



AN INTERIM ASSESSMENT OF THE GAZA CONFLICT 10-21 MAY 2021

HIGH LEVEL MILITARY GROUP
JULY 2021

HLMG
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INTRODUCTION

1. Examining the 10-21 May Gaza conflict, the findings of the High Level Military Group (HLMG) show that, as in previous Gaza conflicts, the proscribed terrorist entity Hamas, supported by Iran, launched an assault against Israeli civilians, part of the ongoing armed aggression against Israel. Despite a range of pretexts for this offensive there were no legitimate grounds of any kind.



Member of the HLMG, Col. (R) Richard Kemp in a meeting with the Head of the IDF Legal Department in Tel Aviv

2. Hamas were joined in their aggression by other jihadist factions in Gaza, in the West Bank, as well as in a relatively minor way from Lebanon, Syria and Iraq. Each of these actions was illegal under international law and generally amounted to war crimes.

3. Israel's response was measured, carefully calibrated and sought to eliminate threats to its population and territory within the law. In particular, the IDF scrupulously observed International Humanitarian Law, specifically the principles of necessity, proportionality distinction and precautions.

4. The conflict was accompanied by a violent uprising of Israeli Arabs against Israeli Jews and security forces across many parts of the country.

THE HIGH LEVEL MILITARY GROUP

5. The HLMG was formed in 2015 with a mandate to examine Israel's conduct of military and domestic security operations in the context of a larger project seeking to address the implications for Western warfare of defending against enemies who fight with a hybrid concept combining terrorism with more traditional military methods. Such adversaries show a total disregard for the Law of Armed Conflict (LOAC), while exploiting for their gain our own nations' adherence to LOAC and our respect for the preservation of life. Concerned by the propagation of mis-applied legal concepts in conjunction with narratives that are geared towards political outcomes in debates about the Middle East and Western military action, our aim is to make an informed contribution to these debates on the basis of our collective professional experience.

6. Our representative (former British Army Colonel Richard Kemp) was present in Israel during May - July 2021 to assess the Gaza conflict. This report takes account of talks between him and Israeli government officials and IDF officers during that period. He was given access to senior officials in the Prime Minister's Office, National Security Council, Israel Security Agency, National Cyber Directorate, Ministry of Defense and IDF including intelligence department, legal department, Southern Command, Airforce and Spokesperson's Unit. Our representative was briefed on classified information that is not directly reported in this public document, but which helped provide context and background for some of the conclusions made.

7. This report is a product of joint conclusions shared by the senior officers' signatories to it, after assessment of the information gathered by Colonel Kemp. It is based on the best information available at the time of writing, noting that official analysis of some of the activities is ongoing and incomplete.

8. Hamas controls the Gaza Strip and is directly responsible for the majority of terrorist actions initiated from there. Other factions, including Palestinian Islamic Jihad, also fired rockets and attempted other violent actions. It is sometimes not possible to directly attribute actions to each of the factions involved; however, Hamas, as the de facto government, is deemed to be responsible for all aggression against Israel from Gaza. In this report, missile launches and other acts of terrorism attributed to Hamas also include actions by other factions except where explicitly specified otherwise.

THE CONFLICT

9. The May 2021 Gaza Conflict, known by the IDF as Operation Guardian of the Walls (OGW), began with Hamas missile launches from Gaza towards Jerusalem on 10 May and ended with an Egyptian-brokered ceasefire on 21 May, which has largely held until the time of publication. However, incendiary balloons were launched from Gaza into Israel from mid-June, causing several fires. The IDF responded with air strikes against Hamas military compounds. Additionally, rockets were fired from Lebanon into Israel in late July, apparently by Palestinian militant factions, to which the IDF responded with artillery fire at the source of the rocket fire.



10. During the conflict Hamas fired an estimated 4,400+ rockets, mortars and anti-tank missiles at Israel, resulting in 12 Israeli civilians killed as a consequence of rocket fire. One IDF soldier was killed by an anti-tank missile. There were also hundreds of Israeli civilians injured, including a large but unknown number suffering from trauma. Dozens of buildings were destroyed or severely damaged. The continuous rocket fire, sirens and ongoing threats by the terror organizations also led to a shutdown of many elements of Israeli society, including various businesses, the Ben Gurion international airport, schools and government services. This in turn led to significant damage to Israel's economy. In addition, Hamas launched a series of locally-manufactured explosively armed UAVs at Israel, all of which were intercepted by the IDF.



11. Hamas unsuccessfully attempted to penetrate the Gaza border with Israel using cross-border attack tunnels, unsuccessfully attempted to penetrate the Gaza border with Israel using cross-border attack tunnels and unsuccessfully attempted to attack a target (assessed to have been an offshore gas rig) using a remote-controlled submersible craft. An estimated 680 Hamas missiles fell short and landed in Gaza, killing at least 21 people. At least seven missiles were launched from Lebanon and three from Syria, reportedly by Palestinian factions and facilitated by Hizballah. On one occasion rioters from Lebanon, including declared Hizballah militants, breached the border fence with Israel and set a fire inside Israel. An Iranian UAV was launched towards Israel, probably from Iraq, and intercepted by the IDF on the Jordan-Israel border.

12. Responding, the IDF conducted more than 1,500 strikes against military targets in Gaza using manned fixed wing aircraft and attack helicopters, UAVs and ground-launched missiles. The IDF neutralised many terrorists including senior leaders in Gaza, damaged 675 rocket launching capabilities and destroyed over 60 miles (100 kilometres) of Hamas tunnels. 1,577 rockets fired from Gaza were intercepted by the IDF Iron Dome missile defence system, which amounts to 90% of all missiles that were expected to impact in populated areas.



The intensity of Hamas and Islamic Jihad rocket launched against Israeli cities was clearly visible during night attacks

13. An estimated 236 people in Gaza were killed as a result of IDF actions. At least 114 (48.3%) were known active terrorists or involved in terrorist groups. Approximately 101 civilians believed to have been uninvolved died in the conflict as a result of Israeli action, approximately 48 of whom were reportedly killed when buildings collapsed into a tunnel that had been destroyed by an IDF air strike. All of these figures remain subject to confirmation.

14. During the Gaza conflict, violent activity against Israelis also occurred in the West Bank and across Israel, especially in Lod and other mixed Arab-Jewish communities. Violence inside Israel resulted in two Jewish deaths. Two Palestinian Arabs were also killed by Israeli security forces. Violence included gun attacks, vehicle ramming, knife attacks and arson. Although violence in the West Bank is common, intersectorian violence in Israel has not occurred on any significant scale for two decades.



Hamas activists and demonstrators chanting death to Israel and America

BACKGROUND: PREVIOUS GAZA CONFLICTS

15. The May 2021 Gaza Conflict was the fifth major conflagration between Israel and Hamas in the past decade and a half. Following Israel’s disengagement from the territory in 2005, Hamas gained control of Gaza in January 2006, and solidified its hold with a violent coup against its governing coalition partner, Fatah, in 2007. Hamas refused to recognise, renounce violence against, or accept previous accords with Israel — the key conditions demanded by the Quartet diplomatic group of nations in the hope of starting a process of bringing Hamas into the arena of negotiations. The Israeli government has since considered Hamas to be the governing authority solely responsible for any and all violence and terrorism emanating from Gaza, including any violations of temporary ceasefire understandings to which Israel and Hamas may informally agree.

16. The firing of rockets from Gaza started in 2001, prior to Israel’s disengagement, when Hamas originally introduced the Qassam short range rocket to its arsenal. Rocket attacks against Israel increased from 2002 through 2005, when Hamas dramatically reduced the number of rockets fired so they would not inhibit Israel’s pullout from Gaza. After Israel’s disengagement, the number of rocket strikes increased by more than 500%. Since Israel’s withdrawal from Gaza in 2005, more than 15,000 rockets have been fired at Israel’s civilian population from the territory.



Chronology of Hamas leaders since 1987 till today

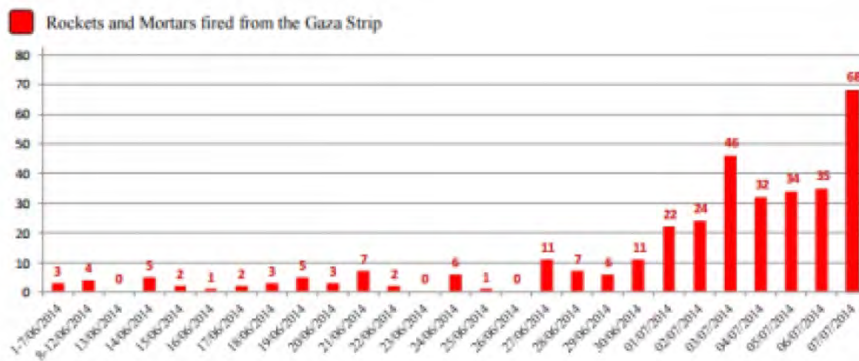
17. Hamas rocket fire against Israel intensified in 2008, forcing the IDF to launch an air and ground operation into Gaza, Operation Cast Lead, from December 2008 to January 2009. Following an uneasy truce, Hamas rocket fire intensified again in 2012, leading Israel to mount an air operation, Pillar of Defence. A further escalation of rocket fire by Hamas, as well as efforts to penetrate Israeli territory using attack tunnels, led in 2014 to IDF Operation Protective Edge, on the ground and in the air. The fourth previous conflagration in Gaza was a series of violent attempts orchestrated by Hamas to breach the border with Israel and murder and abduct Israeli citizens, along with regular violent riots in the vicinity of the border in 2018 and 2019. Israel responded to these riots and attempted breaches using defensive measures. Over these same years there were also occasional Hamas rocket launches. The IDF usually responded to these rockets with air strikes.



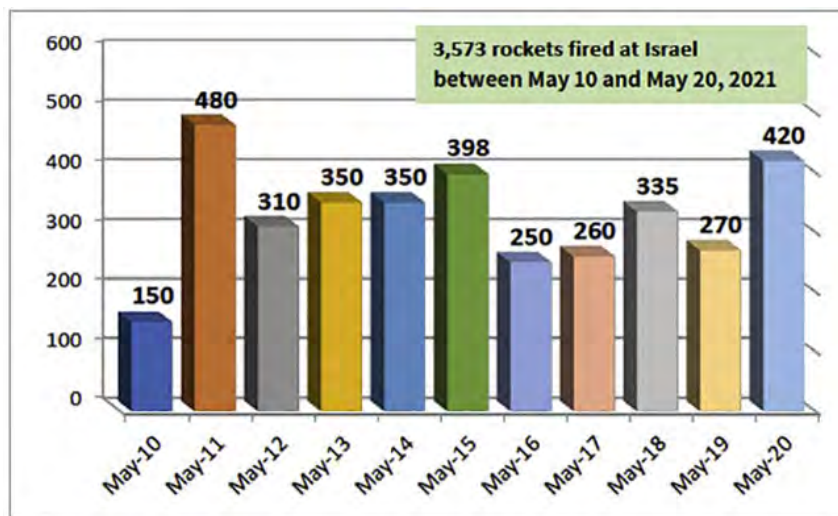
Home made rockets and launchers in display somewhere in Northern Gaza



Rockets and Mortars fired into Israel from Gaza 2001-2014 (Source: IDF)



Rocket and Mortar fire from Gaza June-July 2014 (Source: IDF)



The number of rockets launched from Gaza have progressively increased with any new campaign started by Hamas

CHRONOLOGY

15 January.	PA President Mahmoud Abbas announces elections to the Palestinian Legislative Council (PLC) for 22 May 2021.
April and May.	Disturbances/violence in Jerusalem coinciding with Ramadan.
29 April.	PA President announces PLC elections cancelled.
10 May.	Spokesman of Hamas Al Qassam Brigades issues statement demanding Israel withdraw forces from Al Aqsa mosque and release those arrested by Israeli police during the violence in Jerusalem by 1800 hours that day. These demands not met and Hamas fires six rockets towards Jerusalem.
10 May.	Israel commences OGW.
17 May.	Six rockets fired from southern Lebanon and six from Syria towards northern Israel.
18 May.	Iranian UAV launched from Iraq or Syria and shot down by IDF on border between Israel and Jordan.
14 May.	Major attack against "Metro" tunnels beneath Gaza.
15 May.	Attack on Hamas cyber/R&D HQ Al Jalaa.
16 May.	Buildings collapse into tunnel, 48 civilians reported killed.
21 May.	Ceasefire comes into effect.

