



## I. Introduction

1. This Report discusses factual and legal issues relating to the intensive hostilities between the State of Israel and Hamas and other terrorist organisations in the Gaza Strip during July and August of 2014 (also known as “Operation Protective Edge” or the “2014 Gaza Conflict”).

2. The 2014 Gaza Conflict occurred as part of a wider armed conflict being waged against Israel for well over a decade by terrorist organisations in the Gaza Strip. This ongoing conflict is being led by Hamas, an internationally recognised terrorist organisation in control of the Gaza Strip since 2007, together with other terrorist organisations such as the Palestinian Islamic Jihad. Hamas’s fundamental Islamic ideology rejects Israel’s right to exist and openly seeks its destruction.

3. This conflict has varied in nature — involving suicide bombings within Israeli population centers, cross-border attacks above ground and through subterranean tunnels leading into Israel from the Gaza Strip, rockets and mortars launched against Israel’s civilian population, seaborne infiltrations, and attempts to carry out airborne attacks. At times when the attacks on Israel reached a level of intensity such that diplomatic efforts or limited military action was insufficient to adequately protect Israel’s civilian population, Israel undertook limited military operations in the Gaza Strip.

4. The spring and summer of 2014 saw another rise in the intensity of attacks, leading to the necessity of a broader military operation. Israel responded to months of increasing rocket and mortar fire directed at its civilian population — attacks which constitute clear war crimes and crimes against humanity — with limited military strikes, and made numerous efforts to de-escalate the mounting tension. The barrage from the Gaza Strip escalated steeply, however, when Hamas and other terrorist organisations fired approximately 300 rockets and mortars into Israel between June 12 and July 7. The constant wail of sirens calling civilians to shelters, the extensive physical damage (to homes, infrastructure and agriculture), the economic harm, the psychological trauma, all took an enormous toll on Israel’s population. Israel’s civil defence measures are not infallible, and even with Israel’s civil defence measures, such as Iron Dome, which attempts to intercept rockets and mortars, Hamas’s attacks caused death and injuries and had a disastrous effect on daily life in Israel.

5. On July 5, the Israel Defense Forces (the “IDF”) conducted an aerial strike against a cross-border assault tunnel near the Kerem Shalom crossing, in order to prevent a planned infiltration by Hamas into Israel through the tunnel. On July 7, 2014, after more than 60 rockets and mortars were



fired into Israel from the Gaza Strip on a single day, the Government of Israel was left with no choice but to initiate a concerted aerial operation against Hamas and other terrorist organisations in order adequately to defend Israel's civilian population.

6. Israel's initial aerial operation in the Gaza Strip continued for ten days. In an effort to curb escalation, Israel engaged in diplomatic efforts and sought international intervention. However, these efforts did not bear fruit. Hamas rejected numerous ceasefire initiatives put forward by different states and international organisations, including an Egyptian-brokered ceasefire initiative put forward on July 15 and endorsed by the Arab League — an initiative which Israel accepted. Instead, Hamas and other terrorist organisations chose to intensify their attacks against Israel, by air, land, and sea.

7. On July 17, Hamas militants conducted a major infiltration through a cross-border assault tunnel into Israeli territory, emerging in the vicinity of residential communities in southern Israel. This infiltration and Hamas's rejection of the Egyptian-brokered ceasefire two days earlier made it clear that IDF airstrikes had not neutralised the threat posed by Hamas and other terrorist organisations, and underscored the serious danger of further ground incursions into Israel through the vast cross-border assault tunnel network.

8. As a result, on July 17 the Government of Israel ordered the IDF to commence a ground operation in order to neutralise the cross-border assault tunnel infrastructure. IDF ground forces subsequently operated in the outskirts of the Gaza Strip for three weeks, searching for and neutralising tunnels whose entrances were inside densely populated urban areas. During this time, IDF forces faced intensive attacks from Hamas and other terrorist organisations, and engaged in intensive close-quarter combat. Despite continued rocket and mortar attacks into Israel, after locating and neutralising 32 cross-border assault tunnels, IDF ground forces withdrew from the Gaza Strip on August 5.

