

**Proportionality in the Gaza War:
What Do Death Tolls and Missile Attacks in Gaza and
Israel (Summer 2014) Tell Us?
An Epidemiologic Assessment**

Submitted to

**The United Nations Independent Commission of
Inquiry on the 2014 Gaza Conflict**

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*The time has come to go from Jus Ad Bellum to Jus Ad Pacem
based on core values of respect for life and human dignity of all.*

By email to coigaza@ohchr.org

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Executive Summary:

In the summer of 2014, Israel and Gaza fought a 52 day war resulting in a reported toll of 2127 deaths in Gaza and 72 deaths in Israel. Hamas's charter calls for the destruction of the State of Israel.¹ Israel went to war to put an end to years of ever more rocket attacks indiscriminately hitting civilian communities and to destroy tunnels reaching into these communities

Questions have been raised concerning the conduct and outcome of this war and the events leading up to it in the light of intent, distinction and proportionality — the three recognized norms for assessing Jus Ad Bellum and Jus In Bello. Proportionality requires belligerents to balance unintended but foreseeable harm to civilians against the advantage sought in combat. There is an abundant body of available information on intent and distinction in Operation Protective Edge, but little on proportionality in asymmetric warfare in the Gaza War.

To examine proportionality, we present epidemiologic timelines for death tolls and missile attacks. We sought to determine whether the ever rising death tolls in Gaza associated with Israel's response to missile attacks and tunneling directed at its civilian population were proportionate to its goal of putting an end to these attacks.

Timelines for cumulative death tolls in Gaza and missile attacks from Gaza from the start of Operation Protective Edge steadily rose during the war. Both stopped when Hamas accepted a ceasefire under terms virtually the same as other previous ceasefires. Ninety one percent of the 2127 deaths in Gaza and one hundred percent of those in Israel would have been prevented had Hamas accepted the first ceasefire. This difference of 1932 deaths gives us a rough measure of how many Palestinians Hamas appeared to be willing to sacrifice for its war aims. We suggest that Hamas bears the responsibility for these 2000+ deaths. Preventing more war, deaths and suffering presupposes Hamas's abandoning its genocidal aims and international action to ensure this result. The time has come to go from Jus Ad Bellum to Jus Ad Pacem.

Background:

Concerning the Gaza War (Operation Protective Edge), there is an abundant body of knowledge on intent and distinction, but little information is available on proportionality. This document expands on the work of Ostroff, Dershowitz, MacEoin and Steinberg.² All present a compelling case for the justness of Israel's going to war and its prosecution of the war in terms of classic concepts of Jus Ad Bellum and Jus In Bello. We take particular note of the statements by Colonel Richard Kemp of the UK and General Martin Dempsey of the US army concerning the exemplary standards of Israel's military performance in Gaza and rebut objections by others stating otherwise. At the same time, we note the fact that the Israeli military is now investigating 13 episodes in which there may have been criminal abuses.

¹ See Appendix II: Hamas's Covenant

² See Appendix III: Denis MacEoin's "Is Israel Guilty of War Crimes," Appendix IV: Ostroff's Memorandum to the United Nations, Appendix VI: Alan Dershowitz's The Case for Israel's Just War Against Hamas and Steinberg's B'Tselem Adds to the Chorus of False Gaza War Allegations <http://www.ngo-monitor.org/article/b-tselem-adds-to-the-chorus-of-false-gaza-war-allegations>

We provide an evidence-based assessment of proportionality of Israel's response to missile attacks and tunnel terror. Proportionality requires belligerents to balance unintended but foreseeable harm to civilians against the advantage sought in combat.³ In the context of Operation Protective Edge, proportionality refers to the degree of harm inflicted on the population in Gaza, (combatants and civilians) as a consequence of efforts by Israel to ensure the safety and security of the citizens during asymmetric war. The case for concern derived from the ever increasing death tolls and the large amount of collateral damage to homes, property and infrastructure as the war progressed.

Asymmetric warfare and shielding imposed severe challenges to Israel's ethical norms.⁴ Shooting rockets from sites shielded by civilians in Gaza, at civilians in Israel, is a double war crime.

From the beginning, Israel's goal was to restore quiet, security and safety for its citizens. Israel's specific objectives in the conflict – to stop rocket fire and to destroy terror tunnels – derived from that primary goal.

Hamas's long term aim is the destruction of Israel.⁵ During the war, it sought to have Israel lift its restrictions on trade to and from Gaza, but was unwilling to change its long-term aim. We note that in parallel, Egypt imposed a complete land blockade. Israel's naval blockade sought to prevent smuggling of missiles and other arms to Gaza.

Objective:

We analyze the cumulative trend in Palestinian deaths in parallel with the trend in rocket attacks on Israel before and during Operation Protective Edge. We sought to determine whether the death toll among Palestinians from Israeli responses was disproportionate to the aim of this response, which was ensuring the safety and security of the Israeli population from rocket attacks. This study specifically deals with proportionality and builds on prior reports relating to questions of intent and distinction.

Materials and Methods:

We used newspapers of record, mainly the New York Times and the Washington Post, and other recognized data sources including the Israel Defense Forces publicly available sources. Our appendices include expressions of concern about the accuracy of reports from various NGOs – Btzelem, Amnesty International, Human Rights Watch in Israel – which relied heavily on data from the Ministry of Health in Gaza, which was controlled by Hamas. There were many errors of omission, commission, classification and selection biases in these sources.⁶

We noted that the New York Times' reported total for the Palestinian deaths in the operation was six percent greater than the sum of the raw data, whereas the New York Times'

³ <http://www.elac.ox.ac.uk/downloads/ProportionalityinWarWorkshopReport.pdf>

⁴ See Appendix VI, Israel's Ethical Codes for its Military, by Asa Kasher

⁵ See Appendix II, Hamas's Covenant

⁶ See Appendix IV, Ostroff's Memorandum to the United Nations

reported total of the rocket attacks was four percent less than the sum of the rocket attacks according to the raw data.

Findings:

- Rocket attacks prior to the year 2014:
 Hamas has been firing rockets at Israel for more than a decade. Indeed, rocket attacks date back to 2001 (see figure one below). In 2014 alone, from January until July (excluding Operation Protective Edge), Israel absorbed 450 rocket attacks from the Gaza Strip and did not respond. In short, the war did not begin in July, in fact, there has been an ongoing war from Hamas against Israel since 2001 without response, with the exception of Operation Cast Lead. Operation Cast Lead, at the end of 2008, was in response to the ever-increasing rocket attacks and terror attacks at checkpoints. In fact,

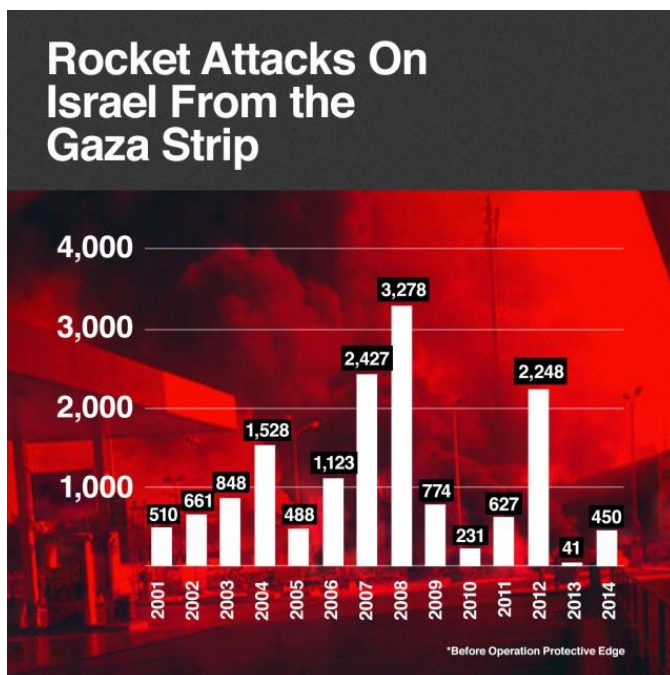


Figure One- Rocket Attacks on Israel from the Gaza Strip - 2001 until Operation Protective Edge in 2014

Source: <http://www.idfblog.com/facts-figures/rocket-attacks-toward-israel/>

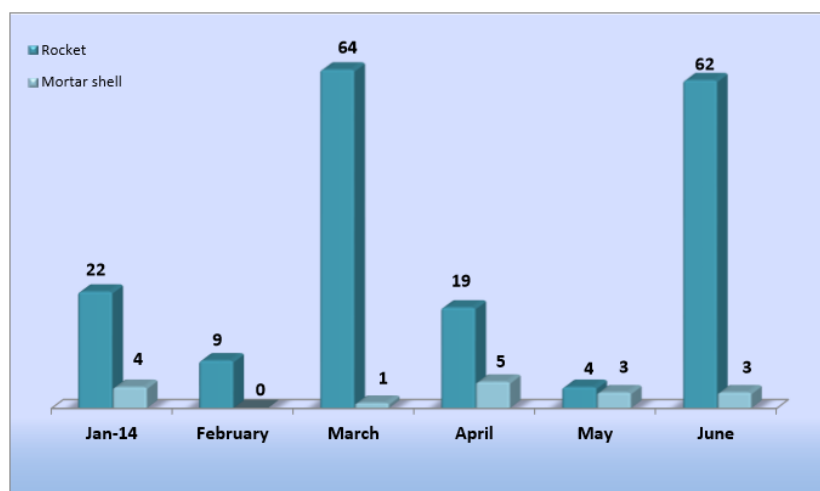
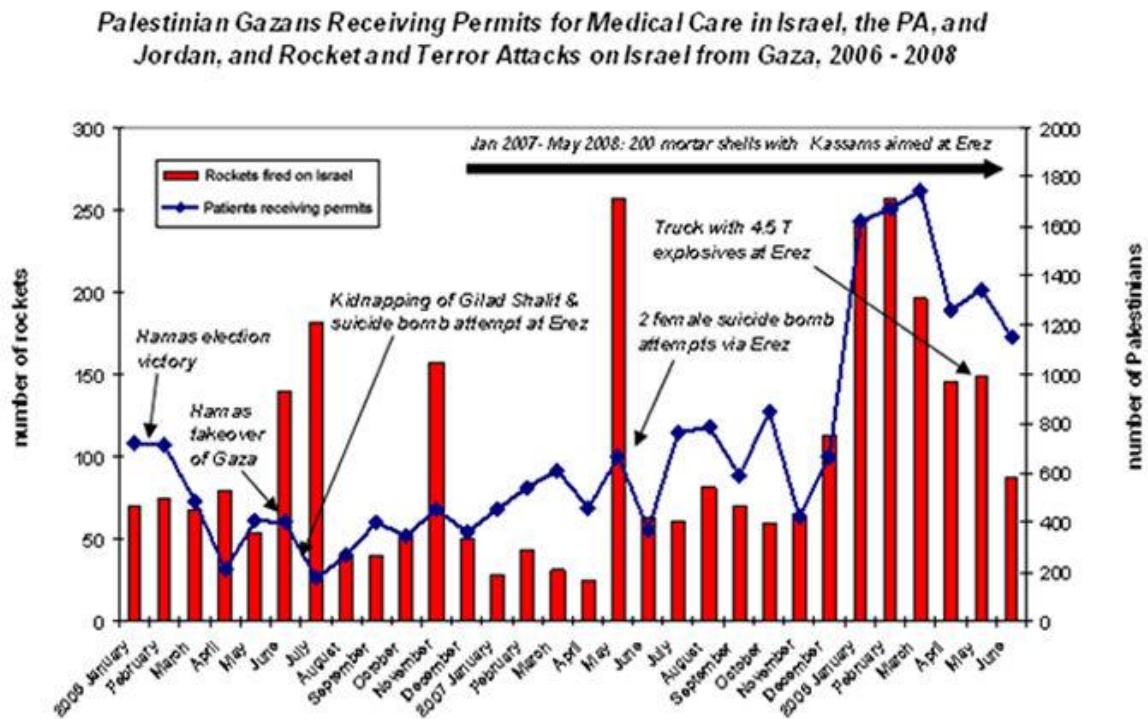


Figure Two- Rocket and Mortar Attacks on Israel in 2014 Leading up to Operation Protective Edge

Source:
<http://www.shabak.gov.il/English/EnTerrorData/Reports/Pages/Monthlysummary-June2014.aspx>

not only did Israel not respond, but in the year 2008, Israel gave evermore medical permits to residents in Gaza (see figure three).

Figure Three



- Rocket attacks in the year 2014 prior to Operation Protective Edge:
In the year 2014, starting from January and until July before Operation Protective Edge, 450 rockets and mortars were aimed indiscriminately at Israeli civilian areas.⁷
- Rocket attacks during Operation Protective Edge:
Figure Four (see below) gives a timeline of the rocket attacks during the war. Throughout the war Hamas continued its rocket attacks, resulting in Israel's increased use of force in order to protect its citizens.

⁷ <http://www.idfblog.com/facts-figures/rocket-attacks-toward-israel/>

Ceasefires vs. Rockets Launched from Gaza during the Conflict in the Summer of 2014

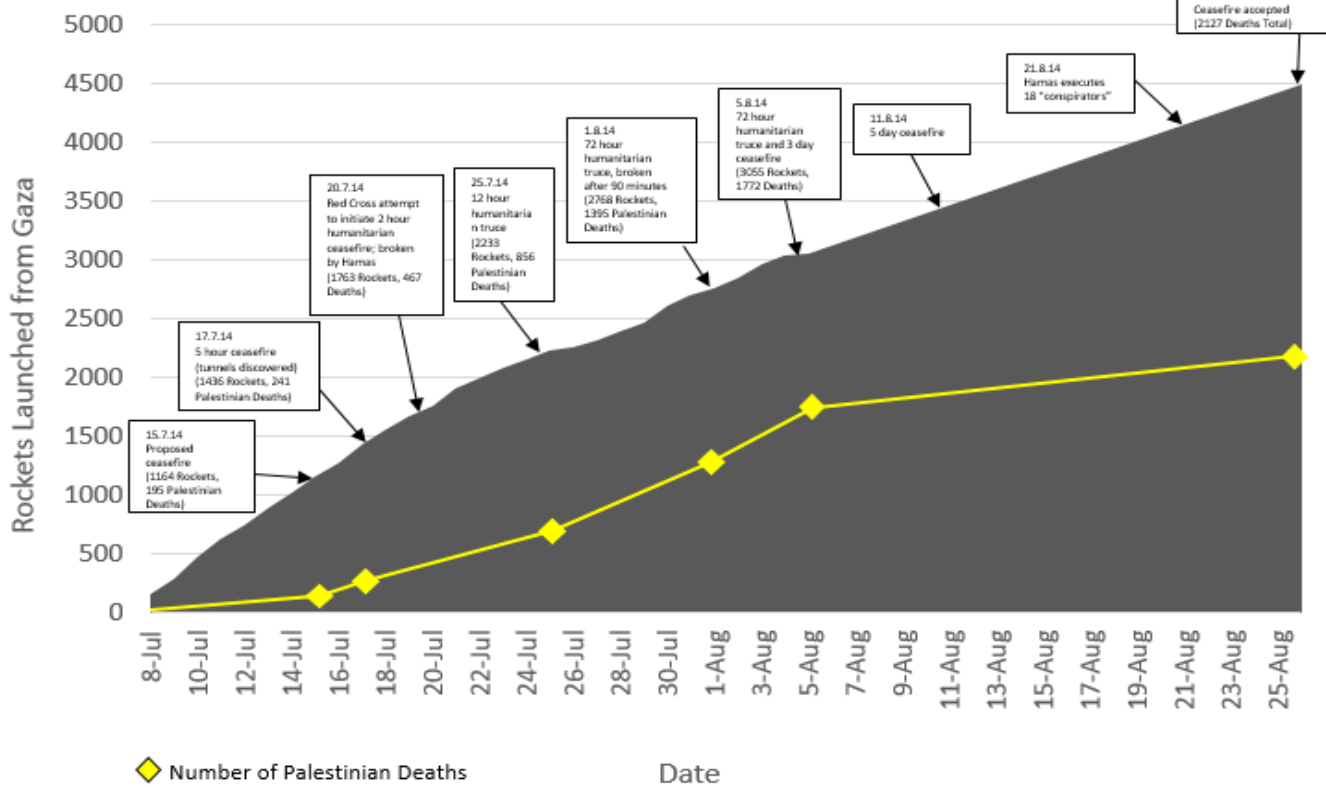


Figure Four: A Timeline of Ceasefires in line with Rockets Launched at Israel and Palestinian Deaths

Date	July 8	July 9	July 10	July 11	July 12	July 13	July 14	July 15	July 16	July 17	July 18	July 19	July 20	July 21	July 22	July 23
Total Rockets Launched from Gaza	156	286	483	621	746	896	1018	1164	1274	1436	1560	1676	1763	1902	1992	2090
Date	July 24	July 25	July 26	July 27	July 28	July 29	July 30	July 31	Aug 1	Aug 2	Aug 3	Aug 4	Aug 5	Total (Aug 26)		
Total Rockets Launched from Gaza	2153	2233	2255	2326	2392	2471	2612	2707	2768	2854	2973	3036	3055	4500		

Table One: Ceasefires in Line with Rocket Launches

Note: Israel withdrew from Gaza on August 5, 2014

Note: Different sources report contradictory statistics

Note: Due to lack of information in the month of August, the timeline is mostly based off of the New York Times' data until August 5, 2014, and final statistics from the Washington Post.

Advanced Warning:

We note that before destroying buildings that housed military targets in and amongst civilians, the Israeli military gave advanced warning to inhabitants to evacuate the building. They did so by employing the “knock-on-the-roof” procedure – flyovers – and by phoning residents and warning them via direct conversation, SMS texting or recorded messages to evacuate the building.

There is no truth to the charge that Israel did not provide adequate advance warning time to the Palestinians in Gaza. These Israeli warnings gave Gazans five minute to one hour lead time – far more time than Israel’s warning system gave its own civilians. By contrast, residents in Israeli towns close to the Gaza border had advance warning of 15 seconds or less to run for shelter.⁸ (See Figure Three below)

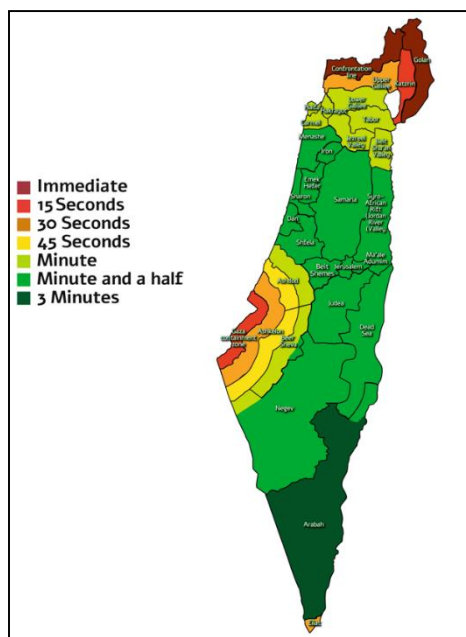


Figure Five- Warning Times in Israel

Warning times throughout Israel according to proximity to Gaza. Civilians who live near Gaza have 15 seconds or less to find shelter.

Source: <http://www.oref.org.il/1096-en/Pakar.aspx>

Timeline of Rocket Attacks, Death Tolls and Ceasefires – Major Observations (see figure five below):

- The Egyptians first proposed a ceasefire on July 15th. Appendix I shows that the first ceasefire proposal and the final accepted ceasefire were nearly identical. Had Hamas accepted the first ceasefire proposal, the Palestinian death toll would have been at 195 rather than 2127, thus sparing more than 2000 lives.
- On July 20th, the Red Cross initiated a two hour humanitarian ceasefire, which Hamas broke by attacking Israeli troops. The ceasefire was intended to be temporary, with its purpose to enable Palestinians to take care of their basic needs. At this point, the death toll was at 467, which is 1660 Palestinians less than the final death toll.

⁸ <http://www.oref.org.il/1096-en/Pakar.aspx>

Ceasefires vs Palestinian Deaths: Gaza Conflict 2014

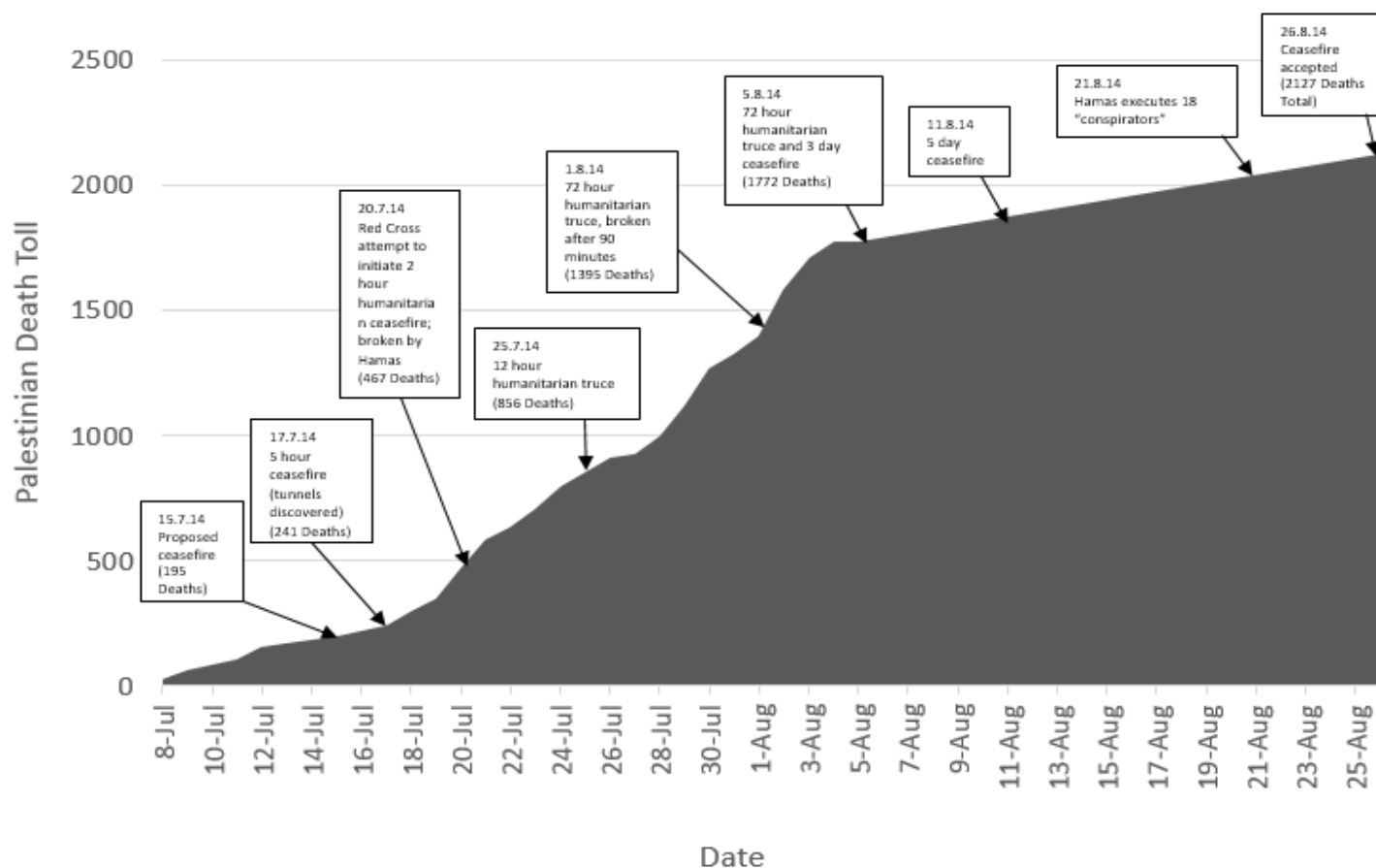


Figure Five: A Timeline of Ceasefires in Line with Palestinian Deaths

Date	July 8	July 9	July 10	July 11	July 12	July 13	July 14	July 15	July 16	July 17	July 18	July 19	July 20	July 21	July 22	July 23
Total Palestinian Deaths	24	62	85	108	156	169	185	195	220	241	295	345	467	583	635	706
Date	July 24	July 25	July 26	July 27	July 28	July 29	July 30	July 31	Aug 1	Aug 2	Aug 3	Aug 4	Aug 5	Total (Aug 26)		
Total Palestinian Deaths	797	856	914	926	1000	1118	1265	1325	1395	1581	1710	1772	1772	2127		

Table Two: Ceasefires in Line with Palestinian Death Toll

Note: Israel withdrew from Gaza on August 5, 2014

Note: Different sources report contradictory statistics

Note: Due to lack of information in the month of August, the timeline is mostly based off of the New York Times' data until August 5, 2014, and final statistics from the Washington Post.

- August 1st was the start of a 72-hour humanitarian ceasefire. This ceasefire lasted a mere 90 minutes before Hamas combatants ambushed Israeli soldiers. At this point, if Hamas had stopped its rocket attacks and respected the ceasefire, 732 Palestinians' lives could have been spared.
- On August 5th, Israel withdrew from Gaza, and a 72 hour ceasefire was put into effect. Some hours before the end of the ceasefire, Hamas renewed rocket fire. Israel negotiators responded that they would not negotiate while under fire, and Israel resumed its attacks. At this point, Israel started destroying, with advanced warning, high-rise apartment buildings housing Hamas operatives. If Hamas had honored this ceasefire, and extended it, an additional 355 Palestinians would not have been killed.
- During the war, Hamas executed 38 "conspirators", suspected by Hamas as being Fatah sympathizers or Israeli spies,⁹ killed two starving civilians who were using food vouchers from the regime to receive food from a local food stand¹⁰ and killed 120 Fatah members for violating curfew and house arrest orders issued against them.¹¹
- In addition, approximately 280 Hamas rockets aimed at Israel landed in Gaza and caused injury and damage.¹²
- The graph omits a ceasefire proposed by John Kerry on July 25th reportedly with Qatar's backing, which Israel did not accept, and ambiguities remain concerning Hamas's response. However, a 12 hour humanitarian truce followed this ceasefire proposal. At this point, the Palestinian death toll was 856 and the Israeli death toll 40.

