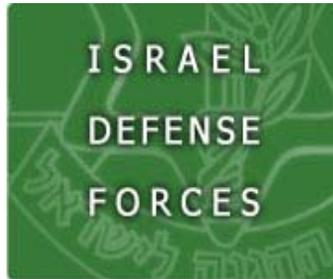


עברית



A-

A+



## IDF Releases Information Regarding Operation Cast Lead Military Investigations

22 April 2009 , 17:20

**The IDF has released information regarding comprehensive military investigations related to Operation Cast Lead** 📄



IDF forces during Operation Cast Lead.  
Photo: Neil Cohen, IDF Spokesperson

IDF Spokesperson

The IDF Chief of the General Staff, Lt. Gen. Gabi Ashkenazi, recently approved and authorized the publication of the conclusions of five investigative teams assigned to investigate events related to the conduct of IDF soldiers during Operation Cast Lead. These investigations are supplementary investigations and are in addition to the investigations that take place following all IDF operations. Additional issues are also undergoing a process of verification or investigation at various levels within the IDF and the IDF aims to complete these investigations by June 2009.

The teams were headed by officers of the rank of Colonel and those who took part in the investigation were not a direct part of the chain of command in the operations that were in question. The teams were appointed by Lt. Gen. Gabi Ashkenazi.

The five investigative teams dealt with the following five issues:

### **1. Claims regarding incidents where UN and international facilities were fired upon and damaged during Operation Cast Lead. This investigation was conducted by Col. Itzik Turgeman.**

-Regarding the UNRWA school in Jabaliya, the Fahoura School, the investigation concluded that the IDF used minimal and proportionate retaliatory fire, using the most precise weapons available to them. Hamas made this necessary, as it fired mortar shells at Israeli forces 80 meters from the school. Additionally, it was concluded that all of the shells fired by IDF forces landed outside of the school grounds. According to a Senior IDF Military Official, the United Nations has also confirmed this finding.

-Regarding damage done to the UNRWA Headquarters and to a pharmaceutical storage facility in Tel El-Hawa neighborhood, the IDF concluded that IDF forces came under fire near these structures and an exchange of fire occurred. The IDF returned fire only after an IDF armored bulldozer suffered a direct hit from anti-tank fire. Additionally, no one was injured during this incident.

-Regarding the alleged attack on a UNRWA vehicle in Tel El Hawa, the investigation concluded that the vehicle did not bear UN markings, and it that it

contained an Palestinian anti-tank squad.

-In one incident, in which a soldier was found to have fired at a UN vehicle in breach of the IDF's rules of engagement, the soldier in question was court-martialed.

-The IDF did not, at any time, fire with the deliberate intention to hit a UN vehicle or facility in any of the 13 incidents investigated.

## **2. Incidents involving shooting at medical facilities, buildings, vehicles and crews. This investigation was conducted by Col. Erez Katz.**

-The IDF investigated an incident in which a building containing a mother-and-child clinic was attacked by the IDF. The investigation concluded that Hamas used this building as a weapons storage facility. Despite the fact that the building was not identifiable as a clinic and contained no relevant markings, the IDF still warned the residents of the building prior to the attack.

-The IDF investigation also concluded that all IDF forces were ordered to take special care in order to protect Palestinian civilians. The forces took extraordinary care, as obliged by international law and even acted beyond those obligations. In some incidents, forces even refrained from attacking 'medical vehicles' that were being used by Hamas.

## **3. Claims regarding incidents in which many uninvolved civilians were harmed. This investigation was conducted by Col. Tamir Yedai.**

-Regarding the attack in the house of senior Hamas Operative Nazar Ri'an, the IDF concluded that Ri'an was a legitimate military target due to his involvement in the execution and planning of terrorists attacks, and that his house was a legitimate military target due to the fact that it was used as a weapons storage facility, as proven by investigation and secondary explosions after the attack. Additionally, it was found that for unknown reasons, Ri'an's family stayed in the house, despite numerous warnings and a length period of time during which they were able to evacuate.

-Regarding an attack on a truck carrying oxygen tanks, the IDF concluded that intelligence information led forces to believe that the truck was carrying rockets between a known Hamas manufacturing facility and known rocket launching site. Later, it was found that the truck contained oxygen tanks, which were likely to be used by Hamas for rocket manufacturing. Four Hamas operatives and four uninvolved civilians were killed in the incident.

-Regarding the Al-Daia family residence in Gaza City, the IDF concluded that the Al-Daia family did receive a number of warnings, including a 'knock on the roof' warning, but the warning phone call was received by residents of a weapons storage facility, not by the Al-Daia family. This was a result of a mistake in identifying the building.

## **4. The use of weaponry containing phosphorous. This investigation was conducted by Col. Shai Alkalai.**

-The use of weapons containing white phosphorus is standard, legal, and a tactic employed by other western militaries worldwide, including states that are signatories of the Third Protocol of the Convention Weapons (CCW).

-The IDF's use of white phosphorus was in accordance with Israel's obligations under international humanitarian law, and more specifically, the obligations with regard to munitions with incendiary characteristics.

-The IDF uses white phosphorus as a smoke screen, and uses certain smoke bombs that contain elements of white phosphorus. These uses are standard and legal. The use of smoke obscurants proved to be a very effective means, and in many cases, prevented the need to use explosive munitions whose impact would have been considerably more dangerous.

