



**Intelligence and Terrorism Information
Center at the Israel Intelligence Heritage
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Hamas Exploitation of Civilians as Human Shields



Firing rockets at Israel from a densely populated area in the Gaza Strip (Photo: Edi Israel, December 27, 2008).

Section I: Overview

1. This study examines how Hamas and the other terrorist organizations in the Gaza Strip make extensive use of Palestinian civilians as human shields. It shows how the terrorist organizations constructed a vast military infrastructure in the Gaza Strip, including a large arsenal of rocket and mortar shells used to target the southern Israeli population (in 2001-2008 more than 8,000 rockets and mortar shells were fired into populated Israeli areas). The terrorists' military infrastructure was hidden in and around civilian homes and dispersed to locations scattered around the Gaza Strip, home to an estimated more than 1.4 million people, one of the most densely populated areas on earth.

2. The calculated, cynical use of the civilian population as human shields is intended to decrease the vulnerability of Hamas and the other Palestinian terrorist organizations by affording them a kind of immunity from the IDF's counterterrorism activities, since they are aware that Israel avoids harming the civilian population insofar as is possible. It is also intended to make it possible for Hamas and the other terrorist organizations to make political-propaganda gains in the battle for hearts and minds by representing Israel as operating against innocent civilians. The terrorist organizations' doctrine of using human shields was inspired by **Hezbollah's** tactics in Lebanon and by the lessons they learned from the terrorist campaign they have been waging against Israel since 2000.

3. Today Hamas and the other terrorist organizations have approximately 20,000 arms-bearing operatives in the Gaza Strip with varying degrees of skills. They have light arms, anti-tank weapons, powerful explosive devices, and rockets and mortar shells. Their military infrastructure is situated in urban population locations (with **Gaza City** serving as the nerve center) and **eight densely populated refugee camps throughout the Gaza Strip**.

4. Hamas and the other terrorist organizations copied and developed Hezbollah's warfare doctrine, which is based on exploiting the civilian population as human shields. They adapted it to the unique conditions of the Gazan arena, which are topographically easier than those in south Lebanon. Using civilians as human shields is a war crime, a grave breach of the laws of armed conflict and a crime against humanity. Rockets and mortar shells are routinely fired from built up, densely populated areas and near structures and facilities (including educational institutions and mosques) provided special protection by the Geneva Conventions. In the scenario of an IDF incursion into the Gaza Strip, the terrorist organizations will use those urban and refugee camp settings as the **focal points** from which they fight.

5. This study (completed during the first week of Operation Cast Lead) provides many examples of how Gazan civilians are used as human shields during terrorist attacks against Israel and combat against the IDF. The examples are based on Israel's accumulated experience in its combating terrorism from the Gaza Strip, including the first week of the Operation. The main findings are the following:

i) **Military and security personnel, facilities and installations are situated within dense population concentrations (including residential dwellings and public institutions, such as schools, mosques and hospitals):** The military infrastructure attacked massively attacked by the IDF during Operation Cast Lead, includes terrorist operatives, weapons, and the facilities and installations themselves: headquarters, bases, offices, arsenals, tunnel and underground networks, lathes, workshops and bunkers. Constructing a vast security-military infrastructure within the civilian population exposes it to frequent "work accidents" and puts it on the front line in the fighting when the Israeli security forces carry out counterterrorism activities or when there are violent internal Palestinian conflicts.

ii) **Rockets and mortar shells are fired at Israeli population centers** from inside or close to private Palestinian residences and sometimes from educational institutions or mosques. The rocket launching squads deliberately situate their launchers near houses to camouflage themselves and to protect themselves from the IDF. The attacks carried out by the terrorists often disrupt the daily lives of the Palestinian population and endanger them. Sometimes rockets explode as they are being prepared for firing, and in some instances homemade Qassam rockets (whose technical quality is low) fall in the Gaza Strip instead of Israel and kill and wound local civilians.

iii) **The terrorists fight against the IDF from within residences and public institutions, and use ambulances to evacuate terrorist operatives from the battlefield:** In Operation Cast Lead, terrorist operatives found refuge in facilities such as hospitals, educational institutions and mosques. In IDF operations carried out in recent years, including Operation Hot Winter in March 2008 and Operation Autumn Clouds in October 2006, the IDF often faced terrorist operatives fighting from within private residences and receiving support from civilians, including women and children, who patrolled and carried out intelligence missions. In some instances the terrorist operatives wore civilian clothing, making it difficult to distinguish between them and genuine civilians. During Operation Hot Winter the IDF found weapons hidden in a mosque in the Jabaliya refugee camp. During battles in the Al-Zeitun neighborhood in 2004, the terrorists used UNRWA ambulances to evacuate a wounded Palestinian and terrorist operatives. All are grave breaches of the laws of war and an exploitation of the special protection afforded to places of worship and medical installations and vehicles.

iv) **Civilians, including women and children, are deliberately used as human shields to protect terrorist operatives whose houses the organizations fear may be attacked by the IDF:**

During Operation Cast Lead and in many instances in the past, the terrorist organizations have exploited IDF warnings to civilians to evacuate their residences before attacks to send children and adolescents to the relevant locations, knowing the IDF will not deliberately attack civilians. Hamas prime minister Ismail Haniya and many other Hamas leaders (such as Nizar Rayyan, killed in Operation Cast Lead) have openly boasted about their use of their human shield tactics.

v) **The terrorists hold military training, exercises and shows of fighting,** important for improving their fighting skills and raising morale, in the midst of population concentrations (where the terrorists feel more secure than in exposed settings). They endanger the civilians' lives, disrupt their daily routines, expose them to various types of work accidents (random gunfire, explosions) as well as to IDF counterterrorism activities. The Gazans have often appealed to the terrorist organizations to stop such activities, but without success. Exercises and shows of fighting increased during the six month lull arrangement prior to Operation Cast Lead.

vi) **Women and children are used as human shields:** The terrorist organizations sent **200 women** to rescue dozens of operatives from the Nasser mosque in Beit Hanoun in the northern Gaza Strip during an IDF action in November 2006. The terrorists mingled with the women, exploiting the fact that the IDF would not fire indiscriminately at a large group of women, and escaped from the combat area. Moreover, during IDF combat in the Gaza Strip in the past, the IDF often found terrorist operatives shooting at them while surrounded by **children and adolescents**, sometimes on their own initiative and sometimes prompted by the terrorists (incidents well documented and presented below). Women and children are also used in logistic operations and to carry out terrorist attacks (collecting intelligence, smuggling weapons, suicide bombing attacks). Such tactics may be repeated during Operation Cast Lead.

6. The civilian Gazan population pays a high price both with regard to **personal injury and death** (this study documents heavy civilian casualties caused by terrorist activity) and the **severe disruption of their daily routines**. Beyond the issue of using civilians as human shields, the entire Gazan population pays a heavy price for Hamas's policy, because when Hamas took over the Gaza Strip in June 2007, it turned its more than 1.4 million Gazans into hostages of its radical Islamic ideology and attendant strategy. Hamas forced them into a situation of unending combat with Israel, a harsh confrontation with the Mahmoud Abbas's Palestinian Authority, the deterioration of relations with Egypt and other Arab states, and isolation from the international community.

7. The fundamental contradiction between the needs of the civilian population and Hamas's policies is clearly manifested by the continuing attacks made by Hamas and the other terrorist organizations on the **crossings** between Israel and the Gaza Strip, the lifelines for the Gazans, and by the difficulties imposed by Hamas on their operation. Although for years Hamas has tried to falsely represent the situation in the Gaza Strip as a humanitarian crisis and even a "holocaust," in effect it **prefers carrying out terrorist attacks** against Israel to caring for the basic interests of the Gazans. For the past few years the Kerem Shalom, Sufa, Karni, Nahal Oz and Erez crossings, through which fuel and other vital supplies are delivered to the Gaza Strip, have been repeatedly attacked with rocket and mortar shell fire as well as attempted mass-casualty and suicide bombing attacks. The rocket and mortar shell fire at the crossings continued during the six months the lull arrangement was in force. In addition, the terrorist organizations have publicly targeted the Ashqelon power plant, which provides the Gaza Strip with 65% of its electricity.

8. In the past, Hamas's use of civilians as human shields and its cynical and malicious disregard for their basic interests have led to harsh criticism from the **residents of the Gaza Strip** (even though Hamas makes an effort to minimize it in the media it controls), as well as the **Palestinian Authority** and **Egypt**. Hamas has ignored the internal and external criticism, **refuses to change its policies** and frequently exploits the shortages, poverty and suffering in the Gaza Strip as fodder for media campaigns attacking Israel, Egypt and the Palestinian Authority.

9. During **Operation Cast Lead**, which began on December 27, 2008, the IDF has carried out precise attacks on the military infrastructure established in the midst of the civilian population. The Israeli air strikes from the air and sea against Hamas (and other terrorist organization) targets situated in civilian locations are acceptable according to international law. They have been carried out because of the State of Israel's need to afford security to its civilians and to ensure their welfare and basic right to **life** and safety in accordance with the principles of armed combat. **For eight years Israeli citizens have been exposed to continual rocket and mortar shell fire, as well as other forms of terrorism, all originating with Hamas and the other terrorist organizations which control the Gaza Strip and operate from it.**

10. Hamas and the other terrorist organizations, for their part, carry out war crimes and crimes against humanity, both by the **deliberate, indiscriminate firing of massive rocket barrages at civilian targets** to sow terror, death and destruction, and by using the civilian population of the Gaza Strip as human shields. All of the above violate the basic principle of the distinction between combatants and non-combatants, which is one of the cornerstones of the laws of armed warfare. It is up to the international community to deal with the terrorist organizations and the countries which

sponsor and support them (especially **Iran and Syria**) with all the political and legal means they have at their disposal.

11. The composition of this study began in the middle of 2008 and was completed at the end of the first week of Operation Cast Lead, with the beginning of the IDF land incursion into the Gaza Strip. The analysis of the use of civilians as human shields and the many examples presented here are based on Israel's experience in fighting against Hamas and other terrorist organizations controlling and operating in the Gaza Strip. It includes examples from the first week of Operation Cast Lead, but without a doubt it will have to be updated when the operation in the Gaza Strip ends.

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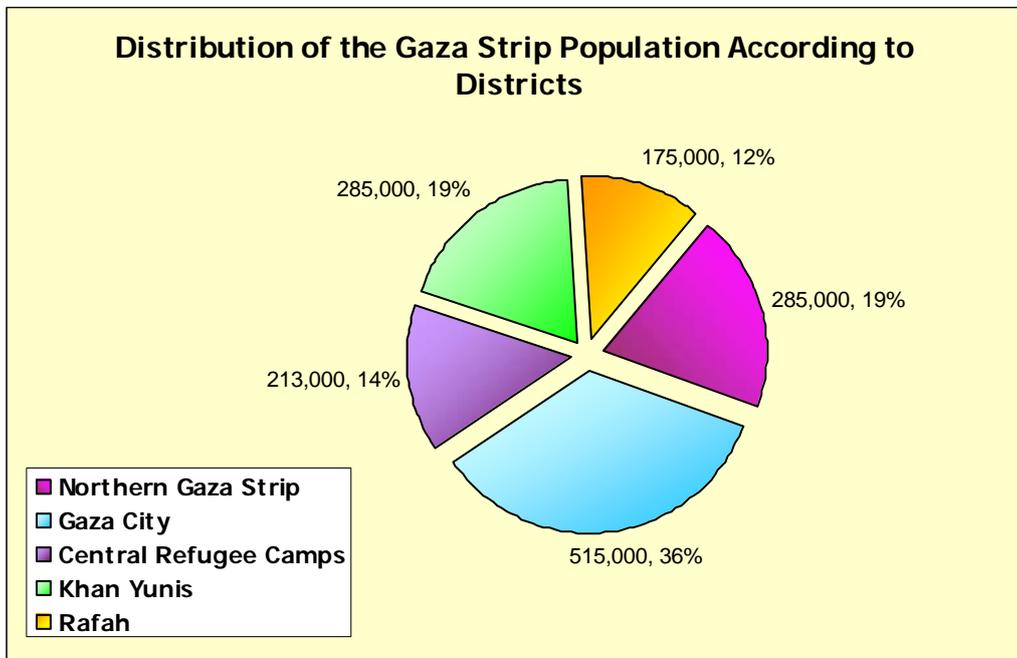
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Section II: General Description of the Gaza Strip population

12. The Gaza Strip has a total area of 365 square kilometers and is home to an estimated more than 1.4 million people, making it one of the most densely populated areas in the world. More than a third of the population lives in greater Gaza City. About 960,000 Gazans (73%) live in urban areas. The population is very young, with almost half of it (48.8%) under the age of 15. About 54% of the workforce is unemployed, and between 65% and 70% can be described as living in poverty. Most of the workforce is employed in services (60%), industry (25%) and agriculture (10%).



13. According to UNRWA data from December 31, 2006, **approximately one million Gazans are classified as refugees** and about half of them (480,000, as of the date of the report) live in **eight refugee camps**. The natural population increase is 4.5% per annum, with every married woman bearing approximately six children. The refugee camps are among **the most densely populated areas in the world**.¹ For example, according to UNRWA data, 80,688 refugees live in the Al-Shati refugee camp, whose territory is less than one square kilometer (as of December 31, 2006). Figures for all the refugee camps appear in the table below.

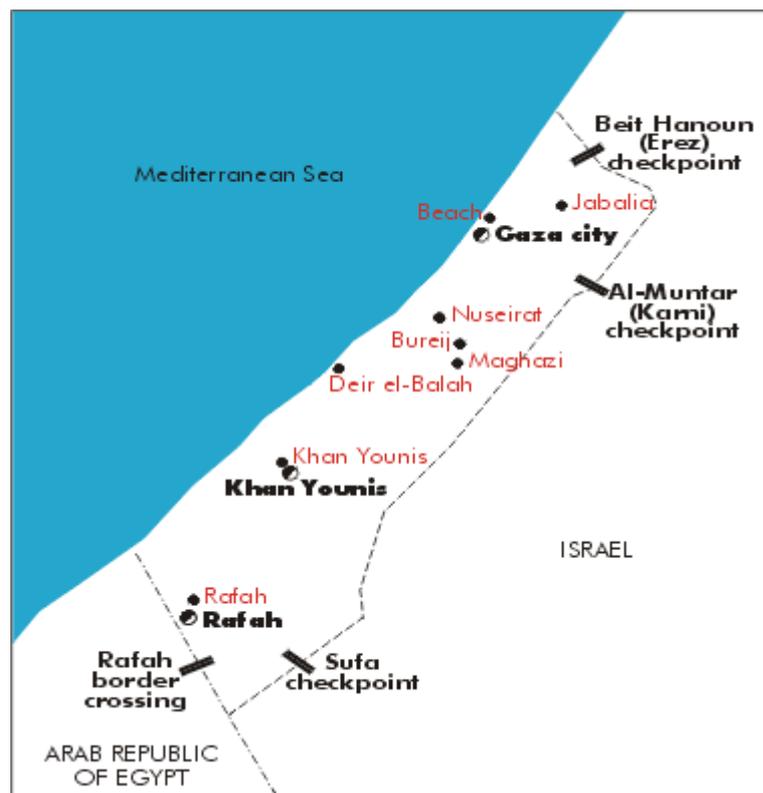
¹ For the sake of comparison, in another arena in the war on terrorism, there are 680,000 individuals living in south Lebanon.

Refugee Camps and Their Poulations²

(Taken from the UNRWA Website)

Refugee Camp	Number of registered refugees
Jabaliya	106,846
Rafah	97,412
Shati	80,567
Nusseirat	58,727
Khan Yunis	61,539
Bureij	29,805
Maghawi	23,161
Dir Balah	20,215
Total	478,272

Deployment of Refugee Camps in the Gaza Strip



From the UNRWA website

² According to UNRWA data as of December 31, 2006 (From the UNRWA website).

