



## Hamas-Israel Conflict 2023: Frequently Asked Questions

*Updated to 6 December 2023*

*This paper addresses frequently asked questions regarding the current hostilities instigated by the brutal Hamas attacks of October 7, 2023.*

*On legal aspects of the conflict, see also the [Key Legal Aspects paper](#) published on November 2, 2023, entitled "Hamas-Israel Conflict 2023: Key Legal Aspects."*

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## **1. What are the objectives of Israel's military operation?**

*Israel is seeking to secure the release of the infants, children, women, and men being held as hostages in Gaza, and to deny Hamas and other armed groups in Gaza the capacity to continue attacking its citizens and territory as they have explicitly vowed to do.*

The incessant indiscriminate firing of rockets from Gaza into Israel, and the horrific massacre, widespread and sadistic torture, sexual violence and hostage-taking that was perpetrated on October 7, have resulted in over 1,200 murders, thousands more injured, and over 240 infants, children, women and men taken hostage. These actions – which Hamas openly vows to commit again – are something no country would tolerate, and every country would act against. Pursuant to its right and obligation to protect itself and its citizens, Israel's immediate goal is to take the legitimate measures necessary to rescue all the hostages and to ensure that Gaza will never again serve as a launch pad for terrorism.

In the longer term, Israel seeks to work with global and regional partners to create a reality in which the Palestinian population in the Gaza Strip has the power to govern itself but not the capacity to threaten Israel and its citizens. Israel does not seek to occupy Gaza or to permanently displace its civilian population, but to advance a future of peace and security for both Israelis and Palestinians alike.

Iran and its proxies, including the terrorist organizations Hamas and Hezbollah, seek to plunge the region into a future of endless hatred and violence. They want their cult of death to indoctrinate the minds of yet another generation. And they want to deny Israelis, Palestinians, and a host of Arab states the ability to advance a future of further integration, prosperity, and coexistence across the region. We cannot allow them to succeed.

## **2. What is the cause of Palestinian civilian casualties?**

*The brutal massacre of October 7 initiated armed hostilities in which Hamas has sought to use the Palestinians civilian population as its shield. While Israel is committed to minimizing civilian harm and to abiding by international law, the military strategy of armed groups in Gaza is grounded in contempt for the law and the perverse exploitation of civilians.*

*For Israel, every civilian casualty is a tragedy to be avoided wherever possible. For Hamas, civilians are to be used as a shield against IDF's attack, and their death as pawns in a propaganda campaign. Moral outrage for civilian casualties should be directed first and foremost at the armed groups who continue to deliberately endanger*



*Israeli and Palestinian lives, and who took over 240 hostages into Gaza, not at Israel that is seeking to minimize civilian casualties in the context of its legitimate military operations and in the face of Hamas's inhumanity and the brutal battlefield that Hamas has created.*

*Any adequate assessment of incidents of civilian casualties in the current hostilities requires an appreciation of the following:*

- ***The realities of urban warfare in Gaza and the widespread and systematic use of civilians as human shields:*** As the armed forces of other democratic States have experienced in recent decades, civilian casualties are a harsh fact of modern urban warfare. This is all the more so as Hamas has spent the last 16 years systematically embedding and dispersing its military operations and assets throughout the entirety of Gaza, viewing Palestinian civilians as expendable human shields. While Israel is seeking to minimize civilian harm, Hamas is deliberately seeking to maximize it in the hope that the international community will condemn Israel rather than Hamas's strategy to deliberately put civilians in harm's way in the first place. For examples of Hamas's strategies and the IDF's operations in response, see [here](#).

Hamas purposely seeks to drag the fighting into the urban terrain, such that residential areas serve as battlegrounds for Hamas to launch attacks against Israel with the resulting dangers for civilians and civilian infrastructure. Hamas built an extensive warren of underground tunnels throughout the Gaza Strip, with access points located in homes, mosques, schools and even hospitals, bringing the fighting (and ensuing damage) to the heart of the civilian surroundings. For examples of Hamas's military use of hospitals and ambulances, see [here](#) and [here](#).

Hamas also directly endangers civilians by placing explosive materials inside and under residential buildings, booby-trapping civilian structures, and mining roads used by the civilian population. Such deplorable actions result in direct harm to civilians present in or near such sites.

