



Gaza Border Events: Questions & Answers

Since 30 March 2018, Israel has been contending with ongoing violent attempts by masses of Palestinians in the Gaza Strip – civilians and operatives – to sabotage and destroy Israel's defensive security infrastructure along its border with Gaza, penetrate Israel's territory, harm Israeli security forces, and overrun Israeli civilian areas and harm Israeli civilians (the “Gaza border events”). While these events are part of a broader armed conflict with Israel, which has included throughout 2018 direct attacks, rockets, mortar shells and more, the following will focus on the mass events occurring at the border.

These border events have been primarily organized and led by Hamas, an internationally recognized terrorist organization that controls the entirety of the Gaza Strip. Hamas has been waging an ongoing armed conflict against Israel using various means to penetrate into Israeli territory and attack both Israeli security forces and the civilian population. Over the years, these means have included suicide bombings in Israeli population centers, tens of thousands of rockets and mortars launched from Gaza into Israel, cross-border assault tunnels reaching from Gaza into Israel, and various cross-border attacks such as anti-tank fire, machine gun fire, above-ground infiltration by terrorist cells and the placing of explosives along the security infrastructure.

The following Questions and Answers are intended to provide information regarding the nature of the events and the IDF's response to these events. The following publication is updated as of 1 February 2019.

The IDF's assessments as stated in this publication are based, amongst other things, on intelligence and operational analysis. Naturally, intelligence information obtained by Israel prior to and during the events is mostly classified, and cannot be published for reasons of national security. This is especially considering that these events are ongoing, and occur within the context of an armed conflict and active hostilities waged by Hamas and other terrorist organizations in Gaza against Israel. Thus, not all of the information and knowledge that Israel possesses regarding these events appear in this publication, and the following cannot be considered as exhaustive. For the



purposes of this publication, the IDF has endeavored to include public sources which give expression and support to these assessments.

Note: the following refers to the 'border' between Gaza and Israel for ease of reference only, and should not be taken as an expression of Israel's position regarding the location of any international boundary.

Table of Contents:

A. The Gaza Border Events – General Background

- *What happened in the past year between the Gaza Strip and Israel?*
- *What are the Gaza border events?*
- *What is the Gaza-Israel border area?*
- *What security infrastructure has Israel established on the border with Gaza?*
- *How did Hamas organize these events?*
- *When do these events occur and for how long have they continued?*
- *Where on the Gaza border did these events occur?*

B. Hamas's Aims

- *What were the publicly stated aims of the Gaza border events?*
- *What were Hamas's true aims?*
- *How did Hamas intend to achieve these aims?*
- *Why has Hamas not stated its true aims publicly?*
- *On what basis does Israel say that these were Hamas's aims?*
- *Does Hamas have the necessary control over the events in order to achieve its aims?*
- *Is there evidence of success by Hamas in fulfilling its aims?*

C. Threat to Israel

- *What is the threat posed in general?*
- *What is the threat to Israeli civilian communities and infrastructure in the vicinity of the Gaza border?*
- *What is the threat to Israel beyond the vicinity of the Gaza border?*
- *What is the threat to soldiers and military infrastructure defending the border?*

D. How the Riots Unfold

- *How does a day of the border events typically progress?*
- *How have the nature of these events changed over the months?*

E. Connection of the Gaza Border Events to Other Events in Gaza

- *Are actions in the vicinity of the focal sites related to actions occurring at other points on the border?*



- *Are the border events related to other attacks from Gaza, such as rocket and mortar fire?*

F. Israel's Preparations

- *What are Israel's aims in the face of these events?*
- *What steps did Israel take to try and prevent the threats posed by these events?*
- *How did the IDF prepare for the events?*

G. The IDF's Operational Response

- *How does the IDF regulate the use of force?*
- *Why has the IDF not published the Standard Operating Procedures?*
- *What are the Standard Operating Procedures applicable in the Gaza border events?*
- *Have the Standard Operating Procedures undergone legal review?*
- *Have the Standard Operating Procedures been amended during the events?*
- *What are some of the challenges the IDF has faced in implementing these Standard Operating Procedures?*
- *Has the IDF's conduct changed during the events?*

H. IDF Use of Non-Lethal Means

- *How does the IDF use non-lethal means during these events?*
- *Why hasn't the IDF used only tear gas to disperse the violent riots and contend with the threats they pose?*
- *Has the IDF tried other non-lethal means besides tear gas?*
- *Has the IDF tried to acquire or develop new non-lethal means?*

I. IDF Use of Potentially Lethal Force

- *In what situations may IDF forces resort to live ammunition?*
- *How is this implemented in practice?*
- *Who is a "key instigator" or a "key rioter"?*
- *In what circumstances is a threat considered real and imminent according to the Standard Operating Procedures?*
- *How does the IDF regulate the use of live ammunition?*
- *What ammunition does the IDF use?*
- *Why doesn't Israel use Border or Riot Police instead of the IDF forces stationed on the Gaza border?*
- *Why can't Israel allow people to breach the security infrastructure and arrest them once inside Israeli territory?*
- *Why didn't Israel build a bigger and stronger fence to withstand sabotage and attacks?*

J. Investigation of Allegations of Misconduct

- *Are allegations or suspicions of misconduct investigated?*
- *What is the mechanism for investigation such allegations or suspicions?*



- *How does the FFA Mechanism conduct its examinations into the Gaza border events?*
- *What challenges has the FFA Mechanism faced in its examinations of the Gaza border events?*
- *What happens to the FFA Mechanism's findings and materials?*
- *Is the Military Advocate General's decision final?*

K. Outcomes of the Gaza Border Events

- *What has been the outcome of these events in Israel?*
- *How many Palestinians have been harmed as a result of the events?*
- *Why on some dates there appear to be many wounded by live ammunition, and on other days less?*
- *Why are amongst the harmed some journalists, medical personnel, first aid volunteers, women and minors?*



A. The Gaza Border Events – General Background

What happened in the past year between the Gaza Strip and Israel?



Hamas, an internationally recognized terrorist organization, has been waging an armed conflict against Israel for almost two decades, with the stated purpose of killing Jews and destroying the State of Israel.

Since violently taking control over the Gaza Strip from the Palestinian Authority in 2007, Hamas has used its control over the territory bordering Israel to increase its attacks and their effectiveness, including by embedding rocket and mortar launch systems within the urban environment, conducting cross-border shooting attacks, cross-border infiltrations, and by digging numerous cross-border assault tunnels reaching into Israeli residential areas.

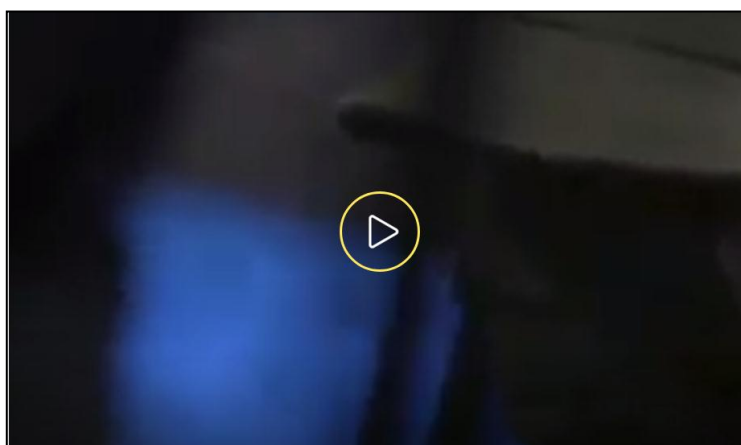
Hamas has also used its control over the population, and the financial and material resources that result from this control for the same purpose. This has included using its control over the education, media and social services to incite and recruit supporters and new members, its control over land crossings and the maritime area to smuggle in weapons and military materiel, actively using the civilian population as shields in military operations, and utilizing urban areas to support offensive and defensive operations ([for more information on the armed conflict with Hamas, see The 2014 Gaza Conflict: Factual and Legal Aspects](#)).



In 2018, alongside the Gaza border events, Hamas increased its military activities against Israel significantly. Hamas fired over 1,300 rockets and mortar shells towards Israeli civilian population centers, a marked increase from 2017. Hundreds of other attacks were carried out, including firing ground-to-ground missiles and machine guns into Israel and detonating mines and other explosives on the fenceline, resulting in harm to persons and property damage. Both from within the Gaza border events and separate from it, Hamas launched thousands of incendiary and explosive balloons into Israel.

Simultaneously, Hamas continued to invest in building-up its military arsenal and capabilities. Hamas continues to develop and conduct testing of rocket technology, and has continued to develop its array of cross-border assault tunnels. Since the end of 2017, 17 tunnels have been neutralized by the IDF, including tunnels under and close by the [Kerem Shalom](#) and [Erez crossings](#), [as well as under UN facilities inside Gaza](#).

Hamas continues to import military equipment and materials, and conducts smuggling operations into the Gaza Strip via Israel and Egypt. Hamas has also continued to conduct large-scale military trainings, including a joint-forces exercise on 27 March 2018, which involved training infiltrating into Israel, taking over buildings, kidnapping soldiers and retreating into the Gaza Strip (see for example [this publication](#) and a [video of the exercise](#)).



Video via: [Alqassam](#)



Other terrorist organizations in the Gaza Strip also carried out attacks against Israel during 2018, including Palestinian Islamic Jihad, funded and directed by Iran. Many of the different terrorist organizations in Gaza act in cooperation with Hamas, including in a joint-operations room commanded by Hamas. In other cases, these groups have purportedly acted independently.

In the face of such threats, Israel takes various steps to protect its population from the armed conflict, including investing in defensive infrastructure (such as bomb shelters), developing and constructing the underground obstacle, deploying and employing the Iron Dome active-defense interception system and improving Homefront Command emergency procedures. Israel also works to constrain Hamas's military build up, including by conducting security checks of goods entering Gaza from Israel and regulating the import of goods from Israel that could be used for military purposes. Israel also carried out attacks against Hamas military objectives, primarily consisting of aerial strikes in response to attacks emanating from the Gaza Strip.

