FIGHTING TERROR EFFECTIVELY: AN ASSESSMENT OF ISRAEL'S EXPERIENCE ON THE HOME FRONT

HIGH LEVEL HOME FRONT GROUP

NOVEMBER 2016

HLMG

HIGH LEVEL MILITARY GROUP

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HIGH LEVEL HOME FRONT GROUP

Lord David Trimble (UK) is the Chairman of the High Level Home Front Group and a founding member of the Friends of Israel Initiative. Lord Trimble was the first Prime Minister of Northern Ireland from 1998 to 2002. He was awarded with the Nobel Peace Prize in 1998 for his instrumental efforts in the negotiations that led to the Good Friday Agreement.

Lord Toby Harris (UK) was the first chairman of the Metropolitan Police Authority from 2000 to 2004, overseeing the introduction of police community support officers and neighbourhood policing. From 2004 to 2012 he was the Home Secretary's representative with responsibility for overseeing the national work of the Metropolitan Police in countering terrorism and in security. He is a member of the UK Parliament's Joint Committee on the National Security Strategy and was recently appointed by the Mayor of London to conduct a review of London's preparedness to respond to a major terrorist incident.

Uri Rosenthal (Netherlands) is the former Minister of Foreign Affairs of the Netherlands. Rosenthal has been a member of the Dutch Senate with the People's Party for Freedom and Democracy; in 2005 he was appointed as the Parliamentary leader in the Senate. He has served as the President of the COT Institute for Safety and Crisis Management.

Robert Quick (UK) is a former Assistant Commissioner (Specialist CO-Operations) of London's Metropolitan Police Service responsible for counter-terrorism within the United Kingdom. He has been awarded with the Queen's Police Medal.

Colonel Richard Kemp (UK) was Commander of British Forces in Afghanistan and has served in Iraq, the Balkans, South Asia and Northern Ireland. He has led the international terrorism team at the UK's Joint Intelligence Committee and served as chairman of the strategic intelligence group for COBRA, the UK national crisis management committee.

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Santiago Lopez Valdivielso (Spain) is the former Director General of the Civil Guard. He has chaired the Defense Committee in the Parliament and has led the wording of the Private Security Law. He is currently serving in the Senate.

James Davis (US) has served 26 years in the FBI, retiring as Special Agent in Charge of the Denver Division. Davis has also served as a member of Governor John Hickenlooper's Cabinet as Executive Director of the Colorado Department of Public Safety (CDPS) and Homeland Security Advisor to the Governor. He is currently a member of the Board of Directors of the Mizel Institute and the Denver Police Foundation.
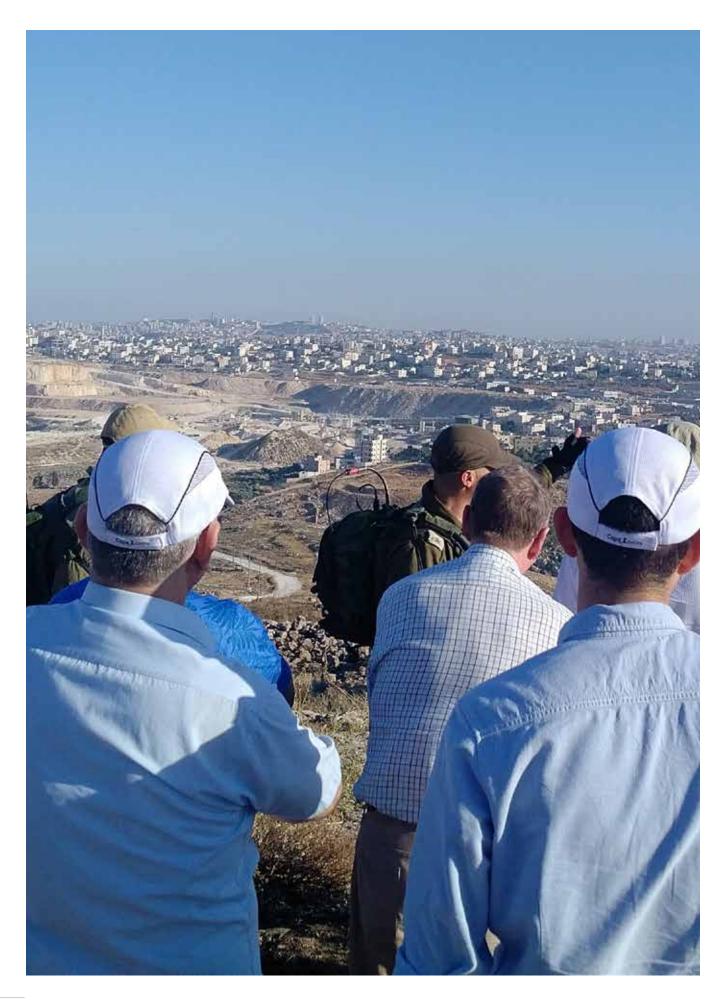
Reginald Moore (US) serves as a Senior Executive in the United States Secret Service. Moore's experience includes the management of one of the largest field offices (Atlanta) in the Secret Service, the protection of eight U.S. Presidents and numerous Heads of State, the planning of significant events with national security implications, domestic and international expertise in executive protection and security planning, electronic crimes, financial fraud and intelligence.

Michael Keelty (Australia) was the Commissioner of the Australian Federal Police (AFP) from 2001 to 2009. Keelty is currently a member of the International Advisory Board for the Australian Research Council Centre for Excellence in Policing and Security and a member of the World Economic Forum's Global Council on Organized Crime.

Brigadier General (ret.) Yosef Kuperwasser (Israel) has served as the Director General of the Ministry of Strategic Affairs of the State of Israel. Kuperwasser was the Intelligence Officer of the IDF Central Command from 1998 to 2001, served as Assistant Defense Attaché for Intelligence at the Israeli Embassy in Washington DC from 1992 to 1994 and holds a BA in Arabic Language and Literature from Haifa University and an MA in Economics from Tel Aviv University.

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Davis Lewin is the Director of the High Level Military Group project.

FOREWORD

The Vital Lessons from Israel's Home Front for the Fight Against Terrorism

Today, the threat from Islamist terrorism in Europe and against the wider Western world is greater than ever before. For the first time, a tangible Home Front has emerged in our own nations, as an active, operational battlefield on which we have to combat Jihadis and their proven capabilities.

In contrast to Al Qaeda's more centralised network structure in the early 2000s, the competing forces of an al Qaeda franchise in Syria, Jabhat Al Nusra, and most prominently Islamic State have been able to mobilise and track thousands of Western citizens that have joined their ranks to fight in Syria and Iraq. While many of them ended up as casualties in combat there, others have escaped death and are now well trained and highly motivated, with hundreds poised to use their passport and language abilities as Western citizens to return to our homelands. A few of them have been involved in mass casualty terrorist attacks already.

Counter-terrorist, intelligence and police forces have tried to keep pace with the evolving nature of Islamist terrorism, their methods and operational capabilities. However, the increasing number of Muslims being radicalised puts a great deal of pressure on these operatives in terms of detecting, preventing and responding to this problem. An obsolete legal and judicial framework, as well as old habits of considering terrorism as primarily a criminal act make the fight against today's Islamist terrorists even more complicated.

Following the latest attacks over the summer by Islamic State linked terrorists in Europe and the US, we believe the time to re-assess and rethink our approach to fighting the threat emanating from Jihadi groups and extremism is now. Further, we have the empirical evidence and the tools to tackle this danger.

In this regard, Israel is a country with significant, decades-long experience in effectively combating terrorism within its own borders. From machine gun, commando-style attacks to suicide bombers, from well planned and centralised plots to self-inspired stabbings, Israel has had to cope with a wide variety of threats that required a sustained and coordinated effort among intelligence, police and military forces.

It is on account of this extensive experience and the valuable lessons it contains, that the Friends of Israel Initiative sought to support the creation and work of a High Level Group formed of former leaders of police, counter-terrorism and intelligence agencies, drawn from a variety of democratic countries, in order to study the practices of Israel in this field and explore the appropriate lessons to be learnt that may make a real difference for the whole of the Western world's fight against Islamist terrorism.

The members of the group were, as always in our delegations, free to observe and form their opinions entirely on their own, based only on their professional experience and considered views. What follows is a record of their observations, which we hope will begin a deeper conversation about the shared burden between Israel and our own nations, of fighting terrorism within the framework of an open and democratic society.

Rafael L. Bardaji
Director, Friends of Israel Initiative

EXECUTIVE SUMMARY

1. THE HIGH LEVEL HOME FRONT GROUP

The Threat to the Home Front Today

The religious totalitarian fanaticism of radical Islam poses a borderless global ideological and physical threat. This constitutes one of the primary challenges the democratic world must confront today. In doing so, democracies find themselves not only battling brutal new enemies with no respect for life or law abroad, but have seen their home fronts come under sustained attack from terrorism. As a result, civil defense is emerging as a major component of warfare for the first time in a generation. To prevail, democratic nations will have to rapidly adjust and find ways of securing their homelands effectively, without relinquishing their values. Democratic electorates will tolerate neither sustained assault, nor overly restrictive policies in their domestic lives, meaning that the search for effective solutions for the protection of the home front is a paramount task for political leaders across the democratic world today.

The High Level Home Front Group

In 2015, the High Level Military Group (HLMG) comprised of military leaders and officials from NATO and other democratic countries was formed with a mandate to address the implications for Western warfare of fighting enemies who disregard the Law of Armed Conflict (LOAC) and engage in terrorism as part of their combat strategy. In all the conflicts examined by the HLMG, the home front proved of crucial importance. In response, the High Level Home Front Group (HLHFG) was formed as a subsidiary intended to mirror the military expertise of the HLMG in the realm of domestic security, law enforcement, legislative and parliamentary scrutiny and operational experience on the home front.

High Level Home Front Group Report Parameters

As a mature democracy with decades of experience of Islamist terrorism against its home front, Israel serves as a natural starting point for an inquiry into effective home front protection and the initial mandate

of the HLHFG was to examine Israel's experience and assess its policies and what lessons its experience holds for other democracies. The HLHFG conducted a fact finding visit to Israel in June 2016, gaining unprecedented access to all relevant echelons of Israel's security apparatus, including Prime Minister Benjamin Netanyahu, the Minister of Public Security, Strategic Affairs, and Information, the leadership of the National Security Council, the Commissioner of Israel's National Police; Intelligence and Security Agencies and the Israel Defense Forces, as well as conducting field visits to various command headquarters, training facilities, the West Bank and the Old City of Jerusalem. Other than agreeing to redact certain specifics on account of national security considerations, the HLHFG has formed the views contained in this report entirely on the basis of the professional judgment of its members.

2. ISRAEL'S EXPERIENCE OF TERRORISM AGAINST ITS HOME FRONT

A Long History of Terrorism as a Potentially Existential Threat

For as long as the State of Israel has existed, it has contended with attempts by its neighbours to eliminate it. Terrorism has always been a feature of the threat against Israel's civilians and the decades-long confrontation with this constantly metamorphosing threat has compelled Israel to develop an advanced and well-honed infrastructure for challenging terrorism within the restraints of the rule of law. Crucially, Israel considers terrorism a potentially existential threat since, having failed to win by conventional means, Israel's enemies are engaged in a war of attrition aimed at eroding not just the normal functioning of its democracy but terrorizing it to the point of making its existence unviable. Cumulatively, this history means that Israel has had to contend with a morphing, deadly terrorist threat since before its inception, making counter-terror measures a top national priority, and leading to policy and technological innovation with the result that its citizens are protected by one of the most sophisticated counter-terror apparatuses of any nation.

The Recent Small-Scale Terror Wave

Israel has been contending with a sustained assault of terror attacks since autumn 2015, involving shootings, stabbings, stonings and car-rammings. Between September 13, 2015 and July 25, 2016 there were 157 stabbing attacks (including 76 attempted attacks), 101 shootings, 46 vehicular (ramming) attacks and one bus bombing, resulting in 40 dead and over 500 injured.

The principal hallmarks of this campaign of violence were that it was predominantly perpetrated by lone assailants, that many of them were minors, that they were acting independently of any direct organizing authority and seemingly spontaneously, and that they utilized crude but deadly weapons for much smaller-scale attacks than had previously been Israel's experience.

Key characteristics of the perpetrators of the small-scale terror wave:
- The bulk of the violence was perpetrated by lone assailants whose actions took place in an enabling context of a deliberate atmosphere of incitement, including by Palestinian leaders.
- The perpetrators present a new social demographic for terror attacks including an unprecedented number of women and minors and a prevalence of personal or social problems.
- The attacks were predominantly spontaneous and unplanned, executed with crude, domestically readily available weapons, in easily and immediately accessible geographical locations.

Key contextual drivers of the small-scale terror wave:
Palestinian Incitement
- Attackers claimed to be 'self-radicalized' through the internet and social media and carrying out attacks independently of the direct command and control of terror organizations rarely act in the absence of clear additional triggers.
- Palestinian incitement against Israel and Jews is a crucial factor behind the new terror wave against Israel, delivered through multiple channels, including official ones, to all strata of society.
- Key tenets include the denial of Israel as a Jewish state and a Jewish connection to the land; that terrorists are both national heroes as well as Islamic martyrs; a commitment to gaining all of Palestine; and a total lack of Palestinian culpability or agency in the conflict, justifying all methods including violence.
- The Palestinian leadership made a calculated

decision to inflame tensions by utilizing the singularly most consequential trigger for violence in the form of the libel that Israel is intent on destroying the *Al-Aqsa* Mosque. When this rhetoric is combined with a call to defend *Al-Aqsa*, additionally reinforced by Islamic concepts referring to *Jihad* and coupled to iconography glorifying martyrdom, it is understood as a call to arms and triggers terrorist attacks.

Social Media
- Social media played a crucial role in the small-scale terror wave, enabling the incitement that is the fuel of terrorism.
- Further, in the course of the terror campaign social media and online video became tools of terror, not just inciting but actively encouraging and perfecting terror.
- Despite the new attack profile posing a serious challenge to Israel's traditional methods of preventative intelligence, social media did provide a level of signals intelligence when it comes to the small-scale terror wave.
- However, while Israeli policymakers consider that effectively balancing freedom of speech with public security is of paramount importance, they too often experienced the commercial social media 'superpowers' as uncooperative and consider their arguments used to justify inaction not wholly satisfactory.

Additional Threats affecting Israel in the Context of the Small-Scale Terror Campaign

Gaza and Regional Dynamics:
- The Islamist terrorist organization Hamas has been the de facto authority in the Gaza Strip for the last decade and is a major threat to Israel, with offensive capabilities comprised of an arsenal of missiles, including long-range rockets and mortars, attack tunnels that lead into Israeli territory, and special forces, including naval capabilities. In response to Hamas' rocket fire on Israel's civilian population centres, Israel has engaged in three major rounds of conflict with Hamas to stem these attacks, pursuing a policy of deterrence and containment, as well as significant efforts to facilitate the needs of the population of Gaza despite Hamas' illicit activities.
- Hamas uses its territorial control of Gaza to direct and incite attacks in the West Bank and has sought to fuel the small-scale terror wave. In addition to harming Israel, Hamas seeks a violent popular uprising in order to destabilize the Palestinian Authority and seize power

in the West Bank too. Alongside being a major driver of incitement, Hamas was responsible for at least two attacks directly, including a suicide bombing on a bus in Jerusalem in April 2016, while further terror attacks were prevented on account of Israeli raids against Hamas operatives in the West Bank.

- Terrorism is a form of warfare for which the existence of states, or the holding of territory, is still a crucial enabler, meaning that in terms of regional dynamics it is a strategic imperative to degrade and defeat territories held by terrorists as well as state-sponsors of terrorism, principally Islamic State and Iran. While there are growing strategic ties between Israel and some Arab states, state collapse in the face of Islamist attack remains a concern throughout the region, with Israel serving as a strategic bulwark for Egypt, Jordan and Saudi Arabia against Islamist terrorists seeking to topple their governments.

Cyber Security

Israel is one of the most attacked nations on the planet in the cyber realm, making the issue is a top priority for the country, and Israel a world-leader in cyber security.

Key aspects of the threat:
- The exponentially growing world wide web is increasingly accessed through mobile phones, which have become an indispensable personal piece of comprehensive technology. As a result, the 'internet in our pocket' has become the primary factor in public perception and resultant beliefs and opinions across a large part of the globe.
- Regulation is not keeping up with the exponential growth of data and technological evolution.
- The main threat vectors are Espionage (Computer Network Exploitation), Weaponisation (Computer Network Assault) and Subversion (Computer Network Influence).
- Attribution of an attack is a major challenge.
- Communications platforms are becoming harder to access for intelligence and other state entities.
- international collaboration in the cyber realm is vital to success. However, there is a danger of hostile actors in the international system promoting regulation that only democratic nations will adhere to, putting them at a strategic disadvantage.
- Cooperation of so-called commercial cyber 'superpowers' (Facebook, Apple, Google, Microsoft, Samsung – and to an extent Huawei) is crucial to successful cyber strategy but has yet to reach the required depth.

Key aspects of Israel's response:
- High levels of investment in the cyber discipline.
- Strong interagency approach, governed by the National Security Council
- Strong emphasis on intelligence work in the cyber context.
- Institutions of national importance, whether public or private, compelled to adopt stringent cyber-security measures, proportional to the risk entailed by their possible penetration.

3. ISRAEL'S RESPONSES TO TERRORISM AGAINST ITS HOME FRONT

Israel's Security Apparatus

The HLHFG met with the Prime Minister of Israel, the Minister of Public Security, Strategic Affairs, and Information and the leadership of the National Security Council as part of its fact-finding.

Oversight:
- The Prime Minister's Office directly oversees the National Security Council, the foreign intelligence service (Institute for Intelligence and Special Operations – known as the *Mossad*) and the internal intelligence service (Israel Security Agency – known as *Shabak* or *Shin Bet*).
- The Ministry of Defense supervises the Israel Defense Forces, which includes three regional commands, a home front command, the navy, air force and the Military Intelligence Directorate.
- The Ministry of Public Security oversees the Israel Police and Prison Service.

The Israel Police

The HLHFG met with the Commissioner of Israel's National Police and a number of high-ranking officers in all units, as well as conducting field visits to areas particularly prone to terrorist attack as well as training facilities.
- The Israel Police is a centralized, national police force of 29,000 officers across seven districts, 19 sub-districts and additional regional stations. In addition, it draws on roughly 4,600 conscripts in mandatory military service, about 3,300 of whom serve in the Border Police.
- The Israel Police is tasked with dual roles of regular law enforcement and counter-terrorism. It has three specialized operational units relevant to counter-terrorism tasks:

- ○ The Border Police (Magav) is Israel's main riot control force, used to conduct policing activity in high-friction zones.
- ○ The Special Patrol Unit (Yasam) performs a Special Weapons and Tactics (SWAT) function in terrorism situations.
- ○ The Special Police Unit (Yamam) is the elite counterterror force specializing in assault on hostile facilities, hostage situations, as well as serious organized crime.

Observations related to Operational Principles of the Israel Police:
- The supremacy of the rule of law and legal recourse through the court system.
- A commitment to community policing with a strong focus on buy-in from all ethnic and religious communities, including the development of ambitious specific programmes aimed at the Arab and other minority sectors of society.
- An unequivocal doctrine and evident practice of containing force, with officers trained to apply the minimum force necessary in a given situation.
- A commitment to a standard of excellence through continuous training and improvement.

Observations related to Rules of Engagement:
- There is no shoot-to-kill policy and strict police rules of engagement require officers to apply the minimum necessary force to stop an attack, with the immediate cessation of force as soon as the perpetrator is subdued.
- Over half of terrorists engaged in active attacks in civilian areas are neutralized without being killed. This ratio is much higher in specialist operation scenarios, where only around one in ten terrorists are killed and the rest captured.
- Each instance of a terrorist being injured or killed triggers an automatic investigation in the State Attorney's office, which acts as an independent overseer outside of the jurisdiction of the police.

Observations related to Community Policing:
- The Israel Police told us of the very high importance that is placed on community relations with all sectors of society and we saw an impressive example of this in Jerusalem.
- The force has a well-developed strategic plan in place to improve its ability to better serve minorities, in particular the Muslim Arab communities. We were impressed with their commitment to this initiative but

it will require close monitoring and we recommend a review of its impact no later than 2020.
- The force engages extensively in social involvement as a means to combat law and order problems, seeking solutions that prevent public order problems before they reach a critical mass.

The Israel Defense Forces

The HLHFG visited IDF Central Command as well as conducting a field visit in the West Bank territories.
- The Israel Defense Forces (IDF) is the military of the State of Israel, comprising ground, air and naval forces as well as intelligence, cyber and other specialized capabilities. Israel operates a system of mandatory conscription, which requires all Jewish citizens (men and women) and all Druze men to serve between two and three years of continuous, regular service, after which all citizens serve in the reserves. The IDF is a crucial part of Israel's fight against terrorism and includes several relevant specialist units as well as a Home Front Command, Cyber and Intelligence capabilities.

Observations related to the operational context in the West Bank
- Six IDF brigades, divided into 18 battalions and 55 companies secure an area comprising roughly 135 kilometres from north to south, which contains an estimated 2.8 million Palestinians across seven towns and 451 villages, and 400,000 Israelis across 126 communities. Counter-terrorism operations are a major mission focus.
- The Coordinator of Government Activities in the Territories Unit (COGAT) oversees the Civil Administration of the area and is tasked with leading coordination and liaison with the Palestinian Authority facilitating humanitarian issues, economic and infrastructure projects, as well as the activities of international organizations.
- Israel has a good relationship coordinating with Palestinian Authority (PA) security forces. However, President Abbas is losing influence amid a political struggle for his succession. PA security forces in many cases do not control the Palestinian refugee camps, which are in reality built up urban neighbourhoods run by gunmen, making general lawlessness an additional challenge in securing the West Bank and protecting Israel from terrorist attack.

Observations related to the operational parameters and Rules of Engagement
- ○ The IDF has highly restrictive rules of engagement and pursues a deliberate policy of restraining force.
- ○ The IDF has a high degree of proficiency in mastering relevant cultural, political and civil society dynamics in the areas it is tasked with securing.
- ○ The IDF enjoys excellent inter-agency relationships, both in seamlessly cooperating with relevant Israel Police units, but also through extensive cooperation with the security forces of the Palestinian Authority.
- ○ The IDF has its own programme of community engagement, including a civil effort aimed at defusing tensions, which in conjunction with a deliberately restrictive policy of activating more traditional military methods has proven effective in defending Israel from the small-scale terror wave.

Observations related to the IDF's operational response to the small-scale terror wave:
- The IDF's policy of force activation consisted of a deliberate effort to thwart terrorist attacks, while protecting the main civilian areas and transport arteries, alongside targeted efforts aimed at civil society to prevent the wider population from joining in the terror campaign.
- The IDF applied a policy of directing specific policy towards trouble spots rather than imposing blunt policies on wide areas. Areas that were the source of relatively few terrorist attacks, remained virtually untouched by the IDF's response.
- Similar to the Israel Police Force, in addition to its relationship with the Palestinian Authority security forces, we were told of repeated examples where the IDF seeks to engage proactively with Palestinian civil society to seek de-escalation and mitigate threats against Israel before the necessity for military intervention arises.

Intelligence Agencies

The HLHFG was able to hold discussions with both active and retired officials from across all Israeli intelligence agencies. The role of intelligence is an essential factor in making Israel's counter-terror apparatus one of the most proficient on the planet.
- Israel's intelligence apparatus is directly subordinate to the Prime Minister, who personally supervises three main bodies:

- ○ The Israel Security Agency (known as the Shabak or Shin Bet) serves as the main domestic intelligence agency in charge of Israel's internal security.
- ○ The Institute for Intelligence and Special Operations (known as the Mossad), is in charge of Israel's foreign intelligence and security activity.
- ○ The National Security Council is the professional security and foreign policy staff in the Prime Minister's Office with three subsections relevant to intelligence:
  - ■ The Counter-Terrorism Bureau is responsible for crafting Israel's national counterterror strategy.
  - ■ The NSC's Cyber Bureau formulates doctrines in the cyber realm.
  - ■ The NSC's Counterterror Financing Unit is in charge of efforts to fight terror financing.

Observations on Israel's Intelligence Doctrine and Capabilities:
- Israel operates according to a model seeking to achieve 'Real-Time Intelligence', through the successful fusion of Visual Intelligence (VISINT), Signals Intelligence (SIGINT), Human Intelligence (HUMINT), and Open-Source Intelligence (OSINT) coupled to widespread information sharing, both horizontally between agencies and vertically between various policy and operational levels, aided by technological integration between tactical and operational platforms.
- Israel's intelligence community puts a very high degree of onus on interagency cooperation and is set up to facilitate this effectively through:
  - ○ Strategic Oversight – the Counter-Terrorism Bureau in the National Security Council provides a meta-view of the threat picture, both by way of ensuring the timely fusion of intelligence as well as locating gaps in coverage.
  - ○ Intelligence Sharing – each agency collects intelligence according to its jurisdiction, but additionally contributes the information to a unified collection point, from which each agency can access the entirety of Israel's real-time intelligence information.
  - ○ Tactical Coordination – agencies closely cooperate on mission planning and utilize assets and resources available across different parts of the system.

