



Question and Answer on Gaza

January 16, 2009 By **Stephen Shalom**

On December 27, 2008, Israel launched its brutal assault on Gaza, Operation Cast Lead. The aim here has been to collect in one place the most frequently-asked questions and to offer answers and sources. You can read the whole thing through (warning: it's long!) or see a [separate list of sections and questions](#), and jump to the ones you're interested in.

Introduction

1. Doesn't Israel have the right to defend itself and its population from rocket attacks?

Rockets from Gaza aimed at Israeli civilians violate international law.

But any assessment of whether Israeli military actions constitute lawful self-defense has to take account of the context and the question of proportionality.

The broad context is that the Israeli occupation of the Palestinian territories is illegal and unjust and Israel can't claim self-defense when Palestinians struggle by legitimate means to end the occupation. (In the same way, Japanese troops couldn't claim self-defense when they were attacked by guerrillas in occupied China or the occupied Philippines during World War II.)

The proper Israeli response to such Palestinian actions is not "self-defense," but full withdrawal from the occupied territories.

Gaza

2. While conquests in wars of aggression are clearly illegal, didn't Israel obtain the West Bank and Gaza as the result of a defensive war against an attack waged by neighboring Arab states?

The West Bank (including East Jerusalem) and Gaza, as well as the Sinai and the Golan Heights were conquered by Israel during the June 1967 war, a war in which Israel attacked first. Israel's supporters argue that although Israel fired the first shots, this was a justified preventive war, given that Arab armies were mobilizing on Israel's borders, with murderous rhetoric. The rhetoric was indeed blood-curdling, and many people around the world worried for Israel's safety. But those who understood the military situation -- in Tel Aviv and the Pentagon -- knew quite well that even if the Arabs struck first, Israel would prevail in any war. Egypt's leader was looking for a way out and agreed to send his vice-president to Washington for negotiations. Before that could happen, Israel attacked, in part because it rejected negotiations and the prospect of any face-saving compromise for Egypt. Menachem

Begin, who was an enthusiastic supporter of that (and other) Israeli wars was quite clear about the necessity for launching an attack: In June 1967, he said, Israel "had a choice." Egyptian Army concentrations did not prove that Nasser was about to attack. "We must be honest with ourselves. We decided to attack him."[\[1\]](#)

However, even if it were the case that the 1967 war was wholly defensive on Israel's part, this could not justify continued rule over Palestinians. A people do not lose their right to self-determination because the government of a neighboring state goes to war. Sure, punish Jordan and don't give it back the West Bank (to which it had no right in the first place, having joined with Israel in carving up the stillborn Palestinian state envisioned in the UN's 1947 partition plan). And don't return Gaza to Egyptian administrative control. But there is no basis for punishing the Palestinian population by forcing them to submit to foreign military occupation.

Israel immediately incorporated occupied East Jerusalem into Israel proper, announcing that Jerusalem was its united and eternal capital. It then began to establish settlements in the Occupied Territories in violation of the Geneva Conventions, which prohibit a conquering power from settling its population on occupied territory. The Israeli government legal adviser at the time, the distinguished jurist Theodor Meron, warned that any settlements would be illegal,[\[2\]](#) but he was ignored.

And the International Court of Justice has ruled -- in a portion of an opinion that had the unanimous support of all its judges, including the one from the United States -- that all the settlements in the occupied territories are illegal.[\[3\]](#)

3. Hasn't Israel withdrawn from Gaza, thereby ending its occupation?

The Israeli withdrawal did not end the occupation. As John Dugard, the UN's then special rapporteur on the Occupied Palestinian Territories, noted in 2006:

Statements by the Government of Israel that the withdrawal ended the occupation of Gaza are grossly inaccurate. Even before the commencement of 'Operation Summer Rains,' following the capture of Corporal Shalit, Gaza remained under the effective control of Israel. This control was manifested in a number of ways. Israel retained control of Gaza's air space, sea space and external borders. Although a special arrangement was made for the opening of the Rafah border crossing to Egypt, to be monitored by European Union personnel, all other crossings remained largely closed.... The actions of IDF [Israeli Defense Force] in respect of Gaza have clearly demonstrated that modern technology allows an occupying Power to effectively control a territory even without a military presence.[\[4\]](#)

On November 20, 2008, Human Rights Watch wrote to Israeli prime minister Ehud Olmert, stating, among other things,

"Even though Israel withdrew its permanent military forces and settlers in 2005, it remains an occupying power in Gaza under international law because it continues to exercise effective day-to-day control over key aspects of life in Gaza."[\[5\]](#)

If Israel had truly withdrawn from Gaza, then Israel could not prohibit Gaza from trading by sea or air with other nations, bar people from sailing or flying in to or out of Gaza, overfly Gazan airspace or patrol its coastal waters, or declare "no go zones"

within Gaza. Israel also controls Gaza's Population Registry and collects import duties on any goods it allows into Gaza.[\[6\]](#)

4. Regardless of whether the occupation legally continues, didn't Israel give up its settlements and its military bases in Gaza?

Israel's Gaza "disengagement" was a unilateral move, not worked out with any Palestinian leaders at all. Israeli settlers were removed from Gaza, but more new settlers moved to the West Bank in 2005 than left Gaza and more Palestinian land was taken over on the West Bank than was given up in Gaza.[\[7\]](#) To many it seemed clear that the disengagement, rather than a step towards eventual Palestinian statehood, was in fact a move to secure Israel's hold on the West Bank and deny any independent existence for the Palestinian people. As Ariel Sharon's chief aide, Dov Weisglass, told an interviewer for an Israeli newspaper: The significance of the disengagement plan

"is the freezing of the political process. And when you freeze that process you prevent the establishment of a Palestinian state and you prevent a discussion about the refugees, the borders and Jerusalem. Effectively, this whole package that is called the Palestinian state, with all that it entails, has been removed from our agenda indefinitely."[\[8\]](#)

5. Why should Israel have an obligation to open its borders with or transmit electricity or fuel to Gaza? Doesn't it have the sovereign right to close its borders as it wishes?

When a country has controlled a territory for 40 years, and prohibits all construction or development that might allow that territory to function independent of the country, it bears obligations. When, in addition, the country prohibits the territory from engaging in trade via air or sea, it cannot claim the right to cut off land crossings.

6. Gaza shares a land border with Egypt. Why is Israel blamed for cutting off Gaza's borders?

When Israel "disengaged" from Gaza, it did not turn the Rafah crossing -- the connection to Egypt -- over to the Palestinians. Instead, the Rafah crossing was the subject of an Agreement on Movement and Access (AMA) signed in November 2005 by the Palestinian Authority and Israel, with U.S. backing, that provided that the crossing would be staffed by personnel from the European Union (EU). According to the Agreement, Israel would have a veto on who could come and go through the border (though Israelis wouldn't be present at the crossing, but they would have real time video feed and advance notice of anyone seeking to cross).

As the Israeli human rights organization Gisha has noted, "With the exception of personal effects brought by travelers, imports through Rafah, the only crossing into Gaza not directly controlled by Israel, are not permitted." [\[9\]](#)

Egypt could, of course, ignore the AMA and open the border anyway. And it should do so. And the EU and the U.S. governments could and should end their financial strangulation of Gaza and send supplies by sea to Gaza's coast, ignoring any Israeli

blockade, since presumably Israel wouldn't sink EU or U.S. vessels. The behavior of all of these governments is reprehensible.

Hamas

7. Didn't Hamas just use the Israeli disengagement from Gaza as an opportunity to launch rockets at Israel without provocation?

Rocket attacks declined after the Israeli "disengagement." There were 281 rockets fired at Israel from Gaza in 2004, and 179 in 2005. The disengagement was completed in September 2005. In the four month period October 2005 through January 2006, there were only 40 rockets fired.[\[10\]](#)

In late September, there was a flurry of rockets launched from Gaza, following a deadly explosion at a Hamas armed victory parade in the Jabaliya refugee camp in Gaza. Most observers, including the Palestinian Authority (then involved in internecine conflict with Hamas) blamed the explosion on a Hamas accident; Hamas claimed Israel was responsible. Whatever the truth, according to the Intelligence and Terrorism Information Center, an Israeli think tank closely tied to the Israeli intelligence and military establishment[\[11\]](#):

"Afterwards, Fatah factions and the PIJ [Palestinian Islamic Jihad] launched the greatest number of rockets. Hamas stopped its direct involvement in rocket launching following the internal and external criticism it received for having harmed the civilian Palestinian populace, and later because of its governmental commitments."[\[12\]](#)

Other Palestinian groups did launch rockets. In October 2005 there was another bout of rocket fire. But this did not occur in isolation. And in the pattern of violence and retaliatory violence it is hard to determine who "started" it. On October 23, 2005, Israeli forces killed two Islamic Jihad members on the West Bank; rockets were then fired from Gaza, without causing any injuries; Israel then closed border crossings; its planes flew low over Gaza creating sonic booms and it fired air to ground missiles, injuring five; a suicide bomber from the West Bank attacked an Israeli town, killing five; Israel unleashed further airstrikes and artillery on Gaza, killing eight including three children.[\[13\]](#) Things cooled down a few days later and remained reasonably calm until after the election of Hamas at the end of January 2006.

8. How did Israel and the West react to Hamas's election victory?

In January 2006, Hamas participated in Palestinian legislative elections (reversing its previous policy of abstentionism), and received a plurality of the votes. International observers certified the elections as fair,[\[14\]](#) and indeed, these were among the rare democratically elected leaders in the Arab world. Washington had pressed Israel to allow the 2006 election and Hamas's victory was a surprise to everyone (including Hamas).

Ironically, earlier, the United States and Israel had given support to Hamas in an attempt to undermine the secular leadership of the PLO.[\[15\]](#)

Most analysts concluded that voters were expressing not so much support for Hamas's religious positions, as rejection of Fatah's corrupt and pusillanimous leadership, which after many years had brought Palestinians no closer to a viable state of their own.

Hamas's entry into the government might have been taken as an opportunity to try to encourage it to moderate its positions, but Israel, the United States, and the European Union determined to crush it. Israel refused to turn over Palestinian tax revenues and closed borders, causing severe economic hardship. International donors, especially the United States and the EU, withheld funds, and Washington went a step further and imposed draconian regulations. As the mainstream International Crisis Group explained,

"NGOs engaged in humanitarian relief work face significant obstacles stemming from extraordinarily restrictive U.S. Treasury Department regulations; U.S. organisations, for example, require pre-approval for their donations, which must be in-kind rather than cash.

"Such restrictions affect developmental assistance - \$450 million in 2005 - even more severely, for it often involves direct contacts with the PA. Some U.S. NGOs have had entire projects suspended. CARE, the international aid agency, which had hitherto provided 30 per cent of the health ministry's medicines under a USAID-funded emergency medical assistance program, halted regular supplies after USAID withheld approval."[\[16\]](#)

9. How could Hamas be a partner for peace? Didn't they refuse the three U.S.-Israeli conditions: that they recognize Israel, renounce violence, and agree to accept all agreements previously accepted by the Palestinian Authority?

Hamas has indeed refused these three conditions, but no more so than Israel and the United States have done.

Hamas has not recognized Israel, but Israel and the United States have not recognized an independent Palestinian state.

Consider General Assembly resolution 63/165 that was adopted on December 18, 2008. The resolution reaffirms the right of the Palestinian people to self-determination, including the right to an independent State of Palestine, and further urged all States and United Nations entities to continue to support and assist the Palestinian people in the early realization of their right to self-determination. The resolution passed by the overwhelming vote of 173 in favor and 5 opposed, with 7 abstentions. The five nay votes were the United States, Israel, and three tiny U.S.-dependent Pacific island nations.[\[17\]](#)

Of course, Israel may say that it is willing to accept a Palestine state, just not on the 1967 borders, and indeed so long as it is confined to a tiny swath of unviable territory. But if Hamas returned the favor, saying it was willing to recognize Israel, but only if it were confined to Tel Aviv and its suburbs, one doubts Israel and the United States would consider that adequately forthcoming.

Regarding the use of violence, it would be nice if Hamas renounced the use of violence. Certainly, however, any sermons in this regard from the United States or Israel are preposterous. (Think Sinai, 1956, or Lebanon, 1982, or Iraq, 2003.) It might also be noted that those Israelis who *actually* renounce violence -- by refusing military service in an occupying army -- are imprisoned.[\[18\]](#)

As for agreeing with previous agreements, put aside Washington's withdrawal from the Anti-Ballistic Missile treaty, its "unsigned" of the Comprehensive Test Ban Treaty, and its failure to comply with the World Court's ruling on Nicaragua. Consider simply that the World Court found Israel to be in violation of the Fourth Geneva Convention (to which it is a party) in its construction of the Wall on the occupied West Bank.[\[19\]](#) By a vote of 150 to 6 with 10 abstentions, the General Assembly affirmed that World Court opinion and called on Israel to comply.[\[20\]](#) Israel refused to do so and the United States supported its refusal. Thus, for Israel and the United States, treaties solemnly accepted are just scraps of paper.