Houses Built in Close Proximity to One Another in Refugee Camps in the Gaza Strip



Al-Bureij refugee camp (Hamas's PALDF Forum, August 28, 2008).



The southeastern border of the Nusseirat refugee camp (Hamas's PALDF Forum, August 28, 2008).

14. The economic and welfare conditions in the Gaza Strip have always been difficult, both objectively and in comparison with Judea and Samaria. Levels of poverty and unemployment are high. The situation **worsened** with the outbreak of the second intifada in September 2000 and was exacerbated by Hamas's violent takeover in June 2007. The radical Islamic nature fostered in the Gaza Strip after the takeover (turning it into an "Islamic emirate," as it has been called by the Egyptian media), the violent confrontation between it and the Palestinian Authority, Hamas's policy of terrorism toward Israel and its refusal to accept the Quartet's conditions and its disregard for the needs of the population -- all deepened its political **isolation**, worsening the economic distress from which the Gaza Strip population suffers.

15. Since Hamas took over the Gaza Strip the shortages of basic goods and fuel have intensified, the result of the restricted operation of the crossings between the Gaza Strip and both Israel and Egypt. The limitation of the activities of the Israeli crossings, which are the Gazans' life line, was first and foremost the result of the terrorist policies of Hamas and the other organizations, and the priority they gave to attacking the IDF and the western Negev population over a ceasefire which would make it possible for Israel to regularly open the crossings. The terrorist organizations continually attack the crossings between Israel and the Gaza Strip despite their importance for the Gazan civilian population. However, the attacks notwithstanding, to prevent a humanitarian crisis Israel continues to allow deliveries of basic commodities even during Operation Cast Lead.

16. **As far as Egypt is concerned**, because of its rigid basic ideological positions and political considerations, Hamas has refused to agree to an arrangement for movement through the Rafah

crossing based on the Agreement on Movement and Access of November 15, 2005³ (for which reason it has remained closed). Serious disagreements developed between Hamas and Egypt during the six months of the lull arrangement because of the closing of the Rafah crossing and a number of other factors, including Hamas's sabotage of the national internal Palestinian dialogue of Hamas and Fatah, and Egypt's awareness of the threats to its security posed by the establishment of an Iran-sponsored radical Islamic terrorist entity on its doorstep. During Operation Cast Lead, Egyptian President Hosni Mubarak emphasized that Egypt did not intend to regularly open the Rafah crossing unless it is done based on the 2005 Agreement on Movement and Access. However, as in the past, he enabled ad hoc openings of the crossing to allow the delivery of humanitarian supplies for the Gazans.

³ According to the agreement, the Europeans, the Palestinian Authority and Israel were supposed to regulate and supervise the activity at the Rafah crossing. Such oversight is essential to prevent the smuggling of weapons and terrorist operatives through the crossing.

Section III: The Use of the Gazan Civilian Population as Human Shields

The Order of Battle of Hamas and the Other Terrorist Organizations and Their Deployment in the Gaza Strip

17. Hamas's military infrastructure in the Gaza Strip rests on the **Izz al-Din al-Qassam Brigades**. In our assessment, the Brigades have more than 10,000 operatives. The number rises steadily because Hamas has kept recruiting them since it took over the Gaza Strip in June 2007. Most of them are reinforcements to be called up in emergency situations, while hard core is made up of **several hundred skilled terrorists**. The Izz al-Din al-Qassam Brigades' de facto commander is Ahmed Ja'abari.⁴

18. Some of the reinforcements ordinarily serve in Hamas's **internal security forces, also employed for the violent suppression of Hamas's opponents**. The security forces include the Executive Force, which has been integrated into the Palestinian police. They have about **10,000 operatives**, most of them either belonging to Hamas or affiliated with it. Thus in our assessment, Hamas controls a total force of about **15,000 armed operatives**.⁵

Hamis Operative Killed by IDF during Operation Cast Lead, Also Served in Palestinian Police Force



Muhammad Yehiye Mihna wearing a police uniform.



Muhammad Yehiye Mihna wearing an Izz al-Din al-Qassam Brigades uniform.

⁴ The status of the Izz al-Din al-Qassam Brigades commander, **Mohammed Deif**, who was badly wounded, is unclear. The Hamas media still call him "the commander general of the Izz al-Din al-Qassam Brigades."

⁵ On March 9, 2008, the British Sunday Times published an interview with a senior Hamas operative who said that the Izz al-Din al-Qassam Brigades had about 15,000 fighters. In our assessment that number also included internal security operatives. The number may have gone up since then in view of Hamas's ongoing recruitment to its various military units.

19. The other terrorist organizations in the Gaza Strip have between 3,000 and 4,000 operatives, and work in close cooperation with Hamas. Some of them, will reinforce the Izz al-Din al-Qassam Brigades in an emergency situation (such as that created by Operation Cast Lead), and follow their orders when fighting IDF forces. Thus Hamas has at its disposal up to **20,000 armed operatives**, with varying degrees of military and professional skills.

20. Izz al-Din al-Qassam Brigades operatives are deployed throughout the various Gaza Strip regions in densely populated areas, as follows:

i) **The Gaza City sector** is the Gaza Strip's nerve center. It has a population of about 450,000 and is home to Hamas's administrative and military centers. The Hamas leadership lives there, and its many organizational, military and administrative facilities are located there as well. Gaza City is a dense urban environment, and the facilities are situated either in or near residential buildings. Military and security structures and symbols of Hamas rule in Gaza City were targeted by the Israeli Air Force during the first week of Operation Cast Lead.



Aerial view of Gaza City: terrorist networks and their facilities are located within this dense urban setting.

ii) **The northern Gaza Strip sector**, most of which is agricultural, and the northeastern outskirts of Gaza City serve as the chief launching areas for **rocket attacks against the southern Israeli population**. Most rockets are fired from in and around Beit Hanoun, Beit Lahiya and Atatra. **The Jabaliya area** (including its refugee camp with more than 100,000 residents), deeper within the northern Gaza Strip, is the organizational and logistic focal point for the operations of the terrorists in the northern Gaza Strip and a convenient rear for the areas from which rocket attacks are launched.



The Jabaliya refugee camp (Hamás's PALDF Forum, June 29, 2008).

iii) There are four refugee camps in the **central Gaza Strip sector**: Nusseirat, Bureij, Maghazi and Dir al-Balah, with a total population of 130,000 Palestinians; they serve as Gaza City's "back yard." The region also includes the town of Dir al-Balah and a number of small agricultural villages. It serves the terrorist organizations centered in Gaza City as a logistical rear, and also contains Hamás's military installations, which are supposed to defend the region and as the same time make it possible to launch terrorist attacks against Israel.

iv) **The southern Gaza strip** is home to about a quarter of a million people and has three sub-regions: Khan Yunis, Rafah and Muwasi and the ruins of the Israeli settlements of Gush Katif. In that sector, there are two refugee camps, Khan Yunis and Rafah, with about 160,000 residents. **The southern area, with its Egyptian border, is the Gaza Strip's link to the Arab-Muslim world, and through it pass weapons,⁶ money and terrorist operatives.** Terrorists leave the Gaza Strip from this area to carry out attacks against Israel through the Israeli-Egyptian border in the Sinai peninsula or to go further afield to Syria and Iran for military training. During the first week of Operation Cast Lead the Israeli Air Force attacked dozens of tunnels along the Gaza-Egyptian border.



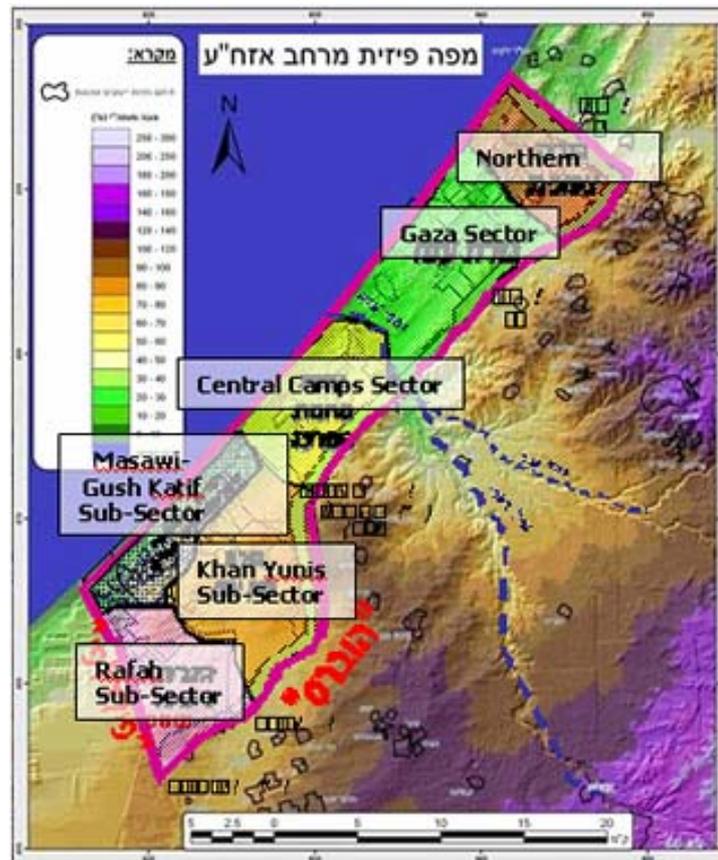
Attack on tunnels under the Philadelphi route during Operation Cast Lead (IDF Spokesman, December 28, 2008).

21. Most of the forces and the military installations and facilities belonging to the Palestinian terrorist organizations are situated in **urban areas and refugee camps throughout the various sectors.**

⁶ Such weapons include long-range Grad weapons which in our assessment are smuggled into the Gaza Strip from Iran.

In the past they waged their combat against the IDF from within civilian population centers and as the IDF entered the Gaza Strip during Operation Cast Lead. They also launch rockets from population centers against Israeli cities and villages.

The Geography of the Gaza Strip



Situating the military infrastructure in population concentrations, including headquarters, bases, offices, arsenals and workshops

22. The military infrastructure of the Palestinian terrorist organizations is situated in densely populated areas, and some of the facilities have been attacked by the IDF in Operation Cast Lead. Among them were headquarters, bases, offices, arsenals, tunnels, lathes and workshops for the manufacture of weapons, posts and bunkers. Placing them in residential neighborhoods, which is a **war crime**, endangers the civilian population in two ways: It exposes local residents to “**work accidents**” often caused by the improper handling of explosive materials, and it **puts them in the front line** when Israeli security forces carry out counterterrorism activities.

23. The various types of weapons in the terrorist organization arsenals (rockets, mortar shells, powerful explosive devices, materials for the manufacture of weapons) **are usually stockpiled in**

stores within residential neighborhoods (among private houses and public institutions).

The rationale behind doing that is to protect them from Israel attacks. Such weapons stores have occasionally been attacked by the IDF, resulting in civilian casualties. Some weapons are also stored in tunnels dug under residential neighborhoods, and sometimes in the homes of terrorist operatives. In some instances they may be the operatives' personal weapons, but in other instances they possess weapons and ammunition to other operatives in times of tension.

24. The military infrastructure was attacked by the Israeli Air Force during the first week of Operation Cast Lead. In many instances, Air Force cameras located secondary explosions which indicated that large quantities of explosives had been hidden in private homes and public institutions. In some instances, Hamas operatives situated some of their operation rooms in mosques. At the Israeli Cabinet meeting of December 31, 2008, Yuyal Diskin, head of the Israel Security Agency, said that some of the Hamas terrorist operatives had taken shelter in hospitals. He also said that dozens of mosques had become operations headquarters on the assumption that Israel would not attack such locations. (For examples of the military infrastructure in densely populated civilian areas attacked during Operation Cast Lead, see below).

25. One instance of damage to civilians from explosives stored near their homes occurred during an IDF action in the Beit Hanoun region on April 28, 2008. An IDF force saw two terrorist operatives carrying large bags on their backs, and the Israeli Air Force carried a pinpoint attack against them. The strike was accompanied by secondary explosions, indicating that the two were carrying either explosive devices or the materials for making them. The secondary explosions caused severe damage to a nearby house (IDF Spokesman, April 28, 2008). As a result, five of its residents were killed, **a mother and four of her children**. A Palestinian Islamic Jihad and a Fatah operative were also killed (Palestinian media, April 28, 2008).



Jerusalem Battalions video broadcast by Al-Jazeera TV in which they boast of their actions in Beit Hanoun and the wounding of an IDF soldier, ignoring the heavy price paid by the civilian population. The circle marks PIJ operatives near a house (Al-Jazeera TV, April 28, 2008).

26. During Operation Cast Lead the Israeli Air Force attacked the Khulafa mosque in Jabaliya. It served Hamas as an operations room where Hamas operatives met and as a weapons store. It was

also used to fire rockets at Israel. The Israeli Air Force attack caused a series of secondary explosions of ammunition stored in the mosque (IDF Spokesman, January 2, 2009).



The Khulafa mosque in Jabaliya, which served as an operations room and weapons store (IDF Spokesman, January 2, 2009).

Situating a center for rocket development in an educational institution

27. On December 28, the second day of Operation Cast Lead, the Israeli Air Force attacked a Hamas center for weapons research and development in the **Islamic University in Gaza City**, a known Hamas stronghold. Longer-range homemade rockets were developed in the building and subsequently used to attack Israel. It was not the first time Hamas had used the Islamic University as a launching ground for military activities. During the confrontations between Fatah and Hamas in May 2007, Hamas shooters were positioned on the roof and shot at Fatah operatives.



The Islamic University in Gaza City after the IAF attack during Operation Cast Lead (Al-Aqsa TV, December 28).



The Islamic University in Gaza City after the IAF attack (Izz al-Din al-Qassam Brigades forum website, December 31, 2008).

Positioning Hamas security forces in populated areas

28. **Security forces** as well as military installations are located within the population. There are **more than 10,000 security force operatives**, about 6,000 of whom belong to the police force (and most of whom were formerly operatives of Hamas's Executive Force). Operatives of the police and other security services use force to support Hamas's control of the Gaza Strip and **are integrated into its military-terrorist apparatus both routinely and in times of emergency**. Many of the police operatives sometimes wear Izz al-Din al-Qassam Brigades uniforms instead of police uniforms, as can be seen in the picture below.

29. The police and security force bases are located in Gaza City and in other population concentrations throughout the Gaza Strip, and were targeted by the Israeli Air Force during the first week of Operation Cast Lead. They include buildings, caravans and containers. There are also operations rooms, weapons stores and facilities for detention and interrogation. There are security force positions at junctions and along streets which serve as checkpoints, preserve public order and protect senior Hamas and terrorist organization leaders.

30. During the first week of Operation Cast Lead, Hamas security force bases and operatives were moved to public institutions. For example, the Hamas police force operations room in the northern Gaza Strip was moved to the Kamal Adwan hospital, and operatives of Hamas's naval police were situated in a school in Khan Yunis.

Hamas military and security infrastructure attacked by the Israeli Air Force during the first week of Operation Cast Lead



Two views of the headquarters of Hamas Executive Force and the Izz al-Din al-Qassam Brigades in the northern Gaza Strip. Hamas took over the building in June 2007. It also houses an armory and an equipment storehouse. It was attacked during Operation Cast Lead (IDF Spokesman, December 27, 2008).



Hamas post and training camp in the central Gaza Strip. The building also held an arsenal (IDF Spokesman, December 27, 2008).



Hamas facility in the northern Gaza Strip which served as headquarters for Hamas's naval force. It was also a facility to detaining and interrogating Palestinians suspected of collaborating with Israel (IDF Spokesman, December 27, 2008).



A tall building housing Izz al-Din al-Qassam Brigades headquarters and an arsenal. In times of tension snipers and mortar shells launchers are positioned on the roof (IDF Spokesman, December 27, 2008).

Hamas's Security Forces



Hamas's Executive Force, the main arm for controlling the Gaza Strip, integrated into the police force.