Human and Property Loss in Gaza:

The toll in Gaza was horrendous in loss of life and damage to property. It is estimated that 106,000 Palestinians have been displaced, half a million children have been unable to return to their schools and the cost for rebuilding Gaza will be \$7.8 billion.¹³

But troubling questions remain: If the damage was so horrendous, why did Hamas violate the first ceasefire and 4 others before accepting the 6th offer? And why is Hamas continuing to incite adults and schoolchildren to hate and war in the public square, official media, schools and places of worship? And finally, why do international agencies continue to subsidize this incitement in UNRWA schools?¹⁴

⁹ <http://www.foxnews.com/world/2014/09/07/israeli-group-wants-hamas-leader-to-face-war-crimes-charges-for-gaza-executions/>

¹⁰ <http://www.algemeiner.com/2014/07/29/hamas-police-shoot-kill-starving-gazans-a-day-after-executing-protesters/>

¹¹ <http://www.jpost.com/Arab-Israeli-Conflict/Fatah-members-killed-in-Gaza-during-war-Abbas-reveals-374661>

¹² <http://www.worldtribune.com/2014/07/30/israel-says-10-percent-hamas-rockets-misfire-fall-gaza-strip/>

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¹⁴ See the Henry Jackson Society Discussion about incitement <http://israelbehindthenews.com/hjs-event-perpetuating-statelessness-unrwa-activities-funding/12231/>

Human and Property Loss in Israel:

Israelis had to endure many physical and emotional effects: Israel's death toll stands at 72 deaths, including the death of a four-year-old boy from a mortar; nearly 3000 claims for damage have been submitted to the Israeli Tax Authority, adding up to \$41 million for direct and indirect damage; according to the Israel's Manufacturer's Association, the total economic impact on Israeli manufacturers (as of August 27th, 2014) was about 1.2 billion shekels; the agricultural sector experienced significant damage from the rockets and tourism in Israel dropped by 26 percent from the same time last year, causing at least a \$566 million loss. In addition to the physical damage, many Israelis suffer from the loss of loved ones and from emotional disorders as a result of being raised in a situation where rockets rain down regularly

Conclusion:

Hamas fought a war of choice against Israel with as part of a long term aim of destroying it. Throughout the war, Hamas repeatedly chose to continue the war, thereby bringing on even more human and property loss, destruction and turmoil to its population.

The timelines on deaths and rocket attacks that we report undermine the claim that Israel's use of force was disproportionate to its war aim: to put an end to terror from rockets and tunneling. Israel's first responsibility is to provide its citizens with safety and security. As long as Israel allowed rockets to threaten its citizens' lives, it would have been neglecting this responsibility. For months prior to Operation Protective Edge, Israelis of all ages repeatedly had to run to bomb shelters during their everyday lives. Operation Protective Edge was the just, necessary and proportionate response to this constant threat. Only once the rockets ceased was Israel's response effective – for the time being.

The cumulative timelines in this report make it clear that Hamas bears the responsibility for the more than 2000 deaths from both sides. The final ceasefire that Hamas signed was essentially the same as the first ceasefire proposal, which Hamas refused to sign. These cease fires offered the openings of border crossings. Had Hamas truly been trying to achieve its goal of Israel lifting the blockade, and if Hamas valued the lives of its Palestinian citizens, it would have signed the first ceasefire proposal. We suggest that Hamas bears the responsibility for these 2000+ deaths.

Afterword:

Professor Elihu D. Richter is head of the Genocide Prevention Program and Injury Prevention Center, and is the retired head of the occupational and environmental medicine unit, at Hebrew University-Hadassah School of Public Health and Community Medicine in Jerusalem. Since the 1980s, he has been involved in joint epidemiologic research, training and intervention with Palestinian colleagues on asthma, lead, pesticides, dioxins, and endocrine disrupters. Currently, the author is using the tools and models of Epidemiology and Public Health to track the effects of incitement and hate language throughout the world. He considers incitement and hate language to be the most hazardous environmental exposures in the Middle East and elsewhere. The author expresses his sadness and pain over the fact that Hamas's evil culture of

hate and death has pushed aside the core values of respect from life and human dignity. These values previously brought him and his colleagues from Gaza together. The time has come to go from Jus Ad Bellum to Jus Ad Pacem and to return to these values.

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Appendix I: Terms of Original Ceasefire Proposal and Final Ceasefire

<p><u>Text of Proposed Ceasefire (7/15)</u></p> <p>1. Owing to Egypt's historical responsibility, and out of belief in the importance of achieving peace in the region, protecting the lives of innocents, and ending the bloodshed; Egypt calls upon Israel and all of the Palestinian factions to enact an immediate ceasefire, due to the fact that escalation and mutual violence, and the victims that will result, will not be in the interest of either party as such, during the period of the ceasefire, both sides shall abide by the following:</p> <p>a. Israel shall cease all hostilities against the Gaza Strip via land, sea, and air, and shall commit to refrain from conducting any ground raids against Gaza and targeting civilians.</p> <p>b. All Palestinian factions in Gaza shall cease all hostilities from the Gaza Strip against Israel via land, sea, air, and underground, and shall commit to refrain from firing all types of rockets, and from attacks on the borders or targeting civilians.</p> <p>c. Crossings shall be opened and the passage of persons and goods through border crossings shall be facilitated once the security situation becomes stable on the ground.</p> <p>d. Other issues, including security issues shall be discussed with the two sides.</p> <p>2. Method of implementation of the initiative:</p> <p>a. It has been decided to initiate implementation of the de-escalation agreements at -- : -- hours (GMT) on -- / 7 / 2014, pending the implementation of a full ceasefire within twelve hours of the announcement of the Egyptian initiative and its unconditional acceptance by both sides.</p> <p>b. High-level delegations from both the Israeli government and the Palestinian factions shall be hosted in Cairo within 48 hours of the initiation of the initiative's implementation in order to conclude talks for the consolidation of the ceasefire and resume confidence-building measures between the two sides. Talks shall be held with each of the two sides separately (in accordance with the agreements for the consolidation of de-escalation in Cairo in 2012).</p> <p>c. Both sides shall commit to refrain from taking any actions aimed at undermining the implementation of the agreements; Egypt shall receive guarantees from both sides of their commitment to implementing what has been agreed and shall follow up on its implementation and engage with either side in the case of any action that impinges on its stability.</p> <p>Source: http://www.haaretz.com/news/diplomacy-defense/1.605165</p>	<p><u>Text of Accepted Ceasefire (8/26)</u></p> <p>Agreement of Understanding For a Ceasefire in the Gaza Strip</p> <p>1: (no title given for this section)</p> <p>A. Israel should stop all hostilities in the Gaza Strip land, sea and air including incursions and targeting of individuals.</p> <p>B. All Palestinian factions shall stop all hostilities from the Gaza Strip against Israel including rocket attacks and all attacks along the border.</p> <p>C. Opening the crossings and facilitating the movements of people and transfer of goods and refraining from restricting residents' free movements and targeting residents in border areas and procedures of implementation shall be dealt with after 24 hours from the start of the ceasefire.</p> <p>D. Other matters as may be requested shall be addressed.</p> <p>2: Implementation mechanisms:</p> <p>A. Setting up the zero hour for the ceasefire understanding to enter into effect.</p> <p>B. Egypt shall receive assurances from each party that the party commits to what was agreed upon.</p> <p>C. Each party shall commit itself not to perform any acts that would breach this understanding. In case of any observations Egypt as the sponsor of this understanding shall be informed to follow up.</p> <p>Source: http://live.reuters.com/Event/Conflict_on_the_Gaza_Strip/57460762</p>
<p><i>Comparison of the first proposed ceasefire with the final accepted ceasefire. Blue indicates slight differences</i></p>	

Appendix II: Hamas Covenant

Hamas Covenant 1988 Source Yale Law School Avalon Project

Hamas Covenant 1988

The Covenant of the Islamic Resistance Movement

18 August 1988

In The Name Of The Most Merciful Allah

"Ye are the best nation that hath been raised up unto mankind: ye command that which is just, and ye forbid that which is unjust, and ye believe in Allah. And if they who have received the scriptures had believed, it had surely been the better for them: there are believers among them, but the greater part of them are transgressors. They shall not hurt you, unless with a slight hurt; and if they fight against you, they shall turn their backs to you, and they shall not be helped. They are smitten with vileness wheresoever they are found; unless they obtain security by entering into a treaty with Allah, and a treaty with men; and they draw on themselves indignation from Allah, and they are afflicted with poverty. This they suffer, because they disbelieved the signs of Allah, and slew the prophets unjustly; this, because they were rebellious, and transgressed." (Al-Imran - verses 109-111).

Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it" (The Martyr, Imam Hassan al-Banna, of blessed memory).

"The Islamic world is on fire. Each of us should pour some water, no matter how little, to extinguish whatever one can without waiting for the others." (Sheikh Amjad al-Zahawi, of blessed memory).

In The Name Of The Most Merciful Allah

Introduction

Praise be unto Allah, to whom we resort for help, and whose forgiveness, guidance and support we seek; Allah bless the Prophet and grant him salvation, his companions and supporters, and to those who carried out his message and adopted his laws - everlasting prayers and salvation as long as the earth and heaven will last. Hereafter:

O People:

Out of the midst of troubles and the sea of suffering, out of the palpitations of faithful hearts and cleansed arms; out of the sense of duty, and in response to Allah's command, the call has gone out rallying people together and making them follow the ways of Allah, leading them to have determined will in order to fulfill their role in life, to overcome all obstacles, and surmount the difficulties on the way. Constant preparation has continued and so has the readiness to sacrifice life and all that is precious for the sake of Allah.

Thus it was that the nucleus (of the movement) was formed and started to pave its way through the tempestuous sea of hopes and expectations, of wishes and yearnings, of troubles and obstacles, of pain and challenges, both inside and outside.

When the idea was ripe, the seed grew and the plant struck root in the soil of reality, away from passing emotions, and hateful haste. The Islamic Resistance Movement emerged to carry out its role through striving for the sake of its Creator, its arms intertwined with those of all the fighters for the liberation of Palestine. The spirits of its fighters meet with the spirits of all the fighters who have sacrificed their lives on the soil of Palestine, ever since it was conquered by the companions of the Prophet, Allah bless him and grant him salvation, and until this day.

This Covenant of the Islamic Resistance Movement (HAMAS), clarifies its picture, reveals its identity, outlines its stand, explains its aims, speaks about its hopes, and calls for its support, adoption and joining its ranks. Our struggle against the Jews is very great and very serious. It needs all sincere efforts. It is a step that inevitably should be followed by other steps. The Movement is but one squadron that should be supported by more and more squadrons from this vast Arab and Islamic world, until the enemy is vanquished and Allah's victory is realised.

Thus we see them coming on the horizon "and you shall learn about it hereafter" "Allah hath written, Verily I will prevail, and my apostles: for Allah is strong and mighty." (The Dispute - verse 21).

"Say to them, This is my way: I invite you to Allah, by an evident demonstration; both I and he who followeth me; and, praise be unto Allah! I am not an idolator." (Joseph - verse 107).

Hamas (means) *strength and bravery* -(according to) Al-Mua'jam al-Wasit: c1.

Definition of the Movement

Ideological Starting-Points

Article One:

The Islamic Resistance Movement: The Movement's programme is Islam. From it, it draws its ideas, ways of thinking and understanding of the universe, life and man. It resorts to it for judgement in all its conduct, and it is inspired by it for guidance of its steps.

The Islamic Resistance Movement's Relation With the Moslem Brotherhood Group:

Article Two:

The Islamic Resistance Movement is one of the wings of Moslem Brotherhood in Palestine. Moslem Brotherhood Movement is a universal organization which constitutes the largest Islamic movement in modern times. It is characterised by its deep understanding, accurate comprehension and its complete embrace of all Islamic concepts of all aspects of life, culture, creed, politics, economics, education, society, justice and judgement, the spreading of Islam, education, art, information, science of the occult and conversion to Islam.

Structure and Formation

Article Three:

The basic structure of the Islamic Resistance Movement consists of Moslems who have given their allegiance to Allah whom they truly worship, - "I have created the jinn and humans only for the purpose of worshipping" - who know their duty towards themselves, their families and country. In all that, they fear Allah and raise the banner of Jihad in the face of the oppressors, so that they would rid the land and the people of their uncleanness, vileness and evils.

"But we will oppose truth to vanity, and it shall confound the same; and behold, it shall vanish away." (Prophets - verse 18).

Article Four:

The Islamic Resistance Movement welcomes every Moslem who embraces its faith, ideology, follows its programme, keeps its secrets, and wants to belong to its ranks and carry out the duty. Allah will certainly reward such one.

Time and Place Extent of the Islamic Resistance Movement:

Article Five:

Time extent of the Islamic Resistance Movement: By adopting Islam as its way of life, the Movement goes back to the time of the birth of the Islamic message, of the righteous ancestor, for Allah is its target, the Prophet is its example and the Koran is its constitution. Its extent in place is anywhere that there are Moslems who embrace Islam as their way of life everywhere in the globe. This being so, it extends to the depth of the earth and reaches out to the heaven.

"Dost thou not see how Allah putteth forth a parable; representing a good word, as a good tree, whose root is firmly fixed in the earth, and whose branches reach unto heaven; which bringeth forth its fruit in all seasons, by the will of its Lord? Allah propoundeth parables unto men, that they may be instructed." (Abraham - verses 24-25).

Characteristics and Independence:

Article Six:

The Islamic Resistance Movement is a distinguished Palestinian movement, whose allegiance is to Allah, and whose way of life is Islam. It strives to raise the banner of Allah over every inch of Palestine, for under the wing of Islam followers of all religions can coexist in security and safety where their lives, possessions and rights are concerned. In the absence of Islam, strife will be rife, oppression spreads, evil prevails and schisms and wars will break out.

How excellent was the Moslem poet, Mohamed Iqbal, when he wrote:

"If faith is lost, there is no security and there is no life for him who does not adhere to religion. He who accepts life without religion, has taken annihilation as his companion for life."

The Universality of the Islamic Resistance Movement:

Article Seven:

As a result of the fact that those Moslems who adhere to the ways of the Islamic Resistance Movement spread all over the world, rally support for it and its stands, strive towards enhancing its struggle, the Movement is a universal one. It is well-equipped for that because of the clarity of its ideology, the nobility of its aim and the loftiness of its objectives.

On this basis, the Movement should be viewed and evaluated, and its role be recognised. He who denies its right, evades supporting it and turns a blind eye to facts, whether intentionally or unintentionally, would awaken to see that events have overtaken him and with no logic to justify his attitude. One should certainly learn from past examples.

The injustice of next-of-kin is harder to bear than the smite of the Indian sword.

"We have also sent down unto thee the book of the Koran with truth, confirming that scripture which was revealed before it; and preserving the same safe from corruption. Judge therefore between them according to that which Allah hath revealed; and follow not their desires, by swerving from the truth which hath come unto thee. Unto every of you have we given a law, and an open path; and if Allah had pleased, he had surely made you one people; but he hath thought it fit to give you different laws, that he might try you in that which he hath given you respectively. Therefore strive to excel each other in good works; unto Allah shall ye all return, and then will he declare unto you that concerning which ye have disagreed." (The Table, verse 48).

The Islamic Resistance Movement is one of the links in the chain of the struggle against the Zionist invaders. It goes back to 1939, to the emergence of the martyr Izz al-Din al Kissam and his brethren the fighters, members of Moslem Brotherhood. It goes on to reach out and become one with another chain that includes the struggle of the Palestinians and Moslem Brotherhood in the 1948 war and the Jihad operations of the Moslem Brotherhood in 1968 and after.

Moreover, if the links have been distant from each other and if obstacles, placed by those who are the lackeys of Zionism in the way of the fighters obstructed the continuation of the struggle, the Islamic Resistance Movement aspires to the realisation of Allah's promise, no matter how long that should take. The Prophet, Allah bless him and grant him salvation, has said:

"The Day of Judgement will not come about until Moslems fight the Jews (killing the Jews), when the Jew will hide behind stones and trees. The stones and trees will say O Moslems, O Abdulla, there is a Jew behind me, come and kill him. Only the Gharkad tree, (evidently a certain kind of tree) would not do that because it is one of the trees of the Jews." (related by al-Bukhari and Moslem).

The Slogan of the Islamic Resistance Movement:

Article Eight:

Allah is its target, the Prophet is its model, the Koran its constitution: Jihad is its path and death for the sake of Allah is the loftiest of its wishes.

Objectives

Incentives and Objectives:

Article Nine:

The Islamic Resistance Movement found itself at a time when Islam has disappeared from life. Thus rules shook, concepts were upset, values changed and evil people took control, oppression and darkness prevailed, cowards became like tigers: homelands were usurped, people were scattered and were caused to wander all over the world, the state of justice disappeared and the state of falsehood replaced it. Nothing remained in its right place. Thus, when Islam is absent from the arena, everything changes. From this state of affairs the incentives are drawn.

As for the objectives: They are the fighting against the false, defeating it and vanquishing it so that justice could prevail, homelands be retrieved and from its mosques would the voice of the mu'azen emerge declaring the establishment of the state of Islam, so that people and things would return each to their right places and Allah is our helper.

"...and if Allah had not prevented men, the one by the other, verily the earth had been corrupted: but Allah is beneficent towards his creatures." (The Cow - verse 251).

Article Ten:

As the Islamic Resistance Movement paves its way, it will back the oppressed and support the wronged with all its might. It will spare no effort to bring about justice and defeat injustice, in word and deed, in this place and everywhere it can reach and have influence therein.

Strategies and Methods

Strategies of the Islamic Resistance Movement: Palestine Is Islamic aqf:

Article Eleven:

The Islamic Resistance Movement believes that the land of Palestine is an Islamic Waqf consecrated for future Moslem generations until Judgement Day. It, or any part of it, should not be squandered: it, or any part of it, should not be given up. Neither a single Arab country nor all Arab countries, neither any king or president, nor all the kings and presidents, neither any organization nor all of them, be they Palestinian or Arab, possess the right to do that. Palestine is an Islamic Waqf land consecrated for Moslem generations until Judgement Day. This being so, who could claim to have the right to represent Moslem generations till Judgement Day?

This is the law governing the land of Palestine in the Islamic Sharia (law) and the same goes for any land the Moslems have conquered by force, because during the times of (Islamic) conquests, the Moslems consecrated these lands to Moslem generations till the Day of Judgement.

It happened like this: When the leaders of the Islamic armies conquered Syria and Iraq, they sent to the Caliph of the Moslems, Umar bin-el-Khatib, asking for his advice concerning the

conquered land - whether they should divide it among the soldiers, or leave it for its owners, or what? After consultations and discussions between the Caliph of the Moslems, Omar bin-el-Khatab and companions of the Prophet, Allah bless him and grant him salvation, it was decided that the land should be left with its owners who could benefit by its fruit. As for the real ownership of the land and the land itself, it should be consecrated for Moslem generations till Judgement Day. Those who are on the land, are there only to benefit from its fruit. This Waqf remains as long as earth and heaven remain. Any procedure in contradiction to Islamic Sharia, where Palestine is concerned, is null and void.

"Verily, this is a certain truth. Wherefore praise the name of thy Lord, the great Allah." (The Inevitable - verse 95).

Homeland and Nationalism from the Point of View of the Islamic Resistance Movement in Palestine:

Article Twelve:

Nationalism, from the point of view of the Islamic Resistance Movement, is part of the religious creed. Nothing in nationalism is more significant or deeper than in the case when an enemy should tread Moslem land. Resisting and quelling the enemy become the individual duty of every Moslem, male or female. A woman can go out to fight the enemy without her husband's permission, and so does the slave: without his master's permission.

Nothing of the sort is to be found in any other regime. This is an undisputed fact. If other nationalist movements are connected with materialistic, human or regional causes, nationalism of the Islamic Resistance Movement has all these elements as well as the more important elements that give it soul and life. It is connected to the source of spirit and the granter of life, hoisting in the sky of the homeland the heavenly banner that joins earth and heaven with a strong bond.

If Moses comes and throws his staff, both witch and magic are annulled.

"Now is the right direction manifestly distinguished from deceit: whoever therefore shall deny Tagut, and believe in Allah, he shall surely take hold with a strong handle, which shall not be broken; Allah is he who heareth and seeth." (The Cow - Verse 256).

Peaceful Solutions, Initiatives and International Conferences:

Article Thirteen:

Initiatives, and so-called peaceful solutions and international conferences, are in contradiction to the principles of the Islamic Resistance Movement. Abusing any part of Palestine is abuse directed against part of religion. Nationalism of the Islamic Resistance Movement is part of its religion. Its members have been fed on that. For the sake of hoisting the banner of Allah over their homeland they fight. "Allah will be prominent, but most people do not know."

Now and then the call goes out for the convening of an international conference to look for ways of solving the (Palestinian) question. Some accept, others reject the idea, for this or other reason, with one stipulation or more for consent to convening the conference and participating in it. Knowing the parties constituting the conference, their past and present attitudes towards Moslem

problems, the Islamic Resistance Movement does not consider these conferences capable of realising the demands, restoring the rights or doing justice to the oppressed. These conferences are only ways of setting the infidels in the land of the Moslems as arbitrators. When did the infidels do justice to the believers?

"But the Jews will not be pleased with thee, neither the Christians, until thou follow their religion; say, The direction of Allah is the true direction. And verily if thou follow their desires, after the knowledge which hath been given thee, thou shalt find no patron or protector against Allah." (The Cow - verse 120).

There is no solution for the Palestinian question except through Jihad. Initiatives, proposals and international conferences are all a waste of time and vain endeavors. The Palestinian people know better than to consent to having their future, rights and fate toyed with. As in said in the honourable Hadith:

"The people of Syria are Allah's lash in His land. He wreaks His vengeance through them against whomsoever He wishes among His slaves It is unthinkable that those who are double-faced among them should prosper over the faithful. They will certainly die out of grief and desperation."

The Three Circles:

Article Fourteen:

The question of the liberation of Palestine is bound to three circles: the Palestinian circle, the Arab circle and the Islamic circle. Each of these circles has its role in the struggle against Zionism. Each has its duties, and it is a horrible mistake and a sign of deep ignorance to overlook any of these circles. Palestine is an Islamic land which has the first of the two kiblahs (direction to which Moslems turn in praying), the third of the holy (Islamic) sanctuaries, and the point of departure for Mohamed's midnight journey to the seven heavens (i.e. Jerusalem).

"Praise be unto him who transported his servant by night, from the sacred temple of Mecca to the farther temple of Jerusalem, the circuit of which we have blessed, that we might show him some of our signs; for Allah is he who heareth, and seeth." (The Night-Journey - verse 1).

Since this is the case, liberation of Palestine is then an individual duty for every Moslem wherever he may be. On this basis, the problem should be viewed. This should be realised by every Moslem.

The day the problem is dealt with on this basis, when the three circles mobilize their capabilities, the present state of affairs will change and the day of liberation will come nearer.

"Verily ye are stronger than they, by reason of the terror cast into their breasts from Allah. This, because they are not people of prudence." (The Emigration - verse 13).

The Jihad for the Liberation of Palestine is an Individual Duty:

Article Fifteen:

The day that enemies usurp part of Moslem land, Jihad becomes the individual duty of every Moslem. In face of the Jews' usurpation of Palestine, it is compulsory that the banner of Jihad be

raised. To do this requires the diffusion of Islamic consciousness among the masses, both on the regional, Arab and Islamic levels. It is necessary to instill the spirit of Jihad in the heart of the nation so that they would confront the enemies and join the ranks of the fighters.

It is necessary that scientists, educators and teachers, information and media people, as well as the educated masses, especially the youth and sheikhs of the Islamic movements, should take part in the operation of awakening (the masses). It is important that basic changes be made in the school curriculum, to cleanse it of the traces of ideological invasion that affected it as a result of the orientalist and missionaries who infiltrated the region following the defeat of the Crusaders at the hands of Salah el-Din (Saladin). The Crusaders realised that it was impossible to defeat the Moslems without first having ideological invasion pave the way by upsetting their thoughts, disfiguring their heritage and violating their ideals. Only then could they invade with soldiers. This, in its turn, paved the way for the imperialistic invasion that made Allenby declare on entering Jerusalem: "Only now have the Crusades ended." General Gurur stood at Salah el-Din's grave and said: "We have returned, O Salah el-Din." Imperialism has helped towards the strengthening of ideological invasion, deepening, and still does, its roots. All this has paved the way towards the loss of Palestine.

It is necessary to instill in the minds of the Moslem generations that the Palestinian problem is a religious problem, and should be dealt with on this basis. Palestine contains Islamic holy sites. In it there is al-Aqsa Mosque which is bound to the great Mosque in Mecca in an inseparable bond as long as heaven and earth speak of Isra' (Mohammed's midnight journey to the seven heavens) and Mi'raj (Mohammed's ascension to the seven heavens from Jerusalem).

"The bond of one day for the sake of Allah is better than the world and whatever there is on it. The place of one's whip in Paradise is far better than the world and whatever there is on it. A worshipper's going and coming in the service of Allah is better than the world and whatever there is on it." (As related by al-Bukhari, Moslem, al-Tarmidhi and Ibn Maja).

"I swear by the holder of Mohammed's soul that I would like to invade and be killed for the sake of Allah, then invade and be killed, and then invade again and be killed." (As related by al-Bukhari and Moslem).

The Education of the Generations:

Article Sixteen:

It is necessary to follow Islamic orientation in educating the Islamic generations in our region by teaching the religious duties, comprehensive study of the Koran, the study of the Prophet's Sunna (his sayings and doings), and learning about Islamic history and heritage from their authentic sources. This should be done by specialised and learned people, using a curriculum that would healthily form the thoughts and faith of the Moslem student. Side by side with this, a comprehensive study of the enemy, his human and financial capabilities, learning about his points of weakness and strength, and getting to know the forces supporting and helping him, should also be included. Also, it is important to be acquainted with the current events, to follow what is new and to study the analysis and commentaries made of these events. Planning for the present and future, studying every trend appearing, is a must so that the fighting Moslem would live knowing his aim, objective and his way in the midst of what is going on around him.

"O my son, verily every matter, whether good or bad, though it be the weight of a grain of mustard-seed, and be hidden in a rock, or in the heavens, or in the earth, Allah will bring the same to light; for Allah is clear-sighted and knowing. O my son, be constant at prayer, and command that which is

just, and forbid that which is evil: and be patient under the afflictions which shall befall thee; for this is a duty absolutely incumbent on all men. Distort not thy face out of contempt to men, neither walk in the earth with insolence; for Allah loveth no arrogant, vain-glorious person." (Lokman - verses 16-18).