For Palestinians, who signed on to the 1993 Oslo Accords which promised them a state by 1999, only to see no state and a huge expansion in the number of Israeli settlers,[\[21\]](#) Israel's insistence that Hamas adhere to agreements must seem a cruel joke.

10. Hasn't Hamas refused to ever accept the existence of Israel?

When Israeli Prime Minister Ehud Olmert addressed a joint session of the U.S. Congress in 2006, he declared his continuing belief "in our people's eternal and historic right to this entire land."[\[22\]](#) Yet, he said, he understood the necessity of compromise. Hamas has taken a similar position: it considers Palestine in its entirety to be sacred Muslim land, it considers the state of Israel to be illegitimate, but yet it has made clear on numerous occasions that it was willing to compromise, and that it would accept a two-state solution on the 1967 borders, with East Jerusalem as the capital of the Palestinian state, along with a truce that could last 20, 30, or 50 years, or even indefinitely.[\[23\]](#)

Israel and the United States, however, refused to pursue these Hamas offers and refused to talk with Hamas at all -- despite the fact that a majority of Israelis[\[24\]](#) and conservative analysts such as Efraim Halevy, the former head of the Israeli intelligence service, Mossad,[\[25\]](#) supported such talks.

11. Doesn't Hamas support Islamic fundamentalism and anti-Semitism?

Unfortunately, throughout the Middle East over the past few decades secular nationalist and progressive movements have been replaced by fundamentalists, a result of both the tremendous repression the nationalist and leftist movements have faced and their own internal weaknesses. And anti-Semitism has grown across the Middle East, which is not surprising given that Palestinians have been subjected to horrendous barbarity by a self-described "Jewish state." (And Middle Easterners are not encouraged to make fine distinctions when Israeli apologists declare that all criticisms of Israel are ipso facto anti-Semitic.) Obviously, we must reject anti-Semitism and the retrograde social views of fundamentalists.

Hamas, which had its origins in the Egyptian Muslim Brotherhood, comes out of an Islamic fundamentalist background. But origins alone do not determine present behavior. A March 2008 assessment of Hamas's current practice by the mainstream International Crisis Group paints a mixed picture. Hamas

"denies any intent of coercively imposing an Islamist entity. It appointed some non-Hamas figures to run its security services and administer its judiciary. There are no

flagrant signs of Islamisation of the courts and schools. The authorities did not alter the PA school curriculum, the PA's law code or its constitution. In January 2008, in accordance with PA practice but controversial within Islamic tradition, they appointed a woman judge and promoted another to head the Appeals Court. Notably, since August 2007, Hamas has recruited policewomen to fill the gap, attracting them through television and radio stations, as well as through mosques. Over 100 women have applied. A Hamas official maintained: 'The people in Ramallah are trying to stigmatise Hamas as extremist. But an Islamic emirate will not come about in Gaza.'

"That said, past performance is no guarantee of future conduct, and civil rights groups as well as non-Hamas preachers remain deeply worried, pointing in particular to indirect forms of social pressure. Within Hamas, a more hardline clerical faction insists on a greater role for Sharia (Islamic law)....

"A senior Hamas jurist's reply was equivocal: 'We want the courts to apply Sharia law, but we won't compel the people.' Yet in some cases, they have done just that....

"Moreover, amid Gaza's intensifying isolation and accompanying withdrawal of a Western presence, social mores have grown increasingly conservative and patriarchal - a process that some of Hamas's more zealous militants, particularly within the security forces, have encouraged. The time devoted to religious instruction in schools has increased, and some teachers are known to punish girls who do not wear the veil. Although women continue to walk the streets unveiled, and officials say there has been no ruling on dress-code, Hamas militants are known to have enjoined some women to don scarves. Similarly while Hamas has curbed the killing of women on grounds of immorality, unmarried couples in cars reported some cases of being beaten and detained. The rate of attacks on internet cafes - apparently by non-Hamas groups - has begun to climb after a brief lull following the [June 2007] takeover, and Gaza's Christians accuse Hamas forces of doing too little too late to reverse a significant increase in attacks on their community of 3,000, evidence, say some, of the growing influence radical Islamism commands within Hamas ranks."[\[26\]](#)

Unfortunately, continuing Israeli brutality and Palestinian helplessness will likely increase the worst tendencies of Hamas.

At the same time, in Israel, Jewish fundamentalists are politically strong and part of the governing coalition. The U.S. State Department has noted the Israeli "Government's unequal treatment of non-Orthodox Jews, including the Government's recognition of only Orthodox Jewish religious authorities in personal and some civil status matters concerning Jews. Government allocations of state resources favor Orthodox (including Modern and National Religious streams of Orthodoxy) and ultra-Orthodox (sometimes referred to as "Haredi") Jewish religious groups and institutions."[\[27\]](#)

Hamas's 1988 Charter cites the Protocols of the Elders of Zion,[\[28\]](#) though in many respects the document is outdated.[\[29\]](#) The organization does, however, still resort to anti-Semitic rhetoric.[\[30\]](#)

But that Hamas holds such views does not disqualify it as a party to peace talks, any more than the fact that Hindus and Muslims in South Asia have racist views of one another precludes them from sitting down together. And certainly many Israelis have

racist views of Palestinians[31] (recall the comment of the father of Obama's new chief of staff, Rahm Emanuel, saying that Arabs were fit only to clean floors[32]).

One can find vile anti-Jewish rhetoric from some Palestinian religious leaders. But one can find equally repulsive language from some Israeli rabbis. For example, the former Sephardic chief rabbi of Israel proclaimed a religious ruling in 2007 "that there was absolutely no moral prohibition against the indiscriminate killing of civilians during a potential massive military offensive on Gaza aimed at stopping the rocket launchings" because "an entire city holds collective responsibility for the immoral behavior of individuals." The rabbi's son, who is chief rabbi of Safed, explained: "If they don't stop after we kill 100, then we must kill a thousand.... And if they do not stop after 1,000 then we must kill 10,000. If they still don't stop we must kill 100,000, even a million. Whatever it takes to make them stop." [33]

Racism must be opposed, but it makes no sense to rule a party out as a potential partner for peace until its racism has been eliminated.

12. Is Hamas a terrorist organization?

Hamas was never a terrorist organization like al-Qaeda. Unlike the latter, it has a mass base, social welfare programs, and, now, an electoral constituency.

Hamas has engaged in terrorist acts, most notably by purposely targeting civilians with suicide bombs.

Sherdia Zuhur, Research Professor of Islamic and Regional Studies at the Strategic Studies Institute at the U.S. Army War College, wrote:

"HAMAS operatives first utilized suicide attacks in 1994, after an American-born Israeli settler, Baruch Goldstein, fired on and threw hand grenades at unarmed worshippers in the al-Haram al-Ibrahimi mosque in Hebron on February 25, killing 29. It was thought that Goldstein had attained entry with assistance of Israeli troops. Until that date, HAMAS' only targets were Israeli military. It ceased such attacks, which were very controversial with other Palestinians in 1995, and reintroduced them after the "targeted killing" of HAMAS leader Yahya Ayyash." [34]

Zuhur went on to note that

"HAMAS observed a 3-year moratorium on suicide attacks, which was then reestablished for a year, and possibly broken in a January 2008 attack in Dimona which may have been carried out by HAMAS or by other actors." [35]

And at various intervals, Hamas has fired rockets at civilian areas, which is also a form of terrorism.

What this record suggests is that Hamas has engaged in terrorism, has not ruled it out, but is also amenable to refraining from terrorism in what it sees as appropriate circumstances. Such a record should be condemned -- for terrorism is always wrong -- but Israel's record of terrorism must be condemned as well.

13. How can Israel be accused of terrorism since it doesn't intentionally kill civilians, and views all civilian deaths that it causes as regrettable accidents?

Keep in mind the official U.S. definition of terrorism: "premeditated, politically motivated violence perpetrated against noncombatant targets."[\[36\]](#) Three points need to be noted here.

First, inflicting pain on civilians for political purposes has long been official Israeli policy. When Hamas kidnapped an Israeli soldier in June 2006, Israel responded by destroying Gaza's only power plant, causing massive suffering.[\[37\]](#) Israeli leaders have openly acknowledged that they intended to cripple Gaza's economy as a way to undermine support for Hamas. (That this is a foolish policy makes it no less immoral. That the governments of the United States, the European Union, and Egypt are complicit in the policy likewise makes it no less immoral.) Gazans have seen poverty and unemployment soar and their health and welfare decline as Israel has closed their borders, cut fuel and power supplies, and denied them their own tax revenues. Human rights groups[\[38\]](#) and United Nations officials[\[39\]](#) have condemned this policy of economic strangulation, deeming it "collective punishment."

When *New York Times* columnist Thomas L. Friedman writes that he hopes Israel is pursuing a strategy in Gaza of trying to inflict "heavy pain on Gaza civilians," he is endorsing a policy that is indistinguishable from the above-cited official U.S. government definition of terrorism.[\[40\]](#)

Second, over the years Israel *has* intentionally killed civilians. Among other instances, it has used lethal fire against demonstrators who posed no serious threat.[\[41\]](#) It has targeted and killed medical personnel and journalists.[\[42\]](#) And now it has targeted and killed civilian police and non-military government personnel in Gaza (as will be discussed below).

Third, even when civilians have not been specifically targeted, Israel has shown reckless disregard for the welfare of civilians, killing many. These are not "unfortunate accidents," but the result of willful, criminal negligence. It is true that in domestic law we distinguish between intentional and unintentional killing, with the former being a much more serious offense than the latter. But domestic law also recognizes that sometimes criminal negligence can be as condemnable as premeditation. As the Palestinian human rights organization Al Haq correctly puts it, "the choice of targeted areas, methods of attack and the number of civilians killed and injured clearly indicate a reckless disregard for civilian life synonymous with intent."[\[43\]](#)

Consider the record before the current Israeli attack on Gaza. According to statistics from the Israeli human rights group B'Tselem, from the beginning of the second Intifada on September 29, 2000, until November 30, 2008, 2,990 Palestinians in Gaza were killed by Israeli security forces. Of these, 1,382 were known not to be taking part in hostilities.[\[44\]](#) (During this same seven year period, Palestinian rockets or mortars from Gaza killed a grand total of 22 Israeli civilians.[\[45\]](#)) If these Palestinian rockets constituted terrorism and war crimes -- and they do -- how much greater were the crimes of the Israeli government?

And this is so whether Israeli officials express pro forma regret or instead declare, as Prime Minister Ariel Sharon did in March 2002, "The Palestinians must be hit and it

must be painful. We must cause them losses, victims, so they feel the heavy price."[\[46\]](#)

14. Isn't Hamas's firing of inaccurate rockets a violation of international humanitarian law?

Yes. But note that while Israeli weapons are far more accurate than those of Hamas, they are not accurate enough to hit military targets without substantial harm to nearby civilians. And certainly naval and aerial bombardment, artillery shelling, and tank fire cannot be accurate enough to avoid hitting civilians in as densely populated an area as Gaza.

15. Does the fact that Israel has killed civilians justify Palestinian attacks on civilians?

International law is quite clear that the crimes of one's enemy do not justify crimes in retaliation. This applies to Palestinians, but it applies as well (and -- given the disproportion in power -- especially) to Israelis.

Palestinian attacks on Israeli civilians --whether by rocket or by suicide bomb -- are immoral and counter-productive, strengthening the most reactionary elements in Israeli society. But they are not surprising. In 1999, Ehud Barak -- today Israel's defense minister -- confessed to an interviewer that if he had been born a Palestinian he probably would have joined a terrorist organization.[\[47\]](#) And former Israeli politician Yossi Sarid wrote on January 2, 2009:

"This week I spoke with my students about the Gaza war, in the context of a class on national security. One student, who had expressed rather conservative, accepted opinions -- that is opinions tending slightly to the right -- succeeded in surprising me. Without any provocation on my part, he opened his heart and confessed: 'If I were a young Palestinian,' he said, 'I'd fight the Jews fiercely, even by means of terror. Anyone who says anything different is telling you lies.'"[\[48\]](#)

The Palestinians of Gaza lived for two decades under Egyptian administration; they have then suffered more than four decades under a brutal and debilitating Israeli occupation. As Israeli historian Avi Shlaim explained,

"With a large population of 1948 refugees crammed into a tiny strip of land, with no infrastructure or natural resources, Gaza's prospects were never bright. Gaza, however, is not simply a case of economic under-development but a uniquely cruel case of deliberate de-development. To use the Biblical phrase, Israel turned the people of Gaza into the hewers of wood and the drawers of water, into a source of cheap labour and a captive market for Israeli goods. The development of local industry was actively impeded so as to make it impossible for the Palestinians to end their subordination to Israel and to establish the economic underpinnings essential for real political independence."[\[49\]](#)

The conditions of life for the people of Gaza are abysmal; human rights and aid agencies declared in March 2008 that "The situation for 1.5 million Palestinians in the Gaza Strip is worse now than it has ever been since the start of the Israeli military occupation in 1967."[\[50\]](#) And the vast majority of Gaza Palestinians are not descendants of people who originally came from Gaza. Rather they are descendants of those who lived in what is today Israel, who were driven out in 1948 to live as

refugees. And as the people of Gaza look out from their misery they see near them Israeli communities built on lands that were once Palestinian villages.[\[51\]](#) Some Gazans fire rockets at these Israeli towns. These rockets do not further the Palestinian cause. But they are no surprise.

