



**Operation 'Pillar of Defense'**

**14 – 21 November 2012**

**Military Advocate General's Corps**

Hamas and other terrorist organizations operating out of the Gaza Strip have ascribed to an ongoing strategy of executing attacks against the Israeli civilian population and security forces, causing widespread terror, death, injury and physical damage. In the months leading up to November 2012, these attacks increased considerably in number and intensity.

On November 14, 2012, the Israel Defense Forces (the 'IDF') commenced Operation 'Pillar of Defense' against the terrorist infrastructure of Hamas and other terrorist organizations embedded in the Gaza Strip (the 'Operation'). The objective of the Operation was to defend the millions of Israeli civilians living within range of the indiscriminate and incessant rocket and mortar fire launched by these terrorist organizations into Israel. To achieve its objective, the IDF struck terrorist infrastructure and operatives so as to weaken their ability to carry out these launches, and to curtail the ongoing attacks against Israeli security forces along the border of the Gaza Strip.

The circumstances and nature of the Operation once again highlighted the modern challenges of asymmetric warfare –not with regards to the relative strength of the parties to the conflict, but rather to the parties' commitment to the Laws of Armed Conflict. In contending with terrorist organizations that not only deliberately violate the Law of Armed Conflict but also exploit Israel's adherence to it, Israel faced multi-faceted operational challenges, as well as a myriad of complex legal issues. In the face of these difficulties, Israel made every possible effort to ensure minimal harm to the civilian population while at the same time retaining operational effectiveness. Indeed, in many instances, Israel's actions went beyond its obligations under international law.

The purpose of this publication is to provide a brief legal and factual background to the Operation, and in doing so, to describe some of the measures that Israel undertook in order to address these complex operational challenges and legal issues. It will begin by briefly describing the factual background that lead to the commencement of the Operation as well as a description of events during the Operation itself. Then, it will describe the ongoing involvement of the Military Advocate General's Corps, both with regards to the planning and execution stages of the Operation, as well as with regards to the system created to provide for a thorough and effective investigation of alleged violations of the law by IDF forces. Subsequently, it will discuss some of the measures that the IDF has implemented in following the advice provided to it so that it may fulfill its commitment to the Law of Armed Conflict, and in many cases, go beyond these requirements. By way of contrast, evidence will be presented describing some of the systematic and intentional violations of the Law of Armed Conflict committed by Hamas and the other terrorist organizations in the Gaza Strip.

**The Context of the Operation: The Ongoing Armed Conflict Waged Against Israel by Palestinian Terrorist Organizations**

Operation 'Pillar of Defense' took place in the wider context of the ongoing armed conflict being waged by Hamas and other Palestinian terrorist organizations (such as the 'Palestinian Islamic Jihad' and the 'Popular Resistance Committees') against Israel. These terrorist organizations instigated the armed conflict against Israel in September 2000 during a massive outbreak of armed terrorist violence and hostilities. Over the years, the scope and intensity of these attacks increased to include suicide bombings, ongoing armed attacks against civilians and IDF security forces, and incessant rocket and mortar fire towards Israel's southern communities.

Over the years, Israel attempted a variety of measures aimed at stopping the ongoing terrorist attacks and defending its citizens, including diplomatic action at the United Nations<sup>1</sup> and defensive measures so as to increase the protection of civilians in the southern communities.<sup>2</sup> Israel also unilaterally disengaged from the Gaza Strip in 2005, withdrawing all civilian and military presence and ceasing to exercise effective control over the area.<sup>3</sup> These attacks increased dramatically in scope and intensity after Hamas's rise to power and violent *coup d'état* over the Gaza Strip in 2007. After disengaging from Gaza, Israel's limited military operations into the Gaza Strip, including Operation "Cast Lead" in 2008-2009, were conducted in order to act against the ongoing attacks.<sup>4</sup>

Despite these measures, Hamas and the other terrorist organizations in the Gaza Strip increased their attacks on the Israeli civilian population and security forces. In 2012 alone, more than 1,650 rockets and mortars have been fired from Gaza into Israel, causing numerous civilian deaths and injuries, extensive property damage, negative effects on Israel's economy, and considerable emotional distress and psychological trauma to many Israeli civilians and in particular to Israeli civilians living under the continued threat of ongoing fire. Without Israel's active efforts in defending its population, including by financing and building countless reinforced structures and developing a missile defense system, the effects of these attacks would be significantly worse.