Executive Force operative carrying a homemade "Yassin" anti-tank missile launcher (www.palissue.com, June 13, 2007).



Police post in the heart of a residential neighborhood.

Manufacturing weapons in residential neighborhoods

31. Hamas and the other terrorist organizations have an extensive network of lathes and workshops for manufacturing weapons, including rockets and mortar shells. **Most of them are located in densely populated residential areas.** Weapons are also manufactured in laboratories located in private homes and civilian institutions, like the Islamic University in Gaza City. Situating them in the heart of the civilian population endangers the welfare of local residents both because of "work accidents" and because it exposes them to possible IDF attacks.

32. During Operation Cast Lead Israeli Air Force attacked the house of Hamas operative Muhammad Madhoun in Beit Lahiya, in the northern Gaza Strip. It served as a laboratory for developing rockets and bombs and as a weapons storehouse (IDF Spokesman, January 2, 2009). In another attack, the Israeli Air Force struck the house of Imad Akel, a senior Hamas operative in the Nusseirat refugee camp who dealt with manufacturing weapons. His served as a weapons storehouse. The attack led to a series of secondary explosions.



Manufacturing rockets in a private house in the northern Gaza Strip (Der Spiegel, January 29, 2008).



Manufacturing rockets in a private house in the northern Gaza Strip (Der Spiegel, January 29, 2008).



The Popular Resistance Committees manufacture rockets during the lull arrangement in someone's living room (2008).

32. "Work accidents" often occur when weapons are manufactured. The Palestinian terrorist organizations do not assume responsibility for harming civilians, and customarily blame Israel, even "responding" by firing rockets and mortar shells into Israeli territory. Some of the more prominent "work accidents" were the following:

- i) On **February 15, 2008**, an explosion occurred in the home of Palestinian Islamic Jihad senior figure **Ayman al-Fayid** in the **Al-Bureij** refugee camp in the central Gaza Strip.

According to reports in the Palestinian media, **nine Palestinians were killed**, al-Fayid among them, as well as his wife and daughter. In addition, dozens of other Palestinians were injured. Initially the Palestinian media reported a “work accident,” but later, as usual, blamed Israel. Following the explosion Hamas spokesman Fawzi Barhoum, called for “the bombing of [the cities] of Sderot, Ashqelon and Tel Aviv” (Filastin al-’An website, February 16, 2008).

ii) On **December 29, 2007**, two terrorist “engineers” were killed while manufacturing weapons. The accident caused a powerful explosion inside a **residential building in the heart of the Al-Zeitun neighborhood in Gaza City**. Several civilians were wounded and the building suffered severe damage.

iii) On **June 12, 2007** a building collapsed in Beit Lahiya, the home of **Ahmed Hamuda**, an operative of Hamas’s weapons production unit. The explosion not only damaged a number of nearby structures, **it killed ten Palestinians and wounded more than 40**, among them women and a four-month old infant girl. The explosion was caused by a “work accident” involving Hamas operatives who were preparing a terrorist attack.⁷ The type and strength of the explosion indicated that a large quantity of explosives had been present, causing the building to collapse. Hamas spokesman Fawzi Barhoum said that Hamas would compensate the relatives of the victims (Al-Hayat, June 14, 2007).



Aerial photograph of the house of Ahmed Hamuda, an operative in Hamas’s weapons manufacturing unit, before it collapsed. It is in the center of a densely populated residential area.

⁷ According to a June 12, 2007 PalPress report, Hamas investigated the incident and determined the explosion was the result of a “work accident.” The report also stated that the explosion took place in the home of **Ahmed Hamuda, Izz al-Din al-Qassam Brigades commander for the Beit Lahiya district, who worked for the Hamas [weapons production] unit.**



The house in Beit Lahiya which collapsed as a result of the “work accident” (Al-Aqsa TV, June 12, 2007).

33. The large number of casualties caused by the “work accident” in Beit Lahiya on June 12, 2007, resulted in harsh criticism of Hamas. Fatah claimed that the event had exposed Hamas’s **disregard of human life and its exploitation of the civilian environment for military purposes** (Palestinian TV, June 14, 2007). In addition, **the Palestinian Center for Human Rights, headed by Assam Eid**, announced it was worried by repeated explosions like the one in Beit Lahiya.⁸ It called for the various organizations to take immediate steps to prevent another occurrence. The terrorist organizations did not change their modus operandi following the criticism or the many deaths of civilians from “work accidents.”

34. In addition to the dangers posed by “work accidents,” civilians living near laboratories and workshops are exposed to IDF attacks as part of Israel’s right to defend itself. On several occasions before and during Operation Cast Lead, lathes and workshops used to manufacture weapons for the terrorist organizations were attacked. The IDF struck on the basis of pinpoint intelligence, but because the targets were located in population concentrations innocent civilians were also accidentally harmed.

⁸ The announcement used the term “internal explosions” to describe the explosions caused by “work accidents.”

Examples of facilities for manufacturing weapons in densely populated areas attacked by the IDF in the past



Lathe for manufacturing weapons located in the Daraj neighborhood in the southeastern area of Gaza City.



Plant for manufacturing weapons located in Jabaliya in the northern Gaza Strip.



Plant for manufacturing weapons located in the Shabura neighborhood of Rafah in the southern Gaza strip.

Tunnels and underground networks in populated areas

35. The terrorist organizations, especially Hamas, have constructed an extensive system of tunnels and underground networks in built-up urban settings to be used in combat against the IDF. They are intended to conceal operatives and weapons, allow for the movement of senior figures and operatives from place to place and for transferring weapons from one area to another. **Tunnels** were also built near the border security fence to infiltrate into Israel to carry out mass-casualty and

abduction and other terrorist attacks.⁹

10. Many of the tunnels run under populated neighborhoods. The operators of the Gaza Strip tunnel industry often hide tunnel openings in civilian residences, and in one instance the IDF discovered an opening under a baby's crib. The tunnels **endanger** civilians while they are being built and while they are being used. They sometimes collapse **as they are being dug** or later, civilian causing casualties. They also expose the population to IDF attacks during counterterrorism activities and combat in the Gaza Strip.

36. In addition, in the Rafah area there is a vast, institutionalized tunnel industry devoted to **smuggling**. Some of the tunnel openings are hidden in **civilian residences** to keep them from being attacked. There are an estimated 400 to 600¹⁰ such tunnels, directed by Hamas, involving enormous sums of money and serving as the central conduit for smuggling weapons and terrorist operatives from Egyptian into the Gaza Strip.¹¹ Scores of such tunnels were attacked by the Israeli Air Force during the first week of Operation Cast Lead.



Blowing up tunnels under the Philadelphi route during Operation Cast Lead (IDF Spokesman, December 28, 2008).

37. Before Hamas took over the Gaza Strip, the local population often **protested** (although their protests were not always given proper media coverage) to the Palestinian Authority about both the smuggling and the suffering caused by the tunnels.¹² Under Hamas rule the protests abated when the tunnel industry was **institutionalized** and became a source of income for Gazans, especially those living in and around Rafah. However, the civilians, both adults and children, who work in the

⁹ On November 4, 2008, the IDF prevented an attempted abduction through a tunnel dug under the border security fence. For further information see our November 5, 2008 Bulletin entitled "Escalation in the Gaza Strip: the IDF operated inside the Gaza Strip near the security fence to prevent the abduction of soldiers" at http://www.terrorism-info.org.il/malam_multimedia/English/eng_n/pdf/ct_e011.pdf.

¹⁰ According to a column by Amira Hass dealing with increasing the number of tunnels, today there are 850 of them (Haaretz, December 26, 2008).

¹¹ For further information see our October 28, 2008 Bulletin entitled "Hamas has lately regulated the flourishing tunnel industry in the Gaza Strip.."

¹² In December 2003 Ramzi Khouri, Yasser Arafat's chief of staff, was abducted and taken for a "trip" to areas where the IDF attacked the tunnels to express the protest of the local population against its suffering.

tunnels are often involved in accidents, sometimes fatal. According to Amira Hass' column in the December 26, 2008 edition of the Israeli morning paper Haaretz, 55 young workers were killed in the past eighteen months while working on tunnels, either while digging or smuggling. In response Hamas set down security rules and guidelines for compensating the victims' families.¹³

Tunnels to hide in



Entrance to tunnel and tunnel discovered by IDF forces during an action in the Gaza Strip. It was dug in the house of a wanted Fatah operative (September 19, 2007 source).



Left: Tunnel dug inside a Palestinian home. Right: Sand removed from the tunnel hidden in flour sacks. Tunnels for terrorist attacks

¹³ For further information see our October 28, 2008 Bulletin entitled "[Hamas has lately regulated the flourishing tunnel industry in the Gaza Strip.](#)"

Tunnels Used for Offensive Purposes



Generator and excavation tools found by the IDF at a tunnel shaft near a hothouse in the northern Gaza Strip. The generator was sunk into the ground to suppress its noise and to make it more difficult to discover (IDF Spokesman's website, August 16, 2007).



Tunnel shaft discovered by the Israeli security forces in the northern Gaza Strip. It is three and a half meters deep and was dug under a house about 700 meters from the border security fence, apparently intended to be used to infiltrate terrorist squads into Israeli territory (IDF Spokesman, April 8, 2008).

Civilians as Human Shields in Hamas's Defensive and Offensive Strategy

"If you are stupid enough to enter the Gaza Strip, we will fight you. You will have to face not only thousands of fighters but a million and a half people who will fight you, out of their desire to die the deaths of martyrs" (Khaled Mashal at a press conference in Damascus, March 1, 2008).

Overview

38. The dense population concentrations in the Gaza Strip are an easy arena for the terrorist organizations to fight in. The area has been built up over a number of years in different styles, organized and disorganized, temporary and permanent, above and below ground. The continual changes in the urban environment have created layers of destruction and rebuilding, and there are branching underground constructions which to a large degree trace historical urban development. Those areas, which include densely built refugee camps, magnify the advantages of the defender over the attacker. The terrorist organizations aspire to use to use those advantages against the IDF in a fighting in the Gaza Strip.

39. Hamas and the other terrorist organizations' offensive and defensive strategy was been inspired by **Hezbollah's experiences** in **Lebanon**. In south Lebanon Hezbollah built a vast military infrastructure, adapted to the terrain and for the most part hidden in **populated areas**, using the villagers as human shields. To a great extent that modus operandi reduced Hezbollah's losses and

gave it a kind of “protection” from IDF attacks, aware of the fact that the IDF would not deliberately attack civilians. In addition, in the second Lebanon war (2006) it gave Hezbollah a propaganda edge in the war for the hearts and minds of the Lebanese, the Arabs and international community by representing Israel as attacking innocent civilians.¹⁴

40. The Palestinian terrorist organizations **copied and in fact developed** Hezbollah’s combat strategy, adapting it to the unique conditions of the Gazan arena, which for their defensive purposes were superior to those in south Lebanon: the Gaza Strip is flat and exposed, as opposed to the mountainous, wooded, unconnected terrain of south Lebanon. However, the population density of the Gaza Strip **far exceeds that of south Lebanon**, and there are the special conditions of the **refugee camps** distributed throughout the Gaza Strip.¹⁵ In fashioning their defensive strategy the terrorist organizations honed the differences between combat in an open area and combat in an urban setting. They based their strategy mainly on deploying most of their forces in populated urban areas, while secondary forces in open areas would exhaust the IDF forces but not prevent them from entering the Gaza Strip.

41. The terrorist organizations’ defensive strategy is the following:

i) **In open areas and on the outskirts of populated regions**, friction between the sides is expected to be relatively low and based on placing IEDs along the roads leading into the Gaza Strip. At the same time, the terrorists will carry out various types of hit and run tactics, fire mortar and low-trajectory shells, dispatch suicide bombers and booby-trap buildings.

ii) **In urban settings**, the terrorist organizations intend to wage a stubborn defensive battle from or near civilian residences, blending in with the population when necessary. They are expected to place IEDs next to buildings, in sewage pits and in other places. They are also expected to employ car bombs, dispatch suicide bombers and fire low-trajectory shells.

42. The Palestinians terrorist organizations’ defensive tactics are intended to **provide an asymmetrical response to the IDF’s military and technological superiority** and to exploit the relative advantage of the Gazan terrain through the cynical and outlawed use of civilians for whose welfare Hamas is responsible. According to that strategy, Hamas and the other terrorist organizations view the population density of the Gaza Strip, both in the cities and the refugee camps, as **focal points** in combat against Israel.

¹⁴ An analysis of Hezbollah’s use of Lebanese civilians as human shields, can be found in our December 2006 Bulletin entitled “Hezbollah’s use of Lebanese civilians as human shields: the extensive military infrastructure positioned and hidden in populated areas” at http://www.terrorism-info.org.il/malam_multimedia/English/eng_n/pdf/human_shields.pdf.

¹⁵ There are about 680,000 inhabitants in south Lebanon, where Hezbollah situated most of its military infrastructure. On the other hand, in the Gaza Strip there are more than 1.4 million inhabitants. For example, there are about 30,000 Lebanese in Bint Jbeil, the Hezbollah stronghold, compared with 107,000 in the Jabaliya refugee camp.

43. There are many examples of the extensive use of civilians as human shields: attacking from inside residences or mosques, schools and other public facilities; shooting from or near groups of civilians and sometimes children and adolescents; concealing weapons in civilian dwellings; terrorists operatives wearing civilian clothing; exploiting civilians (including children) for auxiliary missions (logistical and intelligence) and using civilian ambulances for military operations. It includes using the terrorist organization media and loudspeakers to instruct Palestinian civilians, including women and children, to go to combat areas to serve as human shields (For details, see below). Such tactics constitute **war crimes and crimes against humanity**, and are grave breaches of the basic principles of the laws of armed conflict in international law, which demands the **clear distinction between combatants and non-combatants**.

44. That offensive strategy is intended to cause the IDF **as many losses as possible** and to ensure the survival of the terrorists' forces in the face of Israeli superiority. It is planned with the **full awareness that it will cost the lives of Palestinian civilians who are not involved in the fighting**, and is premeditated to reap the greatest possible **propaganda value** from the deaths of Palestinian civilians, as Hezbollah did in the second Lebanon war. That strategy was employed during IDF counterterrorism activities in the Gaza Strip in recent years in the various rounds of escalation.

45. Using civilians as human shields is also part of the **offensive** strategy of Hamas and the other terrorist organizations, especially regarding firing rockets and mortar shells, which has become their main form of attack in recent years. Rocket and mortar shell fire is often carried out close to private or public civilian structures, including schools, and sometimes from the roofs of houses, to make it difficult for the IDF to attack the shooters. Thus Jabaliya, Beit Hanoun, Beit Lahiya and other regions in the Gaza Strip have become preferred rocket launching sites, causing resentment among the local population.

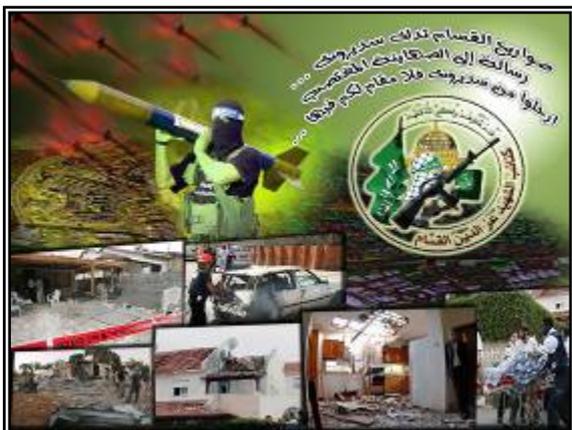
Offensive Strategy

46. Rocket and mortar shell fire from within populated areas targeting Israel population centers with the objective of killing and maiming as many Israelis as possible is the **routine modus operandi** of the terrorist organizations operating in the Gaza Strip. Many squads firing rockets and mortar shells position their launchers close to residential dwellings to camouflage them and protect them from IDF counterterrorism activities.