What are the Gaza border events?

It is within the above context that violent riots and attacks have taken place along the Gaza border since 30 March 2018. Purportedly beginning as a civilian initiative, these events were appropriated by Hamas in order to further its attacks against Israel, to create heightened security tension in the Gaza arena and to increase political and diplomatic pressure on Israel, internally and internationally.

During these events, IDF forces have contended with over ten months of simultaneous gatherings of sometimes tens of thousands of people along the border, each of which have involved varying levels of violence. This has included gunshots, grenades, Molotov cocktails and other explosive devices, marbles and rocks launched using different high-velocity launching devices, coordinated maneuvers to sabotage and destroy the security infrastructure, mostly under cover of large clouds of smoke from burning tires, and the launching of incendiary and explosive airborne devices (primarily kites and balloons) into Israel in order to kill and harm, destroy military infrastructure, and cause widespread damage to homes, nature and agriculture.



Under the cover of this violence, breaches in Israel's security infrastructure have occurred, followed by infiltrations into Israeli territory and attacks on IDF forces, IDF positions and military infrastructure. These breaches have threatened to evolve into mass breaches of the security infrastructure and infiltration en masse into Israel.

Besides these threats, Hamas also intended to exploit breaches created by the rioters and Hamas operatives in the security infrastructure in order to penetrate into Israel territory and conduct military attacks inside Israel. Hamas's other military assets (such as rockets, missiles and mortars) have been constantly primed and ready so as to rapidly provide ancillary support to successful military attacks inside Israel.

At the same time as these violent riots and attacks in the Gaza border area, Hamas organized and maintained mass gathering sites further from the border, each site consisting of between eight and twenty four marquees, social activities and political and religious speeches which often include incitement to violence against Israel. These sites did not involve the types of activities described above, and the following information generally refers to the activities occurring in the Gaza border area itself, unless noted otherwise.

The number of people congregating at the focal points and the border area ranges between several thousand and 45,000 each day. Thus, as of the date of this publication, over half a million people have attended these events since 30 March 2018.

What is the Gaza-Israel border area?

The violent riots and attacks are occurring along the length of the border between the Gaza Strip and Israel, both on land and at sea. On land, this border runs for approximately 60 kilometers (37 miles) and varies in topography. Dividing between two parties engaged in an ongoing armed conflict, it has constituted a primary point for attacks and military operations, increasingly so since Hamas took over the Gaza Strip in 2007.

Approximately 70,000 Israelis reside in the area of southern Israel that abuts the Gaza Strip, in approximately 80 residential areas (of which three civilian communities of



almost 1,500 residents lie directly across the border from Gaza, and another 22 communities lie within four kilometres in addition to the city of Sderot of approximately 30,000 residents). This area also includes schools and other education centers, tourist sites, nature reserves, commercial centers, industrial factories and national infrastructure (including chemical plants and power stations).

The border area is a flashpoint in the armed conflict being waged against Israel. Between 2015 and 2017, over 40 armed attacks were carried out in the border area on land, against IDF forces, military assets, civilian infrastructure and residential communities. In 2018, prior to 30 March, a number of attacks were carried out, including explosives laid on the fenceline, armed cells infiltrating into Israel and sabotaging engineering and military equipment and shooting attacks.

On 17 February 2018, for example, four IDF soldiers were injured, two seriously, when a booby-trapped flag planted on the border fence detonated (a video of the incident was published by the al-Nasser Salah al-Deen Brigades in November 2018, as part of the propaganda campaign carried out during the Gaza border events). In addition, along the length of the border numerous infiltrations into Israeli territory have taken place, including for the purposes of carrying out attacks inside Israeli territory. For example, on 25 March 2018, an attempt to sabotage the equipment for constructing the underground obstacle was conducted during an infiltration from Gaza, and grenades and knives were found on the infiltrators. On 27 March 2018, three armed infiltrators were detained 20 kilometers into Israeli territory, next to an IDF base. On 28 and 29 March, two additional infiltrations from Gaza occurred.

This area is also utilized by Hamas for underground military activities, primarily the construction of cross-border assault tunnels into Israel, as well as for intelligence gathering against the IDF and Israeli residential and commercial areas.

The sensitivity of the border area is reflected in the fact that since the end of 2012, there have been understandings in force regarding Palestinian presence and activity in the border area. According to these understandings, Hamas has prohibited the presence of Gazan civilians in the border area without its consent. To enforce these understandings, Hamas set up patrols and dedicated units, and established



infrastructure such as roads and guard posts on the Gaza side along the length of the border.

Israel also shares a maritime border with the Gaza Strip. Here too, the border has been the site of numerous attacks and military activity. Over the years, attacks have been conducted on land in Israel via the sea, and attacks have been carried out against Israeli naval forces operating in the area. The coastal city of Ashkelon, for example, consists of 150,000 residents and lies under four nautical miles from Gaza. Further, in recent years Israel has developed offshore gas platforms, which are of national significance, and some of which are located in close proximity to the Gaza maritime zone.

What security infrastructure has Israel established on the border with Gaza?

In 2006, Israel erected a steel fence approximately three meters in height along the entire length of the Israel-Gaza border. The fence contains a technological system consisting of interconnected sensors, camera, and other detection means. Consistent with the primary threat of individual and small-cell infiltrations over the border area, these means are designed to provide early detection and warning of attempted infiltration, and to allow IDF forces to quickly identify where the possible breach is occurring.

In order to provide a rapid response to such indications of attempted breaches, IDF forces constantly patrol the fenceline. These patrols are heavily protected in light of the threat of attack from within Gaza and the detonation of explosives placed on the fenceline. In addition to this fence, Israel has placed sections of barbed wire on the Gaza side, designed to deter and delay potential infiltrators.

In response to the cross-border assault tunnels, in recent years Israel has invested heavily in installing a robust obstacle and sophisticated underground technology intended to detect such tunnels. This effort is currently underway, and substantial engineering equipment and resources (including civilian contractors and laborers) are spread throughout the length of the border.



At the same time, Israel is in the process of upgrading the aboveground security infrastructure, to be completed in 2020. Likewise, in response to the attacks and attempted infiltrations via the maritime area, in early 2018 Israel began building infrastructure (a 'maritime barrier') to reduce such threats. The maritime barrier was completed at the end of 2018.



Due to the threat of infiltration, Israel also invests in individual security for the communities in the vicinity of the Gaza Strip, including indicative fencing and dedicated fast-response units in the area. For example, on the western side of the Kerem Shalom community, which abuts the Gaza border, a concrete wall has been installed to defend from shooting attacks.



How did Hamas organize these events?

The first mass encroachments on the border area began on 30 March 2018. However, Hamas's preparations for these events began much beforehand. These preparations were carried out in order to ensure the presence of the Gazan population at the events and incite them to breach the security infrastructure, as well as to further Hamas's military aims of executing attacks under the cover of their presence.

Hamas selected five sites along the Gaza border where people would be transported to and congregate. At each of these sites, Hamas conducted engineering works and established between eight and twenty-four marquees. Hamas installed electricity (due to the low supply of electricity throughout Gaza, Hamas often rerouted electricity supplied by Israel to the Gaza Strip to these sites), and provided free wireless internet and network connections, food and drink and additional services at each site.

Throughout the events, these focal sites have been funded by Hamas and managed by Hamas-affiliated organizations such as local religious centers.





Hamis engineering activities setting up the focal sites.



Hamis also undertook a program of incitement and coercion through the local media, television channels and newspapers, calling on the population to attend the events. This program has continued unabated until today. Hamis also contracted bus companies to provide transport services from population centers in Gaza to the focal sites.



Video via: Al-Aqsa TV | This is a video aired on Hamis-run television in Gaza, calling on the population to continue the struggle until victory, and calling them to join the events on the upcoming Friday at the border.



Hamas acquired and distributed means for sabotaging the security infrastructure (such as large quantities of wire cutters), and allocated explosive materials and other military means for use during the events.

Restrictions on Palestinian presence and activity in the border area were actively removed by Hamas, including gradually dismantling guard posts and ceasing patrols along the Gaza side of the border area.

In preparation for its military aims, Hamas conducted numerous infiltrations and armed attacks along the border fence, in order to test the IDF's response times and methods (such as the incident on 17 February mentioned above). Hamas also conducted largescale military exercises, including training infiltration and abduction scenarios, as noted above.

When do these events occur and for how long have they continued?

The Gaza border events have continued unabated since 30 March until today.

Initially, Hamas stated that the events would climax and end on 14 May 2018 (the original date was to be 15 May, the day on which Palestinians mark the 'Nakhba', or the 'catastrophe', of the Israeli Declaration of Independence on 1948; however, it was moved to 14 May in order to coincide with the opening of the US embassy in Jerusalem). However, due to Hamas's success in using the events to generate criticism of Israel, secure concessions from international actors and draw attention away from Hamas's political and economic failures, Hamas decided to continue with the events. As of today, it is uncertain when Hamas will cease to organize and lead violent riots and attacks on the border.

Initially, the mass encroachments on the border occurred on a weekly basis, with smaller events occurring during the week. Over the months, mass events occurred multiple times during the week, and at times daily. Primarily, these events occurred during the day, but over a number of months they occurred during the night as well.



Where on the Gaza border did these events occur?

As noted above, Hamas established five focal sites along the border. These sites were spread across the entire eastern border of the Gaza Strip, both to maximize participation from the Gazan population as well as to make it more difficult for Israel to contend with the events simultaneously.

In August 2018, an additional congregation site was established in the northern Gaza Strip, at the beach of Zikim, while swaths of vessels attempted to sabotage Israel's maritime defenses off the coast of Zikim. For the riots on 14 May 2018, 13 focal sites were established along the border.