Observations on the Intelligence agencies and the small-scale terror wave:
- In combating the small-scale terror wave, Israel's intelligence services relied more heavily on OSINT than in previous operations.

- Though terrorist acts were carried out by autonomous actors, they were often preceded by a series of online signals from the culprits, the detection of which led to hundreds of leads that prevented attacks.
- The tightening privacy protections of the digital platforms represent a growing challenge for intelligence collection, while the use of OSINT and SIGINT in the internet age raises new questions for all democratic societies over the appropriate balance between privacy and security.
- On account of the sustained terror threat, Israel's public is reasonably tolerant of domestic intelligence measures, which are subject to strong civilian oversight and a number of innovations in the judicial system to enable appropriate checks and balances while maintaining secrecy.

Observations on efforts to combat Terror Finance:
- Finance is a central component in combating terrorism and Israel has an extensive effort tackling terror finance which resides with a permanent committee in the National Security Council's Counter-terrorism Bureau, directing multi-agency efforts around three principal points of interception: Sources of finance, channels through which it flows, and targets who receive it.

4. JUDICIAL OVERSIGHT

The HLHFG was able to meet with the relevant Israeli authorities' legal advisers during its fact-finding. Additionally, the HLMG has previously conducted an extensive audit of Israel's judicial structures.
- Israel's judiciary is held in very high regard among legal policymakers and scholars across democratic nations and its combination of an activist philosophy with a continuous necessity of engaging with security issues has meant that the Israeli judicial system is one of the most well-versed in questions of counterterror policy anywhere, whose ruling substantially affect government policy.
- Former Israeli Chief Justice Aharon Barak famously noted that a democracy must sometimes fight with one hand tied behind its back, since preserving the rule of law and recognition of individual liberties constitute an important component of its understanding of security.

Key observations include that:
- Israel's legal system and judiciary strives for and accords with the same standards of best practice of other democratic nations.
- Israel's long-standing acute challenge from terrorism

has meant the judiciary has grappled with the inherent challenges to a significant extent, including major elements of judicial activism in the pursuit of checks and balances on the policy process.
- Concern for legality and legal recourse are embedded throughout Israel's political, security and military systems in a three-way process:
  - Top down: The judiciary can and frequently does strike down laws and policies deemed incompatible with relevant law.
  - Bottom up: Israel's security agencies, including the police and IDF embed legal checks in all levels of activity, from the overall policies and directives down to, where applicable, specific operational decision-making. Legal advisers can often be found alongside commanders and policymakers, ensuring compliance with domestic and international law.
  - External challenge: Israel's courts offer extensive systemic opportunities for judicial recourse, far exceeding many other democratic nations'. This includes the ability for anyone, including Palestinians, to submit a direct petition to the Supreme Court. The resultant rulings can and have forced governments to change course.
- The legal framework that governs Israel's counter-terrorism policies rests on diverse sources, is continuously refined through judicial review, and is subjected to periodic revision by the legislative branch, including as recently as this year.
- Regulation is another key component in the battle against terrorism. Two principal forms of regulation exist in Israel, pertaining to government facilities' compliance and public and private sector entities that are not subject to government decisions respectively.

Observations related to Israel's court system:
- The standards of evidence, recourse to appeal and other relevant mechanisms are the same for all citizens and adhere to the highest international standards of best practice.
- The legal system can make specific allowances for margin cases where the unique nature of terrorist offences creates legal difficulties, such as for example over admissible evidence. Where this is the case, the conditions are extremely stringent, often requiring the Supreme Court to be satisfied that it is necessary for the protection of the public interest.
- Though Israel governs the West Bank under a system of military law, meaning Palestinians suspected of security offences are therefore tried in military courts,

the rules of evidence and procedure in these military courts are identical to those in Israeli criminal courts, including that defendants choose their own attorneys

Observations related to Administrative Measures and Judicial Review:

The fight against terrorism poses intractable challenges for democratic governments and judiciaries that require innovative solutions. Israel faces the most acute and sustained threat from terrorism anywhere in the democratic world and has spent decades honing an appropriate legal response that balances security with civil liberty.

- Administrative measures play a crucial role in Israel's ability to defend itself from terrorism. When applied, they are subject to strict judicial oversight, including mandatory judicial review before implementation.
- Israeli officials displayed a clear preference for full criminal prosecutions whenever possible, not least because they offer the possibility of much longer terms of detention.

Several practices fall under this category:

- Administrative Detention – Israel uses this as a preventative, rather than punitive, measure and the Israel Police was unequivocal about it having saved thousands of lives in Israel. The practice is subject to strict legal requirements and prior to granting such an order the process is subject to full judicial review including the right of appeal.
- House Demolitions – a controversial measure that is generally only activated during times of acute crisis in the battle against terrorism, the practice is rooted in Israel's security doctrine of deterrence. The Israel Police told us that they were that it was highly effective, and that would-be terrorists had told investigators that they refrained from executing attacks for fear their house would be demolished proving that the loss of the family home and associated hardships serve as a major deterrent of last resort against terrorist acts.
- Restrictions on Movement – a practice already in use in other Western democracies seeking to find ways to deal with a terror threat that cannot be easily encapsulated in traditional legal and law enforcement practices, this can include confinement to a specific town, restrictions on entering a designated area, electronic monitoring, and an obligation to report periodically to law enforcement agencies. The legal requirements for applying such measures are similar to those required for administrative detention.
- Designating Terrorist Organizations – the designation of a terrorist organization is similar to the practices

of other democracies, allowing Israel to act against specific domestic or foreign organizations and individuals demonstrably involved in terrorism or the support of terrorism. Such designation is subject to review by a special committee and ultimately also to judicial review by the Supreme Court.
- Confiscation of Property – Israel utilizes the confiscation of property mainly as an effective measure for dealing with the proceeds of serious crime and in a more limited way to combat terrorism, subject to strict legal controls.

A case study of a number of relevant IDF procedures, including the judicial review of the policy of targeted killings that was initially highly controversial but is today a mainstay of democratic nations' tools in the fight against Islamist terrorism, offers examples of the depth of judicial oversight of these measures, including several that were overturned.

5. RESILIENCE

On account of the intensity of the terror threat it has historically had to, and continues to, contend with, Israel is one of the most resilient democratic societies in the world. Several key underlying factors contribute to this:

- The public and the private sector play a crucial part in Israel's counter-terror strategies. The country has certain advantages in this regard, principally the fact that its national security threat picture necessitates general conscription, meaning the population has significant relevant training.
- The private security sector is an indispensable force multiplier for Israel's home front, with some 40,000 armed guards stationed in almost every public facility, including shopping malls, many places of business, restaurants and cafes as well as across much of Israel's essential infrastructure. Key attributes of this network are:
  - Integration into Israel's civil defense planning
  - subject to state regulation
  - costs borne by the private sector
- In addition, armed civilians are an indispensable asset for Israel's counter-terror efforts, though Israel tightly regulates access to firearms, granting licenses subject to a strict screening process involving background checks, psychological and medical evaluations and training that takes several months.
- Israel more generally treats citizens as partners and force-multipliers in times of crisis, which further contributes to public fortitude. The authorities seek to enable resilience above all through the maintenance of everyday activity in the face of sustained terrorism through:

○ An accurate and speedy information flow in the aftermath of an attack.

○ The prioritization of restoring normalcy in the immediate aftermath of an attack, including the stipulation that locations of a terror attack must be returned to regular use within three hours and regular life outside the immediate vicinity of an incident must not be disrupted.

○ To aid effective recovery, Israel has additionally established 'resilience centres' to provide clinical care to traumatized residents, training for support staff and emergency preparation for local municipalities.

Observations on civilian and critical infrastructure protection:

● Infrastructure protection is an essential and long-standing part of Israel's home front defense, which falls under the responsibility of the Security Division of the Israel Police which assigns the required level of protection to all relevant facilities in accordance with a model by which Israel enjoys extensive protection for its infrastructure but doesn't overburdening its civic and commercial life.

● Given the threat picture and experience of terrorism in Israel, the agility of the relevant mechanisms and the consultative processes involved, the authorities in Israel generally have little problem generating the necessary buy-in from private business and civil society.

● The most stringent security requirements are imposed on institutions considered as critical infrastructure. This is defined by the Israel Police as any physical or virtual system used by the country to defend itself, or to conduct vital activities in the domains of the economy, public health and security, the neutralization or destruction of which could paralyze the country or even ultimately lead to its collapse.

● On account of the very high threat of terror attack on an on-going basis, all relevant facilities are required to expect penetration. Israel operates according to a paradigm of 'layers' of security to repel this:

○ The principle of the layers of security starts in the general territory of the State of Israel, which serves as a 'virtual perimeter', secured by effective intelligence and law enforcement. Next, various levels of exterior security protect a facility, from simple perimeter fences, to elaborate permanent checkpoints. Finally, an interior ring of security comprised of surveillance and access control measures completes the layers of protection.

● Since transport networks have proven a favourite target for terrorists – since 2000, there have been over 100 attacks on Israel's public transportation network – Israel's transport network is heavily protected, including by undercover guards, access control measures and extensive monitoring. Israel is additionally a world leader in aviation security.

Observations on Israel's home front protection technology resources:

● As a highly technologically advanced society, innovative technology forms the cornerstone of Israel's intelligence and operational efforts. Among other uses, technology helps significantly improve security in the public and private sector, protects against cyber-related attacks and maximizes the resource efficiency of security systems, facilitates effective intelligence operations, and minimizes the necessity for violence as well as unnecessary damage where it is unavoidable.

● Israel supports a world-leading homeland security industrial base with over 300 homeland security focused companies, which makes up a core component of the country's booming hi-tech sector. Applications of technology in protecting the home front include sensor-based systems, robotics and unmanned vehicles and armoured systems.

6. CONCLUSIONS ON THE IMPLICATIONS OF ISRAEL'S EXPERIENCE FIGHTING TERRORISM ON ITS HOME FRONT FOR OTHER DEMOCRATIC NATIONS

No democratic nation has been tested by terrorism to the extent that Israel has. The result, as examined below, is a nation that is exceptionally capable at counter-terrorism, as well as immensely resilient. In the course of the HLHFG fact-finding, a number of insights relevant to the fight against terrorism in our own and other democratic nations were apparent.

That the Prime Minister of Israel took a significant amount of time out of his schedule to discuss the menace of terrorism and Israel's response with the HLHFG is testament in itself to the urgency Israel ascribes to the need to cooperate with other democratic nations in this battle. This despite the fact that other democracies have not always been immediately understanding of the measures Israel deemed necessary to protect its home front, measures pioneered by Israel which today have become vital tools in the arsenal of democracies fighting Islamist terrorism.

Israel's experience is thus a vital resource for its allies among democratic nations confronting terrorism across the globe. Key areas of collaboration include:

- Intelligence – Western governments will confirm what the HLHFG saw and heard during its fact-finding: Israel has outstanding intelligence capabilities, and these have and will continue to save lives in other democratic nations.

- Doctrines, Tactics and Best Practices – significant elements of Israel's experience and practices hold valuable lessons for Western policymakers including that:
  - Israel's home front defense is based on a doctrinal culture of enabling resilience and versatility.
  - Israel considers the private sector and the general public a partner in home front defense.
  - Israel places a high value on de-escalatory means of confronting terror.
  - Israel places a high value on continuous training and refinement of best practice.

- Technological Expertise – Israel's leading homeland security technology sector already supports many other democratic nations' efforts to combat terror on their home fronts and is a crucial exporter of innovation and security to the democratic world.

- Legal Expertise and Experience – Israel's Supreme Court is an authority whose justices are sought out the world over for their experience in considering the inherent legal and moral questions democracies must confront in the fight against terrorism. Its rulings, and the constituent challenges they grapple with, provide a body of work to jurists in other democracies that goes to unmatched depth in seeking to address the tension between a free democratic society and the necessity to protect its civilian population from terrorism.

There are evident positive implications for collaborative relationships in the home front defense arena where Israel's expertise can aid its democratic allies that follow from the above, including:

- Counter-terror strategies, including prevention, recovery, threat mitigation and resilience factors
- Regulatory models and the generation of buy-in from the Private Sector and general public
- International cooperation over transnational policy issues such as incitement on social media and terror finance in addition to intelligence sharing
- Technological and legal expertise
- Training and best practice exchanges

THE HIGH LEVEL HOME FRONT GROUP

Members of the HLHFG on a field visit in the West Bank (Source: HLHFG)

The Threat to the Home Front Today

1. Democratic nations' battles against terrorism, transnational crime networks and even insurgencies within their borders are not new in principle, yet our current era has witnessed new security challenges and changes to warfare that have made the home front a target for violence to an extent not seen for a generation. Faced with an unprecedented threat from radical Islam, political leaders in the West today have to contend with a new form of terrorism against their populations. These attacks seek to kill as many innocent people as possible and are fuelled by an Islamic totalitarian religious fanaticism that cannot be contained or deterred in the realm of the rational. The emblematic attacks on the United States of September 11, 2001 were by no means the first harbinger of this era. Hamas has been deploying mass casualty suicide terrorism against Israeli civilians for decades, while Hezbollah's attempts to more effectively menace that country were a precursor of the hybrid terrorist-army concept the West finds itself fighting across several battlefields in the Middle East today.

2. Though Al Qaeda and its offshoot-turned-competitor Islamic State, as well as any number of other affiliated and unaffiliated Islamist terror organisations, differ in outlook on a range of ideological and tactical matters, they can still be considered as a whole when it comes to assessing the new strategic picture that emerges. The principal features of the challenge are thus a religious totalitarian fanaticism that poses a borderless global ideological threat, foreign battlefields where territorial space for the proponents of this ideology must be contested, and grave domestic security threats both through the spreading of the ideology in native and immigrant populations and a variety of forms of terrorist attack. These attacks range from being directly linked to command and control in Islamist-held territory abroad, to being merely inspired by the propaganda channels that the modern communications revolution has made possible. The tools of production and distribution have never been so cheap and widely available, and together with social media have additionally fundamentally transformed the communications element of modern warfare. As such, the lines delineating the home front in this conflict have been blurred to a great extent, and one could go as far as stating that the majority of the current challenge will come to be focused on the home front, as both target for attack and a venue for the attendant ideological contest.

3. Defining the home front much more concisely, in terms of attacks carried out domestically by an enemy currently being fought abroad, already, in 2016, several major European cities have been in lockdown in response to Islamist mass-casualty terrorist attacks linked to Islamic State, with the result that a multitude of democratic nations have quickly accepted the need for the armed forces to be active domestically to counter this new threat picture. This despite a general aversion to the domestic deployment of the military in many democratic nations on account of historical experience, particularly in Europe. Such a dramatic

change in the domestic security posture had already long been preceded by less visible measures such as hardening public space against attack and other initiatives aimed to strengthen soft targets. Given the scale of the threat it is likely that additional measures will follow. To prevail in this new threat landscape, democratic nations will have to rapidly adjust and find ways of successfully protecting their home fronts while balancing these efforts with the desire to retain the open character that gives democratic nations the very values which are imperative to defend against this new religious totalitarian assault.

The High Level Home Front Group

4. In 2015, the High Level Military Group (HLMG) comprised of military leaders and officials from NATO and other democratic countries was formed with a mandate to address the implications for Western warfare of fighting enemies who disregard the Law of Armed Conflict (LOAC) and engage in terrorism as part of their combat strategy. HLMG studies on Israel's conduct of the 2014 Gaza Conflict and a comparative examination of democracies fighting against hybrid insurgent and terrorist organizations examined the implications of this type of warfare and how to succeed on the modern battlefield.[1] In all the conflicts examined, the home front proved of crucial importance. This, coupled to the dramatic increase in attacks against domestic targets inside Western democracies, gave rise to a clear imperative to examine the nature of the battle on the home front and assess pathways to success in this context as part of the HLMG project.

5. In response, the High Level Home Front Group (HLHFG) was formed, to mirror the military expertise of the HLMG in the realm of domestic

security, law enforcement, legislative and parliamentary scrutiny and operational experience on the home front. Since, as a mature democracy with decades of experience of Islamist terrorism against its home front, Israel serves as a natural starting point for an assessment of effective means to protect the home front of other democratic nations against terrorist attack, the initial mandate of the HLHFG was to examine Israel's experience and assess its policies and what lessons its experience holds for other democracies.

High Level Home Front Group Report Parameters

6. The HLHFG conducted a fact finding visit to Israel in June 2016, gaining unprecedented access to all relevant echelons of Israel's security apparatus. The group held discussions with the Prime Minister; the Minister of Public Security, Strategic Affairs, and Information; the leadership of the National Security Council; the Commissioner of Israel's National Police; a large number of senior as well as rank and file police officers; special police anti-terror units; Intelligence and Security Agencies; Israel Defense Forces units from senior to junior rank; and a variety of other relevant figures. It conducted field visits to training facilities, the West Bank and the Old City of Jerusalem. The group, several of whom had never visited Israel previously, was able to engage all interlocutors on any topic of their choice and all encounters were structured to allow HLHFG members to probe every aspect of the subject at hand in the meetings. Other than agreeing not to be overly specific about those aspects of the fact finding that constituted classified information, no stipulations have been set for the group in producing its report, the purpose of which is to assess Israel's counter terror policies on the home front and lessons that arise for the participants' own nations and other democracies therefrom.

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1. See An Assessment of the 2014 Gaza Conflict, High Level Military Group (October 2015); and Our Military Forces' Struggle Against Lawless, Media Savvy Terrorist Adversaries, High Level Military Group (February 2016), available at http://high-level-military-group.org/.

The HLHFG delegation is pictured following discussions with the Prime Minister of Israel in Jerusalem. (Credit: HLHFG)

SECTION A

ISRAEL'S EXPERIENCE OF TERRORISM AGAINST ITS HOME FRONT

ISRAEL'S HISTORIC EXPERIENCE OF TERRORISM

1.1 Background

7. For as long as the State of Israel has existed, it has contended with attempts by its neighbours to eliminate it. On the very day it declared its independence in May 1948, the nascent state was invaded by a coalition of Arab states, with the chairman of the Arab League announcing a war of extermination and threatening momentous massacres. Israel has since signed peace treaties with Egypt and Jordan, but attempts to destroy it through force have not dissipated from the security landscape. Though terrorism has always been a feature of the threat against Israel's civilians, for the latter part of the 20th Century its major concerns were state-on-state warfare, with Israel forced several times to fight wars of national survival. Yet today the threats Israel faces find their most active expression through terrorism, the shape of which has shifted dramatically over the years. This decades-long confrontation with a constantly metamorphosing threat has compelled Israel to develop an advanced and well-honed infrastructure for challenging terrorism within the restraints of the rule of law.

1.1.1 A Potentially Existential Threat

8. Any understanding of Israel's actions as relate to terrorism – on the political, military and indeed societal levels – requires a clear cognisance of the underlying truth that for Israel terrorism has the potential to pose an existential threat. This should be understood not as any individual attack being accorded such significance – even the worst terrorist atrocity does not threaten the existence of a nation, though for a very small state such as Israel a serious attack, for example on its main international airport or nuclear facilities, could cause enormous damage. Rather, the factors that make it a potentially existential threat can be found in the reality of a war of attrition against implacable enemies that seek to destroy Israel. The country's main terrorist adversaries in Hamas and Hizballah subscribe to an ideology of radical Islam that is both viciously antisemitic and leaves no room for compromise over territorial disputes, which are automatically in the religious realm and thus irresolvable as the territory is deemed to be 'Muslim lands' that can never be compromised over. This primary implacable ideological driver of crude religious fanaticism is coupled to a secondary far more worldly tactical understanding of significant sophistication. Hamas and Hizballah understand public opinion and the democratic process and are extremely competent propagandists.

9. What makes the threat one of potentially existential proportions is that for Israel to succeed it has the most acute challenge of any democratic nation in balancing a successful, open and functioning democracy, with the need for constant vigilance and successful containment, deterrence and pursuit of terrorists on an on-going basis. Given the implacable nature of the terrorist organizations' motivations, Israeli leaders are compelled to ensure that the country can exist within manageable parameters despite the threat. Everything from the tourism industry to the psychological well being of school children – the entire normal functioning of its democracy – has to be managed within the threat picture of constant vigilance against terrorism. It had the potential to be existential in nature, because where the terror attacks are successful in such a multitude, as has been the case in the past, that they make normal life impossible, it puts in question the freedom of Israelis to go about their lives in a functioning and secure nation.

10. This is not to take away from other more concentrated existential threats – a nuclear-armed Iran determined to make good on its pledge to effect the destruction of Israel is the most acute example – but crucial to an understanding of the gravity of the situation Israeli policymakers must manage.

1.2 The History of Terrorism Against Israel

1.2.1 Pre-Statehood Violence and Conventional Warfare

11. The use of terrorism against Jews in Israel antedates the declaration of the state itself. In the pre-state years, violence against civilians was common, characterized by pogrom-style massacres and raids by Arab militants and mobs. The 1929 Arab riots left 133 Jews dead. Hundreds of Jews were likewise killed during the intense campaign of violence of the Arab revolt of 1936-39. One of the most infamous attacks on Jewish civilians happened shortly before the declaration of independence, when Arab forces attacked a Jewish medical convoy in a massacre that cost 79 Jewish doctors and nurses and one British soldier their lives.[2] Israel thus from its very inception had an understanding that its civilians were under threat from terrorism and the need for vigilance.

12. In the initial decades after Israel's establishment in 1948, the principal security landscape was defined by

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2. *Righteous Victims: A History of the Zionist-Arab Conflict, 1881–1999, Benny Morris (1999), John Murray*

conventional wars. In 1948-49, Israel fought its War of Independence against a coalition of Arab armies determined to prevent by force the establishment of the new state. In 1956, Israel embarked upon the Suez Campaign to restore access to the Red Sea, after Egyptian President Gamal Abdel Nasser nationalized the Suez Canal and blockaded the Gulf of Aqaba. In 1967, Israel fought the Six-Day War after the re-imposition of the Egyptian naval blockade, and amid threats of imminent destruction from a coalition of Arab states including Egypt, Iraq, Syria and Jordan. In 1973—the last of Israel's conventional wars— Israel fought off a surprise invasion by Egypt and Syria, intent on recouping their losses from the 1967 war, in what is known as the Yom Kippur War.

1.2.2 Cross-Border Terror Raids

13. At the same time, this early period of Israel's statehood also saw the emergence of a precursor to today's hybrid terror-army threats in the form of frequent terror attacks by Arab *Fedayeen*: cross-border infiltrators, often with the explicit backing of Arab regimes, who entered from Jordan, Syria and Egypt to commit attacks on Israeli civilian targets using firearms, hand grenades and landmines. At the height of this campaign in the 1950s, several incident a day took place, many deadly such as in April 1956 when terrorists murdered three children and a youth worker in a synagogue or in September that year when terrorists opened fire on an archaeological dig, killing four and wounding 16.[3]

1.2.3 The Palestine Liberation Organization and the Globalization of Terror Against Israel

14. In due course, the assorted terror groups were consolidated in the *Palestine Liberation Organization* (PLO), founded in 1964 with the explicit aim of "liberating" the entire territory of the British Mandate and transforming it into an Arab state. The PLO revolutionized terrorism by making it global, launching attacks overseas in a bid to secure political goals at home. The PLO and other terrorist entities pioneered aircraft hijackings as a tactic to force Israel to release prisoners and pressure the West to support the Palestinian cause. Prominent examples include the Dawson's Field hijackings in 1970, and the hijackings of Sabena Flight 571 in 1972, in which Israel's present Prime Minister Benjamin Netanyahu was a part of the Special Forces that freed the hostages. That same

year, Palestinian terrorist group Black September massacred eleven members of the Israeli Olympic team in Munich, and in 1976, Air France Flight 139 was hijacked, leading to the Entebbe hostage crisis and Israel's famously daring raid to free the captives.[4] As such, it isn't only the personal connection that present Prime Minister Netanyahu's brother lost his life in that raid, that geared Israel's political and military leaders to an early understanding that they had to be vigilant on a global scale. The possibility of harm coming to its citizens abroad on account of terrorism is a longstanding mainstay of Israel's security concerns.

1.2.4 The Rise of the Terror-Army Hybrid

15. The PLO also revolutionized terrorism by cultivating one of the world's first hybrid terror armies, exploiting the weakness of the Lebanese state to establish a territorial base from which to conduct operations. In 1972, Palestinian militias infiltrated Israel from Lebanon and killed 39 Israelis, including 13 children, in a bus hijacking on Israel's Coastal Highway.[5] In response, Israel launched Operation Litani in order to push the militias away from the border and bolster its local ally, the South Lebanon Army. Israel withdrew its forces in favour of a United Nations presence, but after the attempted assassination of the Israeli Ambassador in London and hundreds of PLO terror attacks, the government of Menachem Begin pushed even deeper into Lebanon in the 1982 war, forcing the PLO leadership into exile from Beirut in Tunisia. Israeli forces remained in full presence in Lebanon until 1985, furnishing them their first experience of low-intensity conflict in populated, urban areas.[6] They then withdrew to the southern Lebanon security buffer zone, facing a low-intensity armed conflict principally with Hizballah and other mainly Shia militias for a further 15 years. The IDF's final withdrawal took place in 2000, after a protracted war of attrition with hybrid terror-army militias of the sort that Western nations would encounter in Afghanistan and Iraq after their invasions shortly after.