The Role of the Moslem Woman:

Article Seventeen:

The Moslem woman has a role no less important than that of the moslem man in the battle of liberation. She is the maker of men. Her role in guiding and educating the new generations is great. The enemies have realised the importance of her role. They consider that if they are able to direct and bring her up they way they wish, far from Islam, they would have won the battle. That is why you find them giving these attempts constant attention through information campaigns, films, and the school curriculum, using for that purpose their lackeys who are infiltrated through Zionist organizations under various names and shapes, such as Freemasons, Rotary Clubs, espionage groups and others, which are all nothing more than cells of subversion and saboteurs. These organizations have ample resources that enable them to play their role in societies for the purpose of achieving the Zionist targets and to deepen the concepts that would serve the enemy. These organizations operate in the absence of Islam and its estrangement among its people. The Islamic peoples should perform their role in confronting the conspiracies of these saboteurs. The day Islam is in control of guiding the affairs of life, these organizations, hostile to humanity and Islam, will be obliterated.

Article Eighteen:

Woman in the home of the fighting family, whether she is a mother or a sister, plays the most important role in looking after the family, rearing the children and imbuing them with moral values and thoughts derived from Islam. She has to teach them to perform the religious duties in preparation for the role of fighting awaiting them. That is why it is necessary to pay great attention to schools and the curriculum followed in educating Moslem girls, so that they would grow up to be good mothers, aware of their role in the battle of liberation.

She has to be of sufficient knowledge and understanding where the performance of housekeeping matters are concerned, because economy and avoidance of waste of the family budget, is one of the requirements for the ability to continue moving forward in the difficult conditions surrounding us. She should put before her eyes the fact that the money available to her is just like blood which should never flow except through the veins so that both children and grown-ups could continue to live.

"Verily, the Moslems of either sex, and the true believers of either sex, and the devout men, and the devout women, and the men of veracity, and the women of veracity, and the patient men, and the patient women, and the humble men, and the humble women, and the alms-givers of either sex who remember Allah frequently; for them hath Allah prepared forgiveness and a great reward." (The Confederates - verse 25).

The Role of Islamic Art in the Battle of Liberation:

Article Nineteen:

Art has regulations and measures by which it can be determined whether it is Islamic or pre-Islamic (Jahili) art. The issues of Islamic liberation are in need of Islamic art that would take the spirit high, without raising one side of human nature above the other, but rather raise all of them harmoniously in an equilibrium.

Man is a unique and wonderful creature, made out of a handful of clay and a breath from Allah. Islamic art addresses man on this basis, while pre-Islamic art addresses the body giving preference to the clay component in it.

The book, the article, the bulletin, the sermon, the thesis, the popular poem, the poetic ode, the song, the play and others, contain the characteristics of Islamic art, then these are among the requirements of ideological mobilization, renewed food for the journey and recreation for the soul. The road is long and suffering is plenty. The soul will be bored, but Islamic art renews the energies, resurrects the movement, arousing in them lofty meanings and proper conduct. "Nothing can improve the self if it is in retreat except shifting from one mood to another."

All this is utterly serious and no jest, for those who are fighters do not jest.

Social Mutual Responsibility:

Article Twenty:

Moslem society is a mutually responsible society. The Prophet, prayers and greetings be unto him, said: "Blessed are the generous, whether they were in town or on a journey, who have collected all that they had and shared it equally among themselves."

The Islamic spirit is what should prevail in every Moslem society. The society that confronts a vicious enemy which acts in a way similar to Nazism, making no differentiation between man and woman, between children and old people - such a society is entitled to this Islamic spirit. Our enemy relies on the methods of collective punishment. He has deprived people of their homeland and properties, pursued them in their places of exile and gathering, breaking bones, shooting at women, children and old people, with or without a reason. The enemy has opened detention camps where thousands and thousands of people are thrown and kept under sub-human conditions. Added to this, are the demolition of houses, rendering children orphans, meting cruel sentences against thousands of young people, and causing them to spend the best years of their lives in the dungeons of prisons.

In their Nazi treatment, the Jews made no exception for women or children. Their policy of striking fear in the heart is meant for all. They attack people where their breadwinning is concerned, extorting their money and threatening their honour. They deal with people as if they were the worst war criminals. Deportation from the homeland is a kind of murder.

To counter these deeds, it is necessary that social mutual responsibility should prevail among the people. The enemy should be faced by the people as a single body which if one member of it should complain, the rest of the body would respond by feeling the same pains.

Article Twenty-One:

Mutual social responsibility means extending assistance, financial or moral, to all those who are in need and joining in the execution of some of the work. Members of the Islamic Resistance

Movement should consider the interests of the masses as their own personal interests. They must spare no effort in achieving and preserving them. They must prevent any foul play with the future of the upcoming generations and anything that could cause loss to society. The masses are part of them and they are part of the masses. Their strength is theirs, and their future is theirs. Members of the Islamic Resistance Movement should share the people's joy and grief, adopt the demands of the public and whatever means by which they could be realised. The day that such a spirit prevails, brotherliness would deepen, cooperation, sympathy and unity will be enhanced and the ranks will be solidified to confront the enemies.

Supportive Forces Behind the Enemy:

Article Twenty-Two:

For a long time, the enemies have been planning, skillfully and with precision, for the achievement of what they have attained. They took into consideration the causes affecting the current of events. They strived to amass great and substantive material wealth which they devoted to the realisation of their dream. With their money, they took control of the world media, news agencies, the press, publishing houses, broadcasting stations, and others. With their money they stirred revolutions in various parts of the world with the purpose of achieving their interests and reaping the fruit therein. They were behind the French Revolution, the Communist revolution and most of the revolutions we heard and hear about, here and there. With their money they formed secret societies, such as Freemasons, Rotary Clubs, the Lions and others in different parts of the world for the purpose of sabotaging societies and achieving Zionist interests. With their money they were able to control imperialistic countries and instigate them to colonize many countries in order to enable them to exploit their resources and spread corruption there.

You may speak as much as you want about regional and world wars. They were behind World War I, when they were able to destroy the Islamic Caliphate, making financial gains and controlling resources. They obtained the Balfour Declaration, formed the League of Nations through which they could rule the world. They were behind World War II, through which they made huge financial gains by trading in armaments, and paved the way for the establishment of their state. It was they who instigated the replacement of the League of Nations with the United Nations and the Security Council to enable them to rule the world through them. There is no war going on anywhere, without having their finger in it.

"So often as they shall kindle a fire for war, Allah shall extinguish it; and they shall set their minds to act corruptly in the earth, but Allah loveth not the corrupt doers." (The Table - verse 64).

The imperialistic forces in the Capitalist West and Communist East, support the enemy with all their might, in money and in men. These forces take turns in doing that. The day Islam appears, the forces of infidelity would unite to challenge it, for the infidels are of one nation.

"O true believers, contract not an intimate friendship with any besides yourselves: they will not fail to corrupt you. They wish for that which may cause you to perish: their hatred hath already appeared from out of their mouths; but what their breasts conceal is yet more inveterate. We have already shown you signs of their ill will towards you, if ye understand." (The Family of Imran - verse 118).

It is not in vain that the verse is ended with Allah's words "if ye understand."

Our Attitudes Towards:

A. Islamic Movements:

Article Twenty-Three:

The Islamic Resistance Movement views other Islamic movements with respect and appreciation. If it were at variance with them on one point or opinion, it is in agreement with them on other points and understandings. It considers these movements, if they reveal good intentions and dedication to Allah, that they fall into the category of those who are trying hard since they act within the Islamic circle. Each active person has his share.

The Islamic Resistance Movement considers all these movements as a fund for itself. It prays to Allah for guidance and directions for all and it spares no effort to keep the banner of unity raised, ever striving for its realisation in accordance with the Koran and the Prophet's directives.

"And cleave all of you unto the covenant of Allah, and depart not from it, and remember the favour of Allah towards you: since ye were enemies, and he reconciled your hearts, and ye became companions and brethren by his favour: and ye were on the brink of a pit of fire, and he delivered you thence. Allah declareth unto you his signs, that ye may be directed." (The Family of Imran - Verse 102).

Article Twenty-Four:

The Islamic Resistance Movement does not allow slandering or speaking ill of individuals or groups, for the believer does not indulge in such malpractices. It is necessary to differentiate between this behaviour and the stands taken by certain individuals and groups. Whenever those stands are erroneous, the Islamic Resistance Movement preserves the right to expound the error and to warn against it. It will strive to show the right path and to judge the case in question with objectivity. Wise conduct is indeed the target of the believer who follows it wherever he discerns it.

"Allah loveth not the speaking ill of anyone in public, unless he who is injured call for assistance; and Allah heareth and knoweth: whether ye publish a good action, or conceal it, or forgive evil, verily Allah is gracious and powerful." (Women - verses 147-148).

B. Nationalist Movements in the Palestinian Arena:

Article Twenty-Five:

The Islamic Resistance Movement respects these movements and appreciates their circumstances and the conditions surrounding and affecting them. It encourages them as long as they do not give their allegiance to the Communist East or the Crusading West. It confirms to all those who are integrated in it, or sympathetic towards it, that the Islamic Resistance Movement is a fighting movement that has a moral and enlightened look of life and the way it should cooperate with the other (movements). It detests opportunism and desires only the good of people, individuals and groups alike. It does not seek material gains, personal fame, nor does it look for a reward from others. It works with its own resources and whatever is at its disposal "and prepare for them

whatever force you can", for the fulfilment of the duty, and the earning of Allah's favour. It has no other desire than that.

The Movement assures all the nationalist trends operating in the Palestinian arena for the liberation of Palestine, that it is there for their support and assistance. It will never be more than that, both in words and deeds, now and in the future. It is there to bring together and not to divide, to preserve and not to squander, to unify and not to throw asunder. It evaluates every good word, sincere effort and good offices. It closes the door in the face of side disagreements and does not lend an ear to rumours and slanders, while at the same time fully realising the right for self-defence.

Anything contrary or contradictory to these trends, is a lie disseminated by enemies or their lackeys for the purpose of sowing confusion, disrupting the ranks and occupy them with side issues.

"O true believers, if a wicked man come unto you with a tale, inquire strictly into the truth thereof; lest ye hurt people through ignorance, and afterwards repent of what ye have done." (The Inner Apartments - verse 6).

Article Twenty-Six:

In viewing the Palestinian nationalist movements that give allegiance neither to the East nor the West, in this positive way, the Islamic Resistance Movement does not refrain from discussing new situations on the regional or international levels where the Palestinian question is concerned. It does that in such an objective manner revealing the extent of how much it is in harmony or contradiction with the national interests in the light of the Islamic point of view.

C. The Palestinian Liberation Organization:

Article Twenty-Seven:

The Palestinian Liberation Organization is the closest to the heart of the Islamic Resistance Movement. It contains the father and the brother, the next of kin and the friend. The Moslem does not estrange himself from his father, brother, next of kin or friend. Our homeland is one, our situation is one, our fate is one and the enemy is a joint enemy to all of us.

Because of the situations surrounding the formation of the Organization, of the ideological confusion prevailing in the Arab world as a result of the ideological invasion under whose influence the Arab world has fallen since the defeat of the Crusaders and which was, and still is, intensified through orientalists, missionaries and imperialists, the Organization adopted the idea of the secular state. And that is how we view it.

Secularism completely contradicts religious ideology. Attitudes, conduct and decisions stem from ideologies.

That is why, with all our appreciation for The Palestinian Liberation Organization - and what it can develop into - and without belittling its role in the Arab-Israeli conflict, we are unable to exchange the present or future Islamic Palestine with the secular idea. The Islamic nature of Palestine is part of our religion and whoever takes his religion lightly is a loser.

"Who will be adverse to the religion of Abraham, but he whose mind is infatuated? (The Cow - verse 130).

The day The Palestinian Liberation Organization adopts Islam as its way of life, we will become its soldiers, and fuel for its fire that will burn the enemies.

Until such a day, and we pray to Allah that it will be soon, the Islamic Resistance Movement's stand towards the PLO is that of the son towards his father, the brother towards his brother, and the relative to relative, suffers his pain and supports him in confronting the enemies, wishing him to be wise and well-guided.

"Stand by your brother, for he who is brotherless is like the fighter who goes to battle without arms. One's cousin is the wing one flies with - could the bird fly without wings?"

D. Arab and Islamic Countries:

Article Twenty-Eight:

The Zionist invasion is a vicious invasion. It does not refrain from resorting to all methods, using all evil and contemptible ways to achieve its end. It relies greatly in its infiltration and espionage operations on the secret organizations it gave rise to, such as the Freemasons, The Rotary and Lions clubs, and other sabotage groups. All these organizations, whether secret or open, work in the interest of Zionism and according to its instructions. They aim at undermining societies, destroying values, corrupting consciences, deteriorating character and annihilating Islam. It is behind the drug trade and alcoholism in all its kinds so as to facilitate its control and expansion.

Arab countries surrounding Israel are asked to open their borders before the fighters from among the Arab and Islamic nations so that they could consolidate their efforts with those of their Moslem brethren in Palestine.

As for the other Arab and Islamic countries, they are asked to facilitate the movement of the fighters from and to it, and this is the least thing they could do.

We should not forget to remind every Moslem that when the Jews conquered the Holy City in 1967, they stood on the threshold of the Aqsa Mosque and proclaimed that "Mohammed is dead, and his descendants are all women."

Israel, Judaism and Jews challenge Islam and the Moslem people. "May the cowards never sleep."

E. Nationalist and Religious Groupings, Institutions, Intellectuals, The Arab and Islamic World:

The Islamic Resistance Movement hopes that all these groupings will side with it in all spheres, would support it, adopt its stand and solidify its activities and moves, work towards rallying support for it so that the Islamic people will be a base and a stay for it, supplying it with strategic depth in all human material and informative spheres, in time and in place. This should be done through the convening of solidarity conferences, the issuing of explanatory bulletins, favourable articles and booklets, enlightening the masses regarding the Palestinian issue, clarifying what confronts it and the conspiracies woven around it. They should mobilize the Islamic nations, ideologically,

educationally and culturally, so that these peoples would be equipped to perform their role in the decisive battle of liberation, just as they did when they vanquished the Crusaders and the Tatars and saved human civilization. Indeed, that is not difficult for Allah.

"Allah hath written, Verily I will prevail, and my apostles: for Allah is strong and mighty." (The Dispute - verse 21).

Article Thirty:

Writers, intellectuals, media people, orators, educators and teachers, and all the various sectors in the Arab and Islamic world - all of them are called upon to perform their role, and to fulfill their duty, because of the ferocity of the Zionist offensive and the Zionist influence in many countries exercised through financial and media control, as well as the consequences that all this lead to in the greater part of the world.

Jihad is not confined to the carrying of arms and the confrontation of the enemy. The effective word, the good article, the useful book, support and solidarity - together with the presence of sincere purpose for the hoisting of Allah's banner higher and higher - all these are elements of the Jihad for Allah's sake.

"Whosoever mobilises a fighter for the sake of Allah is himself a fighter. Whosoever supports the relatives of a fighter, he himself is a fighter." (related by al-Bukhari, Moslem, Abu-Dawood and al-Tarmadhi).

F. Followers of Other Religions: The Islamic Resistance Movement Is A Humanistic Movement:

Article Thirty-One:

The Islamic Resistance Movement is a humanistic movement. It takes care of human rights and is guided by Islamic tolerance when dealing with the followers of other religions. It does not antagonize anyone of them except if it is antagonized by it or stands in its way to hamper its moves and waste its efforts.

Under the wing of Islam, it is possible for the followers of the three religions - Islam, Christianity and Judaism - to coexist in peace and quiet with each other. Peace and quiet would not be possible except under the wing of Islam. Past and present history are the best witness to that.

It is the duty of the followers of other religions to stop disputing the sovereignty of Islam in this region, because the day these followers should take over there will be nothing but carnage, displacement and terror. Everyone of them is at variance with his fellow-religionists, not to speak about followers of other religionists. Past and present history are full of examples to prove this fact.

"They will not fight against you in a body, except in fenced towns, or from behind walls. Their strength in war among themselves is great: thou thinkest them to be united; but their hearts are divided. This, because they are people who do not understand." (The Emigration - verse 14).

Islam confers upon everyone his legitimate rights. Islam prevents the incursion on other people's rights. The Zionist Nazi activities against our people will not last for long. "For the state of injustice lasts but one day, while the state of justice lasts till Doomsday."

"As to those who have not borne arms against you on account of religion, nor turned you out of your dwellings, Allah forbiddeth you not to deal kindly with them, and to behave justly towards them; for Allah loveth those who act justly." (The Tried - verse 8).

The Attempt to Isolate the Palestinian People:

Article Thirty-Two:

World Zionism, together with imperialistic powers, try through a studied plan and an intelligent strategy to remove one Arab state after another from the circle of struggle against Zionism, in order to have it finally face the Palestinian people only. Egypt was, to a great extent, removed from the circle of the struggle, through the treacherous Camp David Agreement. They are trying to draw other Arab countries into similar agreements and to bring them outside the circle of struggle.

The Islamic Resistance Movement calls on Arab and Islamic nations to take up the line of serious and persevering action to prevent the success of this horrendous plan, to warn the people of the danger emanating from leaving the circle of struggle against Zionism. Today it is Palestine, tomorrow it will be one country or another. The Zionist plan is limitless. After Palestine, the Zionists aspire to expand from the Nile to the Euphrates. When they will have digested the region they overtook, they will aspire to further expansion, and so on. Their plan is embodied in the "Protocols of the Elders of Zion", and their present conduct is the best proof of what we are saying.

Leaving the circle of struggle with Zionism is high treason, and cursed be he who does that. "for whoso shall turn his back unto them on that day, unless he turneth aside to fight, or retreateth to another party of the faithful, shall draw on himself the indignation of Allah, and his abode shall be hell; an ill journey shall it be thither." (The Spoils - verse 16). There is no way out except by concentrating all powers and energies to face this Nazi, vicious Tatar invasion. The alternative is loss of one's country, the dispersion of citizens, the spread of vice on earth and the destruction of religious values. Let every person know that he is responsible before Allah, for "the doer of the slightest good deed is rewarded in like, and the doer of the slightest evil deed is also rewarded in like."

The Islamic Resistance Movement consider itself to be the spearhead of the circle of struggle with world Zionism and a step on the road. The Movement adds its efforts to the efforts of all those who are active in the Palestinian arena. Arab and Islamic Peoples should augment by further steps on their part; Islamic groupings all over the Arab world should also do the same, since all of these are the best-equipped for the future role in the fight with the warmongering Jews.

"..and we have put enmity and hatred between them, until the day of resurrection. So often as they shall kindle a fire of war, Allah shall extinguish it; and they shall set their minds to act corruptly in the earth, but Allah loveth not the corrupt doers." (The Table - verse 64).

Article Thirty-Three:

The Islamic Resistance Movement, being based on the common coordinated and interdependent conceptions of the laws of the universe, and flowing in the stream of destiny in confronting and fighting the enemies in defence of the Moslems and Islamic civilization and sacred sites, the first among which is the Aqsa Mosque, urges the Arab and Islamic peoples, their governments, popular and official groupings, to fear Allah where their view of the Islamic Resistance Movement and their

dealings with it are concerned. They should back and support it, as Allah wants them to, extending to it more and more funds till Allah's purpose is achieved when ranks will close up, fighters join other fighters and masses everywhere in the Islamic world will come forward in response to the call of duty while loudly proclaiming: Hail to Jihad. Their cry will reach the heavens and will go on being resounded until liberation is achieved, the invaders vanquished and Allah's victory comes about.

"And Allah will certainly assist him who shall be on his side: for Allah is strong and mighty." (The Pilgrimage - verse 40).

The Testimony of History

Across History in Confronting the Invaders:

Article Thirty-Four:

Palestine is the navel of the globe and the crossroad of the continents. Since the dawn of history, it has been the target of expansionists. The Prophet, Allah bless him and grant him salvation, had himself pointed to this fact in the noble Hadith in which he called on his honourable companion, Ma'adh ben-Jabal, saying: O Ma'ath, Allah throw open before you, when I am gone, Syria, from Al-Arish to the Euphrates. Its men, women and slaves will stay firmly there till the Day of Judgement. Whoever of you should choose one of the Syrian shores, or the Holy Land, he will be in constant struggle till the Day of Judgement."

Expansionists have more than once put their eye on Palestine which they attacked with their armies to fulfill their designs on it. Thus it was that the Crusaders came with their armies, bringing with them their creed and carrying their Cross. They were able to defeat the Moslems for a while, but the Moslems were able to retrieve the land only when they stood under the wing of their religious banner, united their word, hallowed the name of Allah and surged out fighting under the leadership of Salah ed-Din al-Ayyubi. They fought for almost twenty years and at the end the Crusaders were defeated and Palestine was liberated.

"Say unto those who believe not, Ye shall be overcome, and thrown together into hell; an unhappy couch it shall be." (The Family of Imran - verse 12).

This is the only way to liberate Palestine. There is no doubt about the testimony of history. It is one of the laws of the universe and one of the rules of existence. Nothing can overcome iron except iron. Their false futile creed can only be defeated by the righteous Islamic creed. A creed could not be fought except by a creed, and in the last analysis, victory is for the just, for justice is certainly victorious.

"Our word hath formerly been given unto our servants the apostles; that they should certainly be assisted against the infidels, and that our armies should surely be the conquerors." (Those Who Rank Themselves - verses 171-172).

Article Thirty-Five:

The Islamic Resistance Movement views seriously the defeat of the Crusaders at the hands of Salah ed-Din al-Ayyubi and the rescuing of Palestine from their hands, as well as the defeat of the Tatars at Ein Galot, breaking their power at the hands of Qataz and Al-Dhaher Bivers and saving the Arab world from the Tatar onslaught which aimed at the destruction of every meaning of human civilization. The Movement draws lessons and examples from all this. The present Zionist onslaught has also been preceded by Crusading raids from the West and other Tatar raids from the East. Just as the Moslems faced those raids and planned fighting and defeating them, they should be able to confront the Zionist invasion and defeat it. This is indeed no problem for the Almighty Allah, provided that the intentions are pure, the determination is true and that Moslems have benefited from past experiences, rid themselves of the effects of ideological invasion and followed the customs of their ancestors.

The Islamic Resistance Movement is Composed of Soldiers:

Article Thirty-Six:

While paving its way, the Islamic Resistance Movement, emphasizes time and again to all the sons of our people, to the Arab and Islamic nations, that it does not seek personal fame, material gain, or social prominence. It does not aim to compete against any one from among our people, or take his place. Nothing of the sort at all. It will not act against any of the sons of Moslems or those who are peaceful towards it from among non-Moslems, be they here or anywhere else. It will only serve as a support for all groupings and organizations operating against the Zionist enemy and its lackeys.

The Islamic Resistance Movement adopts Islam as its way of life. Islam is its creed and religion. Whoever takes Islam as his way of life, be it an organization, a grouping, a country or any other body, the Islamic Resistance Movement considers itself as their soldiers and nothing more.

We ask Allah to show us the right course, to make us an example to others and to judge between us and our people with truth. "O Lord, do thou judge between us and our nation with truth; for thou art the best judge." (Al Araf - Verse 89).

The last of our prayers will be praise to Allah, the Master of the Universe.

Appendix III: Is Israel Guilty of War Crimes?

Is Israel Guilty of War Crimes?

by [Denis MacEoin](#)

January 29, 2015 at 5:00 am

<http://www.gatestoneinstitute.org/5158/israel-war-crimes>

Can the International Criminal Court [ICC] even be considered an impartial legal body, any more than a Jim Crow court in America's old South?

The supporters of this repackaged anti-Semitism always seem perfectly comfortable "forgetting" that Hamas offers its people no human rights. Thus is a liberal democracy, Israel, maligned by a theocratic tyranny.

It is clear that these illustrious members of the international community are secretly hoping that if they can rig the system so that the Arabs can finish off Israel, they, in the international community, will still be able to preen and congratulate themselves that the obliteration of the Jewish state had nothing to do with *them*.

Groups such as al-Qaeda, the Islamic State, Hizbullah or Hamas are considered terrorists *because* they do not abide by the principles of international or domestic law. That, as well as the acts they commit, is what identifies them as terrorists. The differentiating factor with Islamist terror organizations is that they do not recognize international law at all.

Islamic law frees Hamas and other such groups from any obligation to abide by international standards, which they demonize as "Western" or "Christian" and therefore "Satanic."

As stated by an official UN report of 2009, among others, systematic and deliberate targeting of civilians violates International Humanitarian Law and amounts to a war crime.

Any movement, such as Hamas, that is openly determined to bring about the abolition of a sovereign state and the genocide of its citizens, breaks every clause in every charter of international law.

On November 4, 2014, Amnesty International published a scathing [report](#) on Israeli "war crimes" in Gaza during the war between Hamas and Israel last year. Entitled, "Families under the rubble: Israeli attacks on inhabited homes," the report accuses Israel of displaying "callous indifference" in launching attacks on family homes in the densely populated coastal strip, and argued that in some cases the conduct amounted to war crimes. The report makes difficult reading. The toll of human tragedy in the conflict was enormous. Over 2,100 Palestinians were killed, about 1000 of them civilians. But did Israel commit war crimes? And is Amnesty reading war crimes legislation in a balanced way?

The following day, the recently retired UN High Commissioner for Human Rights, Navi Pillay, published an [article](#) in the *New York Times*, in which she calls for Europe to allow "Palestine" to be admitted to the International Criminal Court [ICC], a body to which neither Israel nor the United States is party.

One day later, November 6, 2014, the chief military commander of the U.S., General Martin Dempsey, Chairman of the Joint Chiefs of Staff, a man with lifelong military experience, including senior service in Iraq, [flatly contradicted](#) both Amnesty and Pillay in an outspoken insistence that Israeli troops had behaved in an exemplary fashion. "I actually do think that Israel went to extraordinary lengths to limit collateral damage and civilian casualties," he said. "They [the IDF] did some extraordinary things to try and limit civilian casualties to include ... making it known that they were going to destroy a particular structure".

