

MEMMO

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Israel Committed to Humanitarian Aid, Avoiding Civilian Casualties

Israel's recent defensive operations in Gaza fully complied with international law, reflecting the Jewish state's determination to minimize civilian casualties. Israel also ignored the risks of Hamas attacks to its own citizens while facilitating the transfer of food, medicine, and energy supplies into Gaza. By contrast, Hamas committed dual war crimes by deliberately targeting Israeli civilians and using Palestinian noncombatants as human shields. Hamas should be held accountable for its war crimes and its mistreatment of the civilian population of Gaza.

Israel's response during Operation Pillar of Defense was proportionate, in line with international law and designed to minimize civilian casualties.

- Israel's military operation was an act of self-defense, a right enshrined in Article 51 of the United Nations Charter. Its aim was to put an end to the more than 9,000 rocket attacks on Israeli citizens since Israel fully withdrew from Gaza in 2005.
- Israel's actions to stop Hamas rocket attacks were proportional to the risk Israeli civilians—4.5 million of whom are within rocket range—have faced, including the real prospect of mass casualties. No nation need wait for a rocket to slam into a school full of children before it acts.
- Under international law, any state must attempt to minimize the number of civilian casualties as it seeks to achieve its military objectives. Israel used pinpoint targeting and precision munitions to comply with this legal requirement.
- Israeli aircraft also dropped thousands of leaflets warning Gaza residents to avoid areas being used by Hamas, and the Israeli Defense Forces (IDF) made thousands of phone calls to targeted areas to warn citizens.
- In order to prevent Palestinian civilian casualties, Israel canceled airstrikes mid-mission when it saw noncombatants in targeted areas.



Israel's Iron Dome missile defense system was a key part of Israel's self-defense efforts against an onslaught of rockets fired by Hamas.

Hamas cynically used civilians as human shields by launching rockets from civilian areas and using public areas to store arms.

- Hamas intentionally fired rockets from civilian areas to make it more difficult for Israel to target attackers and to increase the likelihood of civilian casualties when Israel responded to the attacks.
- Hamas and other terrorist groups used mosques, schools, office buildings, residences and a soccer stadium as weapons storage facilities, terror command centers and rocket launch sites.

- While Israel made every effort to minimize civilian casualties, it had a legal right to strike areas from which Hamas attacked Israeli citizens—even if innocent civilians were present in those areas. Article 28 of the Fourth Geneva Convention clearly states, “The presence of a protected person may not be used to render certain points or areas immune from military operations.”
- Beyond its use of Palestinians as human shields, Hamas also showed little regard for its own civilians in the reckless way it employed its offensive rockets. Nearly 150 of the rockets launched at Israel from Gaza during Operation Pillar of Defense landed within Gaza, endangering the lives of Palestinian civilians.

Despite dangers to its citizens, Israel facilitated the delivery of humanitarian assistance to Gaza.

- Despite the ongoing attacks on Israeli civilians during the week-long Operation Pillar of Defense, Israel facilitated the transfer of more than 120 trucks into Gaza through the Kerem Shalom and Erez crossings to ensure the delivery of food, medicine, water, and medical equipment.
- Hamas deliberately targeted these crossings with rocket attacks, forcing Israel to postpone some aid transfers into Gaza. For example, on Nov. 20, Israel was unable to transfer about a hundred truckloads of supplies due to rockets being launched directly at the Kerem Shalom crossing.
- Fortunately, there was no lack of food within Gaza. Israel facilitated the transfer of supplies whenever conditions permitted, and UNRWA dispensed food to Gaza citizens. The International Committee of the Red Cross also continued to provide services in Gaza.
- Israel also continued to allow Palestinians from Gaza into Israel for medical treatment. Even as Hamas fired rockets, more than 100 Palestinian patients and chaperones entered Israel.
- Though some medical supplies were in short supply in Gaza during the operation, this had nothing to do with Israeli policy or actions. Rather, some shipments of medical supplies were delayed due to the Palestinian Authority budget difficulties and disagreements between Hamas and the PA.
- Israel maintained the direct supply of electricity to Gaza through power lines from Israel. However, Hamas did not allow fuel to enter Gaza from Israel, resulting in reduced power generation at the Gaza power station.

The United States and international community should hold Hamas accountable for war crimes and ensure Gaza is unable to rearm.

- America and other world leaders should hold Hamas responsible for using its population as human shields and targeting Israeli civilians intentionally, both war crimes under international law.
- The United States and the international community must remain committed to the Quartet (the United States, European Union, United Nations and Russia) conditions placed on Hamas before the terror group can be recognized as a legitimate actor. Hamas must renounce violence, recognize Israel’s right to exist and accept prior commitments made by the PLO.
- The United States should continue to partner with Israel to stop the flow of weapons from Iran into Gaza. In January 2009, the U.S. and Israel signed a Memorandum of Understanding (MOU) pledging joint efforts aimed at this effort and steps should be taken to strengthen this MOU. Egypt should join in this effort to prevent smuggling into Gaza.
- During Operation Pillar of Defense, the Iron Dome anti-rocket system shot down more than 400 rockets that were heading toward Israeli civilian targets, marking a nearly 90 percent success rate. America should continue to ensure that Israel has the necessary resources to meet the growing rocket and missile threat in the region, including through continued support for Iron Dome.