1.2.5 The First Intifada and the First Gulf War

16. In 1987 the First Intifada – an uprising of the Arab populations of the West Bank and Gaza Strip – broke out. Mass riots were sparked after four Palestinians were killed in a traffic accident involving an Israeli army truck, provoking rumours that the incident

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3. *Which Came First, Terrorism or Occupation? Major Arab Terrorist Attacks against Israelis Prior to the 1967 Six-Day War, Israel Ministry of Foreign Affairs (March 2002), available at http://www.mfa.gov.il/mfa/ foreignpolicy/terrorism/palestinian/pages/fatal%20terrorist%20attacks%20 in%20israel%20since%20the%20dop%20-s.aspx.*

4. *History of airliner hijackings, BBC News (3 October 2001), http://news. bbc.co.uk/2/hi/south_asia/1578183.stm*
5. *Documentary recalls the horrors of Ma'alot school massacre, Sue Fishkoff (5 May 2001), http://www.jta.org/2011/05/05/arts-entertainment/documen-tary-recalls-the-horrors-of-maalot-school-massacre*
6. *Israel: A History, Martin Gilbert, Israel: A History, Black Swan*

was an act of revenge for a stabbing attack against an Israeli only days earlier. The widespread popular violence was directed by the PLO, and included the throwing of rocks, grenades and Molotov cocktails as well as the use of firearms and explosives. It targeted Israeli civilians and military personnel, as well as countless Palestinians accused of collaboration.[7]

17. The five-year campaign of violence also involved the inception of Palestinian suicide attacks inside Israel. In what is commonly called the first suicide attack (although the attacker survived), an operative of Palestinian Islamic Jihad hijacked a Tel Aviv-Jerusalem bus in July 1980 and steered it into a ravine, killing 16. In April 1993, Hamas launched the first suicide car bomb attack at a Jordan Valley service station.

18. The First Intifada prompted a diplomatic process, culminating with the 1993-94 Oslo Accords, in which Israel agreed to the creation of Palestinian self-governing structures for the first time in history, dividing the territories between areas of Israeli and Palestinian civil and security control. The intention was to follow up the Oslo Accords by the millennium with a permanent Israeli-Palestinian accord, in which Palestinian autonomy would be upgraded and expanded into a final status settlement involving Palestinian statehood within parameters that ensured Israel's continued security.

19. At the same time, dramatic changes in the character of interstate warfare provided a foretaste of the direction that terrorism would take once coupled to state sponsorship. During the First Gulf War in 1990-1991, Iraq launched 39 Scud missiles towards
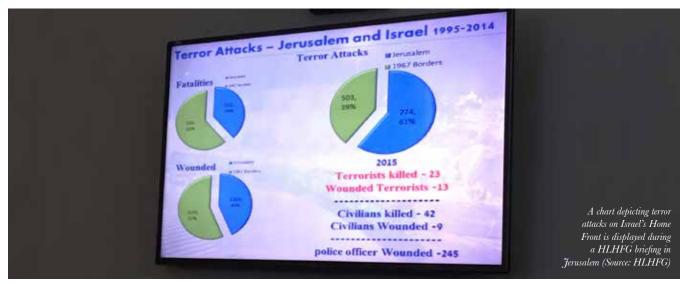
Israel, which stayed out of the fighting at the request of the United States, which was concerned about the reaction of its Arab partners. Israel thus, uninvolved in the fighting abroad, experienced its first conflict in which the home front was the main theatre of war, constituting the primary target of enemy weaponry, which struck indiscriminately at its citizenry.

1.2.6 Suicide Bombings and The Second Intifada

20. The years following the Oslo Accords were defined by an intensive wave of organized terror attacks, with suicide bombings predominant among them. There were no fewer than 97 fatal attacks between the signing of the Declaration of Principles between Israel and the Palestinians in September 1993 and the onset of the Second Intifada in September 2000, claiming the lives of 269 civilians and soldiers. This campaign was led primarily by Hamas and Islamic Jihad. In April 1994, the first major suicide bombing killed eight and injured 55 when an explosives-laden car was detonated next to a bus in Afula. The same month, the first suicide bombing on a bus in Hadera killed five and injured 30. In October 1994, twenty-two civilians were killed and 50 injured in a major suicide bombing on a bus in Tel Aviv's Dizengoff Street. Palestinians perpetrated another twelve bombings, some including nail bombs, before the end of the millennium. The violence also included multiple abductions, shootings, stabbings, axe attacks, stranglings and beatings.[8]

21. Thereafter, the Second Intifada commenced in 2000, bringing an intensive wave of near-daily bombings to the heart of Israeli towns. Over 1000 Israelis were killed in this wave of violence, perpetrated not just by Hamas and Islamic Jihad, but groups and operatives linked to the PLO leadership itself, which sanctioned the violence

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7. *Fatal Terrorist Attacks in Israel (Sept 1993 – 1999), Ministry of Foreign Affairs (September 2000), available at http://www.mfa.gov.il/mfa/foreign-policy/terrorism/palestinian/pages/fatal%20terrorist%20attacks%20in%20 israel%20since%20the%20dop%20-s.aspx.*

8. *ibid.*

A chart depicting terror attacks on Israel's Home Front is displayed during a HLHFG briefing in Jerusalem (Source: HLHFG)

as a response to the collapse of the Camp David talks, where PLO leader Yasser Arafat rejected Israeli Prime Minister Ehud Barak's offer of a Palestinian state on almost all of the West Bank and the entire Gaza Strip.

22. The violence of the Second Intifada against Israel's civilians was intense. Among the more fatal attacks, in June 2001, 21 were killed and 120 wounded in a suicide bombing outside a Tel Aviv nightclub. In August 2001, 15 were killed and 130 injured in a suicide bombing in a Jerusalem pizzeria. In March 2002, the peak of the attacks, 30 people were killed and 140 injured in a suicide bombing at a Jewish religious ceremony in a Netanya hotel. Following this sustained wave of violence, Israel launched Operation Defensive Shield, to stem the threat at source, by rooting out the terror infrastructure in the West Bank. It also started building a security barrier to end the infiltration of suicide bombers and other attackers from the West Bank, and made significant investments in upgrading its intelligence capabilities. Though serious attacks continued throughout this period, with frequent bombings on buses, in cafes and at markets typically killing many and injuring scores, Israel's measures ultimately enabled it to virtually eliminate Palestinian terror organizations' capacity for suicide bombings and other large scale attacks inside Israel.[9]

23. The violence of the second intifada and the associated operations to defeat it thus left Israel with a significantly more sophisticated and battle tested understanding of the police, intelligence, military, medical and civilian resilience measures required to prevent and react to mass casualty terrorism on the home front.

1.2.7 Rocket Attacks from Gaza and Lebanon

24. Israel's steps to end terror against its home front resulted in a dramatic drop in effectiveness for Palestinian terrorist organizations, given the near impossibility to penetrate into Israeli territory in the new security landscape. Their response, led by the Islamists of Hamas who today control the Gaza Strip, was to circumvent the problem by investing in terror infrastructure that would see the coastal enclave become a base for firing mortars and rockets at Israeli population centres. In 2005, Israel's then Prime Minister Ariel Sharon implemented his unilateral Disengagement Plan, evacuating all Israeli troops and over 8,000 Israeli settlers from Gaza. Attendant were his severe injunctions to Palestinian terror organizations that rocket fire on Israeli population centres would be met with a harsh response. The Disengagement was also partially intended to win international support for any measures necessary against the terror organizations in the Gaza Strip once Israel withdrew to an internationally recognized boundary.[10]

25. Simultaneously, Israel's northern front against Hizballah turned into another frontline of rocket warfare. In July 2006, the Lebanese terrorist organization launched a cross-border raid, killing five Israeli soldiers, two of whom it abducted. The incident sparked a thirty-four day war, in which thousands of rockets rained on towns and villages in northern Israel, creating over a million internally displaced people within Israel.[11] Having fired over 100 rockets a day at Israel in that conflict, the organization is now estimated to have expanded its arsenal tenfold, though the border has seen relatively few incidents while Hizballah devotes its resources to its patron Iran's war on behalf of Syria's Assad.[12]

26. Despite Israel's full withdrawal, following the Disengagement the terror threat against Israel's civilians from rockets grew rapidly, as the frequency and range of the rocket strikes from Gaza increased, bringing much of southern Israel under regular bombardments. Initially, Israel lacked air defences against missile attacks. An Iranian-made Grad rocket hit a busy Ashkelon shopping mall in May 2008 wounding 90 people.[13] Israel has since engaged in three major operations against Hamas: Operation Cast Lead (2008-2009), Operation Pillar of Defense (2012) and Operation Protective Edge (2014). In that period, Hamas has acquired the capacity to cover almost the whole of Israel in range, reaching the major urban areas of Tel Aviv and Jerusalem. In response, Israel sought a new technological solution, developing the ground-breaking "Iron Dome" technology with which Israel was able to shoot down most of the rockets aimed at its population centres, although the system is not effective against short-range mortars fired from Gaza.

27. During this period Hamas additionally sought other ways to circumvent Israel's counter-terror measures. The most serious threat in this regards emerged during the 2014 Gaza conflict in the form of tunnels – a vast, well developed subterranean network, including ventilation and even railway tracks, which Hamas operatives used to infiltrate Israel, and which was to be used to conduct a major operation against Israel's border towns.

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9. *Victims of Palestinian Violence and Terrorism since September 2000, Israeli Foreign Ministry, http://www.mfa.gov.il/MFA/ForeignPolicy/Terrorism/Palestinian/Pages/Victims%20of%20Palestinian%20Violence%20and%20Terrorism%20sinc.aspx*

10. *Israel completes Gaza withdrawal, BBC News (12 September 2005), http://news.bbc.co.uk/2/hi/4235768.stm*
11. *The Second Lebanon War: 34 days of fighting, Haaretz (12 July 2016), http://www.haaretz.com/israel-news/1.729936*
12. *Israel 'readier' for new Hezbollah war, Katy Watson (12 July 2016), http://www.bbc.com/news/36762019*
13. *Rocket Hits Ashkelon Mall, 90 Hurt, Amos Harel, Yuval Azoulay and Ari Shavit (15 May 2008) http://www.haaretz.com/rocket-hits-ashkelon-mall-90-hurt-1.245897*

A Hamas rocket from Gaza caused this damage at an Israeli kindergarten in Sderot on July 1, 2016. (Credit: IDF)

1.2.8 Terror at Home and Abroad

28. Throughout this period, terrorism that Israel has come to know in the form of suicide bombers and other attacks persisted, even outside periods defined as specific waves of terror. For example, although the Second Intifada is generally dated as ending with the Sharm el-Sheikh summit in February 2005, that year saw a further six suicide bombings. In 2006, there were three suicide attacks, and one each in 2007 and 2008.[14] Also in 2008, eight students were killed in a religious seminary by a terrorist armed with a Kalashnikov rifle.[15] This period also saw a number of attacks on Israeli civilians by Palestinians utilizing bulldozers.[16] Similarly, raids resembling the early *Fedayeen* attacks continue to date – for instance, in March 2011, the Fogel family, two adults and three children, were murdered in their beds by terrorists,[17] while in November 2014, five people, including a policeman were killed in a terrorist attack on a synagogue in Har Nof, Jerusalem, perpetrated by Palestinians with axes and firearms.[18]

29. Additionally, over the course of these decades, Israel also endured a number of high-profile terrorist attacks against Israeli and Jewish targets abroad. In addition to the hijackings, many targets were bombed, such as the 1986 attack by Palestinian terrorists killing 26 people in an Istanbul Synagogue. In 1994, Hizballah killed 85 people in the bombing of the AMIA Jewish cultural centre in Buenos Aires, Argentina.[19] The same year, it exploded a car bomb outside the Israeli Embassy in London.[20] In 2002, an Israeli-owned resort and Israeli airliner were attacked in Kenya.[21] In 2003, over 20 people were killed and 300 wounded in coordinated bomb attacks against synagogues in Istanbul, the same year that more than forty people were killed in a terrorist attack against Jewish and Israeli targets in Morocco.[22] As part of the Mumbai attacks in 2008, nine people were murdered in a Jewish community centre in that city by Islamists pledging allegiance to Lashkar-e-Taiba.[23] In 2012, Hizballah killed six Israeli tourists in a bus bombing in Burgas, Bulgaria.[24] And in 2015, a terrorist swearing allegiance to the Islamic State murdered four Jewish hostages in a Kosher supermarket in Paris, during the attacks on that city.[25]

30. Cumulatively, this history means that Israel has had to contend with a morphing, deadly terrorist threat since before its inception, making counter-terror measures a top national priority, and leading to policy and technological innovation with the result that its citizens are protected by one of the most sophisticated counter-terror apparatuses of any nation.

14. *Suicide and Other Bombing Attacks in Israel Since the Declaration of Principles (Sept 1993)*, Israeli Foreign Ministry, http://www.mfa.gov.il/mfa/foreignpolicy/terrorism/palestinian/pages/victims%20of%20palestinian%20violence%20and%20terrorism%20sinc.aspx
15. *Eight killed at Jerusalem School*, BBC (7 March 2008), http://news.bbc.co.uk/2/hi/middle_east/7282269.stm
16. *At least 3 die as man uses earthmover in Jerusalem attack*, Isabel Kershner and Alan Cowell (2 July 2008), http://www.nytimes.com/2008/07/02/world/africa/02iht-02mideast.14166972.html?_r=0
17. *Fogel family identified as victims of Itamar terror attack*, Ben Hartman (12 March 2011), http://www.jpost.com/Diplomacy-and-Politics/Fogel-family-identified-as-victims-of-Itamar-terror-aattack

18. *Five Killed in Jerusalem Synagogue Terror Attack*, Nir Hasson, Barak Ravid, Jonathan Lis, Jack Khoury, Gili Cohen and Yair Ettinger (18 November 2014), http://www.haaretz.com/israel-news/1.627084
19. *The AMIA/DAIA bombing: Terror in Argentina*, Anti-Defamation League (18 July 2011) http://www.adl.org/israel-international/latin-america/c/the-amiadaia-bombing-terror.html#.V8Xpn5N97aY
20. *1994: Israel's London Embassy Bombed*, BBC News, http://news.bbc.co.uk/onthisday/hi/dates/stories/july/26/newsid_2499000/2499619.stm.
21. *At least 12 killed in Kenya hotel blast*, The Guardian (28 November 2002), https://www.theguardian.com/world/2002/nov/28/israel.kenya.
22. *Attacks on Istanbul synagogue kill 24*, Amiram Barkat, Yoav Stern and Yossi Melman (16 November 2003), http://www.haaretz.com/attacks-on-istanbul-synagogues-kill-24-1.105755;
Horror in Casablanca as al-Qaeda toll hits 41, Martin Bright, Paul Harris, Ali Bouzerda and Emma Daly (18 May 2003), https://www.theguardian.com/world/2003/may/18/alqaida.terrorism2
23. *9 Dead in Mumbai Chabad House Attack; Israel to Help Identify Bodies*, Haaretz (28 November 2008), http://www.haaretz.com/news/9-dead-in-mumbai-chabad-house-attack-israel-to-help-identify-bodies-1.258454
24. *Israelis killed in Bulgaria bus terror attack, minister says*, CNN (29 July 2012), http://edition.cnn.com/2012/07/18/world/europe/bulgaria-israel-blast/
25. *Paris Jewish supermarket reopens after hostage siege*, BBC (15 March 2015), http://www.bbc.com/news/world-europe-31896550

TERRORISM AGAINST ISRAEL TODAY: THE SMALL-SCALE TERROR CAMPAIGN

2.1 Decentralized, Small-Scale, High Volume: A New Type of Terror Threat

2.1.1 Major Escalation of Terrorist Attacks

31. Israel has been contending with a sustained assault of terror attacks since autumn 2015, each far smaller in scale than the historical types of attack described above, but cumulatively a grave and often deadly occurrence, at its height menacing Israeli civilians on a near daily basis. On account of the continuous threat picture of low-level incidents, the specific starting point for this wave of terror attacks is attributed to a range of incidents, all of which fall around the September-October 2015 mark.[26] Though the terms 'Lone Wolf Intifada' or 'Stabbing Intifada' popular in parts of the media are misnomers of sorts, it is nevertheless accurate that with this uptick in violence Palestinian terrorism against Israel had entered its most serious escalation and dangerous phase since the end of the Second Intifada.

32. The dramatic escalation of violence was reflected in a briefing to the HLHFG by the Commander of the Judea and Samaria division of the IDF, who noted that prior to October 2015 the monthly average of attacks

in the West Bank (not including Molotov cocktails and stone-throwing) was 4.8. In the month of October 2015 it soared to 44. At the peak of the crisis there were several incidents a day across Israel and the West Bank. A single day snapshot also reveals the intensity of the small-scale attacks, on October 8, 2015 alone there were five stabbings and several other incidents, with similar levels of violence on October 9 and 10.[27]

33. In the following months, Israel experienced an intensive wave of terrorism involving shootings, stabbings, stonings and car-rammings. Between September 13, 2015 and July 25, 2016 there were 157 stabbing attacks (including 76 attempted attacks), 101 shootings, 46 vehicular (ramming) attacks and one bus bombing, resulting in 40 dead and over 500 injured.[28] On account of continued attacks since July the human toll has risen to date, though the violence has peaked and the number of attacks on a monthly basis has fallen significantly. As was the case throughout, Israel's security services continue additionally to foil attacks, which range from cars loaded with explosives to individuals attempting to steal soldiers' weapons.

26. See Ready or Not, the Third Intifada May Be Here, The Atlantic (October 7, 2015), available at http://www.theatlantic.com/international/archive/2015/10/ready-or-not-the-third-intifada-may-be-here/409507/; and Wave of terror 2015/16, Israel Ministry of Foreign Affairs (July 25, 2016), available at http://mfa.gov.il/MFA/ForeignPolicy/Terrorism/Palestinian/Pages/Wave-of-terror-October-2015.aspx.

27. The Knife and the Message: The Roots of the New Palestinian Uprising, Jerusalem Center for Public Affairs, available at http://jcpa.org/the-knife-and-the-message-the-roots-of-the-new-palestinian-uprising/.
28. Wave of terror 2015/16, Israel Ministry of Foreign Affairs (July 25, 2016), available at http://mfa.gov.il/MFA/ForeignPolicy/Terrorism/Palestinian/Pages/Wave-of-terror-October-2015.aspx.
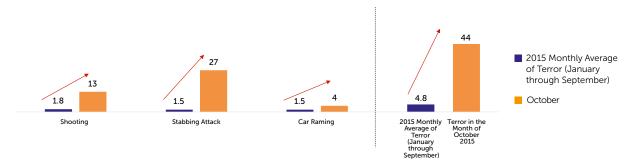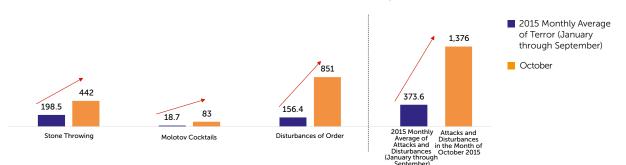
TRENDS – OUTBREAK OF TERROR AND VIOLENT RIOTS

Terror in the Judea and Samaria Region

Attacks and Disturbances in the Judea and Samaria Region

(Source: IDF)

2.1.2 The Nature of the New Terror Threat

34. The wave of small-scale terrorist attacks perpetrated against Israel since late last year was marked by a set of key characteristics which substantively differentiated it from previous waves of terrorism. The principal hallmarks of this campaign of violence were that it was predominantly perpetrated by lone assailants, that many of them were minors, that they were acting independently of any direct organizing authority and seemingly spontaneously, and that they utilized crude but deadly weapons for much smaller-scale attacks. These constituted knives in the majority of cases, but also screwdrivers and other blunt instruments, in addition to the notable prevalence of rudimentary domestically produced firearms and utilization of vehicles for ramming attacks.
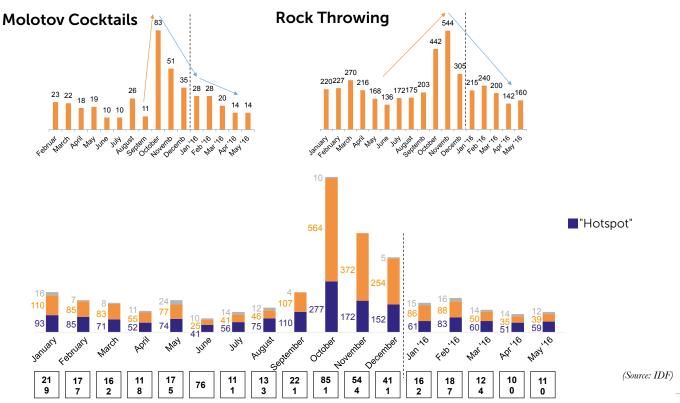
2.1.3 Perpetrator Profile of the New Terror Threat

- 35. **The bulk of the violence was perpetrated by lone assailants**. These attackers are usually not members of terrorist organizations, lack training, and do not receive direct instructions.
- 36. However, **lone assailants rarely act without an enabling context**. Notwithstanding attempts by Hamas to organize attacks and claim credit for many of them, the vast majority of these new types of attacks are not centrally directed. However, they are directly inspired by an atmosphere of incitement and widespread violent discourse on social media. This is proactively endorsed and in some instances actively led by the Palestinian Authority through its official media organs, as well as extensively fed by Hamas' and other Islamist terror organizations' propaganda. Additionally, the internet and social media can be a crucial factor in offering practical instruction on effective attack methods.

- 37. **The perpetrators present a new social demographic for terror attacks**. Though the attacks were predominantly perpetrated by young, single men, mostly from the social periphery there are significant changes in the terrorists' profile in this wave of violence, chiefly:
   - **an unprecedented number of women and minors**. Approximately half of the perpetrators were under 20 years of age, with around 10% minors, some as young as 12 years old.
   - **a prevalence of personal or social problems**. While many attackers were motivated by messages inculcated by incitement and/or a religious desire for martyrdom, a notable number were additionally motivated by what officials described as the use of terrorism as a means of redeeming themselves in a more directly personal manner, where terrorism is a

TRENDS – TERROR AND VIOLENT RIOTS

Molotov Cocktails

Rock Throwing

(Source: IDF)

means to transforming failures, circumstances deemed societally shameful, psychological issues and similar contextual problems into accolades from a society that instils a strong message of heroism for terrorist acts.

2.1.4 Attack Profile of the New Terror Threat

- **38. The attacks were predominantly spontaneous and unplanned**. Notwithstanding the context of incitement, the actual decision to perpetrate a terrorist attack is thought to have been made at most days before striking, in some cases only hours beforehand.

- **39. The attacks were mostly executed with crude, domestically readily available weapons**. The bulk of attacks utilized kitchen knives, screwdrivers and other blunt instruments. Attackers also used vehicles for ramming attacks, mostly aimed at public transport infrastructure, particularly civilians waiting at bus shelters. Several incidents featured a succession of modes of attack, such as a car ramming, followed by the terrorist emerging with an axe to continue the attack. Where firearms were utilized, a prevalence of a rudimentary submachine gun, built by hand in homes and workshops in the Palestinian territories and commonly known as the "Carlo" was notable.[29]

- **40. The attacks were perpetrated in easily and immediately accessible geographical locations**.

They were usually perpetrated close to the attacker's place of residence, at low-profile civilian sites. Whereas in previous terror waves attackers would commute from Palestinian towns to Israeli cities, most of the recent attacks were perpetrated closer to home, for example by Palestinians living in the West Bank and committing acts of terror there, or by Arab residents of East Jerusalem doing so within the confines of Jerusalem. Locations were random, guided by ease of access, with close range soft targets such as open streets, bus stops, hitchhiking posts, public transport, open markets, and supermarkets preferred, though the iconic Cave of the Patriarchs in Hebron and, more frequently, the Damascus Gate in Jerusalem were among the targets also.

- **41. The attacks present an immense challenge to traditional counter-terror measures, principally preventative intelligence work**. During the Second Intifada, Israel foiled around 95% of attempted Palestinian terror attacks – the overwhelming majority of this success coming on account of intensive intelligence work. However, with the new attack profile terrorists are incited over the internet, conduct attack utilizing immediately available means, often making snap decisions to do so and attacking close to their places of residence, often without any need to circumvent physical layers of security precautions. Thus, for the purposes of detection, in most cases these attackers essentially behave indistinguishably from regular civilians until the point they draw a weapon and attack those near them.