CAUSES OF THE CONFLICT

18. Since the 2018-19 Hamas-orchestrated Gaza border violence, Hamas has fired numerous sporadic rocket volleys at Israeli territory. Israel's reaction has been restrained: intercept missiles using Iron Dome and respond with limited air strikes intended to degrade Hamas military infrastructure and send a warning to Hamas to desist. Prior to the May conflict, the most recent was a barrage of 36 rockets fired on the night of 23-24 April with a further small number fired on 24 and 25 April.



The leader of the Palestinian Authority, Mahamud Abbas, who called off elections in the West Bank

19. The proximate cause of the May conflict was a power struggle between Hamas and Fatah. Hamas's appeal in the West Bank had been growing over recent years, brought about partly by the inherent corruption and paralysis of the Fatah-controlled PA as well as the popularity of Hamas military aggression against Israel.

On 15 January 2021, PA President Mahmud Abbas decreed that elections to the Palestinian Legislative Council (PLC), would be held on 22 May 2021. He had been pressured to do so by the EU and by future US government officials who encouraged him to demonstrate his democratic credentials in advance of the new US administration taking office, in order to facilitate President Biden's planned return to accommodating the PA and developing Palestinian institutions.



Current chairman of Hamas, Ismail Haniyeh, in a speech praising Iranian Islamist leaders

20. Had they gone ahead these would have been the first elections since January 2006. However, on the pretext that Israel would not allow voting for the PLC in Jerusalem, Abbas announced the cancellation of the elections on 29 April.



Yahya Sinwar, the leader of Hamas in Gaza

In reality, Abbas realised that due to Hamas's increasing popularity compounded by divisions within Fatah, Hamas would make significant gains should these elections go ahead.

21. The cancellation of elections contributed to the growing tensions and violence between Jews and Arabs and Israeli security forces in Jerusalem, that coincided with Ramadan (which began on 12 April), and were intensified by incitement over social media, especially the sharing of TikTok videos showing Arabs assaulting Jews. Israeli efforts to control this violence were falsely presented by the Palestinian leadership as an assault by Israel on the Al Aqsa mosque, a perennial claim by Palestinians which has often led to increased violence in the past.

22. Violence of this nature has long been commonplace in Jerusalem. A long-running legal dispute between Palestinian tenants and Jewish owners of houses in the Sheikh Jarrah neighbourhood of Jerusalem was deliberately linked to this situation to precipitate further disorder.



Palestinian demonstrators in the Temple Mount instigated by misinformation and fake news spread by Hamas militants

There have been suggestions that some aspects of police handling of this violence, control of access into Al Aqsa and the intended timing of a Supreme Court decision on Sheikh Jarrah (coinciding with the end of Ramadan and beginning of Eid) contributed to increased tensions.

23. Exploiting this situation to consolidate its own position, Hamas sought to represent itself to Palestinian people everywhere as the defenders of Jerusalem by launching from Gaza barrages of rockets against the city and other parts of Israel. Hamas's calculations may also have included the recent change of US administration with its renewed emphasis on building Arab institutions in Jerusalem.

Hamas may have considered that President Biden would be less supportive of Israel in the event of conflict than the previous administration.



Hamas employed new tactics like incendiary balloons and weaponized drones to reach Jewish farms and populations centers close to Gaza'

HAMAS STRATEGY AND IRAN

24. Hamas's charter explicitly calls for the destruction of Israel through jihad in order to establish Islamic rule. Its military leadership and most of the organisation's manpower are in Gaza while its political leadership is split between Gaza, Qatar, Lebanon and Turkey. External actors, including Turkey and Qatar, play an important role in supporting Hamas, with Iran in particular being responsible for upgrading Hamas capabilities through the supply of funding, weapons and training. This applies also, to a greater extent, to Iran's support to Palestinian Islamic Jihad.

25. Iran does not direct Hamas's military operations in the same way as it directly influences Lebanese Hizballah's actions. But the reason Iran supports Hamas (and PIJ) is that they fit into the Iranian goal of bringing about Israel's demise. Within that overall objective, both groups help facilitate Iran's strategy to deprive Israel of its regional position and intensify security challenges against it. This includes deterrence of potential Israeli or US offensive action against Iran, specifically the Iranian nuclear project. Iran does this through bases of operations established around Israel's borders. Currently these are in Lebanon and Gaza, but in recent years Iran has been trying to develop a similar base in Syria, which Israel has been disrupting through military strikes.

26. Iran encouraged Hamas's aggressive action in May. Hours before Hamas began firing missiles at Jerusalem, the Iran foreign ministry spokesman, Saeed Khatibzadeh, called on the Muslim world to stand up to Israel. In addition to the pretext of violence in Jerusalem, the timing of the May conflict may have suited Iran. In addition to testing the resolve of the Biden administration in relation to Israel, Iran may have considered conflict over Gaza at that time could give it additional leverage in the ongoing JCPOA negotiations. In a 21 May "victory" speech Iranian Supreme Leader Ayatollah Khamanei called on Muslim countries to support Palestinians in Gaza with military and economic aid.

27. According to Hizballah, a "joint operations centre" was activated in Beirut during the conflict, to coordinate operations between the Islamic Revolutionary Guard Corps (IRGC), Hamas and Hizballah. Reportedly, the IRGC Quds Force commander, General Esmail Qaani, attended two meetings at the operations centre. Hizballah did not directly engage in the conflict but Hizballah-related sources claimed that they moved munitions to the Gaza Strip and assisted in the movement out of Gaza of Hamas commanders. Hizballah also organized demonstrations in Lebanon and permitted Palestinian factions to fire a limited number of missiles from Lebanese territory in a show of solidarity.

HAMAS OPERATIONAL CONCEPT

28. Hamas's operational concept rests in large part on the unlawful tactic of deliberately embedding its military operations and assets deep within the urban civilian infrastructure of Gaza. Hamas thus exploits the advantages of fighting from pre-prepared urban terrain in addition to exploiting the constraints brought about by the IDF's strict adherence to LOAC. Yahya Sinwar himself admitted on video to locating military headquarters in civilian tower blocks and other buildings during this conflict.



Hamas has been able to amass and produce locally longer rockets, with a heavier payload and an increased accuracy over the years thanks to the help of Iran

29. With its rockets, Hamas can target civilians across the majority of Israeli territory, and by firing thousands of rockets in barrages it seeks to overwhelm Israel's defences, kill civilians and damage civilian infrastructure. As in the May conflict, these rockets also completely disrupt routine life even when they fail to cause physical damage, forcing the IDF to respond to remove the threat and enable regular life in Israel. Moreover, Hamas seeks to create significant individual crises for Israel, such as by kidnapping IDF soldiers and civilians and holding them hostage, attacking key points such as offshore and land-based energy installations and disabling Israel's military and civilian infrastructure by cyber attacks. Each of these types of action have potentially serious strategic consequences for Israel.

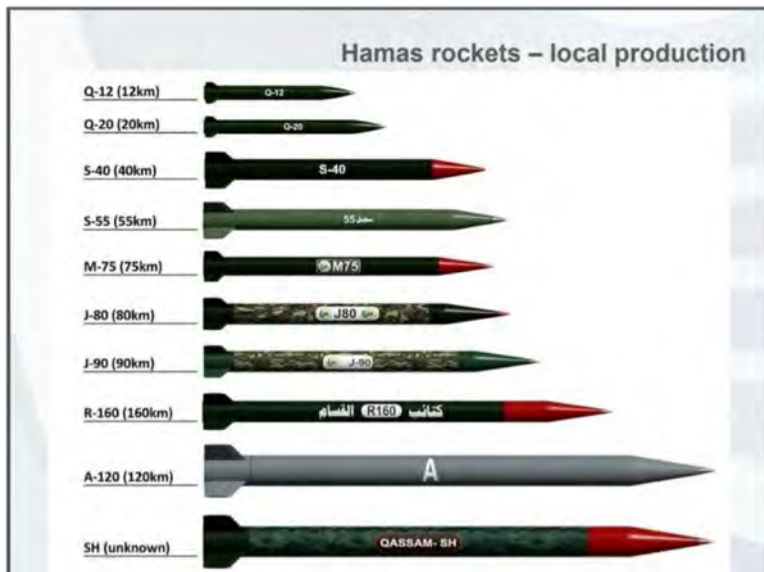
30. Hamas knows that most of its attempts to cause significant damage to Israeli civilians and infrastructure will fail due to the IDF's vastly superior offensive and defensive capabilities and so it also aims to cause the IDF to inflict significant civilian casualties among the population of Gaza in order to bring about international opprobrium, condemnation and isolation of Israel.

HAMAS WEAPONS AND TACTICS

Missiles, mortars and UAVs

31. Hamas and PIJ together fired approximately 4,400 projectiles from Gaza. This is a significantly greater intensity than in previous conflicts. The daily rate of fire was almost four times that in the 2014 conflict. Projectiles included:

- Short range, mainly Qassams, out to 10 kilometres.
- Medium range, Fajr-33 and Sejil-55, up to 55 kilometres.
- Long range, Fajr-5, M-302, M-75, J-80, J-90, Boraq-70, up to 80 kilometres.
- Mortars, 82mm, up to 8 kilometres.



32. Approximately 175 missiles hit populated areas in Israel. 1,577 were intercepted by Iron Dome and 680 landed inside Gaza. Many rockets were fired from locations in or close to schools, hospitals and mosques. Many were launched, remotely initiated, from underground pits, fired through membranes intended to conceal the launchers prior to firing.

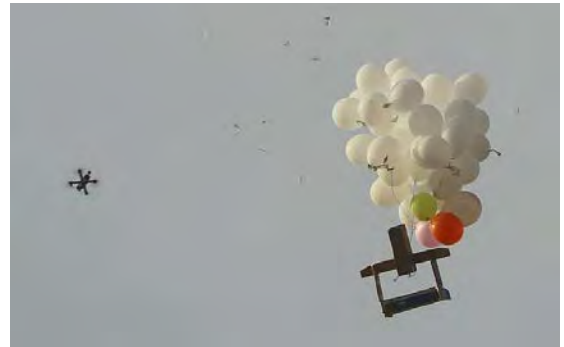
33. Some of the missiles and mortars fired were commercially-produced by Iran, Syria and Russia, all likely supplied by Iran. While an estimated 200 medium and long range missiles were fired, the majority of those fired during the conflict were locally produced Qassam rockets, with the Israeli and Egyptian blockade of the Gaza Strip largely preventing precision guided missiles being brought in.