Moreover, the placing of weaponry inside residential buildings by Hamas has led to secondary explosions that cause significantly more harm to the surroundings than the initial IDF attack alone. For an example of secondary explosions that caused damage to the Al Quds Hospital opposite a target containing Hamas militants, see [here](#).

- ***Hamas does not provide any protection for its population, and is actively preventing civilians from protecting themselves.*** Hamas has not provided any protection or safety measures for the Gazan population from the ravages of war. Instead, it has openly [said](#) that its tunnels are only for its fighters, and that it has no responsibility for protecting Gazans. Shockingly, Hamas is making every effort to keep civilians in areas of hostilities. It has openly called on the civilian population to ignore IDF warnings and recommendations to temporarily evacuate, it has set up roadblocks to stop people from leaving dangerous areas, threatened individuals not to leave, and, according to some reports, shot civilians trying to leave so as to deter others. In doing so, Hamas directly endangers its own population. See, for example, [here](#) and [here](#).



- ***The IDF is compelled to operate extensively throughout Gaza.*** The rules governing the IDF's conduct of hostilities in Gaza have not changed. In previous rounds of violence, however, Israel did not aim to defeat Hamas militarily, but set more limited goals to degrade Hamas's military capabilities and achieve deterrence. In light of Hamas's heinous attacks on October 7, its incessant attacks on Israel since then, and its stated aim to pursue the destruction of Israel and death of its citizens (see, for example, [here](#)), Israel has been compelled to set as its goals both the release of hostages and the dismantling of Hamas's military capabilities. To achieve this objective the IDF is operating throughout Gaza, against many types of military objectives (rocket launching sites, weapons depots, anti-tank fire positions, sniper posts, command and control assets, militants themselves, underground military assets, and so on). As a result, and in light of the extent of Hamas's control and presence throughout Gaza, the IDF is forced to operate much more extensively than in previous hostilities, which as noted above had more limited goals. Due to Hamas's strategies, these attacks are mostly carried out in dense urban environment, against an adversary that seeks to use civilians to shield its operations. Under these circumstances, and considering the scope and scale of the IDF's military attacks and Hamas's abhorrent strategy, the overall impact on the civilian population in Gaza – including the number of casualties – will inevitably and tragically be larger than in past hostilities, even though the IDF is committed to upholding the law and these casualties are neither the intent nor the wish of the IDF. For examples of the IDF's operations in Gaza, see [here](#).

- ***Over 1,000 missiles fired by Hamas and other armed groups have landed in Gaza.*** These rockets, indiscriminately fired at Israel, have instead exploded within the Gaza Strip. Evidence shows that these rockets exploded in schools and near hospitals, causing untold civilian harm. The indiscriminate nature of this fire, and the likelihood that many hundreds of these rockets have landed in dense urban areas suggest that they are a significant cause of civilian casualties. See, for example, [here](#).

- ***Civilian casualties under international law.*** As noted below, under the law of armed conflict (also known as international humanitarian law or the laws of war), the principle of proportionality in attacks requires an individual proportionality assessment for every individual attack. An overall casualty figure does not on its own indicate unlawfulness. According to the principle of proportionality in attacks, an attack will be prohibited if the expected civilian harm would be excessive in relation to the concrete and direct military advantage anticipated. This rule acknowledges that civilian casualties may be an inevitable, though undesirable, result of military action. Proportionality requires that an assessment of compliance rests not on the outcome of an attack but rather on the commander's judgement at the time of the attack based on the information available to him/her at the time. It follows that the legality of an individual attack cannot be judged based merely on its results. For more information about this principle under the law of armed conflict, see the [Key Legal Aspects paper](#), and Chapter VI of the [2014 Gaza Conflict Report](#).