-According to a Senior IDF Military Official, the IDF stopped using white

phosphorus on January 7, 2009, despite its legality and tactical benefits, in response to the outrage in the media regarding its use.

**5. Damage to infrastructure and the destruction of buildings by ground forces. This investigation was conducted by Col. Adam Zusman.**

-According to a Senior IDF Military Official, the decision to destroy a structure was made by officers of the rank of Brigade Commander and above.

-The investigation determined that no uninvolved civilians were harmed during the demolition of infrastructure and buildings by IDF forces.

-In many cases, the preparations (including the planting of explosives or weaponry) made by Hamas and other terrorist organizations—including booby-traps aimed at harming IDF forces-- were responsible for the significant damage caused to the structures.

-The investigations did not identify any instances of intentional harm done to civilian infrastructure, nor did it find any incidents in which structures were damaged as means of punishment or without operational justification.

Regarding the conclusions drawn from these investigations, a Senior IDF Military Official said, "The bottom line is that the IDF conducted itself in an appropriate manner within the limits of international law. We kept a high professional and moral standard; all of this, against an enemy that was shooting at our civilian population and using the Palestinian population as human shields." A Senior IDF Military Official also stated that the investigations shed light on a very small number of mistakes and incidents that indicated inappropriate conduct. These unfortunate incidents were unavoidable and occur in all combat situations in which militaries are forced to fight in urban centers where civilians are used as human shields.

The process of examination involved a series of operational investigations that are both standard protocol for IDF investigative activities, and are employed by other western militaries. In accordance with accepted IDF protocol for professional investigations, the investigators operated independently and were provided with access to all relevant materials and the freedom to question any of the relevant personnel. It should be noted that each soldier whose testimony was requested was required to cooperate with the investigation, and the investigators received full cooperation.

Additionally, a Senior IDF Military Official made clear that in order to complete these investigations, Palestinian sources were consulted as necessary and as possible, citing that the IDF has a cooperative relationship with the Ministry of Health and the Ministry of the Interior.

The government of Israel ordered the IDF to embark on Operation Cast Lead as part of its duty to protect its citizens following eight years of rocket fire on Israeli communities in southern Israel. This fire was heightened during the three years following Disengagement, when Israel withdrew from Gaza, and during the two months prior to Operation Cast Lead. During this time, hundreds of thousands of Israeli children, women and men were terrorized by endless attacks executed by Hamas and other terrorist organizations operating in the Gaza Strip. Thousands of rockets and mortars were fired at schools, kindergartens and residential neighborhoods. Israel was left with no choice other than to act against these continuous acts of terrorism that killed and injured many, not only physically but mentally and emotionally as well. It was impossible for Israeli civilians in these areas to live normal lives.



### 3D animation illustrating the complex battlefield in the Gaza Strip

The fighting in Gaza took place in a complex battlefield against an enemy who chose, as a conscious part of its doctrine, to locate itself in the midst of the civilian population. The enemy booby trapped civilian houses with explosives, fired from schools attended by its own children and used their own people as human shields, while abusing the IDF's legal and ethical commitment to avoid injuring uninvolved civilians. In order to ensure compliance with the IDF's obligations under international law, the IDF invested an enormous effort and huge resources to keep civilians in the Gaza Strip from harm. The IDF dropped more than 2,250,000 leaflets during the operation, used Palestinian media outlets, made personal telephone warnings to more than 165,000 Gaza residents, and carried out a special warning shot procedure in order to ensure that Palestinian civilians were able to avoid harm. Additionally, the IDF made extensive use of accurate munitions, wherever and whenever possible, to minimize harm to civilians. Also, during the operation, the IDF authorized humanitarian convoys to enter Gaza and employed a humanitarian recess for several hours a day. According to a Senior IDF Military Official, Hamas used these pauses in combat to rearm, in addition to stealing the humanitarian aid meant for Palestinian civilians.

The approach used by Hamas turned Gaza's urban areas into a battle field and intentionally made use of uninvolved civilians, civilian buildings, and sensitive humanitarian facilities (i.e. hospitals, religious and educational institutions, and facilities associated with the UN and other international organizations).

Finally, regarding the number of Palestinian fatalities during Operation Cast Lead, a Senior IDF Military Official stated that there were 1,166 fatalities during the operations; 709 of these fatalities were Hamas and Islamic Jihad operatives, whose names are currently known by the IDF. 162 of the fatalities were men between the ages of 16 and 45, whose connection to Hamas is unclear. 295 of the fatalities were Palestinian civilians.

The investigation process was lengthy due to the extent of the fighting, the complex and thorough work of the investigators, the time required to gather information from the various units involved in the operation, and comprehensive cross-checking. With regard to some of the investigations presented here, some specific additional issues are still being checked, and additional allegations are now being investigated.

In accordance with usual practice, a summary of each investigation will also be presented to the Military Advocate General, who is entitled to decide whether additional checks need to be done or if there is a basis for opening another type of investigation. His decision is entirely independent and he is subject only to the law.

Due to their significance, the conclusions of the investigations and the opinion of the Military advocate will be presented for review to the Attorney General.

© 2009 IDF. All rights reserved