Dempsey's remarks are a direct echo of sentiments expressed (and not for the first time) by a former British commander in Afghanistan, Col. Richard Kemp: "The way that this conflict [Operation Protective Edge] is being portrayed in many, many media outfits by many reporters, by some politicians round the world, is the mirror opposite of reality. Israel has been demonized, Israel has been accused of committing war crimes. The real war crimes have been committed by Hamas."[\[1\]](#)

It is, surely, quite clear that the debate about the ethics, policies and actions of the IDF could not be more polarized -- not least between amateurs who have never been in combat, and professional soldiers who have fought against Islamist foes for many years. Either the IDF is made up of war criminals or, [as Kemp has said](#), "the Israeli Defence Forces did more to safeguard the rights of civilians in a combat zone than any other army in the history of warfare."

Already during the conflict between the Jewish state and Hamas, on July 23, 2014, Pillay was accusing Israel of possible war crimes: "There seems to be a strong possibility that international law has been violated, in a manner that could amount to war crimes," Ms. Pillay [said](#). Already well known for her anti-Israel views, her

comment was hardly surprising; nor was hers the only voice to issue this claim. Speaking earlier in the year, Human Rights Watch had already said much the same in a [public statement](#).

A few months later, at the end of December, Mahmoud Abbas, acting as president of a joint government between the Palestinian Authority in Judea and Samaria and Hamas in Gaza, signed the Rome Statute in order to join the International Criminal Court. On January 6, 2015, UN Secretary General Ban Ki Moon announced that the Palestinians could do so on April 1. He based eligibility on a majority vote of the General Assembly, on October 30, 2014, to recognize "Palestine" as a state. This decision came in spite of a vote *against* recognition of a full-fledged Palestinian state by the UN Security Council, on 30 December 2014.

There is an ongoing debate about all of this: whether "Palestine," which has few of the characteristics of a sovereign state, can legitimately join the ICC and launch war crimes accusations against Israel; whether the ICC will consider itself legally empowered to take on such a case, whether the Palestinians may not risk being investigated for war crimes themselves, and not least whether the ICC can even be considered an impartial legal body, any more than a Jim Crow court in America's old South.

It is clear that, should the Israeli Supreme Court prosecute individual Israeli citizens for crimes during the last Gaza war, the ICC would automatically need to recuse itself from a broader prosecution, as attorney [Alan Dershowitz has written](#).

The fundamental issue is whether any of the accusations against Israel are true. Has Israel been committing terrible crimes in Gaza? Or were the war crimes in this conflict actually committed by Hamas, while Israel and its armed forces behaved in an exemplary fashion, in hard-fought battles, to minimize civilian casualties? Further, are the claims of war crimes and indiscriminate killing born, not from humanitarian anxieties, but from a recrudescence of anti-Semitism? It often seems as if your grandmother's old-fashioned anti-Semitism has merely morphed and been repackaged as anti-Israel invective and rallies that call on Hamas to rise up for human rights. The supporters of this repackaged anti-Semitism, however, always seem perfectly comfortable "forgetting" that the Palestinian Islamic Resistance Movement [Hamas] offers its people no human rights, and often liberal helpings of human wrongs. Thus is a liberal democracy maligned by a theocratic tyranny.

It is time that Israel's harsher critics, politicians, and the media acquainted themselves with the physical and legal facts of this conflict. Their goals may be admirable, even if their motives are not; for which of us does not wish to minimize the deaths of innocents? But, sadly, they seem have taken precisely the wrong side of the moral argument.

Rather than help save innocent lives, they seem actually to relish putting Israel into the dock. They promote incessant rounds of boycotts, divestments and sanctions, mounted against Israel and no other nation. At the UN, they continually vote lopsided for sanctions against Israel and no other nation -- not Iran, Turkey, Saudi Arabia, Nigeria, Pakistan or the Sudan. They will, if they are successful, merely bring about another round of fighting, which will be followed by another round and so on, with thousands of civilians and soldiers dying in the process.

It is clear that these illustrious members of the International community are secretly hoping that if they can rig the system so the Arabs finish off Israel, they, the illustrious members of the international community, will still be able to preen and congratulate themselves that the obliteration of the Jewish state had nothing to do with *them*.

Israel is not mankind's enemy; it is not even an enemy of the Palestinian people. Hamas, on the other hand -- a brutal, internationally-recognized terrorist organization -- is the greatest threat to, first and foremost, Palestinians.

Western attempts to weaken Israel only serve to strengthen its enemies. Hamas is explicit in its 1988 [Charter](#) that its long-term goal is to commit genocide, not only of all Jews in Israel, but of all Jews everywhere. It could not be plainer. Cries that Israel deliberately commits war crimes just support this genocidal intent. That alone will encourage even wider genocides in Syria and Iraq, or massacres of Christian infidels in Europe -- something that has already started to happen in earnest. Is this what the anti-Israel marchers, the sloganeers and the NGOs really want?

Most people know and agree that Islamist groups such as al-Qaeda, the Islamic State [IS, Da'ish, ISIS], Hizbullah, or Hamas are considered terrorists *because* they do not abide by the terms of international or domestic law. That, as well as the acts they commit, is what identifies them as terrorists rather than "freedom fighters" or "militants." Like the German Red Cells or the Italian Red Brigades and other European terrorist bodies in the 1970s, a terrorist's job is to terrorize: they use terror to achieve their ends, and this comparison helps us place Hamas within that category. But there is a differentiating factor with the Islamist terror organizations, and that is that they do not recognize international law at all.

All the norms of the Geneva Conventions, UN resolutions, international treaties, the protection of refugees, all other things that govern military action and aspects of internationally accepted norms of law, they reject because they only recognize one legal system, namely Islamic shari'a law. And the aspect of shari'a law in all

the five law schools (four Sunni and one Shi'i) that applies to international relations, the fighting of war, and the making of truces and treaties, is the law of jihad. It has a special section in all books of general shari'a law.

A dependence on Islamic law frees Hamas and other such groups from any obligation to abide by international standards, which they demonize as "Western" or "Christian" and therefore "Satanic." When the Islamic State gives Christians or Yazidis a choice between conversion, payment of protection money (*jizya*), or death, they abide by the strict terms of jihad law as it has been practiced for fourteen centuries. When they kill without offering a subordinate status in return for the annual *jizya* payment, they breach Islamic law in the case of Christians, but not in the case of Yazidis (or Hindus or other "pagans"). Therefore, calling on Hamas to abide by recognized conventions is pointless.

To illustrate this, let us just examine three passages from Article 13 of the Hamas Charter^[2]:

"(1) Initiatives, and so-called peaceful solutions and international conferences, are in contradiction to the principles of the Islamic Resistance Movement. Abusing any part of Palestine is abuse directed against part of religion. Nationalism of the Islamic Resistance Movement is part of its religion.... (2) Now and then the call goes out for the convening of an international conference to look for ways of solving the (Palestinian) question. Some accept, others reject the idea, for this or other reason, with one stipulation or more for consent to convening the conference and participating in it. Knowing the parties constituting the conference, their past and present attitudes towards Moslem problems, the Islamic Resistance Movement does not consider these conferences capable of realizing the demands, restoring the rights or doing justice to the oppressed. These conferences are only ways of setting the infidels in the land of the Moslems as arbiters. When did the infidels do justice to the believers?.... (3) *There is no solution for the Palestinian question except through Jihad. Initiatives, proposals and international conferences are all a waste of time and vain endeavors.* The Palestinian people know better than to consent to having their future, rights and fate toyed with." (Italics added)

Hamas's statement of purpose reads: "Jihad is its path and death for the sake of Allah is the loftiest of its wishes." (Article 8).

It is inevitable that any movement, such as Hamas, that rejects peacemaking outright, and is outspokenly determined to bring about the abolition of a sovereign state and the genocide of its citizens, breaks every clause in every charter of international law. Thus, from the Introduction of the Hamas Charter: "Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it;" and from Article 7: "The Day of Judgement will not come about until Moslems fight the Jews and kill them (*hatta yuqatil al-*

muslimun al-yahud fa-yaqtuluhum al-muslimun[\[3\]](#)), when the Jew will hide behind stones and trees. The stones and trees will say O Moslems, O Abdullah, there is a Jew behind me, come and kill him".

It is this assumption of superiority to international legal norms, and complete indifference to their demands, that makes Hamas, like all other jihadi movements, such formidable enemies. Glorification of suicide also increases their alienation, not only from legal standards in warfare, but from the ethical standards of civilization. It is not only their own thirst to die that marks these extremists out, it is that they wish for the deaths of their own people, whether as suicide bombers or as casualties of a conflict started by Hamas itself.

The spokesman for Hamas in Gaza, Sami Abu Zuhri, said on July 13, 2014, in an [interview](#) on Al Aqsa TV (Hamas's TV network), "We aren't leading our people today to destruction. We are leading them to death."

Several basic elements should be taken into account:

- Israel has never initiated any of the conflicts in which it has been engaged. Not the 1948 war, when seven Arab armies from five countries invaded it. Not the 1967 Six-Day War, when Israel found itself surrounded by armies from Egypt, Syria and Jordan about to invade. Not in 1973, when a coalition of Arab states led by Egypt and Syria with Jordan again invaded Israeli territory and were fought off at great cost. Not the first Gaza war, the second Gaza war, or the 2014 conflict. All Israel's actions have been defensive, all Arab actions offensive. This has a serious bearing on the issue of which side has acted legally within the confines of international law. This is not a matter of opinion, but of history: of plain, verifiable fact.
- Since 2002, Hamas and Islamic Jihad have bombarded southern Israeli towns and villages with rockets and mortar fire. Over the years, those rockets have become larger and more accurate, with supplies of advanced rockets from Syria and Iran. Over 15,000 missiles have struck Israel during that period. During 2014, strikes were made across most of Israel, including Tel Aviv and Jerusalem. All of these attacks have been offensive and indiscriminate.
- Israel has taken the defense of its citizens seriously, providing them with bomb shelters, ordering all houses to be equipped with secure rooms, creating an extensive alarm system to warn of incoming rockets, and building the very effective Iron Dome missile defense system. This has meant that Israeli casualties have been few, while defensive measures have never hurt a single Palestinian. Israel's defensive measures have also protected its own Arab population, which has a direct bearing on the spurious claims of "disproportion" in fighting.
- Hamas provided absolutely no defenses for its civilian population. There are no bomb shelters, no secure rooms, no alarm systems, and no anti-missile installations in the Gaza Strip. On the contrary,

Hamas has spent billions of dollars of aid money to supply itself with a vast array of rockets, only used in offensive attacks, as well as on underground tunnels designed to import weapons, to protect the Hamas military forces, and to serve as conduits for attacks on Israel civilians during Gaza-Israel cross-border kidnapping and murder attacks. (The tunnels are now being used to allow Hamas to launch attacks into Egypt's Sinai Peninsula, and it is thought that Hizbullah is digging similar tunnels into Israeli territory in the north.)

- Hamas has, as mentioned, fired thousands of rockets onto Israeli civilian centers, including several thousand before and after the latest conflict. Its firing has been indiscriminate and has impacted on civilian areas only. This is a war crime, as indicated in [paragraphs 4-5b](#) of Protocol I of the Geneva Conventions.



Hamas [boasted](#) that Palestinian civilians were killed while Hamas's terrorists remained alive, hiding in their underground bunkers and tunnels. (Image source: Hamas video screenshot)

As stated by several sources, including the official UN report published in August 2009, deliberate and systematic targeting of civilians and civilian objects in southern Israel since 2001 by Palestinian armed groups' rocket attacks violates International Humanitarian Law and amounts to a war crime. The Israeli Intelligence and Terrorism Information Center [ITIC] notes that such attacks contravene the Principle of Distinction, as encapsulated by [Article 48](#) of Additional Protocol I to the Geneva Conventions of 1949.

Former Canadian justice minister and McGill University law professor Irwin Cotler and ITIC both point out that a violation of this prohibition also amounts to a war crime as defined in the [Article 8\(2\)\(b\)\(i\)](#), p. 9 of the Rome Statute of the International Criminal Court.

With respect to Palestinian terrorist acts and the discovery of armed Hamas operatives entering Israeli civilian areas through tunnels, it is also worth noting that this is also a war crime according to [Article 8\(2\)\(g\)](#) of the same Statute.

Human Rights Watch and the pro-Palestinian Israeli rights group B'Tselem have both issued reports stating that, even had the above attacks been directed at a specific military objective, they would still be unlawful, since the types of rockets used by Palestinian armed groups are imprecise and cannot be directed in a way that discriminates between military targets and civilians. A Human Rights Watch report, "[Rockets from Gaza](#)," on the 2008-2009 Gaza war (but no less true last year), stated that, "Palestinian armed groups unnecessarily placed Palestinian civilians at risk from retaliatory attacks by firing rockets from densely populated areas. Additionally, reports by news media and a nongovernmental organization indicate that in some cases, Palestinian armed groups intentionally hid behind civilians to unlawfully use them as shields to deter Israeli counter-attacks."

The use of human shields

There is overwhelming evidence that Hamas used human shields in various ways. Children have been used to protect fighters, who physically hold them. Numbers of civilians have been ordered into buildings containing military emplacements, against which Israeli attacks are likely or planned. More broadly, there is evidence that Hamas military structures, rocket launch pads, and command centers have been situated directly in or next to civilian dwellings, hospitals, mosques, and schools. This is historically a deliberate Hamas policy, as is clear from a 2008 video of a [speech](#) by Fathi Hammad, the Hamas Interior Minister:

"The enemies of God do not know that the Palestinian people have developed their methods of death and death-seeking. For the Palestinian people, death has become an industry, at which women excel, as do all the people living in this land. The elderly excel at this, and so do the *mujahidin* [i.e. the jihad fighters] and the children. This is why they have formed human shields [*duruq bashariyya*] of the women, the children, the elderly, and the *mujahidin*, in order to challenge the Zionist bombing machine. It is as if they were saying to the Zionist enemy: 'We desire death, just as you desire life.'"

How does Hamas's use of human shields potentially play out in legal terms? According to the conclusions reached during and after the 2008-09 Gaza War, in which Hamas used tactics similar or identical to those it has used in 2014, the BBC [reported](#) on January 5, 2009 that "Witnesses and analysts confirm that Hamas fires rockets from within populated civilian areas." Amnesty International, which now condemns Israeli "war crimes," earlier [assessed](#) that Hamas fighters put civilians in danger by firing from homes. UN Humanitarian Affairs Chief John Holmes accused Hamas of war crimes, [saying](#) "The reckless and cynical use of civilian installations by Hamas, and the indiscriminate firing of rockets against civilian populations, are clear violations of international humanitarian law."

In the course of the fighting in Gaza in 2008 and 2009, purported evidences of Hamas's exploitation of civilian infrastructure were recorded in reports from the Israeli Intelligence and Terrorism Information Center: "[Civilians as Human Shields](#)", "[Evidence of the Use of the Civilian Population as Human Shields](#)", "[Using civilians as humans shields](#)."

A study by the Washington-based Center for Strategic and International Studies [CSIS] suggests that Hamas must share responsibility for the effects on Gaza's civilian population, as it seems to have relied on the population density of Gaza both to deter Israeli attacks and as a defense against Israeli offensives. Irwin Cotler has said that attacks from within civilian areas and civilian structures -- such as apartment buildings, mosques or hospitals -- in order to be immune from a response, are unlawful. [He argues](#) that in these cases, Hamas bears legal responsibility for the harm to civilians, as enshrined in general principles of International Humanitarian Law.

ITIC accused Hamas of making systematic use of protected civilian areas (including homes and mosques) for hiding and storing rockets, explosives and ammunition; the use of civilian facilities (such as universities) for developing weapons, and calling on Palestinians to flock to targets expected to be attacked in order to form human shields. Such conduct contravenes the Laws of Armed Conflict, and some of the practices above amount to a war crime under, for example, [Art. 8\(2\)\(b\)\(xxiii\)](#) of the Rome Statute of the International Criminal Court.'

It is obligatory, under international law, to distinguish between military and civilians. This is a major theme in international law protocols. [Article 51](#) of the protocol additional to the 1949 Geneva Conventions makes this clear.

That human shields are used by Hamas is self-evident from detailed maps, which show how totally embedded Hamas military forces were within the public and private buildings across the Strip, but mainly in Gaza City,

where entire neighborhoods are as much military bases as residential sectors. This is also illustrated in a report released by the Israel Defense Forces [IDF] Military-Strategic Information Section on August 9, 2014, under the title " [Hamas War Tactics: Attacks from Civilian Centers.](#)"

That document provides a table showing, among other things, that Hamas fired rockets from 31 UN facilities, 41 hospitals, 50 children's playgrounds, 85 medical clinics, 248 schools, 331 mosques, and 818 other civilian sites. On the next page, we read that, "Hamas uses UN facilities, schools, children's playgrounds, water towers, mosques and countless other active civilian facilities as launching sites for rockets and attacks. In this operation alone, Hamas has launched above 1,600 rockets from civilian sites."

The report continues:

"Additionally, Hamas purposefully engages IDF troops in conflict in urban areas. For example, in Shuja'iyya and in Jebaliyya, IDF troops have come under intense attack by terrorists in highly populated areas, and have been forced to defend themselves.

"Hamas also uses civilian infrastructures for other military purposes, and places weapon caches and C2 [command and control] centers in civilian places. Hamas's tactic serves two purposes. Firstly, because the IDF responds to attacks with acute concern for innocent lives, attacking from these sites gives Hamas a major strategic advantage. Secondly, any civilian casualties that are incurred from these attacks are used to create international pressure against Israel, even though it is ultimately Hamas that is to blame for these deaths.

"Such tactics flagrantly violate international law and the most basic of moral precepts."

The report provides links to videos showing Hamas firing from civilian areas, placing civilians in the line of fire, and admitting that they do this. It shows detailed aerial reconnaissance maps, which provide overwhelming evidence of the extent of launching sites in Gaza north, central, and south. Further maps and videos show launches from educational facilities, from UN and Red Cross facilities, from mosques, from power plants, hospitals and hotels, with the maps delineating rocket trajectories towards Israeli towns and villages.

A detailed map of Gaza City's Shuja'iyya district shows the area peppered with terrorist locations of every size. In the [accompanying text](#), we read:

"The UN recently published a map that marks areas of Shuja'iyya damaged during IDF strikes. A comparison of the two maps clearly demonstrates that the areas targeted by the IDF are the same areas that the UN marked as

damaged. The conclusion: the IDF distinguishes between structures used for terror purposes and structures used only for civilian purposes."

A few things emerge from the above statements. First, Hamas has done its level best to avoid distinguishing its fighters from the civilian population. Not only do they hide among that population, they do not wear distinctive uniforms; and as often as not, they play dual roles as fighters and civilians. This makes it difficult if not impossible for the IDF to make that essential distinction. Second, it is legitimate to attack embedded military sites. And third, such attacks on undistinguished sites are subject to the condition that injuries and damage to civilians and their property should be proportionate to the damage that could be inflicted by the targeted site.

The prohibition of using human shields is contained in countless military manuals. Using human shields constitutes a criminal offence under [the legislation of many states](#). This practice includes that of states not necessarily a party to Additional Protocol I or to the [Statute of the International Criminal Court](#).

Many say the casualties from last year's fighting in Gaza were disproportionate because some 2,100 Gazans died in the conflict, as opposed to 66 Israeli soldiers and a mere 5 civilians. But this apparent disproportion is simplistic as well as incorrect. Gatestone author Shoshana Bryen has written in some detail about the [principle of proportionality](#) in international law. She argues that "Proportionality in international law is not about equality of death or civilian suffering, or even about firepower returned being equal in sophistication or lethality to firepower received. Proportionality weighs the military necessity of an action against the suffering that the action might cause to enemy civilians in the vicinity."

The claim that Israel's response to Hamas attacks was disproportionate also ignores that 50% or more of the Gazan casualties have been among men of fighting age -- a statistic detailed in several places. Both the BBC and the *New York Times*, neither remotely friendly to the Israeli narrative, have pointed out the enormous discrepancies in the figures provided. "If the Israeli attacks have been 'indiscriminate,' as the UN Human Rights Council says, it is hard to work out why they have killed so many more civilian men than women," the BBC's Anthony Reuben wrote in "[Caution needed with Gaza casualty figures](#)."

The New York Times reached much the same conclusion. Jodi Rudoren describes the issue in "[Civilian or not? New Fight in Tallying the Dead From the Gaza Conflict](#)," where the names of 1,431 casualties were reviewed. The report showed that "the population most likely to be militants, men ages 20 to 29, is also the most over-represented in the death toll. They are 9% of Gaza's 1.7 million residents, but 34% of those killed whose ages

were provided." Women and children form 71% of the population yet a mere 33% of casualties. That is also a discrepancy.

Anthony Reuben of the [BBC](#) quoted IDF Spokesman Capt Eytan Buchman, who said that "the UN numbers being reported are, by and by large, based on the Gaza health ministry, a Hamas-run organisation." Buchman added that we should keep in mind that "when militants are brought to hospitals, they are brought in civilian clothing, obscuring terrorist affiliations," and that "Hamas also has given local residents directives to obscure militant identities."

As no independent investigations were carried out in Gaza during the last war, and as Fatah, Hamas and other groups have a long-standing history of falsifying figures and filming fake scenes of carnage, it is highly likely that the true civilian casualty figures will prove to be much lower than claimed.

The sense of a discrepancy in the number of casualties dwindles to almost nothing when we consider the contrast, already noted, between Israeli defensive measures to save lives, compared to Hamas's use of civilians as human shields. It should also be noted that claims that Gazan civilians were killed and injured because they had nowhere to run to are simply laughable: there are vast open areas in the Strip in which Hamas fighters might have placed military infrastructure or to which they might have directed civilians in the event of war (since it was Hamas that started the war in the first place). Gatestone author Alan Dershowitz has demonstrated in detail that [Gaza's population density](#) is not a source of vulnerability for its civilian population.

It is also highly irresponsible to speak of Israeli attacks as "indiscriminate." No army in history has fought with as great a concern to avoid civilian casualties, as has the IDF. It is Israeli policy to warn civilians of impending attacks by dropping thousands of leaflets, making telephone calls, sending text messages, and even dropping projectiles called "knocks on the roof" to give residents advanced warnings to evacuate the premises. This alone makes Amnesty International's accusation of "callous indifference" to civilian deaths utterly indefensible. Giving advance warning of attacks is disadvantageous for the Israeli Air Force in two ways: it warns Hamas fighters and rocket-launching teams that they have been spotted and designated as targets, and it allows Hamas to order civilians to remain in buildings or go onto flat roofs to dissuade Israelis from firing. This policy of warning civilians of a coming attack is stated clearly in [Israel's Manual on the Rules of Warfare](#) (2006).^[4]

When Hamas fighters fire from near or inside a school, mosque or hospital, and civilians are killed in the return fire, Hamas benefits by parading dead civilians, dead children (and dead fighters dressed as civilians) before the eyes of the world media.

Those who condemn Israeli actions in war should first read this useful [article](#) which argues that every IDF officer receives detailed and ongoing training in international law relating to combat; that the IDF has a website devoted to international law issues; that there is a legal expert in every IDF division; that Israeli assaults are either called off or adapted to avoid illegal action; that every single shell shot by Israeli artillery or the air force was thought about in advance, and that targets were vetted in advance, after being visually identified by one or more of the technical layers of "eyes" the IDF had over Gaza -- satellites, drones, and radar.

Israel, more than any other nation, doubtless understands the need to stay on the right side of the law and knows that the eyes of the world are on it, while Hamas sneers at the Geneva conventions and seems to disregard international law in every way. That disparity leads one to ask why the world condemns Israel yet gives Hamas billions of dollars to build more missiles and tunnels.

To speak of "indiscriminate" attacks by Israel mocks understanding that Israel's military equipment is second to none with regard to its technological sophistication. Given Israel's international reputation as one of the most [technically advanced countries](#) in the world, this hardly surprising. We can expect an Israeli aircraft to hit its target with precision. As every civilian casualty is detrimental to Israel's standing in the world, it makes no sense at all for such a technically savvy country to fire indiscriminately on civilians -- a move that would only help Hamas to win the war through media coverage alone.

If that is so, some may ask, why did Israeli attacks kill so many civilians? The answer is simple: first, as discussed, many civilian deaths may not even have been civilian deaths, as in previous conflicts. Second, the primary cause of many of those deaths may have been Hamas's use of human shields, and the proximity of firing sites, command centers and munitions stockpiles to every sort of civilian location. Casualties did not come from an irresponsible and self-defeating lack of discrimination or incompetence on Israel's part.

Going forward

It seems that half the world supports demands for Israel to lift its entirely legal weapons and dual-use materials blockade of Gaza, so that Hamas can get down to seriously importing long-range missiles from Iran and its other allies, as well as large quantities of cement to build more terror tunnels. In a recent [interview](#) between a Reuters reporter and a Hamas leader, the Hamas official stated openly that "the group would press on with restocking its arsenal or [sic] rockets and other weaponry and shoring up its underground network. In peace we make preparations, and in war we use what we have readied."

Calls for an end to the blockade (which does not block the import of genuine humanitarian goods at all) amounts to a policy of arming terrorists. Hamas has already diverted billions of dollars of aid money to build concrete-lined tunnels and purchase missiles and other arms, leaving ordinary Gazans without the basic necessities of life, while the Hamas elite drives expensive cars, shops at a mall selling designer goods, and builds luxury apartments.

After the premature end Operation Protective Edge, the international community promised to pour in more billions to rebuild Gaza. If there is no blockade, those billions will build another arsenal, and with that arsenal, Hamas will start another war in which even more Gazans and Israelis will die or fall injured.

The simple solution to this is peace -- which Israel has always asked for. But Hamas, as stated in its Charter, rejects peace out of hand and for all time. What is needed is a government in power in Gaza that cares about the well-being of all its citizens, and that might see permanent peace with its neighbours as the right way forward for everyone.

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Appendix IV: Ostroff's Memorandum to the United Nations

1

Memorandum

To members of the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict, Professor William Schabas, Justice Mary McGowan Davis and Dr. Doudou Diène

By email to coigaza@ohchr.org January 19, 2015

From Maurice Ostroff 5, Asher Barash Street, Herzliya, Israel Tel. +972 9 9595261 Email: mostroff2015@gmail.com

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The writer gratefully acknowledges the following sources for English translations from Arabic media:

Palestinian Media Watch (PMW) <http://www.palwatch.org/pages/aboutus.aspx> and The Middle East Media Research Institute (MEMRI) <http://www.memri.org/middle-east-media-research-institute.html>

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INTRODUCTION

This memorandum is submitted in response to your call for submissions by individuals and on the assumption that articles 10 and 11 of The Universal Declaration of Human rights apply equally to states as well as to individuals. Article 10 states that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal and article 11 states that everyone has the right to be presumed innocent until proved guilty.