- ***Veracity of Hamas's statements.*** Every civilian death is a tragedy, and the hostilities instigated by Hamas, and the strategy it has adopted, have led to a significant number of civilian casualties. At the same time, there is good cause to be doubtful about



the casualty figures coming out of Gaza. All these statistics, including those reported by the UN and humanitarian agencies, come from Hamas's Ministry of Health or other Hamas authorities which cannot be seen as a reliable reference and which do not disclose information about militant deaths. Nor does Hamas disclose which casualties are the result of its own actions, or the actions of other armed groups, such as failed rocket launches and other Hamas tactics described above. Based on previous rounds of fighting and reliable testimony, and despite current reports, it is clear that some of the casualties are in fact Hamas militants and not civilians, some of them recruited as terrorist fighters even though they are under the age of 18. Reports coming out of Hamas authorities in Gaza and cited, for example, by UN OCHA, raise additional questions of distortion and misrepresentation, including by seeming to claim on certain days that more women and children have been killed than the total number of fatalities listed, or referring to numerous days on which there were virtually no male casualties at all. For a historical analysis of Hamas's reporting on casualties, see the Annex of the [2014 Gaza Conflict Report](#).

### **3. What is Israel doing to mitigate civilian casualties?**

*Israel's military operations in Gaza are solely directed at Hamas, Islamic Jihad and other armed groups. The IDF does not intentionally target civilians or seek to harm the civilian population. As described above, the present hostilities were forced upon Israel, and while the IDF is bound to mitigate civilian harm in accordance with the law of armed conflict, it is first and foremost Hamas that bears the responsibility for the widespread suffering it has caused by instigating the hostilities on October 7 and using civilians as human shields.*

The IDF employs many measures to mitigate civilian harm when conducting its operations. Such measures are applied in the targeting planning process (and include considering the type of weaponry and munitions to be used and the timing of attacks), as well as aborting attacks when the expected civilian harm might be greater than initially expected. While the results of attacks that are carried out are apparent, countless attacks have been aborted or avoided completely in order to prevent harm to civilians.

In order to provide effective advance warning and mitigate civilian harm, the IDF has also encouraged civilians to temporarily evacuate from areas of intensive hostilities and from individual targets. The IDF has invested massive resources towards these efforts, including (to date) sending over 15 million text messages, conducting over 12 million pre-recorded phone calls, airdropping over 4.5 million leaflets, publishing messages on social media, radio and TV in Gaza, communicating with international organizations on the ground in Gaza, and conducting over 45,000 individual phone-calls urging people to temporarily leave areas of hostilities and individual targets. IDF messages often include detailed information as to when to evacuate (including from specific areas and individual targets), the safe routes to be used, and where aid may be obtained. Since



October 12 the IDF has been urging civilians to temporarily evacuate northern Gaza in anticipation of intensive fighting and the IDF's ground operations in that area. To facilitate these evacuations, the IDF has unilaterally established humanitarian corridors and local pauses in the fighting. For examples of these efforts, see [here](#), [here](#), [here](#) and [here](#).

The IDF is well aware of the increased number of civilians in southern Gaza, and utilizes the entirety of the measures described above in order to mitigate harm to civilians in these areas. It is impossible to dismantle Hamas's military capabilities without operating in southern Gaza – from where the overwhelming majority of rockets into Israel in recent weeks have been launched, from where many senior Hamas commanders are directing operations, where Hamas maintains numerous military assets, and where IDF intelligence indicates that hostages are being held.

Specifically, the IDF is making efforts to provide effective advance warning of its operations in specific areas. For example, the IDF is employing a mechanism that allows for communicating evacuation recommendations to civilians in specific neighborhoods in Gaza using various tools, and which collates real-time and constantly updated data regarding the civilian environment. This system utilizes a detailed map of Gaza, with designated numbers for specific neighborhoods, and which has been shared with the public in Gaza and with international organizations on the ground in order to create a 'common language' directly with the civilian population; see, for example, the map as published on the IDF website (see [here](#); Arabic). Using this numbered system, the IDF provides information to Gazans where to evacuate, on what routes and where shelters may be accessed, in advance of intensified operations. See, for example, an [announcement](#) on the IDF's Arabic social media.

This mechanism is an effort by the IDF to communicate directly with the Gazan population in response to Hamas's failure to provide protection for its own population, and to help them contend with Hamas's repeated efforts to endanger civilian lives by keeping them in areas of increased danger.