9. In response to the sustained rocket and mortar attacks, the IDF continued to carry out an aerial campaign until a ceasefire was reached on August 26, 51 days after the 2014 Gaza Conflict broke out. By the end of the 2014 Gaza Conflict, six civilians in Israel had been killed and 67 IDF soldiers lost their lives. Of the approximately 2,125 Palestinian fatalities in the Gaza Strip, 936 (44%) have been positively identified so far by the IDF as militants of Hamas or other terrorist organisations in the Gaza Strip, while 761 (36%) have been assessed or reasonably assumed to be civilians. The status of the remaining fatalities is still unknown, though past experience suggests that new information demonstrating that some of these individuals were involved in combat against Israel



will likely surface. Had Hamas accepted the Egyptian-brokered ceasefire initiative towards the beginning of the hostilities — a ceasefire that offered the same terms to which Hamas ultimately assented on August 26 — approximately 90 percent of the casualties during the 2014 Gaza Conflict could have been avoided.

## **A. The Nature of the 2014 Gaza Conflict**

10. The 2014 Gaza Conflict can be characterized by two interrelated elements.

11. First, the hostilities occurred primarily in an urban environment. This was the direct result of the strategy of Hamas and the other terrorist organisations to draw the IDF into the Gaza Strip's urban terrain; Hamas combat manuals and training materials recovered by IDF forces in the Gaza Strip describe the advantages of using built-up areas for military operations, the benefits of fighting from within civilian surroundings, and the difficulties the presence of the civilian population create for the IDF. This strategy is also obvious in view of the sheer scope of military activity that the terrorist organisations embedded within an urban environment. IDF airborne and ground forces faced residential homes containing military command centers, multi-story buildings housing pre-prepared surveillance positions, mosque minarets used as sniping posts, schools holding weapons caches, civilian structures extensively booby-trapped, and tunnel openings and infrastructure hidden in and under civilian areas. Indeed, these organisations not only used existing civilian infrastructure for their military purposes, but even built new structures that appeared to be civilian in nature, such as structures that appeared to be residential homes but were in fact used only to conceal tunnel openings. Seven years after wresting complete control over the Gaza Strip, Hamas had purposefully and heavily embedded most of its military operations within civilian surroundings. In doing so, Hamas disregarded the safety of the civilian population in the Gaza Strip, deliberately endangering civilians so that their presence could be exploited for political and military gain.

12. Second, the 2014 Gaza Conflict involved non-state actors who consistently contravened international law, both in their attacks on Israel's civilian population and in their method of conducting hostilities within the Gaza Strip. More so, Hamas and other terrorist organisations operating in the Gaza Strip seek to exploit Israel's commitment to that law for their own advantage. The conduct of hostilities in urban terrain is amplified by the deliberate blurring of military activities with the characteristics of the civilian surroundings — Hamas disguised militants as civilians, concealed military equipment in civilian structures, and used the presence and movement of the



civilian population in the Gaza Strip to shield military operations and exploit any incidental resulting harm in violation of international law.

13. An unfortunate result of these interrelated elements that characterized the 2014 Gaza Conflict — a non-state actor that flouts international law and deliberately draws hostilities to an urban environment — is that numerous civilians were caught in the hostilities.

## **B. Israel's Conduct During the 2014 Gaza Conflict**

14. When conducting military activities, the IDF strives to mitigate the risk of harm to civilians, and, as the military of a democratic state committed to the rule of law, seeks to ensure that all of its operations accord with Israeli and international law, including the Law of Armed Conflict. The IDF maintains binding policies, procedures and directives that implement Israel's legal obligations. The IDF also ensures that its forces receive adequate training on these obligations. In addition, the IDF is subject to civilian oversight, by both the executive and judicial branches.

15. During the 2014 Gaza Conflict, the IDF sought to achieve the goals set by the Government of Israel while adhering to the Law of Armed Conflict — and in certain respects, the IDF went beyond its legal obligations. Israel's goals were limited: first, to protect Israel's population by disrupting and degrading the adversary's military capabilities, including rocket and mortar launching capabilities; and second, once Hamas started conducting cross-border attacks through its assault tunnels, to protect Israel's civilian population by locating and neutralising the cross-border tunnel infrastructure.

16. Achievement of these goals became increasingly vital for Israel as the 2014 Gaza Conflict wore on. Thousands of rockets and mortars were fired from the Gaza Strip into southern Israel, with almost no time for warning residents to seek shelter. Cross-border assault tunnels opened within or in close proximity to residential communities in southern Israel, where Israelis lived in fear that at any moment armed militants could emerge from concealed passages beneath them. Longer-range rockets had the capacity to reach almost all of Israel's surface area, bringing the conflict to all of Israel's main population centers. Thus, the 2014 Gaza Conflict was one that affected all of Israel's civilians, and not just the IDF forces operating against the terrorist organisations.

