely on Israel. International organizations should have exercised caution, given the history of how parties in armed conflicts have manipulated these figures in the past in order to mislead the international community: In 1992, Bosnian Muslim leaders spoke about 250,000 killed on their side, while subsequent investigations found the numbers to be much lower.¹³

It took years for an accurate picture of what exactly transpired on the ground in the Balkans during the 1990s to emerge, yet in 2014, 24-hour news agencies needed and released material on Gaza almost immediately, regardless of its veracity.

Charging Israel with Disproportionate Use of Force

Every recent war in the Gaza Strip has been fought on the legal battlefield as well as the military one, with unfounded charges that Israel had committed "war crimes" against the

Palestinian population. Ironically, even Hamas set up a legal department, *al-Tawthiq* (lit. documentation), in order to add credence to its claims.

In 2009, the UN Human Rights Council established a fact-finding commission in order to investigate this point under South African Supreme Court Justice Richard Goldstone. The Goldstone Report initially suggested that the Israel Defense Forces had deliberately killed innocent civilians in the 2009 war – Operation Cast Lead. Yet two years later, Goldstone retracted this central conclusion from his report in an op-ed in the *Washington Post*.¹⁴

Legal arguments sympathetic to the Hamas position played an important part in other parts of its narrative. The charge that Israel used disproportionate force became almost a refrain for all commentary about the 2014 Gaza war. At the heart of this accusation is the fact that casualty numbers on Israel's side were lower than on the Palestinian side. These numbers led human rights organizations, like Amnesty International, to assert that the Israeli military showed a “callous indifference” to civilians in its airstrikes in the Gaza Strip.¹⁵

Many commentators who used the term “proportionality” assumed that there was a legal expectation that Israel would respond with weapons carrying the same amount of explosive force as those used in a Hamas rocket strike and the results of the Israeli counterstrike should be the same as the Hamas attack. According to this simplified understanding, if Hamas launched Qassam rockets, Israel should hit back with Qassam rockets.

But what if Israel heavily invested in wide-scale civil defense and Hamas only built shelters for its leaders? This affected the outcome of any military exchange dramatically. Moreover, what if Hamas consistently embedded its military capabilities within civilian areas, using its civilians as human shields? Wouldn't that lead to a different outcome in the numbers of casualties on both sides? The fact is that a civilian residence in which Hamas intentionally stored locally and Iranian-manufactured Grad rockets became a legitimate military target. It was a war crime by Hamas to plant its military and weapons in civilian areas.

A civilian residence in which Hamas intentionally stored locally and Iranian-manufactured Grad rockets became a legitimate military target.

While Israel could justifiably strike at such a structure, it understood it had a problem with Hamas' exploitation of the Palestinian civilian population. Far from being “callous” to that population, the IDF went far beyond what was legally required and undertook a whole system of warnings to contact Gaza's civilian population.

These warnings went beyond merely dropping leaflets, which were used in other conflicts but which might blow away. Israel used Arabic-speaking soldiers to transmit direct warnings to civilians whose houses were to be targeted, employing telephone and individual text messages.

When Does a Civilian Structure Become a Legitimate Military Target?

A special problem facing Israel was how different international groups defined the moment when a civilian structure becomes a legitimate military target. In a 2001 report, Amnesty International, for example, stated that “civilian objects may be attacked while they are being used to fire upon Israeli forces. But they revert to their status as civilian objects as soon as they are no longer being used for launching attacks.” What about the case of storing Iranian or locally-made rockets in a civilian home? Most armies view such a home as a military target, reflecting their understanding of the First Additional Protocol of 1977 to the Geneva Conventions.

According to the *U.S. Naval Handbook* in 2007, “misuse of protected places and objects for military purposes renders them subject to legitimate attack during periods of misuse.”¹⁶ Israel similarly saw “the hidden placement of a significant military asset within a civilian building or even the presence of enemy combatants can make the otherwise civilian site amenable to attack.”¹⁷ It was noteworthy that the Office of Secretary-General Ban Ki-moon issued a statement on July 23, 2014, in the midst of the Gaza war, indicating that it understood the storage of weapons in UN-administered schools would convert them into “potential military targets.”¹⁸

It was not surprising that Amnesty International published a report in November 2014 concluding that Israel had committed “war crimes” by attacking civilian structures and thereby advancing the narrative of Hamas which sought to slander Israel and tarnish the reputation of the IDF. It managed to get these harsh conclusions quoted in the *New York Times*. Certainly according to the common understanding of the law of armed conflict used by the U.S., Israel, and other Western armies, the misuse of civilian objects is not meant to be interpreted narrowly to situations in which they are being used for firing on one’s forces alone. There were a number of groups that sought to give a politicized reading of international law in this way. Israel’s conduct in eliminating storage sites of rockets, command centers, or significant military figures who were present in a civilian structure was fully legal, in contrast to the way its actions were often portrayed.

On July 8, 2014, Hamas spokesman Sami Abu Zuhri gave an interview on Hamas-run *al-Aqsa* TV, saying that the tactic of putting civilians on structures that were targeted by Israel had proved itself. He appealed to the Palestinians to follow this method in the future: “We call upon our people to adopt this policy, in order to protect Palestinian homes.”¹⁹ At the same time, the Hamas Interior Ministry called on civilians to ignore Israeli warnings to vacate their houses.



Hamas uses civilians as human shields: IDF tweet, July 20, 2014: “We fired a warning shot at this target in Gaza. In response, these civilians ran to the roof and brought their kids.”

However, these announcements did not find their way into the Western media. Rather, there was a reluctance to accept Israel’s argument that the Palestinians’ situation in Gaza was being affected by the Hamas policy of deliberately using its population as human shields. For example, on July 23, 2014, CNN quoted Michele Dunne of the Carnegie Endowment for International Peace as saying: “It would be impossible at this point to say how much truth there is to the human shield argument.”²⁰

The IDF went far beyond what was legally required and undertook a whole system of warnings to contact Gaza’s civilian population.

In short, the IDF was neither callous nor oblivious to the humanitarian needs of the Palestinian population in Gaza; it was a moral army that was forced to fight an immoral terrorist organization that sought to endanger Israeli and Palestinian civilian lives. But that did not stop Hamas’ claims. We know that prior to the arrival of the Goldstone team to the Gaza Strip in 2009, in order to magnify allegations of “Israeli war crimes,” there was evidence that Hamas tampered with the “crime scene,” planting munitions that had not been used. Senior British and American officers, who understood such manipulations from other theaters of

war such as Afghanistan, understood what Israel faced and publicly praised how the IDF conducted itself. Indeed, the challenges Israel faced in Gaza sounded familiar to what other Western armies were discovering in their conflict with other militant Islamist movements.

The War Against the Islamic State: The Challenge of Civilian Casualties

– Anthony H. Cordesman, 2015

[I]n modern warfare, the United States and its allies are fighting enemies that are doing everything they can to use civilians as cover, hav[ing] learned from Afghanistan and previous fighting in Iraq how to minimize their exposure to U.S. intelligence assets, and are more than willing to move along with civilians, co-locate with them, and mimic civilian movement patterns to cover their own activities. The United States is also again fighting a movement in the Islamic State or Daesh which will do everything possible to exaggerate civilian casualties for propaganda purposes, claim its own casualties are civilians, and claim its own facilities are civilian facilities.²¹

Alleging that Israel Is Starving the Gaza Population

A central contention of Hamas throughout the Gaza war was that even after the Israeli withdrawal of every last Israeli soldier in 2005, the Gaza Strip was still under military occupation because Israel maintained a naval blockade of the territory in order to prevent weapons ships from delivering more munitions to Hamas and other Palestinian terror organizations. The general impression that they sought to convey was that the civilian population was starving, causing countries such as Turkey to sponsor an unnecessary humanitarian relief flotilla in 2010.

During the 2014 Gaza war, the image of a starving Gaza was also spread by academics appearing in the mass media. Writing on July 19, 2014, in the *Boston Globe*, Sara Roy of Harvard University wrote about the “destructive economic blockade” by Israel and “the profound deprivation that has long defined life in Gaza.” This situation, according to her analysis, was “deliberate and planned by Israel.” Fawaz Gerges of the London School of Economics appeared on *BBC* on July 22, 2014, and declared that “Hamas is basically forced to choose between death by starvation...or basically a fight to the end.”²²

However, there were reporters who painted a different picture in recent years, based on their own on-the-ground observations. Thus, Janine Zacharia of the *Washington Post* actually visited Gaza in 2010 and conveyed that the infrastructure was in deep disrepair, but added:

Yet if you walk down Gaza City’s main thoroughfare – Salah al-Din Street – grocery stores are stocked wall-to-wall with everything from fresh Israeli yogurts and hummus to Cocoa Puffs smuggled in from Egypt. Pharmacies look as well-supplied as a typical Rite Aid in the United States.²³



Palestinians shop at al-Andulusia mall in Gaza City on Aug. 16, 2011. (AP/Hatem Moussa)

Israel's naval blockade of Gaza was necessary, for without it, Iranian weapons ships would have massively reinforced the long-range missile forces of Hamas and its partners in the Gaza Strip. Naval blockades form a legitimate instrument of self-defense and had been used by the UN against Saddam Hussein and by NATO against Yugoslavia. In Israel's case, the IDF let some 6,000 trucks with humanitarian aid into the Gaza Strip even while the war raged. A policy of keeping out weapons but letting in foodstuffs was fully legal and moral, despite the efforts of Israel's adversaries to characterize it otherwise.

***Naval blockades form a legitimate instrument of self-defense.
Nevertheless, Israel allowed ample supplies for Gaza's civilians, letting
6,000 trucks with humanitarian aid into Gaza even as the war raged.***

Let there be no mistake: the war imposed by Hamas created hardships for the Palestinians, who faced a difficult reality because of Hamas policy. That policy also posed an enormous challenge for the IDF and presented difficult choices. Israel could have responded to Palestinian rocket fire by unleashing indiscriminate attacks, like the Russian army in Chechnya during the 1990s, but Israel refused to follow that option. It could have thrown up its hands and announced that it could not do anything because of the presence of Palestinian civilians in the

areas where the rockets were stored and launched. But that choice would be granting Hamas a license to kill Israelis and no Israeli government would acquiesce to such a situation.

The third option, which Israel eventually adopted, was the opposite of the Hamas tactic of embedding its military capabilities in the heart of its civilian population. The IDF actively sought to separate Palestinian civilians from the areas in which Hamas was operating. It then sought to destroy both the rocket infrastructure that was being used against Israeli civilians and the underground tunnel network that Hamas was waiting to employ to infiltrate Israel's towns and cities. Ironically, when Hamas Prime Minister Haniyeh proclaimed on *Al-Jazeera*, "We waged a war in the realm of moral values as well," he was partially right, for the Gaza war pitted an immoral movement that targeted civilians against a state that, despite all the difficulties, sought to protect them. But this fundamental distinction is something that many in the West did not understand.

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IDF officers escort an injured Palestinian woman for treatment at the IDF field hospital on the Israeli side of the Erez border crossing with the Gaza Strip on July 21, 2014. (IDF/Flickr)

Israel, Gaza and Humanitarian Law: Efforts to Limit Civilian Casualties

Lt. Col. (res.) David Benjamin

Addressing an audience in New York on November 6, 2014, the highest ranking officer in the U.S. military, General Martin Dempsey, Chairman of the Joint Chiefs of Staff, acknowledged that Israel went to “extraordinary lengths” to limit civilian casualties and collateral damage during its Operation Protective Edge in July-August 2014. He also related that the Pentagon had sent a team to see what lessons could be learned from the operation.¹

This chapter contains a brief outline of the measures adopted by Israel’s military to minimize the impact on civilians of its campaign to neutralize the rockets and terror tunnels of Hamas and Islamic Jihad in the Gaza Strip. It should be borne in mind that during this time the rulers of Gaza were engaged in a parallel effort to maximize the exposure of their own civilians to the dangers of the conflict (as described elsewhere in this study).

The Overall Picture: Selective Application of Military Force

The IDF is selective in its application of military force. As in past operations, airstrikes during Operation Protective Edge were clearly directed at specific sites, while ground operations were focused on destroying tunnels leading from Gaza into Israel. The IDF does not engage in “carpet bombing,” as some have alleged, or any other form of indiscriminate attack. Had the IDF wished to simply inflict destruction on the Gaza Strip, it could have done so on a far greater scale and in a much shorter time.

Satellite maps published by the UN Office for the Coordination of Humanitarian Affairs (OCHA), showing the locations of damage incurred in the Gaza Strip, confirm that the IDF campaign was focused on specific targets.² Subsequent images released by the IDF Spokesperson illustrate the overlap between concentrations of military targets and the areas most affected by IDF operations.³

However, one need not rely on the IDF's claims about its own conduct. On August 15, 2014, OCHA published its "Gaza Crisis Atlas."⁴ The 100-page document showed the location of civilian infrastructure in Gaza along with more than 12,000 points representing damage caused by the IDF strikes during the first month of Operation Protective Edge. The points were color coded according to four levels of damage: crater/impact, moderately damaged structure, severely damaged structure, destroyed structure.

Analysis of the UN's own "Gaza Crisis Atlas" showed that the IDF's strikes were precise: 78 percent of all destroyed structures in Gaza were within a three-kilometer distance from the Israeli border.

A geographical information analyst, Dan Smith, extracted the 12,000 data points and displayed his findings on four separate maps, one for each level of damage.⁵ The findings showed that the IDF's strikes were precise and concentrated. Seventy-two percent of the total damage points were within a three-kilometer distance from the Israeli border. This distance corresponds with the areas in which the IDF said it was operating in order to destroy tunnels. Furthermore, 78 percent of all destroyed structures in Gaza were within the three-kilometer buffer zone.

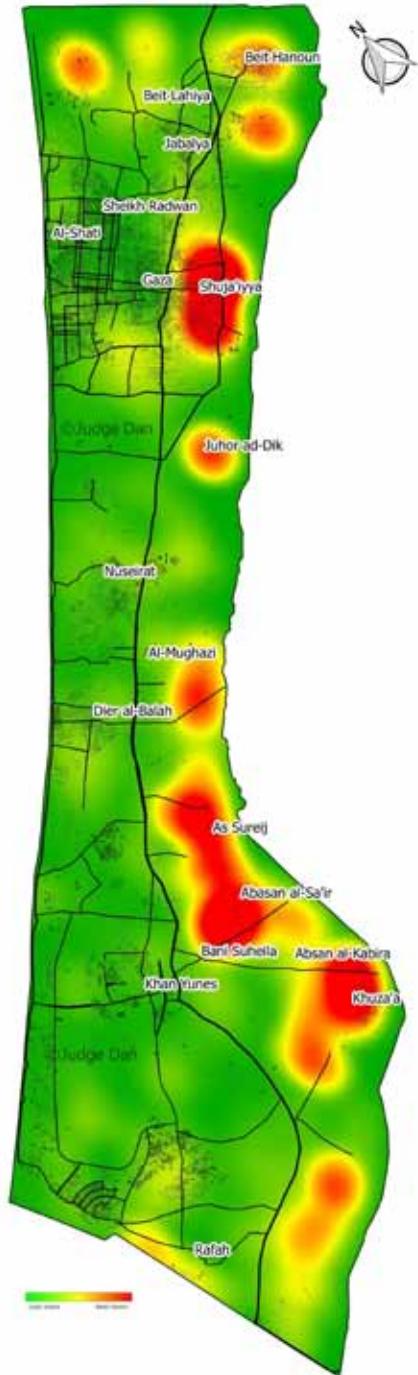
Gaza Damage Points Broken Down by Severity



(Dan Smith/Israellycool)

Smith then created a single heatmap based on the four separate maps above. The unified map showed that most of the damage in Gaza was in locations near the border with Israel. The rest of the Gaza Strip was, for the most part, undamaged. The main population areas of Gaza City, Jabaliya, Khan Yunis, Rafah and Deir el-Balah were disproportionately undamaged.

Damage Intensity Heatmap of the Gaza Strip



(Dan Smith/Israellycool)

However, the commitment of the IDF to limiting casualties and suffering among enemy civilians extends far beyond its policy of applying military force only when and where necessary.

Legal Supervision and Enforcement

Under the laws of the State of Israel as expounded by Israel's Supreme Court, the IDF is bound to conduct its operations in accordance with International Humanitarian Law (IHL).⁶ This obligation is reflected in IDF General Staff Regulation No. 33.0133.⁷ This means that IDF personnel are obliged to follow the provisions of IHL as they relate to the protection of civilians from the effects of armed conflicts. This commitment to IHL is not dependent on the adversary's reciprocal compliance with IHL. Thus, in the conflict with Hamas, Islamic Jihad and other terrorist groups, the fact that these organizations flagrantly flout international norms does not exempt the IDF from abiding by them.

Under the laws of the State of Israel as expounded by Israel's Supreme Court, the IDF is bound to conduct its operations in accordance with International Humanitarian Law. The fact that Hamas and Islamic Jihad flagrantly flouted international norms did not exempt the IDF from abiding by them.

In broad terms, this means that the IDF may only launch attacks against military objectives and that civilians and civilian objects may never be deliberately targeted. It also means that the "collateral damage"⁸ expected to ensue from an attack on a military objective must not be excessive in relation to the anticipated military benefit of the attack. It also requires the IDF to adopt all feasible precautions to minimize the risk to civilians from an attack.

Failure to abide by the above requirements constitutes a violation of IHL and consequently a violation of Israeli law for which perpetrators are liable for prosecution.

The State of Israel has a highly developed state apparatus for legal supervision and enforcement to ensure that its armed forces abide by IHL.

The Military Advocate General's Corps (MAG) of the IDF provides expert legal advice and training on IHL to IDF commanders. Instruction in IHL is provided by the IDF's School of Military Law, while legal advice is given to the General Staff level down to Division level by military lawyers from the IDF's International Law Department.

The MAG is also responsible for initiating criminal investigations and prosecutions in the event of suspected violations. It is important to note that in all professional matters, the MAG is not subject to the IDF chain of command and has full independent discretion. The MAG may order a criminal investigation into any incident involving a suspected IHL violation. Such a decision may be taken based on the complaint alone or on the factual findings of an operational debriefing. Trials of IDF personnel accused of misconduct take place in independent military courts.

The MAG in turn is subject to the supervision of the civilian Attorney-General of the State of Israel who has the power to overrule the MAG if he/she deems it necessary.

The entire government apparatus, including the IDF, is subject to judicial oversight by the Israel Supreme Court. The rules of standing and justiciability are such that anyone, including Palestinian residents of the Gaza Strip or human rights NGOs, can petition the Court to intervene in any act of government on the basis that the act is unlawful. This includes military operations as well as decisions on whether an investigation or prosecution is warranted in a particular case. The depth and breadth of judicial oversight of the military by the Israel Supreme Court has no parallel anywhere in the world.

The depth and breadth of judicial oversight of the military by the Israel Supreme Court has no parallel anywhere in the world.

In 2012, the “Turkel Commission,” established to examine, *inter alia*, Israel’s mechanisms for examining and investigating complaints and claims of violations of the laws of armed conflict, published its report. The Commission, comprised of a former Supreme Court justice and senior Israeli jurists, with a prominent Irish diplomat and a former Judge Advocate General of Canada as observers, found that, on the whole, the Israeli investigation mechanism described above is consistent with Israel’s international legal obligations. It also made several recommendations for improving the system. Central to the Commission’s recommendations was the establishment of a fact-finding assessment mechanism, composed of experts in military operations, international law and investigations, outside the operational chain of command, which would be able to provide the MAG with as much information as possible within a short time-frame regarding incidents involving possible violations of IHL.⁹

Such a Fact Finding Assessment Mechanism (FFAM) was indeed set up and activated during Operation Protective Edge. The FFAM, headed by a major-general and composed of operational and legal experts, mostly reservists, began its work about two weeks into the operation. To date, around 100 incidents have been referred by the MAG for examination by the FFAM.

Pursuant to various allegations of IHL violations by Israeli forces during Operation Protective Edge, the MAG has thus far ordered a total of 13 criminal investigations into incidents involving harm to civilians or civilian property in the Gaza Strip. Five of these investigations were ordered after an FFAM examination, while the other eight were ordered directly based on initial reports.

The incidents under investigation include:

- An alleged attack leading to the deaths of four children on the beach in Gaza on July 16;
- An alleged strike in the vicinity of an UNRWA school in Bet Hanoun on July 24 resulting in the deaths of 15 civilians;

- The alleged shooting in Dahaniya on July 18 of a woman whose movements had allegedly been coordinated with IDF forces;
- The alleged deaths of two ambulance drivers – one in Khan Younis, the other in Beit Hanoun, as a result of IDF strikes, both on July 25;
- The alleged deaths of 27 civilians in an attack on the Abu Jama family house on July 20;
- The alleged shooting death of an individual carrying a white flag in Khirbeit Haza'a on July 29;
- Alleged mistreatment of a 17-year-old youth while in the custody of IDF forces in Khirbeit Haza'a;
- Several instances of alleged looting, and one of civilians allegedly being used as human shields.

So far, the MAG has also decided, based on information collected by the FFAM, that nine additional complaints received do not warrant criminal investigations. The summaries of the MAG's decisions, published on-line, provide an insight into the procedures mandated by the IDF to minimize harm to civilians and their property. These will be elaborated upon below.¹⁰

The IDF Code of Ethics

In addition to being bound by IHL, the IDF has a Code of Ethics entitled "The Spirit of the IDF."¹¹ IDF personnel are charged with upholding the moral standards reflected in the Code which incorporates a section named "Purity of Arms." This includes the duty to use force only when and to the extent necessary to maintain one's humanity during combat, to refrain from harming persons uninvolved in combat and prisoners, and to do everything in one's power to prevent harm to their persons, dignity, and property.¹²

IDF Orders, Procedures, and Planning

As a matter of course, all operational planning in the IDF incorporates the minimizing of harm to civilians and their property as an operational goal. As such, this aspect finds expression throughout all operational orders, procedures and rules of engagement, all of which are drafted, as a rule, in consultation with IDF legal advisors.¹³ In addition, battle orders issued by the General Staff contain detailed annexes devoted to humanitarian and legal matters. The motivations for this are twofold: the first being the binding legal and moral framework described above, while the other is the understanding, acquired through a succession of bitter lessons, that casualties and suffering among enemy civilians are likely to impede one's ability to achieve one's military objectives as well as lead to diplomatic fallout with major strategic consequences.

Situations where civilian casualties have had a direct impact on the progress of military operations have been dubbed "Kafr Qana Syndrome" in the media and in defense circles. The term refers to two incidents which occurred in the southern Lebanese village of Qana on two separate occasions. The first was during the IDF's Operation Grapes of Wrath against

Hizbullah in the spring of 1996. An errant 155mm artillery shell landed in a UN compound in Kafr Qana where numerous Lebanese civilians had taken shelter, killing over 100 people.

International pressure resulting from the incident forced Israel into winding down its operation and agreeing to a ceasefire before all its operational goals were accomplished. The second incident took place during the Second Lebanon War in 2006 when an IDF bomb destroyed a building resulting in what was initially alleged to be over 60 civilian deaths. The resulting international outcry brought about a 48-hour cessation of Israeli aerial activity over Lebanon and a significant erosion of international support for the IDF's campaign against Hizbullah. It later transpired that the number of civilian casualties had been less than half of that originally alleged, but the damage had already been done. Avoiding the "Kafr Qana Syndrome" has been dominant in the minds of IDF planners ever since.

Battle orders issued by the IDF General Staff contain detailed annexes devoted to humanitarian and legal matters.

The most notable case where civilian casualties have had long-lasting negative strategic consequences for Israel came in the aftermath of Israel's Operation Cast Lead (December 2008-January 2009). Following initial reports of over 900 non-combatant deaths in the Gaza Strip, the UN Human Rights Council sent a fact-finding mission to Gaza. The report of that mission, dubbed the "Goldstone Report" after the mission's head, Judge Richard Goldstone, was a blistering indictment of the IDF's conduct, including pronouncements that the IDF was guilty of the most heinous of war crimes – the systematic and deliberate targeting of civilians. While Goldstone himself retracted this accusation nearly two years later,¹⁴ and while the number of civilian casualties was eventually shown to have been much lower, the damage caused to the IDF's and Israel's standing has been immeasurable. Ever since Goldstone, global efforts to delegitimize the State of Israel and its policies have gained unprecedented impetus. In the wake of this and other experiences, no one in the Israeli military establishment fails to comprehend that civilian casualties play into the hands of the enemy.

Target-Vetting Procedures

The IDF has an advanced, standardized procedure for target-vetting which incorporates intelligence, operational, and legal experts in all decisions involving strikes on pre-planned targets.¹⁵

- Intelligence: provides information on the nature of the target, its location, and the civilians and civilian objects in the target's vicinity.
- Operations: provides information on the operational aspects, e.g., the operational platforms and munitions available for attacking the target as well as the likely impact of various munitions on the target and its surroundings.

- Legal: provides an opinion on the legality of attacking the target and of the various options for attack as well as the precautions to be taken.

In appropriate cases, civil affairs experts are also consulted regarding the possible impact of the target's destruction or incapacitation on the civilian population or the environment generally.

This procedure guarantees that pre-planned targets are attacked only after thorough deliberation and examination of the relevant considerations, including the potential impact on civilians and the legality, under IHL, of the attack.

This does not mean that the IDF's targeting process is foolproof. There is always the possibility that ostensibly reliable intelligence information forming the basis for a decision is incorrect or incomplete. There can also be miscalculations or mistakes. One ever-present possibility is that the situation on the ground will change at the last minute or even after the attack has been launched. For example, a group of civilians might unexpectedly enter a targeted site moments before an attack. In such situations, we have seen that the IDF has aborted attacks.¹⁶ We also know that missiles have been diverted in mid-flight when civilians suddenly entered the target zone. There are a number of video clips available online showing such diversions seconds before impact.¹⁷

The procedure outlined above applies to pre-planned targets. Clearly, it isn't always possible to conduct consultations of this nature for real-time targeting decisions in a dynamic battlefield environment. Thus, for example, when troops come under fire, require close air-support or need to be extracted from a combat-zone, the targeting decisions have to be taken in real time by commanders based on their professional assessment of the situation and their understanding of the legal principles involved.