The dedicated unit that maintains this system (the 'Civilian Harm Mitigation Unit', consisting of senior IDF commanders, intelligence officers, Arabic speaking soldiers, legal advisors and other professionals) also constantly monitors in real time the implementation of these evacuation recommendations, including by using open-source tools such as social media, as well as intelligence sources. Updated data is continuously fed to IDF air, naval and ground forces operating in Gaza to increase their awareness of the civilian environment in areas of operation. While it is impossible to completely avoid civilian harm for the reasons detailed above, this mechanism has proven effective in the current hostilities and has saved many lives.

The IDF is aware that communications in Gaza is intermittent, and as such has made extensive efforts to distribute the map and subsequent messaging via multiple channels, including radio and TV broadcasts in Gaza, airdropped leaflets, via international organizations in Gaza as well as via social media and text messages.



In addition to the abovementioned, Israel is making efforts to facilitate medical treatment for civilians harmed in the fighting. Israel has facilitated the establishment of field hospitals in southern Gaza, a floating hospital in the sea and is working with third parties to establish additional field hospitals. Israel has facilitated the movement of people out of Gaza for the purpose of receiving medical treatment, has facilitated the entry of medical supplies into Gaza, and has itself provided medical supplies to patients and staff in hospitals located in areas where IDF ground forces are operating. See, for example, [here](#).

Israel's efforts in this regard are in implementation of its legal obligations as well as an expression of its values and commitment to humanity. Nevertheless, it must be appreciated that the main threat to the civilians of Gaza is that they live under the rule of a genocidal terrorist organization that disdains both the law and human life. For as long as that rule remains both Israelis and Palestinians will be endangered.

#### **4. Why has there not been a permanent ceasefire agreement?**

*A ceasefire would allow Hamas to get away with murder – literally – and prepare to commit it again.*

While the IDF has unilaterally established humanitarian corridors, taken pauses for Palestinian civilians to evacuate, and has agreed to a temporary operational pause to allow for the release of hostages, Israel cannot implement a permanent ceasefire with an organization that still holds infants, children, women and men as hostages, continues attacking Israel by land, sea and air, and retains both the capacity and intent to perpetrate terrorist attacks against its citizens. Hamas has stated expressly that it will continue attacking until Israel is completely destroyed. Its genocidal Charter, the statements of its leaders, and its actions on the ground demonstrate an unequivocal resolve to continue to kill as many Israelis and Jews as possible.

The barbaric massacre of October 7, and the continued firing of barrages of thousands of rockets into Israel since then, are the clearest proof that ceasefires with this terrorist organization are neither sustainable nor effective. Hamas has used every ceasefire in the past to rearm, to embed itself further in the civilian population, and to plan and execute new atrocities. Indeed, a ceasefire was essentially in place on October 6; Hamas broke that ceasefire, too.

Temporary ceasefires during past hostilities have also systematically been broken by Hamas. In the 2014 Gaza Conflict, for example, Hamas used a temporary ceasefire to conduct an attack on IDF forces, killing soldiers and abducting the body of Lieutenant Hadar Goldin, which is still held by Hamas today (for more information, see Chapter III of the [2014 Gaza Conflict Report](#)).

In the current hostilities, Hamas violated the framework under which the IDF implemented an operational pause to allow for the release of hostages, by detonating



explosives adjacent to IDF forces in northern Gaza (see [here](#)), and later violating the agreed terms as well as firing rockets into Israel.

No State that shares a border with a genocidal terrorist organization would agree to a ceasefire under these conditions. No State would fail to protect its citizens in this situation. Israel's citizens are no less deserving of protection.

In the horrendous reality that Hamas has created, the most humanitarian action that Israel can take, for Israelis and Palestinians alike, is to defeat Hamas as quickly and decisively as possible.

## **5. What is being done to facilitate the supply of humanitarian aid to Gaza?**

*Israel is constantly facilitating humanitarian assistance into Gaza and is working with international stakeholders to advance this objective. At the same time, genuine concern for the humanitarian situation cannot ignore Hamas's efforts to divert and steal aid, nor can it ignore the fact that the humanitarian threat faced by the Palestinians of Gaza begins from Hamas's total contempt for Palestinian welfare. Critically, demanding aid flow into Gaza, without also demanding that Hamas release the supplies it has stolen from the civilian population, is effectively rewarding the reprehensible behavior of Hamas and asking others to ensure that Hamas retains the capacity to launch armed attacks against Israel.*

The current hostilities, which were initiated by Hamas, have resulted in a significant deterioration in the humanitarian situation in Gaza. The primary cause for the current situation is Hamas's treatment of the Gazan population during the 16 years it has ruled over them. Hamas has explicitly [said](#) that it sees itself as having no responsibility for the care of the population it controls. Hamas has failed to improve the situation of the civilian population, has not invested in critical infrastructure, and did not prepare its population for the inevitable effects of the war it started with Israel. Hamas has continued to invest in its military buildup and its attacks against Israel, using its resources to further this agenda rather than supporting its population.