17. While seeking to achieve the goals set for it, the IDF endeavoured to reduce the impact of its activities on the civilian population in the Gaza Strip. The IDF employed a multi-faceted system of advance warnings, employed additional precautions such as selecting the timing, angle and means of



attacks, and unilaterally declared humanitarian pauses in its operations. The IDF also strove to implement operational “lessons learned,” even while the hostilities were ongoing. Furthermore, Israel endeavoured to assist the movement of international organisations within the Gaza Strip and facilitate the provision of humanitarian aid into the Gaza Strip. In addition, Israel initiated and accepted various ceasefires initiatives.

18. Nevertheless, the 2014 Gaza Conflict resulted in the death and injury of many civilians. Despite Israel’s substantial efforts to avoid civilian casualties and mitigate the risk of harm to the civilian surroundings, many Palestinian civilians in the Gaza Strip were killed or injured, and private property, as well as some of Gaza Strip’s public infrastructure, was damaged.

19. The battle of Shuja’iyeh on July 19-20 is an example of the challenges Israel confronted during the 2014 Gaza Conflict. Several cross-border assault tunnel entrances originated from the heart of this densely urban and strategically important Hamas stronghold, from which hundreds of rockets were fired at Israel. For three full days before IDF ground forces entered the neighbourhood, the IDF warned the local population to evacuate in an effort to minimise their exposure to the risk of harm, and then delayed the ground operation for another 24 hours in order to allow for further evacuation. The IDF took these steps despite the serious operational cost due to the loss of the element of surprise. When IDF forces entered the neighbourhood and established positions in order to undertake the lengthy and complicated task of dismantling the cross-border assault tunnels, they encountered intensive fire from militants, who had taken advantage of the IDF’s warnings to strengthen their positions, prepared ambushes and explosives, and directed the presence and movement of the civilian population for tactical advantage. Indeed, a Hamas training manual recovered in Shuja’iyeh urged militants to take advantage of the presence of civilians and civilian buildings to impede IDF actions. The intensive hostilities that ensued, and the military actions that the IDF carried out in order to protect its forces and achieve its objectives, had a significant effect on the neighbourhood.

### **C. Assessing the Consequences of the 2014 Gaza Conflict**

20. Any assessment of the consequences of the 2014 Gaza Conflict on the civilian population must take the following into account. First, as in all military conflicts, military force almost inevitably causes residual and incidental harm. Attacks on militants operating within a residential neighbourhood, for example, will necessarily involve damage to the buildings in which the militants embed themselves. This damage may, unfortunately, be compounded by the fact that commanders



are not infallible, especially in a high-intensity combat situation, and that intelligence may not be perfect and technological systems may fail.

21. Second, the 2014 Gaza Conflict lasted 51 days, and involved high-intensity combat, including a three-week ground operation that was characterised by close-quarter combat and intensive urban warfare. The scope, intensity and length of the 2014 Gaza Conflict substantially added to the risk of harm to the civilian population. In this context, Israel's precautionary efforts were generally effective — indeed, the overwhelming majority of Israel's over 6,000 airstrikes during the 2014 Gaza Conflict resulted in no civilian fatalities. The IDF's efforts to limit harm during the presence of ground forces within the Gaza Strip were also generally effective: a significant portion of the damage to physical structures was limited to those areas where forces were in static positions for protracted periods — both in order to operate on and neutralise the cross-border tunnel infrastructure as well as to provide security for these forces — and as a result came under constant fire and were engaged in high-intensity combat. Other areas, where ground forces were not present for such purposes, did not suffer the same scope of damage.

22. Third, Palestinian civilians and property in the Gaza Strip were directly harmed by the hundreds of rockets and mortars that fell short after being launched by Hamas and other terrorist organisations towards Israeli civilians as well as towards IDF forces operating in the Gaza Strip.