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29. See Say hello to 'Carlo,' the cheap, lethal go-to gun for terrorists, Times of Israel (March 26, 2016), available at http://www.timesofisrael.com/say-hello-to-carlo-the-cheap-lethal-go-to-gun-for-terrorists/.

A Palestinian workshop for the production of small firearms (Credit: IDF)

Two teenage Palestinian terrorists during an attack in Jerusalem. (Source: IDF)

2.2 Key Factors Driving the Small-Scale Terror Campaign

2.2.1 The Myth of the 'Lone Wolf'

42. The attacker profile that Israel has had to contend with in the recent wave of violence has certain limited attributes that are similar to terrorists that have carried out recent attacks in Western cities, which have been described as 'Lone Wolves'. These are attackers who are said to be 'self-radicalized' through the internet and social media and carry out attacks independently of the direct command and control of terror organizations. However, much as this thesis is increasingly disproven in the case of recent attacks in the West – by the recognition that 'Lone Wolves' rarely act alone, either being part of more traditional networks, or there being additional triggers – the terror wave against Israel exhibits similar characteristics. Evidently these latest attackers do ultimately act in a substantially more autonomous manner than in previous waves of terror against Israel when planning and carrying out an attack, yet they too act in a context that is discernible and important to parse and understand fully in order to accurately assess the factors driving this wave of violence.

2.3 Palestinian Incitement

43. Palestinian incitement against Israel and Jews is a crucial factor behind the new terror wave against Israel. It emanates from all Palestinian organizations and factions, and is delivered through multiple channels in all strata of society, be it the traditional media, internet and social media, education such as through textbooks in schools, civic space such as by

A bus bombing in Jerusalem. (Source: IDF)

A rock-throwing attack on a vehicle. (Source: IDF)

A Palestinian terrorist attacks a bus stop with his car and an axe in Jerusalem. (Credit: Haaretz)

A CCTV still from the attack on the Sarona Market outdoor shopping mall in Tel Aviv. (Source: YouTube)

naming streets after terrorists, through clan and family role models or through statements by political leaders from the local to the most senior levels. Though the problem presents a long-standing challenge for Israel, there are specific and directly discernible factors that accompanied the wave of terrorism and serve as the context for the violence.

44. Incitement in general is comprised of a two-stage process, initially beginning with the messages that prepare the backdrop and establish the legitimacy of hatred in a population.

Incitement on Palestinian television children's programme. (Source: Middle East Media Research Institute)
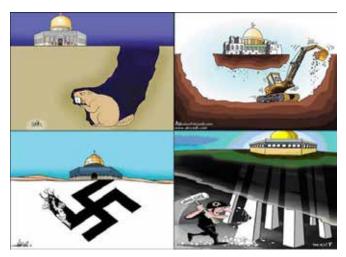
A Hamas kindergarten. (Credit: Palestinian Media Watch)

A preacher in a Gaza Mosque calling for violence. (Credit: IDF)

2.3.1 The Iconography of Incitement

45. A number of key concepts serve as the building blocks of hatred and associated calls to action underlying Palestinian incitement. Though there are differences between the approaches of Fatah (the more secular movement of Palestinian President Abbas) and the Islamists of Hamas, certain key messages hold across all groups. These include a firm assertiveness over the key tenets of Palestinian identity as conceived by the national narrative, and the delegitimisation, including threats and violence, against those who dissent from it. Other important planks of this narrative include:

● 46. The denial of Israel as a Jewish state, as well as of a Jewish connection to the land of Israel and often of Jewish collective peoplehood in general. This constant theme is coupled to classic antisemitic tropes about the character and intent of Jews imported from European and certain Islamic traditions which are viciously propagated throughout Palestinian society.

● 47. That the Palestinian struggle is simultaneously religious and national. Thus terrorists are both national heroes and Islamic martyrs. It is a struggle over a piece of land in a national sense, where the Palestinians have a right to all of Palestine as their homeland. But at the same time it is also a religious struggle over a piece of land that is an indivisible, non-negotiable part of a larger exclusively Islamic estate which cannot be ruled over by non-Muslims according to some religious interpretations. The existence of Israel is thus a major affront to this so-called dar al-Islam – the region of Muslim sovereignty where Islamic law must prevail. The battle against Israel is further justified in Islamist discourse on account of its supposed acting as a bridgehead for Western culture into the Muslim Middle East.

● 48. A commitment to gaining all of Palestine, however unlikely a goal and however long it may take, any erosion of which is a treasonous justification of the Zionist narrative. This combines with the propagation of a narrative of exclusive victimhood which sees Palestinians evade any responsibilities or accountability for their violence.

49. Against the backdrop of this material, which seeks to instil and fuel an element of latent hatred in the population, the second stage plays out in initiating certain triggers that act as a call to violence:

● 50. The singularly most consequential trigger for violence is the nefarious Palestinian narrative connected

Cartoons accusing Israel of endangering the Al Aqsa Mosque. (Source: Jerusalem Center for Public Affairs)

A cartoon shared on social media with the Al Aqsa Mosque in the background and shared with captions calling for "Slaughtering the Jews". (Credit: The Jerusalem Post)

to *Al Aqsa*, which in this context refers to the status quo on the Temple Mount. Known to Muslims as the *Haram-al-Sharif*, this is the holiest site in Judaism and the third-holiest in Islam. The compound and the *Al Aqsa* Mosque atop it are one of the most incendiary flash points of the Israeli-Palestinian conflict, and Palestinian leaders from both Fatah and Hamas frequently propagate the libel that Israel is intent on destroying the *Al-Aqsa* Mosque. When this rhetoric is combined with a call to defend *Al-Aqsa*, additionally reinforced by Islamic concepts referring to *Jihad* and coupled to iconography glorifying martyrdom, it is understood as a call to arms and triggers terrorist attacks.[30]

2.3.2 The Political and Security Context Within the Palestinian Polity

51. The Palestinian polity is presently divided between the more secular Fatah movement that controls the Palestinian Authority in the West Bank under President Mahmoud Abbas, and the Islamist terrorist organization Hamas, an offshoot of the Egyptian Muslim Brotherhood, which controls the Gaza Strip. Their imperatives in relation to the recent escalation of terrorism against Israel differ in notable ways. Despite occasional political reconciliation and even short-lived attempts at the creation of unity governments, Fatah and Hamas are today generally in a low-level standoff that occasionally lapses into open conflict. Hamas is additionally a serious threat to Fatah's weakening rule on the ground in the West Bank, posing a growing challenge for President Abbas' government.

52. The two organizations also differ starkly in their approach to the relationship with Israel. The Islamists of Hamas have never wavered from their antisemitic platform calling for the destruction of Israel, and as described above are continually menacing Israel by whatever violent means are most effective at circumventing its defensive measures, most recently rocket fire. Though they exist in a modus vivendi, usually mitigated by a third-party interlocutor, Hamas regularly escalates its war on Israel, forcing Israel to conduct large-scale military operations to defend its citizens. Fatah has generally pursued a more diplomatic path since former Palestinian leader Yasser Arafat entered negotiations with Israel, though this has also been interspersed by periods of strategic violence. However, Israel and the Fatah controlled PA not only have limited interim diplomatic agreements, but cooperate closely on security matters in the West Bank on account of shared security imperatives of asserting calm and preventing any further expansion of Hamas' growing influence in that territory.

2.3.3 A Strategic Decision for Escalation

53. In the context of the recent wave of violence, it is important to note that despite the evident autonomy of most of the perpetrators, the violence should also partially be attributed to a calculated decision by Palestinian leaders to encourage unrest and tolerate and indeed stoke the violence. In one notable instance of countless messages from the Fatah party stoking the atmosphere of violence, President Abbas himself accused Israel of "executing in cold blood" a teenager who had carried out a stabbing attack, critically wounding an Israeli boy. This message forms part of a violent cycle that serves as a call to action to the consumers of Palestinian incitement.

30. See *Protecting the Status of the Temple Mount in Jerusalem, Jerusalem Center for Public Affairs*, available at http://jcpa.org/status-quo-temple-mount/; See also *The Paranoid, Supremacist Roots of the Stabbing Intifada, The Atlantic* (October 16, 2015), available at http://www.theatlantic.com/international/archive/2015/10/the-roots-of-the-palestinian-uprising-against-israel/410944/

Abbas spoke these words while the assailant was in fact recuperating in an Israeli hospital, having been neutralized by Israeli security forces following the attack according to their strict protocol of applying the minimum force necessary to subdue an attacker.

54. The United Nations Middle East Quartet, in its report of February 12, 2016, some months into the small-scale terror wave, made plain that:

Palestinians who commit terrorist attacks are often glorified publicly as "heroic martyrs." Many widely circulated images depict individuals committing terrorist acts with slogans encouraging violence. The spreading of incitement to violence on social media has gained momentum since October 2015, and is particularly affecting the youth. Hamas and other radical factions are responsible for the most explicit and widespread forms of incitement. These groups use media outlets to glorify terrorism and openly call for violence against Jews, including instructing viewers on how to carry out stabbings[...] [...]members of Fatah have publicly supported attacks and their perpetrators, as well as encouraged violent confrontation. In the midst of this recent wave of violence, a senior Fatah official referred to perpetrators as "heroes and a crown on the head of every Palestinian." Fatah social media has shown attackers superimposed next to Palestinian leaders following terrorist attacks.[31]

55. Hamas, which perpetually seeks to destroy Israel by violent *Jihad*, tried to claim credit for the wave of violence and continued its on-going campaign of incitement against Israel, but in fact was only directly responsible for two terrorist attacks during this period. Additionally, some Hamas activity was thwarted by Fatah controlled security forces. This is a result of Fatah's strategic framework, developed as early as 2009, that saw it seek a gradual shift from its previous binary mode of periods of 'armed struggle' and 'diplomacy' to one consisting of unilateral diplomatic initiatives in international fora such as the United Nations, combined with the encouragement of activity that could be presented as a 'popular struggle'. Yet, having failed in various unilateral initiatives in global diplomacy, and having been pushed off the international agenda by events in the Middle East, President Abbas took a strategic decision to countenance and encourage the violence. The messaging behind this provided the bed on which the autonomous violence unfolded. It was carefully calibrated, both at the level of encouraging violence,

through nationalistic and religious edicts, but also by encouraging means that are thought not to harm international sympathy. Thus the message did not call for attacks with firearms and the kind of brutality of Hamas' typical suicide and rocket attacks, indeed President Abbas actively thwarted the emergence of leadership committees that other factions sought to form, in a manner similar to how previous intifadas were lead. Rather the messaging was sufficiently calibrated to keep the unrest containable. The PA put a discernible end to this strategy immediately following the attacks on Brussels in Belgium, sending police into schools and other civic arenas with a clear message that the violence had to end.[32]

2.4 The Role of Social Media

56. Social media played a crucial role in fuelling the recent wave of violence. Networks were awash with a multitude of content, including posts extolling terrorism, instructional videos on how to attack most effectively, and graphic images intended to glorify and popularize the actions of the attackers in order to stoke more acts of terror.

2.4.1 A Dangerous New Paradigm

57. The revolution in communications that the advent of social media represents has empowered individuals and communities, at the same time as providing unprecedented means of distribution and reach for those who seek to cultivate hatred and violence. It offers access to individuals and collective popular sentiment in ways previously inconceivable, at the same time as it significantly undermines authorities by devolving and diffusing the very power of influence that has in the past been able to stem messages detrimental to a nation's national security. This presents a major new dangerous paradigm for all democratic nations fighting terrorism, be it in the West's battle with Isis or Israel's struggle against Palestinian terrorism. Israeli policymakers were thus forced to grapple acutely with issues that Western governments are already facing in a less acute manner and will have to contend with in the coming years. In the course of this terror campaign, Israeli officials have faced the question of how to address these shifts in a live situation that was primarily being fuelled through this new medium, and how to do so without abridging the legitimate right of people to free expression that is essential to all democracies.

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31. *Report of the Middle East Quartet, United Nations, available at http://www.un.org/News/dh/infocus/middle_east/Report-of-the-Middle-East-Quartet.pdf*

32. *The Knife and the Message: The Roots of the New Palestinian Uprising, Jerusalem Center for Public Affairs, available at http://jcpa.org/the-knife-and-the-message-the-roots-of-the-new-palestinian-uprising/*

2.4.2 Social Media and the Small-Scale Terror Wave

58. Broadly, social media was relevant to the small-scale terror wave in three distinctive modes: The medium for incitement, the medium for instruction and, despite serious constraints, as an intelligence resource:

- 59. **Social media served as the medium for the long-standing campaign of incitement against Israel.** As a backdrop to the violence, social media was a key driver, providing the central avenue for the fuel of the hatred. Previously it was possible to pinpoint and neutralize sources of hate speech and similar messages, for example particular extremist preachers in particular mosques or specific public television channels. Since the advent of social media however, the diffusion of such messages has become easy and uncontrollable.

- 60. **In the course of the terror campaign social media and online video became tools of terror, not just inciting but actively encouraging and perfecting terror.** Hundreds of videos on how to execute an attack appeared online, and HLHFG briefings with intelligence agencies revealed clear evidence of their impact, such in the case, for example, of one perpetrator who told interrogators he had learnt online that to conduct a more effective attack he should tie his knife to his hand so that when he is stabbing an Israeli he will not be out of action if he gets knocked to the ground.

- 61. **Despite the serious intelligence challenges outlined, social media did provide a level of signals intelligence when it comes to the small-scale terror wave.** So-called 'Lone Wolf' attackers may be acting without direct network connections

A facebook page titled "My Hobby is Burning the Zionist Flag" featuring an image with the caption "The Knife Intifada". (Credit: Middle East Media Research Institute)

Anatomical chart of where to stab a victim shared on facebook. (Credit: Middle East Media Research Institute)

Screenshots from an instructional video shared on YouTube. (Credit: The Times of Israel)

Screenshots from an instructional video shared on social media. (Source: IDF)

to terrorist organizations, but still broadcast certain signals online before attacking. HLHFG briefings with intelligence agencies revealed that in many cases those committing terror attacks had indeed written of their desire to die a martyr's death on social media. In the case of one teenage terrorist who murdered a girl in her bed, an investigation later revealed that he had for months been praising *shaheeds* (martyrs of jihad) and asserted the privilege of dying for their cause on social media.

62. Israel has had to develop an understanding of the social media space fast to meet this threat, and as such takes a sophisticated approach to acting on the problem in an effort to protect civil liberties as widely as possible under challenging circumstances. At a basic level, relevant Israeli security agencies distinguish between signals, for example expressions of fervour, that may include possible sympathy with violence, but are contextually less concerning than persons who match the profiles of attackers. For example, an eighteen-year-old with an uncle in prison on account of terror offences, posting fervent violent sentiments for a period of time, and then, expressing a desire to commit an attack, begins posting quotes from Islamic jurisprudence that justify martyrdom, would be regarded as a significantly higher threat than teenagers sharing inciting slogans and liking material hostile to Israel on Facebook.

2.4.3 An Inadequate Response from Social Media "Superpowers"

63. The HLHFG discussions with Israel's Public Security Minister Gilad Erdan and representatives from its intelligence agencies highlighted grave concerns over the role social media had played in the small-scale terror wave, and the response from social media companies. Described as online "superpowers", Israeli policymakers were deeply critical of Facebook's response in particular, citing multiple instances where they perceived that the company had been obstructive in its practices in ways detrimental to Israel's ability to effectively respond to terrorism.

64. The challenge divides into practical matters and matters of principle:

- 65. In practical terms, Israeli officials encountered instances of dangerous material that took cumbersome processes and an unacceptable length of time to remove, putting lives at risk.

- 66. In terms of principle Israeli officials noted that the social media "superpowers" defense that

they were merely a platform and thus had very limited responsibilities related to content, as well as the technical challenges of taking action were not sufficient.

67. Israeli policymakers were concerned with three aspects in terms of their response:

- 68. **That effectively balancing freedom of speech with public security is of paramount importance in this debate.** Israel is the democracy in the front line of experiencing the galvanizing effect on violence of social media activity and as such has to grapple with this problem in life-and-death situations that are significantly more acute than the debates around these issues that reside in the realm of principle or even longer term counter-terrorism efforts.

- 69. **That the arguments used to justify inaction were not wholly satisfactory.** For example, government officials argued that social media networks should be compelled to assume similar responsibility to broadcasters for the material they host, even if they did not create it, in particular where they fail to act on illegal material. Further, since social media networks generate large profits through hosting content and mining data from it, they cannot escape responsibility for the content entirely. Additionally, arguments over the difficulty of dealing with the volume of material are challenged on the basis that social media companies manage to regulate both nudity and illegal sexual activity such as paedophilia as well as copyrighted material effectively.

- 70. **That despite valid challenges the social media giants must do much more to mitigate the problem.** The Ministry of Public Security is working with international partners on measures to ensure social media companies remove material connected to the terror threat with all deliberate speed. The opposition in the Knesset (Israel's Legislature) has additionally introduced the 'Removing Incitement Published on Online Social Media Bill' which would penalize social media companies for failing to take prompt action against incitement or face a financial penalty.

71. Israeli policymakers and security personnel unanimously expressed a clear desire not to limit freedom of speech. However, having faced a wave of small-scale terror attacks that were directly linked to incitement on social media, they are acutely concerned about the need for the giants of that field to take responsibility in ensuring their platforms are not open to this deadly abuse.

ADDITIONAL THREATS ISRAEL FACES IN THE CONTEXT OF THE SMALL-SCALE TERROR CAMPAIGN

72. A number of other areas of concern are relevant to an understanding of the threat picture Israel is confronted with. These break down into territorial issues, in particular questions over the Gaza strip run by the Islamist terrorist organization Hamas and regional and wider questions over state sponsorship of terrorism. Additionally, Israel is confronted with the same challenges as other democracies in the new realm of cyber security and associated potent threats to national security.

3.1 The Gaza Strip and Regional Actors

3.1.1 Gaza: A Constant Source of Terrorism Against Israel

73. The history of terrorism against Israel emanating from the Gaza Strip is as long as the history of the State of Israel itself and precedes Israel acquiring control over the territory from Egypt in the war of 1967. Following Israel's unilateral Disengagement Plan, which evacuated all Israeli forces and civilians from the coastal enclave in 2005, the Islamist terrorist organization Hamas contested elections and later took over from the PA in a violent coup in 2007. Hamas has thus been the de facto authority in the Gaza Strip for the last decade. Politically, the organization consists of three power centres: the foreign leadership, currently based in Qatar and headed by Khaled Mashaal; the domestic leadership, headed by Ismail Haniyeh; and the military wing, the *Al Qassam Martyrs' Brigade*, which is not fully subordinate to the political leadership in decision making.

74. Hamas's offensive capabilities include an arsenal of missiles, including long-range rockets and mortars, attack tunnels that lead into Israeli territory, and special forces, including naval capabilities. Hamas had been firing rockets at Israel's civilian population centres since before the disengagement, but following its takeover of Gaza significantly ramped up its rocket attacks on Israel, and infiltration attempts by an extensive tunnel network and sea.

75. In response Israel has engaged in three major rounds of conflict with Hamas to stem these attacks: Operation Cast Lead (2008-2009), Operation Pillar of Defense (2011) and Operation Protective Edge (2014). Israel's strategy is two-fold: It assumes that Hamas' complete failure to moderate its eliminationist antisemitism over the course of the conflict means it cannot be enticed towards peace. At the same time Israel

prefers not to topple Hamas rule, to retain a cohesive entity it can deter and strike limited understandings about a prevailing modus vivendi with, so seeks to use each conflict to erode Hamas's capabilities and gain a period of quiet and stability for its citizens. Simultaneously, Israel pursues an aggressive policy of development, as is consistent with its own security, in the hope that this will postpone the next war by creating a political incentive for Hamas to keep to the understandings reached at the conclusion of the previous round of hostilities. Since Operation Protective Edge, Israel has tripled the capacity of the *Kerem Shalom* goods crossing to allow materials to enter the Strip, is encouraging exports from Gaza, and is promoting initiatives to advance energy solutions with the international community.

3.1.2 Internal Discord in Islamist Politics in Gaza

76. Hamas is not the only terrorist organization active in Gaza. Alongside it operate a number of other groups, including the Iranian controlled *Palestinian Islamic Jihad* and a number of smaller so-called 'popular fronts'. These groups are generally willing to follow Hamas directives and have mostly observed periods of restraint when mandated by Hamas. However, a more serious threat comes from terrorists who operate within the *Salafi Jihadi* camp, comprising at least several hundred locally born fighters. Though not yet formally affiliated with Islamic State, these operatives have crossed over to join its fighters in Egypt and Syria. This group opposes both Israel and Hamas, considering the latter's Palestinian nationalism an obstacle to the true calling of Jihad and the Caliphate Islamic State has declared. The Salafi camp has been responsible for a number of attacks on Israel in the last two years, both with and without Hamas's approval and including high-trajectory missile fire and perimeter shootings, and poses a threat to Hamas both in terms of order on the ground, as well as in the ideological challenge it presents.

3.1.3 Gaza in the Context of the Small-Scale Terror Wave

77. Israel assesses that Hamas is not currently seeking active hostilities or an escalation of the conflict, since its military capabilities were much depleted during Operation Protective Edge and there is little strategic advantage it could achieve at the present. Hamas however continues to upgrade its arsenal and has proven willing to engage in sporadic limited escalations against Israel, leaving a tense and dangerous situation in the area.

78. Further, Hamas uses its territorial control of Gaza to direct and incite attacks in the West Bank and has sought to fuel the small-scale terror wave. In addition to harming Israel, Hamas seeks a violent popular uprising in order to destabilize the Palestinian Authority and seize power in the West Bank too. Alongside being a major driver of incitement, Hamas was responsible for at least two attacks directly, including a suicide bombing on a bus in Jerusalem in April 2016, while further terror attacks were prevented on account of Israeli raids against Hamas operatives in the West Bank, for example in December 2015 when Israel's security forces uncovered a laboratory for explosives belts and Improvised Electronic Devices (IEDs) in the territory.

3.2 Wider Regional Dynamics and State-Sponsored Terrorism

79. In discussions with the HLHFG, Israeli officials including Prime Minister Netanyahu stressed that terrorism is a form of warfare for which the existence of states is still crucial, making it a strategic imperative to degrade and defeat 'terror states' and prevent the establishment of new territorial safe havens for terrorism. Islamic State and Iran were identified as key problems. Israeli officials noted that the intensity of bombing raids against Hamas during the last conflict were perhaps ten times the daily rate versus coalition raids against Islamic State. They cautioned that leaving intact the territory was more dangerous than destroying Islamic State and dealing with what follows, by force if necessary, in order to deny the terrorist organization the ability to organize and export terrorism. Israelis were highly sceptical of the deal with Iran, noting that even if Iran holds to it, it was able to continue its programme of regional aggression and then resume its nuclear activities as soon as the plan expires. They noted that their relationship with several Arab states had improved significantly on account of a shared understanding on these regional issues. Israeli officials expressed particular concern over the threat of the emergence of additional state sponsors of terrorism, noting that the collapse of Egypt in particular would be a grave concern, with Israel serving as a strategic bulwark for Egypt, Jordan and Saudi Arabia against Islamist terrorists seeking to topple their governments.

3.3 Cyber Security

80. Israel is one of the most attacked nations on the planet in the cyber realm. As a result its security agencies have become world leaders in cyber security. Since identifying Cyber as a major strategic priority in 2002, Israel has had no damage or disruption on account of cyber threats, but officials expressed serious concerns about the growth of the challenge. It is evident from HLHFG conversations that the issue is a top priority for the country, and there was a remarkable degree of cohesion in its government departments, from the Prime Minister's office to Intelligence agencies and even retired officials, in their approach to the topic.

3.3.1 Trends in the Cyber Domain

81. Israeli officials noted the growth of the 'internet of things' and exponential growth in internet connectivity as well as that the world wide web is now the primary factor in public perception and resultant beliefs and opinions. Encryption and biometry is leading to 'higher and thicker walls' and mobile as a paradigm has meant the internet is now part of an indispensable personal piece of comprehensive technology worldwide. Attendant to that is the exponential growth of data. Israeli officials were confident in their ability to data mine but concerned that regulation was not keeping up with technological evolution. They noted that the world was dominated by commercial cyber 'superpowers', Facebook, Apple, Google, Microsoft, Samsung – and to an extent Huawei, though less so as it is not yet in the applications business – and that the cooperation of these players was crucial to successful cyber strategy. However, in briefings with the HLHFG, operatives for the Israel Security Agency also noted it has proposed a variety of technical solutions that could bypass privacy concerns – for example not involving 'backdoor' access to software, but other compliance techniques – but that the commercial cyber 'superpowers' were not yet willing to consider such solutions. Israeli officials further noted that the balance is shifting in favour of the bad actors, with the protections of the individual exploited by those who want to attack democracies, using the very measures used to protect it.