HAMAS Artillery Rockets



NAME	Qassam-1	Qassam-2	Qassam-3	Grad	WS-1E	Fajr-5	M302
DIAMETER	60 mm	150 mm	170 mm	122 mm	122 mm	333mm	302mm
RANGE	4 km	10 km	12 km	20 km	45 km	75 km	150 km +
WARHEAD	0.5 kg	5 kg	15 kg	18 kg	22 kg	90 kg	150 kg+
YEAR	2001	2002	2005	2008	2008	2012	2014
SOURCE	Gaza	Gaza	Gaza	Iran	China [via Iran?]		China + Syria

34. According to IDF intelligence estimates, Hamas constructed 15,000 rockets inside Gaza since the 2014 conflict. This number reflects the two main lessons Hamas learned from 2014 — (1) that it needed to fire as many rockets as possible in short time frames to stand a chance of overwhelming Iron Dome and successfully hit Israeli population centres, and (2) that it should improve the range to the maximum, with precision being a secondary consideration given the cost. The unusually large proportion of rockets landing within Gaza is thought to be due to high production figures in which quality may have been sacrificed for quantity.



Incendiary balloons being fed and released by Hamas activist near the border with Israel

35. Hamas also launched six Shehab “suicide” UAVs (a version of the Iranian Ababil drone), each carrying approximately 5 kg of explosives, all of which were intercepted by the IDF. The UAV threat elsewhere has proved extremely difficult to counter, including Iranian systems used against Saudi Arabia and US forces in Iraq. By contrast the IDF achieved 100% success rate against UAVs during this conflict, using Iron Dome and other defensive systems.

36. Hamas attempted to launch rockets at critical Israeli infrastructure including the Dimona nuclear complex and airports. All of these failed, although one gas pipeline was hit near Ashkelon, causing minor damage. Hamas did, however, succeed in disrupting travel to Israel, with rocket attacks sometimes causing the closure of Ben Gurion airport and many international flights cancelled, re-routed or severely delayed.

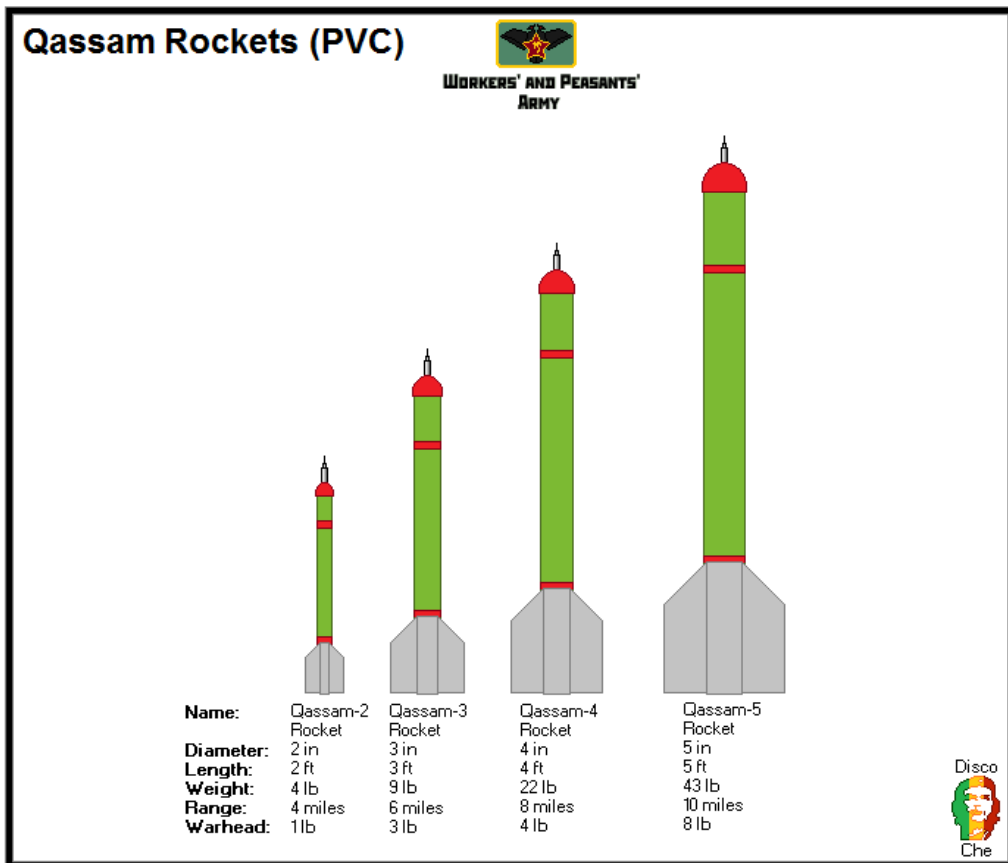
The economic disruption this caused was enormously significant, especially in a year with major economic damage from Covid-19 restrictions. Aside from flights into Israel being cancelled, work-places were closed, transportation around the country was disrupted, schools were shut down and productivity significantly diminished. In areas constantly targeted by rockets, civilian daily life was interrupted constantly by the need to find shelter with as little as 15 seconds warning.

37. Some Iranian-produced systems were used, such as the Russian-designed Kornet anti-tank missile, which was used in several attacks including one that killed an IDF soldier and wounded three others near the Gaza border on 12 May. With the exception of the few missiles that were not successfully intercepted by the Iron Dome, Kornet was the only effective weapon used by Hamas during this conflict.



Islamic Jihad militants charging the rocket tubes to be fired against Israeli targets

Hamas efforts to defeat Iron Dome by intensive missile volley fire in specific areas mostly did not succeed, though every use of Iron Dome incurs significant financial costs for Israel.





The Qassam rockets are probably the most well-known weapons of Hamas. Thousand have been launched against Israeli soil over the years in different versions

Submersibles

38. Hamas attempted to attack at least one target in Israeli waters during the conflict. On 17 May a remote-controlled submersible craft was being prepared in the northern Gaza Strip to conduct an explosive attack, assessed to be against a gas facility. This, and its associated operatives, was attacked and destroyed by IDF air and naval forces.



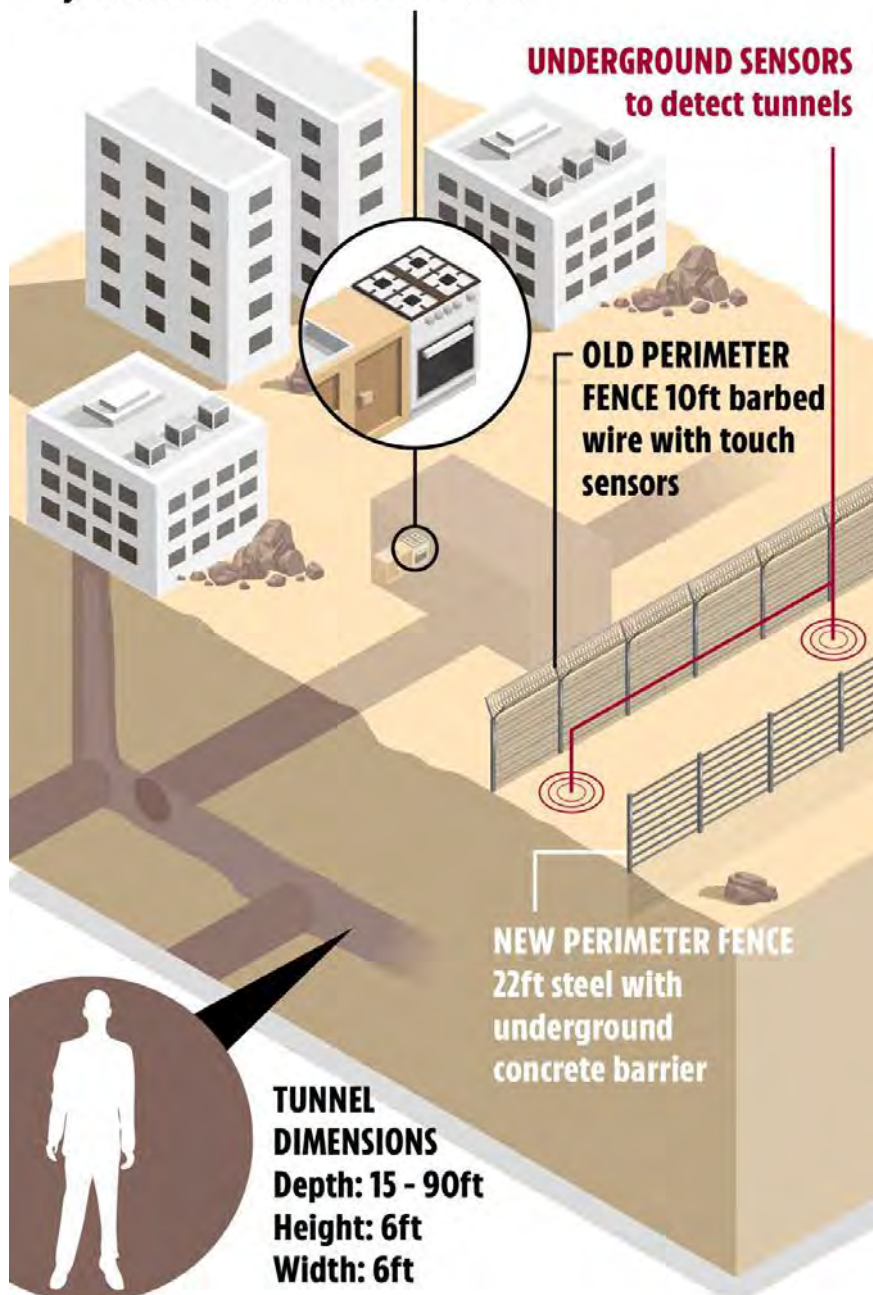
The Iron Dome, a complex anti-missile system used by the IDF to intercept on flight incoming missiles and rockets

Tunnels

THE TUNNELS

Five underground networks identified by Israeli intelligence

Tunnels fully equipped with power & comms systems as well as kitchens & toilets



39. At an early stage of the conflict Hamas attempted to penetrate the fence-line with Israel using an attack tunnel. This activity was identified and attacked by the IDF, who killed the fighters inside the tunnel and prevented the penetration.



40. The key element of Hamas’s combat capabilities inside Gaza was the underground tunnel system, which Hamas calls “Jihad City”. This vast network of tunnels had been constructed beneath the Gaza Strip since the 2014 conflict. It was intended to provide shelter for fighters and command and control systems, munitions storage and tactical movement across the strip, especially in the event of an IDF ground forces operation. A primary purpose was to facilitate kidnap of IDF troops, a major goal for Hamas.

41. The tunnels often run under buildings including hospitals, schools, UN facilities, residential and commercial buildings.