16. Didn't Hamas kidnap an Israeli soldier, Gilad Shalit?

Shalit was a soldier captured while on duty. It's not clear why this should be considered a kidnapping. International law is a little murky here: It is improper to hold captured soldiers as hostages and all prisoners are entitled to humane treatment, but it is not improper to capture enemy soldiers, nor to engage in prisoner exchanges. In any event, however, Palestinians point to the fact that some 11,000 Palestinians from the occupied territories are held in Israeli prisons.[\[52\]](#) Some of these people may be guilty of war crimes and some may simply be members of an opposing armed force. But many hundreds of them (750 at the time of Shalit's capture and about 570 in November 2008) are being held without charge.[\[53\]](#) Thus, at a minimum there are hundreds of Palestinians who are presumptively guilty of no crime, yet, like Shalit, are being held against their will. Just the day before Shalit's capture, Israeli commandos seized two Gazan civilians, Osama and Mustafa Muamar -- and here "kidnapped" might be a more accurate term -- despite the fact that Israel had supposedly "disengaged" from Gaza nine months earlier.[\[54\]](#)

Israel responded to Shalit's capture by launching military incursions into Gaza and engaging in unrelenting shelling and bombing. Between June 26 and November 15, according to the Israeli human rights organization B'Tselem, the IDF killed 387 Palestinians, more than half of whom, 206, "among them eighty-one minors and forty-five women, were not taking part in the hostilities when they were killed."[\[55\]](#) Gaza's power plant was destroyed and its borders closed; eight Hamas Cabinet ministers and 26 members of the elected Palestinian Legislative Council were arrested, along with other officials. As the UN's Special Rapporteur for Human Rights in the Occupied Palestinian Territories, John Dugard, summarized:

"In effect, the Palestinian people have been subjected to economic sanctions -- the first time an occupied people have been so treated. ...[The] Palestinian people, rather than the Palestinian Authority, have been subjected to possibly the most rigorous form of international sanctions imposed in modern times."[\[56\]](#)

17. Didn't Hamas launch a military coup against Fatah and the Palestinian Authority in Gaza?

The evidence is quite clear that, whatever its wisdom, the Hamas take-over of Gaza was a preemptive move in the face of a plot hatched jointly by Mohammed Dahlan, Fatah's Gaza security chief, and top U.S. officials to militarily oust the elected Hamas government from power. As investigative journalist David Rose concluded, on the basis of documents and interviews, "the secret plan backfired.... Instead of driving its enemies out of power, the U.S.-backed Fatah fighters inadvertently provoked Hamas to seize total control of Gaza."[\[57\]](#)

18. Isn't Hamas just a pawn of Iran?

Hamas and Iran are allies, and they have common interests, but this is not the same as saying that Tehran dictates Hamas's policies. The claim -- bandied about by the

Israeli government and its supporters -- that Hamas simply acts on Iran's instructions fails on several counts.

First, if Iran were using Hamas as a way to deflect any possible Israeli attack on its nuclear facilities, its timing makes no sense. There was a period when an Israeli -- or a joint U.S.-Israeli -- attack on Iran seemed possible. But that period coincided with the lull between Israel and Hamas. By December 2008, no serious analyst was discussing an Israeli attack on Iran as imminent.

Second, if Iran is able to get Hamas to go to war against Israel, why has it not also gotten Hezbollah to do the same (which would obviously relieve some of the pressure on Hamas)? After all, whatever Hamas's connections to Iran, those of Hezbollah are stronger (Hezbollah is Shiite, like Iran; its ideological origins connected it to Iran; [\[58\]](#) and, through Syria, it could be easily supplied with Iranian weaponry; Hamas, on the other hand, is Sunni and is able to smuggle in very few Iranian weapons). Clearly, Hezbollah does not consider it in its own interests to go to war to help Hamas. But if Iran can't get Hezbollah to act contrary to its interests, there is no reason to think it can get Hamas to do so.

Iran has provided funds to Hamas, which became increasingly important since the cut off of international aid. And apparently some Hamas fighters have been trained in Iran -- but in an organization having 10-20,000 armed men, the few hundred trained in Iran are hardly decisive. Iran has influence with Hamas, but there is no reason to think that Hamas has been blindly following Tehran's orders. [\[59\]](#) Israel is probably more dependent on U.S. military and diplomatic support than Hamas is on Iran.

The Lull

19. What were the terms of the June 2008 ceasefire with Israel?

In June 2008, after almost a year of military engagements and Israel's crippling blockade of Gaza, Hamas and Israel agreed to a ceasefire, also called a truce or lull or calm. The two sides would not speak to one another directly and so there was an Egyptian mediated understanding, whose terms were never formally written down. The Associated Press reported the terms as follows:

"The truce takes effect at 6 a.m. Thursday (11 p.m. EDT Wednesday) [June 19].

"All Gaza-Israel violence stops. After three days, Israel eases its blockade on Gaza, allowing more vital supplies in.

"A week later, Israel further eases restrictions at cargo crossings.

"In the final stage, talks are conducted about opening the Rafah crossing between Gaza and Egypt and a prisoner exchange to free Cpl. Gilad Schalit, held by Hamas-affiliated groups for two years."[\[60\]](#)

And although Israel tried to claim in December 2008 that the lull was of unlimited duration, [\[61\]](#) everyone (including the Israeli government in June 2008) referred to the lull as scheduled to last for six months, with hopes that it might be extended. [\[62\]](#) Hamas had wanted the lull to apply to both Gaza and the West Bank, but Israel refused. [\[63\]](#)

Various Palestinian armed groups -- though not Hamas -- had reservations about the lull, but they agreed to respect it. Islamic Jihad said, however, that while it would abide by the truce, it considered the West Bank and Gaza indivisible, so it reserved the right to retaliate from Gaza for an attack on its members in the West Bank.

20. What did the lull terms say about the smuggling in of weapons?

As noted above, the terms of the lull were never written down and are contested.

According to the Intelligence and Terrorism Information Center, the think tank close to the Israeli government,

"It is Israel 's view that the lull commits Hamas and the other terrorist organizations operating in the Gaza Strip to end their weapons smuggling and stop their military buildup."[\[64\]](#)

Hamas and other Palestinian groups, however, made no such commitment.[\[65\]](#) And Israeli leaders seemed to see no contradiction between their insistence that Hamas stop its military buildup and their own activities: An official in the Israeli prime minister's office stated that during the lull "the IDF would continue preparing for a military action in the Gaza Strip, in the event the lull collapsed..." And "Chief of Staff General Gabi Ashkenazi said that the IDF would give the lull credit but at the same time would prepare for an action."[\[66\]](#)

Hamas certainly used the lull to smuggle in weapons, just as Israel was using the lull to openly import a vastly greater number of much deadlier weapons.

21. What happened during the lull?

The lull got off to a rocky start. Islamic Jihad fired a few rockets from Gaza in response to the Israeli killing of one of their senior militants on the West Bank.[\[67\]](#) But Hamas was generally able to convince the other Palestinian groups to respect the lull. In the five and half months before the lull there were 1,072 rockets fired from Gaza and 1,199 mortar shells. For the four and a half months from the start of the lull until November 4 there were 20 rockets and 18 mortar shells.[\[68\]](#) No Israeli was killed -- by rocket, mortar, sniper, or improvised explosive device from Gaza from mid-June to November 4.[\[69\]](#)

Regarding these sporadic firings during this period, the Intelligence and Terrorism Information Center wrote:

"... Hamas was careful to maintain the ceasefire and its operatives were not involved in rocket attacks. At the same time, the movement tried to enforce the terms of the arrangement on the other terrorist organizations and to prevent them from violating it. Hamas took a number of steps against networks which violated the arrangement, but in a limited fashion and contenting itself with short-term detentions and confiscating weapons.... However, it was clear that ... Hamas sought to avoid direct confrontations with the rogue organizations (especially the PIJ) insofar as was possible, lest it be accused of collaborating with Israel and harming the 'resistance.' Hamas therefore focused on using politics to convince the organizations to maintain the lull arrangement and on seeking support for it within Gazan public opinion (including issuing statements by its activists regarding the lull's achievements)."[\[70\]](#)

In terms of the border crossings, Israel did relieve the closures, but did not allow imports to return to anything approaching the levels of either December 2005 (before Hamas won the legislative council elections) or May 2007 (before Hamas took power in Gaza). During July 2008, the first full month of the lull, according to the UN, "the population of Gaza saw little tangible dividend from the truce implemented on 19 June, as the amount of commodities allowed into the Gaza Strip remained far below the actual needs."^[71] Imports were less than half what they were in December 2005. This was nevertheless higher than in August, when imports dropped 30 percent, to a level about that of March 2008 -- when aid agencies and human rights groups had spoken of a "humanitarian implosion." In September there was a 15 percent increase, but in October there was another 30 percent decline. (See table.) Moreover, throughout the lull Israel continued to ban all exports from Gaza,^[72] essentially rendering Gaza's economy non-functional. In October 2008, the World Bank reported that only about 2% of Gaza's industrial establishments were still functioning, industrial employment had dropped from 35,000 in 2005 to 840, and 40,000 jobs in agriculture were lost.^[73]

**Truckloads Per Month Entering
Gaza^[74]**

Month	Truckloads
December 2005	13,430
May 2007	10,921
March 2008	3,399
April 2008	1,991
May 2008	1,821
June 2008	2,103
July 2008	5,028
August 2008	3,565
September 2008	4,069
October 2008	2,823
November 2008	579

The second phase of the lull began on November 4, 2008. On that day, Israel violated the ceasefire by sending troops into Gaza. As the *Guardian* reported,

"The Israeli military said the target of the raid was a tunnel that they said Hamas was planning to use to capture Israeli soldiers positioned on the border fence 250m away.... One Hamas gunman was killed and Palestinians launched a volley of mortars at the Israeli military. An Israeli air strike then killed five more Hamas fighters."^[75]

Hamas responded with rocket fire, and the lull was then severely undermined. Both sides engaged in military actions from that point on, though not at the pre-lull level. Israel closed Gaza's borders allowing just 579 trucks into the territory for the entire month of November (see table above) -- this to support 1.5 million people. Furthermore, noted the UN,

"Staff and assistance from international NGOs were prevented from entering Gaza throughout the month. Additionally, the intensified closure forced UNRWA to suspend

food distribution for five days during the month, along with its cash assistance programme, as a result of restrictions on cash shipments to Gaza."[\[76\]](#)

According to UNICEF, lack of fuel, electricity, and spare parts interrupted Gaza's water supply. In Gaza City 50% of the population had access to water only several hours a week; 30% had access every four days and 20% every three days. Other areas of Gaza received water on average every other day.[\[77\]](#)

No Israelis were killed by fire from Gaza during this period (November 5 - December 19, 2008).[\[78\]](#) 13 Israel soldiers were injured (8 by mortar fire and 5 within Gaza), and 1 or 2 civilians. On the Palestinian side, 10-14 militants were killed and 3-4 civilians, and about a dozen and a half injured.[\[79\]](#)

22. Wasn't it legitimate for Israeli troops to go into Gaza to destroy a tunnel being used for a planned kidnapping?

We have no independent evidence confirming the Israeli claim regarding the purpose of the tunnel. (Jimmy Carter refers to it as a "defensive tunnel being dug by Hamas inside the wall that encloses Gaza."[\[80\]](#)) But even if the purpose were as claimed by Israel, it was hardly -- as one anonymous senior Israeli military official called it -- "a ticking tunnel,"[\[81\]](#) that is, an imminent threat that required military action. There are many non-military ways Israel could have defended itself against such a threat.

23. Why was the lull not extended?

The claim that Hamas refused to renew the truce is false. What Hamas refused to renew was a truce under which Israel would continue to violate its obligation to lift the blockade. As Khalid Mish'al put it, "When this broken truce neared its end, we expressed our readiness for a new comprehensive truce in return for lifting the blockade and opening all Gaza border crossings, including Rafah. Our calls fell on deaf ears." Numerous statements before the expiration of the cease-fire made clear that this was Hamas's position.[\[82\]](#) Jimmy Carter described his efforts at mediation:

"It was clear that the preeminent issue was opening the crossings into Gaza. Representatives from the Carter Center visited Jerusalem, met with Israeli officials and asked if this was possible in exchange for a cessation of rocket fire. The Israeli government informally proposed that 15 percent of normal supplies might be possible if Hamas first stopped all rocket fire for 48 hours. This was unacceptable to Hamas, and hostilities erupted."[\[83\]](#)

Fifteen percent of normal supplies was less than the inadequate July level.[\[84\]](#) It is thus not at all surprising that Hamas was not interested in such an agreement.