In the lead up to the current hostilities, Hamas continued to divert aid intended for the civilian population for terrorist purposes, including by using concrete intended for housing construction to build its massive underground tunnel network. Generous funding provided by the international community to assist the civilian population has ended up in Hamas's coffers, supporting the luxury lifestyle of its leaders and advancing its terrorist agenda.

By contrast, Israel has continued to directly provide services to Gaza, despite ongoing attacks against it. For example, prior to October 7, Israel supplied 50% of Gaza's electricity and up to 10% of Gaza's water. Israel also operated border crossings to facilitate the flow of goods and aid into Gaza. Similarly, prior to the current hostilities, almost 20,000 Gazans entered Israel daily for work.





On October 7, nine out of the 10 electricity lines coming in from Israel were hit by Hamas fire. One out of the three water pipes from Israel was likewise hit by Hamas fire. Hamas invaded the Erez crossing (the crossing through which people from Gaza pass into Israel with work permits, for medical treatment and travel purposes, and through which personnel from international organizations pass into Gaza) in the north, murdered and abducted personnel, and caused significant damage. It has put the Kerem Shalom crossing (the crossing through which goods and aid passes through into Gaza) in the south under constant fire.

The humanitarian situation in Gaza has also been affected as a result of Hamas placing rocket launching sites and other military assets within and adjacent to critical infrastructure (see, for example, a [rocket launching site](#) adjacent to a water desalination plant funded by the international community), thus willfully exposing them to harm. Hamas hoards supplies such as fuel, and has stolen from international organizations other supplies intended for the civilian population (as publicly acknowledged by the UN). Hamas has also harmed and even caused the cessation of the provision of medical services in Gaza by using hospitals for military operations, thus necessitating IDF operations in such sites and the evacuation of patients and staff for their safety. Finally, Hamas's abuse of the civilian environment and of civilians as human shields results in direct, if incidental, harm to civilians and civilian infrastructure.

As stated clearly and repeatedly by Israel's War Cabinet and IDF senior leadership, Israel does not wish to harm civilians in Gaza and is taking steps to facilitate and expand the flow of aid to the civilian population. Under the law of armed conflict, parties to an armed conflict are required to allow and facilitate access to consignments of supplies essential for the survival of the civilian population if it is not adequately provided. This obligation is subject to important conditions, including that there are no serious reasons to fear that consignments will be diverted from their civilian destination or otherwise accrue to the advantage of the enemy's military efforts. International law does not obligate a party to a conflict to provide by itself supplies to the territory of the other party.

In practice, the entry of several hundred tons of humanitarian supplies every day is now being facilitated by Israel even though Hamas possesses many essential supplies which it could itself provide to the civilian population. Israel is also providing water to Gaza from its own supplies. Israel has facilitated the establishment of field hospitals in southern Gaza, a floating hospital in the sea and is working with third parties to establish additional field hospitals. Israel has facilitated the movement of people out of Gaza for the purpose of receiving medical treatment, has facilitated the entry of medical supplies into Gaza, and has itself provided medical supplies to patients and staff in hospitals located in areas where IDF ground forces are operating. For more information, sign up to COGAT's daily updates at <https://lp.smoove.io/oicg>.

In order to prevent Hamas from continuing its abusive tactics, concern for humanitarian assistance must begin with a demand that Hamas stopping stealing such supplies, and release the supplies it has stolen from the civilian population to sustain its terrorist objectives.



## **6. Have Israel's past restrictions on Gaza contributed to the current situation?**

*Hamas's terror is not a result of Israeli restrictions. Israeli past restrictions were the direct result of Hamas's terror.*

Hamas has been perpetrating terrorist attacks against Israel since long before it took power over Gaza. Many hundreds of Israeli civilians were murdered over the years as a result of Hamas suicide bombings and other attacks, all in furtherance of Hamas's genocidal aims and its efforts to scuttle any prospect of Israeli-Palestinian peace.