Operational Measures to Avoid Harm to Civilians

Use of Intelligence

The IDF makes use of its intelligence assets not only to locate the enemy but also to provide real-time information to commanders on the presence of civilians in or near targeted locations. For example, it is common for the IDF to employ its aerial surveillance capabilities to monitor movements of civilians around intended targets.¹⁶

Use of High-Precision Munitions

It is evident that the IDF has used predominantly, if not exclusively, high-precision munitions for its airstrikes in the Gaza Strip. Use of these munitions enables highly accurate strikes on enemy targets and drastically limits the potential for collateral damage.¹⁸ Thus, for example, the IDF has been able to target individual rooms or stories in buildings, while leaving the rest

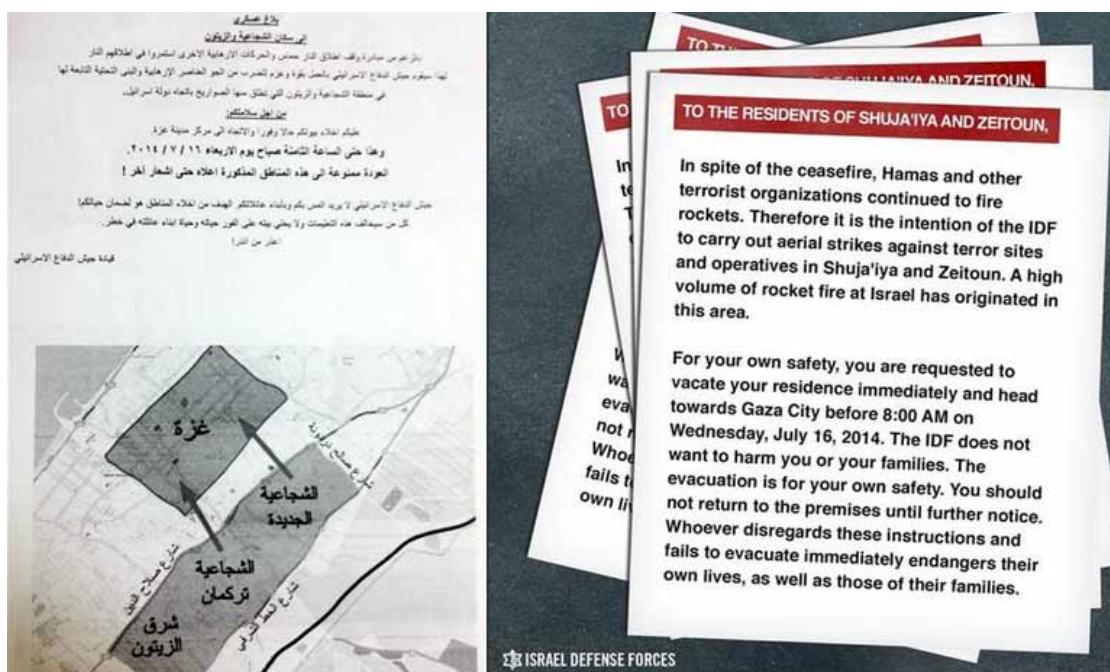
of the building more or less intact. It is important to note that these munitions are significantly more expensive than less-precise alternatives.¹⁹ Many of the targets destroyed could have been dealt with much more cheaply by using “dumber” weapons which would have caused far greater destruction and collateral damage. The huge financial resources that Israel devotes to acquiring and deploying smart weaponry are a clear indication of Israel’s commitment to minimizing harm to enemy civilians and civilian objects.

Timing of Attacks

The IDF has shown that it is careful to time its attacks in such a way as to reduce the risk of harm to civilians. Thus, for example, schools or office buildings serving military purposes are generally attacked during night hours when the building is unoccupied. Also, video clips of attacks on moving vehicles clearly show an effort to wait until the vehicle is positioned away from civilians before launching the strike.²⁰

Advance Warnings

The element of surprise is generally understood to be a fundamental requirement for success in military operations, yet Israel routinely foregoes the element of surprise by announcing its intentions in advance. By providing warnings to residents of buildings about to be attacked or to people in neighborhoods in which military operations are imminent, the IDF often allows militants to escape and even endangers its own troops by enabling the enemy to organize. Moreover, the IDF invests significant resources and efforts to provide such warnings.



Left: Original Arabic flyer dropped over the Gaza Strip on July 16, 2014, with specific evacuation instructions for the residents of Shuja'iya and Zeitoun. The arrows direct people to move into Gaza City. Right: English translation of flyer for illustrative purposes (IDF/Twitter)



Left: Original Arabic flyer dropped over the northern Gaza Strip on July 13, 2014, with specific evacuation instructions for the residents of Beit Lahia; Right: English translation of flyer for illustrative purposes (IDF/Twitter)

Warnings come in several forms: First there are the general warnings issued to residents of a neighborhood or village in which IDF military operations are impending. These are typically communicated in flyers dropped from aircraft as well as by notices interrupting TV or radio broadcasts. Residents are advised to leave the location for their own safety and are instructed where to evacuate to and by when. Thus, for example, a flyer distributed during Operation Protective Edge to residents of Shuja'iya and Zeitoun instructed them to move to Gaza City by 8:00 a.m. on July 16.²¹

Specific warnings are also issued in the form of phone calls or text messages to individuals. Thus, for example, telephone calls are placed to occupants of a building housing a missile stockpile several minutes before the building is targeted to enable them to evacuate.²² Calls are also made to people in surrounding buildings who may be affected by the blast or by secondary explosions that may follow when the stockpile blows up. Follow-up calls are also made to ensure that people have left the area. Evacuation of civilians is then verified by aerial surveillance vehicles.

“Roof-Knocking”

In the Gaza Strip it is common for people to ignore IDF warnings or even congregate nearby or on the rooftops of targeted buildings when warnings have been given. This is part and parcel of a widespread and openly-declared strategy employed by Hamas and Islamic Jihad to use the civilian population of Gaza as human shields against IDF attacks.²³

The IDF has developed an ingenious solution for such situations known as the “roof-knocking” procedure. The procedure initially involves repeating the warnings given to the building’s residents. If the warnings remain unheeded, the IDF launches a small, non-explosive projectile

at the corner of the roof. The result is a bang loud enough to persuade the “human shields” to evacuate the building but small enough so that the risk of casualties is very low. If necessary, the process can be repeated. Once the IDF has established that the site is clear, the main ordnance is released which destroys the target.²⁴

Digital Maps

Sensitive sites such as civilian shelters, UN facilities, hospitals, mosques, schools, kindergartens, etc., are marked on all IDF digital maps which are updated in real-time according to developments on the ground.²⁵

Training and Simulations

The IDF has built one of the largest and most advanced training facilities in the world for urban warfare simulation. IDF troops learn here how to conduct military operations in a complex, civilian-populated environment. Military forces from all over the world train at this world-renowned facility.²⁶

Every IDF unit deployed in Gaza, from battalion level and up, had a specially trained, Arabic-speaking Civilian Affairs Officer to assess the needs of the local population, assist with evacuations, and coordinate the movement of emergency services and humanitarian relief efforts.

Civilian Affairs Officers

During Operation Protective Edge, every IDF unit deployed in the Gaza Strip, from battalion level and up, had a specially trained Civilian Affairs Officer (CAO) whose role was to advise the unit commander on matters relating to the civilian population in the zone of operations. This included informing the commander of the proximity of sensitive sites, such as civilian shelters, UN facilities, hospitals, schools, mosques and the like, and regarding the whereabouts of civilians and their situation. CAOs are Arabic-speakers who are able to communicate with the local population in order to assess their needs, assist with evacuations, and coordinate the movement of emergency services and humanitarian relief efforts with IDF forces on the ground.²⁷ It must be appreciated that coordination of emergency vehicle movements in a battle zone is a very complicated and delicate task. It is made all the more difficult due to the wholesale use by militants of ambulances for transporting fighters and weapons.²⁸

Coordinator of Government Activities in the Territories (COGAT)

The State of Israel has a government agency exclusively dedicated to the welfare of the civilian population in the Gaza Strip. Staffed by military and civilian personnel, the Coordinator of Government Activities in the Territories (COGAT) in the Israel Defense Ministry was the official body responsible for civil affairs in the Gaza Strip before Israel's disengagement from the area in 2005. Due to its expertise and experience, the Israeli government decided that COGAT would continue to coordinate interaction with the Gaza Strip with respect to civil affairs despite Israel's no longer having a presence in the area. Most of the coordination effort is concentrated in COGAT's Coordination and Liaison Administration (CLA) located on the Israeli side of the Erez crossing point.

During periods of relative calm as well as during hostilities, the CLA closely monitors the humanitarian situation in the Gaza Strip and the needs of the civilian population. The CLA also coordinates the civilian interface between Israel and the Gaza Strip, such as the movement of people and goods through the crossing points. Importantly, the CLA also works to facilitate the humanitarian activities of international aid organizations and NGOs in the Gaza Strip.²⁹ This includes joint planning and preparations for emergencies during periods of calm. During Operation Protective Edge the CLA operated a situation room, manned by IDF personnel and representatives of international organizations such as the UN and the ICRC, for the monitoring and coordination of humanitarian activity in the Gaza Strip. The IDF, in conjunction with international organizations, has used a common language map of the Gaza Strip which enables coordination between them for humanitarian purposes.

Humanitarian Efforts

Throughout Operation Protective Edge, Israel, through the IDF and COGAT, conducted an intensive and wide-ranging humanitarian campaign aimed at alleviating the suffering and hardship of civilians in the Gaza Strip.³⁰ These efforts included:

Humanitarian Supplies

A total of 5,779 trucks carrying humanitarian supplies entered the Gaza Strip from Israel through the Kerem Shalom crossing. These included 997 tons of medicines and medical supplies. The crossing was kept open and operated by Israeli personnel even though it was subjected to frequent shelling from inside Gaza and a terror tunnel that exploded nearby.

Electricity and Fuel Supply

Israel continued to supply electricity and fuel to the Gaza Strip throughout the Operation. Providing power and fuel to an enemy during an armed conflict is normally considered unthinkable, especially since these are essential to the enemy's war effort.



The IDF prepares to transfer medical supplies to Gaza through the Kerem Shalom crossing on July 19, 2014. (IDF/Flickr)

Repairs to Infrastructure

86 repairs to infrastructure serving the Gaza Strip were carried out during the Operation: 55 repairs to the electricity infrastructure; 18 repairs to water infrastructure; six repairs to sewage systems; and seven repairs to communications infrastructure.

Medical Evacuations

2,630 medical transfers were made by ambulances between Gaza and Israel through the Erez crossing. The Erez crossing also came under fire on numerous occasions, causing the death of an Israeli civilian as well as several other casualties.

Field Hospital

A field hospital was set up by the IDF at the Erez crossing for the treatment of sick and wounded civilians from the Gaza Strip.³¹

Humanitarian Ceasefires

Israel agreed to and implemented a number of humanitarian ceasefires during Operation Protective Edge, all of which were violated by Hamas. The IDF also implemented several unilateral suspensions of operations for humanitarian purposes.³²

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Hamas leaders Ismail Haniyeh (left) and Mussa Abu Marzuq (right) brandish a weapon in Gaza City on December 14, 2014, as they celebrate the 27th anniversary of Hamas' founding. (AFP/Mahmud Hams)

The Legal War: Hamas' Crimes against Humanity and Israel's Right to Self-Defense

Ambassador Alan Baker

The ideological foundation of Hamas as set out in its national charter, and its actions of indiscriminate terror directed against Israeli towns, villages and citizens, clearly define its character as a terrorist entity. This is reflected in the fact that Hamas has been formally outlawed in major states.

The terrorist actions by Hamas, including the indiscriminate targeting of Israel's civilian population centers and the deliberate and cynical exposure and use of its own civilians, mosques, hospitals and schools as human shields, are violations of international humanitarian law for which Hamas' leaders and commanders are accountable and prosecutable.

International law recognizes Israel's right to defend itself, whether by the conventional international right of self-defense as set out in the UN Charter or by the international customary right to self-defense.

Accusations that Israel is collectively punishing the Palestinian population of the Gaza Strip have no basis. Israel's military actions are solely directed to one strategic and tactical purpose, not to punish the population, but to halt the indiscriminate rocket fire and terror infiltration into Israel's sovereign territory.

The allegation leveled against Israel that it used disproportionate force is a misreading of the international rules of proportionality in armed conflict, which are intended to regulate the extent of force needed in relation to the military challenge anticipated.

Much has been written and spoken about in the international media and by leaders in the international community regarding the violence in summer 2014 between the Hamas terror

entity in the Gaza Strip and Israel, especially given the graphic pictures displayed by various media sources. But there are pertinent legal points that do not always figure in this barrage of selective, often inaccurate, and even malicious commentary and criticism. The following points summarize some of the legal aspects of this situation:

The allegation leveled against Israel that it used disproportionate force is a misreading of the international rules of proportionality in armed conflict.

The Inherent Character of Hamas as a Terrorist Entity

The professed ideological foundation of Hamas, as set out in its national Charter,¹ aligns it integrally with the Muslim Brotherhood and clearly identifies it as a terrorist entity. According to Hamas' ideology, Israel has no place in the world and Hamas' declared goal is the destruction of the Jewish state: "Hamas strives to raise the banner of Allah over every inch of Palestine." In addition, the organization promotes an anti-Semitic ideology that glorifies *jihad* and the killing of Jews.

Whether the Hamas administration in the Gaza Strip is regarded as a component of the Palestinian Authority, following the April 2014 unification accord with PLO head Mahmoud Abbas (Abu Mazen),² or as a "quasi-state," a "non-state entity," or even as a "state" (with borders and government), its character as a terrorist entity is well-established and universally recognized.

Such recognition includes formal and legal classification and outlawing of Hamas as a terror organization by the United States, Canada, Jordan, Egypt, Israel and Japan.³

Its declared *modus operandi* advocates and espouses terror against Israel as the means to achieve its ends. It views every Israeli man, woman, and child as a legitimate military target, thereby justifying its terrorist attacks by rockets, suicide bombings, murders, and abductions. It openly admits its strategy of terrorizing Israel's civilian population through the use of rockets and missiles indiscriminately aimed at Israel's cities, towns, and villages. Its leaders and spokesmen are on public record admitting their responsibility for such acts of terror. Thus, the indiscriminate rocket fire is consistent with its ideology, which sees Israeli civilian casualties as strategic and tactical military successes.⁴

Terrorism in International Law

International law and practice outlaw the use of terror, for whatever reason or justification. This is confirmed in a number of resolutions adopted by the UN Security Council, especially following the 11 September 2001 attacks against the United States.⁵

In its Resolution 1269 (1999)⁶ the Council, in the first operative paragraph of the resolution:

Uequivocally condemns all acts, methods and practices of terrorism as criminal and unjustifiable, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed, in particular those which could threaten international peace and security.

More specifically, United Nations Security Council Resolution 1566, dated October 2004, passed under Chapter VII of the UN Charter, states as follows:

Condemns in the strongest terms all acts of terrorism irrespective of their motivation, whenever and by whomsoever committed, as one of the most serious threats to peace and security.

[C]riminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.⁷

No less than 16 international conventions and protocols have been adopted between 1963 and the present day by the United Nations, criminalizing all aspects of international terror, including significant landmark resolutions of the UN General Assembly. Together they represent the clear consensus of opinion of the international community in outlawing all forms of terror.⁸

One such UN Convention is the 1997 International Convention for the Suppression of Terrorist Bombings,⁹ which criminalizes delivery of explosive devices to government facilities or public transportation.

Similarly, in this context, the operative provisions of the unanimously supported 1994 “UN Declaration on Measures to Eliminate International Terrorism”¹⁰ unequivocally condemn and criminalize all forms of terror.

In addition to the multinational instruments outlawing terror, there is an extensive series of regional counter-terror conventions, encompassing the African Union, OAS, ASEAN, CIS, SHARC, Shanghai Cooperation Organization, Council of Europe, EU Action Plan, Arab League, and the Organization of Islamic Conference.¹¹

International Crimes and Criminal Responsibility by Hamas

The terrorist actions practiced by Hamas – both indiscriminate targeting of Israeli cities and civilians, as well as the exposure of its own residents as human shields – are violations of international law and internationally accepted humanitarian norms, specifically, the violation of the rule of distinction, which requires combatants to limit attacks to legitimate military targets.¹²

As such, these constitute both crimes against humanity and war crimes, prosecutable before the International Criminal Court (ICC), as well as before municipal courts and tribunals that are guided by universal criminal jurisdiction.

Advocating a religious holy war aimed at creating a regional Islamic entity encompassing the whole of the territory of Israel, and the call to “liberate Palestine” and to “raise the banner of Allah over every inch of Palestine,”¹³ appear to contravene the provisions of the 1948 Convention on the Prevention of Genocide.¹⁴

The 1998 Rome Statute that founded the International Criminal Court (ICC) declares that the court is intended to deal with “the most serious crimes of concern to the international community as a whole.” Specifically, it gives the court jurisdiction regarding the above-mentioned crimes, and in the absence of a referral by a state, it enables both the UN Security Council and the court’s prosecutor to initiate investigations.¹⁵

Under international law, non-state actors are bound by customary norms of international humanitarian law when they become a party to an armed conflict.

Hamas has its own structured military force, political and social institutions, and de facto control over a defined territory, and has launched thousands of rockets towards Israeli cities, terrorizing and jeopardizing the lives of millions of Israelis. Hamas, even as a non-state entity, or part of a non-state entity, is considered by all accepted criteria to be fully accountable under international humanitarian law for its actions in carrying out its terror attacks against Israeli civilians and for using its own civilians as human shields. Thus, its leadership, commanders, and fighters are punishable for crimes against humanity and war crimes.

In her article “Accountability of Hamas under International Humanitarian Law” [IHL], jurist Sigall Horowitz states:¹⁶

Under international law, non-state actors are bound by customary IHL norms when they become a party to an armed conflict. Thus, the Appeals Chamber of the Special Court for Sierra Leone held as follows: “It is well settled that all parties to an armed conflict, whether states or non-state actors, are bound by international humanitarian law, even though only states may become parties to international treaties.”¹⁷

Regarding the individual criminal responsibility of Hamas members, Horowitz adds:

[T]he use by Hamas members of Qassam and Grad rockets in connection with the armed conflict, may amount to a war crime under the Rome Statute. Accordingly, these acts may entail the individual criminal responsibility of Hamas fighters who committed, ordered or assisted them, or otherwise contributed to their commission. These acts may also entail the individual criminal responsibility of Hamas military commanders and political leaders, under the principle of superior responsibility.¹⁸

In addition to the crime of conspiring and attempting to commit genocide referred to above, the following acts of terror carried out by Hamas constitute serious crimes of concern to the international community:

Indiscriminate Targeting of Israeli Towns and Villages and Civilians with Rockets

The 1907 Hague Regulations¹⁹ stipulate:

- Article 25: “The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.”

The 1977 Protocol I to the Geneva Conventions²⁰ includes:

- Article 48: Prohibition on targeting civilian objects
- Article 51(2): Prohibition of terrorizing the civilian population
- Article 51(4): Prohibition of indiscriminate attacks
- Article 57: Duty to minimize incidental loss of civilian life and injury

Using Civilians as Human Shields

Deliberately storing and firing rockets from within, or in close proximity to, hospitals, mosques, schools and houses in densely-populated areas, both to shield and camouflage rocket emplacements and in order to deliberately generate Israeli military action against such emplacements and thereby endanger Palestinian civilians, constitutes a war crime.²¹

The storing of rockets in an UNRWA school in Gaza is perhaps a typical example of this crime, which generated a statement of condemnation by UNRWA itself.²²

The use of one of Gaza’s central mosques – the Al-Farouq Mosque in the Nuseirat refugee camp – for storing rockets and weapons and as a compound for Hamas operations is a further example of this crime.²³

Article 51(7) of the 1977 Protocols to the Geneva Convention²⁴ states:

The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favor or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.

Article 58(b) requires avoiding locating military objectives within or near densely populated areas.

The following provisions of the ICC Statute refer to such crimes:

- Article 7: crimes against humanity – the multiple commission of “widespread or systematic attack directed against any civilian population.”
- Article 8: war crimes – large-scale commission, as part of a plan or policy of intentional attacks against the civilian population or against individual civilians and civilian objects; intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians; attacking or bombarding towns, villages, dwellings or buildings which are not military objectives; utilizing the presence of civilians to render certain points, areas or forces immune from military operations; and using children under fifteen to participate in hostilities.

Israel's Right to Self-Defense

International law recognizes two basic rights to self-defense. In conventional international law as set out in Article 51 of the UN Charter: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations.”²⁵

The second right is that of customary international law, based on the *Caroline* case (1837) which established a right of self-defense in the face of a necessity which is “instant, overwhelming, leaving no choice of means, and no moment of deliberation.”²⁶

In several key resolutions, the Security Council has made clear that “international terrorism constitutes a threat to international peace and security” and has affirmed the inherent right of individual or collective self-defense as recognized by the Charter of the United Nations in the face of such terror.

This has been reiterated in Resolution 1368 (2001),²⁷ adopted only one day after the September 11, 2001, attacks on the United States, in which the Security Council invokes the right of self-defense in calling on the international community to combat terrorism.

Similarly, in Security Council Resolution 1373 (2001),²⁸ adopted pursuant to Chapter VII of the Charter, the Council “reaffirmed the inherent right of individual or collective self-defence as recognized by the Charter of the United Nations as reiterated in Resolution 1368 (2001).” Needless to say, neither of these resolutions imposed any limit on their application to terrorist attacks by state actors only, nor was an assumption to that effect implicit in these resolutions.²⁹

Claims Being Made against Israel

Collective Punishment

The claim that Israel is collectively punishing the population of the Gaza Strip, enunciated by UK Deputy Prime Minister Nick Clegg,³⁰ is both wrong and based on misleading legal assumptions. As stated above, Israel’s actions are directed toward one strategic and tactical purpose – not to punish the population but to halt the indiscriminate rocket fire and use of infiltration tunnels to carry out acts of terror against the civilian population.

While international law bars “collective punishment,”³¹ none of Israel’s combat actions against Hamas constitute collective punishment, whether in the form of imposition of penalties on individuals or groups on the basis of another’s guilt, or the commission of acts that would otherwise violate the rules of distinction and/or proportionality.³²

However, the deliberate and systematic exposure by Hamas of its residents to Israeli combat activities, rather than permitting them to enter shelters and tunnels, and the systematic intimidation and threat of terror through indiscriminate daily rocket attacks directed against Israeli cities, constitute collective punishment of millions of Israeli citizens as well as Palestinian residents of the Gaza Strip and, as such, are flagrant and willful violations of the norms of international humanitarian law.

Deliberate Targeting of Residences

Israel is being falsely accused by the United Nations and others of deliberately and willfully targeting residences.³³

Tragically, one of the many violations by Hamas of international humanitarian norms is the conduct of its terror activities within residential areas throughout the towns and villages in the Gaza Strip, including the use of commanders’ own homes where their families and other civilians may be residing. These houses have been used for weapons storage, and command, control, and communication centers.

The use of houses and other residential structures for military purposes endangers them and renders them as legitimate military targets under international law.

Article 52(2) of the First Geneva Protocol³⁴ specifically refers to the obligation to limit attacks to military objectives – “objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization in the circumstances ruling at the time, offers a definite military advantage.”

The use of residential structures for military purposes endangers them and renders them as legitimate military targets under international law. Even so, the IDF employs advanced methods to minimize harm to civilians.

In order to accurately determine military targets, the IDF employs advanced methods, including multiple levels of intelligence, the provision of legal advice to decision-makers, and extensive prior training provided to operational commanders. Even when a house is considered by all relevant legal criteria to be a legitimate military target, the Israeli forces minimize potential harm to the surrounding civilian population through real-time visual coverage in order to assess the civilian presence at a target; provision of advance warning before striking a target; and the careful choice of weaponry and ammunition in order to minimize harm to civilians.³⁵ As such, Israel has no policy of deliberately targeting civilians or civilian property, and makes every effort to give effective advance warning of impending strikes that could potentially affect the civilian population.

Despite the deliberate policy and practice of Hamas to forcibly use civilians, including children, to shield their rocket and weapons emplacements, Israel has gone to great lengths in responding to the Hamas rocket attacks to ensure minimal harm to such civilians. This includes providing early warnings to persons residing or located in, or in the vicinity of, houses targeted because of their use for purposes of planning acts of terror, storing weapons, or as rocket emplacements, and public appeals to non-combatants to distance themselves from such targets.³⁶

Disproportionate Force

Allegations in the international media and by international organizations and some governmental representatives³⁷ that Israel’s actions are “disproportionate” and thus in violation of international law are both factually and legally incorrect.

The requirement of proportionality in armed conflict is a measure of the extent of force needed in relation to the concrete and direct military advantage anticipated. It is not a comparison between casualties of the parties involved, nor of the damage caused during the fighting.³⁸

A monograph entitled “Applying the Principle of Proportionality in Combat Operations,” published by the Oxford Institute for Ethics, Law and Armed Conflict,³⁹ states: “[H]arming

civilians is not in itself illegal. An injury to civilians or damage done to civilian objects as a side-effect of a military operation may be permissible provided that it is proportionate to the military gain anticipated from the operation.”

This principle is considered part of customary international law, which binds all states. It has become part of the positive law of armed conflict (IHL) with its codification in the First Additional Protocol to the Geneva Conventions of 1977. Article 51, para. 5b states: “[A]n attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited.”

That there were more civilian casualties and property damage within the Gaza Strip than there were in Israel is not a function of disproportionate use of force by Israel.

The tragic and regrettable fact that there were more civilian casualties and property damage within the Gaza Strip than there were in Israel is not a function of disproportionate use of force by Israel, or use of disproportionate weaponry, but of the fact, as outlined above, that Hamas forcibly and deliberately utilizes civilians and civilian structures and homes as human shields. The buildings are used for their rocket emplacements and command centers, thereby knowingly exposing the residents to harm with a view to both preventing Israeli actions against their rocket launching and other military facilities, and to cynically parade dead civilians in front of television cameras that transmit these gruesome pictures around the world with captions blaming Israel.