These sites function as a feeding point and as a logistics hub for activities occurring along almost the entire length of the fenceline. For example, during April and September 2018, riots occurred at over 100 different places along the border each month. In contrast, during June and July 2018, when international actors were engaged in talks with Hamas to cease the violence on the border, riots occurred at approximately 40 different places along the border each month (for more information about Hamas's control over the events, see below).

At times, riots and attacks have been spread out across the border, with continuous presence at distances of up to two kilometers at each point along the border.



B. Hamas's Aims

What was the publicly stated aims of the Gaza border events?

The Gaza border events purportedly began as a civilian initiative, based on a general idea to establish tent cities in the vicinity of the Gaza border area as a form of protest against Israel for its alleged responsibility for the dire conditions in Gaza. According to the public statements of those civilians involved in trying to promote this general idea, the tent cities would deliberately not be set up in close vicinity to the fenceline so as to create security tension with Israel, and would not involve direct or physical action against Israel. Various dates were suggested for these events, including the possibility that they would continue for a number of weeks.

For more information about the development of this idea, [see here](#) and [here](#).

Hamas and other organizations in the Gaza Strip declared their support, and stated that they would fund the initiative and provide the necessary logistics and resources. Together with this support, Hamas and the Palestinian Islamic Jihad appointed representatives to a committee responsible for organizing public support for the event, which was established in agreement with Hamas and other organizations, and were involved openly in organizing the events.

As the basic idea developed within Gazan society, Hamas and others openly expressed diverging views regarding the events. While some continued to call for peaceful protests, Hamas increasingly called for violence and specifically to bringing about a mass infiltration by the Gazan population into Israel and into towns and cities in Israel to which Palestinians claim a historical right (known as the 'right of return'). Thus, the name 'the Great March of Return' was given to the events. Internationally, however, Hamas continued to espouse the purportedly peaceful nature of the events, and utilized the language of international law and human rights to promote this image.



Hamas also worked to expand the events to other arenas, including the West Bank, Jerusalem and other countries bordering with Israel. On 30 March 2018, and as the events progressed, Hamas made more explicit statements calling for violence, explicitly calling for a mass breach of the border and overrunning Israeli towns and cities (see below).

What were Hamas's true aims during the events?

Hamas's primary aim in the Gaza border events was to cause breaches in the security infrastructure and mass infiltrations of civilians into Israel, and to exploit these circumstances in order to allow Hamas operatives to penetrate into Israel and conduct attacks inside Israeli territory.

Hamas's secondary aims were to use the cover of civilians in the vicinity of the Gaza border area to conduct attacks against IDF forces and security infrastructure defending the border.

Hamas also sought strategic, political and diplomatic gains from the events. First, Hamas used the events to divert internal criticism of its governance of the Gaza Strip onto external actors, and to deflect anger in the street stemming from the crippling sanctions imposed by the Palestinian Authority on Gaza in its conflict with Hamas. Second, Hamas sought to weaken Israel politically by creating a constant heightened



sense of insecurity amongst the population in southern Israel and requiring the security agencies and government to manage constantly the situation. Third, Hamas sought to create pressure on international actors to accede to various demands, such as the provision of funds and salaries to public employees that had been withheld by the Palestinian Authority in the months prior to the events in exchange for curbing the violence. Fourth, Hamas used the events to achieve diplomatic and legal harm to Israel by exploiting harm to civilians to generate criticism of Israel.

How did Hamas intend to achieve these aims?

In order to achieve its military aims, Hamas worked both to bring about breaches of the security infrastructure and mass infiltration into Israel by the rioters, as well as to ensure that such incidents could be exploited in order to carry out military attacks inside Israel.

a) Breaches and Infiltrations by Rioters

In order to bring the general population to breach the security infrastructure and infiltrate into Israel, Hamas undertook a number of steps.

First, as noted above, Hamas took control over the organization of the events, providing funding, services and logistics with the aim of enticing the public to attend the different focal points along the border.

Second, Hamas incited the population through Hamas-run media outlets in Gaza and during visits by Hamas officials to the focal sites, calling for the destruction of Israel and the death of Jews, the ‘return’ to lands claimed by the Palestinians inside Israel and to Jerusalem, and breaking the ‘siege’ on the Gaza Strip symbolized by the border fence between Gaza and Israel. The theme of the ‘Great Return March’, promoting the return of Palestinians to lands claimed within Israel, helped promote Hamas’s aims of inciting the population to infiltrate into Israeli territory.



Video via: [Memri](#)



Video via: [Memri](#)

Third, Hamas acquired and distributed means for sabotaging the security infrastructure (such as large quantities of wire cutters and tires), allocated explosive materials and other military means for use during the events, and conducted physical preparations of the area of the riots so as to make it easier to reach the security infrastructure.

Fourth, Hamas removed all restrictions on presence and activity in the border area, including by gradually dismantling guard posts and ceasing patrols in the border area.

Fifth, Hamas interspersed its operatives amongst the civilian population in order to incite the crowds and instigate breaches in the security infrastructure.



b) Military Attacks

Here too, Hamas and other terrorist organizations took a number of steps in order to exploit breaches in the security infrastructure and the cover of the population to execute attacks.

First, weapons were embedded in the border area ahead of the mass events, so that they could be accessed quickly in the event of a mass breach.

Second, Hamas and other organizations interspersed their operatives (including specially trained operatives) amongst the crowds, and maintained additional combat units in the back lines further away from the fenceline, which could be activated in the event of a breach in order to penetrate quickly into Israel.

Third, Hamas and other organizations maintained readiness of its other military capabilities, so that they could be used as a supporting military effort in the event that units and operatives successfully penetrated into Israel territory (including priming rockets and mortars for launch and deploying snipers).

Fourth, Hamas and other organizations conducted largescale military exercises, training rapid penetration and abduction scenarios that could be executed in the event of a breach in the security infrastructure.

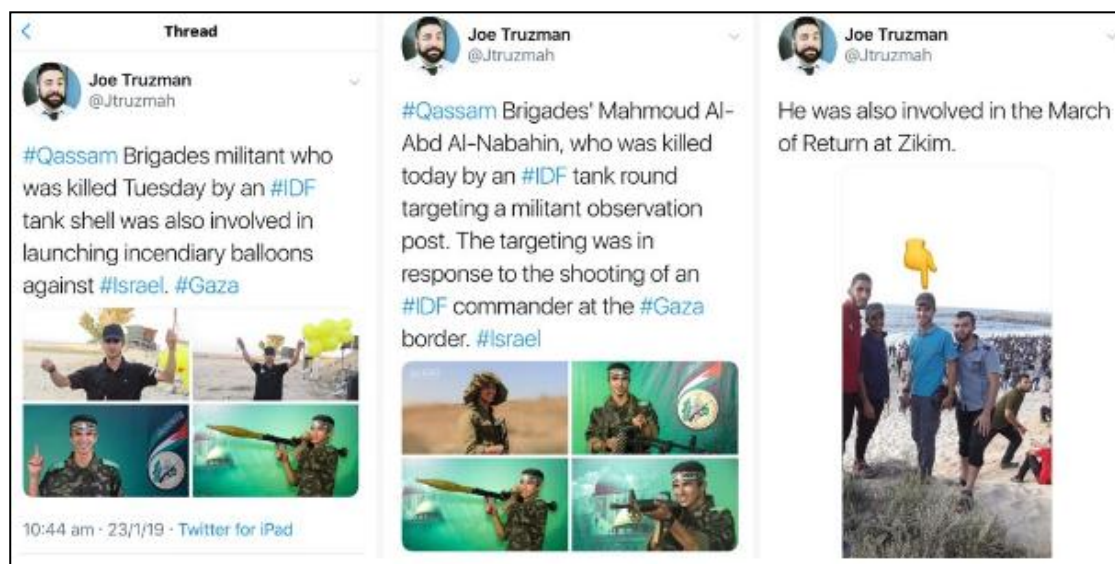
Why has Hamas not stated its true aims publicly?

As noted above, Hamas has been waging an ongoing armed conflict against Israel, which has included continuous hostilities up to and during the border events. In accordance with its interests within this armed conflict, Hamas deliberately conceals its military aims to reduce the ability for Israel to respond and prepare accordingly.

Hamas also conceals its aims in the knowledge that these aims would not be supported by the international community. Indeed, by promoting the image of peaceful protests and utilizing the language of international law and human rights, Hamas sought to secure ongoing international support for the events and discredit Israel simultaneously, including by promoting international condemnation of Israel.



Hamas has undertaken such practices in the past, deliberately concealing military objectives within civilian sites and disguising operatives as civilians so as to avoid attack and exploit any resulting civilian harm to generate criticism of Israel ([see Chapter IV here](#)). In the most recent largescale hostilities in Gaza, in 2014, Hamas's Interior Ministry called on the Gaza population to avoid identifying militants in the media, and to declare that anyone killed in the conflict was a civilian ([see the Annex here](#)). Here, too, in the context of the Gaza border events, Hamas called on people to conceal their identities and wear civilian disguises, assumedly so that Hamas operatives could not be identified by the IDF either before or after the events.



In response to shooting attacks on the IDF while contending with violent riots on the border in January 2019, including one incident in which an IDF officer was wounded, the IDF targeted a Hamas military position in the border area, killing a Hamas operative. This operative was involved in different activities in the Gaza border events.

Hamas also concealed its military aims from the Gaza population in order to secure their participation. It is reasonable to assume that had the Gaza population known that Hamas intended to exploit them as cover for conducting large- and small- scale military attacks, there would have been less willingness by the population to endanger themselves towards such an effort. Here too, Hamas has exhibited the same behavior in past hostilities – in the 2014 Gaza Conflict for example, Hamas's Interior Ministry called on the local Gaza population to ignore the different warnings provided by Israel of impending attacks, claiming that such warnings constituted "psychological



warfare" by Israel and that no such danger existed ([see page 177 here](#)). Hamas could not explicitly admit that it wanted civilians to avoid evacuating these areas so that they could serve as shields from attack or be used for political gain in the event they are harmed in an attack, due to the likelihood that civilians would be less willing to do so.