82. Israeli officials expressed pessimism about the dramatic steps required, and noted that only an international coalition would be able to address

some of these challenges. Further, the vulnerability of societies is growing, in particular in the 'soft underbelly' of manipulation of public opinion, be it through false information or, for example, the manipulation of default settings on devices or online. One official noted that when 'mediocre' hackers working for the 'Syrian Electronic Army' succeeded in cracking the Associated Press' Twitter password, they caused the Dow Jones stock index to plummet by tweeting misinformation about an attack on the U.S. president. They further noted that Snowden had caused enormous damage, feeding into an already established sense that Generation Y was much more sensitive to individual over social needs and thus susceptible to misinformation geared to play on these sentiments.

3.3.2 Key Threats in the Cyber Domain

83. The threat picture Israel is presented with constitutes the same challenges democracies everywhere face, principally questions such as attribution and the categorisation of attacks – and resultant challenges for deterrence and retaliation. External actors of concern included North Korea and Iran, as well as the terrorist organizations Hamas and Hizballah and Islamic State. Additionally the hacker collective 'Anonymous' targets Israel, including an annual coordinated DDOS attack on a specific date, while both China and Russia are concerns in the cyber field, which one official described as friendly until it comes to issues of strategic global interest.

   Israeli officials broke down the challenge into two separate issues: threats per se, and the wider questions of the challenge of governance of the cyber realm shared by all democracies.

84. In terms of threats they identified:

- Espionage (Computer Network Exploitation)
- Weaponisation (Computer Network Assault)
- Subversion (Computer Network Influence)

85. In addition to the trends outlined above, officials further noted that:

- 86. Cyber warfare contains an inbuilt offensive balance, which is only shifting further in the attacker's favour. Computerized systems are difficult and enormously expensive to defend, while being relatively easy and cheap to attack. Unlike conventional wars, attackers assume only minimal risk because they are not required

to be physically close to their targets. Moreover, it can be difficult to determine responsibility for cyber attacks, and to develop and implement deterrence strategies against them, while communications platforms are becoming harder to access for intelligence and other state entities. Thus the increasing complexity of digital systems opens opportunities for exploitation that cannot necessarily be matched at the same pace by adequate protection mechanisms.

- 87. Cyber attacks do not require state infrastructure. Traditionally, the infrastructure and organization necessary for mounting crippling attacks on a country have required some form of state sponsorship, state acquiescence, or the manipulation of weak state structures. Today, the most concerning terror threats in the Middle East emanate from organizations that have assumed state-like attributes, such as Hamas, Hezbollah and ISIS. Should these organizations lose their territorial dimensions, however, their extremist ideologies would still find expression through cyber techniques: all they need is hacking expertise and internet access. Moreover, the possibility of ideologically *turning* individuals inside critical infrastructure—such as airports or power plants—raises the fear that non-territorial actors could inflict enormous damage.

88. In relation to governance of the cyber realms, Israeli officials across the board noted the need for international collaboration, with the major caveat that, paradoxically, hostile states are advancing diplomatic efforts to regulate against cyber espionage and threats through international law for their own purposes. On account of the fact that democracies regard themselves bound by international law but the hostile non-democratic states advancing some of the relevant initiatives are not, the effect of such reform would be to bind the hands of democratic states while leaving their potential adversaries in a strategically advantageous position. This is particularly relevant when the increasing diffusion of state authority to supranational bodies is combined with the concerns about the manipulation of public opinion by hostile actors.

3.3.3 Israel's Response to the Challenges from the Cyber Domain

89. In response, Israel's cyber strategy has evolved. Key factors include a well-developed interagency approach – including between the intelligence agencies, whose acknowledgment of the scale of the issue has led to

HLHFG Members being briefed during a field visit in the Old City of Jerusalem. (Credit: HLHFG)

well developed understandings between them over jurisdiction and collaboration. Officials also expressed a strong sense that HUMINT (intelligence from human sources) retains a high level of relevance in this space in addition to SIGINT (intelligence from electronic signals and systems), describing a proactive approach and stressing that classic conventional abilities are still highly relevant in the cyber field as related to 'the man behind the machine'.

90. Cyber security is run out of the Prime Minister's Office, through the National Security Council (NSC), which contains the National Cyber Bureau (NCB), the main task of which lies in the synchronization and monitoring of all national activity concerning cyber threats, as well as formulating Israel's retaliation policies, developing its offensive capabilities to bolster its deterrence, advising on the regulatory changes required, and advancing international cooperation. The Israel Security Agency (ISA) also plays a crucial role in cyber security and has undergone a rapid transformation to rise to the cyber challenge, developing a separate division with a wider mandate to cover nationwide defense in the cyber realm. It has functionally integrated this work with the rest of its remit, giving it the advantage of fusing its SIGINT and HUMINT abilities. The ISA also hosts the Cyber-Protection Authority which focuses on cyber threats against all national assets as well as sensitive private assets, classifying the various facilities and determining the cyber-protection measures required of them.

91. Israel thus compels institutions of national importance, whether public or private, to adopt stringent cyber-security measures, proportional to the risk entailed by their possible penetration and requires institutions classified as having the highest risk of catastrophic systemic impact, such as the Israel Stock Exchange or the National Blood Bank, to adopt the most sophisticated systems available to prevent and mitigate cyber attacks.

SECTION B

**ISRAEL'S RESPONSES
TO TERRORISM AGAINST
ITS HOME FRONT**

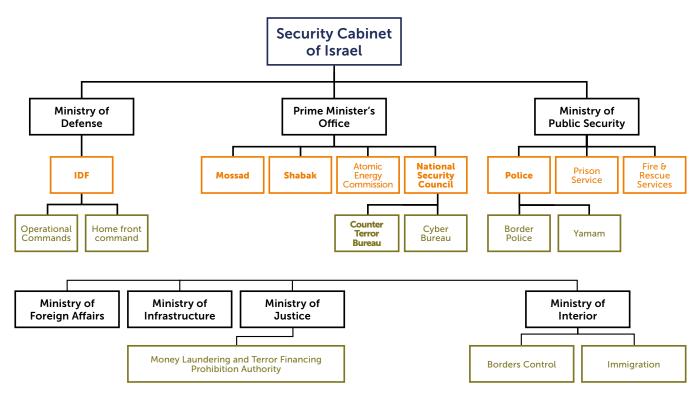# ISRAEL'S SECURITY APPARATUS AND COUNTER-TERROR STRATEGIES

4.1 Israel's Security Apparatus

92. Israel has a fundamentally unique history among democracies when it comes to the challenge of terrorism against its home front, forcing it to grapple intensely with the security, judicial and societal dilemmas such a challenge brings. In response it has developed some of the most sophisticated security structures of any democratic state.

93. Israel's security apparatus comprises a large network of agencies and organizations under the responsibility of three principal civilian bodies:

- The Prime Minister's Office directly oversees the National Security Council, the foreign intelligence service (Institute for Intelligence and Special Operations – known as the Mossad) and the internal intelligence service (Israel Security Agency – known as Shabak or Shin Bet).
- The Ministry of Defense supervises the Israel Defense Forces, which includes three regional commands, a home front command, the navy, air force and the Military Intelligence Directorate.
- The Ministry of Public Security oversees the Israel Police and Prison Service.

94. On account of Israel's grave historic and continued security challenges many additional security resources exist that policymakers can draw on. Conscription and active service as reserves with on-going training, means a majority of the population has at minimum basic military training, with positive consequences both for external military capabilities and home front resilience. Additionally, the private and civilian sectors serve as vital force multipliers in protecting Israel's home front. Private security guards and armed civilians play a key role in protecting Israel's home front to the extent that security planners can take them into account as a major asset when making threat assessments.

4.2 The Israel Police

95. Israel's Police is a centralized, national police force. Its Commissioner commands 29,000 officers across seven districts, 19 sub-districts and additional regional stations. Added to this are roughly 4,600 conscripts in mandatory military service, about 3,300 of whom serve in the Border Police.

96. The Israel Police is overseen by the Ministry of Public Security. Local Mayors and communities as well as regional leads are involved in the policymaking process, but the force remains under a unified central command, supervised only by the national government. It is tasked with the dual role of meeting the country's security needs both in the regular law enforcement realm, from traffic matters to criminal cases as well as acting as its duty as a key plank of

Israel's Security Apparatus (Source: Giora Eiland Ltd.)

HLHFG Members in discussions with the Israel Police Commissioner. (Credit: HLHFG)

Israel's counter-terrorism efforts. As such, all officers are trained to perform both law-and-order and counter-terror functions.

97. In addition to the regular forces, the Israel Police has three specialized operational units relevant to counter-terror:

- The Border Police (Magav) is Israel's main riot control force, used to conduct policing activity in high-friction zones such as the West Bank and East Jerusalem. It is trained by the IDF and integrated into army operations for special missions, but remains under the overall command of the Police.
- The Special Patrol Unit (Yasam) is the special force that performs a Special Weapons and Tactics (SWAT) function in terrorism situations and additionally also has a role in dealing with violent disorder.
- The Special Police Unit (Yamam) is the elite counterterror force of the Israel Police, specializing in three key areas: assault on hostile facilities, hostage situations, and serious crime including matters related to weapons and drugs smuggling.

98. The HLHFG visited a number of key training facilities of various police units as well as the police headquarters for briefings, discussions and demonstrations. In part, this is a reflection of Israel Police Commissioner Roni

Alsheikh's recognition of the need for police forces to have a global profile in order to confront threats that are transnational and require common approaches. Israel's police thus has an active programme of outreach, hosting visits to its National Police Academy by representatives of foreign police forces, including for joint training exercises.

4.2.1 Police Doctrines

99. Israel's police force operates in one of the most challenging environments out of any force in a democratic nation. Several top-level principles were evident in this context throughout the HLHFG's discussions, reflected in the approach to policing by all officers high and low, no matter the unit. Key notable themes were:

- The supremacy of the rule of law and legal recourse through the court system.
- A commitment to community policing with a strong focus on buy-in from all ethnic and religious communities, including ambitious specific programmes aimed at the Arab and other minority sectors of society.
- An unequivocal doctrine and evident practice of containing force, with officers trained to apply the minimum force necessary in a given situation.
- A commitment to a standard of excellence through continuous training and improvement.

4.2.2 Police Versatility

100. Superintendent Micky Rosenfeld, the official police spokesman noted that in terms of the dual role required of the police roughly 70% of police work in the major urban centre of Tel Aviv concerns criminal activity and about 30% concerns terrorism. In the capital Jerusalem, those figures are roughly reversed, putting a major emphasis on counter-terror operations. As such, versatility is a key concept for the Israel Police. Every officer is expected to be able to deal with a situation arising, even in the case of a serious terrorist incident, in order to keep response times to a minimum, since

Israel's experience with terrorism has meant that it developed an understanding that speedy and capable first responders are vital in containing terrorist incidents. In line with this, training for all police officers is continuous, with each police station required to return to the National Police Academy for a course annually. This includes a host of specific requirements related to counter-terrorism activity for all units, including time in a tactical simulator, to practice for terrorist attacks, hostage situations and similar high-pressure scenarios. This ability to surge with well-trained personnel means Israel's police is set up to be able to respond to at least two major terrorist incidents in the country simultaneously.

HLHFG Members observing a training exercise aimed at a suspicious vehicle at the Israel Police national training facility. (Credit: HLHFG)

4.2.3 Rules of Engagement and the Doctrine of Minimum Force

101. An explicit doctrine of minimum force was evident throughout all units the HLHFG encountered, and evidenced in real-world operational situations the group was extensively briefed on, as well as in training procedures the HLHFG witnessed at the National Police Academy, where officers demonstrated the rules of engagement limiting force in simulations of real-world scenarios such as attacks involving gunfire in civilian pedestrian zones or traffic stops following intelligence of vehicles laden with explosives.

102. Key observations include that:

- There is no shoot-to-kill policy and strict police rules of engagement require officers to apply the minimum necessary force to stop an attack, with the immediate cessation of force as soon as the perpetrator is subdued.
- Over half of terrorists engaged in active attacks in civilian areas are neutralized without being killed. This ratio is much higher in specialist operation scenarios, where around one in ten terrorists are killed and the rest captured.
- Each instance of a terrorist being injured or killed triggers an automatic investigation in the State Attorney's office, which acts as an independent overseer outside of the jurisdiction of the police.

103. Contrary to allegations levelled against Israel by various external media commentaries with no knowledge of the situation or relevant procedures, the criteria for opening fire that Israel's police maintains are extremely strict. Officers may only discharge their weapons if an assailant demonstrates the clear means, intention and ability to perpetrate an immediate attack and subduing them by other means is not possible. Where this is the case, law enforcement officers are permitted to shoot at an attacker's legs to neutralize him or her if necessary, or may fire at the upper body if an active and immediate danger is presented. If the threat de-escalates in a live situation, the response must be contained also, for example if the shooter in an active terror attack dropped his weapon and is no longer a firearms threat, he will be apprehended by coercion short of gunfire.

104. Further, any instance when a suspect is killed or injured, triggers an investigation automatically. This is conducted by the State Attorney's office, ensuring the police does not investigate itself. Thus, investigators can take into account all evidence, including the perspective of an officer on the scene having to make real-time decisions in a high-stress environment, and come to a conclusion independently.

105. The statistics also attest to the adherence of these strict rules of engagement. In over half of the incidents in the small-scale terror wave, where these were active attacks in random civilian locations, the terrorists were apprehended alive (only 211 terrorists were killed in the course of over 450 attacks prior to 1 June 2016). In situations where Israel's security forces have greater operational control, the ratio of those captured alive versus those killed is significantly higher. The Yamam, a small unit recruited from the Israel Defense Forces' (IDF) elite combat troops, serving as the 'tip of the spear' of Israel's counter-terror efforts, conducts hundreds of operations a year, on average one per weeknight. These have in recent years sharply veered towards counter-terror over anti-criminal operations – between 2001 and 2013, the unit intercepted over fifty suicide bombers en route to their attack sites. In the same period, it arrested over one thousand operatives linked to terrorism. Despite the Yamam only being utilized for the most challenging operations, often raiding deep into a terror organization's strongholds amid a hostile civilian population, the ratio of terrorist killed versus captured in its operations amounts to approximately one terrorist operative killed for every ten arrested.

106. In addition, police and other security forces are instructed in low-intensity policing methods aimed at minimising harm to perpetrators. All police officers are trained in *Krav Maga*, a specialised form of low-impact hand-to-hand combat, and use this close-combat self-defence techniques wherever possible as a resort short of live fire. The police also uses non-lethal weaponry in low-intensity conflict situations, such as violent riots in order to minimise harm to civilian perpetrators. These include tear-gas and if necessary rubber bullets as well as some innovative low-risk means available for riot control, such as 'skunk' – a non-toxic mist fired from a water cannon and leaving a repellent odour; and 'scream' – a vehicle-mounted sonic blaster that shoots pulses of sound at targets, causing dizziness and nausea.

4.2.4 Case Study: Protecting the Damascus Gate in Jerusalem

CCTV footage from an attack on a police officer by Jerusalem's Damascus Gate.
(Source: Haaretz)

107. The Damascus Gate in Jerusalem has been one of the hotspots of the recent wave of terrorism, at one point being the site of multiple attacks a day. On 3 February 2016, 19-year-old trainee policewoman Hadar Cohen was shot in the head and killed when she sought the Identification Documents (ID) of a group of suspicious acting Palestinian civilians, who turned out to have rifles, knives and pipe bombs on their persons.

108. The flashpoint is monitored by hidden marksmen on nearby roofs, who point out suspicious persons to officers patrolling on the ground. Officers ask a suspect for ID, standing at a safe distance: a lesson learned from the 10 October 2015 attack at the Damascus Gate, in which an officer was stabbed in the neck when he stood too close to the suspect whose ID he was inspecting. Officers immobilise a suspect by ordering him or her to place their hands on their head, then holding them clasped together to prevent the suspect suddenly drawing a knife as he or she is searched for weapons. Wherever possible, police search suspects in a discrete location, in order not to draw the attention of onlookers and thereby risk a public commotion.

109. If an active attack is underway, police are required to neutralize the attacker with the minimum force required and distance civilians, some of whom may be uncooperative with the police and even attack them. Following a check for explosives, which have frequently been found on terrorists before, medics are called to the scene and the suspects apprehended.

Members of the HLHFG being briefed following a live training demonstration preventing an attack on the Damascus Gate at the Israel Police national training facility. (Credit: HLHFG)

HLHFG Members on a field visit in the Old City of Jerusalem. (Credit: HLHFG)

4.2.5 Community Policing

110. The HLHFG spent a significant amount of time in briefings, discussions and field visits with Israel Police Commissioner Roni Alsheikh and police officers from senior to junior ranks. The Israel Police deals with one of the most complex challenges in any police force in a democratic nation, both on account of the diverse communities it serves in a law enforcement function, as well as the unparalleled scale of the burden of counter-terrorism work the force has to contend with. In many cases the two facets mix in a challenging brief that the Israel Police handles with impressive diligence, sensitivity and effectiveness.

111. Key observations include that:

• The Israel Police places a very high importance on community relations with all sectors of society and displays an impressive ability at effective community relations.
• The force has a well-developed strategic plan in place to improve its ability to better serve minorities, in particular the Muslim Arab communities.
• The force engages extensively in social involvement as a means to combat law and order problems, seeking solutions that prevent public order problems before they reach a critical mass.

112. The Israel Police has made an extraordinary effort to integrate with the diverse communities it serves. The HLHFG took a field trip with the police Commissioner and senior officers through the Muslim and Christian quarters of the Old City of Jerusalem, some of the most tense and dangerous ground of the recent small-scale terror wave – and some of the most difficult ground for policing in any democratic nations anywhere – and observed at first hand the constructive, oftentimes warm, relationship the senior officers enjoyed with local community leaders. This was clearly the work of years of intensive investment in relationship building, as well as a sign that the police was a force for good in the community.

113. Several initiatives are underway in an effort to build these relationships even further. For example, the Jerusalem District Police is redrawing the boundaries of its sub-districts, to be maximally cohesive with Christian, Arab and Orthodox Jewish neighbourhoods and thus tailor community engagement policy to specific needs, including by assigning officers with the relevant background to liaise effectively with these communities.

114. The Israel Police has also launched a new major recruitment drive for Arab citizens to enter the police force, including affirmative action recruitment targets. Israel aims to recruit an additional 3,000 Muslim officers over the next three years, doubling non-Jewish participation in the police force. The Commissioner recently appointed the first Muslim Major General in the police, who commands a new unit with twenty officers to work specifically on the question of further improving engagement with Muslim Arab communities.

115. This is in the context of a an ambitious five-year strategic plan the Israel Police has in place for engagement with Israeli-Arab communities, seeking to produce significant improvements in law and order. Besides the nationwide recruitment drive, this programme includes a special plan for Jerusalem, which will focus on expanding police activity with a particular focus on the acute problem of crime in the Arab sector of the city, which in the country as a whole accounts for well over half of the non-terrorist homicides in Israel, in large part due to the high prevalence of illegal gun ownership. The Commissioner noted that the Arab public has begun to engage positively with the police, recognising that change is urgently needed and can only be achieved by cooperation with the police.

116. By convincing sectors traditionally sceptical of the police that their primary problem is the *absence* of a police presence, Israel hopes to boost law enforcement in deprived communities. Central to persuading those communities that the police has their best interests at heart is the integration of members of those communities into the ranks of the police, so that they can be trained and deployed to work on their home ground.

117. Such efforts have the effect of generating a virtuous circle, meaning that community policing becomes more entrenched and thus generates social involvement that enables strategies of containing unrest and violence more effectively. For example, the police has confronted the on-going problem of rock-throwing in East Jerusalem – a regular occurrence that can have deadly consequences for civilians – with a strategy of engaging local notables to get the situation under control within their community, rather than engaging in a policy of mass arrests and prosecution of the perpetrators – mostly youngsters, which would potentially prove counter-productive in the longer term.

118. Our positive impression of these initiatives combines with the necessity of monitoring and reviewing them as appropriate to ensure that their ambitious intentions are matched with real-world outcomes.

4.3 The Israel Defense Forces

119. The Israel Defense Forces (IDF) is the military of the State of Israel, comprising ground, air and naval forces as well as intelligence, cyber and other specialised capabilities. In line with the complex existential threats Israel has faced since its inception, the IDF is one of the most capable militaries of any democratic nation state, with responsibility for protecting the country from all threats emanating from outside of its territory, including Gaza, and additional security responsibility for the disputed territories in the West Bank and Golan Heights. In the West Bank in particular, but throughout the home front, as well as in operations related to Gaza, the IDF plays a crucial role in defending Israel against terrorism.

120. The IDF is under the command of the Chief of Staff, and is subordinate to the government under the Minister of Defense. Israel operates a system of mandatory conscription, which requires all Jewish citizens (men and women) and all Druze men to serve between two and three years of continuous, regular service. Thereafter, all citizens serve in reserve duty, as part of which they are called up for active duty of up to one month a year. The IDF additionally operates a standard permanent service track for professional military personnel and is operationally divided into three regional commands (northern, central, and southern). It has a fourth specific Home Front Command, which is in charge of Israel's civilian sphere during armed conflict. Additionally, the Military Intelligence Directorate (known as Aman) functions as the IDF's in-house intelligence agency.

121. The IDF also commands a number of unique Special Forces units. These units play a vital role in making Israel's military an agile and versatile force against terrorist threats. Undergoing special training and procedures, these forces are trained to operate in specific arenas, thus developing intimate familiarity with the culture, politics and terrain – down to the specific dialect of language spoken, local power structures and detailed knowledge of backstreets – of the territories they operate in, depriving adversaries of a significant home advantage. Such well-honed specialist skills, combined with superior equipment and best-in-class intelligence of a high degree of accuracy, provide Israel tactical superiority over the enemy. Following a recent reorganisation, the bulk of these units are organised under the 89th Brigade, known as 'Oz' and also the "Commando Brigade". Specialist units included in this setup are tasked with:

- Anti-guerrilla warfare and reconnaissance (Egoz unit)

- Top-secret operations deep in hostile territory (Maglan unit)
- A special unit for undercover operations (Duvdevan unit)

4.3.1 The Operational Context in the West Bank

122. The HLHFG visited IDF Central Command for briefings and discussions as well as conducting an extensive field visit in the West Bank territories following a briefing with the division command of the Judea and Samaria (West Bank) Division. This division is specifically responsible for the IDF's military activity in the West Bank, a large part of which is focused on counter-terror operations. Commanded by a Brigadier-General under the Central Command, the division contains six brigades, divided into 18 battalions and 55 companies. These forces secure an area comprising roughly 135 kilometres from north to south, which contains an estimated 2.8 million Palestinians across seven towns and 451 villages, and 400,000 Israelis across 126 communities.

123. At the same time, the Coordinator of Government Activities in the Territories Unit (COGAT), headed by an IDF officer at the rank of Major General, is responsible for the implementation of Israel's civil policy in the West Bank and towards the Gaza Strip. The post is part of the IDF General Staff but answers directly to civilian oversight in the form of the Defence Minister, separately from the chain of command. The unit oversees the Civil Administration of Judea and Samaria, responsible for the administration of areas under Israeli military control, as part of a joint command with the military commander with jurisdiction over these areas.

124. COGAT is tasked with leading coordination and liaison with the Palestinian Authority and with the Palestinian population the West Bank and the Gaza Strip. It facilitates humanitarian issues and economic and infrastructure projects in Judea and Samaria and in the Gaza Strip as well as the activities of international organizations active in the West Bank and the Gaza Strip, including in matters pertaining

HLHFG Members on a field visit in the West Bank. (Credit: HLHFG)

to infrastructure, education, health and housing projects and the implementation of humanitarian aid programs.

125. IDF commanders also briefed the HLHFG on their close relationship coordinating with Palestinian Authority security forces. However, in this context they noted that President Abbas was losing influence and a political struggle for his succession had begun, intensifying a Palestinian security dilemma whereby the leadership does not want violence to spiral out of control, but also fears losing legitimacy by being seen as too close to Israel.

126. Further complicating the situation is that the so-called Palestinian refugee camps, which HLHFG members saw from an IDF lookout post – some expressing surprise that these are urban built up areas that are for all intents and purposes more akin to towns and neighbourhoods than the tented refugee accommodations one might imagine – are run by gunmen. Anarchy and the absence of any kind of governance prevails since even where these gunmen are affiliated with the ruling Fatah party, they do not see themselves as subordinate to it. Palestinian security forces are in many cases reluctant to enter these locales. A few days prior to the HLHFG visit, PA forces launched an operation against drug dealers in Kafr 'Aqab, a neighbourhood on the outskirts of East Jerusalem. Gunmen fought them off and went as far as hijacking the car of the Palestinian Social Affairs Minister. Another recent mission saw the PA attempt to arrest 50 operatives, with not a single one detained. This general lawlessness is an additional challenge in securing the West Bank and protecting Israel from terrorist attack.

4.3.2 Operational Parameters and Rules of Engagement

127. The HLHFG had extensive briefings, including a field visit in the West Bank, to make a thorough assessment of IDF action to prevent terror attacks against Israel during the small-scale terror wave.