23. Fourth, although any civilian casualties are unfortunate, the extent of civilian casualties has been substantially overstated in certain reports about the 2014 Gaza Conflict. Many of the purported civilian casualties claimed were not, in fact, civilians. In addition to deliberately blurring the distinction between their militants and civilians, Hamas leaders encouraged the characterization of every fatality as an “innocent civilian,” as part of a deliberate strategy to inflate the number of Palestinian civilian casualties. The IDF's careful analysis of fatalities indicates so far that at least 44% of the Palestinians killed in the 2014 Gaza Conflict were actually militants. Likewise, what may appear to have been damage to ostensibly civilian structures in the Gaza Strip was in fact often the result of IDF strikes on legitimate military targets inside structures appearing civilian in nature, or the result of the detonation of booby-trapped structures or improvised explosive devices placed within civilian areas.

24. Sadly, in a complex, crowded, and constantly changing urban battlefield — and with Hamas and other terrorist organisations actively seeking to blend in with civilians to conceal their military activities — even extensive precautions could not entirely ensure the safety of all civilians and



civilian property. Civilians located in the vicinity of legitimate military targets may be unintentionally harmed, and civilian objects may suffer incidental damage as a result of attacks on military objectives or militants in their vicinity, or even as a result of the destruction of assault tunnel infrastructure running under civilian areas. Israel sees each civilian death or injury as deeply unfortunate. As stated repeatedly by the IDF and the Government of Israel's highest representatives, Israel regrets the harm suffered by civilians in the Gaza Strip. Had it been possible to protect the civilian population of Israel from Hamas's attacks without civilian casualties in the Gaza Strip, Israel would have done so.

25. In the context of hostilities, incidents of harm to civilians and civilian objects do not automatically indicate misconduct by the IDF. Neither the aggregate number of casualties occurring in the 2014 Gaza Conflict, nor the overall scope of damage, can alone determine the legality of military action. Nevertheless, where specific claims of misconduct by IDF forces have arisen, Israel has launched formal examinations and investigations of these claims. Further, the IDF is constantly implementing "lessons learned" in an attempt to reduce the risk of harm to civilians in the future.

#### **D. Purpose of the Report**

26. This Report — a joint effort by numerous governmental agencies — aims to provide information regarding the factual and legal aspects of the 2014 Gaza Conflict, so that others may reach an informed understanding of the reasons for the Conflict and the actions of the parties thereto.

27. This Report does not purport to provide complete coverage of the 2014 Gaza Conflict. Information about Israel's military operations cannot always be provided for reasons of national security. Exposing detailed information that relates to certain targets may compromise classified information or confidential sources, which would negatively impact future efforts against the terrorist activities of Hamas and the other terrorist organisations. Moreover, providing information that pertains to classified operational directives may inform Israel's adversaries of its methods and means of operation. Indeed, the 2014 Gaza Conflict did not mark the end of Hamas's armed conflict against Israel; since the ceasefire, sporadic rocket and mortar fire has again been launched towards Israel, and Hamas has incited attacks against Israel's civilian population and undertaken significant efforts to rebuild its military capabilities and adapt its strategy in preparation for future hostilities.

28. Furthermore, some information is provisional insofar as it relates to incidents still under examination or investigation. Some information may be revised or updated, either on the basis of the



examination and investigation process or on the basis of other information that has not yet been published. Information about examinations and investigations is published regularly by the Military Advocate General when the relevant decisions are reached. Lastly, considering the widespread, intensive and complex nature of the military operations during the 2014 Gaza Conflict, it is sometimes impossible to determine exactly what happened during specific incidents. This is an inevitable consequence of hostilities, compounded by Hamas's efforts to conceal the extent of its use of the civilian environment for military operations.

29. Nevertheless, this Report constitutes an unprecedented effort to present the factual and legal aspects concerning the 2014 Gaza Conflict. The Report includes many of Israel's legal positions concerning the conduct of hostilities, details regarding the costs borne by Israel's civilian population as a result of the Conflict, examples of military targets and persons targeted by the IDF during the Conflict, statistics concerning the amount of humanitarian aid that entered the Gaza Strip with Israel's facilitation, and information revealing the unlawful activities of Hamas and other terrorist organisations. In this regard, it is far more comprehensive than reports issued by other organisations, including international organisations and non-governmental organisations, and is also unparalleled in its access to information from Israel, including information regarding the conduct of the terrorist organisations and the reasoning and details behind Israel's conduct.

30. Israel intends to continue to publish updated information regarding the 2014 Gaza Conflict as additional information is obtained or released and as the examination and investigation process continues. Updated and additional information on the factual and legal aspects of the 2014 Gaza Conflict can be found at [www.protectiveedge.gov.il](http://www.protectiveedge.gov.il).