Here too, in the context of the Gaza border events, Hamas could not explicitly call on the Gazan population to act as its shield in order to conduct military attacks against Israel. Rather, Hamas used the political narrative of the ‘Great Return March’ to incite the population to breach the security infrastructure and infiltrate en masse into Israel, and refrained from stating that it intended to exploit these actions towards its military aims.

Indeed, as the events progressed over the months, public criticism of Hamas has increased within the Gaza Strip, with claims that Hamas is sending civilians – and especially minors and women – into harm’s way at the border for its own political and military purposes.

However, opposed to its concealed military aims, Hamas has been open in expressing its political and diplomatic aims. Hamas has repeatedly praised international statements criticizing Israel’s conduct, including by UN officials, and has openly supported the UN Human Rights Council Commission of Inquiry into the events.





Hamas has also called for the Prosecutor of the International Criminal Court to investigate the IDF's conduct. Further, Hamas has openly declared its willingness to curb the violence in exchange for accessions by Israel and other international actors, and threatened to increase the violence if its demands are not acceded to.

On what basis does Israel say that these were Hamas's aims?

Israel's understanding of Hamas's true aims in the Gaza border events is based on a wide range of sources, both open and classified; on operational analysis, based on knowledge of Hamas's methods of operations; and on intelligence held by Israel. Examples of materials and analysis which reflect and support this assessment are included below.

a) Statements and Actions

On 30 March 2018, it was already clear that these were not 'peaceful' protests intended to support a political message. As detailed below, the events in the Gaza border area (as opposed to the focal sites) have involved substantial acts of serious violence and attacks against Israel, including continuous attempts to sabotage and destroy the security infrastructure. Other types of violence have included shootings,



grenades, improvised explosive devices, mines, high-velocity projectiles and more. Such acts have continued to characterize these events until today.

Words complement these deeds, and publicly available videos of participants attest to the influence of Hamas's incitement and make clear that they were not there to make political points. For example, the Hamas-run Al-Aqsa TV station screened a statement by the 'Fence Cutting Unit' on 27 April 2018, during which masked members holding wire cutters and firebombs declared that:

“Today is the day we march towards our occupied and robbed lands. Today we cut the Zionist enemy's main fence on the border, today we shall enter our occupied lands and ignite a revolution against the Zionist enemy” ([see here at 03:30](#)).

Other examples are below.



Video via: 'Abu Ali' - Telegram | In this video, a Palestinian man speaks in Hebrew, saying 'We are coming for you, [IDF] soldiers. We have kidnapped you in the past, and we are ready to kidnap you now. Here are our heroes, the heroes of Rafah. You know what they are capable of.'



Video via: Al Jazeera Arabic



Public statements by Hamas officials themselves attest to their desire to have the civilian population breach the security infrastructure and infiltrate into Israel, and to their incitement of the population to do just that. For example, on 6 April 2018 Yahweh Sinwar, Head of Hamas in the Gaza Strip, made a speech at one of the focal sites, [stating](#):

"Our people will surprise the whole world with what we have for them. They should wait for our big push – we will tear up the border and tear out their hearts" (an Arabic saying which roughly translates to ‘we will destroy them’).

Another Hamas official declared in [a speech](#) in July at one of the focal sites that “We are coming for you, oh Netanyahu! We are coming for you, oh Lieberman! We are coming to chop your head off your necks! We are coming to chop off that entity and to destroy that army, which our Prophet informed us that we would defeat.” Naturally, such statements are not made internationally, and Hamas continues to present the events outwardly as ‘peaceful protest’.

Other public statements by Hamas officials demonstrate that the organization views the Gaza border events as part of the armed conflict against Israel, and that the events constitute one tool in Hamas’s arsenal of weapons that it can launch against Israel at its choosing. For example, on 14 May 2018, [Hamas figure Khaled Mashal made a speech](#) at one of the focal points intimating that the Gaza border events are not separate and distinct from other violent efforts in the conflict with Israel:

"...the Palestinian history shows that our people surprise their enemies, their friends, and everybody else. At every stage, we have been capable of inventing the appropriate means. For one hundred years, we have been moving from one revolution to another, from one Intifada to another, using resistance, suicide missions, martyrdom operations, popular resistance, stones, knives and firebombs... Our basic message is that we have more than just one means at our disposal. If one measure achieves a certain level of success, other measures will be added to the struggle."

[Hamas official Mahmoud Al-Zahhar made a similar statement](#) in a television interview, exhibiting the Hamas view that the Gaza border events are connected to,



and supported by, Hamas's military efforts in the conflict against Israel: "When you are in possession of weapons that were able to withstand the occupation in the wars of 2006, 2008, 2012, and 2014... When you have weapons that are being wielded by men who were able to prevent the strongest army in the region from entering the Gaza Strip for 51 days, and were able to capture or kill soldiers of that army – is this really 'peaceful resistance'? This is not peaceful resistance. Has the option (of armed struggle) diminished? No. On the contrary, it is growing and developing. That's clear. So when we talk about 'peaceful resistance,' we are deceiving the public. This is a peaceful resistance bolstered by a military force and by security agencies, and enjoying tremendous popular support."

On 5 April 2018, Hamas-run Al-Aqsa television aired [a lecture by a Hamas-affiliated cleric](#), equating the Gaza border events with other violent efforts and attacks in the conflict against Israel, and stating that they are all means by which to achieve the destruction of Israel:

"We have a right to our land, and we must return to it. We must return to it – above ground, underground, by means of demonstrations, bombs, weapons, explosives, explosive belts... We must return to our land."

Official statements by Hamas declaring the affiliation of many of those killed during the events also provide an indication of the high level of involvement of Hamas operatives in the most violent elements of the events. Hamas officials have also admitted publicly that many of those killed during the events are affiliated with Hamas, [including in an interview](#) with Hamas official Salah Al-Bardawil, apparently in response to public criticism of Hamas for sending Gazans into harm's way for its own political benefit:

"In the last round, there were 62 martyrs... 50 of the martyrs were from Hamas, and the other 12 were regular people... I am giving you an official figure. Fifty of the martyrs in the recent battle were from Hamas. Before that, at least 50% of the martyrs were from Hamas."

b) Operational Analysis



Hamas has been waging an armed conflict against Israel for almost two decades, with the stated purpose of killing Jews and destroying the State of Israel. Throughout this conflict, Hamas's main effort has been to attack the Israeli civilian homefront, shifting the means and methods by which this is achieved in response to Israel's efforts to defend itself.

In the early 2000's, this was achieved through suicide bombings in Israeli population centers. In response, Israel increased its intelligence capabilities, conducted military operations and built a security fence making it more difficult for terrorists to infiltrate into Israel.

To overcome these defenses, Hamas turned its focus to rockets and mortars, firing tens of thousands of projectiles indiscriminately into Israeli population centers. In response, Israel increased its homefront defense (such as requiring each home to have a bomb shelter, financing public shelters, and implementing emergency procedure throughout the country), conducted military operations and developed active defense systems including the Iron Dome designed to intercept incoming projectiles.

To overcome these defenses, Hamas turned its focus to cross-border assault tunnels, investing tens of millions of dollars and substantial resources in building an array of tunnels with the aim of reaching into Israel civilian areas. In response, Israel conducted military operations to uncover these tunnels and developed technology that could detect tunneling activity underground. Thus, by the start of 2018, Hamas's strategic military assets have had their effectiveness curbed by Israeli defenses both in the aerial domain and underground.

In such circumstances, the mass gatherings in the Gaza border area provided an operational opportunity for Hamas to obtain access to the Israeli homefront through another domain. By inciting the general population to create mass breaches in the security infrastructure that functions as a defense from attacks emanating from Gaza, Hamas could create opportunities to move armed operatives rapidly into Israeli territory unimpeded and execute military attacks. At the same time, Hamas could bring about harm and damage to Israel by masses of Palestinians surging into Israeli



communities in the Gaza vicinity, and facilitate further detriment to Israeli in the international arena.

The tactics used by Hamas in this context accord in the same way with established Hamas doctrine and ideology. During largescale hostilities with Israel, Hamas has consistently used the civilian population in Gaza as shields from military attack and the urban terrain as military defenses. Such practices are reflected in Hamas's military doctrine, as evidenced for example by this [training manual](#) recovered by IDF forces operating inside the Gaza Strip ([see pages 153-4 here](#)). The Gaza border events clearly reflect this doctrine. Hamas has not only been using the civilian population as a shield and cover for executing attacks, but has been using the civilian population as a key component in its military operations.

There are other examples. Hamas uses motorbikes as a mode of transport for its operatives, and during the 2014 Gaza Conflict, the IDF recovered motorbikes hidden in cross-border assault tunnels intended for providing rapid access to the Israeli homefront and quick retreat ([see page 51 here](#)). Such motorbikes are used by Hamas's special forces, who are trained to fulfill specific roles in the event of an infiltration, including blocking off transport routes and providing covering fire. During the Gaza border events too, numerous motorbikes and other high-speed vehicles, including with armed operatives, have been operating in the backlines, ready to [initiate attacks](#).

Another longstanding *modus operandi* of Hamas is to embed its operatives within the civilian population and take steps to avoid distinguishing between the two groups. Here too, in the context of the Gaza border events Hamas has again explicitly called on the population to conceal their identities, thus avoiding detection of its operatives.

As noted above, Hamas had its military assets primed, ready and aimed towards Israeli civilian population centers, evidencing its intention to activate such assets with short notice. This too, reflects Hamas *modus operandi*. Cross-border tunnel attacks during the 2014 Gaza Conflict were supported by other military efforts, including increased mortar and rocket fire to suppress responding IDF forces; surveillance and field intelligence to direct the operatives infiltrating into Israel; covering fire from anti-tank squads; and command and control to coordinate and synchronize these



supporting efforts. In the Gaza border events, Hamas had these assets ready to provide similar support in the event of operatives successfully penetrating into Israel territory.