The words "full equality" above are emphasized because they relate to a statement by Professor Schabas in an August 15, 2014 article in the Forward that the most common complaint he hears is

why the UN is singling out Israel, while human rights are violated in so many other countries and that he agrees that these claims have some merit. He says

“One of the great problems of the U.N. human rights system is double standards, and there are double standards throughout the system because of the politics of the human rights council.”

Former Canadian Justice Minister Irwin Cotler has said

“The singling out for discriminatory indictment of one state undermines the whole UN system.. The UN has been the stage annually of at least 22 resolutions condemning Israel—more than the total number of resolutions against all other states put together.”

As Professor Schabas ascribes the bias to the political agendas of the countries making up the council and describes it as “regrettable” I am confident he will avoid such bias. He said his views should not disqualify him from conducting an objective investigation and to his credit he says that he intends to park his opinions at the door.

This memorandum is therefore submitted in the belief that all members of the commission will avoid the acknowledged pernicious double standard against Israel and will measure Israel's defensive actions in exactly the same manner as they judge actions by NATO and Western countries taking into account that Israel has for long suffered terrorist threats similar to those currently being experienced in Europe.

It is regrettable that the hearings are not available by video on the internet and that the submissions from the public will not be made similarly available as was done during the Goldstone mission proceedings. After all “justice should not only be done, but should manifestly and undoubtedly be seen to be done.”

I am also influenced by a remark by Professor Schabas in an interview with CNN during which he was quoted as saying that comments previously made by him must be appreciated in their CONTEXT. The data that I submit herein is intended to provide the CONTEXT in which the events that you are investigating have taken place. There can be no doubt that the evidence you will hear and that you have heard cannot be intelligently evaluated unless their CONTEXT is carefully studied and fully understood

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1. THE CASUS BELLI and PROTECTIVE EDGE IN CONTEXT The often made claim that Israel attacked Gaza as a matter of choice is patently false. Operation Protective Edge, began after continual and relentless rocket attacks on Israeli cities. To quote President Obama

".. no country would tolerate rockets being launched into their cities. As a consequence, I have consistently supported Israel's right to defend itself, and that includes doing what it needs to do to prevent rockets from landing on population centers and, more recently, as we learned, preventing tunnels from being dug under their territory that can be used to launch terrorist attacks..I also think it is important to remember that Hamas acts extraordinarily irresponsibly when it is deliberately siting rocket launchers in population centers, putting populations at risk because of that particular military strategy," Press Trust of India on August 7, 2014

It is common knowledge that Israel has been continuously subjected to the threat of military as well as terror attacks since day one. Until the defensive barrier was built, Israel suffered more than 150 suicide-bombing attacks averaging one every two months followed by innumerable rocket attacks.

Since 2001 more than 15,200 rockets and mortars landed in Israel giving men women, children and the elderly between 15 and 60 seconds to find shelter (depending on locality).

There can be no doubt that Israel had no alternative but to take military action in order to defend its citizens from these unprovoked attacks.

According to a Human Rights Watch report of August 6, 2009

" Hamas and other Palestinian armed groups have sought to justify the attacks as appropriate reprisals for Israeli military operations and the ongoing blockade against Gaza, and as a lawful response to the Israeli occupation of Gaza. As noted below, international humanitarian law (the "laws of war") does not support these asserted justifications."

The claim that the blockade of Gaza justifies the Hamas rockets is dealt with in some detail in part 5 of this paper.

Protective Edge Contrary to conventional wisdom these missiles are not toys as is evident from the picture below of a burning factory in Sderot that was hit by a rocket from Gaza on June 28, 2014 (Photo by Natan Flayer [CC BY-SA 3.0]¹

1 (<http://creativecommons.org/licenses/by-sa/3.0>)],

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Nor are the missiles confined to a short range as evident from those that reached Tel Aviv and Jerusalem. Of the thousands of rockets fired at Israel during the 50 days of Operation Protective Edge several thousand landed in Israel, hundreds were intercepted by the Iron Dome and many fell short, landing in Gaza and causing local casualties. One hit the Shifa hospital and another landed near a school. Consequently account must be taken of these self-inflicted casualties.

Indiscriminate rocket fire on civilians

No less than the PA envoy to the UNHRC, Ibrahim Khreisheh, has said Palestinian terrorist groups are far worse violators of international law than Israel.² Contrasting the fact that Israeli forces always warned civilians before launching airstrikes to the actions of Hamas and other armed groups, he said

"The missiles that are now being launched against Israel - each and every missile constitutes a crime against humanity, whether it hits or misses, because it is directed at civilian targets."

Firing from heavily populated areas into populated areas (a double war crime)

2 <https://www.youtube.com/watch?v=DjzS27yICZ8>

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As clearly shown in the photos Hamas deliberately fired rockets from densely populated areas into heavily populated civilian areas including schools, kindergartens and hospitals.

On August 5, Indian TV station NDTV presented a remarkable video³ report by one of the most balanced commentators on the air, Sreenivasan Jain. He filmed the preparation of a rocket firing platform right outside his hotel window in a densely populated area. Jain explained that it was published after the team left Gaza as Hamas has not taken kindly to reporting of rockets being fired adding

“just as we reported the devastating consequences of Israel’s offensive on Gaza’s civilians, it is equally important to report on how Hamas places those very civilians at risk by firing rockets deep from the heart of civilian zones”

Gaza's open areas

Apologists for this admitted launching of missiles from heavily populated areas claim that Hamas had no choice because they say Gaza is the most densely populated area in the world and that there are no open areas in Gaza. These claims are also blatantly false. Compared with Gaza's 4,506 persons per square kilometer Monaco has 36,356, Singapore 7,751 and London 5,100 (Source: Global Health Facts)

According to the CIA World Factbook, Gaza has 29% or

3 https://www.youtube.com/watch?v=A_fP6mlNSK8#t=30

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104.4 square km of arable land in addition to agricultural and vacant land as can be clearly seen in the picture of farm land and the Google satellite picture.

Despite the hostilities and despite the fact that the Kerem Shalom crossing was targeted by mortars and rockets throughout the war, 959 tons of medicine and medical supplies and 5,359 trucks carrying goods were supplied from Israel through the crossing as reported by the Office of the Coordinator of Government Activities in the Territories (COGAT). The targets struck by the IDF included 1,814 linked to rocket firing, 109 weapons depots, 85 weapon-making facilities and 312 houses that served military purposes as command and control centers or from which missiles were fired. NATO too, obviously regards a house used for a military purpose as a legitimate target as is evident from the HRW report, mentioned elsewhere in this document, about a NATO laser-guided missile that killed five members of the Jfara family including a nineyear-old girl in a house that was used as a “major command and control node”.

In addition, as mentioned by President Obama above, the destruction of Hamas attack tunnels was a central goal of the operation.

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2. INCITEMENT IN OFFICIAL MEDIA, MOSQUES AND SCHOOLS

I understand that as an inchoate crime, even if genocide does not actually result, incitement is nevertheless a crime in terms of article 25 (3) of the Rome Statute of the ICC, that falls under your mandate and I therefore offer the following observations which I trust you will find helpful.

Indoctrination of children It is heart breaking to see children being indoctrinated to hate the infidel, especially Jews whom they are taught to believe are descended from apes and pigs⁴. How can anyone who has been taught to hate from the age of three, as this beautiful child, Basmalla, even contemplate living in peaceful coexistence with neighbors they are taught to hate and despise?

□ On January 29, 2013 on official PA TV Dr. Jihad Al-Batsh, Vice President of Al-Quds University in Gaza said that President Yasser Arafat used to call young children ‘the important ammunition, R.P.G. kids’ (i.e., rocket projected grenade) and the ‘rock[-throwing] generals.’ □ On May 14,

2014 a young boy recites: "Zion is Satan with a tail" on official PA Authority TV, □ On Hamas Al-Aqsa TV May 2, 2014 TV a giant, cuddly bee teaches children to "shoot Jews" and "smash them" □ On April 9, 2014 a Prisoner's son sings on PA TV: "Dad gave me a rifle and a machine gun as a gift... Defeat America and Israel" □ On March 22, 2013 a girl recites "Jews are Allah's enemies, the sons of pigs" on official PA TV.

4

<https://www.youtube.com/watch?v=4QSCaeuLIVY&feature=youtu.be>

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The current mufti of Jerusalem on official PA TV Muhammad Hussein, the Mufti of Jerusalem, the PA's highest religious authority is appointed by PA Chairman Mahmoud Abbas. On official PA TV on January 9, 2012 the moderator set the tone by declaring: "Our war with the descendants of the apes and pigs (i.e., Jews) is a war of religion. The mufti's contribution confirmed that the destiny of Muslims is to kill Jews. "The Hour [of Resurrection] will not come until you fight the Jews. The Jew will hide behind stones or trees. Then the stones or trees will call: 'Oh Muslim, servant of Allah, there is a Jew behind me, come and kill him.'"

EVEN PRESIDENT ABBAS IS GUILTY OF INCITEMENT PA Chairman Mahmoud Abbas personally incites to genocide by publicly praising murderers of unarmed civilians including babes and children and by naming

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schools, streets, sporting events, summer camps and ceremonies after terrorists.

By emulating them male recruits are not only assured of the heavenly 72 virgins if killed in the action, they achieve glory. And since Israel does not exact the death penalty (unlike the PA and Hamas) if they are jailed, their dependants will be looked after by receiving monthly payments that can amount to approximately seven times the minimum wage in the PA. The sliding scale encourages the more serious crimes. Longer prison sentences enjoy higher salaries; \$400 per month for sentences up to three years, \$560 between three and five years, \$1,690 for 10 to 15 years and almost \$2,000 per month for sentences between 15 and 20 years.

On March 3, 2009 Ma'an reported that members of the PLO were rewarded by President Abbas who directed that an extra \$190 be added to their stipends that month adding that each PLO-affiliated prisoner receives 1,000 shekels per month, plus an extra 300 shekels if they are married, and an extra 50 shekels for each child.

Included among the terrorists Abbas named as heroes to be emulated in a speech commemorating the 47th year since the foundation of Fatah are: □ Haj Muhammad Amin Al-Husseini, Grand Mufti of Jerusalem during the British Mandate who met with Hitler and actively cooperated with him during WW2 including the recruitment of Muslims for the Nazi army. □ George Habas founder of the terror group Popular Front for the Liberation of Palestine (PLFP) which has taken credit for many terrorist attacks. □ Abu Jihad (Khalil Al-Waziir) who planned many deadly terror attacks including the hijacking of a bus and killing 37 civilians, 12 of them children. □ Ahmed Yassin founder of the terrorist organization Hamas who was responsible for the cold-blooded murder of hundreds of Israeli civilians.

In March 2013 President Abbas sent his Secretary General, Tayeb Abd Al-Rahim to represent him in honoring the murderer Issa Abd Rabbo in his parents' home. Rabbo had killed two uninvolved hikers and on stage at a show that same week, the mother said: " When he had carried out the killing of the two Israelis, he brought his weapon and came to me.. Praise Allah, I am proud. I wish I had another 10 like him. I have no regrets. [PA TV (Fatah), June, 4, 2012]

Monuments to terrorists As Itamar Marcus of PMW writes in his document "From Terrorists to Role Models: The Palestinian Authority's Institutionalization of Incitement" 5 "Attaching the name of a terrorist to schools, streets and sports stadiums has a lasting and reinforcing effect on Palestinian society, because the message supporting murder is continuous. The Yahya Ayyash Street, a main street in Ramallah is used by hundreds daily who receive the message that the terror which targeted and killed more than 1,000 Israeli civilians is worthy of honor. Marcus lists 20 schools and more than 20 other permanent structures named after terrorists in the Palestinian Authority, as reported in the Palestinian media.

5

<http://palwatch.org/STORAGE/special%20reports/PA%20honors%20terrorists%20Final%20Eng.pdf>

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3. CIVILIAN CASUALTIES and PROPORTIONALITY

It is not claimed that because NATO or others perform certain actions Israel is entitled to do the same. Rather the intent is to show that even with the noblest intentions collateral damage is unavoidable in a war. And it is only in this CONTEXT that Israel's actions including human errors can be judged

According to an HRW report dated August 6, 2009 "Violations of the laws of war are not measured in the number of civilian casualties, but whether each side is taking all feasible precautions to minimize civilian loss."

Is NATO to be impugned because it suffered zero casualties compared with the thousands of combatants and civilians killed by its forces in Kosovo and Libya? Of course not.

Is Israel condemned because it suffered fewer casualties than the Palestinians? Unfortunately yes even though Israel's provision of shelters for its population and developing the Iron Dome minimized the number of casualties it suffered.

Without the above defensive measures the Israeli casualty list would have been much higher than the death of 66 soldiers, 6 civilians (including one child and one Thai civilian) and the wounding of 469 soldiers and 261 Israeli civilians as well as 581 who were treated for shock and nine people killed in three terrorist attacks in Israel.

By contrast Hamas VIPs took refuge in the huge complex of tunnels but did not allow ordinary Gazans to do so. Had they allowed, let alone encouraged, the use of tunnels as shelters the Palestinian casualty figure would of course have been very much lower particularly in view of the advance warnings the IDF gave of pending attacks by telephone, SMS and knocking on roofs. The often made claims that there was no place to which residents could take refuge ignore the practical availability of using the tunnels for this purpose as was done in London during the "blitz" and shown in the photo.

Reliability of statistics from Gaza The UN NGO Protection Cluster framework that operated during the 2014 Gaza conflict is the main source of information on which the UN relies. UN GA document A/HRC/27/NGO/86 dated 28 August 2014 (reproduced in full in appendix A) contained a written statement submitted by the Amuta for NGO Responsibility from which the following has been extracted.

"The details regarding civilian casualties, including the questions of military necessity and proportionality in complex urban environments such as Gaza, are central to judgments regarding potential human rights violations and international legal requirements related to LOAC and IHL. In this context, OCHA's statements and statistics are frequently cited as authoritative in media

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accounts and by policy makers, including UN officials such as the Secretary General. As a result, major errors in these publications have significant consequences.

Within this framework, a number of NGOs were designated by OCHA to provide data on civilian casualties in Gaza. These NGOs include B'Tselem (based in Israel), Al-Mezan Center for Human Rights (based in Gaza), and the Palestinian Center for Human Rights (PCHR — also based in Gaza).

"..the NGOs in OCHA's "Protection Cluster" as well as OCHA itself are largely dependent on the Palestinian Ministry of Health in Gaza, which is under the control of Hamas. As a result, any claims to independent analysis are highly problematic."

It is well known that many miscarriages of justice have been recorded due to the type of eye-witness testimony on which these organizations rely. In 2011 the New Jersey Supreme Court issued new rules because of a "troubling lack of reliability in eyewitness identifications and the court's chief justice wrote a 134-page decision that the test for reliability of eyewitness testimony as set out by the US Supreme Court should be revised.

In a paper "The reliability of eyewitness reports: the effect of accurate and inaccurate information on memory and bias" Jennifer B. Scheer wrote "A considerable amount of research has established that exposure to leading or misleading suggestions can dramatically influence the accuracy of eyewitness reports. http://groups.colgate.edu/cjs/student_papers/2002/JScheer.pdf

B'Tselem, one of the main contributors of "evidence", not only relies on post-facto eye-witness accounts, it states that it submits mainly "evidence" gained from telephone conversations. The following statement appears on its web site. "With the current military campaign ongoing, B'Tselem is taking testimony from Gaza residents, mainly by telephone."

I am confident that your commission will pay the most serious attention to these defects in the methodology used in gathering the evidence presented to you. Moreover, in relying on testimony taken mainly by telephone, B'Tselem purports to be able to distinguish not only between combatants and civilians but also between attacks carried out by state agents and attacks carried out by independent organizations notwithstanding the extraordinarily complex situation in the West Bank and Gaza. B'Tselem openly declares its bias by stating "As a rule, Palestinians in the West Bank and the Gaza Strip are classified as civilians, in part because Palestinian combat there is not carried out by an organized army of a sovereign state." The absurdity of this attitude is plain. It would confer PROTECTED civilian status to the January attackers of Charlie Hebdo magazine in Paris.

In the faulty information given by B'Tselem to the Goldstone mission only persons who were participating directly in hostilities at the time they were killed were

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regarded as combatants. Having been criticized for this inadequate definition,⁶ in May 2012 B'Tselem decided to stop addressing the question of participation in combat, with respect to Palestinians killed in the West Bank and decided that, with regard to all Palestinians killed since the end of Operation Cast Lead, the notion of "participation in hostilities" will no longer be addressed; instead, a short factual description of the circumstances of the death will be provided.

However, since Operation Cast Lead, which began in December 2008, B'Tselem has based its determination on the new approach of the International Committee of the Red Cross regarding the direct participation of civilians in hostilities. In the new definition B'Tselem exempts from classification as combatants persons who continuously accompany or support an organized armed group but whose function does not involve direct participation in hostilities including trainers who contribute to the general war effort as long as they do not directly participate in hostilities. They are not regarded as legitimate objects of attack. By B'Tselem's standards a householder who permits Hamas to carry out operations from his house or to create an entrance to a tunnel in the house is not a legitimate target.

B'Tselem confirms its bias by stating

"Wherever there is a doubt regarding the actions of a person, the doubt works in the individual's favor, and it is forbidden to target the person for attack."

Sadly, many otherwise intelligent people are unable to put aside preconceived beliefs even when faced with irrefutable facts. This phenomenon of persevering with established opinions is not uncommon. In a paper published in "Psychological Science in the Public Interest" Stephan Lewandowsky, a psychologist at the University of Western Australia says "You have to be careful when you correct misinformation that you don't inadvertently strengthen it..If the issues go to the heart of people's deeply held world views, they become more entrenched in their opinions if you try to update their thinking."

That it is impossible to avoid civilian casualties, especially in the Gaza situation, is borne out by a study published in the June 2014 issue of the American Journal of Public Health in which the several authors state: "During the 20th century, 190 million deaths could be directly and indirectly related to war — more than in the previous 4 centuries..The proportion of civilian deaths and the methods for classifying deaths as civilian are debated, but civilian war deaths constitute 85% to 90% of casualties caused by war, with about 10 civilians dying for every combatant killed in battle".

And with regard to proportionality, the principle is codified in Protocol I, Art. 51 (Protection of the civilian population), section 5. By way of example an attack is considered as indiscriminate if it may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which

⁶ http://www.maurice-ostroff.org/?page_id=1303

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would be excessive in relation to the concrete and direct military advantage anticipated. The all important question is who is capable of judging the subjective "Excessive in relation to the concrete and direct military advantage anticipated". And who can estimate with any degree of certainty the anticipated military advantage especially when the decision must be made immediately in the fog of war?

However the ICRC Commentary on the Additional Protocols, p. 626, para. 1980 states:

"The idea has also been put forward that even if they are very high, civilian losses and damages may be justified if the military advantage at stake is of great importance".

The experiences of NATO demonstrate unequivocally that despite the best intentions and laudable precautions it is impossible to avoid serious civilian damage even in the most justifiable war.

A May 16, 2012 Time article titled "How Many Innocent Civilians Did NATO Kill in Libya?" acknowledges that NATO took significant measures to limit civilian casualties in Libya. Yet, despite these precautions a Human Rights Watch (HRW) report titled "Unacknowledged Deaths" details eight specific incidents where at least 72 Libyan civilians died as the result of NATO's bombing campaign. A third of the victims were children under 18. HRW researchers found the remnants of a laserguided missile in the ruins of the Jfara family compound, where five members of the family, including a nine-year-old girl, were killed when bombs fell on Aug. 30. NATO claims it struck a "major command and control node" used by Gaddafi's forces.

And in Kosovo too, according to a HRW report, minimizing civilian casualties was a declared NATO concern. Targets were looked at in terms of their military significance in relation to the collateral damage or the unintended consequences that might be there. General Shelton said on April 14. "every precaution is made...so that collateral damage is avoided" and according to Lt. Gen. Michael Short, "collateral damage drove us to an extraordinary degree. General Clark committed hours of his day dealing with the allies on issues of collateral damage."

Nevertheless it was reported that thousands of civilians were killed and more than 6,000 seriously injured with children making up 30% of all casualties as well as 40% of the total number injured. In addition, approximately 300,000 children suffered severe psychological traumas and will require continued medical treatment.

Significantly, the legitimate targets included military-industrial infrastructure, news media, and other targets considered to be of a strategic nature. More than 1,000 combat aircraft and 206 helicopters were engaged in over 35,000 combat missions in which more than 20,000 guided weapons were launched and over 79,000 tons of explosives were dropped, including 35,450 cluster bombs, thermo-visual and graphite bombs.

On May 20, 1999 NATO directly hit the "Dragisa Misovic" hospital completely destroying the neurological ward, the gynecological ward and the children's ward for

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lung diseases. NATO admitted that one of the laser-guided bombs overshot its target by about 1,500 feet.

The Chinese Embassy Building was hit by mistake. Half of the building was destroyed, four Chinese citizens were killed and 20 were injured. If NATO cannot avoid this type of mistake the question MUST BE ASKED WHY A HOSTILE WORLD WON'T ACCEPT THAT, IN THE

HEAT OF BATTLE, THERE ARE OCCASIONS WHEN ISRAEL TOO, MAKES GENUINE MISTAKES.

The commission cannot ignore informed opinion. Sitting in our comfortable air conditioned rooms it is presumptuous and even impertinent to presume to be able to understand the life and death decisions and actions of a soldier in the heat of a bloody battle. Consequently the views reported by the highest-ranking U.S. military officer cannot be ignored.

On November 6, 2014 Reuters reported that the chairman of the US Joint Chiefs of Staff, General Martin Dempsey, was asked about the ethical implications of Israel's handling of the Gaza war. In response he said that Israel went to "extraordinary lengths" to limit civilian casualties in the recent war in Gaza and that the Pentagon had sent a team to see what lessons could be learned from the operation. Contrary to the inexperienced claims by HRW accusing Israel of committing war crimes by attacking three U.N.-run schools, General Dempsey said "I actually do think that Israel went to extraordinary lengths to limit collateral damage and civilian casualties. In this kind of conflict, where you are held to a standard that your enemy is not held to, you're going to be criticized for civilian casualties," He added that Hamas had turned Gaza into "very nearly a subterranean society" with tunneling throughout the coastal enclave. That caused the IDF some significant challenges.

But they did some extraordinary things to try and limit civilian casualties, to include ... making it known that they were going to destroy a particular structure.. in addition to dropping warning leaflets, developed a technique called "roof-knocking" to advise residents to leave sites they planned to strike.

Three months ago the Pentagon sent a "lessons-learned team" of senior officers and non-commissioned officers to work with the IDF to see what could be learned from the Gaza operation, "to include the measures they took to prevent civilian casualties and what they did with tunneling. The general added

"The IDF is not interested in creating civilian casualties. They're interested in stopping the shooting of rockets and missiles out of the Gaza Strip and into Israel."

Nor can the commission ignore the considered evaluation by a man who has been there and whose views coincide with those of General Dempsey. Retired British army Colonel Richard Kemp CBE completed 14 operational tours of duty around the globe. He was Commander of British Forces in Afghanistan and has experience commanding front-line troops in fighting terrorism and insurgency in Iraq, the Balkans, South Asia and Northern Ireland. He was also head of the anti terrorism team at the Joint Intelligence Committee of the British Prime Minister's Office.

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Colonel Kemp says categorically that that Israel's army is more careful than the US and UK forces. The ratio of civilian to military casualties in Operation Protective Edge was one-fourth of the average in warfare around the world. He points out that there was approximately one civilian casualty for every terrorist killed by the IDF, whereas the average in the world is four civilians for every combatant, and that, when taking into consideration Hamas's use of human shields, this shows how careful the IDF is.

"No army in the world acts with as much discretion and great care as the IDF in order to minimize damage. The US and the UK are careful, but not as much as Israel. During the whole operation

Israel was very careful under all the limitations of international law. Even if there were exceptions, there were very few and in cases when there was no possibility, and there was no intention to hurt civilians.”

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Corpse being dragged Gazans about to be executed dragged through streets of Gaza

4. CRUEL WAR CRIMES BY GAZANS ON GAZANS

What the ISIS, ISIL or IS look-alikes have in common are intolerance of any religion other than Islam, fury at any hint of criticism or lack of respect for their religion, establishment of a caliphate, imposition of Shaaria law and most reprehensible of all, unbelievable cruelty.

The pictures above show Hamas behavior closely matching that of ISIL. Recently, having executed over 30 Gazans a few weeks earlier, Hamas proudly showed films of the extra-judicial execution of a further 25 fellow Palestinians, including two women. In November 2012 the Guardian reported that masked Hamas gunmen publicly shot dead six suspected collaborators. A sixth corpse was tied to a motorcycle and dragged through the streets.

According to Financial Times (ft.com) no less an authority than Palestinian Authority (PA) President Mahmoud Abbas told the press on September 6, 2014 that Hamas had killed 120 Fatah members who broke the curfew (imposed to prevent people from leaving their homes on receiving warnings from the Israelis of an imminent attack). Unsurprisingly very few media outlets reported this revealing statement.

During operation Protective Edge, Jordanian journalist Mudar Zahran ⁷ decided to speak with Gazans themselves to hear what they had to say. Unlike other journalists who need to rely on local interpreters whose interpretations are influenced by fear of Hamas, Zahranj enjoyed the advantage of being able to communicate directly in Arabic on a one to one basis away from the influence of big brother. His complete article is reproduced in appendix B). Below are some extracts

Journalists threatened A renowned Gazan academic said that as soon as someone talked to a Western journalist he was accused of "communicating with the Mossad". [This has

⁷ Zahran is a prominent Jordanian opposition figure and writer. Described by both Western and Arab media sources as “The leader of the Palestinians in Jordan.” He was an avid civil rights advocatcritical of the Hashemite regime’s discriminatory policies against the Palestinians. Zahran has two master’s degrees from Southern New Hampshire University, USA, and continued his PhD degree in the UK.

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been confirmed by several brave journalists after they left Gaza.⁸ Furthermore The Foreign Press Association issued a protest about blatant, incessant, forceful and unorthodox intimidation of journalists in the Gaza Strip by Hamas].

Hamas kills Palestinians "Hamas terrorizes and kills us just like Daesh [ISIS] terrorizes kills Iraqis. Hamas is a dictatorship that kills us. The Gazans you see praising Hamas on TV are either Hamas members or too afraid to speak against Hamas. Few foreign [Western] journalists were probably able to report what Gazans think of Hamas."