Key observations include that:

- The IDF has highly restrictive rules of engagement and pursues a deliberate policy of restraining force.
- The IDF has a high degree of proficiency in mastering relevant cultural, political and civil society dynamics in the areas it is tasked with securing.
- The IDF enjoys excellent inter-agency relationships, both in seamlessly cooperating with relevant Israel Police units, but also through extensive cooperation with the security forces of the Palestinian Authority.
- The IDF has its own programme of community engagement, including a civil effort aimed at defusing tensions, which in conjunction with a deliberately restrictive policy of activating more traditional military methods has proven effective in defending Israel from the small-scale terror wave.

128. The IDF has an impressive array of proficiencies and tactics it can draw upon to control one of the most volatile civil-military relationships on the planet in the West Bank. The discussions the HLHFG held with IDF officers made it apparent that the force is geared towards an ethos of minimising harm and a preference for action that seeks to utilise means least likely to cause harm and inflame tensions. Rules of engagement are deliberately strict, and additional directives adjust them to even tighter parameters for specific contexts in line with this ethos.

129. The specialist capabilities the IDF has stood up play a crucial role in achieving these aims. For example, the *Duvdevan* unit for undercover operations, deployed mostly in the West Bank, specialises in missions in which combatants disguise themselves as civilian Arabs to carry out undercover intelligence and operational missions, such as arrests of terrorists or raids on terrorist hideouts. The unit is able to penetrate and assimilate into crowds during violent riots, diffusing the riots by spotting and arresting key instigators, meaning the IDF is able to avoid any harm coming to the crowd of rioters where such tactics can be applied. Such methods, together with a restrained force policy can prevent violent rioting from inflaming an atmosphere already rife with incitement.

4.3.3 Operational Response to the Small-Scale Terror Wave

130. The IDF's policy of force activation in the case of the small-scale terror wave consisted of a deliberate effort to thwart terrorist attacks, while protecting the main civilian areas and transport arteries, alongside targeted efforts aimed at civil society to prevent the wider population from joining in the terror campaign. The IDF thus applied a policy of discrete differentiation of various fronts in the battle to contain the small-scale terror wave, directing specific policy towards trouble spots rather than imposing blunt policies on wide areas.

For example, IDF commanders identified that half of attacks were being perpetrated in just six hotpots – Hebron, the Gush Etzion junction, the Tapuach/Nablus area, the Ramallah region and the Ariel junction. They thus redeployed forces accordingly. In contrast Jenin was the source of relatively few terrorists, so remained virtually untouched by the IDF's response.

131. This sits in the wider operational framework that IDF commanders apply in order to be able to act at each point of attack development, consisting of the following stages:

    1) Terrorist perpetrator influenced by the general atmosphere – the state can seek to fight incitement, including shutting down broadcasters responsible for distributing material that feeds a climate of violence.

    2) Terrorist perpetrator resolves to carry out an attack – here the state can strengthen deterrence. Deterring terror is complex but the IDF has seen a clear positive effect through instruments such as house demolitions and the suspension of permits for a perpetrator's immediate family, as well as a speedy response and arrests following an attack. Perpetrators thus know there is a serious cost attached to their act.

    3) Terrorist perpetrator travels to the location of an attack – the IDF can control physical territory in order to disrupt travel plans, monitored through aerial activity, roadblocks, and a heightened presence of forces on main transport arteries.

    4) Terrorist perpetrator arrives at the attack site – the IDF maps trouble spots and commits additional resources to secure them.

    5) Terrorist perpetrator executes an attack – IDF operational vigilance and immediate reaction and neutralisation of the terrorist with the minimum force necessary, first aid abilities, training to mitigate the effects of an attack.

4.3.4 Community Engagement as part of IDF Operational Procedures

132. Similar to the Israel Police Force, in addition to its relationship with the Palestinian Authority security forces the IDF engages proactively with Palestinian civil society to seek de-escalation of threats against Israel.

4.3.5 Case Study: Containing the Violence – The Sa'ir Model

133. Sa'ir is an Arab town of approximately 28,000 residents, from which hailed 12 perpetrators of terrorist attacks during the small-scale terror wave. The IDF engaged in a joined-up effort to contain the violence consisting of a civil society approach, mainly through engaging local powerbrokers, coupled to operational measures such as restricting movement around the town and conducting searches. The town elders and IDF had a common interest in this local effort, since neither wanted to see the youngsters of the town die. Civic leaders spread a message through local media, schools and mosques that they wanted their sons alive. Thus the town took control without active military intervention, and as of mid-January 2016 there have been no attacks where the perpetrators originated in Sa'ir. This experience additionally shows the importance of the local cultural microclimate in that by reducing the appeal of a local cultural trend towards such attacks, stopping copycat attacks makes imitation impossible and reduces appeal of violent action.[33]

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33. See Why has a Hebron village hot to 12 recent 'martyrs' suddenly gone quiet?, The Times of Israel (March 7, 2016), available at http://www.timesofisrael.com/why-has-a-hebron-village-home-to-12-recent-martyrs-suddenly-gone-quiet/

4.4 Intelligence Agencies

134. The role of intelligence is an essential factor in making Israel's counter-terror apparatus one of the most proficient on the planet. As part of the fact finding for this report, the HLHFG was able to hold discussions with both active and retired officials from across all Israeli intelligence agencies. Israel's intelligence apparatus is directly subordinate to the Prime Minister, who personally supervises three main bodies: the Israel Security Agency, the Institute for Intelligence and Special Operations, and the National Security Council:

- The Israel Security Agency (known as the Shabak or Shin Bet) serves as the main domestic intelligence agency in charge of Israel's internal security. It is primarily a human and signals intelligence agency, responsible for preventing and intercepting terror activity in Israel, with major efforts applied in Gaza and the West Bank.

- The Institute for Intelligence and Special Operations (known as the Mossad) is in charge of Israel's foreign intelligence and security activity. Mossad is charged with protecting the security and interests of the State of Israel and Israelis abroad. It additionally has a remit to protect Jewish communities abroad when necessary, making it the only spy agency with the protection of non-nationals abroad as part of its mandate.

- The National Security Council is the professional security and foreign policy staff in the Prime Minister's Office. It has a number of subsidiary organizations relevant to Israel's counter-terror efforts:
  - The NSC's Counter-Terrorism Bureau (CTB) is responsible for crafting Israel's national counterterror strategy, identifying emerging terror threats and closing security gaps that exist in the strategy and interagency process. It also issues terror-related travel warnings to Israelis travelling abroad.
  - The NSC's Cyber Bureau formulates doctrines in the cyber realm, including defense of critical and sensitive infrastructure as well as the military dimension.
  - The NSC's Counterterror Financing Unit (CTFU) is in charge of efforts to fight terror financing and serves as a liaison between the Mossad, investigative law enforcement authorities and the financial sector.

135. Israel's strong focus on intelligence is a function of its long experience with terrorism. Similar to other democratic nations, Israel has always prized effective intelligence capabilities, but it was during the long and violent period of fending off the Second Intifada that Israel understood the full transformative potential of new intelligence systems in the fight against terror. Maj.-Gen. (Res.) Giora Eiland, former head of the National Security Council, in extensive discussions with the HLHFG noted that Israel succeeded in foiling the overwhelming majority of attempted Palestinian terror attacks during that terror campaign, in the vast majority of cases on account of effective

signals intelligence rather than military might. Nevertheless, the increasing ability of non-state actors to acquire intelligence capabilities means that this comparative advantage is being continuously eroded, requiring states to continuously upgrade their capabilities in order to retain their edge.

4.4.1 Israel's Intelligence Doctrine and Capabilities

136. Israel operates according to a model that officials described as 'Real-Time Intelligence', which is achieved through the successful fusion of the four main sources of intelligence: Visual Intelligence (VISINT), Signals Intelligence (SIGINT), Human Intelligence (HUMINT), and Open-Source Intelligence (OSINT).

- VISINT is gathered using electro-optic devices, including standard fixed cameras, cameras attached to airborne Unmanned Aerial Vehicles (UAVs) and satellite imagery. Deciphering VISINT usually involves advanced technologies for video and image analysis to automatically filter and cross-reference data.

- SIGINT is intercepted from communication transmissions, including telephony, radio and internet devices. Israel's intelligence community commands a significant SIGINT infrastructure. One sixth of the ISA's workforce is deployed in the field of SIGINT, in a major organizational restructuring over the last decade. The IDF additionally has its own significant SIGINT infrastructure, in the form of the elite unit 8200.

- HUMINT refers to human assets, which are the most important source of intelligence, insofar as they are necessary for the effectiveness of other methods. There is no technological alternative to the crucial contextual information a HUMINT source is able to provide on cultural or societal context, or the intentions, moods, plans, location and all other aspects of a subject of interest's life.

- OSINT concerns data gleaned from open sources such as the media, internet and social networks. This includes technology that enables very powerful search of high volumes of data, pattern detection and filtering, alongside techniques designed to manipulate access to data, for example through the ability to create virtual entities that can penetrate online aspects of hostile organizations, such as for instance closed groups on social media that support terror.

137. In combating the small-scale terror wave, Israel's intelligence services relied more heavily on OSINT than in previous operations, in line with the developments in online incitement discussed above. Though terrorist acts were indeed carried out by autonomous actors and in the main relatively spontaneous, they were in fact often preceded by a series of online signals from the culprits, such as explicit expressions on Facebook of their wish to die a martyr's death. The detection of such warning signs has led to hundreds of leads that prevented attacks taking place, including arrests or cautions being communicated to the parents of minors.

138. At the same time, the tightening privacy protections of the digital platforms represent a growing challenge for security services. End-to-end encryption on the popular WhatsApp (owned by Facebook) and Telegram messaging platforms makes the interception of hostile communications significantly more difficult than in the past. The use of OSINT and SIGINT in the internet age raises new questions for all democratic societies, particularly over the appropriate balance between privacy and security. However, the severity of the terror threat in Israel means that the Israeli public is more sympathetic to the case for domestic surveillance than in Europe, where the prospect of deadly terrorism as a permanent reality appears more abstract or far-fetched. Civilian oversight of these methods is strong however, not least by The Ministry of Defence, which is legally empowered to approve wiretapping if it judges it a matter of national security of a magnitude that outweighs a suspect's privacy rights. Such a wiretapping order must be specific and is valid for three months, which can be extended by additional periods. Additionally, the Prime Minister and Attorney General have to be informed of such an action.

139. In general, thwarting terrorism by relying on intelligence contains inherent challenges to applicable practices as regards standards of evidence as part of due process, forcing all democratic nations to re-assess their traditional approaches to criminal justice. Exposing classified intelligence in court can jeopardise sources and even risk lives. To mitigate these challenges, Israeli law enforcement agencies have several options, including obtaining a 'Certificate of Confidentiality' from the Ministry of Defence, a special procedure in accordance with Israeli legal statutes that, where the Supreme Court is satisfied of the procedure's necessity to protect the public interest, in limited circumstances permits legal authorities to rely on otherwise inadmissible evidence.

4.4.2 Real-Time Intelligence

140. The concept of Real-Time Intelligence is crucial to successful counter-terror operations. Since terrorists mostly lack the established infrastructures of states, which can qualify as fixed targets in times of conflict, they often shift between civilian facilities as they plan their attacks, rendering transient their key operational nerve centers. Perpetrators tend to move quickly and then go 'off-grid', and no longer be visible to intelligence agencies. As such, the timely availability of both accurate information and the means to translate it into action is crucial. Israel's approach to real-time intelligence additionally displays a preference for the proactive initiation of intelligence operations over the passive running of systems and responding to alerts. Operations create pressure around targets, causing them to increase the volume of communication between suspects and make mistakes that can lead to their capture. Real-time intelligence is delivered by way of two key forms of collaboration:

- Widespread information sharing, both with other intelligence agencies and with the various operational levels. As an example, Israel's policy of targeted killings against top terrorist leaders required intelligence agencies and operational commanders to collaborate in real time – often in the same physical location, as well as with legal and political authorities, up to and including the Prime Minister in some cases.
- Technological integration between tactical and operational platforms. Israel has programmed systems to communicate with one another in order to construct a more comprehensive intelligence picture than if it were generated by any one system alone. For example, electro-optic systems can be integrated with ground radar systems to exploit both the ability to capture detailed images while screening wide areas in a very short time and where targets are detected immediately discern range and direction. This ability to pinpoint threats and then immediately comprehend them in detail allows for real-time intelligence that is immediately actionable.

4.5 Inter-Agency Cooperation

141. Inter-agency cooperation in the intelligence field is a challenge for most democratic governments since agencies geared towards keeping secrets have an understandable bias against being overly open. Yet the consequences of a failure to gain an accurate, timely 'all-sources' picture of national security can be devastating. The 9/11 commission referred to the problem as an underlying source of the United States failure to prevent Al Qaeda's massive terrorist attack, noting that the security architecture of the intelligence realm from the Cold War did not require the same level of inter-agency cooperation to be successful as that necessitated by the new threats from terrorism.[34] Israel had its own wakeup call in the form of the Mike's Place bar suicide bombing in Tel Aviv, committed by terrorists who had travelled from the United Kingdom, meaning they had passed through the jurisdiction of every Israeli intelligence agency before mounting their attack. Israel learned the lessons of the importance of close inter-agency cooperation over the many years it has had to confront terrorism and has developed one of the closest relationships between its intelligence services of any democratic nation as a result.

4.5.1 Strategic Oversight

142. Effective inter-agency cooperation is premised on an effective central body that can assess the rapidly evolving nature of emerging terror threats which often either fall under no single agency's topical or geographic responsibility or otherwise overlap between the responsibilities of different agencies, as well as the security apparatus and the civilian sector. In Israel this function is partially served by the Counter-Terrorism Bureau in the National Security Council, which has access to all relevant law enforcement agencies and civilian authorities. The CTB is thus able to identify and monitor emerging threats and recommend appropriate security arrangements and regulatory structures as well as required expertise and personnel. This 'watching the watchers' role is of paramount importance, not because the individual agencies require strong oversight – they are set up with sufficiently strong legal and operational protocols to act in accordance with the law – but because it allows a meta-view of the threat picture, both by way of ensuring the timely fusion of intelligence as well as locating gaps in coverage. A recent example is the

assignment of protecting against chemical weapons smuggling not to the police or Internal Security Agency but rather the IDF's Home Front Command on account of that organisation's technical capabilities and wide geographical reach.

4.5.2 Intelligence Sharing

143. Intelligence sharing is the crux of effective inter-agency cooperation. Israel adopts an approach whereby each agency collects intelligence according to its jurisdiction, but additionally contributes the information to a unified collection point, from which each agency can access the entirety of Israel's real-time intelligence information. Intelligence sharing and inter-agency coordination further takes place through a special forum of the Directors of the three main intelligence organisations – the Mossad, Shin Bet and Military Intelligence.

In part, Israel's seamless intelligence sharing model came about on account of an intelligence failure in preventing an attack by two terrorists linked to Hamas who had travelled from the United Kingdom in 2003.

4.5.3 Case Study: The 2003 Mike's Place Bombing

144. In 2003, two British Muslims travelled from the United Kingdom to Israel, via Jordan, the West Bank, and a visit to Gaza for meetings with Hamas and the International Solidarity Movement (ISM) before detonating a suicide bomb at the popular Tel Aviv beach-front bar Mike's Place, killing 3 and wounding over 50 in a terrorist attack for which Hamas claimed responsibility. The attack came as a major shock to the Israeli intelligence community on account of the fact that the terrorists had evaded the security services despite transiting between all agencies' zones of responsibility, exposing a lack of coordination, with no single agency responsible for foiling the attack. When the terrorists were in London, they were the responsibility of the foreign intelligence service Mossad. Once they flew to Jordan, they became the domain of Military Intelligence in charge of protecting against threats from neighbouring countries. When

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34. *The 9/11 Commission Report, The National Commission on Terrorist Attacks Upon the United States (July 22, 2004), available at http://govinfo. library.unt.edu/911/report/index.htm*

the terrorists transited through the West Bank and into Gaza, responsibility rested with the Israel Security Agency, while upon reaching Tel Aviv, apprehending them became the responsibility of the police. The consequence of this intelligence failure was to galvanise the inter-agency process across Israel's intelligence community, leading to several reforms aimed at ensuring such a scenario cannot be repeated.[35]

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35. See Details of April 30-2003 Tel Aviv suicide bombing, Israel Ministry of Foreign Affairs (June 3, 2003), available at http://mfa.gov.il/MFA/PressRoom/2003/Pages/Details%20 of%20April%2030-%202003%20Tel%20Aviv%20suicide%20 bombing.aspx

4.5.4 Tactical Coordination

145. In addition to intelligence sharing, an effective counter-terror apparatus requires agencies to utilise assets and resources available across different parts of the system. For example, the Israel Police might request military drones for specific mission purposes, or the IDF might require assets from one of the specialist police units. In some cases the availability of these assets between services is mandatory and written into orders, in others it may be ad hoc and in accordance with the demands of acute security challenges arising. Agencies also closely cooperate on planning missions, share forces for specific missions, and collaborate on flexibly allocating missions based on each organisation's relative advantage. Israel has invested heavily in the interoperability of communications and command-and-control systems for these purposes. The coordination further extends to additional law enforcement agencies outside of the intelligence field, such as the prison service, the legal system, and relevant government ministries.

4.6 Combating Terror Finance

146 Democratic governments worldwide are gaining an increasing understanding of the centrality of a financial component in combating terrorism. Since terrorist organizations require funding, they in part rely on banking systems and financial institutions. Where they are bankrolled from outside the territory used to stage attacks, this includes the transnational organizations that facilitate the transfer of money and other financial instruments. Such a cross-

national component renders the interception of financial support for terrorism especially challenging, since it requires the full cooperation of transnational civilian institutions, often across several jurisdictions.

147. In Israel, the task of tackling terror finance resides with a permanent committee in the National Security Council's Counter-terrorism Bureau, in tight cooperation with the intelligence services. This committee includes representatives from the Finance and Justice Ministries, and is tasked with ensuring that regulations are sufficiently current to allow the relevant authorities to intercept illicit funding. As such, combating terror finance involves a multi-agency approach, with law enforcement agencies and relevant authorities working with financial institutions and legal professionals as well as forensic accountants and other relevant experts.

148. Tackling terror finance requires activity around three principal points of interception:

1. Sources

There are three main sources of terror funding which states can act to foil:

a. States – which can support terror with financial means or by supplying weapons and other war materiel.

b. Organizations – which may direct funding to terrorism while running ostensibly normal civilian operations in parallel.

c. Individuals – whose relevant activities require precise intelligence for interception.

149. In the case of Israel's threat picture, the foremost state sponsor of terrorism is Iran, which to varying degrees underwrites Hizballah, Hamas and a host of smaller organizations, supplying them with finance and weapons. These terrorist organizations also engage in fundraising through their *Dawa* socio-economic infrastructure in society, the activities of which are not necessarily illegal in themselves but do plainly exercises a dual-purpose function. Individual actors also play a crucial role. Often these factors all combine, such as for example in the recent case that Israel revealed in August 2016, where Hamas had recruited the head of an international charity in Gaza and according to the Israel Security Agency diverted roughly 60 per cent of the organizations funding to Hamas.[36]

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36. Israel: World Vision Gaza boss diverted cash to Hamas, BBC News Online (August 5, 2016), available at http://www.bbc.co.uk/news/world-middle-east-36974350

2. Channels

There are four main channels for terror funding, which states can act to disrupt:

a. Banking Systems – Banks have become much more vigilant regarding suspicious activity owing to stricter regulations. There is an electronic trail of every financial action and with the right systems in place (which smaller banks sometimes lack), most internationally active banks can trace illegal activity in a relatively short time. Financial institutions require regular updating by security services regarding the specific indicators that require vigilance.

b. Money Exchanges – Despite regulations requiring appropriate licensing, many of these are not officially registered. In Israel, the police and Ministry of Finance cooperate to enforce adherence to these new regulations, which are intended to add barriers to illicit financial transactions.

c. International Couriers – Companies such as Western Union, MoneyGram and similar services require continuous engagement by authorities to induce them to be more vigilant about illicit financial activity and compliance.

d. Indirect Channels – As part of the regular business cycle of companies, they can be unwittingly manipulated into financing terrorism. For example, supporters of terrorism may purchase large quantities of goods from commercial entities and donate them to the terrorist organizations, in order be sold on for a profit which is then reinvested into terror activities. Foiling such transactions requires concrete intelligence to identify and distinguish them from otherwise legitimate commerce.

150. To facilitate effective action, Israel has established a joint mechanism for collaboration between the banking sector and law enforcement, ensuring that relevant information is communicated regularly and that banks are sufficiently prepared to identify and act against illegal activity. Israeli authorities also involve banks in consultations prior to tabling relevant regulation and legislation, to ensure the desired effect is likely to be achieved, without any detriment to legitimate financial activities. Authorities additionally have legal and regulatory measures to force institutions to comply with relevant policies in cases where this proves necessary.

3. Targets

In the last instance, security services can act to stop terrorist operatives themselves receiving monies. However, this is generally a last resort, and carries inherent risk as a final point of interception on account of the fact that the money is often used within a matter of days or less.

5

JUDICIAL OVERSIGHT

5.1 Checks and Balances in the Fight Against Terrorism

151. The Israeli judiciary is held in very high regard among legal policymakers and scholars across democratic nations and is among the most independent and activist in the Western world. Its rulings have heavily influenced the direction of government policies, not least in the field of fighting terrorism, which contains complex legal challenges for all democratic nations. This combination of an activist philosophy with a continuous necessity of engaging with security issues has meant that the Israeli judicial system is one of the best-versed in questions of counterterror policy anywhere. Former Israeli Chief Justice Aharon Barak, commenting on a case that saw the Supreme Court rule violent interrogation of terror suspects unlawful, famously noted that "sometimes, a democracy must fight with one hand tied behind its back. Nonetheless, it has the upper hand. Preserving the rule of law and recognition of individual liberties constitute an important component of its understanding of security. At the end of the day, they strengthen its spirit and strength and allow it to overcome its difficulties."[37] The particularly acute challenge of terrorism in Israel has meant that Israel's democracy has been forced to confront some of the pressing dilemmas Western states have hitherto been able to ignore in the search for solutions that serve both to ensure security and protect democratic values.

152. Key observations include that:

- Israel's legal system and judiciary accord with the highest standards of best practice of other democratic nations and in some cases exceed these.
- Israel's long-standing acute challenge from terrorism has meant the judiciary has grappled with the inherent challenges to a significant extent, including significant elements of judicial activism in the pursuit of checks and balances on the policy process.
- Israel's political, security and military systems are subject to significant legal checks and balances. Concern for legality and legal recourse are embedded throughout the system in a three way process:
  - Top down: The judiciary can and does strike down laws and policies deemed unlawful.
  - Bottom up: Israel's security agencies, including the police and IDF embed legal checks in all levels of activity, from the overall policies and directives down to, where applicable, specific operational decision-making. Legal advisers can often be found alongside commanders and policymakers, ensuring compliance with Israeli law and the Law of Armed Conflict (LOAC) where relevant.
  - External challenge: Israel's courts offer extensive systemic opportunities for judicial recourse, far exceeding many other democratic nations', including the ability for anyone, including Palestinians to submit a direct petition to the Supreme Court. The resultant rulings can and have forced governments to change course.

153. The HLHFG held discussions with the legal advisers of the Israel Police, and on a previous visit, the High Level Military Group (HLMG) extensively examined the IDF's compliance with the law.[38] In both cases a deep reverence for the rule of law and supremacy of the judiciary was abundantly evident. Israel's legislation related to its counter-terrorism practices is continuously subjected to close judicial scrutiny. The existence of this rigorous system of checks and balances means that relevant Israeli decision-makers consult legal counsels in the early stages of policy formulation, as well as continuously from planning to execution. Legal counsels are an integral part of this decision-making process in all Israeli security and law enforcement agencies, and ensure that any policy or operation approved is consistent with the relevant authority's obligations under law.

5.1.1 Legal Framework

154. The legal framework that governs Israel's counter-terrorism policies rests on diverse sources, is continuously refined through judicial review, and is subjected to periodic revision by the legislative branch. Landmark legislation includes the British Mandate's Defence Regulations of 1945, the Prevention of Terrorism Ordinance of 1945, the Prohibition on Terrorist Financing Law of 2004, and the revised Penal Code.

155. In June of 2016, Israel's Knesset adopted a new Counter-terrorism Law, which expands the authorities' legal arsenal to suppress terrorist activity, as well as aiding efforts to undermine the

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37. *Judgments of the Israel Supreme Court: Fighting Terrorism within the Law, Israel Ministry of Foreign Affairs (January 2, 2005), available at http://www.mfa.gov.il/mfa/aboutisrael/state/law/pages/fighting%20terrorism%20within%20the%20law%202-jan-2005.aspx.*

38. *See An Assessment of the 2014 Gaza Conflict, High Level Military Group (October 2015), available at http://high-level-military-group.org/.*

organisational and financial infrastructure that supports it. A central feature of the new law is an update to the definition of an "act of terrorism", defining it as "an offence or a threat of an offence, characterised by three attributes":

(a) Motive – The act was committed with a political, ideological, religious, or racist motive;

(b) Purpose – The act was committed to instil fear or panic among the public, or to influence a government authority to commit or refrain from committing an act;

(c) The Nature of the Act – An act that causes: substantial physical injury placing a person in grave danger, serious harm to national security, serious damage to property, serious injury to essential services infrastructure.