In addition to the rocket and mortar fire, numerous other attacks have been carried out from Gaza. In the week prior to the Operation, an anti-tank missile was fired into

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<sup>1</sup> Israel approached the Secretary General of the United Nations, the President of the Security Council and other UN agencies numerous times, documenting the escalation of rocket and mortar shell attacks launched from the Gaza Strip, and demanding action. See, for example, letters of October 3, 2000 (UN Doc. S/2000/937 – A/55/441), April 15, 2005 (U.N Doc. S/2005/250 – A/59/781) and December, 24, 2008 (U.N. Doc. S/2008/814).

<sup>2</sup> See the State of Israel, *The Operation in Gaza, 27 December 2008 – 18 January 2009, Factual and Legal Aspects*, July 2009, pages 16-17, available at [www.mfa.gov.il/NR/rdonlyres/E89E699D-A435-491B-B2D0-017675DAFEF7/0/GazaOperationwLinks.pdf](http://www.mfa.gov.il/NR/rdonlyres/E89E699D-A435-491B-B2D0-017675DAFEF7/0/GazaOperationwLinks.pdf).

<sup>3</sup> See *Jaber Al-Bassiouni v. The Prime Minister of Israel*, HCJ 9132/07 at para. 12 (30 January 2008), available at <<http://elyon1.court.gov.il/verdictsSearch/EnglishStaticVerdicts.html>>.

<sup>4</sup> *The Operation in Gaza, 27 December 2008 – 18 January 2009, Factual and Legal Aspects*, July 2009.

Israel at an IDF patrol jeep, and a large amount of explosives was detonated in a concealed tunnel in the Israel-Gaza fenceline area next to an IDF patrol vehicle.<sup>5</sup>

In response to these ongoing attacks, and solely to defend its civilian population and sovereignty, on November 14, 2012, Israel embarked on an operation to strike military targets and combatants of Hamas and the other terrorist organizations in Gaza.

During the eight days of the operation, the IDF carried out approximately 1,500 aerial strikes, significantly weakening the command structure of these terror organizations and their ability to fire long-range rockets into Israel by striking targets such as weapons storage caches, launching sites and smuggling capacities.<sup>6</sup>

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<sup>5</sup> See IDF Blog, 'Israel Defense Forces: November 2012', December 3, 2012, available at <http://www.idfblog.com/2012/12/03/israel-defense-forces-november-2012/>.

<sup>6</sup> See IDF Blog, 'Operation Pillar of Defense: Summary of Events', November, 22, 2012, available at < <http://www.idfblog.com/2012/11/22/operation-pillar-of-defense-summary-of-events/>>.

## **The Military Advocate General's Corps Involvement in Operation 'Pillar of Defense'**

The IDF is obligated to act in accordance with the relevant international law governing the conduct of hostilities, and it is one of the roles of the Military Advocate General's Corps (the 'MAG Corps') to ensure that such law is integrated into IDF activity. As with all military operations undertaken by the IDF, the MAG Corps has been involved in all stages of the Operation – including educating soldiers and commanders regarding the Law of Armed Conflict, providing legal input in the planning stages of the Operation, providing legal advice during the Operation itself, and ensuring that a thorough and effective investigative system is available in the event of alleged violations of the Law of Armed Conflict by IDF forces.

### *Legal Education*

The IDF ensures that soldiers and officers receive an education in various aspects of international law. The IDF School of Military Law provides regular lectures in a range of courses – from Officer's Training School, attended by every officer in the IDF, to a more extensive training in the Command and Staff course, attended by every officer receiving the rank of Lieutenant Colonel, as well as senior officers attending the National Security College. These lectures and courses are designed to provide IDF commanders with the requisite tools so that when operating in the battlefield, they have the capacity to make effective decisions in accordance with the Law of Armed Conflict.