47. In 2008 the use of rockets by Hamas and the other terrorist organizations peaked. They significantly increased the scope and effectiveness of their rocket fire, and gradually brought the

nearly one million residents of southern Israel into the line of fire. Hamas does not hide the fact that it deliberately targets Israeli civilians, and in fact boasts of it.¹⁶

Hamas Posters Boasting of Attacks on Israel



“Qassam rockets reach Sderot... The message to the Zionists: leave Sderot, there is no room for you there” (Hamas forum, May 25, 2007).



Poster calling on Israelis to run away from Qassams (Hamas forum, May 21, 2007).

48. The launching sites preferred by the terrorist organizations are located mainly in towns and villages in the northern Gaza Strip near the Israeli border. The most often used are the ones in the Jabaliya refugee camp and neighboring Beit Lahiya and Beit Hanoun. From there, rockets and mortar shells are routinely fired at Sderot, Ashqelon and other population centers in southern Israel. (The rocket firing range from Beit Lahiya and Beit Hanoun into Israel was extended to 40 kilometers, or 25 miles). The sites most often used in the southern Gaza strip are located in the outskirts of Khan Yunis and Rafah.

49. During Operation Cast Lead the terrorists also fired rockets from Gaza City and other populated areas in the central Gaza Strip, using long-range standard rockets to compensate for the fact that they had been pushed back from near the border.

¹⁶ For further information see our January 1, 2009 Bulletin entitled “Summary of rocket fire and mortar shelling” at http://www.terrorism-info.org.il/malam_multimedia/English/eng_n/pdf/ipc_e007.pdf.

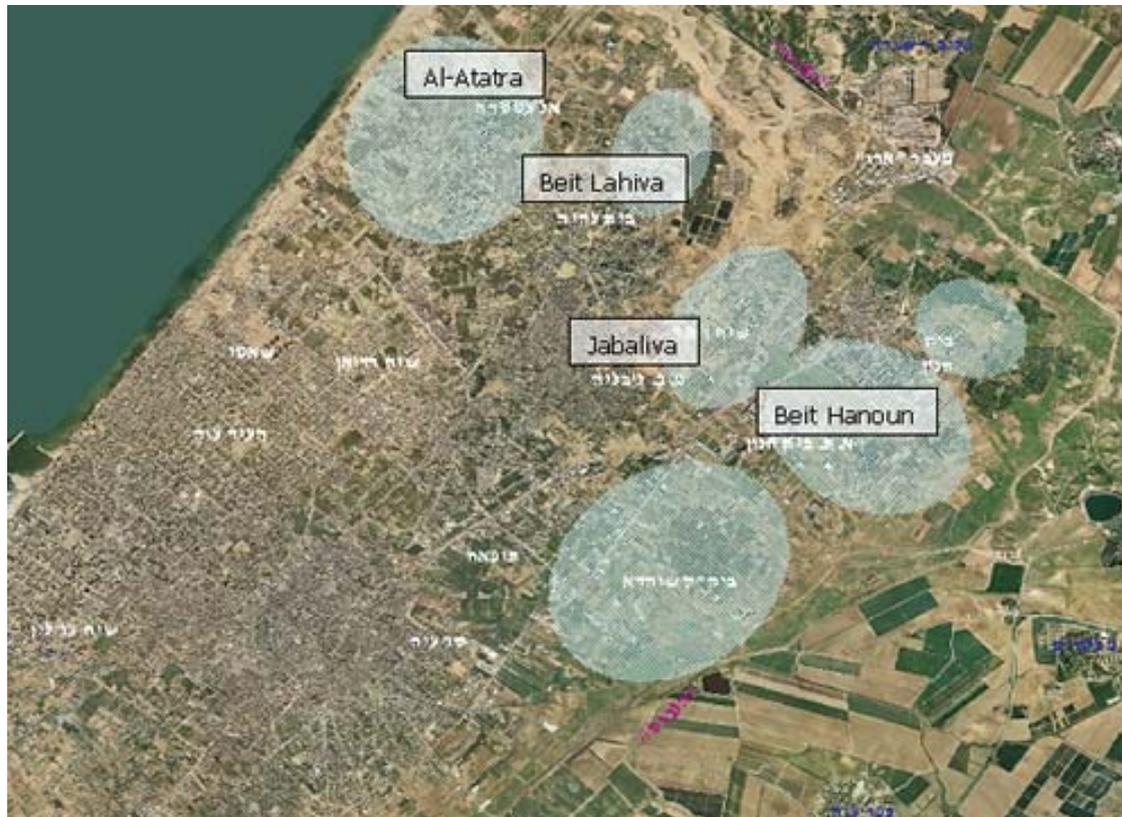


Hamas Poster of Rocket Launched from a Populated Area in the Gaza Strip "The Qassam will burn the fortifications" (Hamas forum, April 25, 2007).

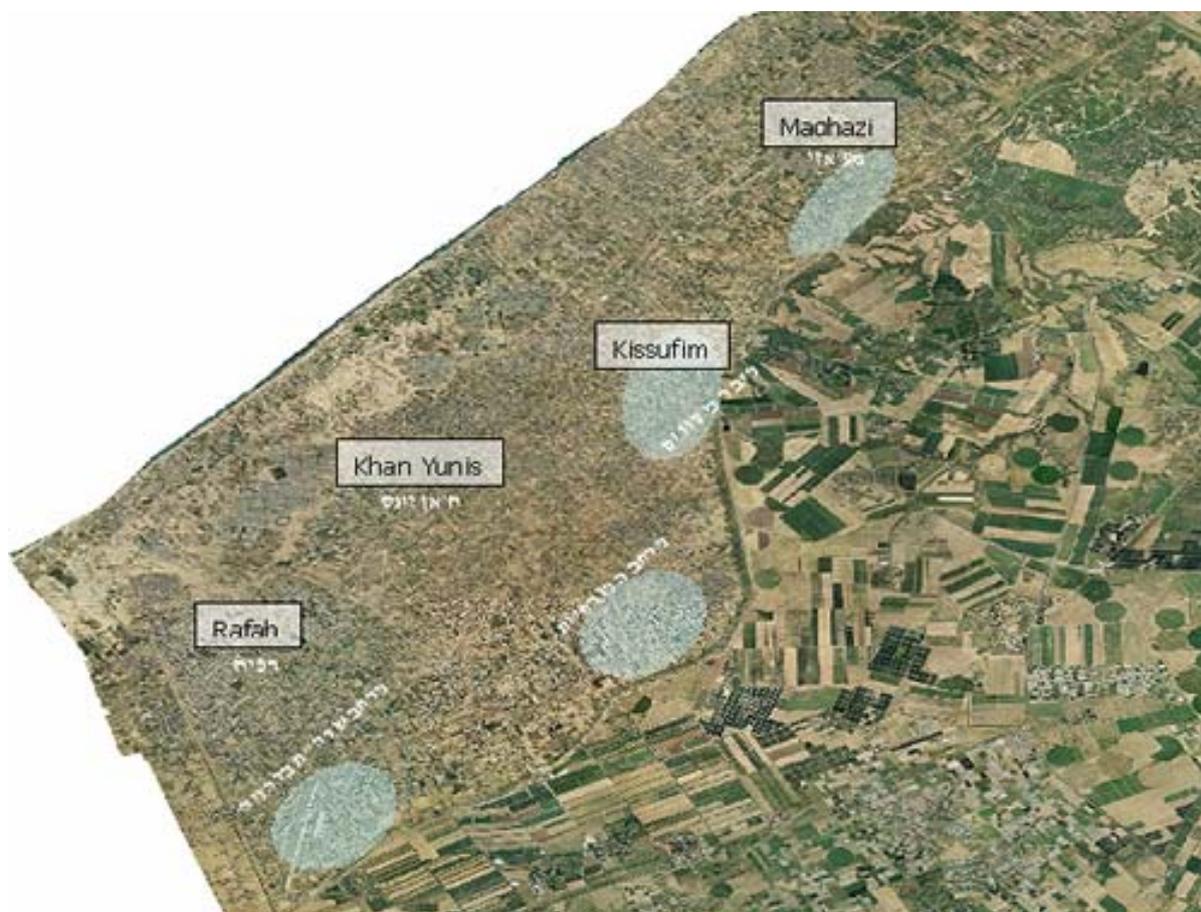


A pit from which rockets were fired in the middle of a residential area (IDF Spokesman, December 29, 2008).

Preferred Firing Areas in the Northern Gaza Strip



Preferred Firing Areas in the Southern Gaza Strip



50. Rocket and mortar shell fire from or near residential areas, and in certain instances from roofs, endangers the local population and increases the possibility of civilian casualties for the following reasons:

- i) It exposes the civilian population to the preventive and counterterrorism activities carried out by the IDF to protect Israeli citizens and disrupts their daily lives.
- ii) Most of the rockets in terrorist hands are improvised and homemade, and their technical quality is inferior to that of standard rockets. They are prone to “work accidents” and sometimes explode as they are being prepared for launching. In addition, the squad must launch the rockets quickly to avoid becoming targets for Israeli counterterrorism activities. Their haste often leads to “work accidents” which harm local Palestinians.

iii) Some of the rockets misfire and land in the Gaza Strip, sometimes injuring local Palestinians (Examples below).¹⁷

Rocket and Mortar Shell Fire from Residences and Public Institutions



Rockets fired into Israeli territory from populated areas in Beit Lahiya (December 27, 2008).



PRC rocket fire into Israeli territory (Muqawamah Website, February 27, 2008).



PIJ rocket launchers near houses (Al-Alam TV, April 20, 2008).

¹⁷ An examination showed that during the first five days of Operation Cast Lead (December 27-31) about 6.5% of the rockets fired at Israel fell in the Gaza Strip (14 out of 217). That is an example of the frequency of rockets falling in the Gaza Strip, which kill and injure the local Palestinian population.



Hamas fires rockets from a built-up area (Al-Aqsa TV, February 27, 2008).



The Popular Resistance Committees fire rockets from a densely-populated area (Muqawamah Website, February 28, 2008, photo used courtesy of Israeli Channel 10 TV).



Rockets positioned on the roof of a house (YouTube, July 11, 2007, picture from the Izz al-Din al-Qassam Brigades propaganda bureau).



Hamas fires rockets near civilian houses (YouTube, July 11, 2007, picture from the Izz al-Din al-Qassam Brigades propaganda bureau).



Rocket launched by Fatah/Al-Aqsa Martyrs Brigades from a built-up area (Al-Jazeera TV, July 10, 2008).



Rocket fire from the northern Gaza Strip near a house during an IDF action in Beit Hanoun (Al-Jazeera TV, April 28, 2008).



Mortar launcher positioned near a house (Al-Aqsa TV, October 26).



Rockets fired at Ashqelon from a location near a cemetery (November 14, 2008). The Army of the Nation, a terrorist group affiliated with Al-Qaeda, claimed responsibility for the attack (Hamas's PALDF Forum. November 17. 2008).



Rocket fire from a built up area in Gaza (Hamas's PALDF Forum, November 11, 2008).



Mortar shells fired near building in response to an IDF attack on a terrorist squad placing an IED (Al-Aqsa TV, November 12, 2008).



Rocket fired at Israel, from a video broadcast by the PIJ. Houses can be seen on either side of the launch site (Al-Jazeera TV, April 2, 2006).

Rocket Launchers near Private Houses Attacked in Operation Cast Lead



122mm rocket launcher attacked by the IAF; the launcher was hidden inside a house (IDF Spokesman, December 27, 2008).



Left: Underground pit from which rockets were launched, located near residential buildings.
 Right: The attack exploded a rocket in the pit (Photos: Israeli Air Force, December 27).



ירי מלב אזור מיושב בצפיפות במהלך מבצע "עופרת יצוקה"
(אלג'זירה, 30 בדצמבר, 2008).

Rocket and Mortar Shells Fired Close to Educational Institutions and Mosques

51. Rocket fire in close proximity to an educational institution was photographed by the Israeli Air Force on the morning of October 29, 2007. It showed a three-man rocket launching squad firing mortar shells from the yard of one of the main buildings in an educational compound in Beit Hanoun (the area from which most rockets and mortar shells attack Israeli territory). The members of the squad can clearly be seen making preparations and then launching shells close to the building. They can then be seen running to the building to take cover.¹⁸



A mortar launching squad (red circle) located near one of the main buildings of a UNRWA educational complex in Beit Hanoun (From pictures taken by the Israeli Air Force and distributed by the IDF Spokesman, October 31, 2007).

¹⁸ For further information see our November 4, 2007 Bulletin entitled "A terrorist squad fired a mortar shell from within an educational complex in the town of Beit Hanoun in the northern Gaza Strip" at http://www.terrorism-info.org.il/malam_multimedia/English/eng_n/html/edu_institutions_e.htm.



Launching mortar shells near a school (Al-Jazeera TV, October 27).

52. In 2008 the Palestinian media also reported **rocket launchers near schools**:

- i) Four Palestinian Islamic Jihad terrorist operatives were killed in an IDF attack after they positioned their launchers in a hothouse near the Al-Maari school in **Al-Qarara** in the Khan Yunis region (southern Gaza strip). They intended to attack the Kissufim crossing (PalMedia website, March 6, 2008).
- ii) Three Palestinian Islamic Jihad terrorist operatives were killed in an Israeli Air Force attack east of Gaza City as they prepared to fire rockets at the southern Israeli population. They had positioned their launchers next to a Hamas **educational institution called Dar al-Arqam** in eastern Gaza City¹⁹ (Qudsnet website, March 15, 2008).

¹⁹ **Dar al-Arqam** is a Hamas educational institution which brainwashes the younger Palestinian generation with the ideology of the violent campaign against Israel and hatred for the West. It produces new cadres of Hamas terrorist operatives and is supported by charitable societies in Saudi Arabia and Qatar.

Defensive Strategy (A): Using Civilians as Human Shields to Prevent Attacks against Terrorist Operatives

Overview

53. Hamas and the other organizations actively encourage civilians to act as human shields for terrorist operatives whose houses they suspect or know will be attacked by the Israeli Air Force. That has been done during Operation Cast Lead and in many instances in the past. The rationale behind the tactic is that **the IDF will avoid attacking houses where many civilians have congregated**. The tactic of using human shields, which is **a grave violation of the international laws of war**, proved itself in the eyes of the terrorist organizations in the years that preceded Operation Cast Lead because in fact, in the past the IDF did avoid attacking in such situations, even though warnings are issued to civilians to keep away; the target is permitted by the laws of armed combat.

54. **Hamas administration prime minister Ismail Haniya** encourages the use of the tactic. In an interview with Al-Jazeera TV he boasted of the “firm stance” of the Palestinians, saying that Israel threatens to bomb houses [of Palestinian terrorists] but nevertheless, hundreds and thousands of Palestinians go out “in the middle of the night” and go up onto the roofs of those houses (Al-Jazeera TV, February 29, 2008).

Civilians as living shields: Muhammad Barud

55. On November 18, 2006, civilians were sent to the house of **Muhammad Barud**, a senior terrorist activity in the Popular Resistance Committees, in the **Jabaliya refugee camp**. Hundreds of civilians, including many children and adolescents, were instructed to go to his house on the assumption (which proved true) that the IDF would not deliberately attack the building if many civilians were present. Calling them out in time to prevent the attack was made possible because the IDF, which makes an effort to prevent civilian casualties, telephoned the people living in the house and told them to evacuate.



Left: Palestinian civilians gathering in front of Muhammad Barud's house in the Jabaliya refugee camp. Right: Palestinian civilians light a bonfire on the roof so that Israeli pilots will see them (Palestinian TV, November 18, 2006).