M., a journalist, said he does not believe any of the people Hamas killed in the last weeks were Israeli spies. Hamas has killed many people for criticizing it, and claimed they were traitors working for Israel during the war."

S., a Gazan political activist said Hamas killed one of its own leaders, Ayman Taha, and blamed Israel. Hamas imprisoned and tortured him because he was critical of its radical policies. Eye-witnesses said they saw Hamas militants bring him alive into the yard of Shifa hospital in Gaza and shoot him dead.

A Fatah member said "If Hamas does not like you for any reason, all they have to do now is claim you are a Mossad agent and kill you." Even before the Israeli operation began, Hamas rounded up 400 Fatah members and other political-opposition figures and beheaded a man for opposing its views on the 22nd day of the war. On its Facebook page it claimed he was caught sending information to Israel.

Israeli warnings S. a medical worker, said the Israeli army sends warnings to evacuate buildings before an attack. They either call or send a text message. Sometimes they call several times to make sure everyone has been evacuated. Hamas's strict policy, though, was not to allow us to evacuate. Many people got killed, locked inside their homes by Hamas militants.

Firing from homes and human shields Gazan journalist, D., said Hamas would fire from the balconies of homes and try to drag the Israelis into door-to-door battles and street-to-street fights -- a death sentence for all the civilians here. They would fire rockets and then run away quickly, leaving us to face Israeli bombs for what they did.

T., a former Hamas Ministry officer said: "Hamas fires from civilian areas for a good reason

F., a physician, said: "I wish Israel never existed, but as it does not seem to be going away, I would rather be working in Israel like I used to before the first

8 <http://blogs.timesofisrael.com/how-the-media-misled-the-un-secretary-general-and-theworld/>

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Intifada, not fighting it." The world should consider putting all the Hamas leaders on trial for crimes against the Gazan people..Palestinian civilians were killed while Hamas's terrorists remained alive, hiding in their underground bunkers and tunnels."

K said "on July 22: "When people stopped listening to Hamas orders not to evacuate and began leaving their homes anyway, Hamas imposed a curfew: anyone walking out in the street was shot without being asked any questions. That way Hamas made sure people had to stay in their homes even if they were about to get bombed. God will ask Hamas on judgment day for those killers' blood."

"Hamas held the entire Gazan population as a human shield." "After all it is our children who are dying, not the children of Hamas's leaders". "When Hamas locks people inside homes about to be bombed, when it kills people protesting against it and when it executes alleged traitors without even a trial, these are war crimes."

M., a Gazan TV producer, stated: "Of course I am against Israel and I want it out of Gaza and out of the West Bank, but I still believe Hamas is more of a threat to the Palestinian people. Hamas

took over Gaza by killing us [Palestinians] and throwing our young men from high buildings. That is what Hamas is about: murder and power. Hamas is also delusional. Its leaders refused the Egyptian cease-fire proposal, they got hit hard by the Israelis, and then when the war stopped, they declared victory.

The media has exerted a huge pressure on Israel for every dead Gazan. In that sense, Hamas's tactic has worked, and we have seen more Western tolerance of Hamas, especially in Europe.

Stealing humanitarian aid A first-aid volunteer, E., said that Hamas militants had confiscated 150 truckloads of humanitarian supplies the day before. He said the supplies were donated by charities in the West Bank and that their delivery was facilitated by the IDF. Another aid worker, A., confirmed that Hamas steals the humanitarian supplies given to Gaza. "They take most of it, sell it to us, and just give us the stuff they do not want."

A Gazan mosque's imam said that the most precious aid item Hamas stole was water. "Gazans are thirsty and Hamas is stealing the water bottles provided to us for free and selling them at 20 Israeli shekels [approximately \$5] for the big bottle and 10 Israeli shekels for the small one."

Even the well-known pro-Palestinian journalist Amira Hass felt compelled to write in Haaretz that the executions appeared to be a warning to the Gazan public to be careful in anything it says and does that might upset Hamas. Similar views have been expressed by journalists after they returned from Gaza to the comparative safety of their home countries. See <http://blogs.timesofisrael.com/how-the-media-misled-the-un-secretary-general-and-the-world/>

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In his September 2014 speech to the UN President Obama said emphatically "... the situation in Iraq and Syria and Libya should cure anybody of the illusion that the Arab-Israeli conflict is the main source of problems in the region. For far too long, that's been used as an excuse to distract people from problems at home".

As long ago as February 2006 in a report to the US Senate Select Committee on Intelligence, Dale L. Watson, Executive Assistant Director of the FBI Counterterrorism Division included Hamas and Hezbollah among organizations that actively support terrorist-related activities in the United States.

Although all jihadist organizations are not identical, they do share common ideologies that are inimical to the Western way of life and it is perilous to underestimate the existential threat they all pose to the US in particular and to the free world in general..

Like ISIL Hamas seeks a global caliphate, as confirmed by no less an authority than Hamas supreme leader Khaled Meshal in the following excerpts from his speech in the Al-Murabit Mosque, Damascus on February 3, 2006

"We say this to the West..By Allah you will be defeated...Tomorrow the Nation of Islam will sit at the Throne of the World and the West will be full of remorse when it is too late..It will regain the leadership of the world...Brothers and sister, there is confusion in the Western world, and in the American administration." (Translation by MEMRI)

Meshal's words were authoritatively echoed by Hamas interior minister, Fathi Hammad on Hamas's Al-Aqsa TV on November 13, 2013 when he said:

"We shall liberate our Al-Aqsa Mosque, and our cities and villages, as a prelude to the establishment of the future Islamic Caliphate ... we are at the threshold of a global Islamic civilization era

Enforcing shaaria law is common to Hamas and ISIL. On March 27, 2014 Gulf News reported on Hamas' new Islamist law introducing lashings, chopping of limbs and execution. It stipulates a minimum of 20 lashes for a minor offense, with the number of lashes increasing with the seriousness of the offense. A minimum of 80 lashes is to be imposed in criminal cases. The law also widens the use of the death penalty as per Sharia. Articles No 289, and 290 of the proposed law stipulate the cutting off of the hand of a thief and a minimum of seven years in jail in case the criminal repeats his crime.

Human Shields The use by Hamas of human shields has been widely reported and even acknowledged by Palestinian leaders who have been filmed exhorting people to remain in buildings and ignore warnings of impending attacks. The discovery of a Hamas "urban warfare" manual by IDF forces proves beyond doubt that this was intentional and preplanned. The manual explains that the presence of civilians causes major problems for advancing Israeli troops and it discusses the benefits for Hamas when civilian homes are destroyed by increasing the hate factor. See appendix E

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5. THE GAZA BLOCKADE IN CONTEXT

At the outset it is relevant to correct three firmly held misconceptions.

Firstly, the blockade of Gaza is not unique. While the cold war ended years ago, we seem to have forgotten that the blockade of Cuba by President John F. Kennedy in 1962 is still in effect. Only very recently has it come under discussion

Secondly Gaza is, and has been, blockaded not only by Israel but also by Egypt under Mubarak, Morsi and now Sisi

Thirdly the rocket fire did not commence in order to end the blockade. There was no blockade before Hamas attacked Israel. The fact is that Israel left Gaza in 2005 and the blockade was not instituted until 2007 when Hamas forcibly took over the government of Gaza in a bloody battle with Fatah.

While critical of some of the actions by the IDF, the Palmer Report found both the naval blockade and its enforcement to be legal emphasizing that all assistance to Gaza should be transferred only through the designated land crossings. The panel also found that Israel had legitimate security concerns regarding violence by Hamas and that weapons trafficking to Gaza permitted Israel to enforce a naval blockade.

The attempts by some politicians and journalists to justify the Hamas rocket attacks as appropriate reprisals for the ongoing blockade and their demand that it be lifted before even negotiating a ceasefire emphasizes the VITAL IMPORTANCE of viewing the blockade in its CONTEXT. It will surprise many pundits who advocate a unilateral end to the blockade to recall that when Israel left Gaza, the intention was to improve the lives and economy of all Palestinians including Gazans by cooperation with Israel. The blockade wasn't considered until two years later when Hamas gained control of Gaza in a cruel fratricidal battle against Fatah and Israel's friendly hand was

reciprocated with increased terror and rockets. In 2005, then PM Ariel Sharon publicly emphasized in his disengagement plan that Israel was committed to the peace process and the purpose of the plan was to lead to a better security, political, economic and demographic situation. A blockade was furthest from his mind. In March 2007, Hamas and Fatah formed a Palestinian authority national unity government headed by Ismail Haniya, but in June Hamas took control of Gaza in the the cruel battle referred to above. According to a Human Rights Watch report of June 13, 2007, armed Palestinian groups committed grave crimes, executing captives, attacking a hospital and violating the most fundamental humanitarian principles, in some cases amounting to war crimes. "Both Fatah and Hamas military forces summarily executed captives, killed people not involved in hostilities and engaged in gun battles with one another inside and near

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Palestinian hospitals. Armed Palestinians from Islamic Jihad and the Fatah-affiliated Al-Aqsa Martyrs Brigade used a vehicle with "TV" insignia to attack an Israeli military position on the border with Gaza". Muhammad Swairki, a cook for Abbas's presidential guard was executed by Hamas throwing him to his death, with his hands and legs tied, from a 15-story apartment building. Later that night, Fatah military forces shot and captured Muhammad alRa'fati, a Hamas supporter and mosque preacher, and threw him from a Gaza City high-rise apartment building. On Monday, Hamas military forces attacked the home in Beit Lahiya of Jamal Abu al-Jadiyan, a senior Fatah official, captured him, and executed him on the street with multiple gunshots. On Tuesday, there were reports of additional killings of individuals not involved in hostilities".

According to the Guardian of June 15, 2007 "In scenes reminiscent of Baghdad after the fall of Saddam Hussein, hundreds of people swarmed through the unoccupied house of Fatah strongman Mohammed Dahlan, after his neighborhood fell to Hamas, stripping everything, including windows, doors and flowerpots".

The following extracts from Sharon's aforementioned disengagement plan paints a picture of good intentions with sadly negative unintended consequences. Referring to the evacuation of an area in Northern Samaria (Ganim, Kadim, Sa-Nur and Homesh), which few remember, he said this would enable territorial contiguity for Palestinians in Northern Samaria and that Israel would assist the international community in improving the transportation infrastructure in the West Bank to facilitate contiguity of Palestinian transportation, normal life and Palestinian economic and commercial activity in the West Bank. In Gaza, he said, Israel would transfer industrial, commercial and agricultural facilities to a third, international party for the benefit of the Palestinian population that is not involved in terror. (Sharon's complete historical speech, reproduced in appendix D, is an integral part of this memorandum)

Regarding International Passage he said that to improve the situation, the hours of operation would be extended. Infrastructure relating to water, electricity, sewage and telecommunications were left in place. And most importantly, the Erez industrial zone was to be transferred to the responsibility of a Palestinian or international party and Israel would explore with Egypt, the possibility of establishing a joint industrial zone on the border of the Gaza Strip, Egypt and Israel. Because too few opinion makers know about the Erez and other beneficial joint industrial enterprises that then existed and were offered to Gaza but were wantonly destroyed, it is worth describing them. Unfortunately very little is known, even by experts on Palestine, about the many cooperative efforts established by Israel that were thwarted by the Palestinian uprising, quite apart from those in the pipeline.

Before the second intifada, Israel and the Palestinian Authority cooperated in creating employment opportunities along the "seam-line" between Israel, the West Bank and Gaza. A successful industrial zone was created at Erez which grew to employ about 5,000 workers in some 200 businesses half of which were Palestinian-owned. They

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produced everything from plastics to car parts and continued to do so even as the Israeli-Palestinian conflict raged. This was part of a larger Gaza Industrial Estate (GIE), slated to provide up to 50,000 jobs. In addition, a joint industrial zone was planned south of Tulkarm intended to provide jobs for more than 5,000 Palestinians. Additional areas were planned for Jenin and the Kerem Shalom area near Rafah in Gaza which were not given the chance to be realized

The Erez Industrial Park Photos by courtesy of www.gushkatif.net . All these positive efforts were unfortunately thwarted. The GIE zone became the target of deadly Palestinian attacks leading to closure of the enterprise. Hamas and the Fatah Al Aqsa Martyrs Brigades claimed joint responsibility. The tragedy was encapsulated by one of the Palestinian factory owners, 40-yearold Ashur Salha,. "It's simply stupid," he told Haaretz, "Whoever ordered the bombing must have known that 30,000 mouths depend on our employment here. After all, this hurts us [the Palestinians] much more than it does the Israelis." One of the destroyed greenhouses Photo by courtesy of http://www.zionism-israel.com/ezone/gaza_green.htm

Sadly, the golden opportunity for a new prosperous Gaza created by Israel's disengagement from the strip was rejected. As soon as Israel left Gaza, Gazan gunmen wantonly destroyed thousands of greenhouses and other projects left behind by the Jewish settlers; projects that could have provided income for over 4,500 families. Before the Palestinian uprising, up to 100,000 Palestinians worked in Israel, providing an economic lifeline. Palestinian trucks moved freely on Israel's roads facilitating the export of thousands of tons of agricultural products from Gaza to Jordan and beyond.

Even during times of violence about 5,000 Palestinians continued to work in Israel, and in the settlements that have since been evacuated. Similarly Palestinian businessmen traveled freely and conducted their affairs in Israel.

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Contrary to conventional wisdom, despite the blockade, it is a gross exaggeration to describe Gaza as being under siege by Israel. Gaza shares borders not only with Israel, but with Egypt as well. Between 1948 and 1967 there was no access between Israel and Gaza whereas now all goods are allowed to enter from Israel, except for weapons and a short list of dual-use items which can be and have been exploited by terrorists for violent purposes. And also contrary to conventional wisdom, there are no limits imposed by Israel on how much Gaza can export.

In the first five months of 2014, over 18,000 trucks carrying nearly 228,000 tons of supplies entered Gaza including construction materials and over 4,680 trucks carrying 181,000 tons of cement, wood, gravel, iron and other building supplies much of which was diverted to construction of attack tunnels.

If peace is to be achieved by negotiation, the question must be asked how this can be done while the Hamas charter declares there is absolutely no room for peaceful negotiation.

For more see <http://www.jpost.com/Blogs/2nd-Thoughts/Why-is-Gaza-blockaded372949>

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6. PALESTINIAN CRIMES ACCORDING TO HUMAN RIGHTS WATCH

In addition to the cruel crimes described in part 4 and incitement to genocide as described in part 2 hereof, the following extracts from a Human Rights Watch report dated August 9, 2009, highlight a few important considerations.

The double war crime of firing missiles from civilian areas into civilian areas. Since 2001, Hamas and other Palestinian armed groups in Gaza have fired thousands of rockets deliberately or indiscriminately at civilian areas in Israel.

It [Hamas] has taken no apparent action to prosecute or otherwise hold accountable Hamas forces or other Palestinian armed groups for launching unlawful rocket attacks against Israeli civilian areas.

The absence of Israeli military forces in the areas struck by the rockets, as well as statements from the leaders of Hamas and other armed groups, indicate that many of these attacks are deliberately intended to strike Israeli civilians and civilian structures. Individuals who willfully authorize or carry out deliberate or indiscriminate attacks against civilians are committing war crimes.

Civilian structures damaged in recent attacks include a kindergarten, a synagogue and private homes. An Israeli early warning siren system, which gives civilians roughly 10 to 45 seconds to find cover in prepared shelters, depending on their distance from the launch site in Gaza, has undoubtedly limited the number of civilian casualties.

However, the repeated attacks have, over months and even years, taken a psychological toll on the population in areas close to Gaza. The laws of war prohibit attacks the primary purpose of which is to spread terror among the civilian population. Because of the rocket attacks, thousands of people have moved away from frequently targeted areas such as Sderot municipality.

Palestinians killed by Hamas rockets The rocket attacks have also placed civilians in Gaza at risk. The unpredictable nature of the crude rockets has meant that rockets have struck areas not only inside Israel but also inside Gaza; on December 26 a rocket hit a house in Beit Lahiya, killing two Palestinian girls, ages 5 and 12. In addition, Hamas and other Palestinian armed groups have frequently violated the laws of war by firing rockets from within populated areas. In doing so, they failed to take all feasible precautions to avoid placing military targets within densely populated areas, such as by removing civilians under their control from the vicinity of military targets, and protecting civilians from the danger resulting from military operations.

The Israeli government said the military offensive “Operation Cast Lead,” in Gaza that began on December 27, 2008, was intended to destroy the ability of Palestinian armed groups in Gaza to fire rockets into Israel. After major military operations ended on January 18, 2009, Palestinian armed groups in Gaza continued to fire rockets into Israel, although in gradually reduced numbers.

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Statements by leaders of Hamas and other armed groups, media reports and independent analysis by nongovernmental organizations, and Human Rights Watch’s interviews with residents of Gaza,

suggest that Hamas can control the ability of other armed groups to fire rockets at Israel. Hamas has on several occasions effectively prevented other armed groups from firing rockets.

In an interview on May 5, 2009, Hamas leader Khaled Meshal appeared to acknowledge that Hamas rocket attacks intentionally targeted Israeli civilians. In the course of describing why Hamas had decided to stop firing rockets for the time being, Meshal said:

Even assuming the rocket attacks were intended as reprisals for Israeli attacks that killed and injured civilians, they still are unlawful under the laws of war.

Moreover, a fundamental principle of the laws of war is that they apply to all parties to a conflict regardless of the justifications for going to war. Whether it is Hamas' claims of "the right to resist occupation" or Israel's of the right "to combat terror," the reasons for engaging in armed conflict do not permit a party to ignore its legal obligations in the way it conducts hostilities.

The tonnage and explosive power of weapons used by Israel in Gaza far outweighed those of Hamas. However, these discrepancies do not discount the need to examine violations of laws of war by all sides to a conflict, nor do they justify violations by Hamas.

The purpose of the laws of war is not to create parity between parties to a conflict, or to assess their violations in light of their relevant capacities, but to minimize the harm to the civilian population.

Violations of the laws of war are not measured in the number of civilian casualties, but whether each side is taking all feasible precautions to minimize civilian loss. Using unsophisticated weapons does not justify failure to respect the laws of war, nor does an adversary's use of sophisticated weapons provide a pass to its opponents to ignore those laws. Disparities in military capability, however measured, are irrelevant. The taking of civilian life can be minimized only if both parties recognize their legal obligations to abide by the laws of war however sophisticated the weaponry at their disposal.

The laws of war require parties to a conflict to investigate and take appropriate punitive action against individuals within their control who are implicated in war crimes. Hamas authorities have failed to take any action against Hamas commanders and fighters responsible for unlawful rocket attacks against Israel.

Torture Hamas has reportedly taken violent steps to prevent other armed groups from firing rockets. On March 10, the London-based pan-Arab daily Al-Sharq al-Awsat reported the alleged torture by Hamas police of 10 members of Saraya al-Quds, the armed wing of Islamic Jihad.[3] The paper reported that Hamas police detained the 10 men, from Khan Yunis, and tortured them to coerce them to sign pledges that they would not fire rockets at Israel.

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7. CONCLUSION

The strife between Israel and organizations like Hamas and Islamic Jihad is a classic case of asymmetric warfare to which the application of conventional rules of war and international law is understandably problematic. In these circumstances I appreciate the complexities you will encounter in investigating possible war crimes by all the involved parties including the large number of dwellings destroyed by Israel and other serious allegations.

As an Israeli I am distressed by reports of serious misdeeds so completely out of character of the young men in the IDF whom we know intimately as decent, humane and compassionate people. Consequently, if some bad apples have soiled the reputation of the IDF we insist that they be brought to account and we welcome the public statement by Military Advocate-General Maj.-Gen. Danny Efroni that the IDF is investigating itself because of its values, not because of pressures, adding that he has the authority to open an investigation against a general and even the chief-of-staff. Supreme Court justice Uri Shoham concurred adding, "We must defend the independence of the MAG and ensure that he can act without any pressure."

I have not made submissions on these issues as I do not have the facts and I am not privy to the IDF investigations. This submission deals principally with the CONTEXT in which both the IDF and Hamas actions must be judged by your commission.

Incitement As discussed in part 2 above, the prevalent crime of incitement by Palestinians to hate AND TO GENOCIDE is one of the main obstacles to a peaceful solution to the Israel Arab conflict. It is a serious war crime that demands your attention.

It is unrealistic to expect adults who have been indoctrinated to hate since infancy, to live in peace with neighbors they have been taught to regard as sub-human. This type of incitement is also a serious obstacle to accommodation of the Western world to the terror wrought, not by Islam, but by Islamic extremism.

In so far as impunity means exemption from accountability and punishment, the reference in UN resolution A/HRC/RES/S-21/1 to "avoiding and ending impunity" is of particular relevance. It appears that because various militant organizations are not defined states, their crimes have to a great extent been either ignored or excused. For example the above mentioned serious crime of Palestinian incitement has not been seriously addressed by the UN.

In evaluating events in Gaza one cannot turn a blind eye to their relationship to the recent devastating terror acts and threats of terror in Europe, Africa and even Australia. As long ago as July 10, 2007 a NY Times article reported that no less an authority than current PA President Abbas said:

"Thanks to the support of Hamas, Al Qaeda is entering Gaza"

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President Abbas was not exaggerating. In June 2007, the radical salafi/ jihadi groups became active in Gaza and one of these groups was responsible for the killing of 16 Egyptian soldiers in Sinai in August 2012.

According to Mailonline of May 10, 2014, Egypt charged 200 people with conspiring with al-Qaeda and Hamas. The following statement in the same report removes all doubt that the radical ideologies of Hamas, Hezbollah, Iran, ISIS, and al-Qaeda represent a common threat of terror and imposition of a caliphate and sharia law.

"The prosecutor's statement refers to the group as 'the most dangerous terrorist group', and accuses the defendants of receiving military training in the Palestinian Gaza Strip under the patronage of Hamas, and of travelling to Syria where they took part in fighting against government forces there before returning to Egypt."

There is every reason to believe Hamas interior minister, Fathi Hammad who said on Hamas's Al-Aqsa TV on November 13, 2013:

"We shall liberate our Al-Aqsa Mosque, and our cities and villages, as a prelude to the establishment of the future Islamic Caliphate.. we are at the threshold of a global Islamic civilization era

We are also reminded that Ayatollah Khomeini has kept his promise that Iran would export its revolution to the whole world and it is in this context that one must regard Israel's struggle as being the frontline in the global war on terror

Hamas Funds When we discuss Hamas in CONTEXT, we are not speaking of a poverty stricken struggling liberation organization. Hamas is the second-richest terror group in the world worth \$1 billion as revealed in a November 13, 2014 report by Forbes Israel and AFP. .

These video clips are revealing. <https://www.youtube.com/watch?v=pQNN-arWkrY> and <http://www.theblaze.com/stories/2011/07/06/gaza-in-lap-of-luxury-israeli-aidincludes-daily-shipment-of-mercedes-hdts-and-jacuzzis/>

Fatah has accused Hamas of actions similar to those used by IS in stealing \$750,000 in cash from a branch of Bank of Palestine as well as \$700 million from aid directed at Gaza reconstruction and civilian casualties. But Hamas was democratically elected Apologists for Hamas refer to the fact that Hamas was democratically elected in the January 2006 Palestinian elections and that in March 2007 a national unity government headed by Prime Minister Ismail Haniyeh was formed. BUT Hamas seized control of Gaza in a bloody battle in June 2007. 18 Palestinians who had escaped from Gaza's main prison compound were executed by Hamas security officials in the first days of the conflict. At least 600 Palestinians died in the fighting

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between Hamas and Fatah. HRW estimated several hundred Gazans were "maimed" and tortured, 73 Gazan men accused of "collaborating" had their arms and legs broken.

On November 2, 2002 a 170 page HRW report stated "The people responsible for planning and carrying out suicide bombings that deliberately target civilians are guilty of crimes against humanity and should be brought to justice and in August 2009 an HRW report condemned attacks by Hamas on Israel as war crimes and crimes against humanity by human rights groups.

In August 2007 the group was accused in The Telegraph of torturing, detaining, and firing on unarmed protesters who had objected to policies of the Hamas government.

In 2012 HRW presented a 43 page list of human rights violation committed by Hamas including beatings with metal clubs and rubber hoses, hanging of alleged collaborationists and torture of 102 individuals. Hamas also tortured civil society activists and peaceful protesters.

Reflecting on the captivity of Gilad Shalit, the HRW report described it as "cruel and inhuman". The report also slams Hamas for harassment of people based on so called morality offenses and for media censorship. In a public statement Joe Stork, the deputy Middle East director of HRW claimed,

"after five years of Hamas rule in Gaza, its criminal justice system reeks of injustice, routinely violates detainees' rights and grants impunity to abusive security services."

Defensive wars There can be no doubt that Israel's wars including Cast Lead and Protective Edge were defensive wars to which the doctrines *jus ad bellum*: (the right to go to war) and *jus in bello* (the right conduct in war) apply as well as *jus post bellum* i.e. conduct in post-war settlement and reconstruction. This last doctrine which should be of greatest concern at present, poses a very difficult ethical problem in view of reports that construction material is being diverted to rebuilding attack tunnels and other violent purposes.

In October, truckloads of cement and steel earmarked for private and public projects started rolling into Gaza under a UN brokered monitoring mechanism which unfortunately has not proved to be very effective. European parliament member Arne Guericke, and other EU officials have voiced concerns over a European court of auditors report alleging that nearly \$14.7 million of the \$560 million pledged to Gaza could end up in Hamas's hands.

Exiled Jordanian politician, Mudar Zahran confirms that Hamas is trying to confiscate construction materials donated by the international community and that aid earmarked for reconstruction is turning up on the Hamas controlled black market, where it is being sold at premium prices.

In summary, since your mandate requires investigation into ALL violations "whether BEFORE, during or after" I look to your commission to contribute towards a just and

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equitable solution to the Arab –Israel conflict by thoroughly considering the background and CONTEXT in reporting on

□ Crimes committed during the 2007 Gaza battle and subsequent war crimes by Palestinians on Palestinians. □ Incitement by the PA and Hamas to genocide in official media, mosques and schools
□ The *casus belli* and defensive war □ The double crime of firing missiles from populated areas into populated areas □ Civilian casualties and proportionality □ The use of houses and hospitals for military purposes □ Reasons for the Gaza blockade □ Human shields as admitted by Hamas
□ Distorted reporting from Gaza and the revelations by journalists after they left Gaza. See <http://blogs.timesofisrael.com/how-the-media-misled-the-un-secretary-general-and-the-world/> □ The unreliability of reported statistics especially in view of GA A/HRC/27/NGO/86 of August 28, 2014 □ Discrimination against women and LGBT □ The criminal isolation of Gilad Shalit and refusal to allow even Red Cross visits. □ The diversion of money and materials intended for reconstruction.