### *Legal Input Prior to the Operation*

As with all military operations, prior to the Operation legal officers provided legal advice to the IDF on a range of issues including with regards to the formulation of Rules of Engagement and legal assessment of potential targets. Similarly, weapons and their professional instructions for use undergo a legal review before being approved for usage in the IDF.

### *During the Operation*

As the Operation commenced, the MAG Corps activated a specially designed mechanism so as to ensure that legal officers were constantly present and available to commanders on the Division level up to the Chief of General Staff to provide ongoing operational legal advice. The legal advisors that accompanied these commanders provided legal advice on a wide range of issues – including target classification, the use of weaponry, the provision of advance warnings to civilian populations and matters pertaining to detainees on the battlefield.

### *The System for Investigating Alleged Violations of the Law*

In continuation of its commitment to the rule of law, and to the Law of Armed Conflict in particular, Israel is committed to fully investigating alleged violations of its legal obligations, and to taking appropriate and effective action, including penalizing IDF commanders or soldiers found to have committed offences. To this

end, the MAG Corps has ensured that a thorough and effective mechanism is available for investigating alleged violations of the Law of Armed Conflict by its forces.<sup>7</sup> This system is constructed of multiple layers of review, all of which contribute to ensure impartiality and independence.

The first layer of this system lies with the IDF, and is comprised of three main components: the MAG Corps, the Military Police Criminal Investigation Division (the 'MPCID') and the Military Courts. It is important to note that the MAG Corps is separate and independent from the Military Courts, and is also separate and independent from the military chain of command. Thus, all officers in the MAG Corps are subject to the authority of the Military Advocate General alone in regards to professional matters, such that the independence of decision-making processes is ensured.

The MAG Corps may receive complaints of alleged violations of the Law of Armed Conflict from a variety of sources. This can include complaints from the alleged victims, reports by non-governmental organizations or the media, and complaints forwarded by the Israel Police or other agencies. Where the complaint raises an allegation of *per se* criminal behavior (such as pillage or the mistreatment of detainees), the Military Advocate General has the authority to order a criminal investigation to be conducted by the MPCID, which receives specialized training and resources in order to investigate alleged violations of the Law of Armed Conflict. Such training includes reconstructing battlefield situations, obtaining testimony from witnesses and alleged victims that are not in the State's territory, and the like.

In other cases, where the allegation does not necessarily suggest *per se* criminal behavior, the Military Advocate General may review any command investigations into the incident, in order to determine the necessity for a criminal investigation. In this regard, it is important to note that even while the Operation was still ongoing, the IDF initiated a number of initial command investigations into specific incidents. Once completed, the findings of these investigations may be reviewed by the Military Advocate General in accordance with this authority.

Following a criminal investigation, the entire evidentiary record will be reviewed by the Military Advocate General so as to make a decision whether to close the file, order disciplinary proceedings or file an indictment in the Military Courts, who sit separate and independent from the MAG Corps.

Following a decision whether or not to open an investigation or file an indictment, the decision may be subject to further review by Israel's Attorney General. In addition, Israel's Supreme Court may review the Military Advocate General's or the Attorney General's decision in its capacity as an appeals court, or through a petition to the court in its sitting as the High Court of Justice. Such review may be initiated by any interested party – including non-governmental organizations, Palestinians and other non-citizens, and has been availed of numerous times in the past.

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<sup>7</sup> As detailed in the IDF's submissions to the Public Commission to Examine the Maritime Incident of May 31, 2010, available at <http://www.turkel-committee.gov.il/content-152-b.html>. See also Israel Defense Forces, 'IDF Military Advocate General Implements New Investigation Policy in the West Bank', April 6, 2011, available at <http://www.idfblog.com/2011/04/06/idf-military-advocate-general-implements-new-investigation-policy-in-west-bank/>.