In so doing, Hamas committed a double war crime by deliberately targeting Israeli civilians while at the same time embedding its weapons, leaders, operatives, and infrastructures in the midst of uninvolved Palestinian civilians.

Similarly, the fact that Hamas prevented civilian access to its underground web of tunnels and bomb shelters, reserving them for its military commanders and for storage of rockets, and the fact that Israel had developed an extensive framework of shelters as well as its Iron Dome anti-missile defensive system, cannot be used as a basis for accusing Israel of disproportionate force.

The Comparison of Casualties

Perhaps one of the most reprehensible practices of the international media is the so-called “body-count” comparison, and the sad conclusion that disproportionality is exemplified by the fact that more Palestinians were killed than Israelis.⁴⁰ The absurd assumption that this comparison makes is that more Israeli casualties would be preferable in order to “even-

out” the count. Israel’s Iron Dome missile defense system, which has prevented thousands of potential Israeli civilian casualties from Hamas rockets, is blamed as the cause of this disparity in casualties.

Clearly, Israel cannot be held responsible for such an equation. As in any armed conflict, and especially in light of the circumstances of the 2014 Gaza war, civilians are tragically killed and injured. Unlike Hamas, Israel does not have a policy of deliberately targeting civilians, but regrettably, whether due to the fact that Hamas deliberately exposes its civilians to shield targets, or whether due to the occasional human or targeting error or inaccurate mapping, civilians are casualties.

Israel has very strict policies of investigating such instances, and in cases of alleged war crimes or negligence, taking the appropriate legal and disciplinary action.

Threats to Institute Action against Israeli Leaders in the International Criminal Court (ICC)

Among the media hype and political declarations by Palestinian leaders and senior elements within the international community, there is a constant wave of threats to institute proceedings for alleged war crimes against Israel’s leaders and military commanders before international and national criminal tribunals.

As outlined above, Israel’s code of military law and command structure require strict conformity with international humanitarian norms, and any allegations of violation of such norms by soldiers or commanders are duly investigated and, where appropriate, legal proceedings are instituted within Israel’s military justice framework. As such, the threats to institute action in the ICC are unrealistic and fail to consider the requirements of the statute of the ICC.

However, the openly-admitted and blatant series of war crimes committed by Hamas and its leaders as detailed in this chapter and the lack of any will, capability, legal framework, or means within the Hamas or Palestinian legal structure of investigating and trying such crimes, require that they be referred to the ICC with a view to ensuring that the leaders and instigators of the Hamas terror infrastructure be brought to criminal justice.

The “Hannibal Procedure” in Rafah, August 1, 2014

On August 1, 2014, after a truce was declared, a Hamas suicide bomber attacked an IDF unit in Rafah, killing and wounding several soldiers. The body of Lt. Hadar Goldin was not found, and it was apparent that he had been kidnapped and taken through a tunnel deeper into Rafah. A rarely used IDF phrase was immediately uttered on IDF field radios, the “Hannibal Procedure.” It is used in the “first minutes and hours after a possible abduction,” wrote *Ha’aretz* reporter Anshel Pfeffer, “when commanders in the field believe a soldier may have

been taken by the enemy.”⁴¹ Military fire, including artillery and aerial bombardment, is used to block possible escape routes.

Such was the case in Rafah on August 1. Details of the IDF’s investigation of the incident reported that “the ‘Hannibal Procedure’ was not activated in Rafah,” and that “there was no massive indiscriminate firing toward Rafah homes” ordered to prevent the abduction.⁴² In keeping with the protocols of a “Rescue Operation,” heavy fire was launched at road junctions and known tunnel openings with the aim of making it difficult to transfer Goldin from the front. Because of the ceasefire that began earlier that day, no Israeli aircraft were in the skies; it would have taken them six minutes to arrive and block escape routes. IDF artillery, with its pre-programmed list of targets and tunnel entrances, engaged in three minutes.

Legal Basis for the Procedure

Despite its foreboding name randomly chosen by a computer, the so-called “Hannibal Procedure” is a measure of tactical proportionality, intended for selective and rare use, in a specific situation of asymmetric combat between forces of an organized army and armed elements including terrorists. It is applied when, during the course of the active combat, terrorists willfully and deliberately abuse and undermine the accepted norms of armed conflict and international humanitarian law, including by shielding themselves in the midst of civilians and utilizing civilians to achieve their aims.

Faced with such an asymmetric dilemma, this procedure is intended to pre-anticipate and counter a grave and immediate “ticking bomb” situation by preventing, by the use of necessary force, a potential terrorist act of abduction of soldiers or civilians, torture, body-mutilation, beheading, long-term kidnapping and/or extended extortion/blackmail, for use as a bargaining chip in order to secure the release of thousands of terrorists, or demands by the terror groups for extreme political concessions. Such situations are inevitably accompanied by demands with a high price tag, whether financially, politically or morally, and a limited time-frame in which to respond.

The procedure is aimed at preventing those measures that would inevitably lead to the endangering of the lives of significant numbers of people through the mass release, and return to activity, of hundreds and possibly thousands of terrorists. By the same token, it is aimed at avoiding situations of long, drawn-out periods (sometimes over several years) of imprisonment and hostage bargaining. In this way it is also intended to prevent the strengthening of the financial, political, and operational capabilities of the terror organization involved.

The procedure involves using the amount of force necessary to foil any such potential abduction, and thereby to destroy escape routes and prevent such hostage/extortion/torture situations. In light of the strict requirements of the international law of armed conflict which limit the use of force in situations which could cause incidental loss of civilian life or injury to civilians and only to situations dictated by the concrete and direct military advantage anticipated, the force used in this procedure is therefore strictly proportionate to achieving that military aim.

The Actual Numbers Killed in the Rafah Rescue Attempt

In the case of the Rafah kidnapping, it was later determined that Lt. Goldin was killed in the initial attack and his dead body was taken by Hamas fighters as a bargaining chip. Hamas claimed 130 Palestinian civilians were killed. An IDF investigation concluded that 41 people, including 12 Hamas combatants, were killed.

In Conclusion

Armed conflict in any circumstances involves situations in which civilians are regrettably affected. International law aims to limit harm to innocent civilians by ensuring that the involved parties conduct the hostilities in accordance with humanitarian norms with a view to preventing, as much as possible, civilian casualties.

Israel, a sovereign state with an army that conducts itself in accordance with such norms, is making every effort to abide by them, despite the blatant, willful, and indiscriminate violation by Hamas, both vis-a-vis its own population as well as vis-a-vis Israel's population.

One hopes that the crimes against humanity and the war crimes committed by the leaders and senior terrorist commanders of Hamas will not go unpunished, and that the international community will act to ensure that they do not benefit from impunity.

Notes

1 Hamas Charter, <http://www.acpr.org.il/resources/hamascharter.html>, see Article 2:

The Islamic Resistance Movement is one of the wings of the Muslim Brothers in Palestine. The Muslim Brotherhood Movement is a world organization, the largest Islamic Movement in the modern era. It is characterized by a profound understanding, by precise notions and by a complete comprehensiveness of all concepts of Islam in all domains of life: views and beliefs, politics and economics, education and society, jurisprudence and rule, indoctrination and teaching, the arts and publications, the hidden and the evident, and all the other domains of life.

See also article 7:

Hamas is one of the links in the Chain of Jihad in the confrontation with the Zionist invasion. It links up with the setting out of the Martyr Izz a-din al-Qassam and his brothers in the Muslim Brotherhood who fought the Holy War in 1936; it further relates to another link of the Palestinian Jihad and the Jihad and efforts of the Muslim Brothers during the 1948 War, and to the Jihad operations of the Muslim Brothers in 1968 and thereafter.

And Article 13:

There is no solution to the Palestinian problem except by Jihad. The initiatives, proposals and International Conferences are but a waste of time, an exercise in futility. The Palestinian people are too noble to have their future, their right and their destiny submitted to a vain game.

2 Yazan al-Saadi, "Palestinian Reconciliation: A History of Documents," *Al Akhbar English* (Lebanon), April 28, 2014, <http://english.al-akhbar.com/node/19580>

3 See U.S. "Country Reports on Terrorism 2005," U.S. Department of State, Office of the Coordinator for Counterterrorism, April 2006, p. 196. See also "Designated Foreign Terrorist Organizations," U.S. Department of State, Bureau of Counterterrorism, <http://www.state.gov/j/ct/rls/other/des/123085.htm>; Canadian "Currently Listed Entities," Department of Public Safety and Emergency Preparedness. November 22, 2012; EU Council Common Position

2003/651/CFSP; Khaled Abu Toameh, "King Abdullah Says No to Hamas," Gatestone Institute, September 17, 2013, <http://www.gatestoneinstitute.org/3978/king-abdullah-hamas>; "Cairo Court Bans Activities by Palestinian Hamas in Egypt, Brands It a Terrorist Organization," *Associated Press*, March 4, 2014, <http://www.foxnews.com/world/2014/03/04/cairo-court-bans-activities-by-palestinian-hamas-in-egypt-brands-it-terrorist/>

4 See "Hamas Claims Responsibility for Rockets Fired at Jerusalem, Tel Aviv and Haifa," *Middle East Eye*, July 8, 2014, <http://www.middleeasteye.net/news/israels-army-prepared-ground-assault-gaza-official-275282816>: "For the first time, the Ezzedine al-Qassam Brigades strike Haifa with an R160 rocket, and strike occupied Jerusalem with four M75 rockets and Tel Aviv with four M75 rockets."

See also Khaled Abu Toameh and Yaakov Lappin, "Hamas Claims Responsibility for Rocket Fire on Israel," *Jerusalem Post*, July 7, 2014, <http://www.jpost.com/Middle-East/Hamas-claims-responsibility-for-rocket-fire-on-Israel-361830> and "The Islamic Jihad took responsibility for the rockets fired toward Tel Aviv," in Yaakov Lappin, "Hamas: We Attempted to Hit the Nuclear Reactor in Dimona," *Jerusalem Post*, July 9, 2014, <http://www.jpost.com/Operation-Protective-Edge/Rocket-alert-sirens-sound-in-Zichron-Yaakov-120-km-north-of-Gaza-362087>

See also "Hamas Says Real Battle Yet to Begin," *i24news*, July 11, 2014, <http://www.i24news.tv/en/news/israel/diplomacy-defense/36623-140708-gaza-israel-launches-operation-protective-edge>. In a video statement broadcast across Arab media, the Al-Qassam Brigade said: "The more *shahids* falling make us stronger and more determined for victory. For the first time yesterday, we showered from the north of the homeland to the south in Dimona. Tens of rockets showered the center of the occupation. That is only a few of what is waiting."

See also Elhanan Miller, "Fatah Joins Hamas and Islamic Jihad in Missile Launches," *Times of Israel*, July 10, 2014, <http://www.timesofisrael.com/moderate-fatah-joins-hamas-and-islamic-jihad-in-missile-launches/#ixzz37KhRmK25>.

See also "Israeli Warplanes Pound Gaza Strip," *The Australian*, July 9, 2014, <http://www.theaustralian.com.au/news/world/israeli-warplanes-pound-gaza-strip/story-e6frg6so-1226982452456?nk=3odd8b2330cf43d6507b130e303ae6c6>: "The Ezzedine al-Qassam Brigades, the armed wing of Hamas, said it had fired four M75 rockets at Jerusalem, which lies 65 kilometers from the Palestinian enclave. It also claimed to have launched a rocket at Haifa, 165 kilometers away. There was no report of anything hitting the northern port city but the army said a rocket did fall on Hadera, 100 kilometers north of Gaza. Hamas militants also said yesterday they fired four rockets at Tel Aviv, 60 kilometers north of Gaza, setting sirens off across the city. Earlier, another rocket aimed at Israel's commercial capital was shot down by the Iron Dome antimissile defense system."

See also "Operation Protective Edge, Day 4," *Ha'aretz*, July 12, 2014, <http://www.haaretz.com/news/diplomacy-defense/.premium-1.604437>: "Hamas' armed wing has warned airlines that it intends to target Israel's Ben-Gurion International Airport with its rockets from Gaza and has told them not to fly there, a statement by the group said on Friday."

See also Jen Psaki, Spokesperson, U.S. State Department, July 10, 2014, <http://www.state.gov/r/pa/prs/dpb/2014/07/229048.htm>: "There's a difference between Hamas, a terrorist organization that's indiscriminately attacking innocent civilians in areas where there are innocent civilians in Israel, and the right of Israel to respond and protect their own civilians. And that's what we're seeing on the ground take place."

See also Patrick Martin, "Lopsided Rocket Warfare Rages On between Israel and Hamas," *Globe and Mail* (Canada), July 11, 2014, <http://www.theglobeandmail.com/news/world/lopsided-rocket-warfare-rages-on-between-israel-and-hamas/article19578271/>: "Hamas also showed no sign of letting up its missile strikes against Israel, acknowledging responsibility for scores of rockets fired Friday against Israeli centers including the launch of a powerful Iranian-built Fajr-5 against Tel Aviv."

See also "Hamas Armed Wing Warns to Strike Tel Aviv," *Xinhua*, July 13, 2014, http://www.shanghaidaily.com/article/article_xinhua.aspx?id=229441: "The armed wing of the Islamic Hamas movement, al-Qassam Brigades, said on Saturday that it will fire new rockets called J80 into Tel Aviv and its suburb at 9:00 p.m. local time. It is the first time that Hamas declared in advance that it will fire rockets into Israel. The group claimed responsibility for launching hundreds of rockets into Israel over the past five days against the Israeli offensive on the Gaza Strip."

See also Brent Scher, "Hamas Rockets from Gaza Target Haifa, Reach Far into Northern Israel," *Washington Free Beacon*, July 9, 2014, <http://freebeacon.com/national-security/hamas-rockets-from-gaza-target-haifa-reach-far-into-northern-israel/>: "The barrage of rocket fire coming from the Gaza Strip reached far beyond the known range of Hamas' missile arsenal, hitting the northern Israeli town of Hof HaCarmel on Wednesday. The town is just south of Haifa, Israel's third-largest city. Hamas claimed responsibility for the attacks and said that Haifa was the intended target."

See also “Israeli Defense Forces Launch Operation ‘Protective Edge’ against Hamas,” *Voice of Russia*, July 8, 2014, http://voiceofrussia.com/news/2014_07_08/Israeli-Defense-Forces-launch-operation-Protective-Edge-against-Hamas-6359/:

“The Ezzedine al-Qassam Brigades claimed responsibility for the attacks. ‘Al-Qassam fired dozens of rockets on Netivot and Ashkelon, Ashdod and Ofakim in response to the Zionist aggression,’ a statement said. ‘Qassam rockets are a natural reaction to the Israeli crimes against our people.’”

5 See UN Security Council Resolutions 1267 (1999) of October 15, 1999, <http://www.state.gov/j/ct/rls/other/un/5110.htm>; 1373 (2001) of September 28, 2001, <http://unispal.un.org/UNISPAL.NSF/o/392A001F254B4B9085256B4B00708233>; 1540 (2004) of April 28, 2004, <http://www.treasury.gov/resource-center/sanctions/Documents/1540.pdf>; as well as its other resolutions concerning threats to international peace and security caused by terrorism.

6 UN Security Council Resolution 1269 (1999) of October 19, 1999, http://www.mefacts.com/cached.asp?x_id=10835

7 UN Security Council Resolution 1566 (2004) of October 8, 2004, <http://www.state.gov/j/ct/rls/other/un/66959.htm>

8 “United Nations Action to Counter Terrorism – International Legal Instruments,” United Nations, <http://www.un.org/en/terrorism/instruments.shtml>

9 “Measures to Eliminate International Terrorism – Report of the Sixth Committee,” United Nations, November 25, 1997, <http://www.un.org/law/cod/terroris.htm>

10 “Measures to Eliminate International Terrorism,” UN General Assembly Resolution 49/60, December 9, 1994, <http://www.un.org/documents/ga/res/49/a49r060.htm>

11 “(Inter-) Regional Action against Terrorism,” UN Office on Drugs and Crime, https://www.unodc.org/tldb/en/regional_instruments.html

12 See Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (Cambridge: Cambridge University Press, 2005), p. 82.

13 Article 6 of the Hamas Charter.

14 78 UNTS 277.

15 Rome Statute of the International Criminal Court, http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf. See specifically Articles 7(1) and (2)a (Crimes against humanity) and Article 8(2)(b)(i)(ii)(iv) (War crimes), and Article 13 (Exercise of the court’s jurisdiction).

16 See Sigall Horowitz, “Accountability of Hamas under International Humanitarian Law,” *Hamas, the Gaza War, and Accountability under International Law* (Jerusalem: Jerusalem Center for Public Affairs, 2009), <http://jcpa.org/article/accountability-of-the-hamas-under-international-humanitarian-la/>. Horowitz adds, “It can safely be argued that Hamas fighters, who daily targeted Israeli civilians by launching Qassam and Grad rockets, violated the provisions of Common Article 3 (to the Geneva conventions).”

17 Quoted in Horowitz article, citing *Prosecutor v. Sam Hinga Norman*, Case No. SCSL-2004-14-AR72(E), Decision on Preliminary Motion Based on Lack of Jurisdiction (Child Recruitment), May 31, 2004, para. 22. See more at Horowitz, “Accountability of Hamas,” <http://jcpa.org/article/accountability-of-the-hamas-under-international-humanitarian-la/>

18 *Ibid.* See also Lisbeth Zegveld, *Accountability of Armed Opposition Groups in International Law* (Cambridge: Cambridge University Press, 2002).

19 “Convention (IV) respecting the Laws and Customs of War on Land and its Annex: Regulations concerning the Laws and Customs of War on Land, The Hague, October 18, 1907 – Article 25,” International Committee of the Red Cross, <http://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=D1C251B17210CE8DC12563CD0051678F>.

20 “Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), June 8, 1977 – Article 48,” International Committee of the Red Cross, <http://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=8A9E7E14C63C7F30C12563CD0051DC5C>

21 For a detailed exposure of the use by Hamas of homes of senior Hamas operatives as command centers and weapons storage facilities, see “Weapons Caches in Houses of Terrorist Operatives in the Gaza Strip: The Case Study of Ibrahim al-Shawaf, Senior PIJ Commander,” Intelligence and Terrorism Information Center, July 15, 2014, http://www.terrorism-info.org.il/Data/articles/Art_20677/E_116_14_1313703276.pdf

22 “UNRWA Strongly Condemns Placement of Rockets in School,” UNRWA, July 17, 2014, <http://www.unrwa.org/newsroom/press-releases/unrwa-strongly-condemns-placement-rockets-school>. Evidently, according to media reports, this did not prevent the UNRWA officials from transferring the rockets found in the school to the Hamas authorities. See Raphael

- Ahren, "UN Agency Handed Rockets Back to Hamas, Israel Says," *Times of Israel*, July 20, 2014, <http://www.timesofisrael.com/un-agency-handed-rockets-back-to-hamas-israel-says/>
- 23 "The Use of Mosques in the Gaza Strip for Military Purposes by Hamas and Other Terrorist Organizations: The Case of the Al-Farouq Mosque," Intelligence and Terrorism Information Center, July 13, 2014, http://www.terrorism-info.org.il/Data/articles/Art_20672/E_113_14_1401598645.pdf
- 24 See note 10 above, <http://www.un.org/documents/ga/res/49/a49r060.htm>
- 25 Charter of the United Nations, "Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression," <http://www.un.org/en/documents/charter/chapter7.shtml>
- 26 Louis-Philippe Rouillard, "The *Caroline* Case: Anticipatory Self-Defence in Contemporary International Law," *Miskolc Journal of International Law* (Hungary), Vol. 1 (2004), No. 2, pp. 104-120, <http://www.uni-miskolc.hu/~wwwdrint/20042rouillard1.htm>
- 27 "Security Council Condemns, 'in Strongest Terms,' Terrorist Attacks on United States," United Nations, September 12, 2001, <http://www.un.org/News/Press/docs/2001/SC7143.doc.htm>
- 28 UN Security Council Resolution 1373 (2001) of September 28, 2001, <http://unispal.un.org/UNISPAL.NSF/o/392A001F254B4B9085256B4B00708233>
- 29 See Thomas Franck, "Terrorism and the Right of Self-Defense," *American Journal of International Law*, Vol. 95, (2001), pp. 839-840.
- 30 "Israel Attacks Are Collective Punishment!" Nick Clegg Slams Gaza Op," *RT-News*, July 17, 2014, <http://rt.com/uk/173592-clegg-israel-gaza-ceasefire/>
- 31 "Rule 103. Collective Punishments," Customary IHL, International Committee of the Red Cross, http://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter32_rule103
- 32 Justus Reid Weiner and Abraham Bell, "International Law and the Fighting in Gaza," Jerusalem Center for Public Affairs, 2008, p. 16, <http://jcpa.org/article/international-law-and-the-fighting-in-gaza/>
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U.S. Secretary of State John Kerry speaks to Israeli Prime Minister Benjamin Netanyahu on July 25, 2014, from his hotel suite in Cairo, Egypt, about the terms of a ceasefire between Israel and Hamas in Gaza. (AP/Charles Dharapak)

The Limits of the Diplomatic Arena

Ambassador Dore Gold

Operation Protective Edge, waged in July-August 2014, was the third major military campaign undertaken by Israel in the Gaza Strip since 2007, when Hamas seized control of Gaza, and since 2005, when the IDF completed its unilateral withdrawal from that territory. Each of the three Israeli engagements in Gaza occurred in response to escalating rocket fire from Gaza into Israel and concluded with fragile ceasefires through third parties. Only this time, an additional dimension to the Gaza threat on Israel emerged during the war as a central feature of the conflict: the discovery of a whole network of attack tunnels into Israeli sovereign territory, which had never been raised in previous ceasefire proposals.

The diplomatic background to the war was unique in comparison with what had transpired on other Arab-Israeli fronts in the past, where the cessation of hostilities was governed by a host of interstate armistice agreements, carefully negotiated UN resolutions, or, in the Palestinian case, the Oslo Agreements between Israel and the Palestine Liberation Organization (PLO). This web of international undertakings that bound both the Arab parties and Israel could ameliorate their conflict even in those cases in which they had no diplomatic relations or direct contacts.

In contrast, the territory of the Gaza Strip came under the control of the Hamas movement in 2007 as a result of a military coup against the Palestinian Authority. The Hamas entity was not a recognized state; it operated outside the framework of the international community. The West had no overt ties with Hamas. On the contrary, Hamas was designated as an international terrorist organization by the U.S., Canada, the European Union, and other countries.

Recently, Arab states such as Egypt, Saudi Arabia, and the United Arab Emirates also determined that the Muslim Brotherhood, the parent organization of Hamas, was itself a terrorist organization, with a Saudi source saying that the Muslim Brotherhood designation applied to Hamas as well.¹ In the Middle East, the main supporters of Hamas were Qatar (sanctuary and economic support), Turkey (sanctuary), and Iran (economic support, military supplies, and training). These state supporters of Hamas did not act to put a break on regional escalation, but in many respects acted to accelerate it.

While international jurists increasingly saw non-state actors coming under the restrictions of international humanitarian law, Hamas did not see itself bound by these international conventions or by UN resolutions. For example, while Hamas did not rule out the applicability of the Third Geneva Convention, it did not abide by its requirements that it allow Red Cross visits to Gilad Shalit, a prisoner of Hamas for five years.² In short, the diplomatic dimension of the conflict, by definition, was limited. Diplomacy played a very minor role in helping to avert the outbreak of the latest round of the Gaza war, especially when the main instruments of diplomacy had little or no currency with Hamas and its supporters.

Diplomacy played a very minor role in helping to avert the outbreak of the latest round of the Gaza war. Hamas did not see itself bound by any of the agreements signed by the Palestine Liberation Organization (PLO) and, indeed, adamantly rejected international demands that it recognize past agreements.

Moreover, Hamas did not see itself bound by any of the agreements signed by the Palestine Liberation Organization (PLO) since 1993, when the first of the original Oslo Accords was signed. Indeed, Hamas adamantly rejected international demands that it recognize past agreements. It refused to halt military attacks against Israel and recognize its right to exist. These were the three preconditions that the U.S., Russia, the EU, and the UN Secretariat (grouped together since 2003 as the Quartet) placed before Hamas so that it could be recognized by the international community.

Thus, each of the three ceasefire agreements reached by Israel with Hamas, through Egyptian mediation, were not binding undertakings between states under international law. Hamas used the Arabic term *tahdiya* to describe each ceasefire, which in the West was translated as a lull or a calm. Occasionally, Hamas leaders spoke about reaching a *hudna*, an Islamic term for a truce, which they thought of offering Israel in lieu of a peace treaty. A *hudna* can be broken when there is a change in the balance of power.³

According to Ahmad Yousef, advisor to Hamas Prime Minister Ismail Haniyeh, a *tahdiya* has a fixed-time framework. By using the more minimalistic term, *tahdiya*, Hamas did not want its ceasefire agreements with Israel to commit it to halting all military operations on a sustained basis. For Hamas, maintaining armed struggle or resistance, *muqawama*, against Israel was a core ideological belief that it rigidly sustained. For that reason, the Hamas struggle with Israel was not territorial but existential.