This could, in some circumstances, risk collapse of those buildings if tunnels were struck. Such an event occurred on 16 May when an air strike was launched against a section of tunnel running beneath a road. This caused apartment blocks to collapse into the tunnel , with approximately 45 deaths.



If this figure is correct it represents the greatest single loss of life among civilians during the conflict. However, the IDF took many steps to prevent harming civilians and causing physical collateral damage

when targeting these tunnels. Indeed, despite the IDF striking over 100 kilometres of underground infrastructure, the event on 16 May is the only one known to have led to such a collapse.



The extensive network of tunnels dug by Hamas in Gaza is known as the Metro, given the extension, connectivity and ample use as a transit for operatives, weapons storage, command centers, and a way to enter into Israel



HAMAS PREVENTION OF ESSENTIAL SERVICES

42. At the beginning of the conflict Hamas closed the desalination plant at Beit Lehiya that supplies water to 250,000 citizens of Gaza. Reports stated that this was done in order to preserve power to launch rockets, and to support activities in their tunnel systems. If this is accurate, it further evidences Hamas's willingness to deprive their own civilian population of essential services in order to attack Israeli civilians. Hamas accused Israel of closing the Beit Lehiya plant.

43. Reports also stated that Hamas shut down sewerage facilities, again to preserve power for warlike purposes. All sewage was pumped into the sea resulting in severe contamination of Gaza coastal waters and beaches.

44. Israel provides electricity into Gaza through 12 power lines running into Gaza. Israel continued to supply Gaza with power throughout the conflict. Hamas projectiles damaged six of the 12 power cables, reportedly cutting off 230,000 Gaza citizens off from electricity. In some cases, Israel could not easily repair these cables due to the dangers of attack from Hamas. However within one week of the conflict ending Israel had restored all of the damaged cables to normal operation.

45. Due to the risk of attack, the crossing points from Israel to Gaza were closed at the beginning of the hostilities. While they were closed, mortar attacks caused physical harm to the crossings. On 18 May, at UN request, Israel opened the Erez and Kerem Shalom crossings into Gaza for delivery of humanitarian aid. The IDF Coordinator for Government Activities in the Territories (COGAT) facilitated this despite the risks of Hamas attacks against the crossing point. As aid was preparing to move through, with IDF security in place, Hamas launched projectiles at the Erez crossing. Two civilian aid workers were killed and six others wounded including Israeli soldiers. No aid was delivered, the checkpoints were closed and the IDF withdrew its security forces from the immediate areas. Hamas announced that it was attacking the checkpoint on its website. Immediately following the ceasefire, the crossings were reopened and Israel recommenced facilitating the provision of services and goods into Gaza.

IDF ACTIONS AND CONDUCT OF OPERATIONS

Momentum doctrine

46. The cornerstone of the IDF's 2020 Momentum operational doctrine in confronting what it calls "rocket-based terror armies" is: the maximum number of enemy capabilities destroyed in the shortest period of time and with the smallest possible number of civilian casualties. The long-term objective is not just to restore deterrence over an enemy and achieve long periods of calm, but also to inflict decisive defeat. Speed is important not just to generate shock and momentum against the enemy, but also because every day Israel sustains missile fire and has reserve forces mobilised increases damage to the home front, Israeli civilians and the economy.

47. It is recognised by the IDF that Momentum's requirement for decisive victory cannot be achieved against Hamas from the air only but also requires ground forces. During this campaign the air element of this doctrine was implemented rapidly and effectively. However the political decision was taken not to deploy the ground forces necessary to secure a complete victory over Hamas. Instead the government set the objective of "restoring quiet and security to Israel and maintaining deterrence for the long term".

Israeli restraint

48. Prior to this conflict Israeli intelligence monitored Hamas weapons manufacture but refrained from destroying facilities and halting production in order to avoid an escalation that would lead to war with Hamas. Israel was also aware that Hamas imported dual use materials into Gaza that were used for weapons manufacture and tunnel construction —eg water pipes, fertiliser and concrete — but allowed their import for humanitarian purposes inside Gaza, despite the military use Hamas had for them.



Rockets apprehended by Israel

49. Until launching OGW, although a more forceful reaction would have been justifiable, Israel's response to sporadic missile fire from Gaza in recent months was limited in order to avoid escalation, preferring to seek quiet through international diplomacy. IDF operations were generally aimed to strike military targets but avoid killing Hamas fighters. This was, for example, the response to rocket firing from Gaza between 23 and 25 April.

Conduct of the campaign

50. Detailed planning for this campaign by the IDF called for a series of intensive attacks against Hamas capabilities from day one of the operation. The IDF prevented every planned or attempted attack by Hamas with the exception of a small percentage of rockets which Hamas successfully fired into Israeli civilian areas, and some anti-tank fire. The IDF anticipated Hamas's planned final rocket salvo immediately before the ceasefire came into force and took action coordinated with Egypt that successfully deterred it.

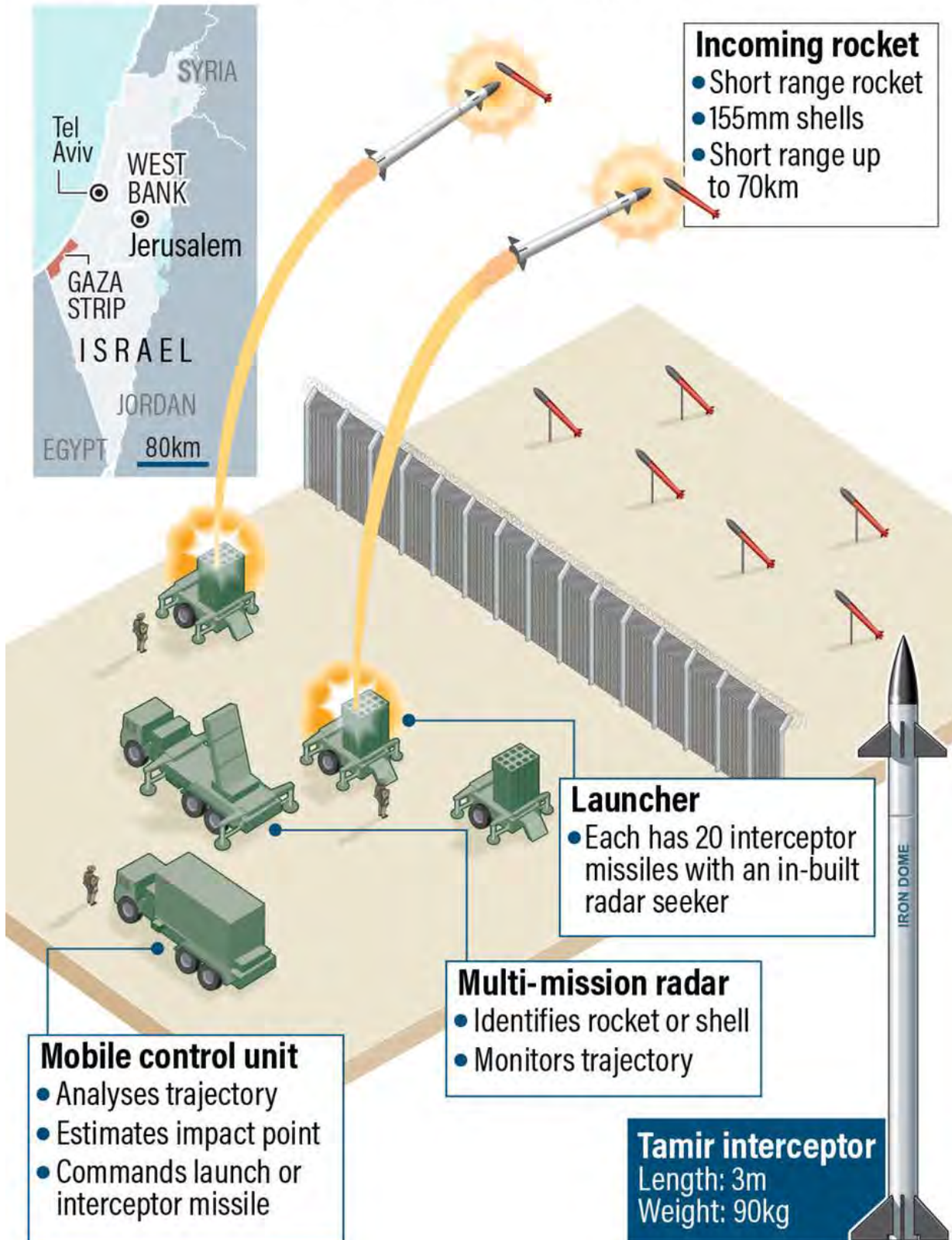


Barrage of missiles launched from Gaza

51. Israel depended upon a combination of sophisticated defensive and offensive measures enabled by comprehensive intelligence and surveillance coverage. The key defensive element was the Iron Dome anti-missile system combined with bomb shelters, early warning alarm systems and well-rehearsed drills. The offensive element was predominantly air delivered precision weapons, mainly JDAMs and GBU-39 Small Diameter Bombs. These systems enabled the IDF to conduct a defensive campaign unprecedented in both its precisely targeted destructive effect and preservation of civilian lives and infrastructure on both sides.

ISRAEL'S IRON DOME DEFENCE SYSTEM

Mobile system to intercept rockets with range of 4-70km

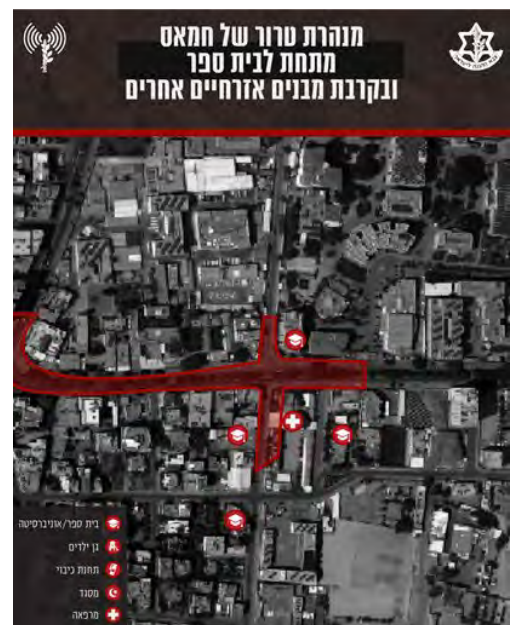


52. It should be noted that without Iron Dome, which reportedly achieved a 90% success rate in intercepting missiles fired at Israel, the IDF's response to mass rocket attacks against its civilian population would have had to be significantly more aggressive, including a probable ground offensive, leading to far greater loss of lives on both sides. Because of the actions of the IDF, relative to the quantity of munitions fired by both sides there was a very low casualty rate during this conflict.



Night interception of rockets launched from Gaza against Askelom

53. During the campaign the IDF struck more than 1,500 targets. Over 114 Hamas fighters and commanders were neutralized. Strikes were also conducted, among other targets, against weapons systems, weapons manufacturing facilities, research and development facilities, cyber capabilities, some of which were in high rise buildings, occasionally over four floors. The IDF also destroyed over 60 miles (100 kilometres) of Hamas tunnels, which is estimated as being the greater part of the underground tunnel network. On the first day of OGW Israel killed Hamas fighters in tunnels on the way to the border fence. They were killed underground as they approached the fence. Over 25 fighters were eliminated on the first and second day.