Israel has consistently shown its ability and commitment to pursue serious criminal charges to uphold the Law of Armed Conflict, a commitment which has been confirmed by outside observers and foreign legal systems.<sup>8</sup>

### **Conduct of the Parties during the Operation**

#### *The IDF's Conduct during the Operation and Measures Employed to Minimize Incidental Civilian Harm*

The integration of international law into IDF activities translates into action on the battlefield. Notwithstanding the significant operational and legal challenges posed by the *modus operandi* of Hamas and the other terrorist organizations in the Gaza Strip, the IDF remained committed to the letter and spirit of the Law of Armed Conflict, and took various measures to ensure minimized incidental civilian harm even beyond these legal obligations.

Importantly, when carrying out targeting decisions, the IDF ensures that it adheres to the fundamental principles of distinction and proportionality.

#### **Distinction**

Under the Law of Armed Conflict, the principle of distinction provides that attacks may only be directed against combatants and those civilians taking a direct part in hostilities,<sup>9</sup> as well as those objects defined as military objectives.<sup>10</sup> A 'military objective', as reflected in customary international law, is defined as 'those objects which by their nature, location, purpose or use make an effective contribution to the military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage'.<sup>11</sup>

Thus, sites that were once purely civilian buildings can be transformed into legitimate military objectives due to the tactics and strategy of the opposing force.<sup>12</sup> Such a principle becomes an unfortunate reality when considering the *modus operandi* of Hamas and the other terrorist organizations operating out of the Gaza Strip – to deliberately and illegally exploit sites which were once of a civilian nature for

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<sup>8</sup> See, for example, the decision of the Criminal Chamber of the National Court of Spain following a request to investigate alleged IDF war crimes during Operation "Cast Lead". Decision no. 1/2009, 17 July 2009 (plenary), of the Spanish National Criminal Court of Appeals, at 24, as cited in *The Operation in Gaza, 27 December 2008 – 18 January 2009, Factual and Legal Aspects*, July 2009, at 114.

<sup>9</sup> Direct participation in hostilities has been interpreted by Israel's High Court of Justice as involving all persons that perform the function of combatants, including "a civilian bearing arms (openly or concealed) who is on his way to the place where he will use them against the army, at such place, or on his way back from it", as well as "a person who collected intelligence on the army, whether on issues regarding the hostilities... or beyond those issues; a person who transports unlawful combatants to or from the place where the hostilities are taking place; a person who operates weapons which unlawful combatants use, or supervises their operation, or provides service to them, be the distance from the battlefield as it may." See *Public Committee Against Torture in Israel v. Government of Israel*, H CJ 769/02 at paras. 34-35, December 11, 2006.

<sup>10</sup> As provided by the definition of such terms in customary law, reflected in Articles 51(2) and 52(2) of the Additional Protocol I to the Geneva Conventions.

<sup>11</sup> This customary law principle is reflected in Article 52(2) of the Additional Protocol I to the Geneva Conventions.

<sup>12</sup> See, for example, Article 5(4)(a) of the ICRC Commentary on Additional Protocol I, and various Military Manuals of different countries on the issue (such as Australia's Defence Force Manual).

military purposes – thus rendering them legitimate military objectives. To this end, prior to, and during, the Operation, legal advisers from the MAG Corps provided legal input with regards to potential targets, which were assessed in accordance with this principle in order to determine if they met the requirements for rendering the intended target a military objective.

### Proportionality

In addition, the IDF ensures that it abides by the legal principle of proportionality, prohibiting attacks which may be expected to cause incidental loss of civilian life, injury to civilians or damage to civilian objects (or a combination thereof), which would be excessive in relation to the concrete military advantage anticipated.