56. The Popular Resistance Committees and other terrorist organizations represented the incident as **"a precedent."** Their spokesmen said that in the future they intended to use the tactic of human shields again and to create a "human defensive wall" to prevent Israeli attacks on the houses of their operatives.

i) When Ismail Haniya paid a solidarity visit to Muhammad Barud's house, he was warmly greeted by the civilians who had been the human shields. He told a radio correspondent that he was "certain that what happened last night will be a model...for our Palestinian people and will send the message that aggression cannot destroy our will..." (Radio Sawt al-Quds, November 19, 2006).

ii) **Senior Hamas leader sheikh Nizar Rayyan** (killed in an Israeli air attack during Operation Cast Lead), who participated in the "defense" of Muhammad Barud's house, announced the beginning of an operation "to protect the houses of jihad fighters." He declared that **"starting today, [jihad fighters] will not allow Israel to attack their houses..."** In a different interview he said that the men and women who had gone to Muhammad Barud's house had divided into day and night shifts (Palestinian TV, November 19, 2006; PalMedia website, November 19 and 20, 2006). During Operation Cast Lead the Israeli Air Force attacked his house in the Jabaliya refugee camp in the northern Gaza Strip (December 31, 2008). After the attack many secondary explosions were identified. Nizar Rayyan and his family were killed. His house served as a weapons storehouse. There was a tunnel under the house used by Izz al-Din al-Qassam Brigades operatives as an escape exit for Hamas-Izz al-Din al-Qassam Brigades operatives (IDF Spokesman January 1, 2009)



41



Nizal Rayyan: “[Gazans] will defend jihad fighters body and soul” (Palestinian TV, November 19, 2006).

iii) **Salah Abu Warda**, senior Fatah figure, said that when “Fatah operatives heard that the house of a civilian [i.e., of terrorist operative Muhammad Barud] was about to be attacked, they hurried to the spot **to defend the people in the building. In that way they will serve [in the future as well] as human shields for every building [used by] jihad fighters,**” along with the other organizations (Palestinian TV, November 19, 2006).

iv) **Abu Mujahid**, Popular Resistance Committees’ spokesman, said that “from now on houses will not be bombed.” **He called on all the Palestinians to do their duty and serve as human shields** for the buildings used by the various organizations, noting that “it was the correct path” (Palestinian TV, November 19, 2006).

v) The Popular Resistance Committees’ website posted an article entitled “**Valuable precedent: the masses defend the houses of jihad fighters from bombing.**” It said that “in the first precedent of its kind...the beginning of an operation was announced to defend the houses of jihad fighters from the roof of the house of the commander of the Salah al-Din Battalion, which the forces of the occupation threatened to blow up” (Moqawama website, November 21, 2006).

Other Instances of Civilians Called Out to Serve as Human Shields

57. On **November 20, 2006**, two days after the Muhammad Barud incident, the terrorist organizations used the human shield tactic again. According to Palestinian media claims, the IDF issued a telephone warning to evacuate the house of terrorist operative **Waal Rajeb al-Shaqra in Beit Lahiya** in the northern Gaza Strip. Al-Shaqra is a commander in Hamas’s Izz al-Din al-Qassam Brigades and a senior member in the Executive Force in the northern Gaza Strip. Hundreds of civilians, including children and adolescents, were instructed to go to his house as human shields. Hamas spokesman **Musheir al-Masri** arrived at the site to stir up the crowd, saying that the civilians were “**signing a covenant as martyrs for the sake of Allah**” and that they would “continue to defend the honor and houses [of operatives], and to serve as human shields until the enemy withdrew” (Al-Aqsa TV, November 20, 2006).

Gazan Civilians as Human Shields



Hamas operative Waal Rajeb al-Shaqra. Gazans surrounded his house and stood on the roof to protect him (Al-Jazeera International, November 21, 2006).



Human shields: Picture taken across the street from Waal Rajeb al-Shaqra's house in Beit Lahya (ANB News TV, November 20, 2006).



Palestinians as human shields on the roof of a house (From the Israeli Arab Arabs-48 website, November 21, 2006)



Human shields: a crowd on the roof and in front of the house of Waal Rajeb al-Shaqra in Beit Lahya, (ANB TV, November 20, 2006).

58. On **March 1, 2007**, there was another conspicuous incident. Hamas's Al-Aqsa TV and its PalMedia website called on civilians to serve as human shields for the house of **Abu al-Hatal in the Saja'iyah area** of Gaza City, following an early warning from the IDF of its intention to attack it. **Abu Bilal al-Gha'abir**, a resident of the northern Gaza Strip who was interviewed, described the events, saying that the "occupation forces" [i.e., Israel] had contacted him by telephone and threatened to blow up his house. He said he hung up and then called several friends "who used loudspeakers to call

others, and a crowd came and filled the roof of the house and stayed there to protect it..." Hundreds of Palestinians did in fact appear, including many children and adolescents, who surrounded the house. Some of them went up onto the roof and lit a bonfire to make sure the Israeli pilots would see that there were civilians. Several senior terrorist operatives mingled with the civilians and were interviewed by newspaper correspondents who had come to cover the story. Discerning the civilians, the IDF did not attack.



A Hamas call for Palestinians to go to the house of Abu al-Hatal (in the Saja'iya neighborhood) to act as human shields (Al-Aqsa TV, March 1, 2007).



Palestinian civilians used as human shields on the roof of Abu al-Hatal's house in the Saja'iya area of Gaza City. The Arabic subtitle reads "The occupation threatens to bomb the house...and civilians go out to meet them" (Al-Aqsa TV, March 1, 2007).

59. Additional instances:

- i. Hamas's Al-Aqsa TV sent a call to the Palestinians in the northern Gaza Strip to protect the house of **Uthman al-Ruzeina** after the IDF had warned of its intention to attack it (February 28, 2007).
- ii) Al-Aqsa TV sent a call to the residents of **Khan Yunis** to gather at the house of **Mamoun Abu 'Amer** because the IDF had threatened to attack it (February 28, 2008). **Dozens of**

Palestinians reportedly went to his roof as human shields to prevent the attack (PalMedia website, February 28, 2007).

iii) Al-Aqsa TV sent a call to the residents of the **northern Gaza Strip** to protect the house of **Musab al-Gha'abir** because of an IDF warning to attack it (February 28, 2007).

iv) The Palestinian Islamic Jihad's Radio Sawt al-Quds sent a call to civilians to protect the house of **Fawzi Abu al-Hamad** in the **Abasan al-Kabira** region in the southern Gaza strip to prevent the IDF from attacking it.

Conclusion

60. The tactic of deliberately enlisting civilians as human shields to protect the houses of terrorist operatives has proved itself effective, in the eyes of the Palestinian terrorist organizations, at least until Operation Cast Lead. That was because of their awareness that the IDF does not deliberately attack civilian concentrations, even though the target is permissible according to the laws of armed combat. The human shield tactic improves their freedom of action, provides a kind of immunity for terrorist operatives and makes it possible for them to continue their attacks on Israeli civilians. Senior figures in Hamas and the other terrorist organizations have not hesitated to boast of relying on the morality of the IDF. In an interview, the **late Shiekh Nizar Rayyan**, one of the chief proponents of the human shield tactic, boasted that men and women would protect the "Jihad fighters." He also said that Sderot was a Palestinian town and that as its residents were fleeing [at the time of the interview] so would the residents of Ashqelon flee (PalMedia website, November 20, 2007).

61. **International law absolutely prohibits the use of civilians as human shields**, considering it a war crime and a crime against humanity (according to the 1998 Rome Statute of the International Criminal Court). According to Humans Rights Watch (as of November 23, 2006), armed Palestinian groups are prohibited from endangering Palestinian civilians by encouraging them to gather around houses suspected of being targeted by the IDF. Summoning civilians to gather at an attack point is at worst the creation of a human shield and at best a failure to take all the possible security measures to ensure the welfare of civilians in case of attack. **Both options violate international humanitarian law**. Sarah Leah Whitson, director of Human Rights Watch's Middle East and North Africa division, said that there was no excuse to summon civilians to an attack site. She added that regardless of whether or not the building was a legitimate military target, to knowingly ask civilians to stand up to an attack was not a legal act, and that prime minister Ismail Haniya and other Palestinian leaders should reject the tactic of encouraging civilians to endanger themselves rather than adopting it. Needless to say, her appeal fell on deaf ears.

Defensive Strategy (B): Fighting the IDF from Within Civilian Residences and Public Institutions

“The jihad fighters took shelter on one of the buildings near the site of the invasion, and when the attack got worse the residents left the building to the [Izz al-Din] al-Qassam fighters so that they could continue their resistance and not be deterred by worry for the lives of civilians” (Civilian quoted in a Palestinian daily newspaper during Operation Hot Winter, March 5, 2008).

62. One of the main components in the Palestinian terrorist organization strategy of combat is **channeling the IDF to fight in densely populated areas** where the terrorists have many tactical advantages. They are familiar with the territory and fight from within a supportive environment, which to a great extent obviates the IDF’s superiority in both quantity and quality; in addition, the IDF is unwilling to harm innocent civilians who find themselves in the fighting arena. Hamas takes into consideration that the application of its strategy will almost inevitably lead to civilian casualties. However, Hamas is ready to pay the price and even finds it has political and propaganda advantages.

63. The terrorist organizations **use many of the mosques in the Gaza Strip for military purposes**. The mosques have always served Hamas’s **military** needs and been used for **political incitement**. Both in the Gaza Strip and Judea and Samaria they are used to hide terrorist operatives, store weapons, serve as meeting places for terrorist attack coordination and as centers for anti-Western, anti-Israeli and anti-Palestinian Authority propaganda. That is an illegal exploitation of the special protection afforded to houses of worship.

64. For example, during Operation Hot Winter in March 2008, whose objective was to attack squads launching rocket and mortar shells in the northern Gaza Strip, IDF forces operated in the Jabaliya refugee camp and the Saja’iya area in eastern Gaza City. In both places the IDF was met with terrorists who fought from inside civilian residential dwellings.

65. IDF commanders who took part in the operation told correspondents that terrorists fought from inside houses, and that soldiers were ambushed by Hamas operatives in houses and alleys. The commanders said that in certain instances the operatives deliberately sent women and children to patrol or collect the weapons of those killed in battle with the IDF (Ron Ben-Yishai, Ynet, March 4, 2008).

66. During Operation Hot Winter the IDF discovered arms stores hidden in a mosque in the Jabaliya refugee camp. They included a bomb which could be detonated by telephone, wires for detonating bombs, mortar shells, hand grenades and assault rifle magazines. At the mosque entrance were wires

for tripping bombs inside the building and empty shells, proof that terrorists had used it as a firing position.

Weapons Found in a Mosque in the Jabaliya Refugee Camp



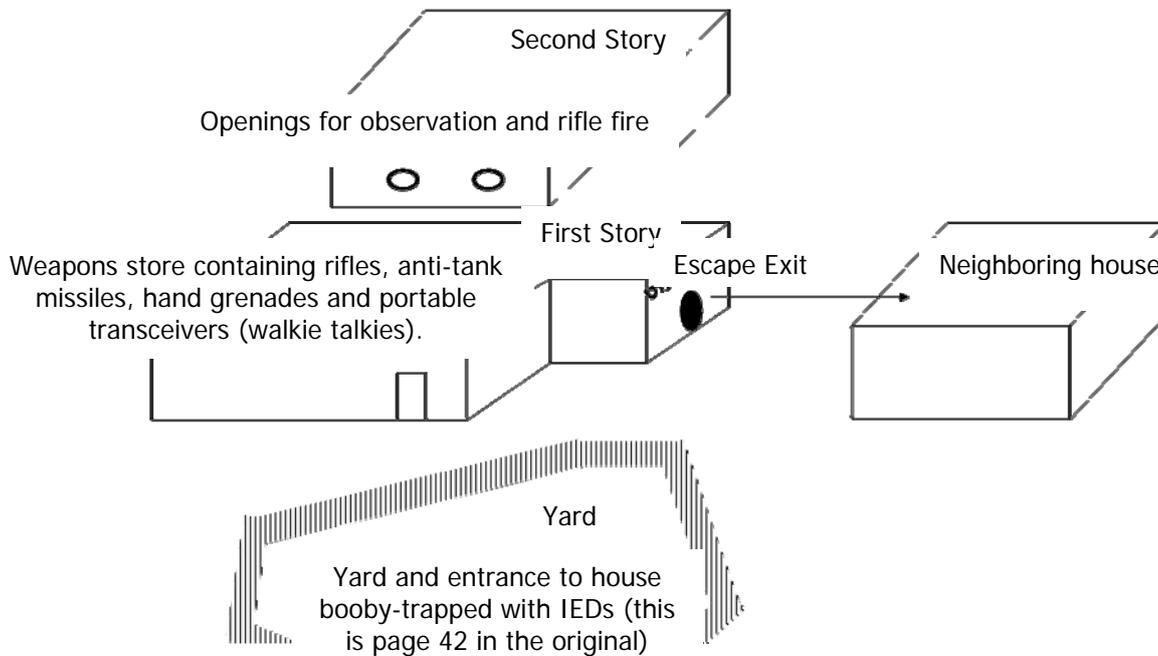
Left: Weapons found in a mosque in the Jabaliya refugee camp in the northern Gaza Strip. They included mortar shells and hand grenades. Right: IDF forces searching the mosque (IDF Spokesman, March 2, 2008).



Left: Coils of wire for detonating IEDs. Right: Assault rifle magazine and IEDs found in a mosque in the Jabaliya refugee camp (IDF Spokesman, March 2, 2008).

Civilian Residence Fortified by terrorists in Beit Hanoun (exposed during Operation Autumn Clouds, October 2006)

Diagram of the house and surroundings



Pictures from inside the house



Walls broken through to provide escape exits.



Weapons and walkie-talkies found in the house.

Hamas Operatives Dress as Civilians to Blend in with the Local Population

68. Although the organizations' military-terrorist operatives wear uniforms, when fighting IDF forces or launching rockets they sometimes prefer to **wear ordinary civilian clothing** to blend in with the local population and make it difficult for the soldiers to spot them. In addition, they use civilians who do not belong to the terrorist organizations for intelligence and logistical purposes, endangering their lives by exposing them to attacks by IDF soldiers who cannot distinguish them from terrorist operatives.



"The commander, shaheed Muhammad Salameh Hilles, head of the mortar shells unit in Saja'iya and a lion of the special unit."

Terrorist operative dressed in civilian clothing launches a rocket from a residential area (Hamas forum, November 1, 2007). [Callout]

Using Civilian Ambulances to Evacuate Armed Terrorists from Battle

69. The terrorist organizations used an UNRWA ambulance to evacuate armed terrorists and a wounded operative from the Al-Zeitun neighborhood of Gaza City, where there was fighting, in violation of the laws of armed combat. On May 24, 2004, Israeli Channel 10 TV broadcast a video taken by Reuters showing two ambulances arriving at the area of an exchange of fire between the IDF and terrorists. One of them was clearly marked "Red Cross" and "UN," and flew the UN flag.

70. Two armed, uniform-wearing terrorist operatives got into the UNRWA ambulance, accompanied by a wounded operative, who was also armed and wearing a uniform. An armed operative, dressed in civilian clothing, who had accompanied the other three, was seen fleeing from the site. Two other armed men, one whose face was masked, who had not accompanied the wounded terrorist, were seen getting into the ambulance as well, apparently exploiting the opportunity to leave the area.

71. During the broadcast, Lionel Brisson, UNRWA director of operations, called the station to say that the nurse and ambulance driver had demanded the armed terrorists to get out because UNRWA refused to carry armed men, and the terrorists were aware of its principle. However, one of the terrorists threatened to shoot the driver that if he did not immediately drive to the hospital.



UN ambulance evacuates wounded and other Palestinian terrorist operatives (Pictures courtesy of Israel's Channel 10 TV, May 11, 2004).

Holding Training, Exercises and Combat Displays in the Middle of Residential Neighborhoods

Overview

72. The Palestinian terrorist organizations' military training is held throughout the Gaza Strip. They exploited the six-month lull arrangement for additional, intensive training, including women.²⁰ Some training is held in populated areas, where the terrorist organizations feel more secure than in open areas near the Israeli border. They also hold military displays in populated areas as a show of strength and in order to send a deterrent message to Israel.