Targeting

54. During the conflict the IDF targeted only known military objects and operatives inside Gaza. Some strikes led to unexpected secondary effects, for example where Hamas had explosives stored in adjacent buildings that detonated as a result of a strike, or on one occasion, as previously mentioned, where a strike against a tunnel beneath a road led to the collapse of adjacent residential buildings.

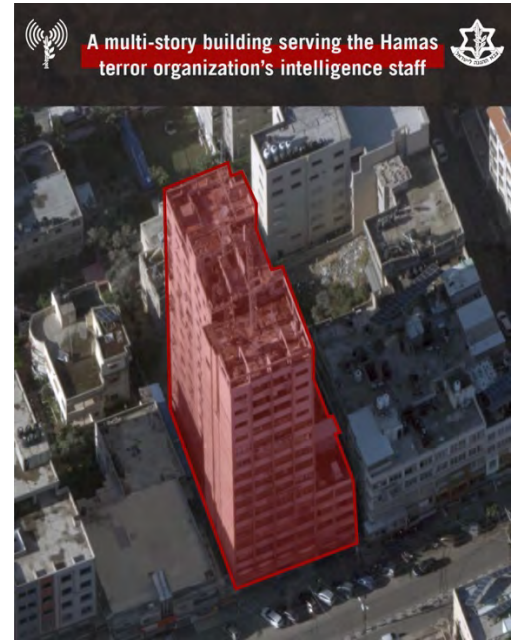


Drone images of precision strikes by the IDF in high value targets inside Gaza



Batteries of Iron Dome interceptors deployed in Southern Israel

55. When planning targets, the IDF applied the principles of LOAC. IDF intelligence confirmed every target prior to an attack. Moreover, as a rule, where possible, targets were pre-approved by IDF legal officers. In some cases, where the target was particularly sensitive, authorisation by the IDF Chief of General Staff (CGS), Lieutenant General Aviv Kohavi, was required. The CGS approved dozens of targets during this conflict. On some occasions, even after authorised strikes were launched, they were aborted when circumstances changed; for example, when unexpected civilians were identified entering or remaining in a target area.



56. Before strikes on buildings containing civilians, when operationally feasible, inhabitants in the building were telephoned and warned to leave by Arabic speakers, on the basis of pre-existing intelligence regarding those in the building. Civilians were then given a sufficient amount of time to evacuate the building before the IDF struck, in some cases a few hours. If initial warnings were not heeded, in some cases light munitions were dropped on top of target buildings in a procedure known as “knock on the roof”. These made a loud noise and warned occupants of imminent attack. This technique was used frequently during the campaign.



Underground Fajr 5 rocket launching site owned by Hamas in Zeitoun.

Photo: IDF Spokesperson

Infrastructure Diplomatic Site Religious Site Humanitarian Target

57. Where possible, the IDF utilised real time visual surveillance, in order to monitor the evacuation of civilians before giving the orders to execute an attack. There exist numerous pictures of Gaza civilians photographing buildings that were about to be hit. Their close proximity to the buildings indicates confidence — based on experience — in IDF precision attack. In previous conflicts where IDF ground forces were deployed, wide areas were cleared by radio broadcasts and leaflet drops. These measures were not necessary during this operation.

58. Certain types of situation rendered carrying out the above warning procedures unfeasible. For example, in strikes against specific terrorist commanders, key operatives or other militants. Hamas and PIJ commanders and key individuals almost invariably surround themselves with uninvolved civilians, very often their own family members, as human shields.

Any notice of the attacks would come at the expense of the IDF's operational goals — individuals might leave the area, or operatives might remove mobile equipment from the target.

59. In deciding to strike targets without advance warning, and where there was a likelihood of collateral damage, the IDF would make a calculation on necessity (ie confirming their neutralisation was necessary to achieve the IDF's military objective) and proportionality in terms of the estimated harm to civilians and civilian property from the attack, weighed against the military advantage anticipated. The IDF took what measures it could, such as in choice of means, to ensure minimal numbers of civilians would be affected from attacks.



Buildings used by Hamas leaders to hide or meet were high value targets for the IDF surgical attacks



Sometimes, Hamas leaders were using buildings also occupied by international press and media outlets in order to avoid being attacked



Two cases of damage inflicted by the IDF on the infrastructure used by Hamas leaders

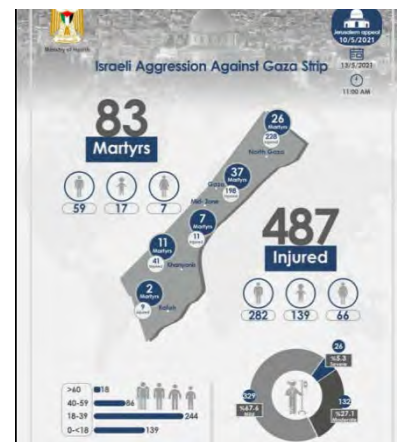


Two cases of damage inflicted by the IDF on the infrastructure used by Hamas leaders

CYBER OPERATIONS

60. Hamas had been developing cyber capabilities for several years before this conflict. With its high level of reliance on sophisticated military and civilian technology, cyber is seen as a critical vulnerability for Israel. Hamas is comparatively less vulnerable to cyber operations against it, given the low level of technical sophistication of its infrastructure and decentralised operational concept.

61. The first Hamas cyber attack was launched against Israel in early 2019. It was not successful, and the site containing the infrastructure that enabled the attack was later targeted in an IDF air strike. It is assessed that this strike damaged Hamas's capability to such an extent it took one year to rebuild.



62. During OGW Hamas's priority for cyber operations was disrupting Iron Dome. The IDF continued to prevent capabilities for cyber attacks being developed or used. They conducted at least six strikes against Hamas cyber facilities and operatives during the conflict. One such strike was carried out against the Al Jalaa tower in Gaza, which housed significant cyber capabilities.

63. The IDF conducted an air strike against three Hamas operatives who were in the process of mounting a cyber attack. In addition they eliminated Jumaa Tahla, head of the Hamas cyber programme, who answered directly to Mohammed Deif, Hamas military commander. Collectively these operations are assessed by the IDF as having inflicted serious damage on Hamas's cyber capability, putting it temporarily out of action. The IDF also conducted offensive cyber activity against Hamas although further information on this is not available for security reasons.

CASUALTIES

Gaza

64. The Meir Amit Intelligence and Terrorism Information Center (ITIC), an independent Israeli institution which cooperates with government intelligence services to provide accurate assessments on terrorist activities, has analysed reported casualties during the Gaza conflict.¹

65. According to ITIC assessments, based on analysis of names of the 234 Palestinians killed as a result of IDF action, at least 114 (48.3%) belonged to terrorist organizations, most to the military-terrorist wings of Hamas and the PIJ. Sixty-five belonged to Hamas, 20 to PIJ, 25 to Fatah (fighting in a personal capacity), two to the Popular Front for the Liberation of Palestine (PFLP), one to the Mujahedeen Brigades and one to the Popular Resistance Committees.

66. Eleven of the men between the ages of 17 and 40 that were killed in IDF attacks on terrorist targets are assessed as possibly belonging to terrorist groups but ITIC currently has no information linking them to these organisations (one of them was a driver for a terrorist squad). At least five who were operatives of Hamas's military-terrorist wing were also operatives in Hamas security forces (police, naval police or internal security forces). It has often been found that operatives of Hamas's military-terrorist wing were also operatives in its security forces.

67. According to ITIC, of the Gazans killed by IDF attacks who had no terrorist organization affiliation, 52 were children, 38 were women and five were 70 years old or older. Many of the Gazans who were killed as a result of IDF attacks and are not identified as affiliated with terror organizations were killed because they were in proximity to terrorist operatives or targets during an attack, the result of Hamas situating its terrorist installations near or under civilian structures. One prominent example on 16 May, mentioned previously, was the collapse of buildings under which Hamas had built one of its tunnels. The Gaza Health Ministry says 48 died in that incident. According to ITIC, one death was reported when an IDF tank opened fire to chase non-combatant Palestinians away from the border.

68. ITIC information suggests at least 21 people were killed when Palestinian rockets misfired and fell inside the Gaza Strip: ten men, two women and nine children, among

¹ This is ITIC's explanation of their methodology. Lacking organized lists of names, the ITIC's researchers based their results on a variety of Palestinian sources. They included data from the ministry of health in Gaza, reports issued by human rights organizations including the al-Mezan Center for Human Rights (www.megan.org), the Palestinian Center for Human Rights (www.pchrgaza.org) and Defense for Children International – Palestine. Information was also gathered from the Wafa news agency, the websites of the Palestinian organizations' military-terrorist wings, the Arab media and the social networks.

them one Hamas operative, one PIJ operative and one Fatah member. If ITIC is correct, during this conflict, Hamas killed more Palestinians than they did Israelis with missiles fired from Gaza.



Burial ceremony for Hamas activists killed in action. Hamas tried to hide several cases of youngster that were affiliated to the organization

69. ITIC’s report also provides the Palestinian versions of the overall number of Gazans killed during the hostilities.

Israel

70. Twelve civilians were killed in Israel by missiles fired from Gaza, including a 5-year-old boy and a 16-year-old girl. Two Thais and one Indian were among the dead. Some 357 people in Israel were wounded. In addition, one IDF soldier was killed by an anti-tank missile fired from Gaza.



Damage to civilian properties in Israel by rockets launched from Gaza



More damage to civilian properties in Israel by rockets launched from Gaza

Comparison with other conflicts

71. Comparing Israel's conflict with Gaza is not without difficulties. Most conflicts involving Western militaries today are taking place far from the homefront, and the civilian population is not under direct threat or attack. This means militaries often have less urgency in attacking, and can take the time to seek additional intelligence, increase target filtering and selection, and use additional measures to promote evacuation. For Israel, however, geographic proximity to their citizens means that the Israeli population can be under constant attack as they were during the May 2021 conflict. In such a context, if targets are not attacked quickly, this can translate into direct harm to Israeli civilians. For example, as long as a rocket launcher remains intact, it can be used for attack against Israel and thus there is urgency in striking the launcher when feasible.

72. Furthermore, Hamas controls its territory and population, meaning it can exploit financial, personnel and infrastructure resources towards its military activities. Hamas is also actively supported by Iran, which provides it with advanced military knowhow and capabilities. Additionally, because Hamas has been waging conflict against Israel for decades, it has the advantage of learning and implementing lessons acquired between hostilities (such as the technique of firing intensive barrages to overcome Iron Dome).

73. Thus, there are constraints and necessities arising from Israel's unique circumstances that means it is difficult to compare the conflict with that of other contemporary armed conflicts.

74. There are few coherent estimates of the ratio between combatants and non-combatants killed in urban combat worldwide. However one study by the campaign group Action on Armed Violence (AOAV), published in May 2021, suggests that, during the previous decade "when explosive weapons were used in populated areas, 91% of

those killed and injured were civilians”.² HLMG does not endorse this report, which is problematic in several areas, including a failure to objectively assess media reporting on casualties and to take account of independent assessments. This has led to a gross over-estimation of the ratio of civilian casualties inflicted by the IDF in Gaza over the 10-year period. We mention this report only for indicative purposes.