In this regard, it is important to recall that international law confirms the need to assess proportionality from the standpoint of a reasonable military commander, possessed of such information as was available at the time of the targeting decision and considering the military advantage as a whole. Moreover, the balancing between the need to pursue legitimate military objectives and the duty to minimize incidental harm is not to be second-guessed in hindsight, but rather it is a forward-looking test based on expectations and information at the time the decision was made. Thus the words 'anticipated' and 'expected' in the phrasing of the principle itself.<sup>13</sup>

In addition to these two fundamental principles, the IDF abides by the requirement to take precautionary measures prior to an attack when feasible to minimize harm to civilians, including through the provision of advance notice of attacks in certain circumstances.<sup>14</sup> Throughout the Operation, the IDF employed a number of measures designed to meet these obligations and to further minimize the risk of incidental harm faced by the civilian population in the Gaza Strip.

### Precautions Regarding Targeting and Munitions

With regard to aerial strikes, once a target was determined a lawful military objective, the IDF took into consideration a number of factors when assessing the preferable method of attack. Such considerations included the type and weight of munitions, the time of attack (for example, day or night), and the direction of attack (in order to ensure minimal damage to adjacent structures). In some types of strikes, IDF commanders had the ability to abort already-launched strikes when unexpected civilians appeared in the vicinity of the target.<sup>15</sup> By way of illustration, a visual recording from November 17 depicts the manner in which the Israeli Air Force (the 'IAF') called off an airstrike after an unexpected civilian presence was identified as approaching the target.<sup>16</sup> Similarly, on November 18, the IAF identified rockets being

<sup>13</sup> Additional Protocol 1, Article 51(5)(b). See, for example, the ICRC Customary International Law Study, Practice, Chapter 4, paras 195-205, and the Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia, 14 June 2000, at 50-1.

<sup>14</sup> For a further detailed explanation of the IDF's commitment to these principles, see *The Operation in Gaza, 27 December 2008 – 18 January 2009, Factual and Legal Aspects*, July 2009, at pages 35-52.

<sup>15</sup> See Israel Defense Forces, 'IAF aborts airstrikes in an effort to protect civilians', November 19, 2012, available at < <http://www.idf.il/1283-17615-en/Dover.aspx>>.

<sup>16</sup> IDF YouTube Channel, 'Israel Air Force Calls Off Airstrike When Civilians Seen Near Target', November, 19, 2012, available at

< [http://www.youtube.com/watch?feature=player\\_embedded&v=UgHyT3FzTF8](http://www.youtube.com/watch?feature=player_embedded&v=UgHyT3FzTF8)>.



launched at Israel and were consequently authorized to strike the area. However, the strike was aborted in order to protect civilians located in that area. Lieutenant Omer said:

*We saw that innocent civilians were approaching the area of the underground launch site... We immediately contacted the forces and instructed them to abort the strike.*<sup>17</sup>

During the Operation, the IAF also made efforts to employ precision-guided munitions so as to minimize the danger to the civilian population and surrounding infrastructure—effectively going beyond the requirements provided by the Law of Armed Conflict.

#### Advance Warnings to Civilians

Wherever feasible, effective advance warning of intended strikes was provided to the civilian population with instructions on how to avoid being harmed by IDF strikes. During the Operation, two rounds of leaflet drops were carried out, providing general warnings in Arabic of intended IDF activity as well as specific safety instructions regarding areas safe from military activity and descriptions of routes safe for travel.<sup>18</sup>

In addition, beyond its obligations under international law, the IDF acted on a number of policy-based decisions in light of the unique circumstances of the Operation. In this regard, the IDF employed a unique and well-known precautionary procedure whereby civilians located in a military objective are warned of an impending attack via telephone-call, and in the continued event of failure to evacuate, low-explosive munitions are deployed towards a part of the site which is unattended (usually the external upper corner of the building).

#### Humanitarian efforts

In addition, prior to and throughout the Operation, Israel continued to provide the civilian population in Gaza with humanitarian aid and supplies, and facilitated the movement of Palestinians for medical treatment in Israeli hospitals.<sup>19</sup> These humanitarian efforts continued notwithstanding repeated fire on the crossings themselves by terrorist organizations in the Gaza Strip, and the refusal of Hamas to allow the exit of foreign journalists from Gaza through the crossings.<sup>20</sup> Further, notwithstanding that Israel no longer exercises effective control over the Gaza Strip, Israel continued to provide the Gaza Strip with additional services, including electricity.