The activities in the Gaza border area prior to the mass events also intimate Hamas's plans for the events. The fact that there was a significant spike in individual infiltration and border attacks in the months before 30 March 2018, demonstrate Hamas's testing of IDF response times and methods. By planting booby-traps on the fenceline using symbols of civilian protest such as flags (as was done in February 2018), Hamas demonstrated its intention to use the characteristics of protests as cover for military attacks. The concealment of weapons in the area of the riots prior to the events, so that they may be easily accessible during the events themselves, also attest to Hamas's intentions to use such weapons during the events.

c) Intelligence

As noted above, Israel has been engaged in an armed conflict with Hamas for many years, and as part of this conflict maintains a substantial and dedicated intelligence effort towards this conflict. These efforts are managed by the IDF and other relevant agencies.

The assessment of Israel based on the intelligence and operational analysis conducted by all these agencies supported the above description of Hamas's aims in the events.

Naturally, Israel cannot disclose the substance and sources of such intelligence. This is particularly so considering that the Gaza border events are ongoing, and disclosure would allow Hamas to alter its operations in order to make it more difficult for Israel to prepare and respond to attempted attacks. Further, considering that there is an ongoing armed conflict between Hamas and Israel, disclosure would likely harm Israel's military and strategic interests in the context of future largescale hostilities.

Does Hamas have the necessary control over the events in order to achieve its aims?

As the sole governing authority in the Gaza Strip, Hamas is responsible for public order and safety and has complete control over movement and access within the Gaza Strip. Hamas has demonstrated its ability to prevent or disperse public gatherings on multiple occasions, including during 2018, when it carried out largescale arrests of



members belonging to different political factions in order to prevent political events, and employed widespread violence to disperse public gatherings.

Thus, the Gaza border events could only occur – at all and on each particular day – with the consent of Hamas. In practice, as noted above, Hamas openly supported the mass gatherings in the border area from the start, and invested considerable sums in providing logistics and other resources towards this effort, including selecting and preparing the main focal sites.

Specifically with regard to the Gaza border area, as noted above, Hamas has enforced restrictions on access through patrols and establishing infrastructure such as guard posts. Prior to 30 March 2018, Hamas ceased to enforce these restrictions, and people could approach the Gaza border area as a direct result of Hamas's overt and tacit approval of presence in this dangerous area.

Thus, Hamas holds complete control over presence of persons within the Gaza border area. Hamas has the capacity to restrict, limit and entirely prevent any presence in this area, certainly *en masse*, as well as restrict and regulate the items and objects brought by people to the events.

Indeed, Hamas has demonstrated this ability, increasing and decreasing the level and means of violence over the year in accordance with its political interests. Such, in the weeks when Hamas has been in talks with international actors regarding the Gaza Strip, such as during the end of August, the level of violence at the border has dropped drastically, and certain means have ceased to be in use, such as incendiary and explosive balloons.

Most notably, in November 2018, after Hamas and other organizations fired over 400 rockets into Israel in one day, Hamas declared that it would curb the violence on the border in exchange for concessions, and the level of violence again dropped drastically, and the use of means such as burning tires on the border ceased.

Conversely, in weeks where talks failed to provide concessions to Hamas, such as in September and October, which also included particularly bad animosity between



Hamas and the Palestinian Authority, the level and frequency of violence on the border rose considerably.

Besides inciting the population to breach the security infrastructure and infiltrate *en masse* into Israel, Hamas also exercised a large degree of control over individual activities occurring during the events.

Dedicated units, established with the active support of Hamas, are responsible for particular activities, such as the 'Nighttime Disturbance Unit', the 'Tire Unit' and the 'Balloons Unit'. These units openly include Hamas and other operatives.



Hamas also purchased and distributed tools for sabotaging the security infrastructure, such as large quantities of wire cutters, and provided military grade grenades as well as tools and elements for creating explosives for use in the border area. Hamas operatives are also responsible for preparing the areas of the riots beforehand, digging defensive positions and deploying protective items such as drum barrels.



In this video, a group can be seen digging a position in the Gaza border area under the cover of darkness, to be used to conceal presence and activities during the riots.



In this video, people can be seen preparing sandbags in the Gaza border area, to be used to conceal presence and activities during the riots."

As noted above, large numbers of Hamas operatives, including specially trained operatives, were present during these events, and played active and leading roles in inciting the masses, sabotaging the security infrastructure and carrying out attacks. Hamas operatives also worked to gather intelligence on IDF positions prior to mass events and to prepare the area so as to further facilitate the achievement of Hamas's aims (see below). [Hamas](#) operatives have also launched incendiary and explosive balloons from within the riots and from nearby Hamas posts.



In this video, an incendiary balloon is launched from one of the focal sites managed by Hamas

Hamas also demonstrated its ability to exercise control over individuals during the events. Thus, when it accords with Hamas's political interests and Hamas's commitments to international actors, Hamas operatives have exercised control over the movement of individuals in the border area.



In the following three videos, Hamas personnel can be seen enforcing restrictions on presence in the Gaza border area following in accordance with agreements with international actors.





Is there evidence of success by Hamas in fulfilling its aims?

Fortunately, Hamas has been unsuccessful in facilitating mass breaches and infiltrations into Israel by the Gaza population, and unable to conduct follow-through military attacks inside Israeli territory against civilian communities. This has primarily been due to the IDF's defensive measures at preventing mass breaches of the security infrastructure.

The IDF has also succeeded in thwarting military attacks carried out under the cover of the violent riots. Thus, for example, in an incident that was made public by the IDF, on 14 May 2018, the IDF, on the basis of prior intelligence information, intercepted a coordinated military attack by a cell of Hamas operatives that was carried out from within the crowds in the Gaza border area. The presence of the riots, and the attention of the IDF towards them, has also been exploited to carry out attacks nearby, such as on [30 March 2018 when operatives opened fire](#) on IDF forces from next to a violent riot.

Despite thwarting these attacks, there have been numerous instances of successful breaches of the security infrastructure and infiltrations into Israel during the events, both by Hamas operatives and by civilians. There have also been lethal and other attacks on IDF forces, as well as grenades, improvised explosive devices and other dangerous means used to attack IDF forces and military infrastructure. Thousands of incendiary and explosive airborne devices have been launched in order to kill and harm persons, cause widespread economic damage and psychological terror and divert security resources from the border area.

These incidents have resulted in harm to IDF forces and serious damage to military infrastructure and to nearby civilian communities, and in other instances have constituted a serious threat. For more information on the nature of these threats, as well as information on the results of these events, see below.

Despite the IDF's success in repelling the violent riots and attacks, Hamas continues to try and achieve these aims. The IDF will continue to defend Israel and her civilians from these threats; for more information regarding the IDF's response to these events, see below.



In this video, examples of the violence involved in the riots can be seen, including destroying the detection technology on the security infrastructure and explosions blowing up sections of the security infrastructure.



An example of the type of grenade thrown at IDF forces and at the security infrastructure during the events."



C. Threat to Israel

What is the threat posed in general?

As noted above, Hamas's primary aim in the Gaza border events was to cause breaches in the security infrastructure, facilitate infiltrations *en masse* of violent mobs from Gaza into Israel, and to exploit these circumstances in order to allow Hamas operatives to penetrate into Israel and conduct attacks inside Israeli territory. Thus, the primary threat posed by these events was the killing, harming and abduction of Israeli civilians, as well as harm to residential and commercial areas and infrastructure inside Israel.

Infiltrations from Gaza into Israel also posed a threat to IDF forces and military infrastructure protecting these civilians.

Even without entering Israeli territory, attacks from the Gaza side of the security infrastructure posed a risk to civilian communities in the line of fire in these areas as well as to IDF forces and military infrastructure operating in this area.

Finally, these events created a continuous situation of tension in the already volatile Gaza arena, and carried the very real possibility of escalation leading to largescale hostilities.

The following provides additional details regarding these threats. For information about the realization of these threats to date, [see here](#).

What is the threat to Israeli civilian communities and infrastructure in the vicinity of the Gaza border?

As noted above, approximately 70,000 people reside in the area of southern Israel that abuts the Gaza Strip, in approximately 80 residential areas (of which three civilian communities of almost 1,500 residents lie directly across the border from Gaza, and another 22 communities lie within four kilometers in addition to the city of Sderot of approximately 30,000 residents). This area also includes schools and other education centers, tourist sites, nature reserves, commercial centers, industrial factories and national infrastructure (including chemical plants and power stations).



Infiltration *en masse* into Israel poses a real and direct threat to these communities. Attacks against individuals, lynchings and abductions, as well as the overrunning of buildings and residential areas are real possibilities by persons incited to violence and with the means to carry it out. The same applies for damage to national and commercial infrastructure.

Damage to the security infrastructure and its technology also left communities more exposed to infiltrations and attacks until repairs could be made by the IDF.

These communities are also under the threat of attack by operatives, belonging to Hamas or to other terrorist organizations, conducted through exploiting breaches in the security infrastructure and the ensuing chaos of having masses of civilians infiltrating into Israeli territory.

Besides Hamas, other terrorist organizations in the Gaza Strip possess the capabilities to infiltrate into Israel and carry out attacks. As recently as February 2019, these groups have published videos displaying their military activities in the border area and demonstrating their capabilities to execute cross-border attacks above ground, below ground and via the sea. See for example [here](#), [here](#) and [here](#).

In addition, due to their vicinity to the Gaza border and exposure to line of fire, these communities are under constant threat of sniper fire, anti-tank fire and other ground-to-ground missiles aimed towards them.

What is the threat to Israel beyond the vicinity of the Gaza border?

Hamas and other terrorist organizations in the Gaza Strip possess both the intent and the means to carry out military attacks deep inside Israeli territory. This poses a threat both to the Israeli civilian population in general as well as to national and commercial infrastructure in Israel.

The use of incendiary and explosive airborne devices during the events has endangered the lives of Israelis within their range and caused extensive damage to the nature, ecology and economy of southern Israel through fast-spreading fires.