156. The law represents the fruits of almost a decade of deliberations, drawing on Israeli lessons and experience over the course of decades to provide an extensive legal framework fit for the challenge of confronting modern terrorism.

5.1.2 Regulation

157. Regulation is another key component in the battle against terrorism. Some of today's greatest physical or cybernetic national security risks lie in the sabotage or exploitation of civilian rather than military platforms. Within this complex threat environment, the state must ensure adherence to appropriate binding security standards, compelling private entities to take necessary measures to protect national security. This compliance is secured either through administrative measures or through legislation. Such legislation is geared towards providing the relevant regulator with the ability to levy sanctions on relevant sectors for non-compliance. Generally it also includes an appeal mechanism for private sector entities to challenge decisions by a regulator. Two principal forms of regulation exist in Israel: One pertaining to government facilities' compliance with law enforcement directives, including a mechanism to resolve interagency issues. Another deals with public and private sector entities that are not subject to government decisions, who are compelled by an act of law to abide by law enforcement agency directives. Non-compliance can result in the revocation of business licenses as well as administrative, legal, and penal proceedings.

The Court System

158. In the Israeli legal system suspects accused of security offences are tried in regular criminal courts. The standards of evidence, recourse to appeal and other relevant mechanisms are the same for all citizens and adhere to the highest international standards of best practice. However, the legal system does offer limited recourse to mitigate various challenges that the fight against terrorism poses for courts, such as the 'Certificate of Confidentiality' mechanism, a special procedure described above, that in limited circumstances permits legal authorities to rely on otherwise technically inadmissible evidence. However, the bar for such procedures is extremely high, in this case requiring the Supreme Court to be satisfied that it is necessary for the protection of the public interest. Though Israel governs the West Bank under a system of military law, meaning Palestinians suspected of security offences are therefore tried in military courts, the rules of evidence and procedure in these military courts are identical to those in Israeli criminal courts. Defendants choose their own attorneys, even in cases of the most severe security offences, exceeding the legal recourse available to terror suspects in many other democratic nations' legal regimes.

5.2 Administrative Measures and Judicial Review

159. Israel has been subject to the most sustained assault of terrorism against its population anywhere in the democratic world and thus had to grapple with the necessity to effectively curtail violence against its citizens without jeopardising the democratic rule of law for decades. While other democratic nations are only beginning to understand the inherent challenges this entails, Israel has developed a sophisticated system of administrative measures balanced with judicial review to ensure it is able to meet the threat in an appropriately effective yet measured way. Israel has found such methods a vital tool for preventing terrorist activity and relies on a rigorous system of judicial checks and balances to ensure that they be employed without unduly undermining civil liberty.

160. Key observations include that:

- The fight against terrorism poses intractable challenges for democratic governments and

judiciaries that require innovative solutions. Israel faces the most acute and sustained threat from terrorism anywhere in the democratic world and has spent decades honing an appropriate legal response that balances security with civil liberty.

● Administrative measures play a crucial role in Israel's ability to defend itself from terrorism. When applied, they are subject to strict judicial oversight, including mandatory judicial review before implementation.

● Israeli officials displayed a clear preference for full criminal prosecutions whenever possible, not least because they offer the possibility of much longer terms of detention over the constant legal reviews entailed in the practice of administrative detention.

161. Broadly, administrative measures are those constraints imposed upon a suspect or an organization without a trial, but with a mechanism of judicial review. In Israel's case, administrative measures are subject to approval by a relevant senior official, based on concrete intelligence or other information, with mandatory judicial review before implementation. In cases of wrongdoing, the authorities can be held liable and required to extend proper compensation. Several practices fall under this category:

5.2.1 Administrative Detention

162. In discussions with the HLHFG the Israel Police was very clear that administrative detention had saved thousands of lives in Israel, which makes extensive use of the practice. During the height of the campaign of terrorism known as the Second Intifada, some 1,500 people were subject to this tool, the application of which is governed in strict terms.

163. Under Israeli law, the utilization of administrative detention is subject to the following conditions:

● That there is no possible recourse to criminal courts, for example due to concerns over the disclosure of classified information which may be fatally detrimental to on-going operations.

● That there is sufficient evidence to prove that the suspect poses a significant threat to national security.

● That detention is deemed essential for national security, there being no effective alternative such as restrictions on movement or surveillance.

164. Prior to granting such an order, the process is subject to full judicial review. All relevant evidence, including sensitive classified information is presented to the court. Suspects are required to be brought before the president of the relevant district court within 48 hours (96 hours in the case of military courts). Detainees have the right to appeal directly to the High Court, and often do with the effect that the Israeli law pertaining to administrative detention is heavily informed by High Court precedents. Administrative detention orders are valid for six months and are renewable subject to a court review, which considers the applicability of all conditions as well as new information.

165. Israel utilises administrative detention as a preventive rather than punitive measure. The Legal Advisor of the Israel Police stressed that the state has a clear preference for full criminal prosecutions where possible, in part also because these offer the possibility of life imprisonment rather than six-month detentions. Israel applies this practice against both Jews and Arabs, in both civilian and military courts.

5.2.2 House Demolitions

166. Israel's security doctrines designed to repel various historic existential threats traditionally rely on a large element of deterrence. When Israel became subject to a campaign of suicide bombings against its civilians, during the Second Intifada in particular, the question over how to deter Islamist fanatics willing to die in such attacks became a serious challenge for Israel that other democratic nations are only just beginning to be confronted with. In response, it instituted the measure of house demolitions.

167. House demolitions are intended as both punitive and preventative measures. The Israel Police was very clear that they were very effective, showing a discernible deterrent effect, with some Israeli security officials expressing concern that the legal procedure required to institute such an order was too long, leaving the deterrent value of cause and effect diminished between the time an attack takes place and the attackers house is demolished. Israeli authorities briefed the HLHFG on several cases where the practice had a clear deterrent effect. Would-be terrorists have told investigators that they refrained from executing attacks for fear their house would be demolished. In other cases, family members have turned in terrorist attackers

for fear their homes would be demolished following an attack. The logic behind these motivations is that while a terrorist may have no concern for his or her own life, they usually do have emotional ties to their families and assume they would be rewarded by society on account of the terrorist's perceived heroism. Additionally, in a practice Israel has condemned in the strongest possible terms and raised with its allies in the international donor community, the Palestinian Authority grants families financial rewards after the commission of terrorist attacks, while Hamas also offers rewards to the next-of-kin of a terrorist. As such, the loss of the family home and associated hardships serve as a major deterrent against terrorist acts.

168. The practice has proven controversial, including in Israel, which suspended it in 2005. On account of the deteriorating security situation, Israel reactivated the practice in 2015, since when it has been used on over a dozen occasions, each instance having to be approved by the High Court. The legal basis for house demolitions is Section 119 of the Defence (Emergency) Regulation of 1945, issued by the British Mandatory authorities. Mandate law was incorporated both into Israeli and Jordanian law, the latter being the basis for law on the West Bank. In the latter case, where an inhabitant of a structure has committed an act of violence as detailed in the relevant regulation, the top military commander in the West Bank can issue a demolition order, subject to the relevant standards of proof and judicial review. Israel however restricts some of the legal permission inherent in the historic body of law upon which house demolitions rest. Mandate era regulations go as far as allowing authorities to demolish a terrorist's entire village if they judge it necessary. Israel's practices however permit for house demolitions to affect only a terrorist's immediate family, so for example where the terrorist lived in an apartment block, that apartment is sealed rather than demolished.

5.2.3 Restrictions on Movement

169. The practice of restricting movement of dangerous individuals to prevent them organising or proselytising for acts of terror is gaining increasingly widespread acceptance in democratic societies seeking to find ways to deal with a terror threat that cannot be easily encapsulated in traditional legal and law enforcement practices. Restrictions on movement can include confinement to a specific

town, restrictions on entering a designated area, electronic monitoring, and an obligation to report periodically to law enforcement agencies. The conditions for applying such measures are similar to those required for administrative detention with regard to thresholds of evidence and a demonstrable threat posed to national security. However, unlike in the case of administrative detention, there is no automatic judicial review of such an order, though in practice legal challenges of restriction orders are often brought before the Israeli Supreme Court.

5.2.4 Designating Terrorist Organizations

170. Israeli authorities can designate organizations as terrorist organizations or unlawful associations. The designation of a terrorist organization is similar to the practices of other democracies, allowing Israel to act against specific domestic or foreign organizations and individuals demonstrably involved in terrorism or the support of terrorism. Such designation is subject to review by a special committee and ultimately also to judicial review by the Supreme Court. Similarly, an unlawful association is one designated by the Minister of Defence under regulation 84 of the British Mandate's Defence (Emergency) Regulations 1945, that by its "constitution or propaganda… advocates, incites or encourages" certain unlawful acts, namely "the overthrow by force or violence" of the constitution or government, "the bringing into hatred or contempt of, or the exciting of disaffection against" the government, or the "destruction of or injury to property" of the government.

171. This measure enables law enforcement agencies to take further administrative actions, such as confiscating property, freezing bank accounts or ordering third parties to disclose information. Designation prohibits any form of business with the entity or individual making any proceeds resulting from such a relationship subject to confiscation.

172. In combating the small-scale terror wave, Israel made use of this measure against several organizations, outlawing the Northern Branch of the Islamic Movement in late 2015, a major instigator of incitement by propagating lies about Al Aqsa being at risk from Israeli actions. Israel also proscribed the Murabitoun and Murabitat Islamist activist groups that used to threaten non-Muslim visitors on the Temple Mount violently, inflaming an already highly volatile situation.

5.2.5 Confiscation of Property

173. Israel utilises the confiscation of property mainly as an effective measure for dealing with the proceeds of serious crime and in a more limited way to combat terrorism. There are three legal instances where the state can confiscate a property:

    - Through a court order, given a conviction of an individual on serious crimes, such as money laundering or terror-financing.
    - By administrative order following a designation of unlawful association by the Minister of Defence.
    - In specific instances where property or goods were used to commit a terror attack or another listed offense, subject to the decision by the Minister of Defence (for property in Israel) or the military commander (for property in the West Bank). This can only be done following a full review of applicable evidence and expected security implications and such a decision is subject to judicial review, exposing the authorities to demands for damages in cases of misuse.

5.2.6 Case Study: Judicial Checks and Balances in Israel's Fight Against Terrorism

174. In the course of their long experience fighting terrorism, Israeli political and military leaders have found it necessary to institute a number of policies that come up against the edges of what peacetime democratic legal structures can accommodate. Such debates generally revolve around the political and security echelons seeking to meet an emerging threat in the realm of terrorism, while the legal institutions act as a constant check to ensure civil and democratic rights are upheld. As a result an on-going dialogue has developed over such margin cases, between the political, military and security and legal bodies in Israeli society, governed by each institution's mandate.

5.2.6.1 Targeted Killings

175. The evolution of Israeli policy as relates to the practice of targeted killings illustrates this on-going interchange between the executive, legislative and judicial branches, as well as the close integration of

legal counsels in Israeli policy-making and security institutions. Since the 1990s, the IDF has developed operational capabilities to conduct pinpoint, surgical strikes in which terrorists are killed before they can perpetrate attacks. This tactic not only enables security services to target the terrorist alone while taking every precaution to minimise collateral damage, but it impinges on the activity of leading terrorists, who have to temper their activity in the face of the knowledge they may be targeted under such a policy. The practice was initially opposed by the United States and other democratic nations, but has since become a cornerstone of Western counter-terrorism policy, generally referred to as 'drone strikes', on account of the preferred weapon deployed being a UAV.

176. Targeted killings initially proved controversial in Israel also and came under judicial review prompted by concerns that they amounted to extrajudicial executions. Following an extensive review, the Israeli Supreme Court judged that the policy was not prohibited under international law but that its legality depended on the specific merits of each case. It articulated the conditions under which the implementation of this policy would be legal, namely that:

    A. The target is of sufficiently high importance.

    B. The measure is used not used as a punitive action, but only on someone who is planning or in the process of executing terrorist activity, beyond any reasonable doubt, such that eliminating him or her might prevent future attacks.

    C. There is no practical alternative of arresting the person.

    D. The potential for collateral damage is taken into account and sufficiently low.

    E. All targets are approved only by the high military command and Ministry of Defense

    F. The Supreme Court can review each case and legal action may be taken in cases of violations of protocol.

177. In the process, the IDF was required to justify the policy as being necessary and effective to the legal echelons of the political system, including the government's legal advisor and the Attorney General, which in turn had to defend the practice to the Supreme Court during the judicial review, thus ensuring effective checks and balances act on Israel's system of governance.

A policeman and an actor are shown during a training exercise witnessed by the HLHFG delegation at the Israel Police national training facility. (Credit: HLHFG)

5.2.6.2 Military Tactics and Security Measures

178. Further demonstrating these effective checks and balances are the myriad examples of relevant matters that come before the Supreme Court, where the practices in question are deemed unlawful and cease. One example was the prohibition of the so-called 'neighbour procedure'. In operations during the First and Second Intifadas, IDF soldiers were killed or injured by ambushes prepared by terror suspects expecting to be the subject of a raid. In response, the IDF developed a procedure in which it first demanded the surrender of a suspect through a loudspeaker, and, if the subject refused, asked a neighbour to knock on the front door and pressure his neighbour to surrender. Following the murder of a Palestinian civilian by terrorists as a result of this tactic, equipped with a bulletproof vest by the IDF, Palestinians and Humanitarian NGOs petitioned Israel's Supreme Court, claiming that this procedure constituted the use of human shields. Following adjustments to the policy that still left the court unsatisfied over the validity of these concerns, it issued an injunction prohibiting the IDF from using the procedure. In complying with this legal check on its power, the IDF has had to institute new procedures that pose a higher risk to its troops.

179. Similarly, when Israel's security and political echelons decided they had to build a security barrier in order to stem the intolerable rate of flow of suicide bombers from the West Bank into Israel, the Supreme Court was closely involved in the planning of its route, on account of the ability of Palestinians to appeal directly to it. The court on several occasions ordered the Ministry of Defense to redraw the route in light of these cases brought before it.

RESILIENCE

6

6.1 Risk Mitigation and Effective Policymaking

6.1.1 Threat Prioritization

180. As a function of the serious and long-standing security challenges it faces, Israel spends over 5 per cent of its GDP on defense, far outstripping per capita spend of other Western nations.[39] Yet, despite this level of expenditure, Israel's leaders, like policymakers everywhere, have to deal with a reality in which total security cannot be achieved. Threats are often amorphous and changing, while the list of potential security challenges is immense, even for nations less targeted than Israel. As such no nation can ever mitigate against every possible threat to its citizens, and therefore a process of risk assessment and prioritization is necessary as a fundamental basis for policymaking in the realm of national security.

181. Various capitals have different monikers for this process, such as 'Risk Register' or similar. In Israel this process is known as 'Threat Reference'. It is a two-phase, iterative method of security assessment deployed to decide the allocation of resources:

   - Stage 1: Intelligence agencies evaluate all relevant possible threats;
   - Stage 2: The relevant executive authority decides which threats to priorities and how to allocate resources.

182. This method is used by the National Security Council to set overall policy for the country, and by

39. *Trends in World Military Expenditure, 2015, Stockholm International Peace Research Institute (April, 2016), available at http://books.sipri.org/files/FS/SIPRIFS1604.pdf*

operational agencies and relevant bodies across the board where responsibility for specific issue areas is devolved downward to them.

Similar to other countries, the decision matrix Israel applies consists of three functions:

   1. The **probability** that a specific threat will actually materialize.
   2. The likely **severity and impact** of that threat if it does materialize.
   3. The estimated **cost** of protection against that threat.

183. As such, if two threats are of equal probability and severity, for example, the state insures against the option cheapest to defend from. Likewise, if the defences against two equally severe threats are equally expensive, the state will invest in defense against the more probable.

184. The ever-evolving nature of security threats in today's complex threat environment requires the state to retain maximum agility throughout this process. The Israel Police, for example, frequently engage in a "Reference Threat" review, re-allocating resources in line with fluctuating threat assessments.

185. Simultaneously, all agencies engage in iterative lessons-learned processes, in order to reduce the efficacy of attacks and thereby discourage future effectiveness of a particular threat. In discussions with the HLHFG, one senior official noted that unlike in wider strategic thinking, where such sentiments can be harmful, terrorist iterate and as such often the best predictor of the next attack is the last.

HLHFG discussion with Israel's Minister for Public Security. (Credit: HLHFG)

6.1.2 Case Study: Public Beaches

186. Following the discovery of a bomb on an Israeli beach, a decision was made to require police to perform a daily sweep of the country's beaches using specially customized tractors, at a cost of over $5m annually. In an internal "Threat Reference" review, however, the Police Security chief concluded that the high investment could no longer be justified, in light of the low probability and relatively low severity of the threat of a bomb exploding in an open area. The procedure was cancelled as a matter of calculated risk and the budget reallocated to higher priority threats. No further explosives have been found on Israel's public beaches since the decision was made.

6.2 Political – Operational Coordination

187. While effective national security policy requires sound underlying structures such as the process described above, Israeli officials impressed on the HLHFG that states must adopt an agile process of cooperation between the political and operational echelons engaged in the fight against terrorism in order to be successful. One of the most potent aspects of terrorism is the continued effort by terrorist organizations to exploit the necessary weaknesses that democracy imposes on states and societies. Governments must thus be attentive to the loopholes that terrorist exploit, be they tactical or legal. This requires an on-going dialogue between the political and operational levels, regarding the sufficiency of existing mechanisms under the law for confronting the terror threat.

188. For example, on account of the many attacks by minors during the small-scale terror wave, Israel's Public Security Minister Gilad Erdan told the HLHFG of the need for legislative change to transfer more responsibility onto parents in order to bolster deterrence. He further noted that on account of the extensive incitement on social media, the government of Israel is also exploring new strategies for compelling social media networks to take more responsibility for hate speech hosted on their servers.

189. In a different example, in the aftermath of the Sarona Market shooting, the site of which the HLHFG visited as part of its field trips, the police investigation found that security measures for the popular outdoor mall were not adequate. This is on account of a loophole in regulations which meant that while the interior of the Sarona Market shopping centre is protected by guards – and their presence may have deterred the terrorists from conducting a more lethal attack indoors – there were no security checks at the perimeter of the outdoor complex that forms part of the mall, which they were able to enter with concealed sub-machine guns. A committee mandated by the Public Security Ministry to propose enhancements for security subsequently recommended an amendment to the Business Permits Law, requiring certain outdoor shopping facilities to apply for the same security permits as indoor equivalents, forcing them to implement considerably more stringent measures.

190. Israel's experience of fighting terrorism has led to an acknowledgment that governments enhance their effectiveness in the security realm when they conduct discussions with the operational levels in a non-hierarchical manner. While decisions must ultimately be made hierarchically by the elected and appointed political leadership of a democratic nation, senior officials in the operational levels should feel free – be encouraged – to express their professional judgments on the overall threat picture, and recommend policy changes based on their experience.

191. This concept represents a paradigmatic change in conventional democratic thinking about civil-military relations, whereby the political echelon is meant to be responsible for deciding upon a course of action (the "what") and the operational level responsible for its subsequent execution (the "how"). The increasing complexity of terror threats however, means that any response inevitably has to be interdisciplinary, and questions of strategy are no longer entirely separable from tactics. Operational actions can have profound political implications, while political decisions can likewise have immense impact on operational abilities. Thus in the age of terrorism the two must be coordinated in tandem.

192. Israel's experience of the Second Intifada furnishes numerous examples of the involvement of the military high command in matters of state and grand strategy, advising on policy that is traditionally thought as the preserve of civilian governments and institutions. While the democratically elected political echelon retains the final say, major decisions were taken in consultation and impacted by these discussions, sometimes in fundamental ways. This includes major decisions over the type of military campaign Israel might embark upon or otherwise, as well as tactical level decisions.

193. Israel's experience also contains other lessons pointing to the need for the operational level to be involved in the early stages of policy discussion. Failure to do so can leave actors on the political level compelled to adopt a suboptimal course of action for want of an alternative. If the operational level is consulted only at the point of decision-making, it is likely to present only one recommended course of action, whether to exploit the urgency of the situation to advance its preferred option, or because there is not enough time to develop a range of operational responses, leaving little room for manoeuvre or innovation.

194. Moreover, the failure to engage in joint planning early on may mean the least politically and diplomatically costly course of action may be precluded by the passage of time. The 2010 'Mavi Marmara' incident

– a botched IDF raid of a Turkish ship sponsored by an Islamist organization that sought to break the naval blockade of the Gaza Strip – provides a clear illustration of this danger. The relevant high-level discussion in Israel took place only days before the ship set sail. Had the government convened earlier, it could have advanced diplomatic solutions, or instructed the intelligence services to use nonviolent methods of subterfuge to avert a crisis. Instead, by the time the issue was discussed at the political level, only the option of a full naval commando landing remained, thus entrusting the future of Israel's diplomatic relations with Turkey to an operational plan devised by a naval colonel as the only option on the table. Had the government involved the operational levels early on, both to identify the threat and to examine likely implications of possible courses of action, it would have been more attentive to the broader ramifications of a military solution and impelled to consider other, less diplomatically costly alternatives. This logic holds for the majority of dilemmas that the fight against terrorism entails.

6.3 The Role of the Public and the Private Sector in Countering Terrorism

195. No nation would be able to contain the threat from terrorism at the level of intensity that Israel has experienced without wide-ranging supplementary efforts from the private sector and general public in mitigating the threat. As such the public and the private sector play a crucial part in Israel's counter-terror strategies. The country has certain advantages in this regard, principally the fact that its national security threat picture necessitates general conscription, meaning the population has significant relevant training, from firearms to first aid, as well as a level of psychological resilience unusual for the populations of democracies not used to constant threats against them.

6.3.1 The Private Security Sector

196. Private security guards are an indispensable force multiplier for the Israel Police. Stationed in almost every public facility, including shopping malls, many places of business, restaurants and cafes as well as across much of Israel's essential infrastructure, their presence provides both a deterrent effect and an immediate first response during emergencies. There are some 70,000 private security guards

in Israel, of whom around 40,000 are armed. As such, Israel can draw on roughly 2.4 private security guards for every policeman.

197. As a result, there have been myriad occasions where private security guards were able to neutralize terrorists in the course of an attack before the arrival of official forces. For example, in the Tel Aviv Sarona Market shooting, one of the gunmen was chased and detained by a guard from the nearby building of the Israel Broadcasting Authority, who was alerted by the commotion following the attack.

198. Key aspects of this extensive network of private security guards are that it:

- Is integrated into Israel's civil defense planning, with law enforcement agencies aware that they can rely on the presence of these first responders when necessary.
- Operates subject to state regulation and in close coordination with authorities.
- Requires every private security guard to be officially authorized by the police, which determines training standards and the types of weapons necessary for relevant private security missions.
- Its associated costs are borne by the private sector.

199. Law enforcement in Israel is additionally aided by the Civil Guard, a volunteer organization whose tens of thousands of participants are integrated into police work for such activity as community policing and patrols, providing an essential resource of additional manpower. Many Israelis are also trained in first-aid so as to volunteer with the Magen David Adom (Israel's equivalent of the Red Cross) ambulance service, and can thus provide vital aid in the immediate aftermath of an attack.

6.3.2 Public Resilience

200. Israeli authorities recognize that effective public security measures require integrating the public itself into security planning. Across Israel, the integration of civilian personnel and institutions is a cornerstone of civil defense programmes. Thus, conceptually the Israeli public is not just a beneficiary of security but also a potential provider.

201. In this context, public resilience – the ability of the public to adapt to stress and re-establish its normal routine after an attack – is an indispensable resource in inoculating a country against a sustained terror

threat. Since terrorists desire death and destruction not only as ends in themselves, but as means to damaging the social and psychological fabric of society – which gives terrorism its character as a potentially existential threat for Israel described above – the prevention of fear and chaos in the aftermath of each attack as well as over the course of a sustained terrorist campaign is paramount.

202. Israel treats citizens as partners and force-multipliers in times of crisis, which further contributes to public fortitude. Citizens are expected to remain alert and know how to act responsibly during crises, values reinforced through regular home front drills involving the public. Cognisance of the prevalence of fellow citizens, in many cases armed, who can be depended upon to come to the rescue during a serious crisis enhances the Israeli public's sense of safety and solidarity, the importance of which cannot be overstated.

203. Public resilience also depends on a common understanding of the source and nature of the terrorist threat. In Israel, there is a broad consensus in the Jewish public that cumulatively terrorism against it can represent an existential threat: one prong in a long-running project to eject any Jewish presence from the land. Israelis understand terrorism in the context of statements by Islamist groups, and their chief sponsor, Iran, regarding their desire to use violence to bring about Israel's ultimate demise. There is additionally a common understanding that the war against terrorism will not be conclusively "won" in the foreseeable future. This impression, that terrorism is part of a coordinated strategy to destroy the social order, renders Israeli society more willing to accept the sorts of infringements on civil liberties that Western societies have hitherto been reticent to adopt.