Thus, older diplomatic paradigms from the Arab-Israeli conflict did not apply when dealing with Israel and Hamas. Indeed, in the aftermath of Israel's 2005 pullout from the Gaza Strip, the rate of rocket fire from Hamas and other organizations did not diminish as might have been expected. To the contrary, annual rocket fire against Israel increased by 500 percent



Navi Pillay, the UN High Commissioner for Human Rights, repeated Hamas' claims during the war that the overwhelming majority of casualties in Gaza were civilians. Her comments helped shape international public opinion, but were completely baseless. (AP Photo/Keystone, Salvatore Di Nolfi)

between 2005, the year of withdrawal, and 2006, the year that followed, indicating that Hamas' desire for war was not a function of a territorial grievance alone, but rather of other, deeper ideological factors.⁴

The Third Gaza War and the United Nations

Given the limits that existed for traditional bilateral diplomacy, Hamas sought to benefit from multilateral frameworks, like the United Nations. In January 2009, at the end of the first Gaza conflict, Operation Cast Lead, the UN Security Council adopted Resolution 1860, which did not condemn Hamas for formally ending the *tahdiya* and starting the war by firing thousands of rockets into Israel. It said nothing about the captured Israeli soldier Gilad Shalit. In fact, the resolution did not even mention Hamas or its responsibilities for averting escalation. The draft of the resolution was understandably opposed by Israel's senior leadership. It demonstrated how the UN could be used by Hamas, through states willing to argue its cause in order to secure a diplomatic advantage.⁵

During the 2014 Operation Protective Edge, several notable UN agencies appeared to be prepared to uncritically recite Hamas claims in their public statements. UN Commissioner for Human Rights Navi Pillay declared at the UN Human Rights Council on July 23, 2014, that “around 74 percent of those killed so far were civilians.”⁶ There was no way that she could have known at such an early stage what the exact percentage was, yet Pillay’s numbers spread like wildfire in the international media, and were cited by commentators at the *BBC* as well as *CNN*, thereby molding international public opinion and serving the Hamas narrative. Subsequent casualty analyses show that her claim was completely baseless.⁷ The UN appeared to be promoting a “rush to judgment” against Israel.

The Role of UNRWA

Hamas was not alien to a number of UN specialized agencies and not held by them at arm’s length, as it was by UN member states. UNRWA, the UN Relief and Works Agency, which was responsible for providing humanitarian aid in Palestinian refugee camps, employed roughly 20,000 Palestinians in the West Bank and Gaza Strip. In 2003, various unions through which the UNRWA workers were represented overwhelmingly voted for Hamas candidates in the union elections, indicating the influence Hamas already had at that time. Another important UN agency, the UN Development Program (UNDP), was regularly moving funds through the Arab Bank in 2003-2004 to well-known Hamas front organizations like the “Tulkarm Charity Committee.”⁸

UNRWA, in particular, dropped all pretenses of being a neutral body, which UN agencies claim is their policy when they are interposed within an armed conflict. UNRWA’s deputy commissioner, Margot Ellis, complained at a UN donor conference about a lack of construction materials in the Gaza Strip, pointing to “the illegal blockade imposed by Israel.” She added that the blockade had “now intensified with the non-admittance of building supplies urgently needed for UNRWA construction projects – to build schools and rehabilitate shelters.” Ellis did not even raise the fact that Hamas had been siphoning off building supplies for its vast underground tunnel network, the extent of which was revealed by Operation Protective Edge.⁹

UNRWA, the UN Relief and Works Agency, played a role that appeared to be on the side of Hamas. On three separate occasions, Palestinian rockets were found to have been stored in UNRWA schools. Hamas also fired rockets from the vicinity of UN facilities.

By the time of Operation Protective Edge, UNRWA was playing a role that appeared to place the organization clearly on the side of Hamas. On three separate occasions, Palestinian rockets were found to have been stored in UNRWA schools – on July 16, July 22, and July 29. To make matters worse, after discovering the rockets, UNRWA handed them back to Hamas. A senior



Justice Richard Goldstone led the UN's discredited fact-finding mission after Operation Cast Lead in January 2009. He later retracted the main finding of his own report, which alleged that Israel intentionally targeted civilians in Gaza. (AP Photo/Keystone/Martial Trezzini)

Israeli official told the *Times of Israel*, “In other words UNRWA handed to Hamas rockets that could well be shot at Israel.”¹⁰ During the war, another serious problem with UNRWA facilities emerged: Hamas was firing rockets and mortars in the vicinity of UN facilities, like in the case of UNRWA’s Shahada al-Manar Elementary School for Boys in the Zeitoun district of Gaza City or in between UNRWA’s Distribution Center and its Health Center in Jabaliya.¹¹

Another revealing incident involved the UNRWA school in Beit Hanoun, located in the northern part of the Gaza Strip, which had served as a shelter for Gaza residents. On July 24, the school was struck by rockets and mortar shells. UNRWA charged that it had tried to negotiate with Israeli forces regarding “a pause in the fighting during which they would guarantee a safe corridor to relocate staff and any displaced persons.”¹² The UNRWA spokesman, Chris Gunness, claimed that UNRWA tried to coordinate with the IDF on a window for civilians to leave, but “it was never granted.” The IDF vociferously disagreed with Gunness, asserting that it passed a message to the Red Cross to evacuate civilians from Beit Hanoun between 10 a.m. and 2 p.m., but that Hamas prevented the evacuation. Not surprisingly, Israeli sources called

Gunness' accusation "a flat-out, complete and total lie."¹³ Nonetheless, on December 6, 2014, the IDF Military Advocate General disclosed that he had ordered a criminal investigation into what exactly transpired in Beit Hanoun on July 24 in light of UNRWA's complaints. In short, serious charges of alleged IDF misconduct are not dismissed out of hand, but rather, in Israel's view, require careful investigation.¹⁴

UN Fact-Finding Commissions

The UN also played a special role in the Gaza Strip through the establishment of fact-finding commissions, chiefly investigating war crimes allegations against the Israel Defense Forces. In 2009, the UN Human Rights Council turned to a South African judge, Justice Richard Goldstone, to lead such a commission. The UN Human Rights Council had been largely discredited due to its obsession with Israel. No less than the UN Secretary-General at the time, Kofi Annan, criticized the Human Rights Council for its built-in biases, saying, "Since the beginning of their work they focused almost entirely on Israel, and there are other crisis situations, like Sudan, where they have not been able to say a word."¹⁵

This characteristic of the Human Rights Council continued for years. In 2009, for example, it declined to launch an investigation regarding Sri Lanka, where the number of fatalities from its war against the Tamil Tigers was ten times greater than in the case of Gaza. During Operation Protective Edge, in July 2014, the Human Rights Council called for establishing a commission of inquiry to investigate "violations of international humanitarian law" by Israel in the recent conflict. It turned to a Canadian academic, Professor William Schabas, to head the commission.¹⁶ (Schabas resigned on February 2, 2015, after it was revealed that he had done consulting work for the PLO in 2012.)

The fact-finding commissions of the UN Human Rights Council had a number of inherent flaws. They looked into incidents that occurred months earlier in areas of Gaza that had not been cordoned off, like a crime scene in a domestic police investigation. Hamas appeared to have tampered with these sites in the past, leading the Goldstone Report to erroneously conclude, for example, that the Israeli Air Force struck a flour mill in order to starve the local Palestinian population. Israel countered that air force records indicated that there had not been any air strike against the flour mill. Thus, Israel's own investigators suggested that any air force ordnance found there had been deliberately planted by Hamas.¹⁷ Finally, Goldstone's fact-finding panel received testimony from Palestinian witnesses who were not cross-examined and who gave testimony under the watchful eyes of Hamas representatives. Yet despite these transparent flaws in their work, the UN fact-finding panelists were prepared to put forward far-reaching conclusions that incriminated Israel.

To make matters worse, the UN commissions on Gaza projected the aura of a legal proceeding, even though they did not operate according to the procedures used in criminal trials. To his credit, Goldstone admitted the legal weaknesses of his own fact-finding commission: "If this was a court of law, there would have been nothing proven."¹⁸ Nevertheless, the Goldstone Report was prepared to make legal recommendations. It concluded, for example, that the case

of Israel's first Gaza war, Operation Cast Lead, should be turned over to the International Criminal Court.

Another glaring flaw in the fact-finding commissions of the UN Human Rights Council was that the resolutions creating them reached conclusions about what had transpired before the commissions had even begun their work. Take, for example, Resolution S-21/1, adopted on July 23, 2014, that created the Schabas Commission. In paragraph 2, the resolution "condemns in the strongest possible terms the widespread, systematic and gross violations of international human rights and fundamental freedoms arising from the Israeli military operations...particularly the latest Israeli military assault on the occupied Gaza Strip by air, land and sea." The resolution then makes reference to "disproportionate and indiscriminate attacks" by Israel as well as the "targeting of civilians."¹⁹ In other words, the mandate that was given to the Schabas Commission already contains the findings that the Human Rights Council wants it to reach. One must conclude that the Schabas Commission is a "kangaroo court."

Qatar, Turkey, and Iran: Third Parties and the Problematic Road to a Ceasefire

In past rounds of the Arab-Israeli conflict, outside powers could play a constructive role, at times, in bringing wars to an end. Egypt certainly had been a bridge between Israel and Hamas that allowed indirect understandings for a *tahdiya*, as described above. The Egyptian security establishment also worked out the arrangements for freeing Israeli soldier Gilad Shalit from Hamas. During the Clinton administration, although Syria was a supplier of arms to Hezbollah, the U.S. nonetheless looked to Damascus to exercise its influence with the Iranian-sponsored Lebanese organization to re-establish a ceasefire with Israel. Syria, in fact, was formally brought into an international monitoring group in Southern Lebanon in 1996, whose mission was to monitor ceasefire arrangements there.

During Operation Protective Edge, Egypt continued to play a constructive role as a third party, seeking to advance a ceasefire on July 15. The Egyptian proposal included a provision that "Israel shall cease all hostilities against the Gaza Strip via land, sea, and air, and shall commit to refrain from conducting any ground raids against Gaza and targeting civilians." It also insisted that "All Palestinian factions in Gaza shall cease all hostilities from the Gaza Strip against Israel via land, sea, air, and underground, and shall commit to refrain from firing all types of rockets, and from attacks on the borders or targeting civilians."²⁰ The Egyptian proposal essentially amounted to an unconditional ceasefire. It did not guarantee Hamas that Gaza would receive a seaport or airport, which is what the Hamas leadership hoped for. Hamas turned down the Egyptian proposal, while Israel accepted it.

It is for that reason that Hamas became responsible for all the destruction in the Gaza Strip after July 15, when the war could have been stopped. In a detailed interview to the Egyptian daily *al-Akhbar* on November 30, 2014, Palestinian President Mahmoud Abbas made this very charge. He said that "because of Hamas' obstinacy...during this time everything was destroyed."²¹ Khaled Mashal, the head of the Hamas political bureau, expressed his



Turkish Prime Minister Recep Tayyip Erdogan (left) shakes hands with Hamas leader Khaled Mashal (right) during their meeting in Ankara on March 16, 2012. (AFP Photo/Yasin Bülbül)

disappointment with Abbas' statements elsewhere that Hamas could have prevented the deaths of thousands of Palestinians if it had accepted the Egyptian initiative earlier than it did. Israel assessed that nearly 90 percent of Palestinian fatalities in the war occurred after the Egyptian ceasefire offer was made and rejected by Hamas.²²

Egypt proposed an unconditional ceasefire on July 15. While Israel accepted the Egyptian proposal, Hamas turned it down, thereby becoming responsible for all of the destruction in Gaza after that date, when 90 percent of the Palestinian fatalities in the war occurred.

Growing numbers of reports showed that Hamas' refusal to accept the Egyptian ceasefire did not come from its own militancy alone, but from the influence of Qatar as well, which sought to torpedo any truce between the warring parties. An analysis in the pan-Arab daily *al-Hayat* suggested that at one point Qatar was threatening to expel Khaled Mashal if Hamas accepted the Egyptian proposals.²³

Nor could Turkey play any constructive role with Hamas, despite the intimate relations they had built since 2006. Turkey had allowed Hamas to create an operations center on Turkish territory.²⁴ Under such circumstances, diplomacy could not attenuate the Gaza conflict, as the most important outside powers were actively opposing de-escalation and a cessation of hostilities.²⁵

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Hamas terrorists march in Gaza City on Dec. 14, 2014, to commemorate the 27th anniversary of the group's founding. (AP/Khalil Hamra)

Hamas' Strategy Revealed

Lt. Col. (ret.) Jonathan D. Halevi

The war in Gaza in July and August of 2014, fought between Israel and Hamas and other Palestinian terrorist organizations, was viewed by Hamas as a critical link in the chain of *jihad* and armed struggle, whose long-term goal is the liberation of all of Palestine and the destruction of Israel. Since its establishment in 1987, Hamas has enshrined its goal in the Hamas Charter which it steadfastly has refused to modify. The analysis that follows will show that destroying Israel remains its goal and, unfortunately, there are signs that it has adopted genocidal doctrines as well, directed against the Jewish people as a whole, beyond its militancy toward the Jewish state. This ideology undoubtedly supported the readiness of Hamas to undertake mass casualty suicide bombing attacks against Israelis and to target Israeli civilians with its rocket forces.

There is built-in tension in how Hamas conducts itself between being a Palestinian organization and being committed to the global *jihadi* network. In its charter, Hamas defines itself as the Palestinian branch of the Muslim Brotherhood, the original organization which gave birth to many of the *jihadi* groups that have been active in the last two decades. In his first “Declaration of Jihad against America,” issued on August 23, 1996, Osama bin Laden made reference to five religious authorities whom he said would serve as an inspiration for his movement; they included Sheikh Ahmad Yassin, the founder of Hamas.¹

Over the past ten years, the cooperation of Hamas with the global *jihadi* network expressed itself in a number of ways. First, its external leadership established contacts with prominent elements of that network, like Sayyid Salah al-Din, the supreme commander of Hizb al-Muhajidin, which was part of the insurgency against India in Kashmir. There were also ties with Abd al-Majid al-Zindani, who recruited for bin Laden’s training camps and also held fundraising events for Hamas in Yemen.²

After becoming the dominant force in the Gaza Strip, Hamas gave several significant *jihadi* groups sanctuary within its territory, like Jaish al-Islam [Army of Islam]. While the two organizations went through periods of tension, nonetheless they engaged in joint operations,



Hamas leader Khaled Mashal (left) greets Yemeni Sheikh Abd al-Majid al-Zindani (center) and Yemen's former president (right). In 2004, the U.S. Treasury Department determined that Zindani was a “loyalist to Osama bin Laden” and an “al-Qaeda supporter.” He recruited for al-Qaeda training camps in Afghanistan and served as one of bin Laden’s spiritual leaders. Nevertheless, Hamas leaders reached out to Zindani, and he spoke at a Hamas fundraising event in Yemen in 2006.

like the kidnapping of Israeli soldier Gilad Shalit. The role of Jaish al-Islam in the global *jihadi* network was demonstrated in 2012, when the U.S. released documents taken from Osama bin Laden’s hideout in Abbottabad, Pakistan, including correspondence between Jaish al-Islam and the al-Qaeda leadership.³

High-ranking Egyptians have charged that Hamas has been cooperating with the *jihadist* group in Sinai known as Ansar Beit al-Maqdis, which actually joined ISIS in 2014. These accusations were made at one point by Egypt’s interior minister in late 2013. These reports, along with the consistently uncompromising stand that Hamas took with respect to Israel, contradicted the view voiced sometimes in the West that Hamas was prepared to jettison its past positions and become a diplomatic player.⁴

Hamas’ strategic goals in this latest campaign were to fundamentally shake Israel’s security concept with attacks deep inside Israeli territory, impose ceasefire conditions on Israel, and create a balance of terror and a deterrent capability that would prevent Israel’s military command from opting for a ground operation in Gaza.

This strategy explains the importance of the tunnel project in which Hamas so heavily invested. In keeping with the Islamic concept of the *hudna* and the way of the Prophet Muhammad, ceasefires are always temporary and solely intended to improve military preparedness so that the *jihad* can be renewed under better conditions.

During the year-and-a-half before the fighting in the summer of 2014, Hamas placed special emphasis on building up its military force and acquiring the weapons and capabilities to inflict numerous casualties on IDF soldiers and Israeli civilians, and to kidnap Israelis alive or dead as bargaining chips for Palestinian terrorists serving prison sentences in Israel. Coordination with all the combat organizations in Gaza, including through the use of a joint operations room, is seen as supremely important for conducting the campaign against Israel. Hamas regards this coordination as a force multiplier that enables persistence in the struggle.

To accomplish these goals, Hamas established an army in Gaza based on infantry units and special units, including naval commandos, rocket-launching units, antiaircraft forces, and a small drone-operating unit. This army, which is blended with the civilian population and holds positions in heavily populated urban areas and whose forces wear civilian clothing during combat, is capable of delaying and disrupting activity by a regular army during combat in a built-up area, and of causing numerous casualties through booby-trapped residential buildings, sniper fire, suicide attacks, explosive devices, and high-trajectory fire.

A substantial qualitative and quantitative upgrade in rocket capabilities gave Hamas and other Palestinian terrorist organizations the ability to strike with greater destructive power and at longer ranges than in the past. With the addition of attack tunnels penetrating Israeli territory and infiltration operations by naval-commando units, Hamas, before the latest round, had reached a great potential for the large-scale killing of civilians and IDF forces.

With the addition of attack tunnels penetrating Israeli territory and infiltration operations by naval-commando units, Hamas had reached a great potential for the large-scale killing of Israeli civilians and IDF forces.

Hamas' approach was based, among other things, on the "surprise factor." According to Hamas, Israel was surprised by the range of the organization's rockets, the attacks on IDF force concentrations along the Gaza border, and the use of anti-aircraft weapons that limited Israel's use of drones.

It is possible to get an internal look at Hamas military thinking. Hamas based its military strategy during the summer 2014 campaign upon the assessments that the organization made regarding its previous round with Israel in 2012 (called "Pillar of Defense" in Israel and "Sajil Stone" among the Palestinians). A glimpse into that thinking can be seen on the *Al-Majd*

website run by Hamas' security and intelligence services that analyzes the military lessons of the November 2012 war from Hamas' viewpoint.

The Hamas security document detailed the organization's achievements in the 2012 campaign: Israel's request for a ceasefire as soon as the second day of the fighting, the eagerness of Arab states and the United States to help Israel reach a ceasefire agreement, the recognition of Hamas as a liberation movement rather than a terrorist organization, the erosion of the IDF's image as an invincible army, and strengthening the belief that the Palestinians are capable of defeating the IDF.

A short time after the end of the November 2012 round of warfare, Hamas leader Khaled Mashal set forth the principles of Hamas' strategy to destroy Israel, which rest on two main, complementary elements, the military and the political. Mashal suggested that Israel's military superiority could be overcome by attaining tactical military advantages that would exploit Israel's vulnerabilities, and by curtailing Israel's military options by using political and legal tools, in the framework of *jihad*, with the help of Western leftist and human rights organizations. As Mashal put it:⁵

What occurred in the eight days [of the war] is an example of how to wage military campaigns, and particularly of the close connection between [political and military tools]. Whoever wants to conduct a political campaign must have strong cards on the ground, as this case exemplifies. We think that the cause of restoring the land, Al-Quds [Jerusalem], the right of return, and Palestinian rights requires real cards of power, and that stopping the aggression against Gaza requires the whole beautiful, strong, and faithful symphony.

How is it possible to regain Al-Quds and the land and return the expelled people to its land? What is needed is a campaign using all the cards of power, and above all the struggle waged with unified Palestinian ranks and a unified Arab position, and also with proper management of the political campaign.

Whoever thinks that the regaining of Palestine and Al-Quds will be achieved only through a process of negotiations is mistaken. Negotiations are a brief phase in the context of the resistance struggle and the national struggle that is supported by the Arab and Islamic and liberal forces in the world, until we attain our rights, and the *jihad* and the struggle are the strategic path to realizing them.

In November 2013, Hamas Political Bureau member Mahmoud al-Zahar revealed part of Hamas' combat doctrine in the 2014 war: "We will invade them and they will not invade us."

At a ceremony for the one-year anniversary of the Sajil Stone campaign, Mahmoud al-Zahar, a member of Hamas' Political Bureau, one of its senior figures, and associated with the military



Mahmoud al-Zahar (center), a Hamas co-founder, minimizes the distinction between Hamas' political and military wings.

command of the Al-Qassam Brigades, revealed one of the combat doctrines that Hamas would use in the summer of 2014. "We will invade them and they will not invade us."⁶

Al-Zahar's words implied that Hamas was planning to mount offensive operations inside of Israeli territory, and not settle for combat within Gaza or the firing of rockets from Gaza at civilian and military targets in Israel. In many respects he was hinting at a radical change in Hamas military strategy that would carry the war into Israel. The main instrument for accomplishing this ambitious task was the network of attack tunnels which were still under construction. In fact, al-Zahar even asserted that the Palestinian people have the right to tunnel under any territory and that Palestinian combat organizations are not committed to any borders, thereby hinting at an intention to use the attack tunnels that were dug from Gaza into Israeli territory.

Raid Saad, one of the heads of Hamas' Al-Qassam Brigades and commander of the Gaza City Brigade, said at the same event that "a moment does not pass in which the Al-Qassam Brigades are not preparing, training, manufacturing, developing, building, digging, and equipping themselves for the encounter with the enemy," emphasizing that "the Al-Qassam Brigades today [November 2013] are many times stronger" than in the past.⁷ Saad warned Israel that the brigades' restraint regarding "the blockade" would not last for long.

Saad cited Hamas' basic assumption that military conflict with Israel is certain and only a matter of time. He also set forth the fundamentals of Hamas' program of military preparation for this conflict, particularly a massive investment in a military buildup including weapons development, upgrading fitness and preparedness, and the digging of attack tunnels.

In the Words of Hamas' Military Spokesman

The Al-Qassam Brigades' official spokesman, Abu Obeida (his full name is Hudayfa Samir Abdullah al-Kahlout), made similar statements about the lessons of the 2012 Sajil Stone campaign and about future combat methods, which indeed were implemented in the summer of 2014.

In an interview with *Al-Hiwar* TV on February 5, 2013, Abu Obeida, who is part of the brigades' senior command, declared that in the next war, "we will make use of the ground-attack method, of long-range missiles, and of other surprises that we have not yet revealed."⁸

In an interview with *Al-Rai* radio in November 2013, Abu Obeida said, "The occupation will struggle with a new kind of war that it was not accustomed to in the past, namely the tunnels," which "will be part of the methods of the Palestinian struggle in any future campaign."

"The tunnels are one of the methods of the struggle, and they will be the most effective weapon in any future conflict with the occupation."
– **Hamas spokesman Abu Obeida, November 2013**

He added: "The tunnels are one of the methods of the struggle, and they will be the most effective weapon in any future conflict with the occupation." He continued: "The combat [organizations] have invented the war of the tunnels," which "have achieved a profound effect and sown terror in Israel."

The main difference between the 2014 Gaza war and the 2012 Sajil Stone campaign lies in Abu Obeida's words about "shattering all the red lines" in the military campaign against Israel, stated at a ceremony in Rafah on November 13, 2014:⁹ Hamas' massive, unending attack included the use of attack tunnels and of infiltration from the sea, along with the firing of long-range rockets with 75-90-kg. warheads at Israel's nuclear reactors in Dimona (by Hamas)¹⁰ and at Sorek (by Islamic Jihad),¹¹ a base where Hamas believes nuclear missiles are stored,¹² at Ben-Gurion International Airport,¹³ and at the Haifa area where large chemical plants are located.¹⁴

Abu Obeida remarked that "the nature of the campaign against the enemy requires the combat [organizations] to operate clandestinely and to prepare," adding, "when the moment of confrontation arrives and the campaign is launched, the enemy will become aware of the preparations that the Al-Qassam [Brigades] have made for [the conflict]."



Hamas spokesman Abu Obeida speaks to the media on July 3, 2014, in Gaza City. (Sipa/Majdi Fathi)

In Abu Obeida's view, the main achievement of Sajil Stone was "the total erosion of the deterrent power of the Israeli occupation," which "feels weak and helpless in the face of the fighting Palestinian [organizations]."¹⁵

In an interview with the Hamas mouthpiece *Al-Rissala Net* in 2013, Abu Obeida said the Al-Qassam Brigades are always ready and engaged in preparations for any conflict and any aggression, and that all options are open including suicide operations.¹⁶

In an official video issued by the Al-Qassam Brigades in October 2013, Abu Obeida said the combat organizations were better prepared than in the past for a conflict with Israel, that they had "strategic weaponry," and that full coordination existed between all the military forces in Gaza in the struggle against Israel, which he called "a common enemy" and "the enemies of humanity."

The ultimate goal of the Palestinian struggle, Abu Obeida stressed, is the conquest of the cities of Jerusalem, Ashkelon, Ramle, and Beersheba – in other words, the eradication of Israel.¹⁷ In May 2013, Abu Obeida asserted that the anti-Israel strategy entails a struggle using all methods until the full liberation of all of Palestine. He emphasized that the land of Palestine is an Islamic trust where no one has the authority to concede a single inch, and negligence in fulfilling the commands of *jihad* for its liberation is a crime.¹⁸

In another interview on Hamas' official site in December 2013, Abu Obeida clarified some main aspects of the anti-Israel struggle. The ceasefire reached after the November 2012 round, which Hamas called a *tahdiyya* (period of calm), "does not mean rest for the fighter as is claimed, but rather readiness, preparations, and preparedness." He also asserted that "the [military] surprises will remain surprises, and they will not be revealed except at the time to be determined."

He further stated that "so long as the occupation [of any part of Palestine] exists, we are in a situation of *jihad* or preparations [for *jihad*]....[The Al-Qassam Brigades] are actually an army." He was asked: "Do you foresee imminent Zionist aggression and do you have a plan ready for dealing with any scenario of escalation?" Abu Obeida replied: "We foresee aggression at any moment and we have plans for dealing with it." He also observed that there were "good and mutual relations at all the levels," as well as "ongoing coordination and contact" with the military wings of the Palestinian organizations in Gaza, as evidenced by "the existence of the joint operations room in different scenarios."¹⁹

Thus, Hamas' strategy is derived from the supreme goal of destroying the State of Israel through a protracted struggle, which includes an ongoing terror offensive and high-intensity military clashes for variable time spans. In keeping with the Islamic concept of the *hudna* and the way of the Prophet Muhammad, ceasefires are always temporary and intended solely to improve military preparedness so that *jihad* can be renewed under better conditions.

Since the end of the 2012 Sajil Stone campaign, Hamas had been preparing for a further inevitable round of military conflict with Israel, which, as noted, it views as a link in the unending chain of clashes until all of Palestine is liberated. It was Hamas that, in its own manner, initiated the summer 2014 round, similar to how it initiated the previous rounds.