73. The training and military displays **endanger the local population**, and more than once local civilians have been harmed by random fire and "work accidents." Complaints have been lodged with the terrorist organizations but the Palestinian media in the Gaza Strip, which are under Hamas control, do not usually report on civilian suffering caused by terrorist organization military activity in their midst. However, they do occasionally report on the dangers to which civilians are exposed by the military camps near their residences:

i) On June 19, 2008, the Hamas weekly **Al-Risala** reported that Palestinians living in the northern Gaza Strip had complained of the noise of gunfire and the blasts of explosions near their houses, and of the penetration of random bullets. They also complained that locating training camps near their neighborhood exposed them to IDF attacks.

ii) **Abu Ata'a**, spokesman for the Popular Resistance Committees' Salah al-Din Battalion, said that during training, measures were taken to prevent harm from coming to civilians. **He said that residential neighborhoods had been chosen for training because other locations were close to the Israeli border, and holding training there would endanger the lives of the fighters** (Felesteen, September 4, 2008).

Hamas

74. Hamas's military-terrorist wing holds intensive training in facilities situated in the middle of populated areas in the northern and southern Gaza strip. For example, on July 19, dozens of Izz al-Din al-Qassam Brigades participated in military training held in the **Al-Sabra neighborhood** in southwestern Gaza City. One of their exercises was to march through the streets, shooting into the air. According to Hamas, the purpose of the exercise was to show Israel that the Izz al-Din al-Qassam Brigades were ready for every possible action in the Gaza Strip (Palestine-info website, July 19, 2008).

²⁰ For further information see our August 21, 2008 Bulletin entitled "Hamas and the other Palestinian terrorist organizations are taking advantage of the lull in the fighting to promote their military buildup" at http://www.terrorism-info.org.il/malam_multimedia/English/eng_n/pdf/hamas_e003.pdf.

75. Such exercises endanger the lives of the local population, and in recent years there have been several instances of civilians' being harmed when training was held near their houses:

i) Izz al-Din al-Qassam Brigades exercises held **near the Al-Quds Open University in the northern Gaza Strip** disrupted studies. "University sources" said that the students and faculty had been forced to evacuate the university because of the exercises. They included many explosions and massive gunfire which broke windows and endangered their lives (Wafa News Agency, August 12, 2008).

ii) Hamas operatives held training exercises using **live ammunition** in the densely-populated **Jabaliya region** in the northern Gaza Strip. During the exercises a mortar shell fell on a house, injuring the family (Wafa News Agency, August 19, 2008).

iii) A civilian named Ahmed al-Qadra was killed by Hamas fire as he stood at the entrance to his fruit store in the Al-Maal neighborhood of **Khan Yunis**. The fire was part of exercises held at a nearby post. According to reports, Hamas carries out daily exercises using live ammunition, including rocket and mortar fire, wounding civilians and causing panic (PalPress website, August 22, 2008).

76. Following the increase in civilian casualties caused by Hamas in the Khan Yunis region, the residents appealed to the leaders of the Izz al-Din al-Qassam Brigades to protect their welfare. In response, the Brigades in the Khan Yunis region established a special training camp, stating that it was part of security measures taken to protect civilians (Filastin al-'An website, September 11, 2008). One camp, however, does not solve but rather emphasizes the problem.

Hamas Operatives Train in Residential Areas



Hamas terrorist operative train in the middle of Gaza Strip (Muhammad Salem for Reuters, August 10, 2008).



Hamas terrorists train in the Saja'iya neighborhood in the northern Gaza Strip (Hamas forum, August 17, 2008).



Hamas's special unit holds military training exercises in the Tufah neighborhood of Gaza City (Palestine-info website, August 20, 2008).



Izz al-Din al-Qassam Brigades military show held in the middle of the Nusseirat refugee camp (Hamás's PALDF Forum, October 17, 2008).



Izz al-Din al-Qassam Brigades military exercises in the middle of a residential area, watched by a large crowd made up mostly of children (Hamás forum, September 17, 2007).



Graduation ceremony of military training course given by the Izz al-Din al-Qassam Brigades in the Saja'iyah refugee camp (Al-Ayyam, November 27, 2008).

The Palestinian Islamic Jihad

77. The Palestinian Islamic Jihad holds many military exercises in Gaza City. Jerusalem Battalions spokesman nicknamed "Abu Ahmed" said that 100 new recruits had received basic combat training in the Zeitun neighborhood in eastern Gaza City. Another course, he said, with 40 participants, had taken place in the Sheikh Radwan neighborhood in the center of Gaza City (Nidaa al-Quds website, August 23, 2008).



The Jerusalem Battalions practice firing live rockets near a residential area (Hamas's PALDF Forum, August 14, 2008)

The Popular Resistance Committees

78. The Popular Resistance Committees exploited the lull arrangement to improve their military capabilities for a possible confrontation with Israel. The organization's military-terrorist wing, the Salah al-Din Battalions, held courses for hundreds of terrorist operatives. Some of them were held in populated areas of Rafah and other locations in the Gaza Strip, and included training with live ammunition (Qawm website, August 8, 2008).



PRC military training. Apartment buildings are clearly visible in the background (Qawm website, August 15, 2008).



The PRC hold military training exercises next to residence (Hamás's PALDF Forum, December 17, 2008).

Using Women and Children as Human Shields and Exploiting Them in Combat against the IDF

“...they [are women in the Gaza Strip] who know that their role in the confrontation is not limited to caring for the wounded and children. [They know] that what they do can tip the balance [between the Palestinians and Israel]” (Lebanon’s NTV, August 19, 2008).

Using Women to Evacuate Terrorists from the Battlefield

79. Women in the Gaza Strip have been used as human shields for terrorist operatives during fighting. For example, on November 3, 2006, during an IDF action in the northern Gaza Strip, several dozen terrorists barricaded themselves in the **Al-Nasser mosque** in Beit Hanoun, which has both religious and historical value for the local residents.²¹ IDF forces surrounded the building and those nearby and called to the terrorists inside to lay down their weapons and surrender. The terrorists answered by shooting at them. About 200 women came to the mosque, apparently called out by the terrorist organizations, and the terrorists mingled with them and escaped from the area.

80. The women’s faces were covered and they wore traditional Muslim dresses, and some of the terrorists disguised themselves by wearing the same clothing. Two of the women were killed by IDF fire and ten were wounded. Because of legal and **self-imposed moral restrictions, the IDF did not fire directly and indiscriminately at the women, enabling the terrorists to escape.**

81. The Palestinian media, especially those controlled by Hamas, praised the women, describing them as having overcome the IDF by boldly marching to the mosque and participating “shoulder to shoulder” with the terrorist operatives. The Hamas media claimed that the women’s actions were part of an operational plan for the evacuation of the fighters from the mosque and favorably compared the Palestinian women with the “Muslim women fighters carrying out suicide bombing attacks in Chechnya.”

²¹ International law affords special protection to religious institutions. Using them for military purposes is a war crime and a grave violation of the laws of armed combat and may turn them into targets for attack.



Left: Women confront the IDF (Hamas's Palestine-info website, November 13, 2006). Right: The Al-Nasser mosque, damaged in the event (Ma'an News Agency, November 20, 2006).

Using Women in Violent Protest Demonstrations

82. The Palestinian terrorist organizations encourage women to participate in violent mass protest demonstrations, including those against Israel and Egypt, where they were placed in the front ranks. That is done because in preventive Israeli and Egyptian actions, they will be less vulnerable, since the security forces will hesitate to harm women while dispersing the crowds. For example, following the closing of the Rafah crossing, women participated in an anti-Egyptian demonstration held nearby (Palestine-info website, February 2, 2008).



A Hamas-organized demonstration of women at the Rafah crossing (Al-Aqsa TV, February 2, 2008).

Using Women to Carry Out Mass Casualty Attacks

83. The Palestinian terrorist organizations also use women to carry out operations, both as part of the fighting against the IDF and in suicide bombing and other terrorist organization attacks. Senior Muslim clerics, such as Yussuf Qardawi, issued *fatwas* permitting women to take part in suicide bombing attacks, because their use has obvious advantages. In combat zones but especially for the

purpose of carrying out suicide bombing attacks, women, both young and old, can move around relatively easily without arousing suspicion. In addition, the Israeli security forces will hesitate before harming them.

84. For example, in the winter of 2006 **Fatma Najar** from the Jabaliya refugee camp, 57, mother of nine and grandmother of more than 40, led a Hamas-instigated demonstration of women against IDF actions in **Beit Hanoun**. A short time later the Izz al-Din al-Qassam Brigades sent her to carry out a suicide bombing attack against the IDF in the Jabaliya refugee camp (November 2006).²²



Left: suicide bomber Fatma Najar reads a statement before she blows herself up (Al-Aqsa TV, November 23, 2006). Right: Fatma Najar leading women demonstrating against an IDF action in Beit Hanoun, winter 2006 (Lebanon's NTV, August 19, 2008).

85. The terrorist organizations have repeatedly threatened to use women against the IDF forces should they enter the Gaza Strip. For example, a program broadcast by the Lebanese TV station NTV on August 19, 2007, featured a female member of the Palestinian Islamic Jihad's Jerusalem Battalions, whose *nom de guerre* was 'Aashiqat al-Quds ("desiring Jerusalem"). She displayed her explosive belt and said she was ready to blow herself up among IDF soldiers if there were an Israeli military action in the Gaza Strip. Such threats were uttered during the lull arrangement and in the early stages of Operation Cast Lead.

²² On November 23 an IDF on the outskirts of the Jabaliya refugee camp force saw a female suicide bomber approaching them carrying a bomb. She blew herself up, injuring four of them, it was the first time such an elderly suicide bomber had been dispatched.



Because of her “great love for Jerusalem,” a Jerusalem Battalions operative threatens to blow herself up along with IDF soldiers (Lebanon’s NTV, August 19, 2008).

Using Children and Adolescents for Operational Purposes

“I like to help the resistance [i.e., the terrorist organizations] and I am not afraid of the Zionist occupation... I charge their cell phones and serve them tea... A group of friends and I burned tires to keep the Zionist planes from attacking the resistance” (An eight-year old boy in the Jabaliya refugee camp to the Hamas weekly magazine Al-Risala, March 7, 2008).

Overview

86. In direct contravention of moral principles and international law, the Palestinian terrorist organizations use children and adolescents for operational, offensive and defensive missions. They are easy to influence, recruit and handle because of their young age, the intense propaganda they are exposed to and the fact that the IDF avoids harming minors. From a young age they absorb hatred for Israel and support for the terrorist organizations both at home and in the educational system (beginning with kindergarten), in games with their friends, in the mosques, at summer camp and through television.

87. They participate in activities organized by the terrorist organizations out of **national-religious motives** (the desire to participate in the campaign against Israel and the willingness to die as martyrs for the sake of Allah) and **economic considerations** (they are tempted by the receipt of money, even very small amounts). During the years of the confrontation, the IDF has detained many minors who smuggled explosive belts, IEDs and weapons for the terrorists. Children dig tunnels, go on reconnaissance missions, gather intelligence and participate in violent demonstrations.

Children as Human Shields and Auxiliaries of Terrorist Operatives during Combat with the IDF

88. Palestinian youngsters often participated in previous rounds of fighting between the IDF and the Palestinian terrorist organizations. Sometimes the children volunteered and sometimes they were encouraged by the terrorists. Such use of youngsters may occur during IDF activity in Operation Cast Lead.

89. For example, on January 28, 2004, during an exchange of fire between masked terrorists and IDF forces in the Zeitun neighborhood of Gaza City, nine Palestinians were killed, four of them Palestinian Islamic Jihad operatives and one an 11-year old boy who was caught in the crossfire.



A child watches masked terrorists shoot at the IDF (Yedioth Ahronoth, January 29, 2004).

90. On January 11, 2004, IDF forces acted against a squad placing IEDs and firing rockets and mortar shells in the **Saja'iya** neighborhood of Gaza City. Many civilians pushed their way in among the terrorists, including children and adolescents who wanted to see what has happening. Despite their presence, the masked terrorists continued firing.



Children and adolescents watching masked terrorist operatives fight IDF forces (MidEastTruth website, February 2004).



Young Palestinians watching as terrorist operatives shoot at IDF forces in Beit Lahiya (northern Gaza Strip) (Al-Hayat Al-Jadeeda, July 7, 2006).



Children in the middle of the fighting (IslamOnline website, February 11, 2004).



Two masked terrorist operatives carrying mines as children watch (IslamOnline website, February 11, 2004).



Children and adolescents gather around a rocket launcher (MidEastTruth website, February 2004).

91. In one instance in the Jabaliya refugee camp in Operation Hot Winter in March 2008 soldiers saw a child pick up the weapon of a Hamas terrorist who had been killed and bring it to terrorists who were hiding around the corner. The commander of the IDF force said that they had not shot at the child on the assumption that he had been forced to get the weapon (Report by Ron Ben-Yishai, Ynet, March 4, 2008).

Children in the tunnel industry

92. Because of their small size, children and adolescents are often employed in the tunnel industry. The tunnel owners use them both to dig and to smuggle weapons. Sometimes they are killed when

tunnels collapse. The increasing number of injuries to children has led the Hamas administration's interior ministry to limit the age of children who can be allowed to work in tunnels.

Training children and adolescents

93. Every year the terrorist organizations in the Gaza Strip give youth military and semi-military training at summer camps, from kindergarten to high school and university. They are also indoctrinated with radical Islamic ideology and the culture of terrorism ("resistance"), violence is encouraged and the various organization's shaheeds are glorified and presented as role models.

Military Training for Children and Adolescents



Children in uniform train at a PRC camp (Hamas's PALDF Forum, August 22).



Young Palestinians given training by the Izz al-Din al-Qassam Brigades. Apartment buildings are visible in the background.



Children undergo military training in the middle of residential areas (The Islamic forum Maktoob's website, July 28, 2008).

Encouraging Children and Adolescents to Participate in Violent Demonstrations

94. Children and adolescents are also encouraged to participate in violent protest demonstrations organized by the Palestinian terrorist organizations. Often, when it is suspected that the demonstrators will confront the Israeli or Egyptian security forces, the terrorist organizations put

children in their front ranks as buffers between the adult demonstrators and the security forces. That has often occurred during demonstrations near the Israeli and Rafah border crossings.



Dozens of children protest the closing of the Rafah crossing. The demonstration was organized by Hamas's Committee to Break the Siege of the Gaza Strip (Al-Aqsa TV, July 23, 2008).

Armed Children Participate in Military Marches Organized by the Terrorist Organizations



Demonstrating with rifles accustom children and adolescents to violence (Hamas's PALDF Forum, November 14, 2008).

Section IV: The price paid by the civilian population in the Gaza Strip

Civilians Wounded by Terrorist Organization Rockets Which Misfire and Fall in the Gaza Strip

95. The terrorist organizations expose the civilian population to continual danger by firing homemade rockets from the Gaza Strip, both because their technical quality is low and because of the IDF's counterterrorism activities. Residents of Beit Hanoun and Beit Lahiya undergo especially severe suffering because most of the terrorist organizations use their territory to fire rockets into Israel. Hamas usually prevents them from expressing their suffering but sometimes reports are issued by the Arab and Palestinian media, particularly in the Palestinian Authority.