In 2005, when Israel withdrew all its soldiers and civilians from Gaza, it left a coastal area with the potential to become an economic and political success story. At the time, an agreement was reached on movement and access which included an international crossing at the Gaza-Egypt border. This crossing was controlled by the Palestinian Authority, under the supervision of monitors from the European Union. In the 19 months during which this crossing point was operating, it was used by approximately 450,000 people, some 1,500 every day. In 2007, Hamas completed its violent takeover of Gaza, attacking and killing Palestinian Authority representatives and enforcing a totalitarian regime over Gaza, devoid of human rights, free speech and basic liberal democratic values. The European monitors at the crossing fled for their lives.

The access and movement agreement also included arrangements for the construction of a seaport and airport as well as arrangements for transit between Gaza and the West Bank, all of which were frustrated by Hamas's violence and rejection of any arrangements coordinated with Israel. Moreover, Hamas's consistent use of the maritime areas to conduct attacks and smuggle arms necessitated a naval blockade imposed by Israel in 2009 in accordance with international law. Over the years, Israel has eased the restrictions in the use of the maritime zone by Gazans when the security situation so allowed.

Critics of Israeli policy rarely mention the border that Gaza also has with Egypt. Moreover, Egypt itself has recognized the need to impose border restrictions to prevent the smuggling of arms into Gaza. Even President Abbas of the Palestinian Authority has in the past spoken in favor of Egyptian arrangements to prevent arms reaching Hamas in Gaza.

Cause and effect must not be confused. It was Hamas's terror that has brought misery to Gaza, and it is the uprooting of that terrorism that can offer a future without violence for Israelis and Palestinian alike.



## **7. What is Israel's response to the charge its actions against Hamas amount to collective punishment of the civilian population?**

*Israel's operations are aimed against Hamas and Islamic Jihad, and are undertaken in order to neutralize the threat posed by them and secure the release of the hostages. Israel does not seek to harm the civilian population in Gaza.*

Israel's operations are intended to prevent Hamas from ever committing again massacres like that of October 7, and by no means do they seek to punish the people of Gaza. Civilians are tragically put in harm's way as a result of the fact that Hamas's military assets and militants are located within and underneath civilian infrastructure and that Hamas uses civilians as human shields as a matter of strategy.

Far from seeking to impose "collective punishment", Israel is committed to the legal principles of distinction, precaution and proportionality in directing attacks against military objectives, to facilitate the flow of humanitarian aid into Gaza and to mitigating civilian harm, even as Hamas seeks to maximize it.

Tragically, all hostilities have a collective impact on the civilian population. But accusing Israel of "collective punishment" is libel. The party guilty of the suffering of civilians in Gaza is Hamas, who in its words and actions demonstrates its willingness to sacrifice Palestinian civilians for its genocidal agenda.

## **8. Why is Israel's response to Hamas's attacks proportionate?**

*Proportionality under international law is not tit for tat. Israel's actions are proportionate to the grave threat it faces, and comply with the legal requirement that the expected civilian harm resulting from an attack not be excessive in relation to the anticipated military advantage that is being sought. Israeli strikes that do not meet this threshold have been, and will continue to be, aborted.*

There are claims that the military force employed by Israel, or the harm to civilians in Gaza, is 'disproportionate' to the attacks carried out by Hamas. While the effects of the conflict on civilians are tragic, this is a misrepresentation of the meaning of the term 'proportionality' in war, both in a colloquial sense and in reference to applicable international law.

In a colloquial sense, proportionality in war is not a case of tit for tat. It means using the amount of force needed to achieve the legitimate objective of removing the threat that is being faced. The threat posed by Hamas is grave and imminent, as Hamas operates from territory that borders with Israel, seeks to conduct serious attacks inside Israel (as it did on October 7), continues to attack Israel daily (including by rocket fire that covers most of Israel's territory), holds infants, children, women and men as hostages (without any outside communication and under the threat of execution, which



has been materialized), and explicitly states its intention to keep attacking Israel until it is destroyed. As such, Israel's goal of removing Hamas's military capabilities and securing the release of the hostages is proportionate to the threat, and the force that Israel is using is the only feasible means available to neutralize the ongoing attacks and imminent threat of additional attacks.