24. Can Hamas be trusted not to break truces and ceasefires?

Here's what various experts say: Sherifa Zuhur, a leading U.S. authority on Hamas, wrote in a study just published by the Army War College,

"Declarations of a *tahdiya* (calming) arranged by Alastair Crooke to end such attacks were made in 2002 and 2003. Crooke was the former Security Advisor to Javier Solana, the European Union High Representative. Crooke now heads Conflict Forum which advocates negotiating with HAMAS. Another *tahdiya* was held from March 2005, but the first two were broken when Israelis assassinated HAMAS leaders."[\[85\]](#)

And a former senior European security official interviewed by the International Crisis Group pointed to:

"continued Israeli assassinations and killings that completely undermined genuine attempts at de-escalation. Israel's response created a self-fulfilling prophecy. They had the expectation of failure and in effect guaranteed it. . . . [T]here were continued provocations, a dismissive attitude, no confidence-building measures, and unhelpful statements. Israel's Minister of Defence would publicly claim that Hamas is re-grouping and that [the] IDF must prepare for a massive attack. Hamas begins to prepare for this eventuality. To Israel this is proof of its original thesis, a *casus belli*. It attacks, Hamas responds, the IDF feels vindicated and the *hudna* [truce] is history."[\[86\]](#)

25. Given the barrage of rockets that was launched from Gaza after the lull ended on December 19, did Israel have any alternative to a military attack?

Yes, of course it did. It could have extended the ceasefire by agreeing to lift the blockade (which it should have done on moral grounds in any case).

And beyond that, it could have taken steps toward ending the Israel-Palestinian conflict more generally by accepting the the Arab Peace Initiative. This calls for Israel withdrawing to its 1967 borders and the establishment of a Palestinian state on the West Bank and Gaza with East Jerusalem as its capital. This plan has been endorsed by all the Arab states -- who offered Israel recognition afterwards.[\[87\]](#) And, as noted above, even Hamas has indicated its support for the plan.[\[88\]](#) About two-thirds of Palestinians back the plan.[\[89\]](#)

This is the fundamental problem in Palestine: Israel occupies Palestinian land and seems determined to hold on to the most valuable pieces of it, leaving the Palestinians with scraps upon which they will be unable to establish a viable and independent state. As long as Israel maintains its illegal settlements, the Palestinians will be confined to Bantustans.

Until this basic reality is changed, until the Occupation ends, there will be no peace in Palestine.

26. If the cease-fire had been extended, couldn't Hamas have smuggled in rockets of longer and longer range until even Tel Aviv was vulnerable? Doesn't that mean that any new ceasefire would have had to include a provision to prevent weapons smuggling, and hence would have been unacceptable to Hamas?

One can understand why Tel Aviv would not want to live under threat of Hamas rockets. But one must understand as well why Gazans might not want to live under threat of Israeli F-16s. The difference between these two cases is that the threat the Gazans face is not hypothetical nor is it just a threat, as the events of the past few weeks have underlined.

As a practical matter, there are limits to what can be smuggled in via the Egyptian border. It is hard to prevent smuggling when authorities on both sides of the border want to do it. In the Gaza case, however, the Egyptian government bitterly opposes Hamas and does not knowingly allow weapons to be delivered to it.

When Carter sought to get Israel and Hamas to extend the truce and open the borders, Israel did not say that it would open the borders if only a better system for preventing weapons smuggling could be set up. It simply refused to fully open the borders. Therefore, whether Hamas would have accepted such an arrangement is unknown. To go to war without even asking surely violates the "last resort" criterion for just wars.

One might note that opening the border crossings would in fact reduce the incidence of weapons smuggling. Obviously, weapons are not going to come in through the Israeli crossings or through an EU-staffed Rafah crossing. But the incentive to dig tunnels would likely decline since as long as the crossings were closed digging tunnels, no matter how dangerous, has been essential for obtaining food and other necessities.

The Conduct of Operation Cast Lead

27. What does it mean to say that Israel should have responded proportionately?

A country that has just cause to go to war must still act proportionately. Israel did not have just cause to go to war -- given the fact that it is an occupying power, trying to maintain its occupation, and given the fact that the rocket fire could have been ended by agreeing to extend the truce with a lifting of the blockade. Therefore, regardless of *how* Israel conducted itself, its war would have been unjust.

But for those who believe (wrongly) that Israel *did* have just cause, the war would still not be just if it were not carried out in conformity with the principle of proportionality.

Under international law, the principle of proportionality prohibits attacking a military objective if doing so will result in a loss of civilian life or damage to civilian property or the natural environment that outweighs the value of the objective. The weighing here obviously includes a subjective component -- exactly how many civilians might one kill in order to destroy a military objective which in turn may cause harm to one's own population. But the subjectivity is not unlimited. Surely to destroy the capability to launch weapons that had caused 22 deaths over 7 years (and none since June 5, 2008), it cannot be proportionate to kill hundreds of civilians as Israel has done.^[90]

Does Israel really think what it is doing in Gaza is proportionate? It is doubtful that it does. In fact, its officials and think-tank analysts have explicitly advocated acting *disproportionately*.^[91] When one's approach to dealing with Palestinians -- and Arabs more generally -- is to intimidate and bully rather than to seek some sort of diplomatic solution, it is no surprise that the chief concern will be the strength of one's deterrent, which means that ferocity, not proportionality, will be what is valued.

28. Since Hamas places its military assets in civilian areas, thus using the population as human shields, isn't Hamas responsible for all the harm to civilians?

International humanitarian law prohibits placing military assets in civilian areas. Nevertheless, this doesn't give an attacker unlimited right to then strike these assets. The attacker must still weigh the harm to civilians against the military benefit. As Human Rights Watch explains:

"...the attacking party is not relieved from its obligation to take into account the risk to civilians simply because it considers the defending party responsible for having located legitimate military targets within or near populated areas. That is, the presence of a Hamas commander or military facility in a populated area would not justify attacking the area without regard to the threatened civilian population."[\[92\]](#)

In addition, since Israel's target list includes the homes of Hamas leaders, there is no way that Hamas could have avoided intermingling civilians with military targets.

The comments of a former U.S. Marine are relevant here. One can question his account of what actual U.S. policy was in Iraq, but his remarks are telling nonetheless:

"I recently retired from the US Marine Corps, but I saw service in Iraq. I do know something of military matters that are relevant to the situation now in Gaza.

"I am dismayed by the rhetoric from US politicians and pundits to the effect that 'if the US were under rocket attack from Mexico or Canada, we would respond like the Israelis'. This a gross insult to US servicemen; I can assure you that we would NOT respond like the Israelis. In fact, US armed forces and adjunct civilians are under attack constantly in Iraq and Afghanistan by people who are much better armed, much better trained and far deadlier than Hamas.... Israel has indeed taken a small number of casualties from Hamas rocket fire (about 20 killed since 2001), but we have taken thousands of casualties in Iraq and Afghanistan, including many civilian personnel. Hundreds of American casualties have occurred due to indirect fire, often from mortars. This is particularly true in or near the Green Zone in Baghdad. This fire often originates from densely populated urban areas.

"Americans do not, I repeat DO NOT, respond to that fire indiscriminately. When I say 'indiscriminately', I mean that even if we can precisely identify the source of the fire (which can be very difficult), we do not respond if we know we will cause civilian casualties. We always evaluate the threat to civilians before responding, and in an urban area the threat to civilians is extremely high. If US servicemen violate those rules of engagement and harm civilians, I assure you we do our best to investigate -- and mete out punishment if warranted."[\[93\]](#)

Two further points should be noted.

First, the IDF also uses Palestinian civilians as human shields. According to Malcolm Smart, Director of Amnesty International's Middle East and North Africa Program, "Our sources in Gaza report that Israeli soldiers have entered and taken up positions in a number of Palestinian homes, forcing families to stay in a ground floor room while they use the rest of their house as a military base and sniper position." This, said Smart, "clearly increases the risk to the Palestinian families concerned and means they are effectively being used as human shields."[\[94\]](#)

Second, the IDF also intermingles its forces with Israeli civilians. Consider this report from the Israeli-government linked think tank:

"January 8: A rocket barrage was fired at an Israel village in the northwestern Negev. Seven IDF soldiers were wounded, one critically, one seriously, and five sustained minor injuries."[\[95\]](#)

29. Israel calls the homes it is planning to attack and drops leaflets warning civilians to get away from military targets. Doesn't that meet its obligation to protect the civilian population?

Israel issued no warning at all when it first launched Operation Cast Lead. It struck at 11:30 a.m., a time when urban centers in Gaza were most populated and when children were changing shifts at school.[\[96\]](#)

Israel's subsequent phone calls and leaflets do not meet its obligation to protect civilians for several reasons.

First, Israel calls more homes than it actually attacks. As Amnesty International notes:

"Compounding the atmosphere of fear resulting from the Israeli bombardments, Israeli forces have been sending seemingly random telephone messages to many inhabitants of Gaza telling them to leave their homes because of imminent air strikes against their houses. Such messages have been received by residents of multi-storey apartment building, causing panic not only for those who received the calls but for all their neighbours.... The threatening calls seem to aim to spread fear among the civilian population, as in most cases no air strikes were carried out against the buildings. If this is the purpose, rather than to give effective warning, this practice violates international law and must end immediately."[\[97\]](#)

Second, in densely packed urban areas, moving from one location to another is no guarantee of safety.[\[98\]](#)

And third, when Israel is targeting individuals, warnings either give the target time to escape or come too late to help those who are not targeted.[\[99\]](#)

Imagine if Hamas broadcast an announcement that warned all Israelis in the south of the country to flee their homes if they are near military installations. Would that absolve Hamas for moral responsibility for all civilian deaths?

30. Has Israel been intentionally targeting civilians in Gaza?

At a minimum, Israel has certainly targeted some categories of people and some categories of buildings that international law prohibits them from targeting.

They have targeted police. International law distinguishes between police who are involved in armed combat and those who have essentially civilian functions (whether they are armed or not).[\[100\]](#) In its opening salvo, Israel bombed (in the words of the Israeli human rights organization B'Tselem) "the main police building in Gaza and killed, according to reports, forty-two Palestinians who were in a training course and were standing in formation at the time of the bombing. Participants in the course study first-aid, handling of public disturbances, human rights, public-safety exercises, and so forth. Following the course, the police officers are assigned to various arms of the police force in Gaza responsible for maintaining public order."[\[101\]](#)

It is true, of course, that these police trainees might have become Hamas fighters at a later point in time. But it is also true that attacks on many Israeli civilian targets kill those who -- given widespread membership in the reserves -- might later be called to military duty. It would be grotesque to justify the suicide bombing of a bus by pointing to the reserve status of the victims. It is no less grotesque to justify the slaughter of these police cadets.

Israel has also targeted government buildings and anyone connected to Hamas, regardless of their war role, and Israeli officials have acknowledged that these attacks were intentional and have felt no need to show that the building or person in question had a military connection. A senior Israeli military official told the *Washington Post*, "There are many aspects of Hamas, and we are trying to hit the whole spectrum, because everything is connected and everything supports terrorism against Israel." Major Avital Leibovitch, an IDF spokeswoman, said, "Anything affiliated with Hamas is a legitimate target."[\[102\]](#) Brigadier General Dan Harel declared:

"We are hitting not only terrorists and launchers, but also the whole Hamas government and all its wings.... We are hitting government buildings.... After this operation there will not be one Hamas building left standing in Gaza...."[\[103\]](#)

And so, Israel bombed the Parliament, the Ministry of Foreign Affairs, the Ministry of Labor, Construction and Housing, and numerous other government buildings. It bombed money exchange shops as a way to cut off Hamas's funds.[\[104\]](#) "Hamas's civilian infrastructure is a very, very sensitive target. If you want to put pressure on them, this is how," said Matti Steinberg, a former top adviser to Israel's domestic security service and an expert on Islamist organizations."[\[105\]](#) On January 13, the *New York Times* reported that Israeli intelligence officials said that although the military wing of Hamas remained substantially intact, (in the *Times's* words) "greater damage has been done to Hamas's capacity to run the Gaza strip, with a large number of government buildings destroyed over the course of the operation."[\[106\]](#)

The Israeli-government linked think tank, the Intelligence and Terrorism Information Center, offered this explanation for the deteriorating humanitarian situation in Gaza:

"Recently, the humanitarian problems in the Gaza Strip worsened as a result of the fighting and Hamas administration's dysfunction. Blackouts have been reported throughout the Gaza Strip resulting from the collapse of power lines. Kanaan Abaid, deputy chairman of the Palestinian Energy Authority, claimed it was impossible to send teams to fix power failure because of the attendant danger.... The local authorities reportedly do not function, garbage is not collected and the basic infrastructure is not repaired. In addition, there is a lack of goods usually smuggled in from Egypt because the tunnels have been bombed by the IDF."[\[107\]](#)

But of course the Hamas administration's dysfunction is precisely a result of Israeli attacks on it. And the fact that the people of Gaza in order to survive depend on goods smuggled in from Egypt through tunnels that Israel is now bombing is a result of the Israeli blockade.