96. During the past year, in the following incidents rockets were fired at the southern Israeli population but fell in the Gaza Strip causing casualties and property damage:

- i) **December 26, 2008:** On December 27 the Hamas daily Felesteen reported that an "unidentified" shell blew up in Beit Hanoun, killing two girls aged five and 13. Earlier, a Palestinian man wounded by a rocket was transferred to Israel for medical treatment (Ynet, December 28, 2008).
- ii) **December 24, 2008:** A homemade rocket fell on the house of Imad al-Drimli, a correspondent for a German news agency, in the Tel-al-Hawa neighborhood in the southern Gaza City. His brother was badly wounded and the house suffered extensive damage (Al-Quds website, December 24, 2008).
- iii) **December 20, 2008:** Two five-year old children were wounded by an explosion in Beit Hanoun, apparently caused by a rocket which fell in the Gaza Strip (Wafa News Agency, December 20, 2008).
- iv) **December 6, 2008:** Four rockets fired at the Kerem Shalom crossing fell on the Rafah crossing instead, to the south. Egypt held Hamas responsible and warned it against doing it again (Al-Yawm Al-Sabaa, December 6, 2008).
- v) **November 8, 2008:** A rocket landed in the Al-Atatra region in the northern Gaza Strip. Four Palestinian civilians were wounded (Ma'an News Agency, November 8, 2008).
- vi) **June 6, 2008:** A homemade rocket fell near a civilian residence to the east of Beit Lahiya, frightening the Palestinians living in the area (Wafa News Agency, June 6.)

vii) **March 13, 2008**: A number of homemade rockets fell in the region of Beit Hanoun and Beit Lahiya (Wafa News Agency, March 13, 2008).

viii) **December 24, 2007**: Homemade rockets hit two residential dwellings and the Ahmed al-Shukairi school in Beit Hanoun (Wafa News Agency, December 24, 2007).

ix) **December 24, 2007**: Two homemade rockets exploded in a citrus grove near Beit Hanoun (Wafa News Agency, December 24, 2007).

97. The Israeli morning newspaper Haaretz reported that a nine-year old child named Sari al-Sama'na, from Beit Hanoun, was seriously wounded by a Qassam rocket fired by one of the organizations. His father told the Israeli correspondent that they lived near the industrial zone from where the Qassams were launched. The child was riding his bicycle with a cousin when two rockets were fired, seriously wounding both children, who were evacuated to Shifa hospital in Gaza. When Operation Cast Lead began, Sari was taken out of the intensive care unit, and his condition worsened. He has since been moved to the Tel Hashomer hospital where he is receiving dedicated treatment. (Fadi Ayadat and Dana Weiller-Polack, Haaretz, January 1, 2009).

Civilians Injured or Killed during Violent Internal confrontations in the Gaza Strip

98. The internal rivalry between the terrorist organizations in the Gaza Strip sometimes breaks out into violent confrontations waged in densely populated areas. Various types of weapons are used without consideration for the possibility of civilian casualties, and Palestinians living in the confrontation zones fall victim to the power struggle for control over the Gaza Strip.

99. For example, in May 2007 there were violent confrontations which eventually led to the June 2007 Hamas takeover of the Gaza Strip. The battles were waged primarily in the streets of Gaza City. They resulted in the deaths and wounding of dozens of innocent civilians who got caught in the crossfire, including women and children, and in extensive property damage. Another example: in August 2008 there were violent confrontations in the Saja'iya neighborhood of Gaza City between Hamas security forces and members of the large, Fatah-affiliated Hilles clan. Again, dozens of innocent civilians were killed and wounded.²³

²³ See the Palestinian Center for Human Rights report entitled "Black Days in the Absence of Justice: Report on Bloody Fighting in the Gaza Strip from 7 to 14 June 2007." The report was issued following an investigation of the fighting between Hamas and Fatah which ended with the Hamas takeover of the Gaza Strip: "According to PCHR's documentation, the two parties of the conflict perpetrated grave breaches of the provisions of international law concerning internal armed conflicts, especially common article 3 of the Geneva Conventions of 1949. The fighting included: extra-judicial and willful killings of combatants who laid down their arms; killing a number of wounded persons inside hospitals; abduction and torture; using houses and apartment buildings in the fighting, endangering the lives of civilians; obstruction of access of medical and civil defense crews to areas of clashes." The full text can be found at <http://www.pchrgaza.org/files/PressR/English/2007/news/54-2007.html>.

100. On November 12, 2007, a rally attended by hundreds of thousands of Palestinians was held in the main square in Gaza City in memory of Yasser Arafat. After it ended there was a confrontation between the Hamas security forces and demonstrators affiliated with Fatah, and the Hamas forces opened fire, killing six Palestinians and wounding dozens.



Map of the main sites in the densely-populated area of Saja'iya in Gaza City where battles were waged between Hamas and Fatah. Most of the shooting took place along Baghdad Street and in the alley leading to the Al-Tawfiq mosque (Photo from a Hamas forum, August 2008).



Battles between Hamas and Fatah in the heart of Saja'iya (Al-Shabiba website, August 2, 2008).

101. All the **Palestinian terrorist organizations stockpile weapons** and in most cases store them in the residences of terrorist operatives. The weapons serve for internal power struggles as well as in confrontations against the IDF. During the confrontations in Saja'iya, it became apparent that the Hilles clan had prepared well in advance. A few days beforehand they carried out an exercise in the neighborhood which involved several young men. They set up a war room and a mobile infirmary, stockpiled weapons, formulated defensive plans and constructed fortifications, all in the

heart of a densely-populated civilian residential neighborhood. However, their plans were of no avail because Hamas's military capabilities were superior to their own.



Mines and other weapons hidden by the Hilles clan in the heart of a residential neighborhood (Al-Aqsa TV, August 2008)

102. Another example of civilians injured during inter-Palestinian rivalries occurred in confrontations between the Hamas security forces and the Dughmush clan, one of the largest, most important and most powerful in the Gaza Strip. On July 3, 2007, battles were fought in the Al-Sabra neighborhood in western Gaza City when the security forces tried to detain two wanted members of the clan. The battles resulted in the deaths and wounding of dozens of civilians.

Civilians as Victims of Radical Islamic Terrorism

103. Palestinian civilians in the Gaza Strip also suffer from radical Islamic terrorist groups affiliated with the global jihad, such as the Army of Islam and the Army of the Nation, which have flourished since Hamas took over. Hamas has tried to exert its authority over them, but allows them to operate even though it is contrary to its own interests. Since the Hamas takeover, the organizations have increased their attacks on individuals, educational institutions and sites identified with Christianity and Western culture, for example:

i) **October 6, 2007:** An employee of the **Palestinian Bible Society** was abducted and murdered.

ii) **January 9-11, 2008:** During President Bush's visit to the region the **American International School** in Beit Lahiya was attacked twice by an organization calling itself "The Army of the Faithful, Al-Qaeda in Palestine."

iii) **February 15, 2008:** Gunmen broke into the **YMCA library** in Gaza City and fire-bombed it, destroying the building and burning thousands of books. The attack was carried out by a group affiliated with the global jihad, apparently the Army of Islam in the Land of the Ribat.



American School buses in Beit Lahiya (northern Gaza Strip), burned by terrorists (Info-live TV website, January 13, 2008).



Gaza's YMCA library, fire-bombed on February 15, 2008 (Arabic.rnw.nl website).

iv) **April 3, 2008:** Unknown perpetrators blew up a memorial in the Gaza Strip cemetery where foreign soldiers are buried.

v) **May 16, 2008:** A bomb exploded in the convent school in the Tel al-Hawa neighborhood in Gaza City. The year before, when Hamas took over the Gaza Strip, the building was robbed and set on fire.

vi) **May 18, 2008:** A powerful bomb exploded at the entrance to a fast food restaurant near the Al-Quds Open University in the center of Gaza City, totally destroying it. According to the owner, it was the second time his business had been attacked (Ma'an News Agency, May 18, 2008).

Damage to the Interests of the Gaza Strip Population Resulting from Terrorist Organization Policies

104. The Hamas takeover of the Gaza Strip turned the more than 1.4 million Palestinians and their interests into hostages of the terrorist policy ("resistance") of Hamas and the other terrorist organizations.

105. They terrorist organizations give great weight to attacking Israeli targets, even when by so doing they clearly harm the interests of the local population. That has been manifested by their attacks on the Gaza Strip crossings, despite the fact that vital supplies are delivered through them. **They also fire rockets at the Israeli power station in Ashqelon, which supplies the Gaza Strip with 65% of its electricity.**

The Rutenberg power station in Ashqelon, which even though it provides 65% of the Gaza Strip's electricity, is a target for rocket attacks (Picture: The Israeli Electric Company).



Humanitarian aid for the Gazan civilian population delivered through the Kerem Shalom crossing (IDF Spokesman, January 1, 2009).



Humanitarian aid delivered to the Gazan civilian population during Operation Cast Lead (IDF Spokesman, December 29, 2008).



Trucks carrying food and medicine passing into the Gaza Strip through the Kerem Shalom crossing (IDF Spokesman, November 26, 2008). The crossing was attacked by the terrorist organizations and its operations ceased for a number of months.

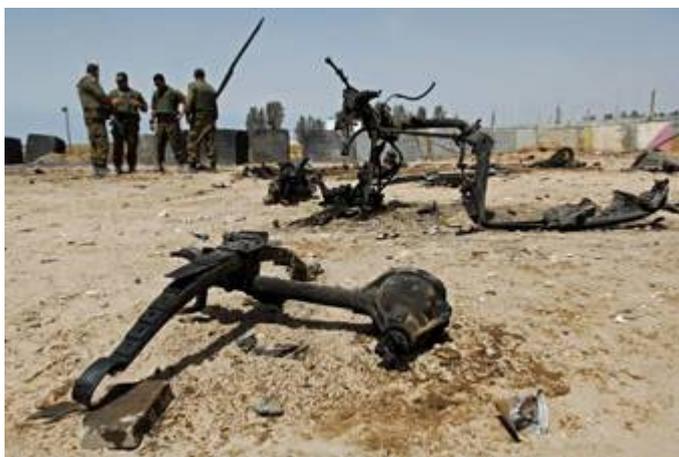


The Karni cargo crossing from the Israeli (right) and Gazan (left) sides (Pictures courtesy of Israeli Channel 10 TV, April 2006).

106. The following were some of the attacks on the Gaza Strip crossings in 2008:

i) On the afternoon of **April 9, 2008** a four-man terrorist squad carrying light arms broke through the security border fence in the northern Gaza Strip. They went to the Nahal Oz crossing and began firing at the civilian Israeli workers, killing Oleg Lipson, 38, and Lev Cherniak, 53, both residents of Beersheba.

ii) **On April 19, 2008**, Passover eve, **IDF forces prevented a double attack at the Kerem Shalom crossing** and the Kissufim area. Under cover of mortar shell and light arms fire, and hidden by fog, a BRDM armored vehicle broke through the gate at the Kerem Shalom crossing. It was followed by **two car bombs camouflaged as IDF jeeps**. One exploded near a guard tower and the other drove toward IDF soldiers stationed there and blew up near them. As a result of the damage, the Kerem Shalom crossing remained **closed for a number of months**.



Remains of the car bomb which blew up at the Kerem Shalom crossing (Photo: IDF Spokesman, April 19, 2008). Vital supplies have been delivered to the Gaza Strip through this crossing during Operation Cast Lead.

iii) In the early morning hours of the morning of **May 22, 2008**, a truck bomb exploded at the **Erez crossing** in the northern Gaza Strip. Extensive damage was done but there were no casualties. The Erez crossing is the gateway in and out of Israel for Palestinians with humanitarian problems and representatives of Internet relief organizations.



A truck bomb explodes at the Erez crossing (Hamas's PALDF Forum, May 22, 2008).

iv) On **April 26, 2006**, the Karni crossing, vital to the Gaza Strip population, was attacked by Popular Resistance Committees operatives who tried to carry out a combined shooting-car bomb operation. The attack was prevented by Palestinian security forces who were loyal to Mahmoud Abbas at the time. Through the Karni crossing food, medicines, raw materials and other commodities enter the Gaza Strip.



Five barrels of explosives from one of the three trucks used in the attempt to attack the Karni crossing (Picture courtesy of Israeli Channel 10 TV, April 26, 2006).



The explosives detonated by demolitions experts (Picture courtesy of Israeli Channel 10 TV, April 26, 2006).

107. The long periods during which the crossings are closed and the resulting shortages are a **function of Hamas's overall policy**, which it could easily change and thereby save the Gazans much suffering. Instead, Hamas cynically capitalizes on the suffering and exploits it for deceptive propaganda campaigns against Israel (and Egypt) which inflate the situation and describe it as a humanitarian catastrophe and even as a "holocaust."²⁴ The campaigns target Palestinian, Arab-Muslim and international public opinion in an attempt to create an atmosphere of emergency and crisis which will exert pressure on Israel to open the crossings even though Hamas and the other

²⁴ For further information see our March 12, 2008 Bulletin entitled "[Throughout the recent escalation, the Palestinian propaganda campaign has frequently employed the term "holocaust" to provide a false description of IDF activity in the Gaza Strip.](#)" Al-Jazeera TV and other Arab channels have continued using this tactic in Operation Cast Lead.

terrorist organizations continue their rocket and mortar shell attacks. This propaganda tactic has been used against Israel during Operation Cast Lead, even though Israel permitted supplies to be delivered through the crossings.

108. Hamas makes use of its control over the Gaza Strip's electricity and fuel systems to further exaggerate the situation for its media campaigns. The Hamas administration deliberately cuts off power to pretend there is a "Gaza Strip blackout." The power cuts are a disaster for the local population, especially for hospitals. In the same way, Hamas creates fictitious shortages of fuel by closing the gas stations. At the same time, its own military-terrorist and security services do not lack gas.

Palestinians Criticize the Price Paid by the Civilian Population

109. In the past, the use made by the terrorist organizations of civilians as human shields and the price paid by the civilian population for Hamas's terrorist policy were the subjects of harsh anti-Hamas criticism. It was voiced by Mahmoud Abbas, who repeatedly warned that the damage done by the rockets was greater than the advantages gained, by the Gazans themselves, by the Palestinian media (despite Hamas control, which prevents the Palestinians from expressing their distress) and even by the Egyptian media. According to a report in a Palestinian news agency, Gazans claimed they were paying a price in any event: if the rocket launch failed, the rocket would fall near where they lived, if it succeeded, they would be attacked by Israel in reprisal (Wafa News Agency, December 24, 2007).

110. Criticism was also exceptionally voiced within the Hamas media:

i) An article appeared in the Hamas weekly **Al-Risala** entitled "A whispered rebuke," written by **Karim al-Gharabli**. It called on the Palestinian organizations to examine themselves to prevent more "accidents" from occurring and victimizing innocent civilians. The article presented a number of instances in which civilian were harmed by "work accidents," reporting the deaths of civilians, among them children, of the Hamuda family (June 12, 2008); a rocket which fell on a fuel pipeline in the Al-Bureij refugee camp, killing a worker; and a "work accident" in Jabaliya. The article contained an appeal to the Palestinian organizations to reexamine their modus operandi in a way that would make it serve the public interests and not harm innocent civilians (Al-Risala, June 23, 2008).

ii) An editorial written by former Hamas administration spokesman **Ghazi Khamed** took Hamas severely to task. It claimed that the Gaza Strip had become a hotbed of anarchy and corruption, the fault of Palestinian society. It also raised a claim similar to that expressed by Mahmoud Abbas, that rocket fire harmed the interests of the Palestinian people and that the **damage was greater than the benefits** (that **only a few Israelis were killed** by Qassam

attacks). The Palestinian organizations, it said, were alienated from the interests of the Palestinian population: "At a time when great efforts are being invested to secure the opening of the Rafah crossing to ease the lot of the civilians, someone goes and attacks the crossing with a rocket..." (Al-Ayyam, August 27, 2007).

111. As the six-month lull arrangement reached its end, **Al-Ayyam**, a Palestinian newspaper published in Ramallah, printed two articles reflecting the fears of Palestinians living near the border of a return to fighting in the Gaza Strip:

i) The headline of the first read **"Residents near the border: the lull made us feel more secure and less tense."** According to the article, Gazans living near the border were anxiously following statements regarding the end of the lull, and that "after six months, [they] felt that despite its faults, it provided a calmer atmosphere." They were following information regarding the possibility of an IDF incursion into the Gaza Strip and were afraid they would again be the victims of the "frequent invasions" which occurred before the lull. The article ended by saying that "until the lull arrangement's remaining days go by, fear and worry will continue to plague civilians" (Al-Ayyam, written by a correspondent in Khan Yunis, December 14).