The Gaza border events also carry the very real threat of escalating into large-scale hostilities. As noted above, Hamas had much of its military arsenal primed and ready for use during the events, and was expected to activate supporting military efforts in the event of a successful penetration by operatives into Israel, as has occurred in past infiltrations by Hamas operatives into Israel.

Despite the ongoing and serious attacks against Israel, Israel has refrained from responding with a largescale military operation. Nevertheless, the possibility of largescale hostilities is very real.

What is the threat to soldiers and military infrastructure defending the border?

During the violent riots and attacks in the Gaza border area, various means have been used to attack IDF forces tasked with defending Israel and her citizens, including grenades and other improvised explosive devices (including military-grade explosives), ball bearings and other projectiles launched by high-velocity slingshots and other launch platforms, rifles and snipers.



Video via: [Facebook](#) / A catapult being used at Zikim.



A grenade thrown over the border fence during a violent riot.

Booby-trapped explosive devices and mines are also laid along the fenceline under the cover of the violent riots with delayed detonation devices. These attacks pose a direct threat to the lives and safety of IDF forces operating in the border area.



Video via: [Facebook](#) | *An explosive device thrown at an IDF jeep on the other side of the border.*

Attacks are also carried out against military infrastructure intended to prevent and reduce military threats emanating from the Gaza Strip. Attacks on the fence leave holes in the security infrastructure whose purpose is to defend Israel from attacks emanating from Gaza. Moreover, every particular instance of damage to a point in the fence can also result in the technology for an entire sector of the fence being rendered



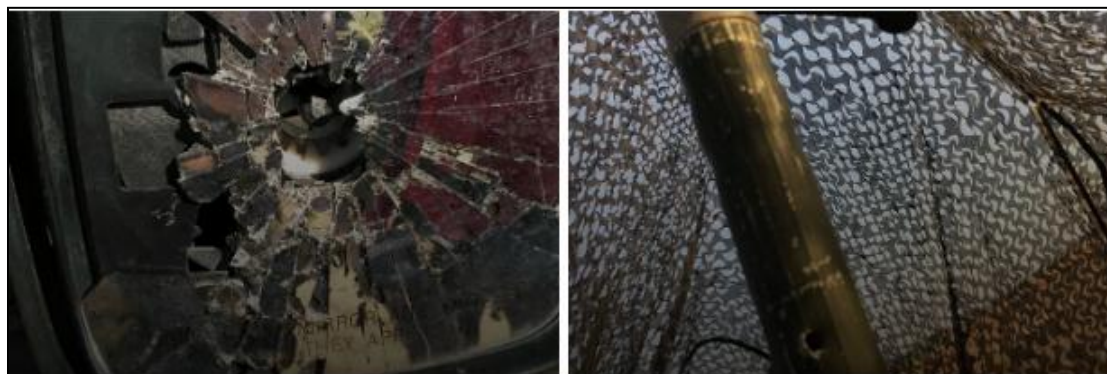
ineffective, due to the interconnected nature of this technology. This threat is not limited just to the time of the violent riots and attacks themselves, but remains until each sector of the fence is fixed or replaced by IDF forces.

Damage has also been caused to engineering equipment and machinery in the Gaza border area being used to install underground technology for detecting cross-border tunneling into Israel, thus impairing Israel's efforts to protect its civilians from this strategic threat.

The use of incendiary and explosive kites and balloons also poses a direct threat to the lives of IDF forces, as well as to military infrastructure in the vicinity.



Explosive device explodes on an IDF observation post at the border.



Bullet holes in IDF positions and vehicles at the border.



D. How the Riots Unfold

How does a day of the border events typically progress?

a) Days prior

Along the length of the border, surveillance and intelligence efforts are conducted by Hamas against IDF preparations in the area. These efforts are conducted in a covert fashion and are intended to collect intelligence on IDF engineering operations to strengthen existing positions and create new ones, repair works to the security infrastructure, and the like. The following two videos show examples of intelligence gathering conducted in the border area prior to mass events.



Attempted infiltrations and sabotage to the security infrastructure occurs throughout the week, both in order to make it easier to create breaches and penetrate into Israel during the mass riots, and also to test the IDF's response times and methods. This information is then used to adapt the tactics and methodologies of those involved in the violent riots and attacks, as described below.

Work is also carried out under Hamas's instructions in the area of the riots in order to better facilitate reaching the fenceline and carrying out attacks. For example, tactical defensive positions are created by digging trenches and laying sandbags, so as to provide cover for units and people trying to reach the border fence. Barrels and other items are positioned tactically so as to provide cover as well.



These positions are created in concert with the deployment of tires and other objects designed to create smokescreens and block the forward movement of people towards the fenceline. Most of these actions are undertaken at nighttime so as to avoid detection by IDF forces.

Weaponry that cannot be concealed on a person's body during the events themselves is pre-positioned in the border area, so that it may be accessed quickly in the event that an order is given to execute large-scale attacks.



In this video, a person can be seen concealing an anti-tank missile in the area of border riots, prior to the mass events, near Khan Younis.

b) Morning and early afternoon hours

Transport, funded and organized by Hamas, brings people to the focal points, where various activities take place intended to entice people to attend the events as well as to entice them to violence. These activities include providing free food and drink, social activities, and free wireless internet and network connections. Sermons and speeches, provided mostly by Hamas employees, include incitement against Israel and general incitement to violence.

In the border area, steps are taken to create large smokescreens, so as to allow for people to approach the security infrastructure without being identified.



In the last few months, women and minors have increasingly been used to bring tires and additional objects closer to the fenceline and to light them on fire, as well as to deploy means for sabotaging the security infrastructure, exploiting the knowledge that the IDF makes every effort to avoid using force against such persons. At this stage, high-velocity projectiles, such as marbles and rocks, are also launched at IDF forces



and military infrastructure, using launch devices such as slingshots and catapults. The following videos demonstrate the types of activities occurring in the lead up to attempts to reach the fenceline, including the involvement of women and children in creating the circumstances which facilitate such activities.





c) Afternoon hours

By the afternoon, the riots generally manage to overcome the IDF's efforts at keeping people away from the security infrastructure, and the riots move into the immediate vicinity of the border fence. For example, once smokescreens from the burning tires adequately conceal movement by the security infrastructure, organized and orchestrated movements begin towards the security infrastructure, and attacks are carried out against IDF forces and military infrastructure defending the border area.



In often coordinated movements people work simultaneously to reach the fenceline and create breaches. In order to do so, individuals typically attach wires to the layers of barbed wires, which is then pulled back by groups of people in order to provide access to the fenceline itself.

At the fenceline, holes are created in the security infrastructure, electronic sensors removed, and explosives and burning objects placed on the fenceline so as to further damage the fence and the technology which it holds. The following videos posted on Palestinian social media demonstrate some of these activities.





At the same time, IDF forces working to prevent the breach are attacked with high-velocity projectiles, grenades, improvised explosive devices and the like.

In the event of a successful breach of the security infrastructure, groups and individuals generally rush towards IDF positions. Where such positions have been unmanned, they have often been set alight or had explosives placed within them. The following two videos involve breaches in the security infrastructure, infiltration into Israel and attacks on an IDF position. These videos demonstrate the speed at which the IDF positions may be reached once a breach occurs.



In some cases, these breaches occur after a group of persons has split off from the main riot and moved north or south along the fence to where IDF positions are unmanned, and have attacked these positions and stolen military equipment and infrastructure. The following video displays a group moving quickly northwards along the border.



In other incidents, infiltrations have reached further into Israeli territory, and have resulted in damage both to civilian and military equipment as well as other civilian sites.

Under the cover of the smoke and crowds, mines and booby-trapped explosives are laid on the fenceline.



A booby-trapped flag placed on the security infrastructure during a riot, and a mine concealed in the ground near the security infrastructure during a riot.

At the same time, kites bearing incendiary and explosive materials have been launched both from within the riots and elsewhere against IDF forces and military infrastructure in the Gaza border area, taking advantage of the general wind conditions in the area which blow from Gaza towards Israel, and which are particularly strong in the afternoon. These means are used to cause harm to IDF forces in exposed positions on the border, to damage and destroy military infrastructure such as surveillance posts, and to divert IDF resources from defending the border to contending with the outbreak of fires behind their positions.

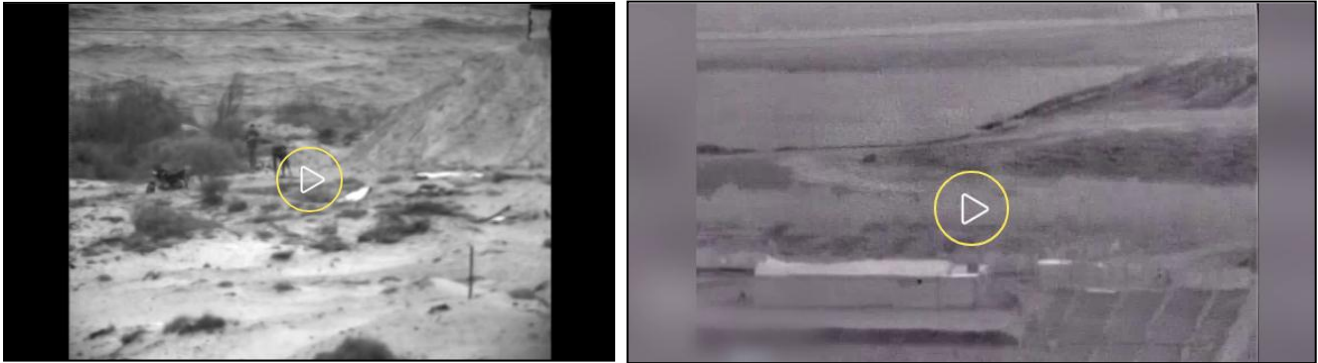


A video released by Hamas showing an attempt to set an IDF surveillance tower alight using an incendiary kite.