Most prominent were Hamas efforts to perpetrate attacks in the West Bank. These attempts were often directed by "outside" command centers and operatives, some of them in Turkey. A notable role was also played by individuals freed in the Shalit deal, who went to live in Gaza and directed terror activity in the West Bank.²⁰

Hamas was well aware that a successful strategic terrorist attack, such as a kidnapping, suicide bombing, or mass murder of Israelis, would probably – in line with past experience and with Israel's declared policy – prompt an Israeli retaliation against strategic Hamas targets in Gaza. Hamas regards all ceasefires as temporary, never entailing a full cessation of the anti-Israel struggle. During a period of calm, the modes and magnitudes of operations, and the theaters where they are carried out, undergo changes. That is, Hamas gauges its freedom of action for Gaza-based operations according to the anticipated Israeli response and the strategic interests of Hamas at any given time.

The more Hamas develops its power structure and military capabilities, and particularly the ability to mount ongoing attacks against strategic targets in Israel without Israel completely suppressing the sources of fire, the more Hamas strengthens its deterrent power – according to its conceptions. This mindset grants Hamas greater freedom of action to continue waging the armed struggle from Gaza and in other theaters, especially the West Bank and Jerusalem.

Hamas believes it can use terror attacks to gradually stretch the limits of Israel's "restraint" until Israel realizes that the price it will have to pay in an all-out conflict will be especially high.

Hamas has cast off all limitations in choosing targets to attack in Israel. The aim is to inflict mass killings of civilians in as large a magnitude as possible. In the next round Hamas intends to use rockets with larger warheads or missiles with guidance capabilities.

Hamas and the coalition of terrorist organizations operating under its command cast off all limitations in choosing targets to attack in Israel. The aim is to inflict mass killings of civilians in as large a magnitude as possible. Nuclear reactors, chemical plants, and passenger planes became legitimate targets for repeated attacks, and in the next round Hamas intends to use rockets with larger warheads or missiles with guidance capabilities. Rarely in the history of the Arab-Israeli conflict did the Arab side seek to attack Israel's nuclear reactors and its international airport in an attempt to hit passenger planes. In 1991 during the First Gulf War waged by the international coalition to free Kuwait from the Iraqi occupation, the Iraqi army launched Scud missiles at Ben-Gurion Airport and the Dimona nuclear reactor as retaliation for Israel's bombing of Iraq's Osirak reactor ten years earlier. Israel is the only Western country whose nuclear reactors have been subject to military attack.

Hamas and ISIS



Hamas sees itself as part of the global *jihadist* movement. This Hamas poster, entitled "Chechnya, Afghanistan, Balkan, Kashmir, Palestine, Lebanon," was found in 2004 on a propaganda CD that Hamas distributed in the West Bank. The poster features Hamas co-founder Ahmed Yassin (upper left) along with Chechen terrorist leaders and Osama Bin Laden. (Meir Amit Terrorism and Intelligence Information Center)

In the summer of 2014, Hamas' patterns of warfare once again evinced the ideological and pragmatic similarity between Hamas and the Islamic State (ISIS). From the start, Hamas directed a massive and ongoing rocket offensive at civilian targets, seeking to indiscriminately cause the greatest possible loss of life; and like the Islamic State, Hamas demonstrated that its terror policy and choice of targets are entirely devoid of moral boundaries.

Participating in the warfare against Israel were organizations identified with the Islamic State, such as Ansar Beit al-Maqdis. Hamas, which is fully in charge in Gaza, provides a haven to all the Palestinian terrorist organizations (Palestinian Islamic Jihad, Fatah, Popular Front for the Liberation of Palestine (PFLP), Democratic Front for the Liberation of Palestine (DFLP), and the Popular Resistance Committees (PRC), and allows branches of al-Qaeda to operate freely there (as long as they do not flout Hamas' authority).

On the ideological level, the religious duty to *destroy the Jewish people* (in other words, genocide) in the Land of Israel is reiterated by Hamas leaders. Mashal, who denied that the rockets Hamas fired were intended to kill Israeli civilians, stressed that in his view, all Jews residing in Palestine are combatants and not civilians. At a press conference in Qatar during the war (July 23, 2014), Mashal stated, “They accuse us [Hamas] of attacking [Jewish] civilians and of attacks that continue every day and are directed against civilians. It is not possible to say that the settlers [the Jews] are civilians. They live on occupied land, which is not legitimate for them. They are armed, they kill, and they cause destruction.”²¹

On July 25, the official Hamas TV channel, *Al-Aqsa*, broadcast the Friday sermon given at a mosque in Dir al-Balah in southern Gaza. In it the imam called for the total annihilation of the Jews: “Our doctrine is to struggle against them [the Jews] until their complete destruction. We will not leave even one of them alive, since you are foreign land thieves and perennial mercenaries. You are mercenaries in all periods. My brothers, learn the history. Everywhere that the Jews lived they spread corruption.”²²

Threats of genocide against the Jews are voiced by senior leaders of Hamas and of the Al-Qassam Brigades. Before the war, in May 2014, the brigades posted a video calling on the Jews in Palestine to hurry and leave, warning that if they did not do so their fate would be death, as decreed by Hamas.²³

Hamas' Theological Leader Endorses Genocide

Dr. Yunis al-Astal, a senior Hamas figure and Hamas member of the Palestinian parliament, gives legal justification to this Muslim imperative to destroy the Jewish people. Al-Astal served in the past as head of the committee responsible for religious law in the Association of Religious Scholars of Palestine (al-Astal was called “the Mufti of Hamas”), which is considered Hamas’ most important religious institution and formulates the movement’s Islamic ideological platform.²⁴ Al-Astal also served as dean of the Faculty of Sharia and chairman of the Committee for Religious Law at the Islamic University of Gaza; founded and administered, as chairman, the Islamic al-Hoda schools in Gaza; and was a senior official of the Al-Rahma Philanthropic Committee in Khan Yunis.

In a legal ruling he posted on March 13, 2008²⁵ on the website of the Association of Religious Scholars of Palestine, al-Astal asserted that the fate of destruction, burning, and conflagration would not only befall the Jews in the next world but also in this world at the hands of the *jihad* warriors. He based himself on the Koran passage (“The Constellations,” v. 4-7) that states:

Cursed be the diggers of the trench, who lighted the consuming fire and sat around it to watch the faithful being put to the torture! The fate of death by fire would befall the Jews just as it befell the diggers of the trench (who killed the believing Muslims); Allah would show the Jews no mercy because of their insolence toward him, corruption, the murder of the Prophets, and the spilling of Muslims’ blood.²⁶

In an interview with *Al-Aqsa* on June 20, 2012, al-Astal explained the role of the Muslims in the campaign against the Jews:

Allah punished the Children of Israel many times in the course of history. He punished them at the hands of the Assyrians and of the Babylonians. He punished them at the hands of the comrades of the Prophet [Muhammad] in the Arabian Peninsula, in Medina and in Khaybar. He punished them at the hands of the Germans, and before that at the hands of the Romans. At present it is the turn of the Muslim nation to punish them once again.²⁷

In an interview with *Al-Aqsa* on March 6, 2014, al-Astal once again justified carrying out genocide against the Jews:

What is the solution for this gang of people?...We must slaughter them, so as to break them and prevent them from spreading corruption in the world....We must return them to the situation where they are subjected to humiliation. They must be *dhimmi* [tolerated but with an inferior status] residents. This status must be imposed on them through war. They must pay the *jizya* security tax when they live among us....However, in Palestine, where they are occupiers and invaders, they cannot enjoy the status of *dhimmis*.²⁸

The vision of genocide against Jews is consistent with Hamas’ worldview, which, in turn, is consistent with that of the Islamic State regarding a global Islamic revolution, centering on the creation of a caliphate that will wage an all-out campaign against the infidels on the way to conquering Europe. Islamic law is being implemented in Gaza, and members of the Hamas parliament have already prepared a bill to amend the criminal law and allow executions for severe transgressions of Islamic law. Punishments would include death by crucifixion, amputation of limbs for thieves, and flogging for drinkers of alcohol.²⁹

Al-Astal said in this context that “when Palestine is liberated and its people return to it, the entire region by the grace of Allah will become the united lands of Islam, the land of Palestine will become the capital of the Islamic caliphate, and all of the states will be states within the caliphate.”³⁰

In a sermon broadcast on the *Al-Aqsa* channel, al-Astal set forth Hamas' long-term goals:

Very soon, by the will of Allah, Rome will be conquered, as Constantinople was conquered, and this will be in keeping with the prophecy of our Prophet Muhammad. Today Rome is the capital city of the Catholics, or the capital city of the Crusaders, which has declared its hostility to Islam and planted the brothers of the apes and the pigs [Jews] in Palestine to prevent the awakening of Islam. This capital city will become a springboard of the Islamic conquests that will spread throughout Europe, and from there will turn toward the two continents of America and also toward Eastern Europe.³¹

The worldwide Islamic revolution and the conquest of Rome as a symbol of the aspiration to defeat Christianity and Western civilization are fundamental to the ideological platform of the Muslim Brotherhood, the parent movement of Hamas.³² This ambition is also evident in the words of Dr. Subhi al-Yaziji, a Hamas member and dean of Koran studies at the Islamic University in Gaza, in an interview with the *Al-Aqsa* channel on May 25, 2012:

The conquest of Andalusia [Spain] is an old dream, something that the Muslims proudly hope for and will continue to hope for in the future....We put our hope and our trust in Allah that one day our victory will not be limited to Palestine. Our hopes go beyond this to the raising of the symbol of the caliphate over the Vatican, today's Rome, and this in keeping with the *hadith* of the Prophet Muhammad: "Constantinople will be conquered and after that Rome."³³

Hamas' Alliances

Hamas and the Islamic State differ on two main issues: first, the alliance Hamas has made with Shiite Iran has angered Egypt and Saudi Arabia because they view Iran as a strategic threat; and second, Hamas' readiness to play the political game while softening its ideological contours. Unlike the Islamic State, Hamas is prepared to cooperate with human rights organizations and utilize them to achieve its goals. At this stage, the key goal is to tie the hands of the IDF in its fight against terror and the security threats facing Israel.

Ismail Haniyeh, one of the leaders of Hamas and formerly its prime minister, adopted the approach of Mashal, who believes in using political means and in recruiting the support of "liberal" forces in the West to help fulfill the *jihad* of destroying Israel. In an address to the nation on October 19, 2013, in which he reiterated Hamas' dedication to the liberation of all of Palestine through *jihad*, Haniyeh said:

As we know, the success of the project of national liberation, in keeping with the experience of the peoples and the nations, requires a combination of the struggle and of political and diplomatic activity, and political activity is no less important than military and combat activity, since each of them complements the other. However, this depends on not causing contradictions between political activity and the struggle, or separation of political activity, slackness in it and losing sight of the main elements of the issue.

We call on our people, on the members of our nation and on liberal activists of the world in Europe and in other places to continue the activity to break the blockade and to broaden this activity....We demand of the Arab League, the United Nations, which provides sponsorship for a political process, of the human rights organizations, of the civil society organizations, and of the liberals of the world to condemn the Zionist blockade of Gaza, and we call on whoever is able to submit legal claims against the Zionist occupation to the international criminal courts for the war crimes that were perpetrated against our unarmed Palestinian people.³⁴



Yunis al-Astal is known as the “Mufti of Hamas.” He is the dean of the Faculty of Shariah at Gaza’s Islamic University, a senior Hamas parliamentarian, and served as head of the Association of Religious Scholars of Palestine. In his pronouncements, he has called for exterminating the Jews, using the Arabic term *mahraqa* (literally, burning or Holocaust). No Palestinian leader condemned his comments. (MEMRI)

This strategy, in Hamas’ eyes, is succeeding. Since the 2014 Gaza war, its success is evident from the international pressure on Israel to lift the “blockade” of Gaza, the visit by the United Nations secretary-general and the European Union foreign policy chief to Gaza, the removal of Hamas from the European Union’s list of terrorist organizations, the undertakings by the international community to provide \$5.4 billion for the rehabilitation of Gaza, in UNRWA’s policy that actually helps Hamas, the ongoing campaign against Israel by international human rights organizations, and the International Criminal Court’s January 16, 2015, decision to open an inquiry into possible war crimes in the Palestinian territories.

Hamas’ Military Partners in Gaza

According to a senior Hamas official, the ongoing coordination and contact among the military wings of the Palestinian organizations in Gaza was a crucial part of Hamas’ war effort, as evidenced by the existence of a joint operations room in different scenarios.

أَبْرَارُ اللّٰهِ الْمُسْلِمِينَ



ربنا واحد .. وطننا واحد .. عدونا واحد .. هدفنا واحد

"Brothers in Arms: One God, One Homeland, One Enemy, One Goal." The headbands identify the terrorists as members of (left to right) Palestinian Islamic Jihad, Fatah, and Hamas (Facebook/July 9, 2014)

The following are some of the key groups:

Palestinian Islamic Jihad (PIJ)

Formed in 1981 by Dr. Fathi Shkaki in Egypt, PIJ was deeply influenced by the success of the Iranian revolution and radicalization of student groups in Egypt and the Muslim Brotherhood. PIJ was the first major Palestinian organization to present a religious-Islamic alternative to the secular-national agenda of Fatah. PIJ defines Palestine as the heart of the religious-historical conflict between Muslims and Jews, as well as the focal point for Western imperialism which seeks to conquer Muslim lands.

The solution to this challenge can only be achieved by the liberation of the entire Muslim nation, PIJ declares. According to this dogma, "freeing Palestine" is only the first step towards a pan-Islamic revival. However, this pan-Islamic aspiration remains mostly a declarative one, as the PIJ agenda is foremost a national one, rather than global. Israel is regarded as a moral

and spiritual corruption afflicting all Muslims; therefore, eliminating Israel is a step that helps every Muslim heal his soul and society.

The movement was unique at the time among Sunni organizations in its acceptance and admiration of the Iranian revolution, and it adopted the Shiite model of subjugating the political echelon to the religious one. PIJ's leadership is located mostly in Syria and Lebanon, with additional branches in Tehran and Khartoum. Most of the organization's funding came from Syria, and it receives arms and training from Hizbullah, which also channels Iranian support to the PIJ. PIJ is similar to Hamas in drawing its influence from the Muslim Brotherhood (MB), but while Hamas sees itself as the Palestinian branch of the MB, PIJ no longer owes allegiance to the MB and has openly criticized it.

Ironically, this distance between PIJ and the Muslim Brotherhood sometimes works in PIJ's favor: Communications between Egypt and Hamas is a very problematic issue due to Hamas' relations and origins with the Muslim Brotherhood, a movement outlawed in Egypt. The result is that Egypt is often more willing to converse with the PIJ than with Hamas, the Palestinian branch of the Muslim Brotherhood and the de facto ruler of Gaza. This Egyptian dynamic elevates PIJ's importance as a political player and assures it "a place at the table."

As a result, PIJ is the second most dominant force in Gaza, as well as the second most active organization that participated in Operation Protective Edge in 2014. This puts PIJ in a position where it can cooperate with Hamas from a position of leverage. Within Gaza, PIJ tends to be more hawkish than Hamas, as it is not burdened by the responsibilities of governing. Although PIJ does not have masses of fighting units comparable to those of Hamas, it made up for this by firing large quantities of rockets at Israel.

Fatah – Al-Aqsa Martyrs Brigades

Major clashes between Hamas and Fatah in Gaza in the mid-2000s left Fatah decimated. Hundreds of Gazans were killed during the "civil war," which featured public executions, gun battles in hospitals, and the throwing of prisoners off of high buildings.

Fatah, the oldest of the Palestinian "resistance groups," established in 1959, was headed by Yasser Arafat. Today, Palestinian Authority Chairman Mahmoud Abbas leads the movement.

Despite Fatah's drubbing after Hamas captured Gaza in 2007, elements of the group still survived and resurfaced during the 2014 Gaza war. Palestinian journalist Khaled Abu Toameh reported, "Fatah has several hundred militiamen in the Gaza Strip who belong to various armed groups. Some, according to sources in the Gaza Strip, are former members of the Palestinian Authority security forces, who continue to receive their salaries from the Western-funded Palestinian government in Ramallah."³⁵

Two Fatah-affiliated groups boasted of their rocket fire early in the Gaza war. The Nidal Al-Amody force of the Al-Aqsa Martyrs Brigades "claimed responsibility for firing Grad and 107 millimeter rockets toward Ashkelon, Sderot, Netivot, Kibbutz Ein Hashlosha and the

Sufa Crossing,” it was reported on July 10.³⁶ “The Abdul Qader Husseini Battalions claimed responsibility for launching two Grad rockets at Ashkelon and four mortar shells at Kibbutz Nir Oz near Khan Yunis,” according to reports published on Fatah’s official Facebook page.³⁷

On August 27, the Palestinian website *Ma'an* reported, [Fatah’s] “Al-Aqsa Martyrs Brigades claimed responsibility for firing 620 rockets into Israeli towns during the Israeli aggression (sic).”³⁸ Fatah sources also published pictures of casualties in the Gaza fighting.³⁹

On September 10, 2014, the Russian TV network *RT* reported on Fatah fighters in Gaza manufacturing rockets and mortars to replace those they fired during the Gaza war.⁴⁰

Popular Resistance Movement (PRC) Sallah A-Din Division

The Popular Resistance Movement Sallah A-Din Division is perhaps the third largest organization in Gaza. In the past the PRC was mostly a secular organization due to its Fatah legacy. However, an ongoing process of Salafist radicalization has been taking place since the end of Fatah rule in Gaza. Built on the remains of the Fatah infrastructure in Gaza, PRC incorporates many different factions from within the Gaza Strip, with an agenda ranging from secular-socialism to global *jihad*. This organization maintains strong relations with Hizbullah, which has been essential in providing funding, training, and technical assistance since the organization’s creation.

The organization was set up in 2000 by disgruntled Fatah operatives, and consists of two dominant factions:

1. The Popular Resistance Movement, with its military wing El-Nasser Sallah A-Din Brigades, a faction that broke away from the PRC but still operates and cooperates with the organization’s objectives and infrastructure.
2. Jaish al-Islam – This organization used to enjoy close ties with both Hamas and Fatah, but has since developed a global Salafi *jihadist* agenda to the extent that it has been referred to as the organization of al-Qaeda in Palestine. As a result it is no longer affiliated with Hamas, and has even carried out terrorist activities, such as kidnappings and bombings, against Hamas targets.

For the purpose of attacking Israel in the 2014 war, the groups joined the rocket assaults on Israel, firing hundreds of projectiles.

Ansar Beit al-Maqdis

One of the most active Salafi organizations in Gaza, it was formed in 2011 by disgruntled Hamas members, Sinai Bedouins, and foreign nationals. Its main power base is among Sinai Bedouins, who oppose the status quo between Egypt and Israel and seek to destabilize it. True

to this objective, the group is as willing to attack Egyptian targets as it is Israeli ones and has proven its military ability to do so. Ansar Beit al-Maqdis repeatedly bombed the gas pipeline connecting Israel and Egypt and has carried out several high-profile attacks and assassinations against official Egyptian targets. This organization has recently declared allegiance to ISIS. Ansar Beit al-Maqdis has claimed responsibility for numerous rocket attacks on Israel

Majlis Shura al-Mujahidin

An organization with worldwide connections and support, Majlis Shura al-Mujahidin was antagonistic towards Hamas for participating in the “democratic game” and abandoning fundamentalist Islam. The organization holds a global Islamic agenda similar to that of al-Qaeda, rather than a national-Palestinian agenda, and is considered the most extreme *jihadi* organization in Gaza. It is built as a collaborative framework and infrastructure for all of Gaza’s Salafi factions, the biggest one of these being Jahafil Al-Tawhid Wal-Jihad fi Filastin. Its ability to execute large-scale operations is limited and therefore was not a significant participant in Operation Protective Edge.

Notes

* The section of this chapter on Hamas’ Military Partners in Gaza was prepared with the assistance of Adam Shay.

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Long-range M-302 rockets on board the *Klos-C* ship intercepted by Israel on March 5, 2014. (IDF/Flickr)

Hamas' Order of Battle: Weapons, Training, and Targets

Lenny Ben-David

In the course of their 50-day war against Israel, Hamas and its terrorist partners in Gaza fired more than 4,500 rockets and mortars at Israel.

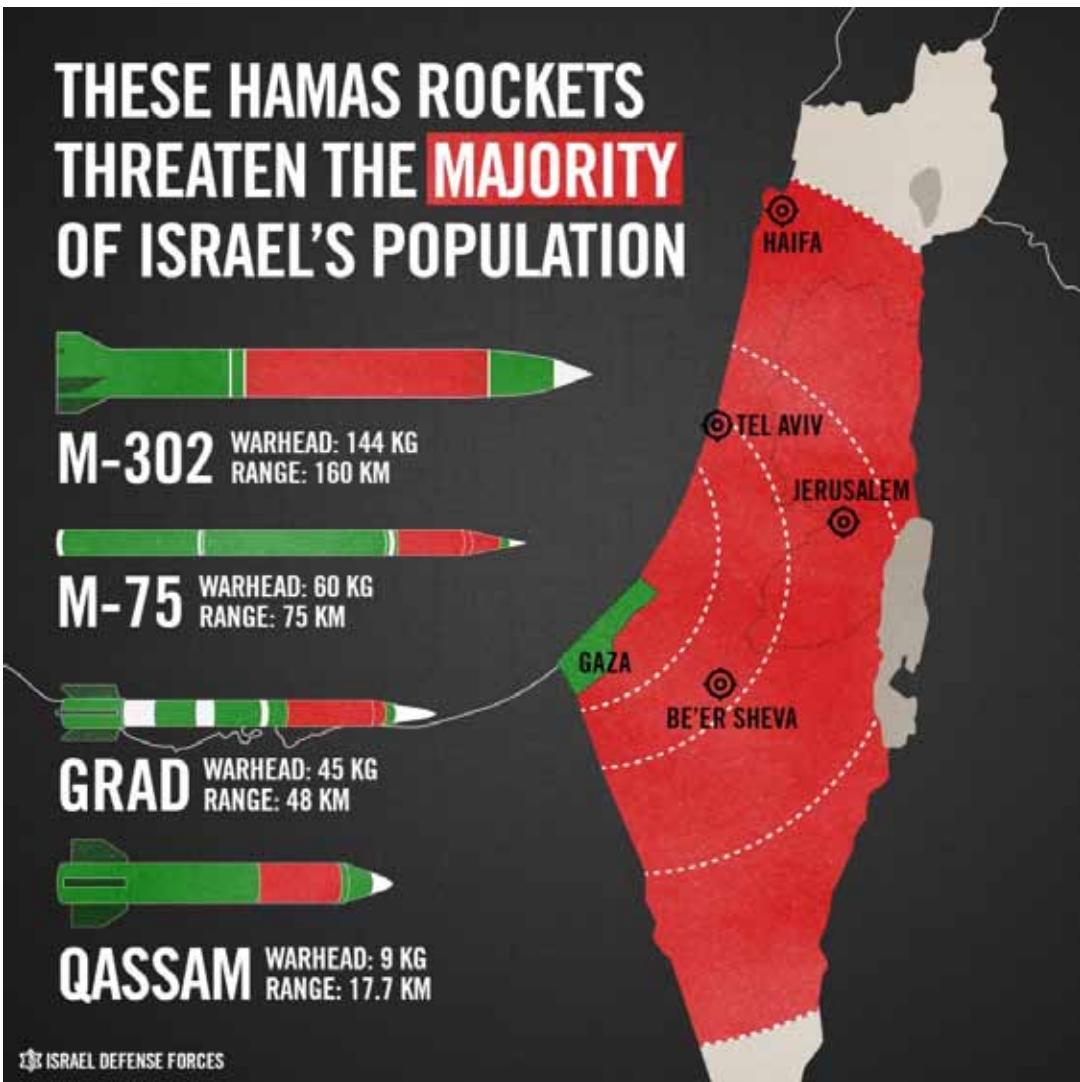
The weapons' ranges varied from two to 160 km., and the gross inaccuracy and inconsistency of the rocket fire meant that Hamas had unleashed real *terrorizing* weaponry. Rockets and mortars struck indiscriminately, and civilians had to drop everything to scurry with their children to shelters, often in the middle of the night.

Hamas' weapons undoubtedly would have caused hundreds, perhaps thousands, of casualties if not for Israel's active and passive defenses. The Iron Dome system intercepted 735 rockets heading toward densely-populated areas and strategic facilities. Israel's sensitive radars issued early warning (sometimes of only a few seconds) of incoming rockets.

Hamas and Islamic Jihad weapons were unreliable; hundreds of rockets fell within Gaza itself and killed or wounded untold numbers of Palestinian residents.¹

Throughout the 50-day war, sirens wailed in the major Israeli metropolitan areas of Tel Aviv, Ashkelon, Ashdod, Jerusalem, Beersheba, Haifa, and Dimona. Smaller towns near Tel Aviv, Ashkelon, and in the vicinity of Ben-Gurion International Airport were frequent targets. Agricultural communities near Gaza were under nearly constant mortar barrage, and many residents had to be evacuated. Israeli-Arab Bedouin towns and villages also came under fire.

Hamas, Fatah, and Islamic Jihad's rockets were fired at major strategic targets – ports, industrial parks, power stations, water plants, reactors, military bases, and Defense Ministry facilities. Also hit were apartments, houses, schools, synagogues, and shopping malls.



IDF infographic published during Operation Protective Edge. (IDF Blog)



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@gabrielebarbaty

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Out of #Gaza far from #Hamas retaliation:
misfired rocket killed children yday in Shati.
Witness: militants rushed and cleared
debris



RETWEETS
3,753

FAVORITES
1,193



7:46 AM - 29 Jul 2014

Screenshot of tweet by Italian journalist Gabriele Barbaty on July 23, 2014.