75. During the May 2021 Gaza conflict, using ITIC figures, up to 51.7% of deaths inflicted as a result of IDF action were civilians and at least 48.3% were combatants. Of deaths inflicted by Gaza terrorists, 92.3% were civilians and 7.7% were combatants. Such a ratio indicates the substantial efforts undertaken by the IDF, well beyond the requirements of international law, to protect civilians.

² <https://aoav.org.uk/wp-content/uploads/2021/05/A-Decade-of-Explosive-Violence-Harm.pdf>

IDF FACT-FINDING AND ASSESSMENT MECHANISM

76. As detailed in previous HLMG reports as well as official publications by the Israeli government, the IDF maintains a robust and effective mechanism for examining and investigating allegations of misconduct. The IDF has also consistently taken steps to strengthen this system, including in response to a public inquiry led by a retired Supreme Court justice and with international legal experts as observers.

77. In 2014 the IDF established one such system, a Fact-Finding and Assessment Mechanism (FFAM) for the General Staff. The purpose of this structure is to examine certain exceptional operational incidents and to provide the findings to the Military Advocate General, who then makes a decision as to whether a full criminal investigation is warranted. The FFAM has been significantly updated since its beginnings in 2014 and the latest structures and processes were used for the first time in relation to the events at the border with Gaza in 2018-19, and are now being used again, with further revision, for the May 2021 conflict.

78. FFAM teams include serving and retired officers with representation from the full spectrum of military specializations. FFAM has access to all military information relevant to their investigations as well as direct access to all IDF operations centers, computer systems and databases, including at the highest levels of security classification. All IDF personnel involved in incidents under investigation are required to respond to FFAM questioning and provide all operational logs, orders, records etc. Special procedures are therefore in place to avoid infringing their rights in respect of a potential criminal investigation and to avoid compromise of potential prosecution.

79. This mechanism plays a significant role both in terms of improving IDF operational procedures, training, planning and execution and in identifying and investigating breaches of LOAC , domestic law and military regulations.

IDF LEGAL PROCESSES

80. We conducted an extensive examination of the military and judicial structures and processes of the State of Israel in our assessment of the 2014 Gaza conflict.³ Our representative was briefed by IDF MAG Corps officers on the legal procedures applying to the May 2021 conflict and we consider that our findings from 2014 apply equally to this conflict.

81. On the basis of in-depth briefings in 2014, later visits and explanations after the 2021 conflict, we can be categorically clear that Israel's conduct in the 2014 Gaza Conflict met and in some respects exceeded the highest standards we set for our own nations' militaries. It is our view that Israel fought an exemplary campaign, adequately conceived with necessary operational objectives, and displaying both a very high level of operational capability as well as a total commitment to the LOAC. It did this under challenging circumstances on a formidably complex urban battlefield.

82. This is not to say that the IDF made no mistakes, which are inevitable in the context of urban warfare, especially against an enemy such as Hamas, that purposely hides behind a civilian population. Nor does it mean that there are no individual instances of potentially unlawful conduct by individual personnel. Such mistakes or violations would have occurred in direct contravention of the deep-seated ethos of respect for LOAC throughout the IDF that we observed, as well as of the extensive practical integration into training, planning and operations of measures to ensure lawful conduct.

83. Where the high standards of conduct that the IDF sets for its personnel have not been met, incidents are investigated, including by way of criminal investigations, through an independent mechanism under the oversight of the democratic institutions of the State of Israel. This mechanism clearly meets the requirements of legal recourse, judicial independence and democratic oversight that our own nations set for ourselves. All such potential incidents brought to the attention of authorities have been or continue to be under examination, investigation, and where applicable criminal proceedings through the judicial mechanisms of the IDF and the State of Israel. It is further our view that in the overall conduct of its campaign, the IDF not only met its obligations under LOAC, but often exceeded them.

84. The IDF fought under restrictive Rules of Engagement and it is obvious that instances existed throughout the conflict where the IDF did not attack lawful military objectives on account of a deliberate policy of avoiding civilian casualties. The IDF also used a

³ <http://www.high-level-military-group.org/pdf/hlmg-assessment-2014-gaza-conflict.pdf>

number of highly innovative tactics over and above the necessities of the precautions required by LOAC. It further used its formidable intelligence capability in an effort to contain its action as closely as possible to Hamas's assets and to protect the civilian population amid which these were purposely and unlawfully embedded. Intelligence is not infallible however, nor is it possible to completely preclude civilian casualties through precautions enacted in compliance with LOAC.

85. Under LOAC, incidental or collateral damage when attacking a legitimate military target is accepted in line with the concept of proportionality, adherence to which cannot in any way be determined by considering the relative total casualty figures between belligerents in a conflict, which is misleadingly and yet frequently asserted to be the case in this conflict. Despite the regrettable loss of innocent life and the damage to infrastructure in Gaza our findings are clear in that the overall outcome of the campaign in Gaza is entirely consistent with the conduct of a professional armed forces operating within the parameters of LOAC when faced with a scenario such as Israel did in confronting Hamas.



Operation "Guardian of the Walls"

HAMAS AND LOAC

86. Hamas not only flagrantly disregarded LOAC as a matter of course as part of its terrorist-army hybrid strategic concept, but it abused the very protections afforded by the law for military advantage, putting the civilian population of Gaza at great risk. The entire military machinery of Hamas was embedded in civilian locations, private homes and a plethora of sensitive sites such as medical facilities, mosques and schools. In particular, as mentioned, since 2014 Hamas has developed an extensive network of underground infrastructure beneath civilian areas. Many of Hamas's military assets were moved to these underground locations, especially under civilian buildings which serve to deter strikes against these assets lest they harm civilians. Many of Hamas's actions clearly amount to serious violations of LOAC.

87. Hamas's strategy of embedding its warfighting apparatus among the dense civilian infrastructure of Gaza is not only unlawful but presents Israel with a complex and highly challenging battlefield. All military commanders know that urban warfare is one of the most difficult and dangerous forms of combat with a generally high rate of casualties among all involved. This is especially the case where an adversary operates on the model of a hybrid terrorist army, such as Hamas does. Not only does it use physical civilian infrastructure for military advantage, but it flagrantly disregards key principles of LOAC such as distinction, with Hamas fighters often indistinguishable from civilians and sheltering behind innocent non-combatants.

88. Hamas not only indiscriminately targeted Israeli civilians throughout the conflict with extensive rocket fire, but willfully sought to draw the IDF into a prepared stronghold amid Gaza's civilian population. It is important to note that Hamas actively sought the death of its own civilians as an advantageous reinforcement of its strategic concept aimed at the erosion of Israel's legitimacy.

89. These facts were made clear on 12 May, the day after the conflict began, by UN Special Coordinator for the Middle East Peace Process Tor Wennesland, who told the UN Security Council: "Hamas and other militants' indiscriminate launching of rockets and mortars from highly populated civilian neighbourhoods into civilian population centres in Israel violates international humanitarian law, is unacceptable, and has to stop immediately".

90. As with the IDF's application of LOAC we also extensively examined Hamas's own standards of behaviour in this regard for our 2014 assessment. In our examination of the 2021 conflict, we have seen no improvement on this issue.

DOMESTIC FRONT VIOLENCE

91. As the conflict in Gaza began, disorder initiated by Israeli Arabs commenced across large parts of Israel but mainly in the mixed Arab-Jewish towns. The worst violence occurred in Lod but also affected were Haifa, Ramle, Jaffa, Akko and elsewhere. Disorder included demonstrations, riots, arson, petrol bombing, shooting, stone-throwing, attacks against neighbours, confrontations against security forces and blocking roads. In some cases roads to IDF barracks were deliberately blocked to prevent troops from entering or leaving. There were also some cases of retaliation by Jews, including counter-rioting and assault on Arabs, including uninvolved bystanders. Deaths were incurred on both sides. Two Arabs and two Israelis died during the violence.



Palestinian rioters took violently the street of many quarters in Israel, in support of Hamas, creating significant order problems and damage

92. While there was something of an uptick in violence in the West Bank, it was not as serious as the situation inside Israel. The Israeli authorities assess that any response to Hamas propaganda and other calls for action in the West Bank were outweighed by concerns about the reactions of both PA and Israeli security forces.

93. This wave of violence took Israeli authorities by surprise. Such disorder had not been seen since the second intifada in 2000, two decades before, despite previous rioting and conflict in Jerusalem and four previous major conflicts in Gaza during the intervening period. Unlike with conflict in Gaza and the West Bank, which is always expected, and immediate reaction permanently ready, the internal disorder took Israeli security authorities some time to put in place effective measures to deal with it. This slow response led to a worsening situation and some of the more serious incidents.

94. During this period there were 60 to 70 cases of attacks classified as terrorism. These included shooting, lynching, stabbing and throwing petrol bombs. They were dealt with by the Israeli Security Agency (Shin Bet/Shabak). Lower level cases such as throwing stones, confronting police, physical assaults and blocking roads, were dealt with by the Israeli police. Regular and reserve Border Police units were also deployed during the period of disorder.



Buildings set on fire by Palestinian mob because it belonged to a Jew

95. A relatively small number of people who took part were involved with terrorism, around 1,000 young males aged between 15 and 30. Although the majority of the Arab population was not involved, neither did they come out against what was going on, including their leaders. The exception was Mansour Abbas, leader of the United Arab List party (Ra'am).

96. Of 150 arrested for involvement in the more serious attacks, 60% had prior criminal records. 15% had Islamist affiliation and 5% nationalistic affiliation. 80% had no ideological affiliation. The participants were connecting via social media, especially Facebook and TikTok and there was no apparent overall higher leadership or control of these events.

97. Hamas and other groups' propaganda over events in Jerusalem and Al Aqsa had some influence over those involved in the internal disorder but Israeli security authorities have concluded that the violence inside Israel was not specifically orchestrated by Hamas. It was also the case that Al Aqsa related propaganda, which triggered the second intifada, was the key motivator for the previous round of internal unrest in Israel two decades ago.

98. Large-scale disorder ended when the Gaza conflict terminated although tensions remained high in mixed population areas. Future recurrence of violence in East Jerusalem may trigger further disorder across the country but authorities do not expect it to be on the same scale. They believe that arrests and trials of those involved in recent events will have an influence over individuals considering further violence.

99. In East Jerusalem the situation also remained tense after the conflict ended. Demonstrations continued in Shaikh Jarrah and Silwan districts. If further trouble erupts in East Jerusalem, this may trigger a recurrence of the disorder across Israel.

100. Hamas's actions in Gaza and Jerusalem-related propaganda has created a new situation in East Jerusalem. The Arab population has become more aggressive and Hamas has gained increased support there following the Gaza conflict. Hamas's Gaza leader Yahya Sinwar has said that if anything happens in Al Aqsa there will be a response from Gaza. Israeli authorities expect the next escalation in Gaza may be triggered by events in East Jerusalem.

101. The internal unrest developed in the context of growing social and economic integration of Arabs into Israeli society, except in East Jerusalem. Many Arabs work within the health system, amounting to 30%+ of the workforce, and, although still only a small percentage, increasing numbers are students at Israeli universities. These changes have also involved greater political integration, which led to among other

developments to the unprecedented entry of Mansour Abbas's United Arab List into coalition government.