The next day this same think tank attributed the humanitarian crisis in part to "the dysfunction of the Hamas administration, which has gone underground and proved itself incapable of providing solutions for the difficulties facing the Gazans."[\[108\]](#)

How irresponsible of the Hamas administration to have gone underground just when they were needed to solve the difficulties faced by Gazans!

31. Haven't the vast majority of those killed by Israel been, not civilians, but terrorists?

Not by a long shot. Obviously it is difficult to confirm the identity and activity of each person who was killed while the Israeli offensive is going on. This has led some human rights groups and aid agencies to report the number of women and children killed as an absolute minimum of the number of civilians killed. But as they have made clear,[\[109\]](#) this was not meant to suggest that this was the complete count of civilian casualties nor that any adult male killed was automatically a combatant. As of January 14, the Palestinian Ministry of Health reported 1,013 deaths, of which 40 percent were women and children.[\[110\]](#) The killing of numerous male civilians has been well-documented: in addition to police and government personnel, an anti-Hamas judge (and father of a Human Rights Watch consultant), medical staff, drivers, and many more.[\[111\]](#)

As of January 14, more than 4,500 were reported wounded, half of them women and children.[\[112\]](#) Moreover, many of the wounded will die because of a lack of timely and adequate medical care. Gaza's hospitals are overwhelmed and lack reliable power and sufficient supplies, ambulances are afraid to travel and Israel has blocked access by emergency medical vehicles.[\[113\]](#) According to Human Rights Watch, "Only four critically injured patients have been transferred to Israel since the start of the conflict," in part because Israel demanded financial guarantees for the medical costs of wounded Palestinians. Since the start of the ground campaign on January 3, transfers to Israel ended.[\[114\]](#)

32. Aren't there many things we don't know yet? Shouldn't we reserve judgment until all the facts are in?

There are many things we don't know yet, but they are not likely to make the Israeli war effort seem any more just. The civilian death toll among Gazans will surely go up once bodies are dug out of the rubble; none of the bodies in the morgues will later be found to be alive. Whatever is a benefit to Israeli propaganda one can assume Israel has already made public, but much that may undermine Israeli government claims is not yet known because Israel has restricted the entry of journalists and human rights observers.[\[115\]](#)

The Foreign Press Association sued for access to Gaza and the Israeli Supreme Court ruled that the IDF had to allow limited entry to pool reporters. But the military has thus far refused to comply.[\[116\]](#) The director of the Israeli Government Press Office, Danny Seaman, told the *New York Times* that "any journalist who enters Gaza becomes a fig leaf and front for the Hamas terror organization, and I see no reason why we should help that."[\[117\]](#)

The *New York Times* reported:

"At the same time that reporters have been given less access to Gaza, the government has created a new structure for shaping its public message, ensuring that spokesmen of the major government branches meet daily to make sure all are singing from the same sheet.

"We are trying to coordinate everything that has to do with the image and content of what we are doing and to make sure that whoever goes on the air, whether a minister or professor or ex-ambassador, knows what he is saying," said Aviv Shir-On,

deputy director general for media in the Foreign Ministry. 'We have talking points and we try to disseminate our ideas and message.'"[118]

The Israeli propaganda machine includes U.S. organizations, like "The Israel Project," which repeats every Israeli claim, no matter how outlandish. So, for example, the Israel Project asserted on January 2 that

"Warehouses in Gaza are filled to capacity, according to international aid groups....The World Food Program informed Israel that it would cease shipment of food to Gaza because the warehouses there are at full capacity, with enough food to last two weeks."

(Its source was a statement from the Israeli Foreign Ministry.)[119]

Here were the actual facts:

December 18: "Due to the ongoing crisis with irregular border access and the lack of wheat flour in Gaza, UNRWA has exhausted all stocks of flour in its warehouses. Wheat supplies scheduled to arrive in Gaza the 9-10 December were unable to enter due to rocket fire, hence the mills have run out of flour and UNRWA has been forced to suspend food distribution."[120]

December 23: "The ongoing closures have significantly reduced the capacity of UN humanitarian agencies to provide assistance in the event of an escalation in violence. UN humanitarian assistance programs have run out of stock for several essential supplies and are facing severe difficulties in implementing their regular programmes. UNRWA has no flour or cash-notes to distribute, affecting thousands of dependant beneficiaries. WFP has been unable to preposition stocks; in case of an emergency, it has no food available within the Gaza Strip."[121]

December 28: "Due to the depletion of wheat in the Gaza, all major Gaza mills were forced to shut down. Long queues of people at functional bakeries were reported. UNRWA stock of wheat grain is still at zero."[122]

January 3: "Since 27 December, WFP (through implementing partners) has distributed only a fraction of the 1350 metric tonnes available and the food that is currently being distributed should have been distributed in the October-December cycle. UNRWA resumed its prior food distribution in seven distribution centres on 1 January which it had suspended on 18 December; distributions are continuing today."[123]

January 12: "Many basic food items, including food for infants and malnourished children, are no longer available."[124]

33. Are Israelis unanimous in backing their government policy?

As in the United States, Israelis are often swayed by their government and a compliant media. On January 1, 2009, fewer than a fifth of the population supported advancing to an extensive ground war,[125] but once their leaders launched it, they endorsed it.

A poll published on January 15, showed 82 percent of Israelis don't think Israel has "gone too far" which means that almost the entire Jewish population is backing the

war.[\[126\]](#) Almost. There have been many antiwar protests, most often in Arab areas, but sometimes including both Jewish and Palestinian Israelis. A demonstration numbering in the thousands took place in Tel Aviv on January 3.[\[127\]](#) A petition calling for an end to the IDF operation in Gaza and for a renewal of the truce with Hamas was signed by 500 residents of Sderot, the Israeli town bordering Gaza that has been on the receiving end of so many rockets.[\[128\]](#)

But there is no doubt that war-fever is running rampant in Israel. The Central Elections Committee has banned two Israeli Arab parties from running in the upcoming parliamentary elections. Even if the Supreme Court reverses this ruling, it is frightening that in addition to the rightwing parties, the two major government parties, Kadima and Labor, both voted for the ban.[\[129\]](#)

The United States

34. What's been the role of the United States?

The United States has served as Israel's enabler for at least forty years. According to the Congressional Research Service:

"Israel is the largest cumulative recipient of U.S. foreign assistance since World War II. From 1976-2004, Israel was the largest annual recipient of U.S. foreign assistance, having recently been supplanted by Iraq. Since 1985, the United States has provided nearly \$3 billion in grants annually to Israel."[\[130\]](#)

Because Israel is among the top fifty richest countries in the world, its need for economic aid has declined, but as economic aid has gone down, military aid has been increasing. And this doesn't exhaust the financial benefits Israel receives from the United States government:

"Israel can use U.S. military assistance both for research and development in the United States and for military purchases from Israeli manufacturers. In addition, all U.S. foreign assistance earmarked for Israel is delivered in the first 30 days of the fiscal year. Most other recipients normally receive their aid in installments. Congress also appropriates funds for joint U.S.-Israeli missile defense programs."[\[131\]](#)

Moreover,

"U.S. military aid has helped transform Israel's armed forces into one of the most technologically sophisticated militaries in the world. U.S. military aid for Israel has been designed to maintain Israel's qualitative edge over neighboring militaries.... U.S. military aid, a portion of which may be spent on procurement from Israeli defense companies, also has helped Israel to build a domestic defense industry, which ranks as one of the top ten suppliers of arms worldwide."[\[132\]](#)

Among the weapons that the United States has provided to Israel are the F-16s and the Apache helicopters that are being used against Gaza. According to analyst Phyllis Bennis, "Between 2001 and 2006, Washington transferred to Israel more than \$200 million worth of spare parts for its fleet of F-16s. Just last year, the U.S. signed a \$1.3 billion contract with the Raytheon corporation to provide Israel with thousands of TOW, Hellfire, and 'bunker buster' missiles." Bennis concludes: "In short, Israel's lethal attack today on the Gaza Strip could not have happened without the active military support of the United States."[\[133\]](#)

The United States has also provided Israel with crucial diplomatic support. By means of its veto power in the United Nations Security Council, Washington has been able to prevent the passage of any resolution that it deems too critical of Israel. From 1967 to 2008, the United States has cast its veto 42 times to protect Israel (this was more than half of all the vetoes ever cast by the United States on any issue at all, and about three eighths of all the vetoes cast during these years by any country on any issue).[\[134\]](#) But this record far understates the benefit to Israel of the U.S. veto: countless criticisms of Israel never even make it to the resolution stage because of the expectation that Washington will reject them.

There was international sentiment for a ceasefire almost as soon as Israel launched Operation Cast Lead. But the United States prevented any Security Council resolution to this effect.[\[135\]](#) Finally, on January 8, more than 12 days into the Israeli assault, as the slaughter got simply too obscene to spin, the United States abstained on a ceasefire resolution (which passed 14-0, with one abstention). But Israel promptly announced that it was going to ignore the resolution.[\[136\]](#) And though the Security Council has the power to impose sanctions -- economic or military -- against nations that refuse to comply with its mandates, one can be sure (and its abstention signaled) that Washington will make certain that no such enforcement action gets taken against Israel.

That depends, of course, on what the American people do. Public opinion polls show only modest backing for Israel,[\[137\]](#) which is quite remarkable given the strong media tilt toward Israel. The Israel lobby has vast resources and tremendous political clout, but it increasingly does not speak for all American Jews. J Street, calling itself the political arm of the "pro-Israel, pro-peace" movement has gotten some traction on Capitol Hill.[\[138\]](#)

But those concerned with peace and justice will have to do much better in building a movement to end Washington's blank check for Israel and in reining in Israeli aggression. As long as Israel has U.S. backing, it will continue its long-standing oppression of the Palestinian people. But if we exert enough pressure, perhaps we can change U.S. policy. Only by doing so can we end this latest explosion of Israeli brutality, and, more than that, end the occupation that has for so long denied the Palestinian people their basic rights.

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- [9.](#) How could Hamas be a partner for peace? Didn't they refuse the three U.S.-Israeli conditions: that they recognize Israel, renounce violence, and agree to accept all agreements previously accepted by the Palestinian Authority?
- [10.](#) Hasn't Hamas refused to ever accept the existence of Israel?
- [11.](#) Doesn't Hamas support Islamic fundamentalism and anti-Semitism?
- [12.](#) Is Hamas a terrorist organization?
- [13.](#) How can Israel be accused of terrorism since it doesn't intentionally kill civilians, and views all civilian deaths that it causes as regrettable accidents?
- [14.](#) Isn't Hamas's firing of inaccurate rockets a violation of international humanitarian law?
- [15.](#) Does the fact that Israel has killed civilians justify Palestinian attacks on civilians?
- [16.](#) Didn't Hamas kidnap an Israeli soldier, Gilad Shalit?
- [17.](#) Didn't Hamas launch a military coup against Fatah and the Palestinian Authority in Gaza?

[18.](#) Isn't Hamas just a pawn of Iran?

[The Lull](#)

[19.](#) What were the terms of the June 2008 ceasefire with Israel?

[20.](#) What did the lull terms say about the smuggling in of weapons?

[21.](#) What happened during the lull?

[22.](#) Wasn't it legitimate for Israeli troops to go into Gaza to destroy a tunnel being used for a planned kidnapping?

[23.](#) Why was the lull not extended?

[24.](#) Can Hamas be trusted not to break truces and ceasefires?

[25.](#) Given the barrage of rockets that was launched from Gaza after the lull ended on December 19, did Israel have any alternative to a military attack?

[26.](#) If the cease-fire had been extended, couldn't Hamas have smuggled in rockets of longer and longer range until even Tel Aviv was vulnerable? Doesn't that mean that any new ceasefire would have had to include a provision to prevent weapons smuggling, and hence would have been unacceptable to Hamas?

[The Conduct of Operation Cast Lead](#)

[27.](#) What does it mean to say that Israel should have responded proportionately?

[28.](#) Since Hamas places its military assets in civilian areas, thus using the population as human shields, isn't Hamas responsible for all the harm to civilians?

[29.](#) Israel calls the homes it is planning to attack and drops leaflets warning civilians to get away from military targets. Doesn't that meet its obligation to protect the civilian population?

[30.](#) Has Israel been intentionally targeting civilians in Gaza?

[31.](#) Haven't the vast majority of those killed by Israel been, not civilians, but terrorists?

[32.](#) Aren't there many things we don't know yet? Shouldn't we reserve judgment until all the facts are in?

[33.](#) Are Israelis unanimous in backing their government policy?

[The United States](#)

[34.](#) What's been the role of the United States?

Notes

[1] "Excerpts from Begin Speech at National Defense College," *New York Times*, Aug. 21, 1982.