204. Israel's public resilience was thus honed by over a century of terrorist attrition: the country has never known a period free from attacks on civilians. This reached a peak in the Second Intifada, when Israelis experienced an intense period of suicide bombings on a daily basis. This means that in the context of the small-scale terror wave, Israelis were acutely aware that they had experienced much worse, and mass panic in the light of a high volume of indiscriminate and often fatal attacks was averted by the hard-won understanding that this wave too would eventually be overcome.

6.3.3 Enabling Resilience

205. Since the security measures described in this report that the Israeli public is subject to are extensive, it is important to stress that to fight terrorism successfully nations must not risk eroding the fabric of day-to-day life and security planners should aim to minimize the impact of the terrorism threat itself on civilian life. Though certain measures, such as for example bag searches at the entrance to shopping malls, carry a small cost to society, in general daily life in Israel goes on as in any other democracy, despite all the precautions noted in this report. This holds true even during times of major security challenges such as the small-scale terror wave. Several elements of Israel's approach to public resilience contribute to the maintenance of everyday activity in the face of sustained terrorism:

- 206. An accurate and speedy information flow is crucial for the prevention of panic and maintenance of order in the aftermath of an attack. The Israel Police strives to provide real-time updates to the public in the course of a terrorist incident in order to prevent media blackouts, since confusion and misinformation can be a source of serious danger during and immediately after a live incident if not controlled promptly.

- 207. A vital aspect of public resilience in Israel is the prioritization of restoring normalcy in the immediate aftermath of an attack. Whereas in other countries, the locations of a terror attack might be sealed off as crime scenes for extended periods, Israeli policy is that they must be returned to regular use within three hours. The Sarona Market attack took place at 21:23. The police had given the all clear by 22:15. The following night, as people lit memorial candles and protesters gathered in the plaza, the cafes were full of civilians as on any other night. This is the usual modus operandi of Israeli society. Under no circumstances, no matter how stretched the security forces may be by a single or multiple incidents, must panic be allowed to prevail or disrupt regular life outside the immediate vicinity of an incident.

- 208. To aid effective recovery, Israel has established seven 'resilience centers', which are operated by the Ministry of Social Welfare with dedicated budgets to provide clinical care to traumatized residents, training for support staff and emergency preparation for local municipalities.

6.3.4 Regulated Gun Access

209. In addition to the IDF, security services and private security guards, armed civilians are an indispensable asset for Israel's counter-terror efforts. Armed members of the public have on many occasions neutralized terrorist attackers during live situations and effectively serve as standby first-responders, dramatically expanding the scope of areas covered by armed protection. Together with armed professional guards, there are over four times as many armed civilians as police officers, meaning Israel's home front is covered by an immediate response capability far beyond those flashpoint areas where the police can retain a permanent presence so as to respond within seconds.

210. Israel however tightly regulates access to firearms, granting licenses subject to a strict screening process involving background checks, psychological and medical evaluations and training that takes several months. Applicants are additionally required to have served in combat roles in the IDF, at the rank of Lieutenant or above, or to prove a requirement based on special circumstances such as residence in a particularly high threat area. As a result, Israel suffers little problems with gun crime (the exception being parts of the Arab-Israeli population sector), despite, as of September 2015, some 130,000 gun permits being held in Israel (including by professional guards) – a ratio of approximately one license for every 66 civilians. The Ministry of Public Security is presently seeking to liberalize the criteria in order to increase the number of permits by up to 40,000 additional ones, subject to the same strict screening procedures. In the wake of the small-scale terror wave it is additionally considering a further expansion of programmes for civilians willing to undertake even more rigorous preparedness and first responder training.

6.4 Civilian and Critical Infrastructure Protection

211. Given the long history of warfare and terrorism against Israel, the country has always had an element of security considerations as part of its infrastructure makeup. For example, the law has long required residential buildings to have access to protected spaces on each floor or in each apartment. As such, infrastructure protection is an essential part of Israel's home front defences, with extensive protocols and regulations.

212. Since around the year 2000, infrastructure protection in Israel has been the responsibility of the Security Division of the Israel Police, whose mandate is to classify all civilian facilities and determine their required security standards. The initial classification process includes factors such as an institution's type, size, location, existing level of protection, and the presence of potentially harmful materials. The process is generally an interagency one involving several authorities including the Police, Ministry of Interior, Fire Department, Home Front Command and local authorities, though the police Security Division has the final say. Israeli policymakers prioritize agility, since the threat picture the country confronts requires a rapid and flexible response that would be ineffective if stymied by cumbersome bureaucracies. The head of the Security Division is thus afforded a wide remit and only subject to minimal legislation governing his or her relevant powers.

213. The Security Division classifies all facilities into the following categories:

   A. Private businesses, attacks on which would not have a significant impact on core matters of national interest, and which are therefore not required to take special security measures. The vast majority of private businesses in Israel fall in this category.

   B. Public facilities and public-facing businesses (including schools, shopping malls, banks, or any private businesses that cater to a large public clientele), which are required to deploy specific security measures, usually including security guards, surveillance cameras, and routine drills.

   C. Critical or sensitive infrastructure facilities (power stations, central train stations, airports and other similar locations) that are either preferred terrorist targets or considered as essential to the functioning of the state. These require adherence to a significant set of security standards directed by the authorities, including armed guards and significant investment in other security measures.

   D. Special government-owned facilities, such as, for example, nuclear research centres and the Prime Minister's residence. These facilities are afforded hermetic protection by government authorities, with extensive security measures.

214. Each facility that falls under categories B and C is instructed by the Security Division as to the specific security measures required. These can include:

- Physical obstacles in the form of fences, barriers, walls, and gates.
- Technology in the form of sensors, surveillance cameras, and other detection methods as well as mechanisms to prevent the entry of unauthorized people.
- Command-and-control systems that enable monitoring and incident management.
- Security guards with a specifically mandated level of training.
- Larger contingents of security personnel that can respond to a variety of potential scenarios.
- Periodic training of personnel.

215. In assigning the required level of protection to a facility, the police is first required to define possible threats, using the 'threat reference' model discussed above and determining risk and probability according to a variety of factors. An effective risk assessment is vital in ensuring that facilities receive the appropriate level of protection but are not overburdened with requirements that are irrelevant to their circumstance. As such, the process is very specific to each sector and facility. The relevant classification is additionally updated on a regular basis to meet changing threat profiles.

216. This process thus offers Israel a model by which it enjoys extensive protection for its infrastructure, able to withstand the serious terror threat, but not overburdening its civic and commercial life. This adaptability is crucial in ensuring the system's success. For example, Hamas threatens Israel's energy infrastructure nationwide, yet only the facilities near the Gaza border are vulnerable to infiltration via the sea by Hamas special naval units, meaning only these energy facilities require relevant additional defences. Similarly, during the Second Intifada suicide bombings occurred on a near-daily basis in Israel's public places. Thus, at the time restaurants and cafes were required by law to deploy armed security guards at their entrance. This requirement was dropped once the government had addressed the threat with the security barrier and other means and the suicide attacks largely ceased.

217. In most nations the private sector is generally not enthusiastic about complying with extensive security regulations, which add administrative burden and costs. However, given the threat picture and experience of terrorism in Israel, the agility of the relevant mechanisms and the consultative processes involved, the authorities in Israel generally have little problem generating the necessary buy-in from private business and civil society for the process of threat mitigation aimed at ensuring a smooth civic life in the country despite its sustained challenge from terrorism.

6.4.1 Critical Infrastructure Protection

218. The most stringent security requirements are imposed on institutions considered as critical infrastructure. This is defined by the Israel Police as any physical or virtual system used by the country to defend itself, or to conduct vital activities in the domains of the economy, public health and security, the neutralization or destruction of which could paralyze the country or even ultimately lead to its collapse.

219. Such facilities require maximal security and are subject to multiple regulators and security agencies:

- The police addresses physical security.
- The IDF Home Front Command protects from high-trajectory weapons.
- The ISA is responsible for cyber-defense.
- The Ministry of Environmental Protection deals with hazardous materials.
- The Ministry of Infrastructure, Energy and Water has responsibility for functional continuity in case of emergency.

220. Communications, energy and water infrastructure facilities are prioritized according to the potential damage of an attack in terms of a prolonged adverse effect on the functioning of normal civilian life, the possibility of mass casualties, or widespread public confidence problems. The relevant institutions in these fields have a specific staff post whose job is to liaise with the police, which inspects them for compliance with relevant regulations.

221. Additionally, Israel requires that most critical infrastructure be protected from cyber-attacks. The National Security Council and the Internal Security Agency have a mandate to priorities the institutions, public or private, at which the state cannot tolerate cyber-penetration. These are compelled to adopt the most stringent cyber defences available. Israel is particularly concerned by Trojan Horse viruses which manipulate results in computerized networks,

meaning that by the time a breach is discovered the damage cannot be repaired retroactively. Both the Tel Aviv Stock Exchange and the National Blood Bank, for example, are required to adopt the most advanced protections, since any manipulation of their data could have a potentially devastating impact on Israel's national wellbeing.

6.5 Case Study: The 'Layers' of Security Paradigm

222. Israel's authorities plan security for relevant facilities on the basis of a paradigm of 'layers' of security. The assumption is that on account of the very high threat of terror attack on an on-going basis, all relevant facilities are required to expect penetration. To repel this, they are required to incorporate several rings of security around their relevant nerve centre. One layer of defense in never sufficient, no matter how effective.

     The principle of the layers of security starts in the general territory of the State of Israel, which serves as a 'virtual perimeter', secured by effective intelligence and law enforcement. Next, various levels of exterior security protect a facility. This can be as simple as perimeter fences with electronic sensors or as elaborate as permanent facilities for vehicle inspections, and can consist of several layers in itself if deemed necessary. Finally, an interior ring of security, usually a combination of security guards, CCTV and similar access control measures, completes the layers of protection.

6.6 Transport Security

223. Transport networks have proven a favourite target for terrorists on account of the opportunity for attacks to cause mass casualties, disrupt the regular pattern of life and directly affect the public's sense of security. Successful attacks produce iconic images of devastation at high-profile facilities used by a large number of people. Since 2000, there have been over 100 attacks on Israel's public transportation network, most infamously the many suicide bombings on public buses.

224. Transport protection in Israel follows the same 'threat reference' model of risk assessment and relevant hardening of targets as a function of factors such as specific vulnerability, average crowd size and systemic sensitivity. Hence, crowded bus stations in Jerusalem or Tel Aviv are tightly protected while a remote bus station in the Negev Desert has a far lower level of protection. Similarly, buses used on routes through the West Bank, where rock-throwing incidents are frequent, have special reinforced-glass windows, whereas buses within Tel Aviv do not.

225. Israel's buses have been a favourite target of Palestinian suicide bombers in the past and as part of the small-scale terror wave, on 18 April 2016 Hamas sent a suicide bomber to attack a bus in Jerusalem, leaving many injured. Mass casualties were only averted by the terrorist's fortunate failure to prepare his explosives. Israel's public bus network consists of 2,000 buses over twelve private companies and dozens of private central bus stations. All bus terminals are subject to random patrols, and more extensive airport-style security is in use at major terminuses. Additionally, many Jerusalem bus stops are now encircled by metal bollards to prevent car-ramming attacks, which had become a frequent occurrence during the small-scale terror wave.

226. Israel also requires airport-style security at the entrances to all train stations. In addition, there is a permanent presence of armed guards on every train platform, as well as one on each train. Video footage of the Sarona Market attack clearly shows the terrorists walking past the entrance to the Tel Aviv Hashalom train station, one of the busiest in Israel, but choosing to find a different target on account of the security at the entrance.

227. The Jerusalem Light Rail, which passes through Jewish and Arab areas of the city, is also a frequent target. All trains have a permanent presence of undercover armed guards and carriages are built with special fortified glass to protect against frequent rock-throwing attacks in Arab neighbourhoods. Additionally, there are regular mobile patrols around platforms, stations are fitted with panic buttons, monitored from a central CCTV control room, and protected by metal bollards against vehicular ramming attacks. Some have additional access control measures such as a security fence. Similarly, the Israel Police has already planned for the comprehensive security requirements for the Tel

Aviv Light Rail currently under construction, which is expected to be operational by 2020 at the earliest.

228. Finally, Israel is a world leader in aviation security and Israel's airports are heavily protected against terrorist threats. Israel's main international airport, Tel-Aviv Ben-Gurion, is one of the most effectively protected transport facilities in the world. No passenger or staff member is able to reach an aircraft without passing through multiple layers of visible and invisible security. The passenger journey through security leads from the 'virtual' intelligence led perimeter, to a permanent vehicle checkpoint several kilometres from the terminal, to security guards at the entrance of the terminal, intensive questioning of each traveller inside the terminal, standard (or, where deemed necessary on account of the questioning, enhanced) airport security screening including x-ray and metal detectors, and access control following passport control, requiring a special ticket to enter the secure departure area in the terminal. Israeli authorities also deploy extensive security protocols at airports around the world that offer flights to Israel in cooperation with foreign authorities, while the security paradigm applies in reverse once passengers arrive, beginning with advance information, a physical security presence at the door of the plane and several layers of security and border control until travellers emerge curb side in Israel.

6.7 Technology

229. On account of its small size and being confronted with a high-risk threat picture, Israel's counter-terror efforts have to make use of the most effective means to match this challenge, meaning that technology plays a large part in Israel's efforts to defend itself from terrorism. As a highly technologically advanced society – Israel's tech scene is second only to Silicon Valley – innovative technology forms the cornerstone of Israel's intelligence and operational efforts. Among other uses, technology helps significantly improve security in the public and private sector, protects against cyber-related attacks and maximizes the resource efficiency of security systems, facilitates effective intelligence operations, and minimizes the necessity for violence as well as unnecessary damage where it is unavoidable, through the use of precision weaponry.

230. The abilities to invest and regulate certain technologies is a major structural advantage of states in the security realm, though terrorists, in particular those terror organizations which enjoy some of the characteristics of a state, such as Hamas in the Gaza Strip or Hizballah in Lebanon, also innovate technologically and thus erode democratic states' technological advantage to an extent. Yet, homeland security technology delivers states advantages of versatility and adaptability, more so even than military technology, since it is largely software based and thus easier to improve and continuously update than traditional military platforms, which are usually hardware-oriented. Since terrorists increasingly use advanced technologies to communicate, plan and perpetrate attacks, the comparative advantage of software-based technologies will only grow for technologically capable nations, alongside ever increasing dependence on these solutions.

231. Israel supports a world-leading homeland security industrial base, which makes up a core component of the country's booming hi-tech sector. There are over 300 homeland security focused companies in Israel, many of them exporting their products. The industry is sustained by an abundance of ex-security officials with a high degree of experience and proficiency, the ability to test products in real combat situations, and high local demand generated by Israeli authorities and security forces. Technological solutions for many security problems emerge from this sector on an on-going basis, some developed in public-private cooperation.

232. Some examples of the application of technology in protecting the home front include:

- 233. **Sensor-based systems**, such as closed-circuit television (CCTV), enable security services to monitor specific environments in real-time and respond appropriately. Such systems include sensors – audio, visual or those used to detect dangerous materials, such as explosives and concealed weapons. Hidden explosives can be detected through X-ray scanning, material density indicators, and chemical sensors as well as new technology using millimetric waves.

- 234. **Robotics and unmanned vehicles,** a field in which Israel is a pioneer and can today deploy a variety of UAVs to perform surveillance activity, ranging from large drones that can stay aloft in excess of 24 hours while operating multiple

sensors simultaneously to micro-drones that can be sent to explore within buildings. Similarly, land based robots can be used in a variety of operations, such as to enter buildings carrying cameras, guns, or explosives. The Israel Police utilizes robots that can inspect and detonate suspected bombs, the latest versions of which can also mechanically defuse bombs by cutting through relevant wires. Robots are not only less expensive and more versatile than human personnel, but crucially protect servicemen and women by allowing them to operate at a distance from danger zones.

- 235. **Armoured systems,** required since security services cannot rely exclusively on robotics. These protect personnel, vehicles and structures with bulletproof and anti-explosive materials.

236. Operating such systems successfully requires effective command-and-control to enable security services and other relevant operators to act promptly on the intelligence they gather. Systems must also prevent information-overload. The vast quantities of data generated need to be processed and filtered in order to be organized, centrally monitored and analysed. As such, these systems require user-friendly interfaces and means to aid operatives, such as the ability to map data and create graphic simulations of sensor output. One Israeli company, BriefCam, devised a solution for "summarizing" video data from security cameras, allowing for rapid observation of events recorded over many hours of footage. BriefCam's technology enables the effective study of one hour of CCTV in one minute and was successfully used by U.S authorities to identify the terrorists behind the 2013 Boston Marathon bombing.

237. More generally, such functions are performed by sophisticated algorithms that aid security through automation, such as by filtering the mass data into actionable information, for example a system that automatically alerts authorities when a suspect being electronically tracked leaves a certain area; or cross-referencing information with databases and alerting law enforcement accordingly, such as technology reading license plates and checking them against stolen vehicles.

238. Generally, the application of these technologies also has to be iterative, since the diffusion of the means of production in the internet age allows terrorists to adapt and overcome certain sensors. This trend is likely to intensify, given that terrorists can, for example, increasingly produce weapons using non-metal polymers utilizing 3D printers, evading detection by the widely implemented infrastructure of metal detectors.

239. Finally, cutting-edge technology also has an important role to play in training. For example, police officers are instructed in how to handle terrorist incidents in the tactical simulator at the National Police Academy, which employs instructors from elite IDF units to teach good marksmanship and decision-making under pressure. Using a life size video demonstration area with modified weapons and electronic sensors, the simulator allows operators to load situations playing out against real-world locations, and crises can have various possible endings that depend on officers' abilities to control the situation by interacting with the virtual characters.

7

CONCLUSIONS ON THE IMPLICATIONS OF ISRAEL'S EXPERIENCE FIGHTING TERRORISM ON ITS HOME FRONT FOR OTHER DEMOCRATIC NATIONS

7.1 Israel, A Paragon of Resilience

240. No democratic nation has been tested by terrorism to the extent that Israel has. Past terror campaigns it has had to withstand have involved daily suicide bombings against civilian buses and nightclubs, while the recent small-scale terror wave has seen multiple daily attacks with knives, axes, guns and by ramming cars into crowds. For Israel, terrorism is a potentially existential threat, part of a war of attrition in which to prevail its authorities must be able to fight terror successfully while retaining normal civic life and enabling their nation to prosper. The result, as examined above, is a nation that is exceptionally capable at counter-terrorism, as well as immensely resilient. Its experience in dealing with the political, operational and legal dilemmas entailed in combating terror give Israel the insights and lessons that come with the successes and failures of decades of refining the fight against terror on the home front.

7.2 International Cooperation

241. Given this context, in the course of the HLHFG fact-finding, a significant number of insights relevant to the fight against terrorism in our own and other democratic nations were apparent. One is that the fight against terror requires international cooperation. Israel's Police Commissioner stressed the importance of a global outlook and international partnerships to battle a threat that respects no borders. He opened up his force and its operations to an unprecedented level of scrutiny by foreign professionals, as did the IDF. That the Prime Minister of Israel took a significant amount of time out of his schedule to discuss the menace of terrorism and Israel's response with the HLHFG is testament in itself to the urgency Israel ascribes to the need to cooperate with other democratic nations in this battle. All levels of Israel's policy and operational machinery, including the intelligence services were keen to share their experience and elucidate ways in which it may aid other democracies. This despite the fact that, as Israel's former Ambassador to the United Nations recently noted, other democracies have not always been immediately understanding of the measures Israel deemed necessary to protect its home front, writing recently that:

When Palestinian terror groups pioneered plane hijacking, Israel pioneered rigorous security procedures for our airports and airlines. At the time, we were accused of undermining freedoms and criminalizing the innocent. Few would question the need for those procedures today.

When Israel first used drones to target terrorist leaders, we were accused of "extrajudicial killing." Today these techniques are widely used in the fight against Islamic State and al Qaeda.[40]

242. Today it is indeed an established fact that the methods and technologies pioneered by Israel have become a vital tool in the arsenal of democracies fighting Islamist terrorism, be it on their own home fronts or across the Middle East, as well as parts of South Asia and Africa. Israel's experience is thus a vital resource for its allies among democratic nations confronting terrorism across the globe.

7.2.1 Intelligence

243. One of the most important contributions Israel makes to the shared burden of fighting terrorism is in the field of intelligence. Western governments will confirm what the HLHFG saw and heard during its fact-finding: Israel has outstanding intelligence capabilities, and these have and will continue to save lives in other democratic nations. It is notable in this context that Israel's intelligence relationship with its friends and partners in the democratic world is rarely troubled by the political and diplomatic ups and downs of these alliances. Intelligence cooperation remains one of the most crucial elements of Israel's alliance with other democratic nations and is a lynchpin of its contribution to the fight against terrorism globally.

7.3 Doctrines, Tactics and Best Practices

244. Inevitably, given Israel's long struggle for survival, there are certain assets that national security challenges on the scale experienced by Israel bring to its home front resilience which are not easily replicable in other democracies. In practical terms, conscription means that Israel has a civilian populace trained in skills that greatly aid home front resilience, while in psychological terms the bar for national trauma is very high, given past national

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40. *Israel's Counterterrorism Lessons for Europe, The Wall Street Journal (July 18, 2016), available at http://www.wsj.com/articles/israels-counterterrorism-lessons-for-europe-1468870438.*

challenges that have been successfully overcome. However, significant elements of Israel's experience and resultant practices hold valuable lessons for Western policymakers as they seek to protect their own home fronts, and can serve as underlying drivers for international collaboration on the best strategies to combat terror on the home front.

245. Principally, these insights can be categorized as in the realm of doctrines, tactics and best practices. Key observations include that:

- 246. **Israel's home front defense is based on a doctrinal culture of enabling resilience and versatility**. Policies are geared towards minimizing the burden of terrorism, which is reflected in protocols such as the requirement to return scenes of terror attacks to normal functioning public life within the space of three hours or the agility and customization in the regulatory arena. A high degree of importance is also accorded to capabilities being versatile, most prominently in the Israel Police's doctrine of training all officers to serve in dual functions geared towards law enforcement and counter-terrorism.

- 247. **Israel considers the private sector and the general public a partner in home front defense.** Both constituencies play a significant role in Israel's home front planning. Extensive but sufficiently flexible regulation of the private sector and tight integration of the private security industry into Israel's home front defences is coupled to an open, clear and timely communications strategy. Deep links between regulators and public sector and civic representatives as well as wide ranging opportunities in civil society to engage with the state and become a more active part of civil defense aid the collaborative relationship between the authorities and the public.

- 248. **Israel places a high value on de-escalatory means of confronting terror.** The HLHFG's experience of the tactical mind-set of Israel's police, security agencies and military displayed a clear preference for tactics that reduce friction. This includes a heavy emphasis on community policing and programmes to engage with hostile sectors of the population. Similarly, the IDF utilizes tactics that engage Palestinian authorities, civic

leaders and other conducive conduits while attempting to shield the majority of the West Bank Palestinian population from the impact of necessary counter-terror operations. Thus, despite operating amid some of the most tense political dynamics confronted by any democracy, the principles underlying Israeli policy-making have a clear bias towards tactics able to generate buy-in and lower tension in preference over coercive means.

- 249. **Israel places a high value on continuous training and refinement of best practice.** Israel's facilities for the purposes of training are extensive, including replicas of real-world locales and state-of-the-art simulation abilities which are utilised by all levels of the police, military and security services. Its relevant doctrines, regulatory mechanisms and practices are sufficiently firm to compel a thorough response to the challenge, while sufficiently agile to ensure this response is able to keep up with the pace of morphing threats.

7.4 Technological Expertise

250. Israel's leading homeland security technology sector already supports many other democratic nations' efforts to combat terror on their home fronts. The extent of Israel's innovation here protects lives across the globe, and in addition to exports Israel engages in collaborative research projects and intellectual exchange widely, as well as being a leading force in cyber security.

7.5 Legal Expertise and Experience

251. Similarly, Israel's judiciary is one of the most experienced in any democratic nation in grappling with the dilemmas terrorism poses in a domestic legal setting. Israel's Supreme Court is an authority on the grave questions over the balance of security and liberty whose justices are sought out the world over for their expertise in considering the inherent legal and moral questions.

7.6 Action Areas

252. There are evident positive implications for collaborative relationships in the home front defense

arena where Israel's expertise can aid its democratic allies that follow from the above, including:

- Counter-terror strategies, including prevention, recovery, threat mitigation and resilience factors
- Regulatory models and the generation of buy-in from the Private Sector and general public
- International cooperation over transnational policy issues such as incitement on social media and terror finance in addition to intelligence sharing
- Technological and legal expertise
- Training and best practice exchanges

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