Hamas proclaimed that the closing of Ben-Gurion International Airport for one day was a major achievement for its rocketeers. In fact, the hasty decision by foreign governments to ban their carriers from flying to Israel gave Hamas its “victory.” Despite Hamas’ efforts, no rockets fell within the airport perimeter; one fell in open fields outside of the Iron Dome’s defensive shield, and, unfortunately, its concussion was felt in Washington, D.C.

Hamas, Fatah, and Islamic Jihad rockets were fired at Israeli ports, industrial parks, power stations, water plants, and military facilities. Also hit were apartments, houses, schools, synagogues, and shopping malls.

Sources of the Rockets

At the start of Operation Protective Edge in Gaza, the Israel Defense Forces estimated that more than 10,000 rockets were in the hands of terrorist organizations.² Many of the longer range rockets were provided by Iran and Syria or stolen from Libyan arsenals. Iranian naval ships delivered their weapons to Sudanese or Syrian ports, and from there they were smuggled to the Egypt-Gaza border and transported through tunnels to Gaza. Such were the cases with the M-302 and Grad rockets and mortars. On occasion, the trucks transporting the weapons were interdicted and destroyed by Israel, foreign news sources speculated.

After smuggling routes were blocked and the Egypt-Gaza tunnels destroyed by Egyptian forces, Hamas and its partner organizations set up rocket factories in Gaza for the manufacture of Qassam, Grad, and M75 rockets.

Hamas’ Rocket Arsenal³

Short-range (15-20 km.)

- Over 1,000 units of self-produced rockets (15 km.)
- Over 2,500 units of smuggled rockets (15 km.)
- 200 units of self-produced Grad rockets (20 km.)
- 200 units of smuggled Grad rockets (20 km.)

Medium-range (up to 45 km.)

- 200 units of self-produced improved Grad rockets (45 km.)
- 1,000 units of smuggled improved Grad rockets (45 km.)

Medium-Long-range (up to 80 km.)

- Over 400 units of self-produced medium range rockets
- Several dozens of rockets (80 km.)

Long-range (100-200 km.)

- Tens of long-range rockets (100-200 km.)

Total: Approximately 6,000 rockets

Palestinian Islamic Jihad's Rocket Arsenal

Short-range (15-20 km.)

- 1,000 units of self-produced rockets (15 km.)
- 1,000 units of smuggled rockets (15 km.)
- 300 units of self-produced Grad rockets (20 km.)
- 100 units of smuggled Grad rockets (20 km.)

Medium-range (up to 45 km.)

- 200 units of self-produced improved Grad rockets (45 km.)
- 600 units of smuggled improved Grad rockets (45 km.)

Medium-Long- range (up to 80 km.)

- Over 100 units of self-produced medium range rockets
- Several medium-long range rockets (80 km.)

Total: Approximately 5,500 rockets

Other Organizations Rocket Arsenal (including Fatah)

Short-range (15-20 km.)

- Hundreds of self-produced and smuggled rockets including Grad rockets (15 km.)

Medium-range (up to 45 km.)

- Dozens of self-produced and smuggled improved Grad rockets (45 km.)

At the conclusion of hostilities, Hamas' al-Qassam Brigades boasted that it had fired "some 3,600 rockets" at Israel including the following types and numbers:⁴

- 3,344 – Grad/Qassam/Katyusha/mortar (short range)
- 64 – Fajr 5 (mid-range)
- 185 – M75 (mid-range)
- 22 – J80 (mid-range)
- 11 – R160 (long-range)⁵

Rocket Locations and Storage Areas

Hamas' rocket warfare against Israel relied on tunnels and subterranean storage. Depots and firing positions were usually underground. To escape after firing or to reload rocket launchers, Hamas fighters relied on tunnels.

Hamas Force Structure and Deployment

According to Israeli reports, Hamas forces numbered 16,000 men on the eve of Operation Protective Edge. "Hamas' fighting force was divided into six regional brigades, each one made up of 2,000 to 3,500 operatives," the *New York Times* wrote, citing an intelligence official.⁶ Each Hamas battalion was "assigned its own tunnel,"⁷ and each battalion was "responsible for its digging and probably operations during wartime."⁸

In its own publications, Hamas listed its strength at 30,000 fighters.⁹

Naval Commandos

On July 8, in the first stages of the war, four heavily armed Hamas frogmen infiltrated Israel from the Mediterranean Sea. They landed near an Israeli military base and civilian community. The Hamas commandos attempted to attack an IDF tank and bulldozer but were killed on the beach within minutes.¹⁰

Later the same day, Mohammed Shaaban, the commander of Hamas' naval commando unit, was killed when his car was hit by an air-to-ground missile in the Gazan neighborhood of Jabalya.¹¹

Drones

On July 14 and 17, Hamas drones packed with explosives were detected entering Israeli airspace, one near Ashdod and the other near Ashkelon.¹² The drones were provided by Iran, the supplier of similar unmanned aerial vehicles to Hizbullah in Lebanon. The Hamas drones were shot down by Patriot anti-aircraft missiles.

On December 14, 2014, Hamas staged a 27th anniversary parade in Gaza that featured a flyover by a "locally made" drone.

Paragliders

On November 25, 1987, two Palestinian terrorists in motorized paragliders infiltrated northern Israel from Lebanon. They killed six soldiers and wounded eight before they were killed.



The hang glider used in 1987 to attack northern Israel. Six IDF soldiers were killed. (Ministry of Defense archives)

Hamas sought to repeat the tactic in the summer of 2014. A 15-man paraglider unit was set up by Raed Attar, one of Hamas' top military leaders. He sent the unit to Malaysia to practice paragliding in 2010, according to Mohammad Kadara, who was captured during Operation Protective Edge.¹³ "We practiced in Malaysia for a week on motorized paragliders, and were trained by local instructors," Kadara said. Later they were sent to Hamas bases in Khan Younis and Rafah. "There, we trained on paragliding, marksmanship and firing Kalashnikov rifles, and underwent further training in Rafah in navigation," Kadara said. "The plan was to cross the border into Israel with a paraglider, reach an IDF post or settlement, shoot at soldiers and civilians and kill as many Israelis as possible."

Raed Attar was killed in an Israeli air strike on August 21. "Attar's assassination disrupted everything," a senior Israeli security official stated. The attack never took place.¹⁴

Shoulder-fired Anti-aircraft Missiles – MANPADS

Several dozen Strella SA-7 anti-aircraft missiles (man-portable air-defense systems, or MANPADS) were reported to be in the Hamas arsenal, a handful of which were seen in a military parade in Gaza in September 2013.¹⁵ Twelve missiles were reportedly fired at Israeli aircraft without causing damage, according to a senior military official.¹⁶ The missiles were believed to have been stolen from Libyan arsenals after the fall of President Gaddafi. They were supplied via the tunnels dug between Egypt and Gaza, tunnels now sealed since the overthrow in Egypt of the Muslim Brotherhood's Mohamed Morsi and the subsequent election of Abdel Fattah el-Sisi in 2013.

The Izz al-Din al-Qassam Brigades also claimed to possess later-model MANPADS, including the Igla SA-18 and the Grinch SA-24.¹⁷

Suicide Bombers

Hamas integrated suicide bombers into its ground forces, and Israeli troops were attacked on several occasions by these fighters who function as very accurate “guided missiles.” On July 20, a woman with a bomb strapped to her chest rushed a group of soldiers and was killed before she exploded.¹⁸ On July 21, the IDF intercepted terrorists as they emerged from a tunnel in Israeli territory. The terrorists were dressed as Israeli soldiers – down to their boots – and several wore suicide vests.¹⁹ A suicide bomber killed three IDF soldiers in Rafah, Gaza, on August 1.²⁰

Hamas’ Children Fighters

Hamas has invested considerable resources to train thousands of Gazan children as fighters, teaching them close-order drills, throwing grenades, attacking through tunnels, and shooting Kalashnikov rifles and rocket-propelled grenades. Describing a camp for 17,000 teenagers, a *Washington Post* correspondent reported, “[T]he trainers were Qassam commanders dressed in khaki camouflage who barked orders like drill sergeants, answered by shouts of “*Allahu akbar*” by the attendees.”²¹

One teen trainee described his indoctrination routine: “Every day we have someone from Hamas giving us a lesson on *jihad* and the importance of it. We have videos on the military operations that were done by Hamas in the last war.”



Teens training in tunnels at Hamas camp, 2015 (Palestinian Center for Media)

An Arab reporter visited a youth camp and interviewed the camp supervisor, Abu Hamza, as he distributed Kalashnikov rifles to the teens. "These guns make men. This is how Palestine will be liberated. [The youth] are the army of the future," explained Abu Hamza.²²

At the camp's graduation ceremony, a member of Hamas' political bureau declared to the audience, "Although al-Qassam Brigades have been busy with preparations following the victory in the latest war, they have refrained from training the younger generation for a future liberation. [Today,] "We are preparing this generation for Jerusalem, the West Bank and Palestine."²³

Palestinian casualties were disproportionately high among males 20-29 years old, the "population most likely to be militants," the *New York Times* reported.²⁴ But the next highest group of casualties was among males 15-19 years old, suggesting that this age group was also involved in fighting.

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IDF forces operate in Gaza to find and destroy Hamas' terror tunnels, July 20, 2014. (IDF/Flickr)

Hamas' Tunnel Network: A Massacre in the Making

Daniel Rubenstein

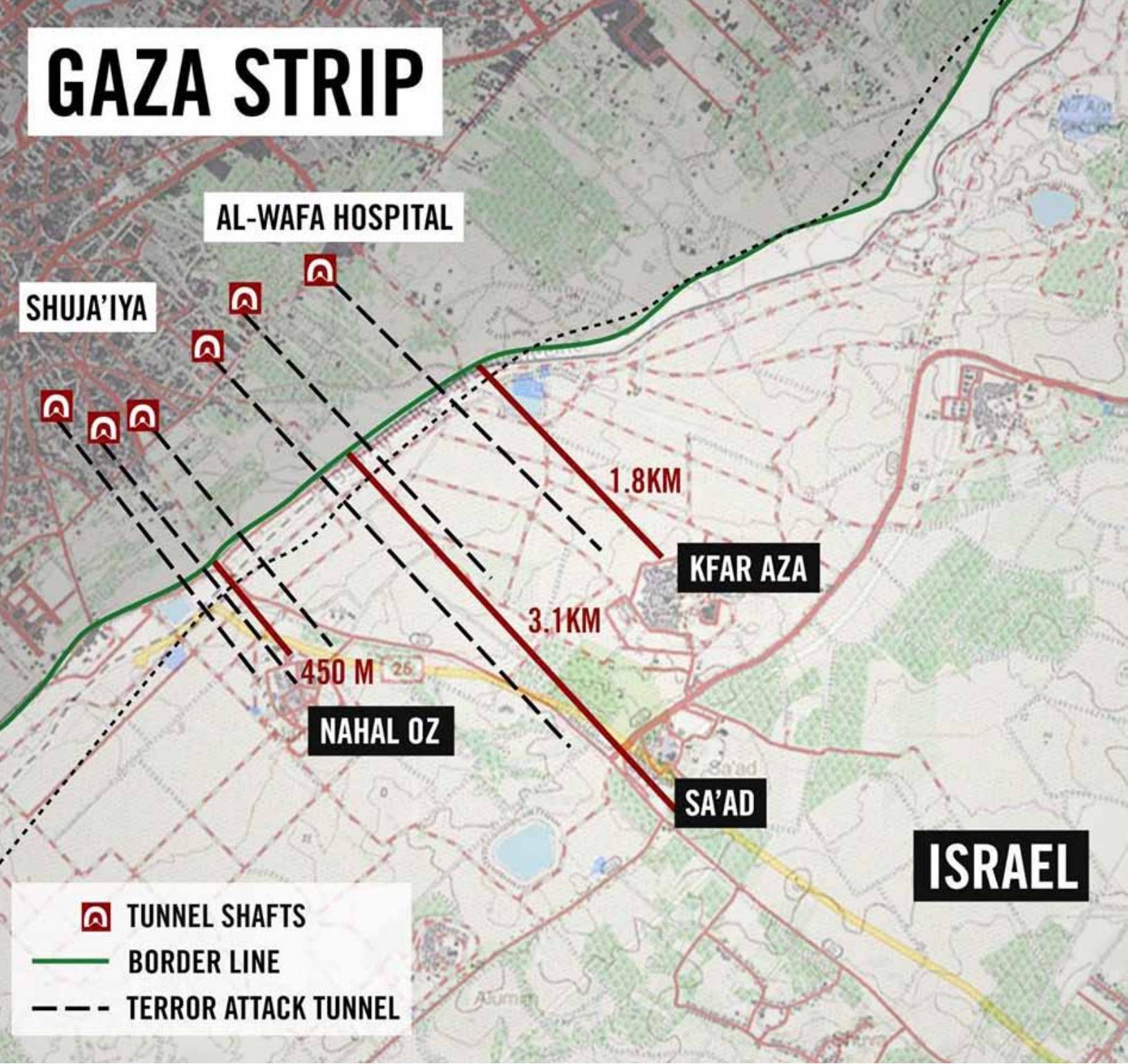
In the past decade, Hamas methodically built a sophisticated network of tunnels that would enable its fighters to infiltrate Israel and carry out terrorist attacks and abductions on an unprecedented scale. Operation Protective Edge exposed and targeted this tunnel network, eliminating one of Hamas' strategic assets and preventing a devastating surprise attack on a wide front, behind Israel's front lines.

IDF Spokesman Lt. Col. Peter Lerner explained why the destruction of the tunnels was so important. "Hamas had a plan. A simultaneous, coordinated, surprise attack within Israel. They planned to send 200 terrorists armed to the teeth toward civilian populations. This was going to be a coordinated attack. The concept of operations involved 14 offensive tunnels into Israel. With at least 10 men in each tunnel, they would infiltrate and inflict mass casualties."¹

What cannot be ruled out is the possibility that Hamas would be able to utilize the tunnel network to dispatch hundreds of men through each tunnel, thereby creating an invasion force of thousands.

What cannot be ruled out is the possibility that Hamas would be able to utilize the tunnel network to dispatch hundreds of men through each tunnel, thereby creating an invasion force of thousands. As Hamas leader Ismail Haniyeh himself said on October 19, 2013: "Thousands of fighters above ground and thousands of fighters underground have been preparing in silence for the campaign to liberate Palestine."

GAZA STRIP



Hamas tunnels open just meters away from the center of Israeli communities near the Gaza border. (IDF/Facebook)

Early Warnings

Tunnels have been a part of life in Gaza for decades. In 1989, Hamas terror mastermind Mahmoud Al-Mahbrouh used one to evade Israeli security forces.² By the mid-1990s, tunnels were being dug from Rafah into Egypt; they were used to smuggle anything that could fit in the narrow passages, from cigarettes and guns to fuel, farm animals, and even cars.

Tunnels were used to plant explosives underneath IDF positions, targeting Israeli soldiers who were stationed in Gaza until 2005. In 2001, a powerful bomb was detonated in a tunnel under an IDF base in Gaza; the blast blew out a 15-foot section of the first-floor wall and heaved soldiers through the air, injuring at least three.³ In 2004, hundreds of kilograms of explosives inside a 350-meter tunnel were detonated under an IDF outpost in Gaza, killing one soldier and injuring five others.⁴

In June 2006, less than a year after Israel's withdrawal from Gaza, Hamas used a tunnel to sneak into Israel, ambush IDF soldiers, and kidnap Gilad Shalit.⁵ In doing so, Hamas revealed that it had invested vast sums of money to prepare for subterranean warfare. "This was one of the most asymmetrical incidents in recent memory," a senior Israeli intelligence official recalled. "One Israeli soldier was held for five and a half years and traded [in 2011] for 1,027 Palestinian prisoners." Another top official agreed: "This was a proof of concept for them. Tunnels work."⁶

Years later, Hamas leader Khaled Mashal explained his group's thinking: "In light of the balance of power which shifted towards Israel, we had to be creative in finding innovative ways. The tunnels were one of our innovations. As they say, necessity is the mother of invention."⁷

Hamas looked to Hezbollah in Lebanon for inspiration and guidance on subterranean warfare.⁸ "Hezbollah thought of building an underground terror network well before Hamas started its own, and it taught Hamas how to construct these tunnels," a senior IDF officer said.⁹ In addition, Israeli military commanders believe that North Korea, which has one of the world's most sophisticated networks of tunnels running beneath the demilitarized zone with South Korea, gave Hamas advice on building tunnels in Gaza.¹⁰

After a round of fighting in January 2009 between Israel and Hamas known as Operation Cast Lead, the American Consul in Jerusalem, Jake Walles, sent a diplomatic cable in February discussing the growing threat from Hamas' tunnels project. The cable, addressed to the Secretary of State, summarized the consul's conversation with Saji al-Moughani, a Gaza local who worked as a Reconnaissance and Survey Officer for the State Department.¹¹ Al-Moughani reported that no reconstruction materials were available because "much of Gaza's cement was used to construct tunnels....[Al-Moughani] said the tunnels are lit and well-ventilated. Most are more than 30 feet underground, on the Gaza side, largely insulated from the effects of Israeli bombardment. Many tunnels have ceilings high enough to allow a grown man to stand."¹²

More Revelations

In 2012, more hints of Hamas' massive investment in tunnels became visible. On November 8, IDF soldiers conducting a routine patrol along the Gaza border near the town of Nirim found a tunnel four meters deep and almost five meters wide burrowed beneath the border. The patrol crossed into Gaza to search for explosives and, on its return, while repairing the border fence, a bomb detonated on the Gaza side of the border. One soldier was injured and an IDF jeep was thrown 20 meters by the blast.¹³



The opening of one of Hamas' many tunnels in the Gaza Strip. This photo was taken by an IDF soldier in Gaza on July 20, 2014. (IDF/Flickr)

In November 2012, Hamas also accelerated its rocket attacks against Israeli communities, an escalation that culminated with the IDF's pinpoint strike on Hamas chief-of-staff Ahmed Jabari and the eight-day Operation Pillar of Defense.¹⁴ In that operation, the IDF said it targeted over 120 tunnels used for fighting and smuggling.¹⁵ Nonetheless, most of the focus of the IDF and the Israeli public at that time was on Hamas' rocket launching capabilities, as well as the impressive successes of the Iron Dome missile defense system. After the round of fighting ended, Hamas realized it had failed to inflict significant damage on Israeli population centers and decided to expand its offensive tunnel capabilities.¹⁶

Two months later, on January 14, 2013, Israel received another wake-up call when the IDF discovered a tunnel inside Israel near Nir Oz, a kibbutz on the Gaza border. The underground passage was big enough to transfer people and was the same kind of tunnel used in 2006 to kidnap Gilad Shalit.¹⁷ "Such a tunnel in Israel indicates a clear intent by Gaza terrorist groups, led by Hamas, to attack Israeli civilians and IDF soldiers," the IDF said.¹⁸

On October 7, 2013, the IDF uncovered a mega-tunnel from Gaza into Israel that was 18 meters underground and extended for 1.8 kilometers. The tunnel, which opened near Kibbutz Ein Hashlosha, had taken two years to build and required 800 tons of concrete shaped into 25,000 concrete slabs.¹⁹ It was equipped with electricity and contained enough cookies, yogurt

and other provisions to sustain its occupants for several months. Israel estimated that Hamas had invested \$10 million in the project. Its discovery made clear that Hamas was building a tunnel network to infiltrate Israel on a massive and unprecedented scale.

Indeed, after the discovery of the tunnel near Ein Hashlosha, IDF Chief of Staff Lt.-Gen. Benny Gantz said that Israel's next war could start with an infiltration via a tunnel and an attack against an Israeli border town or local kindergarten.²⁰ Minister of Defense Moshe Ya'alon noted that the defense establishment's "basic assumption is that terror groups in Gaza are constantly digging tunnels to use in terror attacks at the earliest opportunity."²¹

During a visit to Gaza in October 2013, shortly after the tunnel was revealed, a Palestinian writer for the *Al-Monitor* website visited the area near the tunnel's route and learned from Palestinian military sources that the underground passage was one of Hamas' largest military projects in recent years, and was part of a long-term strategic plan for offensive military operations.²²

The *Al-Monitor* reporter was shown a document that had been distributed to terrorist groups in Gaza, which said: "The tunnel war is one of the most important and most dangerous military tactics in the face of the Israeli army because it features a qualitative and strategic dimension, because of its human and moral effects, and because of its serious threat and unprecedented challenge to the Israeli military machine, which is heavily armed and follows security doctrines involving protection measures and preemption."²³

The document continued: "The tunnel tactic is dangerous because it doesn't use traditional conditions and procedures for confrontation. [The tactic is] to surprise the enemy and strike it a deadly blow that doesn't allow a chance for survival or escape or allow him a chance to confront and defend itself. [The tactic] relies on the calm work of digging an underground tunnel by simple means and equipment and working without making noise, according to pre-prepared geographic coordinates, and without appearing on the ground's surface."

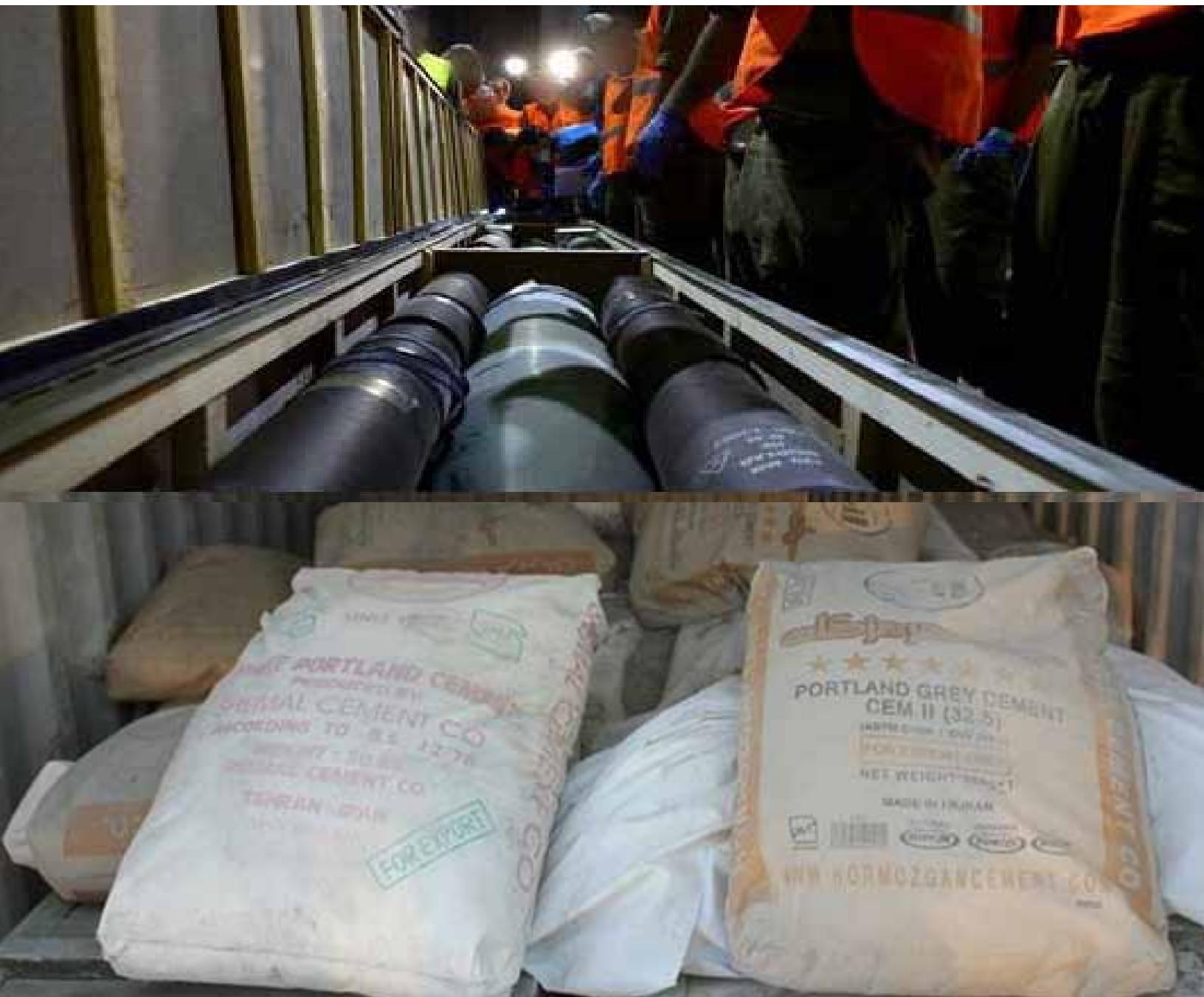
The document explained that the tunnels would play a major role in battle and cited how U.S. forces in Vietnam failed to address the challenge of the tunnels used by the Viet Cong during the Vietnam War.

"Today, we are the ones who invade the Israelis. They do not invade us."
– **Hamas co-founder Yahya Sinwar**

The concept behind the tunnels was best explained at the time by Yahya al-Sinwar, a member of Hamas' inner circle and a co-founder of the Hamas military: "Today, we are the ones who invade the Israelis. They do not invade us."²⁴

Alarms

On March 5, 2014, the Israeli Navy intercepted the *Klos-C* cargo ship carrying Iranian weapons almost certainly destined for Gaza.²⁵ The Israeli government displayed the weapons for the world's media to see,²⁶ but the ship also carried another strategic commodity – more than two million kilograms of Iranian cement in 100 shipping containers.²⁷



Missiles (above) and cement for tunnel construction (below) from Iran on the *Klos-C* ship, intercepted by the IDF on March 5, 2014. (IDF/Flickr)

On March 18, 2014, another massive tunnel was uncovered.²⁸ The tunnel penetrated a kilometer beyond the border fence, perilously close to the perimeter of Kibbutz Ein Hashlosha. The tunnel was fully wired with electric lines and communications cables. At some two meters high and one meter wide, a fighter carrying weapons and equipment could run through it with ease.²⁹ Based on the size and sophistication of the tunnel, it was clear to the IDF that Hamas had intended to use the underground passage to send a “large armed force” into Israel to carry out kidnappings and/or terror attacks. The IDF believed more such tunnels were being dug under the border.