[2] Donald Macintyre, "[Secret memo shows Israel knew Six Day War was illegal](#)," *The Independent*, May 26, 2007.

[3] International Court of Justice, [Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory](#), Advisory Opinion, July 9, 2004; [Declaration of Judge Buergenthal](#) (agreeing that the Israeli settlements violate Article 49, paragraph 6, of the Fourth Geneva Convention and thus violate international humanitarian law).

[4] John Dugard, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, report transmitted by the Secretary General, "Situation of human rights in the Palestinian territories occupied since 1967," UN General Assembly doc. [A/61/470](#), Sept. 27, 2006.

[5] Human Rights Watch, "[Letter to Olmert: Stop the Blockade of Gaza](#)," Nov. 20, 2008.

[6] Sari Bashi and Kenneth Mann, [Disengaged Occupiers: The Legal Status of Gaza](#), Tel Aviv: Gisha: Legal Center for Freedom of Movement, Jan. 2007.

[7] Chris McGreal, "[Israel redraws the roadmap, building quietly and quickly](#)"; Settler population grows as Sharon grabs more West Bank land than he returned in Gaza," *Guardian*, Oct. 18, 2005.

[8] Avi Shavit, "[The big freeze](#)," *Haaretz*, Oct. 8, 2004.

[9] Bashi and Mann, [Disengaged Occupiers](#), p. 41.

[10] Intelligence and Terrorism Information Center (ITIC), [Rocket threat from the Gaza Strip, 2000-2007](#), Dec. 2007, pp. 38, 41. Other sources give different counts, perhaps counting firings instead of hits in Israel.

[11] The Intelligence and Terrorism Information Center is part of the Israel [Intelligence Heritage & Commemoration Center \(IICC\)](#), an NGO dedicated to the memory of the fallen of the Israeli Intelligence Community. It is run by former Israeli intelligence personnel, has a collection of captured Palestinian materials, is routinely cited on the Israeli Ministry of Foreign Affairs website, and, to my knowledge, has never published a critical word about Israel or taken a position that differs from that of the Israeli government.

[12] ITIC, [Rocket threat from the Gaza Strip, 2000-2007](#), p. 41.

[13] United Nations, Office for the Coordinator of Humanitarian Affairs (OCHA), "[Gaza Strip Situation Report](#)," Oct. 31, 2005; OCHA, "[Protection of Civilians - Weekly](#)

[Briefing Notes](#)," Oct. 19-25, 2005; OCHA, "[Protection of Civilians - Weekly Briefing Notes](#)," Oct. 26-Nov. 1, 2005.

[14] National Democratic Institute, [Final Report on the Palestinian Legislative Council Elections, January 25, 2006](#) (Washington, DC: 2006).

[15] See Stephen Zunes, "[America's Hidden Role in Hamas's Rise to Power](#)," *ZNet*, Jan. 5, 2009.

[16] International Crisis Group (ICG), [Palestinians, Israel and the Quartet: Pulling Back from the Brink](#), Crisis Group Middle East Report No. 54, June 13, 2006, p. 23.

[17] United Nations, Department of Public Information, "[General Assembly Adopts 52 Resolutions, 6 Decisions Recommended By Third Committee on Wide Range of Human Rights, Social, Humanitarian Issues](#)," GA/10801, Sixty-third General Assembly, Dec. 18, 2008.

[18] See the website maintained by Jewish Voices for Peace, [december18th.org](#) (accessed 1/7/09).

[19] See note [3](#).

[20] UN News Centre, "[UN Assembly votes overwhelmingly to demand Israel comply with ICJ ruling](#)," July 20, 2004.

[21] See the data collected by Foundation for Middle East Peace, "[Comprehensive Settlement Population, 1972-2007](#)."

[22] U.S. [Congressional Record](#), May 24, 2006, p. 3144.

[23] See, for example, Ismail Haniya, "[A just peace or no peace](#)," *Guardian*, Mar. 31, 2006 ("a total Israeli withdrawal from all the land occupied in 1967, including East Jerusalem"); Danny Rubinstein, "Haniya tells *Haaretz*: Withdrawal to 1967 borders will lead to peace," *Haaretz*, May 23, 2006 (summary [here](#)); Ismail Haniyeh, "[Aggression Under False Pretenses](#)," *Washington Post*, July 11, 2006 ("statehood for the West Bank and Gaza, a capital in Arab East Jerusalem, and resolving the 1948 Palestinian refugee issue fairly."); Ahmed Yousef, "[What Hamas Wants](#)," *New York Times*, Nov. 1, 2006 ("offered a 10-year cease-fire with the Israelis to try to create an atmosphere of calm in which we resolve our differences"); Khalid Mish'al, "[Our unity can now pave the way for peace and justice](#)," *Guardian*, Feb. 13, 2007; Amira Hass, "[Haniyeh: Hamas willing to accept Palestinian state with 1967 borders](#)," *Haaretz*, Nov. 9, 2008. See also Jennifer Loewenstein, "[Setting the Record Straight on Hamas](#)," *CounterPunch*, June 12, 2006; Khalid Mish'al interviewed by Ibrahim Humaydi, Damascus, October 10, 2006, published in *al-Hayat*, October 12, 2006, quoted in Sherifa Zuhur, [Hamas and Israel: Conflicting Strategies of Group-Based Politics](#) (Carlisle, PA: Strategic Studies Institute, U.S. Army War College, Dec. 2008), pp. 45-46 ("The movement accepts a state within the 1967 borders and a truce."); ICG, [Palestinians, Israel and the Quartet: Pulling Back from the Brink](#), p. 3 ("I say unambiguously: Hamas does not and never will recognise Israel. Recognition is an act conferred by states, not movements or governments, and Palestine is not a state. Nevertheless, the government's program calls for the end of the occupation, not the destruction of Israel, and Hamas has proposed ending the occupation and a long-term truce (hudna) to bring peace to this region. That is Hamas's own position.

The government has also recognised President Abbas's right to conduct political negotiations with Israel. If he were to produce a peace agreement, and if this agreement was endorsed by our national institutions and a popular referendum, then - even if it includes Palestinian recognition of Israel - we would of course accept their verdict. Because respecting the will of the people and their democratic choice is also one of our principles." Crisis Group interview with Riad Mustafa, a Hamas parliamentarian, Ramallah, May 2006).

[24] Kevin Peraino, "[We'll Have to Talk](#)"; In spite of escalating violence, a growing chorus of Israelis have begun calling for negotiations with Hamas," *Newsweek Web Exclusive*, Mar. 7, 2008.

[25] Laura Rozen, "[Shalom, Hamas](#)," *Mother Jones*, July-Aug. 2008.

[26] ICG, [Ruling Palestine I: Gaza Under Hamas](#), Middle East Report No. 73, Mar. 19, 2008, pp. 15-16.

[27] U.S. Dept. of State, Bureau of Democracy, Human Rights, and Labor, "[Israel and the occupied territories](#)," in *International Religious Freedom Report 2008*, Sept. 19, 2008.

[28] [Hamas Charter](#), 1988, article 32.

[29] See ICG, [Dealing With Hamas](#), Middle East Report No. 21, Jan. 26, 2004, p. 13 ("many observers have concluded that attempts to understand Hamas today by reference to a fifteen-year old founding document is of limited value. Indeed, a closer examination of its current operating environment, institutional interests, organisational agendas, political objectives and alliances and rivalries yields a more nuanced picture.").

[30] See, e.g., Steven Erlanger, "[In Gaza, Hamas's Insults to Jews Complicate Peace](#) April 1, 2008; and, generally, Meir Litvak, "[The Anti-Semitism of Hamas](#)," *Palestine-Israel Journal*, vol. 12, no. 2&3, 2005.," *New York Times*,

[31] Yuval Yoaz and Jack Khoury, "[Civil rights group: Israel has reached new heights of racism](#)," *Haaretz*, Dec. 16, 2007; Avirama Golan, "[Study: Israeli Jews becoming increasingly racist toward Arabs](#)," *Haaretz*, March 19, 2008; Maureen Meehan, "[Israeli Textbooks and Children's Literature Promote Racism and Hatred Toward Palestinians and Arabs](#)," *Washington Report on Middle East Affairs*, Sept. 1999, pp. 19-20.

[32] Reuters, "[Rahm Emanuel apologizes for father's disparaging remarks about Arabs](#)," *Haaretz*, Nov. 14, 2008 ("Obviously, [my son] will influence the president to be pro-Israel. Why wouldn't he? What is he, an Arab? He's not going to clean the floors of the White House.")

[33] Matthew Wagner, "[Eliyahu advocates carpet bombing Gaza](#)," *Jerusalem Post*, May 30, 2007.

[34] Zuhur, [Hamas and Israel: Conflicting Strategies of Group-Based Politics](#), p. 56.

[35] Zuhur, [Hamas and Israel: Conflicting Strategies of Group-Based Politics](#), pp. 54-55. Actually the Dimona attack was on Feb. 4, 2008.

[36] U.S. Department of State, [Patterns of Global Terrorism: 2001](#), May 2002.

[37] See the report by the Israeli human rights organization, B'Tselem, [Act of Vengeance: Israel's Bombing of the Gaza Power Plant and its Effects](#), Status Report, Sept. 2006.

[38] For a few examples, see Gisha (Legal Center for Freedom Movement), [Gaza Closure Defined: Collective Punishment: Position Paper on the International Law Definition of Israeli Restrictions on Movement in and out of the Gaza Strip](#), Tel Aviv: Dec. 2008; B'Tselem, "[27 Nov. '08: Gaza: Power and water cuts and bread shortage](#)" ("Not allowing the entry of goods into Gaza in response to the rocket fire constitutes unlawful collective punishment imposed on one and a half million civilians."); Human Rights Watch, "[Letter to Olmert: Stop the Blockade of Gaza](#)," Nov. 20, 2008 ("We are writing to express our deep concern about Israel's continuing blockade of the Gaza Strip, a measure that is depriving its population of food, fuel, and basic services, and constitutes a form of collective punishment."); Amnesty International, "[Trapped -- collective punishment in Gaza](#)," Aug. 27, 2008; Amnesty International UK, CARE International UK, CAFOD, Christian Aid, Médecins du Monde UK, Oxfam, Save The Children UK and Trócaire, [The Gaza Strip: A Humanitarian Implosion](#), Mar. 6, 2008, p. 5 ("The blockade has effectively dismantled the economy and impoverished the population of Gaza. Israel's policy affects the civilian population of Gaza indiscriminately and constitutes a collective punishment against ordinary men, women and children.") Human Rights Watch further notes that "Israeli officials have implicitly acknowledged that the blockade of Gaza amounts to collective punishment. 'There is no justification for demanding we allow residents of Gaza to live normal lives while shells and rockets are fired from their streets and courtyards at Sderot and other communities in the south,' Prime Minister Ehud Olmert said on January 23, 2008. Israeli Defense Ministry spokesman Shlomo Dror said on January 18, 2008: 'If Palestinians don't stop the violence, I have a feeling the life of people in Gaza is not going to be easy.'" (Human Rights Watch, "[Deprived and Endangered: Humanitarian Crisis in the Gaza Strip](#)," Jan. 13, 2009.)

[39] John Dugard, "Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967," UN Human Rights Committee, [A/HRC/7/17](#), Jan. 21, 2008, paragraph 26 ("Above all, the Government of Israel has violated the prohibition on collective punishment of an occupied people contained in article 33 of the Fourth Geneva Convention."); John Dugard, "[Expert on Human Rights In Occupied Palestinian Territories Says Urgent Security Council Action Needed on Situation In Gaza](#)," UN Press Release, Nov. 8 2006 ("This brutal collective punishment of a people, not a government, has passed largely unnoticed by the international community."); Richard Falk, "Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967," Aug. 25, 2008, [A/63/326](#), paragraph 43 ("The whole approach taken towards Gaza by Israel and by the United States of America and the European Union, since the Hamas electoral victory in January 2006, involves a massive and unlawful systematic violation of article 33 of the Fourth Geneva Convention, which unconditionally prohibits collective punishment..."); Robert Serry, the UN Special Coordinator for the Middle East Peace Process and Personal Representative of the UN Secretary General, referred to "The collective punishment of the population of Gaza, which has been instituted for months now..." (quoted in Amnesty International, "[Trapped -- collective punishment in Gaza](#)," Aug. 27, 2008).

[40] Thomas L. Friedman, "[Israel's Goals in Gaza](#)," *New York Times*, Jan. 13, 2009. See the discussion in Glenn Greenwald, "[Tom Friedman offers a perfect definition of 'terrorism'](#)," *Salon*, Jan. 14, 2009.

[41] Amnesty International, [Statement before the UN Commission on Human Rights](#), Mar. 26, 2002, MDE 15/027/2002 ("Israeli forces have consistently carried out killings when no lives were in danger.").

[42] Amnesty International, "[Israel and the Occupied Territories: The Heavy Price of Israeli Incursions](#)," MDE 15/042/2002, April 2002, p. 1 ("they ... killed and targeted medical personnel and journalists").