شبح الاجتياحات الماضية يطارد هم ككابوس مزعج

سكان المناطق الحدودية: التهدئة وفرت أجواء أكثر أمناً وأقل توتراً

خان يونس - «الإييام» يرأس سكان المناطق الحدودية بالقرب وخوف الإيمان الجدي من انتهاء هذه الفترة لتفاني التهدئة التي أربحت في حزيران الماضي برعاية مصرية، أو تصديها أدت ستة أشهر كما تضمن الاتفاق، وإن كان الخوف الذي يراى في ظل صياغة حدة التصريحات من كل الطرفين مستجيدها لصما. وبعد ستة أشهر يشعر سكان الحدود أن التهدئة بالرغم من علاتها، وأرت لهم أجواء أكثر هدوءاً وأقل توتراً.

ويخشى هؤلاء من عودة الأيام التي حلت ويصاحباها هتفئة واقتسارية. حيث وجدت اليهدهم وتجاههم بالقلق والرعب. إسرائيل، وعلى لسان أعضائه، تهدد بأن عملية عسكرية على قطاع غزة نتيجة صراع مسلح للقاءه.

من جهتها، تواصل المسائل حربية للواقع العسكرية والسلطات المحلية لعمود اتعاق غزة.

ويحسب مصادر إسرائيلية، إن الجيش الإسرائيلي استلحق جنود الطيارين ربما للمشاركة في عملية عسكرية لاجتياح قطاع غزة في حال عدم تصيد التهدئة.

سكان متعلق التحصن ينجون في التهدئة ولفا لتزييف القوم وغوهم، فلم يجد بإمكان للوامة لريمان الأثر، من عيمان الجديدة شرق خان يونس، أن تلف في يلقها العسكرية قبل ستة أشهر كما هو الحال اليوم.

تريمان نصف أجواء الحدود اليوم بالهدوء والحذر متضنية أن تسلم التهدئة وتكرر أنها لن تسطيع أن تحبس الأيام للضحية التي عانتها وأسرتها في رعبه وتضيق بيدها إلى بيت جارها الشهيدة وفاء الدفعة التي قلها الجنود الإسرائيليون أثناء القتال مزعجا.

تتبع لريمان أحد الأطلاق حلوى وتواصل كانت تكالكتنا معلقة بالفضائح وعبارة عن غربة مسفولة فهمتها الدييات الإسرائيلية التي اجتياحتها لتخطئة هي مصدر خطنا الوحيد، لم تسلم إرادة بناتها إلا لا يوجد تسلمت.

وتهدت المناطق الغربية من محافظة خان يونس في الأسير التي سيطرت للتهدئة أيضا عصبية وعانى سكانها للويلات جراء الاجتياحات القواسية.

وبالرغم من عدم التزام إسرائيل ببنود التهدئة، إلا أن سكان منطقة الحدود لهم وجهة نظر مختلفة صما عما يتداوله السياسيون، فلم يجد كالأثر والتكهرباء يأتي حاجية لهم إلا لقلوا معها كالحية إلى الأمن والأمان على حياتهم.

هو دور العنان والتكهرباء وحشا الخوف والقلق على سكان تلك حيازة، سؤال تطريه الطابية حشان الدفعة (أ عاما) القاطنة في عيمان الجديدة شرق خان يونس بالقرب من الحدود مع إسرائيل.

وتضيف: يتابعون التهديدات على استمعوا إلينا وتحمروا بالنا ومخالفاته هل سالونا إن كنا نريد التهدئة أم لا؟ ولشركها القسالات والخوصيات ذلها للواطنة الغراء، وتضيف: بخاتبة الله نجونا بداية العام الحالي من مجزرة مسفلة خلال القصف وإطلاق النار المستمر، نحن نريد التهدئة لتكسر بالامان.

في المقابل، يتصاعد الجدل في إسرائيل حول التهدئة، ويرجح قادة الإسرائيليين أن تنتهي قبل سبعة أشهر في حال استمرار إطلاق الصواريخ المسروقة، وبالمقابل يتوقع أن تستكمل الأعمال مشاوراتها مع منظمة حماس، والتي بدأتها قبل أيام بشأن التهدئة، ويتنقذ هذه الإجماع على أن للتهدئة منذ إنعاشها حشا ولم تفر إلا الأمن لسكان المقاطع الإسرائيلية ويراقب توافيق أبو طعمية (أ عاما) نشورات الأخبار والتصريحات حول التهدئة، ويقول: نريد أن نعيش بامان، لا أهد بشعر بمماناتنا، كل مسؤول في بونه أما نحن اقتصدى ومنا لهذه الاجتياحات.

وحتى صدر الأيام السبعة التي بغيرت على انتهاء التهدئة تبقى حالة الخوف والقلق والحذر تصاحب المواطنين، وتذبح لوت عيوس مزعج يطارد أحلام الأمة في ظلها بالقانونية كعامة لهذا العام، وأحلام الباقين في العيوس بسلام وامان.

The voice of the Gaza Strip residents living near the border (article in Al-Ayyam, December 14).

ii) The headline of the second read **"Beit Lahia: residents eagerly awaiting a lull extension as its end approaches."** According to the article, farmers who had fields near the border were "hoping the lull will be extended beyond the date [set by Hamas for its end], to make it possible for them to pick the strawberry crop..." Civilians, the article continued, were increasingly worried the lull would collapse and were fearful of what the immediate future would bring. For example, Sufian Abu Ghayn, 42, a resident of northern Beit Lahia who grew vegetables near the border, said that "the lull enabled us to move around freely without a direct threat from the forces of the occupation" [the Israelis]. 'A'id al-Ghouf, 33, said that the

lull had given the children and the Gazans in general a breathing space (Khalil al-Sheikh, Al-Ayyam, December 15).



The voice of the Gaza Strip residents living near the border (article in Al-Ayyam, December 15).

V. Legal appendix

HAMAS' ILLEGAL ATTACKS ON CIVILIANS AND OTHER UNLAWFUL METHODS OF WAR – LEGAL ASPECTS²⁵

Background

As part of the Disengagement initiative in 2005, Israel withdrew all its military forces and civilians from the Gaza Strip (including from its border with Egypt), thereby ending its presence in that territory and handing over control to the Palestinian Authority. Since then, the Hamas terrorist organization - which rose to power in Palestinian elections in January 2006 and then wrested control of the Gaza Strip from the Palestinian Authority by means of an armed coup in mid-2007 - has continued to pursue a policy of armed attacks directed against Israel and its citizens.

While Hamas and other terrorist groups continue to make efforts to carry out acts of terrorism within Israel by a variety of means, including suicide bombings, in the last few years, Hamas' primary means of attacking Israel from the Gaza Strip, has been characterized by the firing of rockets and mortars against neighboring Israeli population centers. Indeed, since Hamas assumed control of the Gaza Strip in mid-2007, there have been more than 5,000 rockets fired into Israel from within Gaza by Hamas and other terrorist organizations, placing a quarter of a million of Israeli civilians under incessant terrorist attacks.

The increasing range and intensity of these deadly rocket attacks, deliberately aimed to kill and injure civilians, have recently reached as far as some of Israel's main cities, including Ashkelon, Ashdod and Be'er Sheva. Alongside the death and destruction caused by these attacks, the continuing rocket fire is aimed at terrorizing hundreds of thousands of Israeli civilians, making it impossible to maintain any sort of normalcy in an ever larger part of the country, and affecting every aspect of civilian life, ranging from home life, to schools and businesses.

As documented in this report, Hamas' violent and deliberate attacks against Israeli civilians and civilian objects, is accompanied by their equally callous disregard for the safety of Palestinian civilians living in the Gaza Strip: by launching attacks from within the confines of densely populated areas, by storing missiles and rocket launchers under mosques and homes, by using university facilities and other protected places to develop weapons and explosives, Hamas systematically abuses the protections afforded to civilians and civilian objects under international law, while placing the safety and welfare of these civilians at great risk.

These morally reprehensible acts also constitute grave violations of the Laws of Armed Conflict, as well as war crimes as indicated by this brief paper.

²⁵ This paper was prepared with the assistance of the International Law Department of the IDF Military Advocate General's Corps.

Legal framework

Whereas the Laws of Armed Conflict (sometimes also referred to as "Laws of War" or "International Humanitarian Law") have traditionally been applied to armed conflicts between sovereign States, and while questions remain as to whether armed conflicts involving non-State actors should be categorized as international or non-international armed conflicts, there is little doubt that the basic principles of the Laws of Armed Conflict, as codified in international treaties and customary international law, apply to and impose obligations on all parties to a conflict, including those armed groups such as Hamas and other terrorist organizations operating from within the Gaza Strip.

This brief paper seeks to point to some of the basic principles of the Laws of Armed Conflict which are relevant to, and widely flouted by, Hamas and other terrorist organizations, as clearly evidenced in the main body of this report.²⁶

(A) Attacks directed against civilians and civilian objects

One of the most serious violations of international law committed by the Hamas terrorist organization is constituted by its deliberate, systematic and widespread use of rocket attacks and suicide bombings directed at civilians and civilian objects. Such conduct contravenes a number of well-established principles of the Laws of Armed Conflict, and clearly constitutes a war crime and a crime against humanity.

(1) Contravention of the principle of distinction

The act of directing attacks against civilians and civilian objects contravenes the Principle of Distinction - the most fundamental rule of the Laws of Armed Conflict; according to this principle, **parties must at all times distinguish between civilians and combatants**. Moreover, under this rule, **it is strictly prohibited to direct attacks at civilian objects or civilians** not taking a direct part in hostilities.

The age old principle is neatly encapsulated by Article 48 of Additional Protocol I to the Geneva Conventions of 1949 and Relating to the Protection of Victims of International Armed Conflict (1977), stating that:

"In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives."

The violation of this basic prohibition also amounts to a **war crime**. See for example, Article 8(2)(b)(i) of the Rome Statute of the International Criminal Court (1998), which includes within its list of acts constituting war crimes, the following:

"Intentionally directing attacks against the civilian population as such or against individual civilians not taking part in hostilities".

²⁶ References to specific provisions of international conventions made in this paper are for reference purposes only, and do not necessarily reflect the position of the State of Israel with regard to the customary status of those instruments as a whole.

(2) Contravention of the prohibition of committing acts or threats of violence the primary purpose of which is to spread terror among the civilian population

Alongside its aim of causing death, injury and destruction, there can be no doubt that Hamas' almost daily rocket attacks, aimed at Israel's southern towns and cities, is aimed primarily at sowing terror among Israel's civilian population.

This, it should be noted, also amounts to a serious violation of an express prohibition under the Laws of Armed Conflict. Article 51(2) of Additional Protocol I to the Geneva Conventions of 1949 and Relating to the Protection of Victims of International Armed Conflict (1977) states the rule thus:

"The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited."

(B) Unlawful Methods of War employed by Hamas

In addition to the abovementioned violations of international law constituted by the deliberate and systematic rocket attacks directed at civilians and civilian objects, Hamas is also accountable for violating fundamental obligations under international law with respect to the protection of the civilian population under its control, as evidenced in this report.

(1) Utilizing the presence of civilians to render certain points, areas or military forces immune from military operations

As clearly shown in this report, Hamas makes operational use of heavily built-up and densely populated civilian areas in the Gaza Strip, for the planning, organizing and launching of rocket attacks. Moreover, Hamas deliberately makes use of civilian facilities (such as universities) for weapons development, and makes systematic use of protected civilian areas (including under homes and even mosques) for the hiding and storage of rockets, explosives and ammunition.

Such actions by the Hamas and other terrorist organizations clearly undermine the protections afforded to civilians in armed conflict, and puts such civilian objects at grave risk, by making them liable to attack. This, in direct contravention of the Laws of Armed Conflict, which prohibit using the presence of civilians in order to render certain points, areas or military forces immune from military operations.

Indeed, such conduct amounts to a war crime. See for instance, Article 8(2)(b)(xxiii) of the Rome Statute of the International Criminal Court (1998), which includes in its list of "war crimes" the act of:

"Utilizing the presence of a civilian ... to render certain points, areas or military forces immune from military operations".

(2) Human shielding

Perhaps even more reprehensible than the storing of weapons and launching of attacks from within civilian areas, is Hamas' increasingly widespread and systematic use of civilians directly as "human shields". Such conduct has been seen, for instance, when Hamas specifically calls on Palestinian men, women and children to flock to military targets which are expected to be attacked, in order to form "human shields".

As well as making the Hamas directly responsible for tragic and unnecessary civilian casualties in the Gaza Strip, such egregious violations of the express prohibitions under the Law of Armed Conflict, as stated above, clearly constitutes a **war crime**.

(3) Making improper use of the flag and insignia of the UN, as well as the distinctive emblem of the Geneva Convention.

As noted in this report, evidence exists of Hamas making use of medical ambulances bearing the UN flag and insignia, as well as the protective emblems of the Geneva Conventions (such as the Red Cross), for the transportation of terrorists actively participating in hostilities or for seeking refuge in hospitals.

Such conduct greatly endangers medical personnel, the sick and wounded, and also grossly undermines the special protections afforded to the medical and sick in times of armed conflict, constituting an act especially forbidden under the Laws of Armed Conflict:

An early formulation of this principle, can be found in Article 23(f) of the 1907 Regulations annexed to the Hague Convention IV Respecting the Laws and Customs of War on Land, under which it is "especially forbidden", "To make improper use of a flag of truce, ... as well as the distinctive badges of the Geneva Convention."

Article 44 of the First Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949) also provides that: "... the emblem of the Red Cross on a white ground ... may not be employed, either in time of peace or in time of war, except to indicate or to protect the medical units and establishments ...".

Similarly, Article 38 of Additional Protocol I to the Geneva Conventions of 1949 and Relating to the Protection of Victims of International Armed Conflict (1977), states clearly that:

"(1) It is prohibited to make improper use of the distinctive emblem of the red cross, red crescent or ... of other emblems, signs or signals provided for by the Conventions ...".

(2) It is prohibited to make use of the distinctive emblem of the United Nations, except as authorized by that Organization."

Finally, it may be added, that breach of this and well-established core principle is also, in certain circumstances, considered to amount to a war crime.

(4) Using children to participate in hostilities

As shown in the report, there is also evidence of Hamas recruiting and regularly employing the use of children for hostile activities, which has ranged from the carrying out of suicide attacks, to the digging of tunnels and smuggling of weapons.

Such conduct clearly violates express principles of the Laws of Armed Conflict, including express prohibitions against allowing children to take part in hostilities.

Thus, as expressly provided for by Article 77(2) of Additional Protocol I to the Geneva Conventions of 1949 and Relating to the Protection of Victims of International Armed Conflict (1977):

"The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces..."

Moreover, Article 8(2)(b)(xxvi) of the Rome Statute of the International Criminal Court (1998) lists the following acts as a **war crime**:

"conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities".

Conclusion

In light of all the above, it is clear beyond doubt, that in pursuit of its armed conflict against Israel and its civilians, the Hamas organization as well as other terrorist organizations, have systematically and deliberately perpetrated the most serious breaches of the Laws of Armed Conflict, including the commission of war crimes.

In particular, Hamas must be called to cease its deliberate attacks against wholly civilian objects in attempts to maximize damage to civilians and civilian property, and avoid using civilians and civilian population centers as "human shields".

These continuing grave violations of basic principles of the Laws of Armed Conflict, as carried out by Hamas and other terrorist organizations, demonstrate their complete disregard for the well-being of civilians on both sides of this conflict, posing a direct assault, not only on the law, but on humanity itself.