<sup>17</sup> IDF YouTube Channel, 'How Israel Defense Forces Protect Gaza Civilians', November, 19, 2012, available at <<http://www.youtube.com/watch?v=glRHdFc2GtQ>>.

<sup>18</sup> See IDF Blog, 'Operation Pillar of Defense: IDF Disperses Leaflets Above Gaza Strip', November, 15, 2012, available at <<http://www.idfblog.com/2012/11/15/idf-disperses-leaflets-above-gaza-strip/>>.

<sup>19</sup> As of November 21, 2012, Israel had facilitated the passage of 62 Palestinian patients into Israel for medical attention, 126 truckloads of supplies into Gaza, a medical delegation of five doctors into Gaza, and the passage of 219 foreign nationals (including journalists and dignitaries). See Reports on website of the Coordination of Government Activities in the Territories, available at <http://www.cogat.idf.il/894-en/Cogat.aspx>.

<sup>20</sup> See Israel Ministry of Foreign Affairs, 'Hamas Detains Foreign Journalists in the Gaza Strip', November 17, 2012, available at [http://www.mfa.gov.il/MFA/About+the+Ministry/MFA+Spokesman/2012/Hamas\\_detains\\_foreign\\_journalists\\_Gaza\\_Strip\\_17-Nov-2012.htm](http://www.mfa.gov.il/MFA/About+the+Ministry/MFA+Spokesman/2012/Hamas_detains_foreign_journalists_Gaza_Strip_17-Nov-2012.htm).

For additional visual recordings and explanations of the IDF's mechanisms for minimizing the incidental harm caused to the civilian population, please see the IDF's website and YouTube channel.

### *Hamis and other Terrorist Organization's Continued Violations of International Law*

In stark contrast to the IDF's measures intended to minimize incidental harm to the civilian population in the Gaza Strip, Hamas and the other terrorist organizations in the Gaza Strip evidenced a continued and purposeful violation of the fundamental principles of the Law of Armed Conflict.

Importantly, the actions of these organizations create particular operational difficulties for the IDF commanders responsible for making targeting decisions in such a challenging environment. Following is a partial description of these practices so as to briefly demonstrate these operational difficulties – for additional information and visual recordings, please see the IDF's website and YouTube channel.

### Abuse of Civilian Sites as Cover for Military Operations

Clear and certain visual recordings document the manner in which these organizations used buildings located in the heart of civilian areas to store large amounts of weaponry,<sup>21</sup> including within residential homes,<sup>22</sup> and the devastating effect such actions can have on the surrounding civilian infrastructure due to secondary explosions from concealed weaponry.<sup>23</sup> Other visual recordings show these organizations concealing Iranian made and supplied Fajr-5 rockets, which have the capability to reach the Israeli city of Tel Aviv, Israel's largest concentration of a civilian population, with a range of 75km.<sup>24</sup> Promotional videos released by these organizations themselves clearly depict firing from within residential areas, evidencing their willingness to endanger their own local civilian population and a pride at deliberately targeting the Israeli civilian population.<sup>25</sup>

### Deliberate Rocket Attacks against Israeli Population Centers

Hamas and the other terrorist organizations in the Gaza Strip ascribe to a strategy of indiscriminate fire against civilians. In the week leading up to the Operation alone, over 191 rockets were fired from Gaza towards civilian population centers. During the Operation itself, this number increased to 1,535 (including a number of rockets that were fired after the cease-fire was announced) – many of which fell within the Gaza

<sup>21</sup> See IDF YouTube Channel, 'IDF Strike on Munitions Storage Site Within Residential Suburb in Southern Gaza', November 19, 2012, available at <http://www.youtube.com/watch?v=Kv7WzSL2mQc&sns=em>.

<sup>22</sup> See IDF YouTube Channel, 'IDF Strikes House of Commander of Central Gaza Hamas Training Bases', November 20, 2012, available at <http://www.youtube.com/watch?v=tLzS9LM3kx4&sns=em>.