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APPENDIX A UNGA DOCUMENT

<http://unispal.un.org/UNISPAL.NSF/0/13C28218840CCCAD85257D4D005C7D79>

UNITED NATIONS A

General Assembly

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A/HRC/27/NGO/86 28 August 2014

English only

Human Rights Council Twenty-seventh session Agenda item 7 Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Amuta for NGO Responsibility, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31. [25 August 2014] _____ * This written statement is issued, unedited, in the language(s) received from the submitting nongovernmental organization(s).

Issues Related to UNOCHA's "Protection Cluster" Regarding Gaza

The NGO Protection Cluster framework that has operated during the 2014 Gaza conflict, like similar "clusters" in other regions, is linked to the United Nations Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territory (OCHA-OPT). The details regarding civilian casualties, including the questions of military necessity and proportionality in complex urban environments such as Gaza, are central to judgments regarding potential human rights violations and international legal requirements related to LOAC and IHL. In this context, OCHA's statements and statistics are frequently cited as authoritative in media accounts and by policy makers, including UN officials such as the Secretary General. As a result, major errors in these publications have significant consequences.

Within this framework, a number of NGOs were designated by OCHA to provide data on civilian casualties in Gaza. These NGOs include B'Tselem (based in Israel), Al-Mezan Center for Human Rights (based in Gaza), and the Palestinian Center for Human Rights (PCHR — also based in Gaza).

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OCHA then acts as a "humanitarian coordination mechanism" and "consolidates" and publicizes this information.'

However, in producing and publishing these casualty statistics, the NGOs in OCHA's "Protection Cluster" as well as OCHA itself are largely dependent on the Palestinian Ministry of Health in Gaza, which is under the control of Hamas. As a result, any claims to independent analysis are highly problematic.

In particular, B'Tselem has no independent sources of information in Gaza, and as an Israeli organization, is unable to verify information, particularly during major conflicts. On July 14, Executive Director Hagai El-Ad claimed that B'Tselem was "issuing unequivocal public statements according to the information we have gathered". This included unverifiable statistics regarding civilian casualties, subjective allegations of "unlawful" Israeli military actions (for which B'Tselem does not possess the required expertise), and unverifiable and emotive "testimonies" (irrelevant for analyzing the legal dimensions).

However, on July 27, in response to questions regarding credibility, B'Tselem posted a "Note concerning testimonies about the 'Protective Edge' campaign" acknowledging that "With the current military campaign ongoing, B'Tselem is taking testimony from Gaza residents, mainly by telephone. B'Tselem verifies, to the best of its ability, the reliability and precision of the information reported; nevertheless, in these circumstances, reports may be incomplete or contain errors. Given

the urgency of informing the public about events in Gaza, B'Tselem has decided to publish the information now available. When the military campaign ends, B'Tselem will supplement these reports as needed.” Thus, this NGO’s primary source of independent information is from telephone interviews with Gaza residents, whose claims cannot be verified.

PCHR and Al-Mezan are political organizations, based in Gaza, without credible methodologies for analysis of casualty claims, as shown in the January 2009 conflict. They claim to distinguish between civilians or combatants by visiting Gaza hospitals and morgues. If there is no clear evidence (i.e., casualties with weapons), these NGOs claim to quiz family or organizations (Hamas, Palestinian Islamic Jihad, etc.) on whether individuals were affiliated.

These NGOs also do not conduct background investigations? When the names of alleged civilian casualties were examined by the Terror Information Center in Israel, many were shown to be members of terrorist groups. UNOCHA, however, has failed to respond to the analysis published by this Israeli NGO, magnifying questions regarding the reliability of OCHA’s allegations regarding civilian casualties.³

In addition, the inclusion of Gaza civilian casualties killed by hundreds of misfired rockets from within this territory, including any that hit hospitals and playgrounds, is unclear. Gazan civilians have also reportedly been killed by Hamas in fights at a food line, and media sources reported that Hamas has executed tens of alleged collaborators. OCHA, PCHR, and Al Mezan omitted any reference to these details in their reports, and it is not clear if they include the dead from these incidents in their lists, and whether they are listed as civilians “killed by Israel”. People who die from natural causes might also be listed as “killed by Israel”.

The lack of verifiability in PCHR and Al Mezan casualty analyses is enhanced by their politicized agenda, including accusations that the IDF (“Israeli Occupation Forces”) is responsible for “massacres,” “war crimes,” and “disproportionate” and “criminal” attacks against civilians. Their allegations were a central component of the 2009 report on the Gaza conflict. In that case, PCHR’s civilian casualty claims were very similar to those provided by Hamas (via the Gaza Health Ministry), and later shown to be entirely unreliable. At the time, PCHR claimed that Gaza casualties were “1,167 non-combatants (82.2%) and 252 resistance activists (17.8%)”. In fact, more than half of the total were combatants.

These NGOs fail to condemn Hamas policies of systematically placing civilians in close proximity to combatants and related facilities. In February 2012, PCHR stated that an Israeli “warplane fired a missile at a training site used by Izz Addin al-Qassam Brigades, the military wing of Hamas, in Yafa

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Street... The bombardment resulted in damages to the neighboring establishments, especially Gaza Martyrs Boys Basic School.” Yet, Israel, not Hamas, was condemned. PCHR and Al Mezan also fail to condemn indiscriminate rocket attacks against Israeli civilians, calling them “military actions.”

In conclusion, and based on the examination of the lack of appropriate methodologies and independent verifiability regarding the claims of the three key NGOs, the civilian casualty statistics and claims produced by the OCHA Protection Cluster framework must be considered unreliable.

Endnotes ¹These activities are supported and funded in part by the Norwegian Refugee Council (NRC). “As part of the Protection Cluster, NRC co-chairs the Legal Taskforce in both the West

Bank and Gaza. This brings together domestic legal aid NGOs and international stakeholders on a monthly basis to share legal information and co-ordinate legal assistance, research and court monitoring.” (<http://www.nrc.no/?aid=9147817>) (The NRC and its partners — UK and EU — are highly secretive, and Freedom of Information requests have been denied.) 2 The New Republic, “Numbers Game,” May 6, 2009, <http://www.newrepublic.com/article/politics/numbers-game> 3 See, e.g., Meir Amit Terrorism & Intelligence Information Center, “Preliminary, partial examination of the names of Palestinians killed in Operation Protective Edge and analysis of the ratio between terrorist operatives and non-involved civilians killed in error,” July 28, 2014, http://www.terrorism-info.org.il/Data/articles/Art_20687/E_124_14_1121292827.pdf

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APPENDIX B GAZANS SPEAK OUT: HAMAS WAR CRIMES by Mudar Zahran 9 Published by the Gatestone Institute10 September 19, 2014

"If Hamas does not like you for any reason all they have to do now is say you are a Mossad agent and kill you." — A., a Fatah member in Gaza.

"Hamas wanted us butchered so it could win the media war against Israel showing our dead children on TV and then get money from Qatar." — T., former Hamas Ministry officer.

"They would fire rockets and then run away quickly, leaving us to face Israeli bombs for what they did." — D., Gazan journalist.

"Hamas imposed a curfew: anyone walking out in the street was shot. That way people had to stay in their homes, even if they were about to get bombed. Hamas held the whole Gazan population as a human shield." — K., graduate student

"The Israeli army allows supplies to come in and Hamas steals them. It seems even the Israelis care for us more than Hamas." — E., first-aid volunteer.

"We are under Hamas occupation, and if you ask most of us, we would rather be under Israeli occupation... We miss the days when we were able to work inside Israel and make good money. We miss the security and calm Israel provided when it was here." — S., graduate of an American university, former Hamas sympathizer.

While the world's media has been blaming Israel for the death of Gazan civilians during Operation Protective Edge, this correspondent decided to speak with Gazans themselves to hear what they had to say.

They spoke of Hamas atrocities and war crimes implicating Hamas in the civilian deaths of its own people.

Although Gazans, fearful of Hamas's revenge against them, were afraid to speak to the media, friends in the West Bank offered introductions to relatives in Gaza. One, a renowned Gazan academic, who spoke on condition of anonymity, said that as soon as someone talked to a Western journalist, he was immediately questioned by Hamas and accused of "communicating with the Mossad". "Hamas makes sure that the average

9 Zahran is a prominent Jordanian opposition figure and writer. Described by both Western and Arab media sources as "The leader of the Palestinians in Jordan." He was an avid civil rights advocate critical of the Hashemite regime's discriminatory policies against the Palestinians. Zahran has two master's degrees from Southern New Hampshire University, USA, and continued his PhD degree in the UK.

10 Gatestone Institute, a non-partisan, not-for-profit international policy council and think tank is dedicated to educating the public about what the mainstream media fails to report in promoting: □ Institutions of Democracy and the Rule of Law; □ Human Rights □ A free and strong economy □ A military capable of ensuring peace at home and in the free world □ Energy independence □ Ensuring the public stay informed of threats to our individual liberty, sovereignty and free speech. <http://www.gatestoneinstitute.org/4706/gazan-hamas-war-crimes> o

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Gazan will not talk to Western journalists -- or actually any journalists at all," he said, continuing:

" Hamas does not want the truth about Gaza to come out. Hamas terrorizes and kills us just like Daesh [ISIS] terrorizes kills Iraqis. Hamas is a dictatorship that kills us. The Gazans you see praising Hamas on TV are either Hamas members or too afraid to speak against Hamas. Few foreign [Western] journalists were probably able to report what Gazans think of Hamas."

When asked what Gazans did think of Hamas, he said:

"The same as Iraqis thought of Saddam before he was toppled. He still won by 90something percent in the presidential elections. If Hamas falls today in Gaza, people here will do what Iraqis did to Saddam's statue after he fell. But even though Western journalists may not have been able to speak freely with Gazans, they still need a story to send to their editor by the end of the day. So it is just easier and safer for them to stick to the official line."

"What was that," I asked: "'Blame Israel'?"

"I don't know about that," he said. "More like, 'Never blame Hamas!'. Hamas was making a 'statement': Opposing Hamas Means Death. Hamas is a dictatorship that kills us."

M., a journalist, confirmed his view. "I do not believe any of the people Hamas killed in the last weeks were Israeli spies," he said. "Hamas has killed many people for criticizing it, and claimed they were traitors working for Israel during the war."

That conversation took place four weeks before Hamas killed 21 alleged "Israeli Mossad agents."

D, a store owner, said:

"There were two major protests against Hamas during the third week of the war. When Hamas fighters opened fire at the protesters in the Bait Hanoun area and the Shijaiya, five were killed instantly. I saw that with my own eyes. Many were injured. A doctor at Shifa hospital told me that 35 were killed at both protests. He went and saw their bodies at the morgue."

To verify those reports, I spoke to a second Gazan academic, who holds a PhD. from a Western university, who stated:

"Hamas did kill protesters, no doubt about that. But we could not confirm how many were actually killed. If I have to guess, the number was more than reported. I am confident that not all of the 21 men Hamas killed on August 22 were collaborating with Israel. Hamas killed those men because it was weakened by Israel's attacks and felt endangered. So it went on a 'Salem Witch-Hunt.' They arrested everyone who opposed them and had to make a few examples to scare people from standing against Hamas. Hamas's tactic worked. Now Gazans are afraid to talk against Hamas even in

front of their own family members. Gazans are probably afraid to criticize Hamas even in their sleep!"

As already reported by the award-winning journalist, Khaled Abu Toameh, Hamas killed one of its leaders, Ayman Taha, and blamed Israel for it.

Asked about Abu Toameh's report, S., a Gazan political activist said:

"Taha was already in Hamas's jail before Israeli operations started. Hamas imprisoned him and tortured him because he was critical of its radical policies. He had warned Hamas not to cooperate with Qatar and Iran. Eye-witnesses said they saw Hamas militants bring him alive into the yard of Shifa hospital in Gaza and shoot him dead. They kept mutilating his body in front of viewers and little children and left it on the hospital's yard for a few hours before allowing the staff to take it to the morgue."

A., a Fatah member in Gaza, spoke over Skype -- fearful that Hamas was intercepting phone lines:

"Even before the Israeli operation began, Hamas rounded up 400 of our members and other political-opposition figures. I would not be surprised if Hamas kills them all and then claims they were killed in an Israeli bombing. Hamas already beheaded a man known for opposing its views on the 22nd day of the war, then reported on its Facebook page that he was caught sending intelligence information to Israel. If Hamas does not like you for any reason, all they have to do now is claim you are a Mossad agent and kill you."

S. a medical worker, said:

"The Israeli army sends warnings to people [Gazans] to evacuate buildings before an attack. The Israelis either call or send a text message. Sometimes they call several times to make sure everyone has been evacuated. Hamas's strict policy, though, was not to allow us to evacuate. Many people got killed, locked inside their homes by Hamas militants. Hamas's official Al-Quds TV regularly issued warnings to Gazans not to evacuate their homes. Hamas militants would block the exits to the places residents were asked to evacuate. In the Shijaiya area, people received warnings from the Israelis and tried to evacuate the area, but Hamas militants blocked the exits and ordered people to return to their homes. Some of the people had no choice but to run towards the Israelis and ask for protection for their families. Hamas shot some of those people as they were running; the rest were forced to return to their homes and get bombed. This is how the Shijaiya massacre happened. More than 100 people were killed."

Another Gazan journalist, D., said:

"Hamas fired rockets from next to homes. Hamas was running from one home to another. Hamas lied when it claimed it was shooting from non-populated areas. To make things even worse for us, Hamas would fire from the balconies of homes and try to drag the Israelis into door-to-door battles and street-to-street fights -- a death sentence for all the civilians here. They would fire rockets and then run away quickly, leaving us to face Israeli bombs for what they did. They are cowards. If Hamas

militants are not afraid of dying, why do they run after they fire rockets from our homes? Why don't they stay and die with us? Are they afraid to die and go to heaven? Isn't that what they claim they wish?"

Hamas boasted that Palestinian civilians were killed while Hamas's terrorists remained alive, hiding in their underground bunkers and tunnels. (Image source: Hamas video screenshot) K, another graduate student at an Egyptian university who had gone to Gaza to see his family but was unable to leave after the war started, said on July 22:

"When people stopped listening to Hamas orders not to evacuate and began leaving their homes anyway, Hamas imposed a curfew: anyone walking out in the street was shot without being asked any questions. That way Hamas made sure people had to stay in their homes even if they were about to get bombed. God will ask Hamas on judgment day for those killers' blood."

I asked him if Hamas used people as "human shields." He said: "Hamas held the entire Gazan population as a human shield. My answer to you is yes."

Palestinian Authority President Mahmoud Abbas told the press on September 6 that Hamas had killed 120 Fatah members who broke the curfew.

T., a former Hamas Ministry officer, said: "Hamas fires from civilian areas for a good reason: The Israelis call the civilians and give them ten minutes to evacuate. This gives Hamas time to fire another rocket and run away."

Why, I asked, did Hamas not allow people to evacuate?

"Some people say Hamas wants civilians killed in order to gain global sympathy, but I believe this is not the main reason. I think the reason is that if all the people were allowed to evacuate their homes, they all would have ended up in a certain area in Gaza. If that happened, it would have made the rest of Gaza empty of civilians, and the Israelis would have been able to hit Hamas without worrying about civilians in all those empty areas. Hamas wanted civilians all over the place to confuse the Israelis and make their operations more difficult."

S., a Gazan businessman, said:

"The cease-fire Hamas agreed to carried the same conditions the Egyptians and the Israelis offered during the second week of the war -- after only 160 Gazans had been killed. Why did Hamas have to wait until 2,200 were killed, and then accept the very same offer? Hamas has blackmailed the world with the killed Gazan civilians to make itself look like a freedom fighter against an evil Israel. Hamas showed Gazans that it could not care less for their blood and their children. And why should Hamas care? Its leaders are either in mansions in Qatar or villas in Jordan. Mashaal [Khaled Mashaal, the head of Hamas] is in Qatar, Mohammad Nazzal is in Jordan and Abu Marzouk is in Cairo: why should they want a ceasefire? Everyone here in Gaza is wondering why Hamas rejected so many ceasefires. Hamas knows it will not defeat Israel's army, so why did it continue fighting? The answer is simple: Hamas wanted us butchered so it

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could win the media war against Israel by showing our dead children on TV and then get money from Qatar."

I asked S. if other Gazans shared his view. He said,

"Gazans are not stupid. We are now telling Hamas: Either you bring victory and liberate Palestine as you claim, or simply leave Gaza and maybe give it back to the Palestinian Authority or even Israel -- or even Egypt! We have had enough of Hamas's hallucinations and promises that never come true."

O., a researcher who lives in Gaza Strip's second largest city, Khan Younis, said:

"Most of us see Hamas as too radical and too stubborn, especially the way it was refusing ceasefires offered from Israel. They even refused a 24-hour ceasefire during the third week of the war. They denied us even 24 hours of quiet to bury the dead. Even some Hamas loyalists here are asking why Hamas refused several ceasefires and made us suffer. Hamas did this on purpose because Hamas is a slave to Qatar. Qatar wants the war to go on because it is a terrorist Islamist country, and Hamas wants more of us dead to appease its masters in Qatar. Let's be realistic, Hamas is in a bad shape now. Israel destroyed most tunnels; that is why Hamas had to join the ceasefire talks in Cairo. Were the Israelis' hits to Hamas not so painful, Hamas would not be negotiating in the first place. At the same time, Hamas is asking Israel for the impossible, like an open seaport and an airport. Israel would never allow that, and Hamas knows this, but Hamas might just be buying time by throwing out these demands. You have to keep in mind that Hamas is not concerned with our conditions as Gazans. After all it is our children who are dying, not the children of Hamas's leaders. Hamas is weak now, and I believe it lost most of its tunnels. Israel's Iron Dome destroyed so many of their rockets before they landed in Israel; that is why Hamas is being ruthless with Gazans. When Hamas locks people inside homes about to be bombed, when it kills people protesting against it and when it executes alleged traitors without even a trial, these are war crimes."

A report by the Washington Institute, released in July, also reports that most Gazans are not happy with Hamas's governance.

"It is true," said A., a teacher. "I do not know a single Gazan who is pro-Hamas at the moment, except for those on its payroll. Hamas maintains its control here through a military dictatorship, just like North Korea. People will be killed if they protest. Even Gazans living abroad fear to criticize Hamas because Hamas will take revenge on their relatives who are here."

M., a Gazan television producer, stated:

"Of course I am against Israel and I want it out of Gaza and out of the West Bank, but I still believe Hamas is more of a threat to the Palestinian people. Hamas took over Gaza by killing us [Palestinians] and throwing our young men from high buildings. That is what Hamas is about: murder and power. Hamas is also delusional. Its leaders refused the Egyptian cease-fire proposal, they got hit hard by the Israelis, and then when the war stopped, they declared victory. Even the prophet Muhammad, peace be upon him, admitted it when he lost Ohoud war [A war in which pagan Arabs defeated

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Muhammad's army and in which Muhammad was almost killed]. Hamas lives in its own fantasy world. Hamas wanted the dead bodies to make Israel look ugly. The media has exerted a huge pressure on Israel for every dead Gazan. In that sense, Hamas's tactic has worked, and we have seen more Western tolerance of Hamas, especially in Europe. Of course Hamas doesn't care if we all die so long as it achieves its goals. We are not going to accept living under Hamas any longer. Even if there is calm, and the firing stops, we are going to still be under Hamas's mercy, where all

basic living standards are considered luxuries. Hamas is just buying time by going to the ceasefire talks. Hamas does not want a ceasefire."

When asked why that was, he said, "Ask Qatar's Sheikh, not me. He is Hamas's god who gives them billions and tells them what to do. May God curse Qatar!"

A first-aid volunteer, E., said that Hamas militants had confiscated 150 truckloads of humanitarian supplies the day before. He said the supplies were donated by charities in the West Bank and that their delivery was facilitated by the IDF. He commented: "This theft angers all of us [Gazans]. The Israeli army allows supplies to come in, and Hamas steals them. It seems even the Israelis care for us more than Hamas."

Another aid worker, A., confirmed that Hamas steals the humanitarian supplies given to Gaza. "They [Hamas] take most of it, sell it to us, and just give us the stuff they do not want."

A Gazan mosque's imam said that the most precious aid item Hamas stole was water. "Gazans are thirsty and Hamas is stealing the water bottles provided to us for free and selling them at 20 Israeli shekels [approximately \$5] for the big bottle and 10 Israeli shekels for the small one."

H., who did not want his profession to be mentioned, lost one of his legs in an Israeli raid. I asked him who he thought was responsible for his injury. He stated:

"Hamas was. My father received a text-message from the Israeli army warning him that our area was going to be bombed, and Hamas prevented us from leaving. They said there was a curfew. A curfew, can you believe that? I swear to God, we will take revenge on Hamas. I swear to God I will stand on my other foot and fight against Hamas. Even if Israel leaves them alone, we will not. What had my two-year-old nephew done to be killed under the rubble of our home so Khaled Mashaal [Hamas leader based in Qatar] could be happy? We want change at any cost. I am not claiming the Israelis are innocent, but I know Hamas has fired rockets from every residential spot in Gaza. If that was not hiding behind civilians, then it was stupidity and recklessness. Nobody who is normal, in his right mind, in Gaza supports Hamas. People have lost parents, children and friends, and have nothing more to lose. I believe if given the chance and the weapons, they will stand against Hamas."

K., a Gazan school teacher agreed:

"When Hamas starts caring for our children we will start caring for Hamas. Hamas has one policy, to attack Israel; so Israel attacks back, and gets us killed and Hamas then gets more money from Arabs and Erdogan [Turkey's president]. My son has autism; he cannot handle the sounds of rockets and bombs landing. Why would I

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support Hamas, which causes this suffering to him? Gazans have had enough of Hamas, any claims that we love Hamas is just propaganda. A recent poll indicates that most of us support Hamas; this is not true, except maybe in the West Bank where they have not yet lived under Hamas rule. I cannot accuse the polling center of fabricating the poll, but my safest explanation for the result is that Gazans polled are too afraid to give their true opinions of Hamas. Hamas watches everything here. Most Gazans now have to deal with the aftermath of the war. Almost 300,000 Gazans are now homeless and Hamas is not providing them with anything. So why would they or their extended families have any love for Hamas? Would there be any common sense to that? Most Gazans are angry at Hamas, and most of us would love to see them replaced by any other force."

Despite all Hamas has done to Gazans, they do not seem to hold much love -- or less hatred -- for Israel.

S., a graduate of an American university and a former Hamas sympathizer, warned:

"Don't get fooled. Gazans are not in love with Israel yet, but they do not want to fight Israel anymore. We do not want to embrace Israel; we just want to live normally without wars. We want to live and work in Israel like we used to. We are under Hamas occupation, and if you ask most of us, we would rather be under Israeli occupation, instead. I would welcome Netanyahu to rule Gaza so long as Hamas leaves, and I think most Gazans feel the same way. We miss the days when we were able to work inside Israel and make good money, we miss the security and calm Israel provided when it was here, but politically speaking, we just think of it as the better of two evils: Israel and Hamas."

M., who lost his 11 year old daughter in an Israeli bombing said: "I will not forgive either Hamas or Israel for losing my daughter. If you ask me if I hate Israelis, my answer would be no, but do I love them? Of course not. There is too much blood between us, but I can only hope someday we both will move on and heal our wounds."

When asked what he would do if he were in Israel's place, being attacked non-stop by Hamas, he responded: "I do not care if both Israel and Gaza burn in hell."

F., a Gazan physician, said:

"I wish Israel never existed, but as it does not seem to be going away, I would rather be working in Israel like I used to before the first Intifada, not fighting it. Hamas sympathizers, apologists and appeasers should be ashamed of themselves for supporting a terrorist organization that has butchered civilians, Israeli and Palestinian. Apparently a group of Israelis is working on bringing Hamas leader Khaled Mashaal to trial in the International Criminal Court. But perhaps the world should consider putting all the Hamas leaders on trial for crimes against the Gazan people."

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APPENDIX C ABBAS SAYS 120 KILLED BY HAMAS

Financial Times [ft.com](http://www.ft.com)

September 7, 2014 8:17 pm Abbas threatens to end Palestinian unity government with Hamas By John Reed in Jerusalem <http://www.ft.com/intl/cms/s/0/e68972ca-3695-11e4-85be00144feabdc0.html#axzz3Om30rYGo>

Fatah also accused Hamas "militias" of shooting or beating dozens of its members in Gaza. Mr Abbas said on Saturday that Hamas had killed 120 young men during the war for breaking a curfew, and sentenced others to death by summary execution on Gaza's streets

President Mahmoud Abbas swore in a Palestinian unity government on Monday under a reconciliation deal with Hamas Islamists that led Israel to freeze U.S.-brokered peace talks with the Western-backed leader. REUTERS/Suhaib Salem (GAZA - Tags: POLITICS)©Reuters

Ismail Haniyeh, Senior Hamas leader, delivers a farewell speech in his former position as a Hamas government prime minister in Gaza, as President Mahmoud Abbas swore in a Palestinian unity government on June 2

Mahmoud Abbas, the Palestinian Authority president, has threatened to dissolve a four-month-old unity government with Hamas after clashing with the Islamist group over salaries, political violence and plans to rebuild in Gaza.

The growing rancour between Mr Abbas' Fatah and Hamas, the two biggest Palestinian political factions, threatens to disrupt plans to rebuild Gaza's ruined infrastructure following the recent Israeli military operation, as well as upcoming talks in Cairo aimed at securing a long-term truce.

Mr Abbas, speaking on Saturday, accused Hamas of operating a "shadow government" in Gaza, saying its ministries and officials remained in power and had not stepped aside for the Palestinian Authority, as outlined in April's Fatah-Hamas reconciliation accord.

"If Hamas won't accept a Palestinian state with one government, one law and one gun, then there won't be any partnership between us," Mr Abbas said. "This is our condition and we won't back away from it."