The manifest of the ship after leaving Bandar-Abbas with documentation of 100 containers that were loaded in IRAN –further evidence that containers containing weapon and ammunition were loaded in IRAN.

General Manifest of Cargo Loaded on Board LANDING CRAFT: **KLOS C**
Master: HAKAN CAY
VOY NO: 01/2014
Vessel Registration number:

From port of:	B.ABBAS ,IRAN	TO Port of:	UMM QASR,IRAQ.	Sailed:	04 FEB. 2014	
B/L NO	Shipper	Consignee	Marks & Numbers	Quantity	Contents	Weight
S/BAB/018	SIMAN HORMOZGAN	AVAED CO	6014697-92.11.08	100X20' CONTAINERS OF CEMENT		2000129 KGS
			TOTAL:	100X20' CONTAINERS OF CEMENT		2000129 KGS

*الشركة العامة لنقل البضائع
المنفذ الرئيسي
الإسماعيلية - مصر* SWS

The *Klos-C* manifest, captured by the IDF, proves that the weapons and cement came from Iran. (Benjamin Netanyahu/Facebook)

Infiltrations

The next time a tunnel was discovered in Israeli territory, Hamas fighters were streaming out of it. On July 17, 2014, nine days into Operation Protective Edge – which at the time had remained an air campaign – the IDF identified around 13 Palestinians who had infiltrated Israel through a tunnel near Kibbutz Sufa.³⁰ The terrorists were heavily armed with RPGs and assault rifles and were prepared to carry out a massacre.³¹ The IDF foiled the attack, saving countless Israeli lives. “The incident at Sufa made the penny drop for us,” Lt. Gen. Gantz later explained.³²

That same evening, the IDF began a ground operation in Gaza. “Their mission is to target Hamas’ tunnels that cross under the Israel-Gaza border and enable terrorists to infiltrate Israel and carry out attacks,” the IDF said in a statement. “Such a goal requires intensive and precise operations inside Gaza. Hamas terrorists are operating underground, and that is where the IDF will meet them. The IDF intends to impair Hamas’ capability to attack Israel.”³³

Before the IDF completed its ground operation, Hamas terrorists infiltrated Israel via tunnels at least four more times. On July 19, Hamas terrorists infiltrated Israel in three separate incidents. In the first attack, eight Hamas terrorists emerged from a tunnel 300 yards inside Israel wearing IDF uniforms. They fired an RPG at an IDF jeep, killing two IDF officers. One of the infiltrators was killed by return fire, while the rest retreated underground, back to Gaza.³⁴ Hours later, two more Hamas fighters entered Israel, either through a tunnel or by breaching the border fence. The men were carrying tranquilizers and handcuffs. One was shot and killed; the other died when the explosive belt he was wearing detonated. That night, another Hamas gunman slipped through a different tunnel into Israeli territory and fired on IDF troops, who killed him.³⁵

On July 21, two Hamas squads entered Israel from northern Gaza via a tunnel. They were identified by IDF lookouts and killed by IDF fire.³⁶

On July 28, Hamas fighters entered Israel undetected via a tunnel near Kibbutz Nahal Oz. They attacked an IDF post and killed five IDF soldiers.³⁷ Hamas later published a video of the attack. Four of the five terrorists returned to Gaza, while one was killed trying to kidnap the body of a soldier.³⁸

On August 1, an hour and a half into a U.S.- and UN-backed ceasefire, Hamas terrorists emerged from a tunnel in Rafah and a suicide bomber detonated himself near IDF soldiers. In the ensuing gun battle, Lt. Hadar Goldin was kidnapped, sparking a massive IDF assault on the area.³⁹ (Goldin was later declared dead.) The IDF discovered that the same tunnel used in the Rafah attack also surfaced some *two kilometers* inside Israel.⁴⁰

Massacre Averted

Hamas’ deadly ambushes in Rafah, Nahal Oz, and elsewhere reinforced the Israeli government’s refusal to accept a ceasefire that did not allow the IDF to destroy the tunnels. The Israeli public could not live with the thought that Hamas could emerge from under their homes at any time. In one of the tunnels, the IDF found motorcycles that could have enabled Hamas to commit large-scale terrorist attacks deep inside Israel, many kilometers from the Gaza border, and/or return quickly to Gaza with hostages.⁴¹

An IDF engineering officer involved in locating the tunnels explained the threat: “These were wide tunnels, with internal communication systems that had been dug deep beneath the surface and the sides were reinforced with layers of concrete. You could walk upright in them without any difficulty. That’s the stage at which we understood it was no longer a matter of a localized tactical threat to IDF forces along the fence, but rather part of something bigger



These motorcycles were found in a Hamas terror tunnel inside Israel on August 3, 2014. Hamas terrorists could have used them to infiltrate deeply into Israel and quickly return to Gaza with hostages. (IDF/Flickr)

and more dangerous. Suddenly, you're envisioning an attack planned deep into our territory – 300 meters or more. You go into a tunnel and realize it hadn't been planned for capturing a soldier from near the fence, but rather was able, in a short time, to bring a sizable enemy force onto our home front and attack there.”⁴²

Before the war, Hamas employed almost 900 tunnel diggers, working around the clock in two or three shifts, according to a senior Israeli officer. The IDF discovered 100 km. of tunnels in Gaza, one-third of which stretched under Israeli territory.⁴³

The IDF continued its ground operation in Gaza until Hamas' tunnel network was eliminated. Between July 17 and August 5, IDF forces neutralized 32 terror tunnels.⁴⁴ During that time, Hamas reportedly executed dozens of tunnel workers, fearing they might reveal the tunnel locations to Israel.⁴⁵

Soon after the conflict ended, Hamas announced that it was rebuilding its tunnel network. As one spokesman put it: “Our men will begin the next battle with their feet on the ground in Nahal Oz...and the other settlements around Gaza.”⁴⁶

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Hamas Prime Minister in the Gaza Strip Ismail Haniyeh in a televised address in Gaza City on October 19, 2013 (Majdi Fathi/NurPhoto/Sipa)

Hamas' Silent Partners

Lenny Ben-David

Hamas Prime Minister Ismail Haniyeh set out his strategy for *political* warfare against Israel in parallel with his military campaign on October 19, 2013, when he offered “Blessings to all the commissions, individuals, civil society groups, and human rights organizations that worked to break the siege on Gaza and who fought against the [Israeli] fence and the settlements.”¹ Haniyeh was addressing his remarks to the large group of non-governmental organizations (NGOs) critical of Israel and the IDF in the media and international arena.

“Moreover,” Haniyeh continued, “we bear in mind those...who stood by our cause and against the Zionist war on our land, and this reflects the consciousness of the nations regarding our just cause and the level of transgression and racism undertaken by the Zionist entity against our people.”

Haniyeh explained that the Palestinian struggle against Israel is “comprised of the armed struggle, the popular struggle, *the diplomatic and political struggle, public affairs, public and legal and academic and diplomatic boycotts* [emphasis added], and it must take place at all levels – regional and international.” Hamas and other terrorist organizations rely on international organizations to condemn, defame, and boycott Israel with the aim of undermining international support.

Dozens of Palestinian, Israeli, international, and Christian organizations are engaged in the Palestinians' campaign against Israel and are supported financially by major foundations, private donations, and even European governments.

Today, dozens of Palestinian, Israeli, international, and Christian organizations are engaged in the Palestinians' campaign against Israel and are supported financially by major foundations,

private donations, and even European governments.² Journalists quote NGOs at length, usually not aware that the “humanitarian” organizations often rely on Hamas offices such as the Gaza Ministry of Health for their “information” on casualty figures.

Discredited UN bodies such as the 2009 “Goldstone Commission” relied heavily on the reports coming from some of the Hamas-fed organizations. Presumably, as the new UN commissions begin their investigations on the 2014 war, they also will rely on these groups.

Some NGOs claim that Israel commits war crimes, collective punishments, crimes against humanity, and disproportionate, indiscriminate, and unlawful attacks. They rebroadcast Hamas’ “civilian” casualty reports that cite anonymous “eyewitnesses” and do so without any critical analysis or investigation. In one case, an organization fabricated a canard that Israel was using experimental Dense Inert Metal Explosives (DIME) against civilians.³

Perhaps the most disproportionate detail in NGO reports is the paucity of accusations and condemnation *against Hamas* for its many war crimes, attacks on civilians, use of human shields, and summary executions of its own people.

The Physicians for Human Rights-Israel (PHR-I) report⁴ displayed the organization’s bias in the very first line of its 237-page indictment of Israel: “On 8 July 2014, Israel initiated a military offensive in the Gaza Strip.”

Who began the war? No mention is made in the report of Hamas’ indiscriminate barrages of rockets against Israeli civilians that preceded the Israel Air Force action. (Indeed, Hamas rockets were barely mentioned in the entire report.) Only on July 17, after Hamas’ tunnel assaults into Israel, did Israel begin its ground operation inside Gaza.

In the PHR-I case studies are a video interview and this narrative about a policeman, Osama al-Batash, which are both deceptive and revealing:

Osama el-Batash, 31 years old, a policeman. Resident of al-Tuffah neighborhood of Gaza City. Injured on July 12, 2014 at 10:00 pm. Osama and his family were having their Ramadan fast-breaking dinner at his uncle’s when two missiles hit the house with no prior warning. The explosion caused the collapse of the four-story building and three adjacent buildings were affected in the blast. Twenty people died in the explosion and more than 50 were injured. After his injury his leg was amputated. He suffers from fractures (sic) in the jaw and many burns in different parts of his body.

Who Is His Uncle, Host of the Post-Ramadan Dinner?

Tayseer Batash served as the chief of Gaza’s police, appointed by Hamas and with the rank of Brigadier General. Tayseer was wounded in the attack. Most of the men killed were between the ages of 17 and 28 and, like Osama, likely to have been Hamas police.⁵ At their funerals their bodies were draped with Hamas flags. Any women and children killed in the blast were used as human shields by the chief of police and his men.

The Gazan police is “an integral part of the security layout of the Hamas regime in Gaza,” charges the Israel Security Agency. “[Police] officers are de facto still part of Hamas combat troops, participating in military activity against the IDF, from shooting at the IDF to monitoring its movements to terror activity against Israel.”⁶

“The IDF decided to strike the house of Hamas commander Tayseer al-Batash,” *Ha’aretz* reported, “which is near a mosque, after a number of individuals were spotted about to launch rockets, according to the army.”⁷

The NGO claims against Israel were led by two of the mega-NGOs: Amnesty International and Human Rights Watch. Others who weighed in included B’Tselem, Adalah, Al-Haq, Association for Human Rights in Israel (ACRI), the Palestinian Centre for Human Rights (PCHR), Oxfam, and Yesh Din.

Human Rights Watch Lost Its Way

Formed in 1978, with the noble intent to protect human rights around the world, Human Rights Watch (HRW) today, with its \$50 million budget, devotes much of its energy to investigating and chastising open societies such as Israel. “The real activity of this organization today,” human rights activist Natan Sharansky asserted, “is a far cry from what it was set up 30 years ago to do: throw light in dark places where there is really no other way to find out what is happening regarding human rights.”⁸

HRW makes numerous accusations about the usage and types of Israeli weapons in order to support claims of Israeli violations of the rules of war, despite its lack of any military experts or observers on the battlefield. For example, in response to HRW accusations about Israel’s use of drone missiles against Gaza in 2009, Robert Hewson, editor of *Jane’s Air-Launched Weapons*, responded, “Human Rights Watch makes a lot of claims and assumptions about weapons and drones, all of which is still fairly speculative, because we have so little evidence.”⁹

An Anti-Israel Obsession

HRW’s executive director, Kenneth Roth, issued 400 tweets about Israel to his 90,000 followers during the course of the 2014 Gaza war, reflecting his obsessive and “personal animus towards the Jewish state and even less credibility,” NGO Monitor noted.¹⁰

This animus was very apparent when Roth tweeted on September 15, 2014, “Germans rally against anti-Semitism that flared in Europe in response to Israel’s conduct in Gaza war.”¹¹

Roth’s blaming Israel for European anti-Semitism was attacked by *The Atlantic*’s Jeffrey Goldberg: “Roth’s framing of this issue is very odd and obtuse. Anti-Semitism in Europe did not flare ‘in response to Israel’s conduct in Gaza,’ or anywhere else. Anti-Semitic violence and invective are not responses to events in the Middle East, just as anti-Semitism does not erupt



Kenneth Roth, executive director of Human Rights Watch (Goncalo Silva/Nur Photo/Sipa)

'in response' to the policies of banks owned by Jews....It is a universal and immutable rule that the targets of prejudice are not the cause of prejudice....Like all prejudices, anti-Semitism is not a rational response to observable events; it is a manifestation of irrational hatred."¹²

Careful reading of reports published by HRW on Israeli violations of the laws of war shows the reports to be speculative, tentative, and uncertain. Every "eyewitness" account by Palestinians is accepted uncritically; every response by the Israel Defense Forces is treated skeptically. The following is from one HRW report widely covered in the media, *Israel: In-Depth Look at Gaza School Attacks*:¹³

- Israel's attacks "*did not appear* to target a military objective..." [emphasis added]
- "At about 10:45 a.m. on August 3, an *apparent* Israeli Spike guided missile hit..."
- "It is *highly unlikely* that at least four of the inaccurate, unguided rockets used by Palestinian armed groups..."
- "It is also *unlikely* that Palestinian armed groups would have targeted the area near the school with mortars..."

- “An inspection of the site and photographs of munition remnants found at the school suggest...”
- “Israeli ground forces were *apparently* present...”
- “Human Rights Watch observed tank tread-marks....The tanks demonstrate the presence of Israeli troops in the vicinity who *could have been* the source of the mortar rounds.”
- “An inspection of the impact mark across the street from the school...*strongly suggests* that the munition was a Spike missile.”

Gaza Residents: Hamas Was in the Destroyed Towers

On December 9, 2014, Amnesty International issued a 32-page report charging that Israel’s destruction of four high-rise buildings in Gaza was a “war crime.”¹⁴ Amnesty claimed that the attacks were “collective punishment” and “all the evidence we have shows this large-scale destruction was carried out deliberately and with no military justification.”¹⁵

Amnesty admitted that none of the residents of the buildings suffered any physical harm after several methods of Israeli advance warnings allowed them to evacuate. It is also clear that many of the apartments belonged to Hamas officials and offices that had been evacuated early in the war. Amnesty failed to see the evidence. Amnesty’s supposed witnesses were all unnamed.

The four buildings (12-story Zafer Tower in Gaza City, 7-story office building in Rafah, 16-floor Italian Center, and 13-story al-Basha Tower) were not innocent residential buildings. The Rafah building “was said to contain an office of the Hamas interior ministry,” according to one British reporter.¹⁶ Other buildings contained Hamas news offices and radio stations, according to Israeli accounts.

Amnesty was unmoved by these facts and complained about the resultant monetary and property damage. “Even if the Israeli authorities had good reason to believe that a part of a building was being used for military purposes, they had an obligation to choose means and methods of attack that would minimize harm to civilians and their property,” the report charged.¹⁷

The strongest rebuttals to Amnesty’s report come from Palestinians in Gaza who are refusing to rent their properties to Hamas officials. Amnesty International had only to interview them. “Gaza Landlords Refuse to Rent to ‘Targeted Families’,” wrote *Al Monitor* on October 1, 2014.¹⁸

On September 6, *Al Monitor* related, “The residents of Daoud Tower organized a protest in front of the building, in the middle of the Ramal neighborhood in Gaza, to prevent the media and the employees of political organizations to enter their offices.”¹⁹



Palestinians inspect the rubble of the al-Zafer apartment tower, which contained Hamas offices, following Israeli airstrikes on August 23, 2014. The IDF ensured that the building was evacuated before targeting it. (AP photo/Adel Hana)

“A woman was carrying a sign that read ‘NO to service, media and security institutions in Daoud Tower!’” according to *Al Monitor*. The woman explained, “The tower was bombed eight times during the war. We were terrified. Our cars and neighboring apartments were destroyed, and some of us were injured. All of this happened because certain political bureaus [Hamas] rent offices here under the pretext of being trade companies.”²⁰

Hamas leader Musa Abu Marzouk complained that after the war, landlords in Gaza “were afraid to rent out their apartments out of fear they would be targeted by Israel in the future,” according to reporter Khaled Abu Toameh.²¹

The nature of the high-rise apartment occupants was revealed already in the 1990s when the U.S. government audited several housing projects it had funded. It found that the high-rise buildings in Gaza “may not benefit the project’s intended beneficiaries – lower-income residents.”²²

The apartments were apparently going to Gaza officials. The audit explained, “The Memorandum of Understanding between USAID and the Palestinian Housing Council (PHC) sets out the requirement that the beneficiaries represent the lower-income group....Our audit found, however, that the PHC was considering selling the housing units to higher-income Palestinians.”

The residences in the Zafer Tower included two penthouses and 40 three-bedroom apartments of 1,615 square feet. According to a *New York Times* report, the apartments originally sold for \$60,000 each, a tony sum for poverty-stricken Gaza.²³ “The Israeli military said the building was ‘a command and control center’ where ‘multiple floors’ were ‘used regularly by Hamas for operational activities’ throughout the seven-week battle,” the report noted. “In interviews, more than half the tower’s occupants said that Hamas had taken over one of the penthouse apartments in 2007 for what several said was a ‘media office’ filled with computers and communications equipment.”

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The Al Batsh family funeral on July 13, 2014. The men were wrapped in Hamas flags. (Anadolu Images)

Gazan Casualties: How Many and Who They Were

Lenny Ben-David

The 50-day Hamas war against Israel left 66 Israeli soldiers and six civilians dead; there were a total of 842 Israeli casualties during the conflict.¹ On the other side, UN and Palestinian sources claimed that some 2,100 Palestinians in Gaza were killed, of whom 72 to 84 percent were civilians.²

There are strong reasons to contest these Palestinian figures and argue that the percentage of Gazan civilian casualties was fewer than 50 percent. On December 1, 2014, the Meir Amit Intelligence and Terrorism Information Center reported on its detailed, name-by-name analysis of 1,598 Palestinian fatalities in Operation Protective Edge that amounted to 75 percent of those who were killed. Of the fatalities who could be identified, about 45 percent were non-combatants, while 55 percent were combatants – nowhere near the levels of civilian losses that were discussed in the media.³

While UN and Palestinian sources claimed that 72 to 84 percent of Palestinians in Gaza killed during the war were civilians, a detailed name-by-name analysis of Palestinian fatalities found that of those who could be identified, about 45 percent were non-combatants, while 55 percent were combatants.

Unfortunately, civilian losses are part of most modern wars. Israel's performance compares well to that of other Western states, yet it is singled out for criticism (see Appendix – Proportion of Civilians Killed in the Bosnian, Iraq, and Afghan Wars, Compared to the 2014 Gaza War, at the end of this chapter).

Moreover, Hamas itself instructed its fighters to use human shields in order to purposely suffer civilian deaths and increase international pressure and blame on Israel.⁴ Fathi Hamad, Hamas' former interior minister, said in 2008 during Operation Cast Lead that Hamas fighters "formed human shields of the women, the children, the elderly, and the *mujahedeen* in order to challenge the Zionist bombing machine."⁵

Israel is not the only Western nation facing an immoral enemy prepared to harm its own citizens, the Rand Corporation wrote in a 2006 report for the U.S. Air Force: "U.S. adversaries have...creatively found ways to place innocents at risk and thereby increase the human and moral costs of the nation's wars, evidently in the hope of deterring the United States from taking military action in the first place or of imposing political costs and constraints on the conduct of military operations if their deterrent efforts fail."⁶

The Problematic Source of Palestinian Casualty Reports

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) stated that its information on Palestinian casualties was provided by the Palestinian Ministry of Health in Gaza – a Hamas-controlled office.⁷ Two other organizations in Gaza, the Al Mezan Center for Human Rights⁸ and the Palestinian Centre for Human Rights (PCHR),⁹ circulated casualty lists with inflated numbers of civilian deaths. In 2009, both organizations provided testimony and statistics to the now-discredited UN Goldstone Report on the war in Gaza.

Even the Gaza Ministry of Health figures show that a disproportionately large percentage of casualties in Gaza were men of fighting age.¹⁰ If Israeli attacks were indeed "indiscriminate" or aimed at civilian shelters, as Hamas claimed, the percentages of men and women killed would have been close to 50 percent each. Instead, as presented by the Ministry of Health, men constituted 66 percent of the casualties, women 14 percent; children comprised 16 percent and elderly four percent.

The "keeper of the statistics" in the Gaza Health Ministry is Ashraf al-Kidra, according to *Associated Press*.¹¹ Kidra sits in an office at Gaza City's Shifa Hospital (used by Hamas as a headquarters)¹² and "receives casualty reports from hospitals and emergency services....Al-Kidra uses a very broad definition of civilians, saying the term applies to anyone who has not been claimed by one of the armed groups as a member."

The "keeper of the statistics" in the Gaza Health Ministry defined as a civilian "anyone who has not been claimed by one of the armed groups as a member."

The *New York Times* analysis of Gazan deaths pointed out that "men ages 20 to 29, the population most likely to be militants, is also the most overrepresented in the death toll: They

are 9 percent of Gaza's 1.7 million residents, but *34 percent of those killed* whose ages were provided (*emphasis added*)."¹³

The *Times*' figure of 34 percent "likely to be militants" is actually low since it is based on a very narrow age group (20-29 years old) that the newspaper considered to be combatants. The chart presented by the *Times* also shows disproportionate deaths among the 15-19 and 30-39-year-old males of Gaza, many of them likely combatants as well.

Human Shields and Inflated Casualty Numbers

According to the UN Office for the Coordination of Humanitarian Affairs, "at least 142 families had lost three or more family members in the same incident, for a total of 739 civilian fatalities."¹⁴ But how many of those families served as human shields for Hamas' top military leaders? The airstrike on Hamas' military commander and arch-terrorist Muhammed Deif provides a clear example of this phenomenon.

On August 20, 2014, Israeli intelligence discovered that the illusive Deif was visiting one of his wives in a home in Gaza City. Israeli planes bombed the house, and Deif's fate is not known to this day.¹⁵ One of Deif's wives and two of his children were killed in the attack as well as two or three other civilians. Mohammed Deif was certainly a legitimate target by all rules of warfare. Cutting off one of the heads of the Hamas snake would save innocent lives. His family died because he used them as human shields.

The next day, an Israeli strike on a Rafah house killed three high-ranking Hamas military leaders: Mohammed Abu Shamala, Raed al-Attar, and Mohammed Barhoum, men responsible for the tunnel attack into Israel in 2006 that killed two soldiers and captured another, Gilad Shalit. Attar also headed a Hamas paraglider unit that planned terrorist raids into Israel.



A Palestinian poster from 2014 commemorating an attack on northern Israel in November 1987.¹⁶ Palestinian terrorists from Lebanon crossed the Israeli border via hang glider and attacked an IDF base.

“The killing of the three military commanders in Rafah was a significant blow to Hamas,” reported the *Guardian*.¹⁷ Seven civilians who were used as human shields by Hamas military leaders tragically died in that air raid, but how many dozens of innocent civilians – Israeli and Palestinian – were saved by the attack on these legitimate military targets? This question lies at the heart of the “disproportionate number of casualties” canard hurled at Israel.

A compilation of families killed in the Gaza war was presented by the *Sydney Morning Herald*'s Ruth Pollard¹⁸ and the *Guardian*'s Harriet Sherwood.¹⁹ Sherwood conceded that “in many cases there may have been a military target among the dead,” but she raised the question whether the use of force was proportionate and in violation of international law’s obligation to protect civilians.

Both journalists cite as their sources the Palestinian Centre for Human Rights, Al Mezan, B’Tselem, UNOCHA, and al-Haq – all of whom were dependent on data from Hamas’ Ministry of Health in Gaza.

Analysis of many of the victims’ backgrounds shows a distinct military nature or age group:²⁰

- **Hafiz Hamad**, “a senior Islamic Jihad” leader, was killed by an Israeli air strike on his home in Beit Hanoun on July 8, according to the Palestinian *Ma'an News Agency*.²¹ Five members of his family, used as human shields, also perished. Two were men, one 26-years-old, the other 30, and quite possibly Islamic Jihad fighters.
- **Mohammed Eskafi’s** “family” was killed in Shuja’iya on July 20. Besides 49-year-old Eskafi, five men, aged 25-30, and a 12-year-old boy were killed.
- The **Astal** family in Khan Younis lost 10 members – *all* men between the ages of 18 and 27.
- **Tayseer al-Batsh’s** family in Gaza City lost 18 members, but many were men between the ages of 17 and 28. Brig.-Gen. Tayseer Batsh, appointed by Hamas as chief of Gaza’s police, was wounded in the attack. His activities in Gaza made him a top-tier military target.

Fraudulent Claims of Civilian Deaths

The images below are of Hamas, Islamic Jihad, and Fatah terrorists who died fighting Israel. All of them were listed as civilians by PCHR, UNESCO, Al Mezan, and the Gaza Health Ministry. These men are only four of the many examples of terrorists who were listed as civilians.



Eyad Radi Abu Raida (top left), an Islamic Jihad terrorist, was listed by the Palestine Centre for Human Rights as a civilian.²² Abdullah Murtaja (top right), a Hamas terrorist, was labeled a “journalist” by UNESCO.²³ After Murtaja’s death, Hamas released a video showing him delivering a “martyr” statement while armed and in uniform.²⁴ Mohammed Abdul Rahman Mahmoud Abu Hamad (bottom left), whom PCHR implied was a civilian, was identified by Fatah as a “mujahid martyr.”²⁵ Ashraf Ibrahim Al Najjar (bottom right), a 22-year-old Hamas terrorist, was identified as a “13-year-old boy” by the Gaza Health Ministry.²⁶



Hamas executed 18 Palestinians on Aug. 22, 2014, for suspected collaboration with Israel. (Reuters)

Hamas Executions of Civilians

At least a score of Gazans were accused of being Israeli spies or “informers” and executed by Hamas in the streets of Gaza in August. Two women were among the group.²⁷ Hamas did not release the names of those executed “for keeping the reputation and honor of their families and children,” but there is little doubt that their names showed up on the civilian casualty lists blamed on Israeli action.