102. While the increased integration has generally been considered beneficial for both communities, it also creates greater opportunities for inter-sectarian strife, with more Arabs and Jews living closer together. It is characterised by increased competition and envy and a perception propagated by certain sections of the Arab populations of increasing "Judaisation" in some areas.

103. Crime and disintegration among Arab societies has been the greatest concern inside their communities in recent years, supplanting nationalism. For some years the Israeli government has been taking significant action to try to tackle this situation, allocating billions of dollars to both structural investment and law and order measures. This is now likely to be given increased impetus, but in a much more difficult and complex situation following these violent outbreaks. It is expected that relations between Arabs and Jews in many parts of Israel will take years to rebuild.



Palestinians rioters clashing with Israeli police, creating civil disorder and attacking israelies, mobilized in support of Hamas

INTERNATIONAL REACTIONS

UN and International Criminal Court

104. The UN High Commissioner for Human Rights, Michelle Bachelet, predictably said that Israeli forces may have committed war crimes by attacking densely populated areas from the air, causing a disproportionately high number of civilian casualties and extensive damage to civilian infrastructure. She also said that Hamas's rocket firing from civilian locations, positioning of military assets in civilian areas, and indiscriminately firing missiles into civilian areas violated International Humanitarian Law.

105. On 27 May, following a motion proposed by Pakistan on behalf of the Organization of Islamic Cooperation, the UN Human Rights Council resolved to appoint an independent international commission to gather evidence on alleged violations of international law in Israel and the "occupied territories", including east Jerusalem, from April 13, 2021.



Many demonstrations took place in the US and Europe in solidarity of Hamas

This includes the period approximately one month before hostilities in Gaza began. The investigation is to focus on establishing facts and gathering evidence that could be used in legal proceedings, and where possible identify perpetrators to ensure they are held accountable. It amounts to a permanent UN commission investigating Israel — the only such commission on any country in the world.

106. During the conflict, the then International Criminal Court (ICC) Chief Prosecutor Fatou Bensouda, said the ICC might include the 2021 Gaza conflict in its current investigation of alleged war crimes, which date back to the 2014 Gaza conflict.

US

107. Israel's most important ally, the US, maintained strong support throughout the conflict, with President Biden reaffirming his backing for Israel in their campaign to defend themselves against aggression from Gaza. During and after the conflict there were calls from some in the US, including members of Congress, and other countries, to block future sales of precision weapons to Israel.

Europe

108. European nations varied in their level of support, with Germany, Austria and Hungary particularly strong in publicly backing Israel. Other countries like Britain and France, while not condemning Israel, were weaker in their support, often seeking as usual to treat even-handedly a democracy defending its people from aggression and a proscribed terrorist group responsible for that aggression.

Turkey

109. Turkey strongly condemned Israel for both the violence in Jerusalem and its reaction to rocket fire from Gaza with no condemnation of Hamas aggression. Turkey continues to facilitate Hamas, some of whose leadership are based in the country.

Arab countries

110. Most Arab countries, while not publicly voicing their support for Israel, were not openly hostile. The Abraham Accords held strong without major concerns, with only apparently proforma statements from Bahrain and UAE regarding Israeli culpability for violence in Jerusalem; and Saudi Arabia criticising events at Shaikh Jarrah. Notably, following the conflict, the UAE permitted the planned opening of an Israeli embassy in Abu Dhabi and consulate in Dubai on 29-30 June, during the first official Israeli visit to the UAE.

Media and human rights groups

111. During the campaign much of the international media and human rights groups continued their long-standing conduct of condemning Israel's legitimate military action while paying lip service only to the criminal and terrorist activity of Hamas. Notably the New York Times on 28 May published an article with a front-page photo featuring children allegedly killed in the violence. All but three were deliberately attributed to Israeli military action, distorting the reality that virtually all the deaths were due to Hamas human shield tactics; one pictured child wasn't killed in the fighting at all; two were later revealed to be active Hamas terrorists; and eight were killed by Hamas missiles falling short into Gaza.

112. In the aftermath of the IDF's attack on the Al Jalaa building housing Hamas military technology, the PA and other media organizations including the Foreign Press Association and the Press Institute, condemned lawful military action. They did not condemn Hamas for locating warlike facilities in a building used by civilian press.

WHO WON?

113. Hamas achieved considerable success during this campaign. The narrative of defending Jerusalem and the Palestinian people that it generated across the Palestinian world, by striking repeatedly at Israel, has helped consolidate and grow its strength and influence. The narrative of Israeli oppression and killing of Palestinian civilians has also advanced their cause of isolating and condemning Israel. The latter has been aided by many politicians, international organizations, human rights groups and academics who have wrongly condemned Israel for its necessary defensive action.

114. The extensive protests across Western countries, often directed at Jewish communities, which instilled fear and uncertainty, have also exposed the effectiveness of a long standing international propaganda campaign against Israel. Hamas's tactics have shown yet again that it is not facts or truths but the anti-Israel narrative that has the upper hand.

115. Israel inflicted severe damage against Hamas leaders and their military capability, sufficient to terminate hostilities and prevent Hamas attempts to carry out significant terror attacks against Israeli civilians throughout the conflict. However leaders and operatives killed will be replaced and Hamas, with Iranian support, will attempt to resupply munitions and technical capabilities, including cyber, and to reconstruct tunnels.

116. It is difficult to assess, however, whether Israel's operations achieved any significant deterrent effect against Hamas. It is possible the reverse is the case given that Hamas again achieved its objectives of generating anti-Israel condemnation among much of the media, human rights groups and international bodies. This will encourage them to further aggression.

117. The UN Human Rights Council's instigation of a permanent inquiry and the ICC's potential inclusion of this conflict into its ongoing investigation against Israel are significant gains for Hamas. All of this has once more validated Hamas's violent strategy. Once Hamas has reconstituted its ranks and its weapons stocks, it is likely to be ready for the next round of fighting at a time of its choosing. However, it is important to note that, at time of publication, there have been no rockets launched from Gaza, and the IDF achieved its tactical goals of destroying capabilities, significantly damaging Hamas's research and development facilities, and destroying, to a large extent, Hamas's network of tunnels.

118. During this conflict Hamas also discovered a new front for its war against Israel: the uprising of some Israeli Arabs. This fits into its strategy of isolating Israel by forcing reaction to aggression that in turn attracts global condemnation. Hamas will now invest much greater effort into organising and inciting violence inside Israel that will require strong police action that can be characterised by anti-Israel propagandists as repression against the Arab population.



A bus burned and destroyed by Palestinian rioters

CONCLUSIONS

119. The situation in Jerusalem immediately before this conflict began was highly contentious with multiple detailed causes. Although it is apparent that violence in the city was initiated by Arabs, there has been criticism of the handling of response measures by the Israeli police. It was also the case that some of the violence relating to the planned Supreme Court decision on the Shaikh Jarrah property dispute was inflamed by the end of Ramadan and the beginning of Eid al Fitr, a period that often leads to violent outbreaks among Muslim populations. Perhaps it would have been wiser to have planned to defer the decision with that in mind. No such considerations, however, can excuse the launch of missiles aimed at a civilian population and no extraneous events in Jerusalem can be seen in any way as mitigating circumstances for such illegal military aggression.

120. Israel endeavoured to avoid escalation into conflict, including by seeking international diplomatic solutions to missile fire from Gaza that immediately preceded it. However Israel ultimately had no choice other than to defend its citizens from the sustained missile assault launched from Gaza, the attempts to penetrate Israeli territory using attack tunnels, efforts to target energy facilities with remote controlled vessels and attempts to launch cyber attacks and to disrupt Israel's missile defence systems. Responsibility for the outbreak of the May 2021 Gaza conflict lies firmly with Hamas and its Iranian sponsors who exploited violent outbreaks in Jerusalem to gain power over the entire Palestinian population and inflict severe damage on the State of Israel.

121. Israel fought a campaign of unprecedented military precision, with limited objectives, and displaying both a very high level of operational capability as well as a total commitment to LOAC. It did this under challenging circumstances against an enemy that deliberately shielded its own military capabilities using its civilian population. Where mistakes were made or instances of misconduct or violations of LOAC occurred we are confident that these have or will be investigated and if necessary tried under Israel's legal system.

122. Hamas not only flagrantly disregarded the Law of Armed Conflict as a matter of course as part of its intentional strategic concept, but also abused the very protections afforded by the law for military advantage, putting the civilian population of Gaza at great risk.

Hamas not only indiscriminately targeted Israeli civilians throughout the conflict with extensive missile fire, but willfully sought to draw the IDF to attack military targets amid Gaza's civilian population, including missile launch sites located close to schools and hospitals, and tunnels running beneath apartment blocks, schools and UN facilities. Yahya Sinwar, Hamas leader in Gaza, himself admitted in a speech in June that Hamas embeds its military headquarters in residential buildings.

123. Iran encouraged the conflict, armed Hamas and PIJ terrorists and helped to coordinate jihadist efforts within its influence in support of the assaults on Israel. Some elements of the international media, human rights groups and international organizations also encouraged the continuation of the conflict by wrongly criticising Israel and accusing it of war crimes and otherwise seeking to legitimise or excuse Hamas's terrorist activities.

124. Hamas propaganda in relation to Jerusalem played a key role in inciting internal unrest and violence inside Israel and the West Bank. It will exploit and encourage this unrest in future conflicts.

125. No country could accept the threat against its civilian population that these attacks present to Israeli population centres and their armed forces. Israel's efforts were entirely justified, appropriately conceived and lawfully carried out, and necessary in defence of its national security. In addition, Israeli action directly prevented a much higher rate of civilian casualties on both sides, primarily by effective anti-missile defences, comprehensive intelligence and carefully targeted precision attack against military targets in Gaza. Just over 50% of casualties resulting directly from IDF action in Gaza and over 90% of casualties resulting directly from Hamas action in Israel were civilians. All of these deaths are a tragedy, and all are ultimately attributable to Hamas who initiated this conflict. Hamas missiles fired from Gaza killed more Palestinians than they did Israelis.

126. It is important to note that many of the measures taken by the IDF to prevent harm to civilians during OGW may not be feasible in future hostilities between Israel and Gaza. Such measures are dependent on what is feasible, which include factors such as weapons inventory, intelligence availability, the risk to soldiers in the event of a ground operation, the exposure and level of risk to Israel's civilian population or the existence of a broader conflict on other fronts which require a division of resources.

127. This campaign also serves as yet another reminder of a similar imminent threat to Israel that exists in Lebanon, that was the subject of a previous HLMG report, Hizballah's Terror Army, written in 2017.⁴ That missile threat is greater by several orders of magnitude, with well over 100,000 Iranian-supplied Hizballah missiles pointed at Israel and located among civilian communities in Lebanon. Should a significant conflict begin with Israel involving Lebanon it will dwarf what was seen in Gaza in May 2021, with vastly greater IDF strikes against Hizballah missiles and other combat capabilities, and many more civilian and military casualties on both sides. Operating at the pace and scale needed to neutralise this threat, the IDF will not be able to achieve the levels of precision of the Gaza conflict. The probability of such a conflict has increased since 2017, with Lebanon descending into even greater chaos and the potential for conflict with Iran growing with its continued development of nuclear weapons and its heightened regional aggression that increasingly targets international interests.