In terms of applicable international law, the principle of 'proportionality' is found in the law of armed conflict that governs the ongoing armed conflict between Israel and Hamas and other armed groups in Gaza. Under this principle, it is prohibited to carry out an attack when the expected incidental loss of civilian life, injury to civilians, or damage to civilian objects would be excessive in relation to the concrete and direct military advantage that is anticipated from the attack. Thus, the principle of proportionality in attacks is to be applied to each and every attack independently, and it does not relate to the overall use of military force.

The military advantages that the IDF is seeking include destroying enemy military assets, targeting militants, degrading and denying enemy ability to command and control operations, neutralizing underground tunnels and infrastructure used for military purposes, and denying positions which endanger IDF ground forces (such as sniper, anti-tank and surveillance posts), all of which contribute to the overall objective of securing the release of the hostages and removing Hamas's capability to further attack Israel and its citizens. The law of armed conflict provides that a proportionality assessment is based on the military commander's judgement at the time of the attack, not on hindsight: the test is conduct-oriented, not result-oriented. As a matter of law, civilian casualties or damage to civilian objects, do not of themselves allow for a conclusion in regard to proportionality without an informed assessment of both the expected civilian harm and the military advantage anticipated at the time of the attack. Further, as discussed above, overall casualty numbers in a conflict do not indicate a violation of this principle as the proportionality test requires an individual assessment for every strike. To demonstrate, one attack causing 500 casualties should logically, and legally, be seen differently than 500 attacks against military objectives resulting overall in the same number of casualties.

Implementing the principle of proportionality in attack is an excruciating balance to strike, but one to which Israel is committed. The IDF makes many efforts to minimize, and assess estimations of, expected civilian casualties, including by urging civilians to temporarily evacuate those areas of most intense and dangerous fighting and facilitating their safe evacuation.

Sadly, many organizations make pronouncements on proportionality solely on the basis of hardship caused to civilians, without having the military expertise or necessary data to assess the other side of the equation. For more information about this principle under the law of armed conflict, see the [Key Legal Aspects paper](#) and Chapter VI of the [2014 Gaza Conflict Report](#).

Finally, there have been some suggestions that the law governing the initial right to resort to the use of force (*jus ad bellum*) is relevant to the current hostilities. This is incorrect since, as noted, Israel has been engaged in an ongoing armed conflict with



Hamas and other armed groups in Gaza for many years, as well as for other reasons. However, should the relevant rules of this body of law be applied to the current hostilities, it is evident that since October 7 Israel is facing an extensive and grave armed attack, which is continuing (including by incessant indiscriminate rocket fire and ground, sea and air incursions) despite Israel's attempts to stop such attacks. Israel's resort to force is necessary, given the nature of the attacks and the threat posed, and the lack of alternative means, as well as proportionate, given their scope and severity.

## **9. Is Israel committed to international law in the face of Hamas's consistent violations of that same law?**

*The fact that the enemy shows no respect for international law does not absolve one from the obligation to respect it. But its unlawful behavior is likely to affect what a lawful response looks like in practice.*

On October 7, Hamas committed the worst atrocities known to man, including war crimes, crimes against humanity and acts that may amount to genocide. Since then, it has continued to commit grave crimes, including the holding of hostages, firing thousands of rockets against civilians, and endangering its own civilians by using them as human shields.

Notwithstanding these atrocities, Israel is committed to conducting its operations in accordance with international law, including the rules that govern the conduct of hostilities, known as the law of armed conflict or international humanitarian law. For more detail, see the [Key Legal Aspects paper](#) and Chapter VI of the [2014 Gaza Conflict Report](#).

These principles are inherently part of IDF training, guide legal advisers who participate in operational decision-making, and are the basis of examination and investigation by Israel of alleged misconduct of its forces.

In some respects, the IDF's actions go beyond the requirements of international law, serving to uphold Israel's strategic interests and broader democratic values – including the sanctity of human life and the commitment to demonstrate humanity even, and perhaps especially, in the face of Hamas's inhumanity.