



Israel Ministry of Foreign Affairs

Behind the headlines: Fighting Hamas terrorism within the law

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Israel acknowledges that despite the precautions taken, military operations inevitably lead to a loss of civilian life and property. Yet civilian deaths and damage to property, no matter how regrettable and unfortunate, do not necessarily mean that violations of international law as such have occurred.

In contrast, Hamas and other terrorist organizations' actions are in clear violation of the most fundamental principles of international humanitarian law. Their grave violations amount to war crimes.

For 14 years, Hamas and other Palestinian terrorist organizations have targeted Israeli civilians with over 15,000 rocket and mortar attacks. Israel witnessed a number of escalations in the month prior to [Operation Protective Edge](#), with more than 300 rockets fired on southern Israel in the two weeks preceding the operation. The latest round of rocket

fire from the Gaza Strip began on 12 June, the day that [three Israeli teenagers were abducted and murdered](#). The rocket attacks reached a peak on Monday July 7, when over 80 rockets were launched at Israeli cities.

Although Israel showed great restraint and called for the cessation of the rocket attacks, Hamas continued to fire them intentionally upon Israeli towns and cities around the country. During the past month, Hamas' and other Jihadi groups'

HAMAS TERROR ACTIVITY REPORT JULY 8 - JULY 22

- 1** USE RESIDENTIAL AREAS AS TERRORIST STRONGHOLDS
- 2** USE GAZA'S CIVILIANS AS HUMAN SHIELDS
- 3** HIDE WEAPONS IN SCHOOLS AND MOSQUES
- 4** HIDE IN HOSPITALS AND AMBULANCES
- 5** EXPLOIT ANIMALS AS EXPLOSIVE DEVICES
- 6** FIRE ROCKETS AT INNOCENT CIVILIANS
- 7** BUILD TUNNELS INTO ISRAEL TO PERPETRATE TERROR ATTACKS

WE WILL NOT STOP IN OUR MISSION TO DISMANTLE THE TERRORIST INFRASTRUCTURE USED BY HAMAS TO THREATEN CIVILIANS

ISRAELI DEFENSE FORCES

Hamas terror activity July 8-22, 2014

rockets have reached Israel's largest cities including Tel-Aviv, Haifa and Israel's capital, Jerusalem. To date, the vast majority of Israeli civilians, over 6 million civilians, live in the range of these deadly weapons, which cause deaths, injuries, and extensive property damage; force businesses and schools to close; and take a very costly psychological toll on Israeli society.

Israel has both the responsibility and the right under international law - as does every state - to defend its civilians from intentional and incessant attacks.

Although Hamas and these other Jihadi organizations blatantly disregard international humanitarian law (also known as the laws of armed conflict), Israel is bound by these laws and, thus, committed to limiting itself to a lawful response. This means that, while Hamas uses civilians both as human shields and as targets, Israel never targets civilians directly, and in all circumstances and seeks to limit injury to civilians to the greatest extent possible.

International law recognizes that civilian casualties and injuries are an unfortunate outcome even in lawful military attacks. However, in order to minimize the damage to the civil population and to protect it as much as possible, **international humanitarian law requires each party to the armed conflict to abide to the fundamental and customary principles of "distinction", "proportionality", "humanity" and "precaution".**

Distinction: The principle of "distinction" mandates that each party must ensure that it directs its attacks only against combatants and military objectives and abstain in all circumstances from targeting civilians or civilian objectives. Military objectives are those which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction offers a definite military advantage.

The rule of distinction further mandates that the parties to the conflict refrain from placing military objectives within or near densely populated areas. If a military objective, such as a missile launcher or weapons stockpile, is placed in the heart of a civilian area, it does not cease being a lawful military objective. The primary responsibility for civilian casualties arising from such 'shielding' of military objects lies with the party that deliberately placed civilians at risk.

Proportionality: International humanitarian law also requires that any military attack be "proportionate" in the sense that expected collateral damage to civilians or civilian objects must not be excessive in relation to the military advantage anticipated to be achieved as a result of such attack. Note that the test of proportionality does not consider the actual results of the attack after the fact; rather, it is a test that looks at expected (not actual) results, given the anticipated objectives, prior to the execution of the attack. This is a complex and difficult calculation and international law relies on the commander in the field in the heat of the conflict to weigh all relevant considerations, including the security of his own forces.

Humanity: Another important principle of the laws of armed conflict is that of "humanity" which requires the parties to the conflict both to abstain from inflicting unnecessary suffering and harm to combatants (through the use of certain weapons) and to ensure the supply of humanitarian aid to the civilian population. Yet another principle is that of "precaution", which requires the attacking party to verify the military character of its targets and to give prior warnings, to the extent possible, to civilians in the vicinity of that target.

Israel fully complies with these principles and has consistently integrated them into its military orders, training,

and operational planning. In its military attacks against Hamas and other Jihadi groups, Israel is doing everything in its power to adhere to these principles and thus minimize harm to the civilian population: Israeli troops use the most sophisticated weapons available today in order to pinpoint and target only legitimate military objectives and minimize collateral damage to civilians; advance notice is given to the civilian population located in the vicinity of military targets; attacks are called off in cases in which a sudden civilian movement in the targeted area; and humanitarian aid continues to flow on a regular and daily basis to the Gaza Strip.

Israel acknowledges that despite the precautions taken, military operations inevitably lead to a loss of civilian life and property. Yet **civilian deaths and damage to property, no matter how regrettable and unfortunate, do not necessarily mean that violations of international law as such have occurred.**

In contrast, **Hamas and other terrorist organizations' actions are in clear violation of the most fundamental principles of international humanitarian law.** Hamas and the other terrorist groups working out of the Gaza Strip **directly target civilians and civil property within the State of Israel.** At the same time **they put their own civilian population in Gaza in grave danger** by launching attacks deep within densely populated areas; by using [human shields](#); and by commandeering sensitive sites such as [hospitals](#), [schools](#), [mosques](#) and private homes to serve as command centers and for weapons' stocking and for other terrorist usages. **These grave violations amount to war crimes.**

Indeed, a cornerstone of Hamas' and other terrorist groups in Gaza's approach is to [take advantage of the fact that Israel, as a democratic state, is bound by international law](#), and to use this fact to their own tactical and military advantage. This approach undermines the very effectiveness of the laws of armed conflict.

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