[43] Al Haq, "[Legal Aspects of Israel's Attacks on the Gaza Strip during 'Operation Cast Lead'](#)," Ramallah, Jan. 7, 2009, p. 1.

[44] B'Tselem, "[Statistics: Fatalities, 29.9.2000 - 30.11.2008](#)," accessed 1/6/09. 1,221 of the 2,990 Gazans killed were participating in hostilities and for the remaining 387 it was unknown whether they were participating in hostilities.

[45] ITIC, [Rocket threat from the Gaza Strip, 2000-2007](#), Dec. 2007, pp. 72, 74, 101-02 (two additional mortar victims were soldiers); ITIC, [Summary of rocket fire and mortar shelling in 2008](#), Jan. 1, 2009, p. 3.

[46] Sharon cited in Amnesty International, "[Israel and the Occupied Territories: The Heavy Price of Israeli Incursions](#)," MDE 15/042/2002, April 2002, p. 1.

[47] Charles D. Smith, *Palestine and the Arab-Israeli Conflict*, 4th ed. (Boston: Bedford/St. Martin's, 2001), p. 490.

[48] Yossi Sarid, "[If you \(or I\) were Palestinian](#)," *Haaretz*, Jan. 2, 2009.

[49] Avi Shlaim, "[How Israel brought Gaza to the brink of humanitarian catastrophe](#) *Guardian*, 7 January 2009. For details on the de-development of Gaza, see Sara Roy, [The Gaza Strip: The Political Economy of De-Development](#) (Washington, DC: Institute for Palestine Studies, 1995)."

[50] Amnesty International UK, CARE International UK, CAFOD, Christian Aid, Médecins du Monde UK, Oxfam, Save The Children UK and Trócaire, [The Gaza Strip: A Humanitarian Implosion](#), March 6, 2008, p. 4.

[51] "[Gaza City](#)," and "[Welcome to Najd, District of Gaza](#)," accessed 1/6/09.

[52] Tomer Zarchin and Haaretz Service, "[Abbas: Israel must free all 11,000 Palestinian prisoners](#)," *Haaretz*, Dec. 15, 2008.

[53] B'Tselem, "[Statistics on Administrative Detention](#)," accessed 1/7/09.

[54] See Josh Brannon, "IDF commandos enter Gaza capture two Hamas terrorists. More calls for sustained ground offensive as Kassams continue," *Jerusalem Post*, June 25, 2006, p. 1. Israel claimed that the two were terrorists. In fact, Israel later claimed the pair was involved in the planning of the Shalit operation, to which, it said, Mustafa Muammar confessed under torture (which, having taken place after Shalit was captured, violated even Israel's generous "ticking time bomb" allowance

for torture). See Amos Harel, "[The 24 hours that could have saved Gilad Shalit](#)," *Haaretz*, Oct. 12, 2008 ("Only on Sunday -- after the abduction had already occurred, and after the Shin Bet had applied 'exceptional interrogation methods' -- did he break down and reveal the critical details.").

[55] B'Tselem, "[Prime Minister Olmert, is every Palestinian in the Gaza Strip a terrorist on the death list?](#)" Dec. 7, 2006. B'Tselem, noting that Prime Minister Olmert referred to all the dead Palestinians as terrorists, points out that, "The prime minister's comments indicate that Israel now relates to every Palestinian in the Gaza Strip as a terrorist, and as such is sentenced to death."

[56] General Assembly doc. [A/61/470](#), Sept. 27, 2006.

[57] David Rose, "[The Gaza Bombshell](#)," *Vanity Fair*, April 2008.

[58] For background on Hezbollah, see Gilbert Achcar with Michel Warschawski, *The 33-Day War: Israel's War on Hezbollah in Lebanon and Its Consequences*, Boulder: Paradigm Publishers, 2007, pp. 17-31.

[59] See generally, William O. Beeman, " [Hamas is Not Iran's Puppet](#)," *New American Media*, Dec. 31, 2008.

[60] AP, "[Details of Israel-Hamas Truce](#)," June 17, 2008. See also the report of the Israeli-government linked think tank ITIC:

"From what can be gleaned from Palestinian, Egyptian and Israeli media reports, the lull will be implemented in three stages:

"i) Stage One: Three days after the lull goes into effect, Israel will open the Karni and Sufa crossings and allow the passage of basic commodities from Israel into the Gaza Strip.

"ii) Stage Two: One week later Israel will permit the passage of most commodities into the Gaza Strip with the exception of those used in the manufacture of weapons.

"iii) Stage Three: One week after that talks will be held about opening the Rafah crossing."

(ITIC, "[The arrangement for a lull in the fighting](#)" [Updated to 6 p.m., June 18, 2008], paragraph 3.)

[61] ITIC, "[Intensive rocket fire attacks against western Negev population centers and the Ashqelon region after Hamas announces the end of the lull arrangement](#)," Dec. 21, 2008, p. 2 ("At 0600 hours on the morning of December 19 the lull arrangement ended, six months after it began, according to a **unilateral** announcement made by Hamas and the other Palestinian terrorist organizations. Israel's position was that the lull was unlimited in time" [emphasis in original]).

[62] E.g., Israel, Ministry of Foreign Affairs, "[One Month of Calm Along the Israel-Gaza Border](#)," July 27, 2008 ("The lull in the fighting is valid for six months and only in the Gaza Strip"); ITIC, "[The arrangement for a lull in the fighting](#)" (Updated to 6 p.m., June 18, 2008), paragraph 2 ("The lull, which was formulated by Egypt, will be in effect in the Gaza Strip for a period of six months, at the end of which it is

likely to be extended to Judea and Samaria."); Ethan Bronner, "[Israel in the Season of Dread](#)," *New York Times*, June 22, 2008 ("a six-month cease-fire"); Ilene R. Prusher, " [Hamas, Israel truce greeted with skepticism and hope](#)," *Christian Science Monitor*, June 19, 2008 ("The truce, intended to last six months").

[63] ITIC, "[The arrangement for a lull in the fighting](#)" (Updated to 6 p.m., June 18, 2008), paragraphs 7-8. Palestinian public opinion overwhelmingly was in favor of a ceasefire, but wanted it to include both the West Bank and Gaza, and to guarantee the opening of the Rafah crossing to Egypt. See Palestinian Center for Policy and Survey Research, Survey Research Unit, [Poll No. 28](#), June 5-7, 2008.

[64] ITIC, "[The arrangement for a lull in the fighting](#)" (Updated to 6 p.m., June 18, 2008), paragraph 11.

[65] According to Sa'id Siyam, the interior minister in the deposed Hamas government, "The need to stop bringing weapons to the Gaza Strip was one of the conditions placed by the occupation [i.e. Israel] for reaching the agreement on a calming period. We rejected this demand completely. Weapons were smuggled even when the Israeli occupation was in control of the border strip between the Gaza Strip and Egypt. We are in a state of war, and we have the right to defend ourselves." ("Hamas minister views truce agreement, prisoner exchange with Israel," text of report by privately-owned, pro-Fatah Palestinian daily newspaper *Al-Quds* on June 22, 2008, BBC Monitoring Middle East - Political, June 24, 2008 [Lexis Nexis].)

[66] ITIC, "[The arrangement for a lull in the fighting](#)" (Updated to 6 p.m., June 18, 2008), paragraphs 13-14.

[67] Avi Issacharoff and The Associated Press, "[Gaza truce shaken as four Qassams slam into west Negev](#)," *Haaretz*, June 24, 2006. A Hamas militant was also killed on the West Bank, but Hamas's military wing responded on the West Bank, attacking some settlers. See BBC Monitoring Middle East - Political, "Hamas claims post-truce drive-by attack on Israeli settlers," June 24, 2008 (Lexis Nexis).

[68] ITIC, "[Summary of rocket fire and mortar shelling in 2008](#)," Jan. 1, 2009, p. 7. The source gives three contradictory sets of statistics for July-October (cf. pp. 6, 8), but these are the most consistent figures. Three of these rockets and five of the mortar shells landed within Gaza.

[69] See the listing of Israeli casualties at Israeli Ministry of Foreign Affairs, "[Victims of Palestinian Violence and Terrorism since September 2000](#)," accessed 1/9/09.

[70] ITIC, [Six Months of the Lull Arrangement](#), Dec. 2008, p. 7.

[71] OCHA, "[Humanitarian Monitor](#)," No. 27, July 2008, p. 4.

[72] OCHA, "[Humanitarian Monitor](#)," No. 31, Nov. 2008, p. 4.

[73] Cited in Human Rights Watch, "[Deprived and Endangered: Humanitarian Crisis in the Gaza Strip](#)," Jan. 13, 2009.

[74] Source: OCHA, "Humanitarian Monitor," no. 24, [Apr. 2008](#) (for March and April); no. 26, [June 2008](#) (for May and June 2008); no. 28, [Aug. 2008](#) (for July and

August); no. 30, [Oct. 2008](#) (for September and October); and no. 31, [Nov. 2008](#) (for December 2005, May 2007, and November 2008).

[75] Rory McCarthy, "[Gaza truce broken as Israeli raid kills six Hamas gunmen](#)," *Guardian*, Nov. 5, 2008.

[76] OCHA, "[Humanitarian Monitor](#)," no. 31, Nov. 2008, p. 4.

[77] OCHA, "[Humanitarian Monitor](#)," no. 31, Nov. 2008, p. 8.

[78] Israeli Ministry of Foreign Affairs, "[Victims of Palestinian Violence and Terrorism since September 2000](#)," accessed 1/11/09. In fact the last Israeli deaths from Gaza before December 27, 2008, occurred before the lull began on June 5, 2008.

[79] Data from OCHA, *Protection of Civilian Weekly Report*, [no. 285](#), Nov. 5-Nov. 11; [no. 286](#), Nov. 12-18; [no. 287](#), Nov. 19-25; [no. 288](#), Nov. 26-Dec. 2; [no. 289](#), Dec. 3-16; [no. 290](#), Dec. 17-23. The uncertainties are because the sources don't always distinguish whether injured are combatants or civilians, and because the last item doesn't make clear whether the casualties were before or after the expiration of the ceasefire. This tally excludes the casualties from the Nov. 4 operation and its aftermath (that continued into Nov. 5): 6 Palestinian militants killed, 5 injured, 2 Palestinian civilians injured, and 4 Israeli soldiers injured (in Gaza). I have excluded the Palestinian civilian injured by a Palestinian-fired rocket and Palestinian deaths that occurred due to tunnel collapses (most of what was smuggled in through the tunnels to Egypt was food and other necessities; these tunnels were extremely precarious and often collapsing, causing deaths), denial of medical service, and the health consequences of the blockade. (According to the UN, up to 30 percent of Gazans have micro-nutrient deficiencies, and 61 percent of Palestinian children and 26 percent of pregnant Palestinian women suffer from anemia. See Human Rights Watch, "[Deprived and Endangered: Humanitarian Crisis in the Gaza Strip](#)," Jan. 13, 2009, footnote 2.)

[80] Jimmy Carter, "[The Unnecessary War](#)," *Washington Post*, Jan. 8, 2009, p. A15.

[81] ITIC, "[Escalation in the Gaza Strip](#)," Nov. 5, 2008, p. 2n1.

[82] See the quotes collected by ITIC:

"In the early afternoon of December 17, Izz al-Din al-Qassam Brigades spokesman Abu Ubeida said that '...we cannot extend the lull while the Palestinian people are under siege.'...

"Ziyad al-Nahleh, deputy PIJ secretary in Damascus, said there was no real justification for continuing the lull arrangement, and that as long as the Gaza Strip crossings remained closed and Israel did not meet its commitments, the Palestinian organizations would reserve the right to find other ways of breaking the siege as part of the 'resistance'...

"Palestinian organizations in Gaza agreed that 'the lull will not be renewed unless the terms are improved. Renewing it with the current terms is unacceptable.' One source added that the most important condition would be the opening of the Gaza Strip crossings into Israel and the Rafah crossing, and the receipt of assurances that Israel would not close the crossings as it had during the current lull...."

ITIC, [Escalation in attacks from the Gaza Strip as Hamas announces the end of the lull arrangement](#), Dec. 18, 2008, pp. 4-5,

[83] Jimmy Carter, "[The Unnecessary War](#)," *Washington Post*, Jan. 8, 2009, p. A15.

[84] Converting monthly to daily figures is not so simple because sometimes daily figures are the monthly figures divided by the number of days the crossings were potentially open -- that is, excluding the Sabbath and holidays. But in any event, Carter refers to the first period of the lull reaching only 20 percent of the normal level, so 15 percent would be lower than even the highest month of the lull.

[85] Zuhur, [Hamas and Israel: Conflicting Strategies of Group-Based Politics](#), p. 56.

[86] ICG, [Dealing With Hamas](#), p. 56.

[87] See "[text of the Arab peace initiative adopted at the Beirut Summit](#)," Mar. 28, 2002.