Palestinians Killed by Hamas’ Errant Rockets

Hamas and Islamic Jihad weapons were unreliable, and hundreds of rockets fell within Gaza itself and killed or wounded untold numbers of Gazan residents.²⁸ On July 28, for instance, a misfired Islamic Jihad rocket fell on a public kindergarten in the Shati district packed with children. Eight children and two adults were killed. Another rocket fell on Gaza’s Shifa Hospital’s outpatient clinic.²⁹ Almost certainly, the names of these innocent civilians can be found in the Hamas casualty list blamed on Israel.

AERIAL PHOTOGRAPHS ILLUSTRATING GAZA ROCKET FIRE

July 28, 2014 at approximately 16:58



PALESTINIAN TERRORISTS IN GAZA FIRE ROCKETS FROM CIVILIAN AREAS AND HIT THEIR OWN PEOPLE.

ISRAEL DEFENSE FORCES

An IDF infographic published on July 29, 2014, explained the sources of the rockets that hit Shifa Hospital and Shati refugee camp.³⁰

Natural Deaths

The CIA *Factbook* lists the Gazan death rate as 3.09 deaths/1,000 population, which is to say that among Gaza's population of 1.8 million people, more than 5,500 people die of natural causes every year.³¹ That is the equivalent of 15 natural deaths per day. How many are listed as civilian casualties of the war? Attempts to get answers to this question have not been successful, but it is possible that some of the Gazan elderly and babies on the civilian casualty list died natural deaths. Life expectancy is 74.6 years. The infant mortality rate is 16.51 per 1,000 live births, and Gaza averages about 4,000 births a month.³²

It is little wonder, therefore, that the *BBC*'s Head of Statistics, Anthony Reuben, warned, "Caution Needed with Gaza Casualty Figures."³³ As Capt. Ethan Buchman, an IDF spokesman, noted in the article, "It's important to bear in mind that in Operation Cast Lead [the previous Israeli ground offensive in Gaza in December 2008-January 2009], Hamas and Gaza-based organizations claimed that only 50 combatants were killed, admitting years later the number was between 600-700, a figure nearly identical to the figure claimed by the IDF."³⁴

50 Unnamed Dead Hamas Fighters

At the end of December 2014, the Meir Amit Intelligence and Terrorism Information Center in Israel released a "partial list" of 50 Hamas fighters who were killed during the war whose

names *did not appear* on any Hamas casualty list.³⁵ The Center identified them as fighters who were killed in collapsed tunnels, infiltrating Israel from the sea, or emerging from tunnels to carry out attacks on Israeli territory. Hamas “deliberately refrains from including the names of terrorist operatives whose bodies are in Israeli hands (nearly 20) in the lists of fatalities in Operation Protective Edge,” the Center explained. “Hamas’ policy of concealment...is designed to serve the political, propaganda, and lawfare campaign against Israel.”

The concealment deliberately lowers the percentage of combatants killed in the general casualty tally.

Hamas' False Claims of Damage to Civilian Institutions

To counter Israel’s precision munitions, Hamas turned residential areas into military zones. “Much of Hamas’ military infrastructure was embedded in civilian areas of Gaza,” wrote Jeffrey White, a former senior U.S. defense intelligence officer, whose analysis was published by the Combating Terrorism Center (CTC) at West Point.³⁶ “This created in effect a ‘human dome,’ reducing or complicating Israel’s willingness and ability to strike them and providing a measure of protection.”

Three times during the war, UNRWA admitted that rockets were found inside its schools. In a separate case, that of an UNRWA school in Rafah, Hamas actually moved and positioned bodies of “victims” into the schoolyard for photographers.



Top left: Entrance to an UNRWA school in Rafah, Aug. 3, 2014. Islamic Jihad fighters on a motorcycle were killed outside the school; their bodies were dragged into the school’s courtyard, creating the impression that the IDF targeted the school. Note the bloody drag marks. Top right: The bodies are arranged in the school yard. Note how the pavement is different from the street in the previous photo. Bottom left: An UNRWA staffer (blue vest) oversees the placement of a girl’s body. Note how the UNRWA building now appears closer. Bottom right: The tableau is complete. Note the shadows of the many photographers. (AFP)

UN Secretary-General Ban Ki-moon strongly condemned the Israeli strike, calling it “a moral outrage and a criminal act.”³⁷ The State Department said it was “appalled” by Israel’s “disgraceful” shelling outside the UNRWA school and said “Israel must do more to meet its own standards and avoid civilian casualties.”³⁸

Palestinian Children Digging Tunnels

An old news item resurfaced during Operation Protective Edge saying that 160 Palestinian children were killed while digging Gaza tunnels. The original story appeared in the 2011/12 edition of the *Journal of Palestine Studies*³⁹ in an article entitled “Gaza’s Tunnel Phenomenon,” by Nicolas Pelham. In December 2011, Pelham toured the smuggling tunnels between Gaza and Sinai. He found “nothing was done to impede the use of children in the tunnels, where, much as in Victorian coal mines, they are prized for their nimble bodies. At least 160 children have been killed in the tunnels, according to Hamas officials.”

There was no international outrage against Hamas at the time for leading children to their deaths in underground passageways, nor is it clear how many Palestinian children died in the summer of 2014 – and were counted as civilian casualties – as a result of Hamas forcing them to serve as human shields and soldiers in its ongoing war against Israel.

Appendix

Proportion of Civilians Killed in the Bosnian, Iraq, and Afghan Wars, Compared to the 2014 Gaza War⁴⁰

Conflict	Total Killed	Civilians Killed	Civilian Percentage of Total Killed
Bosnia and the Balkans	102,622	55,261	53.8%
Iraq War, June 2003 – August 2007	100,531	76,699	76.3%
Afghan War, 2001-2011: Lower Estimate	20,961	10,961	52.3%
Afghan War, 2001-2011: Higher Estimate	23,293	13,293	57.1%
Gaza War, 2014 – Palestinians only	2,140	963	45%

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The Iron Dome air-defense system fires an interceptor missile at an incoming Palestinian rocket over the Israeli city of Ashdod on July 8, 2014. (Getty/Ilia Yefimovich)

Key Moments in a 50-Day War: A Timeline

Daniel Rubenstein

Overview

In the first week of July 2014, Hamas' rocket attacks against Israel intensified. In response, the Israel Air Force struck targets in the Gaza Strip. The Israeli government emphasized that

if Hamas stopped firing rockets, Israel would have no reason to act. Hamas continued to escalate its attacks. On July 8, Israel declared the start of Operation Protective Edge; its goal was to restore quiet to southern Israel and to make Hamas pay a price for its ongoing rocket barrages. The IDF operation remained an air campaign until July 17, when a Hamas tunnel infiltration led to a limited IDF ground incursion in order to locate and destroy the underground passages that opened inside Israel. IDF ground forces completed that mission and withdrew from Gaza on August 5, but Hamas' rocket attacks continued; so, too, did the IDF air campaign. On August 26, Hamas – which had rejected or violated 11 ceasefires during the war – accepted an open-ended ceasefire, having achieved none of its demands for an airport, a seaport, open borders, prisoner releases and more

The following timeline is a brief summary of the major events in the summer war.

July 8

In response to a dramatic increase in Hamas rocket and mortar attacks, the IDF declared the start of Operation Protective Edge. Hamas commandos infiltrated Israel by sea at Zikim. Rockets hit Jerusalem and Hadera (100 km. from Gaza) and were intercepted over Tel Aviv and surrounding areas.

Hamas spokesman:

"This is not the time for quiet. We have a bank of various targets. An Iron Dome [missile battery] will be needed in every Israeli home."

Defense Minister Moshe Ya'alon:

"We are prepared for a campaign against Hamas, which will not end within days. Hamas is leading the current confrontation to a place in which it seeks to exact a heavy price from our home front. There is a need for patience."

July 9

Rockets hit Zichron Yaakov, 120 km. from Gaza.

July 13

Rockets fired from Gaza struck Bethlehem and a Palestinian house in Hebron.



Palestinians in the West Bank city of Hebron inspect the damage to a house that was hit by a rocket fired from the Gaza Strip on July 12, 2014. (EPA/Abed Al Hashlamoun)

July 14

Hamas launched a UAV into Israel. The IDF intercepted it with a Patriot missile above Ashdod.

July 15

At 9:00 a.m., Israel accepted an Egyptian-mediated ceasefire and halted all strikes in Gaza. Over the next six hours, Hamas fired 50 rockets at Israel. An Israeli civilian was killed by mortar fire at the Erez border crossing. At 3:00 p.m., the IDF resumed its operations in Gaza



A fire in Eilat in the aftermath of a rocket attack on July 15, 2014. (IDF/Twitter)

July 17

In the morning, 13 Palestinians infiltrated Israel through a tunnel dug from Gaza. The tunnel began in the southern Gaza Strip and exited near Kibbutz Sufa. The terrorists were heavily armed with RPGs and assault rifles and were prepared to carry out a massacre. The IDF foiled their attack, saving countless Israeli lives.

After the tunnel infiltration, the IDF announced that it agreed to a UN request for a humanitarian window in Gaza and would hold its fire for five hours. Three mortars fired from Gaza hit Israel in that time. After the five-hour window expired, Hamas fired over 100 rockets at Israel.

In the evening, the IDF intercepted a UAV above Ashkelon with a Patriot missile.

At night, the IDF began a large-scale ground operation in Gaza. Before it began, the IDF dropped leaflets in 14 areas of Gaza, warning civilians to evacuate well-defined areas and providing clear instructions about where to move for their safety.

IDF statement:

“Following ten days of Hamas attacks against Israel by land, air, and sea – and after repeated rejections of offers to de-escalate the situation – the Israel Defense Forces has started a new phase of Operation Protective Edge. A large IDF force of infantry, tanks, artillery, combat engineers, and field intelligence is entering the Gaza Strip. The force is supported by the Israel Air Force, Navy, and other Israeli security agencies.

Their mission is to target Hamas’ tunnels that cross under the Israel-Gaza border and enable terrorists to infiltrate Israel and carry out attacks.

Such a goal requires intensive and precise operations inside Gaza. Hamas terrorists are operating underground, and that is where the IDF will meet them. The IDF intends to impair Hamas’ capability to attack Israel.

Hamas fires rockets at Israelis around the clock – 1,500 since July 8. The IDF is operating in order to counter this threat.”

July 19

Hamas terrorists infiltrated Israel in three separate incidents. In one attack, a Hamas squad emerged from a tunnel wearing IDF uniforms and fired an RPG at an IDF jeep, killing two IDF officers.



Weapons found after
Hamas terrorists infiltrated
Israel on July 19, 2014.
(IDF/Twitter)

July 20

Overnight, 13 Israeli soldiers were killed in the Gaza City neighborhood of Shujaiya – seven of them in a troop carrier that took a direct hit from an anti-tank missile, and six others in subsequent fighting. Hamas captured the body of IDF soldier Sgt. Oron Shaul. Israel approved a two-hour humanitarian window in the area of Shujaiya, following a Red Cross request. Forty minutes after the ceasefire began, Hamas violated it. Nevertheless, Israel extended the ceasefire for two more hours.

July 21

Two Hamas squads infiltrated Israel from northern Gaza via a tunnel. They were identified by IDF lookouts and targeted by air and ground forces.

Defense Minister Moshe Ya'alon:

"We are prepared to continue the operation as long as necessary, and, if necessary, to enlist more combat forces from the reserves until we bring quiet to the Gaza Strip."

July 22

A rocket struck a house in Yehud, near Ben-Gurion Airport.



A rocket fired from the Gaza Strip on July 22, 2014, struck this house in the Israeli town of Yehud, a short distance from Ben-Gurion Airport. (IDF/Twitter)

July 23

Following the rocket strike in Yehud on July 22, the U.S. Federal Aviation Administration (FAA) banned flights to Israel. The UN Human Rights Council condemned Israel for war crimes, including the targeting of civilians, and called for an international investigation of Israel and accountability for crimes committed. Hamas was not mentioned in the resolution.

July 24

The FAA lifted the ban on flights to Israel.

July 26

Israel agreed to the UN's request for a humanitarian ceasefire from 8:00 a.m. to 8:00 p.m. Israel said it would extend the ceasefire until midnight, but a few minutes after 8:00 p.m., Hamas fired rockets.

July 27

Hamas called for a 24-hour pause for the Muslim holiday of Eid al-Fitr, but violated its own ceasefire initiative by firing rockets at Israel.

July 28

A Hamas squad emerged undetected from a tunnel near an IDF base at Nahal Oz, stormed the fortified area, and killed five IDF soldiers. Hamas later published video of the attack. Separately, four IDF soldiers were killed in a mortar attack near the Gaza border. Rockets fired by Palestinian terrorists in Gaza hit Shifa Hospital and Shati refugee camp.

July 30

Israel announced a humanitarian ceasefire between 3:00 p.m. and 7:00 p.m. A few minutes after 3:00 p.m., Hamas fired rockets at Ashdod, Ashkelon, and other populated areas.

July 31

Five IDF soldiers were killed when a mortar shell fired from Gaza exploded in a staging area near the border.



At a news conference in India on August 1, 2014, U.S. Secretary of State John Kerry announces a UN-backed, 72-hour ceasefire in fighting between Israel and Hamas in the Gaza Strip. (State Department/Flickr)

August 1

U.S. Secretary of State John Kerry announced that “Israel and the Palestinian factions have agreed that they are now prepared to implement a 72-hour unconditional humanitarian ceasefire” starting at 8:00 a.m. Kerry emphasized that “Israel will be able to continue its defensive operations for those tunnels that are behind its lines.” At 9:30 a.m., Hamas terrorists, including a suicide bomber, ambushed IDF forces in Gaza, killing two soldiers and capturing the body of Lt. Hadar Goldin, who was later declared dead.

August 4

Israel authorized a seven-hour humanitarian window in Gaza, from 10:00 a.m. to 5:00 p.m. Hamas continued firing rockets throughout the Israeli lull.

August 5

The IDF withdrew its ground forces from Gaza and announced the success of its mission to dismantle Hamas' network of infiltration tunnels. Israel accepted an Egyptian proposal for a 72-hour ceasefire from 8:00 a.m. Before the ceasefire went into effect, a rocket fired from Gaza hit a Palestinian home in Beit Sahour, near Bethlehem.

August 8

Israel notified Egypt that it accepted a 72-hour extension to the ceasefire, but Hamas refused. At around 4:30 a.m., Hamas shot two rockets at Israel, violating the ceasefire that was set to expire at 8:00 a.m. When that time passed, Hamas dramatically increased its rocket attacks, injuring a number of Israelis. The IDF held its fire for hours, but eventually responded.

August 10

Hamas rockets struck the Kerem Shalom border crossing and forced it to close temporarily, delaying the passage of vital humanitarian aid for Palestinian civilians in Gaza.

August 11

At 12:01 a.m., Israeli and Palestinian negotiators accepted Egypt's proposal for a new 72-hour ceasefire.

August 13

About two hours before midnight, Palestinian terrorists fired a rocket toward Ashkelon – violating the ceasefire agreement – and after midnight, a rocket barrage hit southern Israel. The IDF responded by hitting at least four targets in Gaza. Hamas denied that it was responsible for the attacks. Israel and Hamas agreed to extend the ceasefire for five more days, until 11:59 p.m. on August 18.

August 18

Israel announced it agreed to extend the temporary truce in Gaza for 24 more hours while – at Egypt's request – it continued to negotiate a permanent agreement with the Palestinian delegation in Cairo.

August 19

Hamas broke the ceasefire by shooting rockets at Beersheba and Netivot. In response, the IDF struck targets in Gaza. Hamas then fired rockets at Ashkelon, Ashdod, Tel Aviv, and Jerusalem. The IDF Home Front Command ordered the opening of public bomb shelters up to 80 km. from Gaza.

Late at night, Israeli warplanes dropped at least five bombs on a house in Gaza City in an effort to target Mohammed Deif, the commander-in-chief of Hamas' military. It was not clear whether Deif survived the attack.

August 20

IDF tweet, 12:37 a.m.: "Israeli cities are under rocket attack. Millions of Israelis are running to bomb shelters. Hamas made its decision. Now we will make ours."



August 21

Overnight, the IDF targeted senior Hamas military commanders in Rafah: Mohammed Abu Shamlah, Raed Attar, and Muhamad Barhoum. Attar oversaw Hamas forces in Rafah and planned the kidnapping of Gilad Shalit in 2006. Abu Shamlah directed Hamas' forces in southern Gaza and planned dozens of terror attacks that killed Israeli civilians and soldiers; he also was involved in the Shalit abduction. Barhoun smuggled weapons to Hamas in Gaza and raised funds in Libya and Syria.

August 22

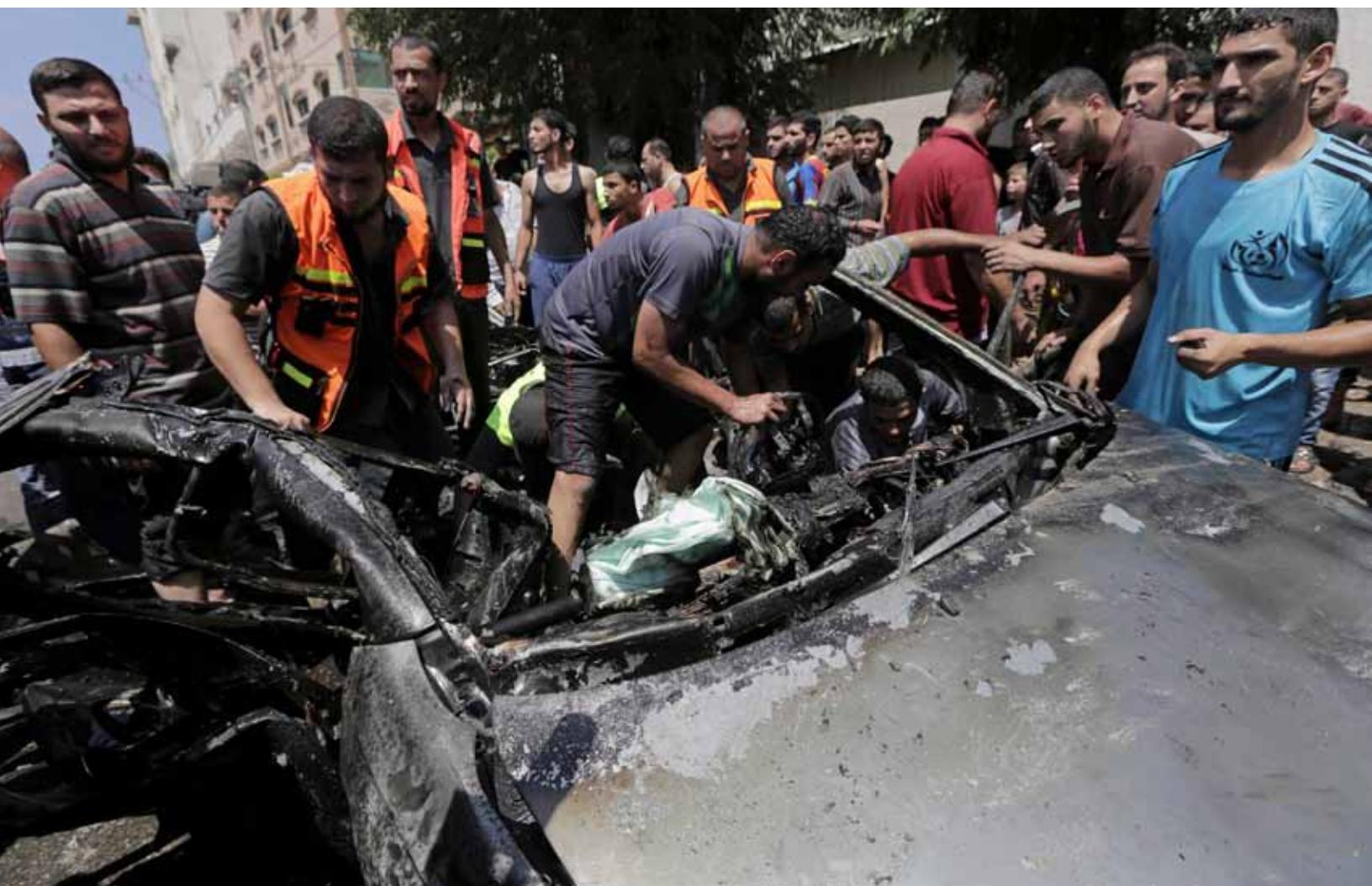
A Grad rocket fired from Gaza hit a synagogue in Ashdod, injuring three civilians. About two hours later, a four-year-old Israeli boy, Daniel Tragerman, was killed from shrapnel when a mortar fired from Gaza hit his house in Kibbutz Nahal Oz. The mortar was fired from near a Gaza school used as a shelter for Palestinian refugees. In Gaza, Hamas executed 18 Palestinians for suspected collaboration with Israel.

August 23

Israel leveled the 12-story Zafer Tower, where the IDF said Hamas used multiple floors for operational activities. Local residents were warned to evacuate, and there were no fatalities.

August 24

An IDF pinpoint missile strike targeted Muhammad al-Ghoul, a senior Hamas member who managed the terrorist group's financial transactions in Gaza. The strike ripped open his vehicle, revealing bags of American dollars. Currency was scattered on the street. In Israel, three Israeli Arab taxi drivers were wounded by mortar fire at the Erez crossing. The drivers were transporting Palestinians from Gaza for medical care in Israel.



Palestinians in Gaza City inspect the wreckage of a car belonging to Muhammad al-Ghoul, a senior Hamas member who was targeted in an IDF airstrike on August 24, 2014. (AP/Adel Hana)

August 26

Israeli airstrikes leveled the 15-floor Basha Tower and badly damaged the 13-story Italian Complex used by Hamas. The towers were evacuated before the attacks.

In the evening, two Israelis died in a mortar attack on Kibbutz Nirim. Fifty-five-year-old Ze'ev Etzion, the security chief for the kibbutz, was killed as he worked to fix electricity lines damaged in an earlier mortar attack. Shahar Melamed, a 43-year-old father of three, died on his way to the hospital.

Shortly after the mortar attack, Hamas accepted an open-ended, Egyptian-brokered ceasefire agreement and declared victory, even though the deal was nearly identical to the one it rejected in the first week of the war.



Palestinians walk next to the rubble of the 15-story Basha Tower that collapsed from Israeli airstrikes in Gaza City on August 26, 2014. All tenants were evacuated before the strike. (AP/Adel Hana)



Prime Minister Benjamin Netanyahu speaks to the media on Aug. 27, 2014. He emphasized that Hamas did not achieve any of its original conditions for a ceasefire. (AFP/Thomas Coex)

Postscript

August 27

Excerpt from Prime Minister Netanyahu's statement:

"Hamas set conditions at the outset for a ceasefire. We accepted the Egyptian initiative for a ceasefire, already in the first days, unconditionally and without time constraints, whereas Hamas set conditions. It demanded a seaport – it did not get one. It demanded an airport, it did not get one. It demanded the release of the Shalit prisoners, those who were released in the Shalit deal whom we returned to prison following the murder of the three youths, it did not get this. It demanded Qatari mediation, it did not get it. It demanded Turkish mediation, it did not get it. It did not receive any condition. It demanded further conditions. It demanded the rehabilitation of the institutions that we dissolved in Judea and Samaria, it did not get this. It demanded salaries and money from us, it didn't get them. It did not receive any of the conditions that it set."



Palestinian Authority President Mahmoud Abbas

August 28

Palestinian Authority President Mahmoud Abbas blamed Hamas for needlessly prolonging the war in the Gaza Strip and for the resulting loss of lives and property damage.

As Abbas told Palestinian Authority TV:

“Everything that happened could have been avoided. We could have avoided the 2,000 martyrs, the 10,000 wounded, the 50,000 homes....All of this could have been avoided.”

Had Hamas accepted the original ceasefire, Palestinian wartime fatalities would have numbered less than 200, as opposed to the more than 2,000 who died by the time Hamas stopped its attacks.

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The Jerusalem Center for Public Affairs is a leading independent research institute specializing in public diplomacy and foreign policy. Founded in 1976, the Center has produced hundreds of studies and initiatives by leading experts on a wide range of strategic topics. Dr. Dore Gold, Israel's former ambassador to the UN, has headed the Jerusalem Center since 2000.

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Defensible Borders for Israel – A major security and public diplomacy initiative that analyzes current terror threats and Israel's corresponding territorial requirements, particularly in the strategically vital West Bank, that Israel must maintain to fulfill its existential security and defense needs.

Jerusalem in International Diplomacy – Amb. Dore Gold analyzes the legal and historic rights of Israel in Jerusalem and exposes the dangers of compromise that will unleash a new *jihadist* momentum in his book *The Fight for Jerusalem: Radical Islam, the West, and the Future of the Holy City* (Regnery, 2007). Veteran Israeli journalist Nadav Shragai documents nearly a century of Arab violence triggered by the myth that the Jews are seeking to destroy the Al-Aksa Mosque in Jerusalem in *The "Al-Aksa is in Danger" Lie! The History of a Lie*. Shragai is the author of the e-book *Jerusalem: Correcting the International Discourse – How the West Gets Jerusalem Wrong*, and his latest study is "The Status Quo on the Temple Mount."

Combating Delegitimization – A major multilingual public diplomacy program exposing those forces that are questioning Israel's very legitimacy, while carrying out initiatives to strengthen Israel's fundamental right to security and to reinforce the connection

between the Jewish people and their historical homeland including Jerusalem. The program also provides resources for commentators and educates students to effectively communicate these messages to promote attitude change in targeted populations. Publications include *Israel's Rights as a Nation-State in International Diplomacy* (2011).

Global Law Forum – A ground-breaking program that undertakes studies and advances policy initiatives to protect Israel's legal rights in its conflict with the Palestinians, the Arab world and radical Islam.

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Howard M. Weisband



***"These tunnels inaugurate a new strategy to
fight against the enemy - the tunnel strategy."***

- Ismail Haniyeh, March 23, 2014