<sup>23</sup> See IDF YouTube Channel, 'Targeting of Smuggling Tunnel with Secondary Explosions of Hidden Ammunitions', November 20, 2012, available at <http://www.youtube.com/watch?v=K1VVTbQhXh0&sns=em>.

<sup>24</sup> See IDF YouTube Channel, 'Hamas Hides Fajr-5 Rocket in Underground Launch Site in Gaza', November 14, 2012, available at <http://www.youtube.com/watch?v=hFp0Efv5lnI&sns=em>.

<sup>25</sup> See IDF YouTube Channel, 'Terrorists Firing Rockets from Civilian Areas in Gaza', November 15, 2012, available at [http://www.youtube.com/watch?v=5-o\\_oXzzwH4&sns=em](http://www.youtube.com/watch?v=5-o_oXzzwH4&sns=em), and IDF YouTube Channel, 'Palestinian Terrorist Groups Launch Rockets at Israel from Populated Areas', November 18, 2012, available at <http://www.youtube.com/watch?v=pmgrZxcYg7M&sns=em>.

Strip itself, harming local civilians in the area.<sup>26</sup> While the indiscriminate nature of these rockets meant that many fell in open territory, and the introduction of the Iron Dome rocket defense system succeeded in intercepting a large portion of those fired in the direction of urban areas, a large number directly struck Israeli cities and towns.

By way of illustration, during the Operation over sixty rockets were launched towards the Israeli city, Kiryat Malachi. Thirty-two were intercepted by the Iron Dome rocket defense system and five struck residential buildings, killing and injuring civilians. In particular, on November 15, a rocket launched from the Gaza Strip struck a residential apartment block in Kiryat Malachi, killing two men and a 25-year-old pregnant woman and injuring others, including a child and two infants.<sup>27</sup>

Further, on November 20, a 90 kilogram Iran made Fajr-5 rocket fired from Gaza hit the roof of a residential building in the central Israeli city of Rishon LeZion (the fourth-largest city in Israel, located 12 kilometers south of Tel Aviv), injuring four people and damaging the top three floors of the building.<sup>28</sup>

In total, over the eight days of the Operation, more than seventy Israeli civilians were injured and four killed as the result of rocket and mortar fire on Israeli cities and towns. In addition, sixteen soldiers were wounded and two killed. As mentioned above, these effects would have been significantly worse had not Israel taken considerable and active efforts to ensure that its population was adequately prepared and protected from such attacks.

In addition to the rocket and mortar fire, on the final day of the Operation while discussions were underway for a cease-fire, an explosive device was detonated on a public transport bus in Tel Aviv, injuring over twenty people – an incident received with celebratory gunfire in Gaza and the praise of Hamas.<sup>29</sup>

The systematic and deliberate violations of international law committed by Hamas and the other terror organizations in the Gaza Strip are of such an extent as to constitute war crimes. However, these terrorist organizations undertake such activities as a deliberate *modus operandi*, and past experience has shown that these organizations do not have any institutional system or willingness for investigating violations of the law.

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<sup>26</sup> The Meir Amit Terrorism and Information Center, 'Operation Pillar of Defense – Update No.8', November 22, 2012, available at

< [http://www.terrorism-info.org.il/Data/articles/Art\\_20433/E\\_239\\_12\\_1270310492.pdf](http://www.terrorism-info.org.il/Data/articles/Art_20433/E_239_12_1270310492.pdf) >.

<sup>27</sup> See IDF Blog, 'Why Is the Number of Israeli Casualties So Low?', November, 20, 2012, available at < <http://www.idfblog.com/2012/11/20/why-is-the-number-of-israeli-casualties-so-low/> >.

<sup>28</sup> Israel Defense Force, 'Operation Pillar of Defense: Days 3-8', November 21, 2012, available at < <http://www.idf.il/1283-17607-EN/Dover.aspx> >.

<sup>29</sup> See BBC, 'Israel-Gaza Crisis: Bomb Blast on Bus', November 21, 2012, available at <http://www.bbc.co.uk/news/world-middle-east-20425352>.