Balloons carrying incendiary and explosive materials are launched further into Israeli territory, also from within the riots and elsewhere and also making use of the available wind conditions. As noted above, these means have created a risk to the



lives of Israeli civilians and caused extensive damage to agricultural and nature areas in southern Israel. In most cases, these means have been launched by Hamas operatives, often from within or adjacent to Hamas military posts.



A kite launched by Hamas operatives next to a Hamas military position at the northern border.

Drones used by the IDF to deliver teargas have been felled both using electronic jamming as well as by shooting them down from the sky.



The mass events generally come to a close in the evening at the instruction of Hamas, using different means such as whistles to indicate to the crowds that activities in the border area have ceased and that the transports back to the population centers in Gaza are due to depart.



d) Night and following day

After each of these events, numerous unexploded grenades and explosive devices remain in the area on both sides of the fenceline. Mines and other explosive devices are also concealed along the fenceline, often as civilian objects such as flags and wire cutters, with delayed detonation or other triggering devices.



Sections of the security infrastructure that are destroyed or stolen, and barbed wire removed from the area, require replacing or repairs.



Besides the risk to IDF forces, not just of detonations, but also from the threat of fire from Gaza when undertaking these activities, the increased threat of infiltration remains for as long as the fence is not repaired. Thus, IDF engineering and other forces carry out these activities immediately after the end of each of these events. This further exposes IDF forces to risk as the time and location of their activities can be predicted in advance.



How have the nature of these events changed over the months?

While the above represents a typical progression of these events, and refers to common elements of the events over the months, there have been significant developments that have occurred in a number of respects. These changes attest both to Hamas's control over the events generally and with regard to specific actions, as well as to the fact that Hamas has increased and decreased the level of violence in the events in order to seek political gains.

First, the timing and frequency of events on the border has changed over the months. When the mass encroachments on the border began on 30 March 2018, largescale events were typically held on a Friday, with smaller scale riots and attacks occurring during the week. Over the months, Hamas increased the frequency of these events, such that largescale events occurred during the week as well.



Violent riots and attacks also increasingly took place at nighttime (and, as noted above, a dedicated unit was assigned to these activities called the 'Nighttime Disturbance Unit'). The violent riots occurring on the northern border of Gaza, and the events in the maritime area, typically took place on a Monday. On 14 May 2018, specifically, Hamas established an additional eight focal sites to the existing five, and over 45,000 people massed at the border on this date alone.

The increased frequency of these events resulted in increased incidents of harm and damage to military infrastructure, necessitated additional resources to be provided by the IDF, required its forces to be deployed in their border positions for longer periods of time, and reduced the amount of time that engineering forces had to repair sabotaged sections of the security infrastructure. The increased frequency also increased the threats to the civilian communities and Israel more generally.

Second, Hamas introduced activities to increase the psychological impact on the communities in the vicinity of the Gaza border. For example, a few months after 30 March 2018, Hamas began nightly riots across the border from the Kerem Shalom community. These riots included different tactics in order to wage psychological warfare, such as largescale use of loud explosives, the heavy use of smoke and the use of megaphones to project death threats in Hebrew.

Third, the tactics and practices by persons participating in the violent riots have also developed, in a large respect in response to the IDF's methods for contending with these events. This has included introducing new means such as the use of lasers in an attempt to blind IDF forces and makeshift gas masks to neutralize the use of tear gas.

Fourth, Hamas adopted the initial civilian use of kites, using it as an ancillary military effort and to increase harm inside Israeli territory.



An incendiary kite aimed towards IDF forces stationed at the border.

This was then augmented by the use of incendiary and explosive balloons, which have threatened the lives of Israelis within their range and created widespread harm and damage inside Israel.

Fifth, Hamas has increased and decreased the level of violence, and means employed during the events, in accordance with its political interests, and particularly its efforts to achieve concessions from international actors. Such, in the weeks when Hamas has been in talks with international actors regarding the Gaza Strip, such as during the end of August, the level of violence at the border has dropped drastically, and certain means have ceased to be in use, such as incendiary and explosive balloons.

Most notably, in November 2018, after Hamas and other organizations fired over 400 rockets into Israel in one day, Hamas declared that it would curb the violence on the border in exchange for concessions, and the level of violence again dropped drastically, and the use of means such as burning tires on the border ceased.

Conversely, in weeks where talks failed to provide concessions to Hamas, such as in September and October, which also included particularly bad animosity between Hamas and the Palestinian Authority, the level and frequency of violence on the border rose considerably.



In this regard, there is no complete correlation between the number of people attending the riots and the level of violence. In fact, in many instances, while substantially less people have attended the social activities occurring at the focal sites, the number of people partaking in violent riots and attacks in the border area itself has risen or stayed the same, and in many instances the level of violence and attacks has increased in accordance with Hamas's interests.



E. Connection of the Gaza Border Events to Other Events in Gaza

Are actions in the vicinity of the focal sites related to actions occurring at other points on the border?

While Hamas has established five main congregation points as the focal sites for social activities, the violent riots and attacks have not been limited to occurring within their vicinity.

First, these five sites were increased to 13 for the riots and attacks on 14 May 2018, and additional focal sites were established in Zikim and in the maritime arena in August, and across from the Kerem Shalom community at night in the second half of 2018.

Second, Hamas operatives have exploited the IDF's positioning of its forces across from the largescale gatherings in order to simultaneously carry out military attacks at other points on the border where there is less or no IDF presence. Such attacks have been timed to occur during peaks of violence so as to maximize the possibility that IDF forces may be distracted and occupied in defending from mass breaches and infiltrations.

Third, riots have increasingly been spread out along the border area, at times constituting activity occurring along two kilometers continuously.

Fourth, large groups sometimes break away from the main mass of people encroaching on the border area, a practice that has increasingly occurred in the last few months. These groups, led by key instigators, have moved quickly north or south of the main masses in order to exploit places in the fenceline with less IDF presence and defenses.



This video demonstrates a group moving quickly northwards along the border.

Fifth, Hamas has increasingly been directing groups to conduct violent riots and attacks at different points along the border, in order to exploit the fact that IDF forces coming to those sites do not have pre-prepared defensive positions at such points. The incident in which an IDF officer was shot in the head in January 2019 (the bullet piercing his helmet), occurred during a violent riot taking place in an area which had not been the site of violent riots previously and where the construction of IDF positions had not been completed.

As noted above, Hamas has used the violent riots as another means for carrying out military attacks against Israel using the cover of the Gazan population. Thus, Hamas directly connects these events with its other military activities, including military activities in the border area. Hamas's Ministry of Health, which publishes regular statistics regarding deaths and injuries occurring during the 'Great Return March', includes the names of operatives killed during military attacks against Israel as well as the names of persons killed outside the immediate vicinity of the mass violent riots in the border area. Operationally, activities generally on the border provide Hamas with information that may be applied during the violent riots and attacks – for example, information gathered about the IDF's detection and response times to infiltrations may be used to plan the timing of attacks during the violent riots.



Are the border events related to other attacks from Gaza, such as rocket and mortar fire?

As noted above, Hamas's efforts to attack Israel's civilian population through the air and underground have been hampered by the development of different defenses by Israel. As a direct result, Hamas appropriated the civilian initiative to gather at the Gaza border in order to obtain another method for gaining access to Israel's homefront and carrying out attacks against the civilian population.

As noted above, public statements by Hamas officials demonstrate that the organization views the Gaza border events as part of the armed conflict against Israel, and that the events constitute one tool in Hamas's arsenal of weapons that it can launch against Israel at its choosing. For example, on 14 May 2018, Hamas figure Khaled Mashal made a [speech at one of the focal points](#) intimating that the Gaza border events are not separate and distinct from other violent efforts in the conflict with Israel:

"...the Palestinian history shows that our people surprise their enemies, their friends, and everybody else. At every stage, we have been capable of inventing the appropriate means. For one hundred years, we have been moving from one revolution to another, from one *Intifada* to another, using resistance, suicide missions, martyrdom operations, popular resistance, stones, knives and firebombs... Our basic message is that we have more than just one means at our disposal. If one measure achieves a certain level of success, other measures will be added to the struggle."

Hamas official Mahmoud Al-Zahhar made a similar [statement](#) in a television interview, exhibiting the Hamas view that the Gaza border events are connected to, and supported by, Hamas's military efforts in the conflict against Israel:

"When you are in possession of weapons that were able to withstand the occupation in the wars of 2006, 2008, 2012, and 2014... When you have weapons that are being wielded by men who were able to prevent the strongest army in the region from entering the Gaza Strip for 51 days, and were able to capture or kill soldiers of that army – is this really 'peaceful resistance'? This is not peaceful resistance. Has the option (of armed struggle) diminished? No. On the contrary, it is growing and



developing. That's clear. So when we talk about 'peaceful resistance,' we are deceiving the public. This is a peaceful resistance bolstered by a military force and by security agencies, and enjoying tremendous popular support.”

On 5 April 2018, Hamas-run Al-Aqsa television aired a lecture by a Hamas-affiliated cleric, equating the Gaza border events with other violent efforts and attacks in the conflict against Israel, and [stating](#) that they are all means by which to achieve the destruction of Israel:

“We have a right to our land, and we must return to it. We must return to it – above ground, underground, by means of demonstrations, bombs, weapons, explosives, explosive belts... We must return to our land.”

Hamas’s other military capabilities serve as an ancillary and supporting effort to be activated in the event of a successful penetration of operatives into Israeli territory.

The correlation between the Gaza border events and rocket and mortar fire can also be seen in the fact that most of these launches occurred on Friday and Saturday, immediately after mass violent riots and attacks occurring in the Gaza border area. In many cases, launches were stated by Hamas to be in response to IDF attacks on incendiary and explosive balloon launches from Hamas positions that were conducted during the violent riots and attacks on Fridays.

In other cases, launches have been conducted following border incidents. For example, on 8 August 2018, IDF tanks returned fire towards Hamas operatives who carried out sniper fire towards Israel from a Hamas border post. In response, [Hamas launched a large barrage of rockets and mortars into Israel](#).