Sami Abu Zuhri, a Hamas spokesman, said in response that Mr Abbas' remarks were "untrue, baseless and unfair to our people", adding that Hamas representatives would soon meet their Fatah counterparts to discuss their differences.

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Hamas has been frustrated with the Palestinian Authority's failure to fund the salaries of 40,000 civil servants who have not been paid since May, one of the main drivers of the reconciliation deal. The group also oppose the Ramallah administration's bid to control future flows of reconstruction aid to Gaza.

Fatah and Hamas, which split violently in 2007 and have governed the West Bank and Gaza respectively since then, put aside their differences to form a technocratic government in May, meant to allow for long-postponed national elections to be held in another six months.

However, Israel has vehemently opposed the reconciliation deal, and tensions between the rival factions flared further during Operation Protective Edge, the recent 50-day Israeli military operation in Gaza.

Last month, Fatah angered Hamas when it accused the Islamist group of selling food and medical aid sent to Gaza on the black market. Fatah also accused Hamas "militias" of shooting or beating dozens of its members in Gaza. Mr Abbas said on Saturday that Hamas had killed 120 young men during the war for breaking a curfew, and sentenced others to death by summary execution on Gaza's streets.

Further fuelling tensions between the two sides, a poll published last week by the Palestinian Centre for Policy and Survey Research found that Ismail Haniya, Hamas' former Gaza prime minister, would easily trounce Mr Abbas in a Palestinian election if one were to be held now.

"There's no trust whatsoever between Hamas and Fatah," said Mkhaimar Abusada, a political scientist at Al-Azhar University in Gaza City. "Fatah think Hamas are on their way to take over the West Bank, and Hamas feel Abbas is exploiting them to revive peace negotiations with Israel."

The squabbling, if it causes the unity government to collapse, could cripple efforts to rebuild Gaza after the most destructive of Israel's three military campaigns against Hamas since 2009.

International donors, led by Egypt and Norway, have tentatively endorsed a bid by the Palestinian Authority to lead reconstruction after Israel's military assault, which the Ramallah government estimated last week would cost \$7.84bn. However, they would be unlikely to provide aid directly to Hamas, which the EU and US classify as a terrorist group.

And Egypt has made it clear that it will not reopen Gaza's border crossing at Rafah – seen as a vital step in reviving the blockaded enclave's economy – unless the Palestinian Authority is sent in to replace Hamas there.

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APPENDIX D SHARON'S SPEECH TO KNESSET ON DISENGAGEMENT

(Note. Highlighting of paragraphs considered to be of special interest has been added by the author)

Prime Minister Ariel Sharon's Address to the Knesset-The Vote on the Disengagement Plan 25 Oct 2004

[http://mfa.gov.il/MFA/PressRoom/2004/Pages/PM%20Sharon%20Knesset%20speech %20-%20Vote%20on%20Disengagement%20Plan%2025-Oct-2004.aspx](http://mfa.gov.il/MFA/PressRoom/2004/Pages/PM%20Sharon%20Knesset%20speech%20-%20Vote%20on%20Disengagement%20Plan%2025-Oct-2004.aspx)

Mr. Speaker, Members of Knesset,

This is a fateful hour for Israel. We are on threshold of a difficult decision, the likes of which we have seldom faced, the significance of which for the future of our country in this region is consistent with the difficulty, pain, and dispute it arouses within us. You know that I do not say these things with a light heart to the representatives of the nation and to the entire nation watching and listening to every word uttered here in the Knesset today. This is a people that has courageously faced and still faces the burden and terror of the ongoing war, which has continued from generation to generation; in which, as in a relay race, fathers pass the guns to their sons; in which the boundary between the front line and the home front has long been erased; in which schools and hotels, restaurants and marketplaces, cafes and buses have also become targets for cruel terrorism and premeditated murder.

Today, this nation wants to know what decision this house will make at the end of this stormy discussion. What will we say to them, and what message will we convey to them? For me, this decision is unbearably difficult. During my years as a fighter and commander, as a politician, Member of Knesset, as a minister in Israel's governments and as prime minister, I have never faced so difficult a decision.

I know the implications and impact of the Knesset's decision on the lives of thousands of Israelis who have lived in the Gaza Strip for many years, who were sent there on behalf of the governments of Israel, and who built homes there, planted trees and grew flowers, and who gave birth to sons and daughters, who have not known any other home. I am well aware of the fact that I sent them and took part in this enterprise, and many of these people are my personal friends. I am well aware of their pain, rage, and despair. However, as much as I understand everything they are going through during these days and everything they will face as a result of the necessary decision to be made in the Knesset today, I also believe in the necessity of taking the step of disengagement in these areas, with all the pain it entails, and I am determined to complete this mission. I am firmly

convinced and truly believe that this disengagement will strengthen Israel's hold over territory which is essential to our existence, and will be welcomed and appreciated by those near and far, reduce animosity, break through boycotts and sieges and advance us along the path of peace with the Palestinians and our other neighbors.

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I am accused of deceiving the people and the voters, because I am taking steps which are in total opposition to past things I have said and deeds I have done. This is a false accusation. Both during the elections and as prime minister, I have repeatedly and publicly said that I support the establishment of a Palestinian state alongside the State of Israel. I have repeatedly and openly said that I am willing to make painful compromises in order to put an end to this ongoing and malignant conflict between those who struggle over this land, and that I would do my utmost in order to bring peace.

And I wish, Mr. Chairman, to say that many years before, in 1988, in a meeting with Prime Minister Yitzchak Shamir and with the ministers of the Likud, I said there that I believe that if we do not want to be pushed back to the 1967 lines, the territory should be divided.

As one who fought in all of Israel's wars, and learned from personal experience that, without proper force, we do not have a chance of surviving in this region, which does not show mercy towards the weak, I have also have learned from experience that the sword alone cannot decide this bitter dispute in this land.

I have been told that the disengagement will be interpreted as a shameful withdrawal under pressure, and will increase the terror campaign, present Israel as weak, and will show our people as a nation unwilling to fight and to stand up for itself. I reject that statement outright. We have the strength to defend this country, and to strike at the enemy which seeks to destroy us.

And there are those who tell me that, in exchange for a genuine signed peace agreement, they too would be willing to make these painful compromises. However, regrettably, we do not have a partner on the other side with whom to conduct genuine dialogue, in order to achieve a peace agreement. Even prime ministers of Israel who declared their willingness to relinquish the maximum territory of our homeland were answered with fire and hostility. Recently, the chairman of the Palestinian Authority declared that "a million shaheeds will break through to Jerusalem." In the choice between a responsible and wise action in history, which may lead to painful compromise and a "holy war" to destroy Israel, Yasser Arafat chose the latter – the path of blood, fire, and shaheeds. He seeks to turn a national conflict that can be terminated through mutual understanding into a religious war between Islam and Jews, and even to spill the blood of Jews who live far away.

Israel has many hopes and faces extreme dangers. The most prominent danger is Iran, which is making every effort to acquire nuclear weapons and ballistic missiles, and establishing an enormous terror network together with Syria in Lebanon.

And I ask you: What are we doing and what are we struggling over in the face of these terrible dangers? Are we not capable of uniting to meet this threat? This is the true question.

The Disengagement Plan does not replace negotiations and is not meant to permanently freeze the situation which will be created. It is an essential and necessary step in a situation which currently

does not enable genuine negotiations for peace. However, everything remains open for a future agreement, which will hopefully be

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achieved when this murderous terror ends, and our neighbors will realize that they cannot triumph over us in this land.

Mr. Chairman, with your permission, I will read several lines from a famous essay which was published in the midst of the Arab Revolt of 1936 – and we must bear in mind that the Jewish community in Israel numbered less than 400,000. This essay by Moshe Beilinson was published in “Davar”, as I mentioned, during the murderous Arab Revolt of 1936 (and I quote): “How much longer? People ask. How much longer? Until the strength of Israel in its land will condemn and defeat in advance any enemy attack; until the most enthusiastic and bold in any enemy camp will know there are no means to break the strength of Israel in its land, because the necessity of life is with it, and the truth of life is with it, and there is no other way but to accept it. This is the essence of this campaign.”

I am convinced that everything we have done since then confirms these emphatic words.

We have no desire to permanently rule over millions of Palestinians, who double their numbers every generation. Israel, which wishes to be an exemplary democracy, will not be able to bear such a reality over time. The Disengagement Plan presents the possibility of opening a gate to a different reality.

Today, I wish to address our Arab neighbors. Already in our Declaration of Independence, in the midst of a cruel war, Israel, which was born in blood, extended its hand in peace to those who fought against it and sought to destroy it by force (and I quote): “We appeal – in the very midst of the onslaught launched against us now for months – to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the state on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions.” A long time has passed since then. This land and this region have known more wars, and have known all the wars between the wars, terrorism and the difficult counteractions undertaken by Israel, with the sole purpose of defending the lives of its citizens. In this ongoing war, many among the civilian population, among the innocent, were killed. And tears met tears. I would like you to know that we did not seek to build our lives in this homeland on your ruins. Many years ago, Ze'ev Jabotinsky wrote in a poem his vision for partnership and peace among the peoples of this land (and I quote): “There he will be saturated with plenty and joy, the son of the Arab, the son of Nazareth, and my son.”

We were attacked and stood firm, with our backs to the sea. Many fell in the battle, and many lost their homes and fields and orchards, and became refugees. This is the way of war. However, war is not inevitable and predestined. Even today, we regret the loss of innocent lives in your midst. Our way is not one of intentional killing.

Forty-eight years ago, on the eve of our Independence Day in 1956, against the background of the return of the bodies of ten terrorists who committed crimes in Israel, murderous acts in Israel, and who were delivered in wooden coffins to the Egyptians at a border crossing in the Gaza Strip, on this, the Hebrew poet Natan Alterman wrote the following:

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“Arabia, enemy unknown to you, you will awake when you rise against me, My life serves as witness with my back against the wall and to my history and my God, Enemy, the power of whose rage in the face of those who rise to destroy him until the day Will be similar only to the force of his brotherhood in a fraternal covenant between one nation and another.”

This was during the time of the terrorist killings and our retaliatory raids.

Members of Knesset,

With your permission, I wish to end with a quotation from Prime Minister Menachem Begin, who at the end of December 1977 said on this podium (and I quote):

“Where does this irresponsible language come from, in addition to other things which were said? I once said, during an argument with people from Gush Emunim, that I love them today, and will continue to like them tomorrow. I told them: you are wonderful pioneers, builders of the land, settlers on barren soil, in rain and through winter, through all difficulties. However, you have one weakness – you have developed among yourselves a messianic complex.

"You must remember that there were days, before you were born or were only small children, when other people risked their lives day and night, worked and toiled, made sacrifices and performed their tasks without a hint of a messianic complex. And I call on you today, my good friends from Gush Emunim, to perform your tasks with no less modesty than your predecessors, on other days and nights.

"We do not require anyone to supervise the Kashrut of our commitment to the Land of Israel! We have dedicated our lives to the Land of Israel and to the struggle for its liberation, and will continue to do so.”

I call on the people of Israel to unite at this decisive hour. We must find a common denominator for some form of “necessary unity” which will enable us to cope with these fateful days with understanding, and through our common destiny, and which will allow us to construct a dam against brotherly hatred which pushes many over the edge. We have already paid an unbearably high price for murderous fanaticism. We must find the root which brings us all together, and must carry out our actions with the wisdom and responsibility which allow us to lead our lives here as a mature and experienced nation. I call on you to support me at this decisive time.

Thank you.

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APPENDIX E HAMAS MANUAL EXPLAINS BENEFITS OF HUMAN SHIELDS Published on: August 4, 2014 IDF forces in the Gaza Strip found a Hamas manual on “Urban Warfare,” which belonged to the Shuja’iya Brigade of Hamas’ military wing, the Al-Qassam Brigades. The manual explains how the civilian population can be used against IDF forces and reveals that Hamas knows the IDF is committed to minimizing harm to civilians.

<http://www.idfblog.com/blog/2014/08/04/captured-hamas-combat-manual-explainsbenefits-human-shields/>

Throughout Operation Protective Edge, Hamas has continuously used the civilian population of Gaza as human shields. The discovery of a Hamas “urban warfare” manual by IDF forces reveals that Hamas’ callous use of the Gazan population was intentional and preplanned.

This Hamas urban warfare manual exposes two truths: (1) The terror group knows full well that the IDF will do what it can to limit civilian casualties. (2) The terror group exploits these efforts by using civilians as human shields against advancing IDF forces.

The Manual:

In a portion entitled “Limiting the Use of Weapons,” the manual explains that:

The soldiers and commanders (of the IDF) must limit their use of weapons and tactics that lead to the harm and unnecessary loss of people and [destruction of] civilian facilities. It is difficult for them to get the most use out of their firearms, especially of supporting fire [e.g. artillery].

Clearly Hamas knows the IDF will limit its use of weapons in order to avoid harming civilians, including refraining from using larger firepower to support for infantry.

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The manual goes on to explain that the “presence of civilians are pockets of resistance” that cause three major problems for advancing troops:

(1) Problems with opening fire (2) Problems in controlling the civilian population during operations and afterward (3) Assurance of supplying medical care to civilians who need it

Lastly, the manual discusses the benefits for Hamas when civilian homes are destroyed:

The destruction of civilian homes: This increases the hatred of the citizens towards the attackers [the IDF] and increases their gathering [support] around the city defenders (resistance forces[i.e. Hamas]).

It is clear that Hamas actually desires the destruction of homes and civilian infrastructure, knowing it will increase hatred for the IDF and support their fighters.

Why Shuja’iya is Important

It is also of no small importance that this manual belongs to the Shuja’iya Brigade. The IDF fought a major battle in the neighborhood of Shuja’iya, which had been turned into a terrorist stronghold. The discovery of this manual suggests that the destruction in Shuja’iya was always part of Hamas’ plan.

Appendix V: Operation Cast Lead and the Ethics of Just War

Operation Cast Lead and the Ethics of Just War

By

ASA

KASHER

<http://azure.org.il/article.php?id=502>

Was Israel's conduct in its campaign against Hamas morally justified?
Editor's Note:

On Saturday, December 27, 2008, after eight years of continuing rocket attacks on its territory by Islamic terrorist organizations, Israel launched a full-scale military operation against the Hamas regime in the Gaza Strip. Officially named Operation Cast Lead, it began with massive air-strikes against Hamas and Islamic Jihad targets, and continued with a ground incursion in which thousands of Israeli soldiers participated. After twenty-two days of fighting, Israel announced a unilateral ceasefire, which became effective on January 18, 2009.

While the political and military achievements of the operation are contested, the damage it left in its wake is undisputed. Ten Israeli soldiers and three Israeli civilians were killed. Due to the asymmetry of forces, the Palestinian side sustained especially heavy casualties: According to Palestinian sources in the Gaza Strip (whose credibility, it must be noted, is questionable), more than one thousand people were killed and much of Gaza's infrastructure was destroyed. Humanitarian relief agencies estimate that nearly 100,000 Palestinians were left homeless.

The destruction caused by the Gaza operation, as well as the disturbing pictures of it broadcast around the world, incited violent international protest and a public debate within Israel itself. The most outspoken critics of the operation accused the Jewish state of engaging in excessive and indiscriminate aggression, as well as committing war crimes against the Palestinians. More moderate commentators questioned the necessity of some of the Israel Defense Forces' (IDF) actions during the fighting, and wondered whether the operation could have been brought to a close without causing such widespread carnage.

Though understandable and perhaps inevitable, this heated debate is unfortunately founded, in most cases, on insufficient and flawed information, semantic confusion, and the misuse of moral principles. The main purpose of this article, written by one of Israel's leading philosophers, is to try to deal with some of these shortcomings. At the very least, it points us toward the proper moral, ethical, and legal standards by which the Gaza operation should be evaluated.

A properly functioning state should plan its actions carefully, execute them appropriately, and examine them scrupulously afterwards. A military operation is an important and complex act of state, and it is not exempt from proper planning, execution, and examination.

Whenever a state conducts a military operation outside of its borders, it engages in a political action. In a democratic state, the government must rigorously examine the political considerations and decisions that

led to this action. A military operation also involves the deployment of armed forces and the cooperation of intelligence agencies. Each of these institutions is also expected to undertake a professional, methodical, and searching post-hoc inquiry into the considerations taken and decisions made in every professional locus of control that has had an effect on the operation—including those of operative planning, tactical performance, and intelligence. A responsible inquiry into these loci may then lead to a professional investigation of other loci of influence, such as those involved in capability building (i.e., developing military doctrines, practical training, etc.).

These political investigations and professional inquiries must pay special attention to every aspect of the operation that is related to moral and ethical values. Decisions, commands, and actions should be closely examined in order to determine whether they appropriately manifested the moral principles of the State of Israel, the ethics of the IDF and the General Security Service, and the laws to which Israel is subject.

There are two stages to such an analysis: First, one must determine the requirements that every military operation must fulfill in light of Israel's moral principles as a Jewish and democratic state;¹ the ethical codes of the IDF and the General Security Service;² the laws that Israel must observe as a state in which the rule of law prevails; and the laws it must observe as a properly functioning state subject to both *jus gentium* (the "law of nations," i.e., international norms which apply to all states) and *jus inter gentes* (the "law between the peoples," i.e., treaties and agreements entered into by sovereign nations). Second, one must ascertain whether the decisions made, orders issued, and actions performed in the course of the operation fulfilled these moral, ethical, and legal requirements. In order to do this, one needs as reliable, full, thorough, and accurate an account of the relevant facts as possible. It is impossible to complete any moral, ethical, or legal evaluation of an operation before an investigation of its political background and an inquiry into the military's professional performance are completed. During and after Operation Cast Lead, many people, both in Israel and abroad, made statements about it as if this kind of examination had already been completed and its findings were at their disposal. Since it is reasonable to assume that not a single one of them had a reliable, full, thorough, and accurate account of the facts, their assertions can carry no moral, ethical, or legal significance at this stage.

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Appendix VI: The Case for Israel's Just War Against Hamas **by Alan Dershowitz**

Terror Tunnels: The Case for Israel's Just War Against Hamas

Introduction

by [Alan M. Dershowitz](#)

September 12, 2014 at 5:00 am

<http://www.gatestoneinstitute.org/4695/hamas-terror-tunnels>

Hamas quickly produces photographs of dead babies to be shown around the world, while at the same time preventing the media from showing its rocket launchers in densely populated areas.

Unless Hamas's "dead baby strategy" is denounced and stopped -- by the international community, the media, the academy and all good people -- it will be coming soon "to a theater near you".

If Hamas's dead baby strategy works, why not repeat it every few years? And why shouldn't other terrorist groups, like ISIS and Boko Haram, adapt this strategy to their nefarious goals as Hezbollah has already done?

On June 13, 2014, the commander of the Gaza Division of the Israel Defense Forces took me into a Hamas tunnel that had recently been discovered by a Bedouin tracker who serves in the IDF. The tunnel was a concrete bunker that extended several miles from its entrance in the Gaza Strip to its exit near an Israeli kibbutz kindergarten.

The tunnel had one purpose: to allow Hamas death squads to kill and kidnap Israelis. The commander told me that Israeli intelligence had identified more than two dozen additional tunnel entrances in the Gaza Strip. They had been identified by the large amounts of earth being removed to dig them. Although Israeli intelligence knew where these entrances were, they could not order an attack from the air, because they were built into civilian structures such as mosques, schools, hospitals, and private homes. Nor could Israel identify their underground routes from Gaza into Israel, or their intended exit points in Israel. Israeli scientists and military experts had spent millions of dollars in an [effort to develop technologies](#) that could find the underground routes and intended exits for tunnels that were as deep as a hundred feet beneath the earth, but they had not succeeded in finding a complete solution to this problem. The planned exits from these tunnels in Israel were

also a Hamas secret, hidden deep in the ground and incapable of being discovered by Israel until the Hamas fighters emerged. At that point it would be too late to prevent the death squads from doing their damage.

Alan Dershowitz



TERROR TUNNELS

The Case
for Israel's
Just War
Against
Hamas

A Gatestone Institute publication by RosettaBooks®

I was taken into the tunnel and saw the technological innovations: tracks on which small trains could transport kidnapped Israelis back to Gaza; telephone and electrical lines; crevices beneath schools and other civilian targets that could hold explosives; and smaller offshoot tunnels leading from the main tube to numerous exit points from which fighters could simultaneously emerge from different places.

As soon as I went down into the tunnel, I realized that Israel would have no choice but to take military action to destroy them. Israel had a technological response — though imperfect — to Hamas rockets. Its Iron Dome was [capable of destroying](#) approximately 85 percent of Hamas rockets fired at its population centers. Moreover, it could attack rocket launchers from the air with sophisticated GPS-guided bombs. But it had no complete technological answer to these terror tunnels. Subsequently, the media reported that Hamas may have been [planning a Rosh Hashanah massacre](#) during which hundreds of Hamas terrorists would simultaneously emerge from dozens of tunnels and slaughter hundreds, if not thousands, of Israeli civilians and soldiers. If this report were true, as many in Israel believed it was, the Rosh Hashanah massacre would have been the equivalent of a hundred 9/11s in the United States. Even if it was an exaggeration, the tunnels certainly provided Hamas with the capability of wreaking havoc on Israeli citizens. There were other reports as well of planned attacks through the tunnels. As [one resident of Sderot put it](#): "We used to look up to the sky in fear, but now we are looking down at the ground."

To me, the only questions were *when* Israel would act, *how* it would act, *whether* it would be successful, and *what* the consequences would be. Could any nation tolerate this kind of threat to its citizens? Has any nation in history ever allowed tunnels to be dug under its border which would permit death squads to operate against its people?

I discussed these issues with Israeli prime minister Benjamin Netanyahu at a dinner in his home several days after my visit to the tunnel, and it became clear that the Israeli government had been concerned about the security threats posed by these terror tunnels ever since the tunnels were used to kidnap the young soldier Gilad Shalit and kill two of his compatriots.

Ironically, it was while we were in the tunnel that we learned that three Israeli high school students had been kidnapped. Their kidnapping, which Hamas subsequently acknowledged was done by its operatives, and their murder, was the beginning of what turned into Operation Protective Edge, which ended with the destruction of most of the tunnels. This book is about that operation and why Israel was justified — legally, morally, diplomatically and politically — in responding to the dangers posed by the tunnels and the rocket attacks that preceded and followed their discovery. It is also about why so many in the media, academia, the international

community, and the general public seem to blind themselves to the dangers posed by Hamas and blame Israel for actions *they would demand their own governments take*, were they faced with comparable threats.

Indeed, the United States is now leading a coalition of nations in an effort to destroy ISIS, employing many of the same military tactics for which some of these nations blamed Israel.

I believe that the "blame Israel" reaction has serious consequences, not only for Israel but for the people of Gaza, and for the democratic world in general. Blaming Israel only encourages Hamas to repeat its "dead baby strategy," and other terrorist groups to emulate it. This strategy, which has worked effectively, operates as follows: Hamas attacks Israel either by rockets or through tunnels, thereby forcing Israel to respond, as any democracy would do, to protect its citizens. Because Hamas fires its rockets and digs its tunnels from densely populated civilian areas, rather than from the many open areas of the Gaza Strip, the inevitable result is that a significant number of Palestinian civilians are killed. Hamas encourages this result, because it knows the media will focus more on the *photographs* of dead babies than on the *cause* of their death: namely, the decision by Hamas to use these babies and other civilians as human shields. Hamas quickly produces the dead babies to be shown around the world, while at the same time preventing the media from showing its rocket launchers and tunnels in densely populated areas. The world is outraged at the dead civilians and blames Israel for killing them. This only encourages Hamas to repeat its dead baby strategy following short cease-fires, during which they rearm and regroup.

In 2009, I published a short book entitled *The Case for Moral Clarity: Israel, Hamas and Gaza*. Very little has changed since that time, except that Hamas has built many more tunnels, and that the reach and sophistication of its rockets has increased.

I am writing this book to warn the world that unless Hamas's dead baby strategy is denounced and stopped — by the international community, the media, the academy, and good people of all religions, ethnicities, and nationalities — it will be coming soon "to a theater near you." Hamas repeatedly employs this despicable and unlawful strategy because *it works!* It works because despite the material losses Hamas suffers in its repeated military encounters with Israel, it always *wins* the public relations war, the legal war, the academic war, and the war for the naïve hearts, if not the wise minds, of young people. And if it is indeed winning these wars — if its dead baby strategy is working — why not repeat it every few years? That's why cease-fires between Israel and Hamas always mean that Israel "ceases" and Hamas "fires" — perhaps not immediately, while it regroups and rearms, but inevitably. And if it works for Hamas, why shouldn't other terrorist groups, like ISIS^[1] and Boko Haram, adapt this strategy to their nefarious goals, as Hezbollah has already done?

The only way to end this cycle of death is to expose the Hamas dead baby strategy for what it is — a double war crime whose ultimate victims are civilian children, women, and men.

I have only one weapon in this war: my words. During the course of Operation Protective Edge I have tried to make the case for Israel's just war against Hamas's double war crime strategy. I have written more than two dozen op-eds, participated in several debates and television interviews, and have spoken to numerous audiences. With this book, I seek to reach a larger audience and influence the most important tribunal in any democracy: the court of public opinion.

The book is divided into two parts. The first covers the run-up to the recent war in Gaza from the end of Operation Cast Lead (December 2008-January 2009) to just before the beginning of Operation Protective Edge (July-August 2014). The second deals with Operation Protective Edge and its aftermath.

My goal is to show that Israel's military actions in defense of its citizens have been just, and that they have been conducted in a just manner. They are no less just than the military actions being conducted by the United States and its allies against ISIS, al-Qaeda, and other terrorist groups. And they have been carried out at least as justly, with a lower percentage of civilian-to-combatant casualties.

Yet Israel has been unjustly condemned from too many corners, thus encouraging Hamas to continue its despicable and unlawful dead baby strategy. For the sake of justice and peace, the world must stop applying a double standard to the nation-state of the Jewish people.

[1] Different acronyms have been used to refer to the Islamic State of Iraq and Syria, or ISIS, including the Islamic State of Iraq and the Levant [ISIL] and simply the Islamic State [IS].

This article is the introduction from Alan Dershowitz's new eBook "[Terror Tunnels: The Case for Israel's Just War Against Hamas](#)", published by Gatestone Institute, which is currently available from [Amazon.com](#), [iTunes](#) and [Kobo](#), and will be available soon for the Barnes & Noble Nook.