128. Calls to block the sale of precision weapons to Israel by some factions in the US and other countries is irresponsible. The threat of missile and other forms of attack from Gaza and Lebanon, and potentially elsewhere, will remain and likely increase. Israel will have no choice but to respond as it did in May 2021 and previously, using air strikes. Depriving Israel of precision munitions would inevitably result in greater employment of non-precision munitions. The result reduced accuracy will cause a far greater number of civilian casualties.

⁴ <http://www.high-level-military-group.org/pdf/hlmg-hizballahs-terror-army.pdf>

RECOMMENDATIONS

Prevent Hamas re-arming

129. On the basis of their charter that demands the elimination of the Jewish state, their perceptions of strategic success during this campaign and their previous pattern of behaviour, Hamas will already have started preparing to rebuild their degraded capabilities so they can be ready to mount the next violent onslaught against Israel. No external pressure will deter them from doing so and there are no prospects of Hamas's removal from control over the Gaza Strip.

130. Therefore the key focus of the international community should be on assisting Israel in constraining the re-building of Hamas weapons stockpiles, tunnelling and other military activities. First, Egypt should be pressured to tighten control over their border with Gaza through which flows most of the munitions and material to manufacture arms. Second, the international community should fully and unreservedly support Israel and Egypt's blockade of the Gaza Strip on land and at sea — another conduit for arms supply to Hamas.

131. Third, international agreement should be reached on an oversight mechanism to control aid funding to ensure it is used for reconstruction and humanitarian purposes only and not for weapons. As far as possible no funding should be permitted to pass to Gaza that is not subject to this mechanism, including funding from Qatar that has hitherto passed directly into Hamas's hands. Sanctions should be imposed on bodies that circumvent these controls. In addition to helping prevent re-armament, this would also represent a punitive measure against Hamas as a consequence of their latest violence.

132. Fourth, stringent sanctions should be imposed on Iran directly in relation to their supply of munitions and materiel to Hamas and other terrorist entities in Gaza.

Stop validating Hamas terrorist strategy

133. The only reason Hamas's strategy of creating hostilities that cause a military response, leading to civilian casualties and condemnation of Israel works is because political leaders, international institutions, human rights groups, academics, campaign groups and media constantly validate it. When they criticise Israel for lawful military

defensive action, as many of them frequently do, they guarantee Hamas will continue to use this strategy. This amounts to incitement to violence.

134. The UN Human Rights Council should be deterred from their perennial anti-Israel activity, including the recently-announced permanent investigation against Israel, by defunding their activities. Similarly ICC member states should take action to dissuade the chief prosecutor from continuing with his investigation into Israel, which several members have already opposed.

135. State funding for human rights groups and academic entities should be withdrawn from those institutions and individuals that persistently act to validate Hamas's tactics.

Deny legitimacy and sanction Hamas

136. The UN designates groups such as Al Qaida, Taliban, Islamic State, Al Nusra under Security Council Resolution 1267, 1989 and 2253. The UN should add all elements of Hamas to its list of designated terrorist groups and should implement targeted travel and arms embargoes and financial/assets sanctions against them.

137. Countries and international organizations that do not designate, embargo and sanction all elements of Hamas should do so, including the UK, Australia, Norway, China, Egypt, Jordan, Saudi Arabia, Russia, Turkey and Brazil.

Legal initiatives and the use of EWIPA

138. Ongoing initiatives relating to the use of explosive weapons in populated areas (EWIPA) should focus on the root causes for fighting in urban areas. Specifically, terrorist groups such as Hamas which embed military assets in densely populated civilian areas and fire rockets or launch other attacks from these areas force law-abiding states into difficult situations, where the decision to protect their citizens comes at the cost of many civilian lives. As such, initiatives should seek to discourage this type of activity, and prevent terrorist groups from doing such.

139. When they do, these groups should be held accountable for violations of international law, rather than being able to exploit them. International bodies must recognize Hamas's violations of the law and prosecute them appropriately.

Governments should continue to supply Israel with precision weapons and other military technology

140. Governments that supply Israel with precision weaponry and other military technology should resist calls to block their sales and reject suggestions from activists that such systems lead to greater civilian suffering. The reverse is true; sophisticated weaponry supplied to Israel from overseas is a necessary element of their ability to protect their citizens from aggression and neutralise Hamas and other opponents' capabilities while minimising harm to innocent civilians and civilian property and infrastructure.

States should learn from IDF on best practices regarding the protection of civilians

141. The IDF's practices for protecting civilians are highly advanced, and we recommend our militaries take careful note of these practices, and where relevant implement them in their own fighting. Means such as "knock on the roof", intelligence gathering methods on the location of civilians, and correct use of warning calls can prevent harm to many civilians and should be taken advantage of.

Israel must explain the conflict, be transparent and put out info faster

142. Israel must invest in putting out as much information as possible regarding the conflict and its operational processes. There is much misunderstanding regarding the facts of OGW, and information from Israel could help significantly. It must do this transparently, and where possible declassify intelligence to help its cause.

143. However, it should also be accepted by the international community that Israel has no obligation to provide such information to external entities, and no legal conclusion can be made from Israel's failure to release intelligence information. Further, in many cases, doing so would directly and indirectly harm Israel's operational capabilities. Releasing information could disclose intelligence sources, rendering them useless and in some cases, putting lives in danger. Particularly in the Israeli context, where it is almost certain that the IDF will be engaged in hostilities with Gaza in the near future, retaining intelligence sources and capabilities takes precedence over the value in releasing such information.

144. Regarding specific exceptional incidents, the IDF must ensure it releases information that is unclassified as soon as possible, such as regarding the strike on the Al-Jalaa building which housed Hamas cyber capabilities as well as offices of Al Jazeera

and AP. The details of this strike weren't published until well after the end of OGW, allowing much speculation and unfounded criticism of the strike.

Israel should continue to develop tools to protect civilians, and ensure it examines exceptional incidents

145. While the IDF has an impressive array of tools it uses during operations to protect civilians, it should not settle for the status quo, and it should (as we are given to understand it is doing) continue developing additional tools to identify the presence of civilians, tools to effectively warn them prior to attacks, and tools to assess the evacuation of targets.

146. As it has in the past, Israel should continue examining exceptional incidents and any accusations or reports of crimes. Where such examinations give rise to suspicion of criminality, the IDF must continue to open criminal investigations, and take appropriate command, disciplinary or legal steps in accordance with the relevant circumstances.

Reduce threat from Hizballah

147. In our report on Lebanon the HLMG urged the international community to take a series of steps to help prevent the devastating conflagration that would ensue in the event of a Hizballah attack against Israel. First, to work to curtail Iran's aggressive intentions and actions. Second, proscribe Hizballah in its entirety, work to neutralise its over-weening political and military influence in Lebanon and enforce the demilitarisation requirements of UN Security Council Resolution 1701. Third, support Israeli efforts to de-escalate the tensions as well as making clear now that should Hizballah seek an escalation, Israel will react with the full support of its allies. Each of these measures is equally urgent today, perhaps more so given Iran's increased regional aggression and Lebanon's increased instability since our report was written in 2017.

HIGH LEVEL MILITARY GROUP

HLMG
HIGH LEVEL MILITARY GROUP

Colonel Vincent Alcazar (United States) served as a fighter pilot in Operations Desert Storm and Southern Watch as well as various other post 9/11 theatres. He subsequently served in strategic roles at the Pentagon, the U.S. Defense Intelligence Agency and at the U.S. embassy, Baghdad, Iraq.

Lieutenant General Michael D. Barbero (United States) has served as Director of the Joint Improvised Explosive Device Defeat Organization (JIEDDO) from March 2011 until May 2013. He previously served in Iraq as the Commander of Multi-National Security Transition Command, and the Commander of the NATO Training Mission. Barbero has been awarded with the Defense Distinguished Service Medal, among others honors.

General Vincenzo Camporini (Italy) is the former Chief of Defense Staff of Italy. He served as Deputy Chief of Defense General Staff and President of the Italian Centre for High Defense Studies before being appointed Chief of Staff of the Italian Air Force and subsequently Chief of Defense General Staff.

General Lord Richard Dannat (United Kingdom) is the former Chief of the General Staff of the British Army. Dannat has previously served as the Military Assistant to the Minister of State for the Armed Forces and Assistant Chief of the General Staff. He has been honored with the Military Cross, the Queen's Commendation for Valuable Service and was appointed as Commander of the Order of the British Empire. Dannat is member of the House of Lords of the British Parliament.

Lieutenant General Kamal Davar (India) served as the first Director General of the Defense Intelligence Agency of India. A former Director-General, Mechanized Forces at Army Headquarters in 2001 he has held a large number of high ranking command posts in the Indian army and served on the Indian Military Training Team in Iraq.

Lieutenant General David A. Deptula (United States) was the principal attack planner for the Desert Storm coalition air campaign in 1991, served as Director of the Combined Air Operations Center in Afghanistan and served as the first Deputy Chief of Staff for Intelligence, Surveillance and Reconnaissance (ISR), Headquarters Air Force.

Colonel Richard Kemp (United Kingdom) was Commander of British Forces in Afghanistan as well as serving 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.

Brigadier General Alain Lamballe (France) served in the General Secretariat for National as head of the Southeast Asia and Europe sections as well as heading the Central Liaison Mission for Assistance to Foreign Forces. He is the former Director of the Department of Security Cooperation of the OSCE Mission in Bosnia and Herzegovina.

General Thomas James Lawson (Canada) is a retired Royal Canadian Air Force general. Lawson was Chief of the Defence Staff of the Canadian Armed Forces from October 2012 to July 2015. He previously served as Deputy Commander of the North American Aerospace Defence Command.

Major General Andrew James Molan (Australia) served as the Chief of Operations for the Headquarters Multinational Force in Iraq. He is a former Commander of the Australian Defense College and has served as Adviser to the Vice Chief of the Australian Defense Force on Joint Warfighting Lessons and Concepts. **General Klaus Dieter Naumann** (Germany) is the former Chief of Staff of the Bundeswehr, the German armed forces and served as Chairman of the NATO Military Committee from 1996 to 1999.

Ambassador Pierre-Richard Prosper (United States) is the former the U.S. Ambassador-at-large in charge of the Secretary of State's Office of War Crimes Issues. A former Presidential envoy and adviser to the National Security Council he was previously a war crimes prosecutor for the United Nations International Criminal Tribunal for Rwanda.

Colonel Eduardo Ramirez (Colombia) is an elected member of the Congress of Colombia who served with the Colombian National Police from 1987 until 2013. He was formerly the Chief of Security Staff for President Uribe of Colombia as well as Chief of Section at the Judicial and Criminal Directory of the National Police.

Admiral José María Terán (Spain) serves in the Office of Strategic Assessment of the Minister of Defense of Spain. A former Chief of the Joint Staff and Chief of the Strategic Analysis Group, he has also served as Director for Reorganization of the Spanish Intelligence Service.

Rafael L. Bardají is the Executive Director Friends of Israel Initiative and National Security Advisor to Former President, José María Aznar. He formerly served in the Government of Spain as the National Security Adviser and in leadership positions in the Ministry of Defense.

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



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