[88] See, in addition to the sources cited in note 30 above, Robert Plotkin, "[Hamas would accept Saudi peace plan, spokesman says](#)," *San Francisco Chronicle*, Apr. 28, 2002.

[89] Palestinian Center for Policy and Survey Research, Survey Research Unit, "[Joint Israeli Palestinian Poll, September 2008](#)," Palestinian - Israeli Joint Press Release, Sept. 8, 2008.

[90] It is true that Hamas's weaponry has been constantly improving. But note that though they had longer range rockets in their arsenal, they did not use these until *after* Israel began Operation Cast Lead.

[91] Reuters, "[Israel warns Hezbollah war would invite destruction](#)," Oct. 3, 2008; Gabriel Siboni, "[Disproportionate Force: Israel's Concept of Response in Light of the Second Lebanon War](#)," *INSS Insight* No. 74, Oct. 2, 2008 ("With an outbreak of hostilities, the IDF will need to act immediately, decisively, and with force that is disproportionate to the enemy's actions and the threat it poses. Such a response aims at inflicting damage and meting out punishment to an extent that will demand long and expensive reconstruction processes. The strike must be carried out as quickly as possible, and must prioritize damaging assets over seeking out each and every launcher.") During the 2006 Lebanon war, Israel's ambassador to the United Nations responded to charges that Israel was using disproportionate force, saying "You're damn right we are." (Steven Erlanger, "[With Israeli Use of Force, Debate Over Proportion](#)," *New York Times*, July 19, 2006.) See also Ben White, "[Israel: Wedded to War?](#)" *Guardian*, Oct. 7, 2008.

[92] Human Rights Watch, "[Q & A on Hostilities between Israel and Hamas](#)," Dec. 31, 2008.

[93] JDS from North Carolina, [blog entry](#) on the *New York Times* website, Jan. 8, 2009, accessed 1/12/09. I was led to this source by Juan Cole's invaluable [Informed Comment](#) blog.

[94] Amnesty International, "[Gaza civilians endangered by the military tactics of both sides](#)," Jan. 8, 2009.

[95] [ITIC, "Operation Cast Lead, Update No. 10,"](#) Jan. 8, 2009.

[96] Al Haq, "[Legal Aspects of Israel's Attacks on the Gaza Strip during 'Operation Cast Lead'](#)," Ramallah, Jan. 7, 2009, p. 5.

[97] Amnesty International, "[End unlawful attacks and meet Gaza's emergency needs](#)," Dec. 29, 2008. See also OCHA, "[Gaza Humanitarian Situation Report](#)," Jan. 2, 2009, ("Additional people received similar warnings that did not materialize, thus leaving families in a state of panic and uncertainty."); and OCHA, "[Protection of Civilians Weekly Report](#)," no. 291, Dec. 25-Dec. 31, 2008, p. 1 ("Telephone calls from IDF personnel, or leaflets dropped by airplanes to people throughout Gaza ordering evacuation from their homes prior to bombings were widely reported. While in some cases homes were bombed immediately after the calls were made, others were not. Nevertheless, given the high population density in Gaza and the close proximity between homes, this has caused considerable panic and uncertainty among those receiving phone calls, as well as neighboring houses. People have been evacuating their homes and staying in streets for long hours exposed to further danger, or staying with relatives.").

[98] Taghreed El-Khodary and Isabel Kershner, "[Warnings Not Enough for Gaza Families](#)," *New York Times*, Jan. 6, 2009, p. A10.

[99] This point is made by Adi Ophir, "[Reflections on Gaza from Tel Aviv](#)," *ZNet*, Jan. 12, 2009.

[100] Human Rights Watch, "[Israel/Hamas: Civilians Must Not Be Targets; Disregard for Civilians Underlies Current Escalation](#)," Dec. 30, 2008 ("Under the laws of war, police and police stations are presumptively civilian unless the police are Hamas fighters or taking a direct part in the hostilities, or police stations are being used for military purposes."); Human Rights Watch, "[Q & A on Hostilities between Israel and Hamas](#)," Dec. 31, 2008 ("Under international humanitarian law, police are presumed to be civilian - and thus immune from attack - unless formally incorporated into the armed forces of a party to a conflict or directly participating in the hostilities. Thus, police only engaged in ordinary police roles, such as regulating traffic or ordinary law enforcement, would not be subject to lawful attack, while those who are Hamas fighters can be targeted. Police who engage in both ordinary law enforcement and at times in fighting would, like other civilians, be subject to attack whenever and for such time as they were actively participating in the hostilities."); Palestinian Centre for Human Rights, "[On the Bloodiest Day in the History of Occupation, Hundreds of Palestinian Civilian Deaths and Casualties in an Israeli Aerial Offensive against the Gaza Strip](#)," Dec. 27, 2008 ("police stations, police officers and law enforcement officials are classified under the international law as civilians, and targeting them as such while they were not engaged in military action constitutes a violation of the international law."))

[101] B'Tselem, "[B'Tselem to Attorney General Mazuz: Concern over Israel targeting civilian objects in the Gaza Strip](#)," Dec. 31, 2008.

[102] Griff Witte and Sudarsan Raghavan, "['All-Out War' Declared on Hamas; Israel Expands List of Targets to Include Group's Vast Support Network in Gaza](#)," *Washington Post*, Dec. 30, 2008, p. A01.

[103] Tova Dadon, "[Deputy chief of staff: Worst still ahead](#)," Ynet, Dec. 29, 2008.

[104] Ethan Bronner, "[Israel Rejects Cease-Fire, but Offers Gaza Aid](#)," Jan. 1, 2009.

[105] Griff Witte and Sudarsan Raghavan, "['All-Out War' Declared on Hamas; Israel Expands List of Targets to Include Group's Vast Support Network in Gaza](#)," *Washington Post*, Dec. 30, 2008, p. A01.

[106] Steven Erlanger and Michael Slackman, "[Israel Says Hamas Is Damaged, Not Destroyed](#)," *New York Times*, Jan. 13, 2009.

[107] ITIC, "[Operation Cast Lead - Update No. 8](#)," Jan. 6, 2009.

[108] ITIC, "[Operation Cast Lead - Update No. 9](#)," Jan. 8, 2009.

[109] See UN, Dept. of Public Information, "[Press Conference on Situation in Gaza](#)," Dec. 29, 2008:

"Responding to numerous questions about why only women and children were counted as civilian casualties, Mr. [John] Holmes [Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator] said the UNRWA figure of civilian casualties had been given to avoid accusations of exaggeration or unclarity about civilians, or others who might be Hamas militants. It was meant to give a credible, minimum figure. He knew that there were civilian men who had been killed, including one UNRWA staff. It was not meant to be 'super considerate' of Israel, as one correspondent suggested. There were civilians killed who were men, but women and children were the only ones one could reasonably be sure were civilians. The given number was not based on a methodology, he said. Neither did he mean to say that all men killed were Hamas.

"Ms. [Karen] AbuZayd [Commissioner-General of UNRWA] confirmed that the account was correct. The Emergency Coordinator based in Jerusalem had come up with the tally, and she had questioned it immediately. The director of her office, a lawyer, immediately had said that the numbers should not be used, because they were not legitimate and made no sense. She agreed with that, saying that the numbers had to be looked at again. Her emergency food distributor, who had been killed, was a civilian and a man."

[110] OCHA, "[Field Update on Gaza from the Humanitarian Coordinator](#)," Jan. 14, 2009, 1700 hours, p. 1.

[111] For example, Fares Akram, "[Gaza: The death and life of my father](#)," *Independent*, Jan. 5, 2009; B'Tselem, "[Testimony: Ambulance and medical staff fired at while evacuating wounded people](#)," Jan. 6, 2009; Damien McElroy, "[UN drivers killed during three-hour Gaza 'ceasefire'](#)," *Telegraph*, Jan. 8, 2009; B'Tselem, "[Testimony: Vegetable vendor killed in Israeli bombing of Gazan police building](#)," Dec. 27, 2008; B'Tselem, "[Testimony: Jaber Abu Hweij loses father and brothers in Gaza bombing](#)," Jan. 5, 2009; B'Tselem, "[Testimony: Soldiers Killed and injured dozens of persons from a-Samuni family in a-Zeitun neighborhood, Gaza, Jan. '09](#)," Jan. 8, 2009.

[112] OCHA, "[Field Update on Gaza from the Humanitarian Coordinator](#)," Jan. 14, 2009, 1700 hours, p. 1.

[113] Human Rights Watch, "[Deprived and Endangered: Humanitarian Crisis in the Gaza Strip](#)," Jan. 13, 2009. See also International Committee of the Red Cross, "[Gaza: wounded people dying while waiting for ambulances](#)," Jan. 5, 2009.

[114] Human Rights Watch, "[Deprived and Endangered: Humanitarian Crisis in the Gaza Strip](#)," Jan. 13, 2009.

[115] See Joel Simon, Executive Director, Committee to Protect Journalists, "[CPJ urges Israel to open Gaza to international reporters](#)" (letter to Ehud Barak), Jan. 6, 2009,.

[116] Foreign Press Association of Israel, [Statements 2009](#) (Jan. 7: "The FPA strongly protests the Israeli government's decision to continue the ban on international journalists entering Gaza despite the Supreme Court ruling requiring it to allow access."). See also Human Rights Watch, "[Israel/OPT: Immediate access to humanitarian workers and observers essential](#)," Dec. 31, 2008; Rory McCarthy, "[Foreign journalists demand Gaza access](#)," *Guardian*, Dec. 30, 2008; Toni O'Loughlin, "[Israel ordered to let international media into Gaza Dec. 31, 2008.](#)," *Guardian*,

[117] Ethan Bronner, "[Israel Puts Media Clamp on Gaza](#)," *New York Times*, Jan. 7, 2009.

[118] Ethan Bronner, "[Israel Puts Media Clamp on Gaza](#)," *New York Times*, Jan. 7, 2009.

[119] The Israel Project, "[Fiction vs. Fact: Israel and the Situation in Gaza: 6 Common Fabrications](#)." The Israel Project's Board of Advisors consists of 22 members of the U.S. Congress (from both parties) and actor Ron Silver. See [here](#), accessed 1/13/09.

[120] UNRWA, "[UNRWA suspends food distribution in Gaza](#)," Press Release Dec. 18, 2008.

[121] OCHA, "[Protection of Civilians Weekly Report No. 290, 17 - 23 December 2008](#)," Dec. 24, 2008.

[122] OCHA, "[Gaza Humanitarian Situation Report](#)," Dec. 28, 2008.

[123] OCHA, "[Gaza Humanitarian Situation Report](#)," Jan. 3, 2009.

[124] OCHA, "[Field Update on Gaza from the Humanitarian Coordinator](#)," Jan. 12, 2009, p. 1.

[125] Yossi Verter, "[Poll: Most Israelis support continuing Gaza military op](#)," *Haaretz*, Jan. 1, 2009.

[126] Yossi Verter, "[Poll shows most Israelis back IDF action in Gaza](#)," *Haaretz*, Jan. 15, 2009.

[127] See, Gush Shalom, "[Mass Demonstration Against the War and Continuing Protest](#)," accessed Jan. 14, 2009, and [video](#).

[128] Daniel Edelson, "[Sderot, Gaza residents call for renewal of truce](#)," *Ynet*, Dec. 29, 2008.

[129] Shahar Ilan and Roni Singer-Heruti, "[Israel bans Arab parties from running in upcoming elections](#)," *Haaretz*, Jan. 13, 2009.

[130] Congressional Research Service, Foreign Affairs, Defense, and Trade Division, "[U.S. Foreign Aid to Israel, Updated January 2, 2008](#)," Summary.

[131] Congressional Research Service, Foreign Affairs, Defense, and Trade Division, "[U.S. Foreign Aid to Israel, Updated January 2, 2008](#)," Summary.

[132] Congressional Research Service, Foreign Affairs, Defense, and Trade Division, "[U.S. Foreign Aid to Israel, Updated January 2, 2008](#)," p. 1.

[133] Phyllis Bennis, "[Gaza Crisis: Israeli Violations & U.S. Complicity](#)," Dec. 28, 2008.

[134] See Global Policy Forum, "[Subjects of UN Security Council Vetoes](#)," accessed 1/14/09.

[135] Shlomo Shamir, "[U.S. to foil any Arab bid to push Security Council resolution for Gaza cease-fire](#)," *Haaretz*, Jan. 5, 2009.

[136] Barak Ravid and Shlomo Shamir, "[Israel rejects UN truce resolution, says Gaza operation to continue](#)," *Haaretz*, Jan. 10, 2009. Hamas later rejected the ceasefire as well.

[137] Rasmussen Reports, "[Americans Closely Divided Over Israel's Gaza Attacks](#)," Dec. 31, 2008; Rasmussen Reports, "[Voters Still Say Palestinians to Blame, But 50% Say Israel Should Accept Truce](#)," Jan. 12, 2009; Pew Research Center for the People and the Press, "[No Desire for Greater U.S. Role in Resolving Conflict; Modest Backing For Israel In Gaza Crisis](#)," Jan. 13, 2009.