Other terrorist organizations in Gaza besides Hamas have also carried out rocket and mortar fire towards Israel [during this time](#).



F. Israel's Preparations

What are Israel's aims in the face of these events?

Israel has a duty to protect its citizens and property from threats emanating from outside its borders, whether military or civilian. This is especially so when the threats emanate from the territory of a hostile entity engaged in an armed conflict against the state, and which takes place, amongst other places, on the border shared between the parties to that conflict.

Thus, the IDF was tasked by the Israeli government with defending Israel and her population from the threats described above.

What steps did Israel take to try and prevent the threats posed by these events?

Prior to the events, Israel took steps to prevent people from encroaching on the Gaza border area in order to frustrate Hamas's intentions and prevent other attacks.

Israel conducted a largescale media effort to convey warnings against encroaching on the Gaza border area, highlighting the danger inherent in the area due to the ongoing armed conflict with Hamas and other organizations in the Gaza Strip. These warnings were directed primarily at Hamas and at the public in Gaza. Israel also made efforts to address specific audiences, such as bus companies contracted by Hamas to transport persons to the focal sites, in an effort to bring them to refuse to cooperate with Hamas.

It has been suggested that some of the warnings and statements made by Israeli officials, military or otherwise, attest to an IDF policy of unlawfully shooting civilians. This is patently false. These messages simply constituted warnings intended to convince civilians not to encroach on the security infrastructure and do not constitute statements of the IDF's policy regarding the use of force or instructions to IDF forces.

Israel also made statements directed to the international community regarding its intention to act against the threats emanating from these events, in an effort to create pressure on Hamas to cease its actions in creating these threats.



Israel's efforts to avoid encroachment on the Gaza border area were not limited to and have continued to 30 March 2018, and Israel has consistently tried different methods to achieve this. These efforts have included operational activities such as dropping leaflets from the air and laying kilometers of barbed wire inside Gaza territory in order to deter people from approaching, as well as political efforts.

By undertaking these efforts, Israel sought to avoid the threats described above without having to resort to the use of force. As noted above, Israel did not view the general congregation at the focal sites as a threat, and did not take steps to prevent these activities from occurring.

How did the IDF prepare for the events?

At the same time as the above efforts, the IDF undertook preparations commensurate to the threats described above.

The IDF substantially augmented its forces deployed on the Gaza border, diverting forces from other arenas and re-stationing them on the Gaza border.

The IDF also stationed counter-terrorism forces in residential communities in the vicinity of the Gaza border, so that they may be able to respond rapidly to infiltrations and military attacks inside Israel. Military Police were stationed throughout these areas as well in order to enforce closed military zones imposed to prevent Israeli civilians from entering areas where there existed a real risk of infiltration from Gaza.

The IDF also undertook engineering works, primarily building sand berms along the border to provide defenses for IDF forces. These berms are positioned a few meters from the fenceline, behind the security road used by the IDF to patrol the fenceline and respond rapidly to events along the border.



The IDF also dug long trenches behind these positions for the purposes of delaying crowds and vehicles from reaching Israeli civilian communities.



Trenches dug behind IDF positions to delay infiltrations into Israel, and barbed wire laid by IDF forces prior to each mass event on the border.

In addition, the IDF laid barbed wire inside Israeli territory at points where it was assessed there existed the greatest threat of mass breach and infiltrations in a further attempt to delay mobs from reaching Israeli communities.

The IDF equipped its forces with sufficient amounts of non-lethal means, including tear gas, and additional soldiers were trained and accredited in the employment of such means. All units deployed to the Gaza border area were first sent to designated IDF training bases in order to undergo specially developed trainings designed to replicate the expected elements of the Gaza border events. These trainings, which have been held regularly for all forces deployed to the arena since the events began, include operating under smoke and tear gas, and include accreditation for the use of non-lethal means according to internal IDF procedures.

Prior to the events, the IDF also conducted a process of assessment of the applicable Standard Operating Procedures (SOPs), including the sections that concerned contending with largescale violent riots, in order to determine whether they provided IDF forces with the ability to contend with the threats described above. Following this process, it was determined that the already existing framework provided by the SOPs for situations of violent riots, infiltrations and attacks along the Gaza border was adequate. Thus, no substantial changes were made to the SOPs, allowing commanders the discretion to decide whether to impose further restrictions where deemed necessary and feasible.



According to the IDF's assessment that live ammunition may be required in light of the threats presented by these events, the IDF ordered that all use of live ammunition be restricted to specially-trained snipers, in order to ensure accurate and measured use of these means (except for cases in which military attacks were conducted or other situations in which IDF forces would be required to immediately use lethal force).



G. The IDF's Operational Response

How does the IDF regulate the use of force?

The framework for the use of force is delineated in Standard Operating Procedures (SOPs). SOPs are operational documents that delineate the authorities available to forces and set out the rules for implementing these authorities based on the relevant legal framework.

These documents are maintained by the IDF's General Staff Operations Directorate. Separate SOPs are maintained for the different geographical sectors in which the IDF operates, and each SOP addresses the various scenarios that may occur in each sector respectively.

SOPs are drafted and updated in coordination with relevant operational, legal, intelligence and other military authorities and are approved by senior officers on the General Staff. The rules and authorities governed by the SOPs do not permit the exercise of force beyond what law permits. SOPs are binding on all IDF forces.

The SOPs provide a framework for the use of force which reflects the IDF's general policies with regard to each sector, and thus is not intended to change regularly. Commanders decide on the specific implementation of the SOPs to specific operational scenarios, inject concrete content to the SOPs when they allow for command discretion, and they may also impose additional restrictions on the use of force as authorized by the SOPs in accordance with factors such as intelligence, time and the specific area in which the forces are operating. These additional restrictions may also be imposed for non-operational reasons, such as strategic or ethical interests. Temporary amendments may be made to SOPs if circumstances so require.

The SOPs are reviewed periodically, in light of factual developments in the relevant sector, lessons-learned processes, intelligence and more.

The IDF takes various steps to ensure that the SOPs are well known and well understood by the forces. With regard to the Gaza border events, for example, IDF commanders conducted briefings with their forces to review the SOPs, ran exercises training the SOPs and conducted scenario-based workshops based on the events.



Why has the IDF not published the Standard Operating Procedures?

The IDF's SOPs are classified in line with accepted military practice worldwide.

SOPs include various operational details that cannot be disclosed. Nevertheless, Israel has published much of the essence of the SOPs relevant to the Gaza border events, and a detailed outline of the guiding principles that form the basis of the SOPs was provided in the context of a Supreme Court case concerning these events. For more information about these submissions, see below.

What are the Standard Operating Procedures applicable in the Gaza border events?

Designated SOPs govern the manner in which force may be used in the Gaza border area, including in circumstances in which violent riots occurring in this area.

According to these rules, when a violent riot occurring in the Gaza border area presents a danger to civilians in Israel or to IDF forces, the danger must first be addressed using verbal warnings and then non-lethal means. Any force beyond this – that is, force that is potentially lethal – can only be used in exceptional circumstances. Specifically, where the threat from the violent riot reaches the level of a real and imminent threat to the life or bodily integrity of Israeli civilians or IDF forces, and all relevant non-lethal means have been exhausted, IDF forces may employ precise and measured fire against a “key instigator” or “key rioter”, in order to remove the real and imminent danger posed by the riot. The use of such force must be deemed necessary in order to remove the threat, and must be proportionate to the threat posed.

These rules also dictate that force may be employed with lethal intent where a person is participating in the ongoing hostilities existing between Israel and Hamas and other terrorist organizations operating in the Gaza Strip (for example, when a person is identified as a member of Hamas's armed forces, or when a person is engaged in activities amounting to direct participation in hostilities, such as firing at Israeli soldiers).

The SOP's also acknowledge that potentially lethal force may be used as self-defense whenever a soldier is faced with a real and immediate risk to life or bodily integrity.



Contrary to allegations, these rules do not permit the use of potentially lethal force against individuals simply due to any presence in the Gaza border area or proximity to the security infrastructure, the mere fact of participation in a violent riot or the mere fact of support or affiliation with Hamas.

The SOP's are written in a manner that can be understood clearly by and implemented by IDF forces operating in the area.

For detail about the implementation of these SOPs during the events, see below.

Have the Standard Operating Procedures undergone legal review?

As noted above, SOPs are drafted in coordination with the IDF's legal advisers, who also review SOPs periodically and are required to authorize any changes to the SOPs.

In addition to review by IDF legal advisers, the SOPs applicable in the Gaza border events have also been reviewed by the Attorney General of Israel. The SOPs have also been the subject of petitions to Israel's Supreme Court sitting as the High Court of Justice, filed by a number of non-governmental organizations, including a Gaza-based organization. These petitions claimed that the IDF's SOPs do not accord with the applicable law.

In a decision given by the President of the Court, the Deputy President of the Court and another Justice of the Court, the Supreme Court rejected the petitions and found in favor of the State both with regards to the factual circumstances of the events and the State's legal positions.

For a detailed overview of Israel's positions as submitted to the Court, [see here](#).

Have the Standard Operating Procedures been amended during the events?

The SOPs applicable to the Gaza sector address the circumstances of violent riots in the Gaza border area, and thus the framework for the use of force as delineated in the SOPs has not needed to be amended. This framework provides sufficient discretion to the commander to regulate the use of force in accordance with the relevant intelligence, time and so on.



There have been some specific changes which generally have been temporary. For example, the SOPs address the wind conditions affecting the employment of force, in order to ensure precision. Due to expected changes in the wind conditions in the Gaza area on certain days, this section of the SOPs was amended in consultation with the relevant operational and technical authorities.

There have also been additional restrictions imposed on the use of force over and above what is authorized by the SOPs, but this has not required any changes to the SOPs. There have also been emphases distributed to the forces regarding specific elements of the SOPs, for example how to operate when there are smokescreens impairing vision.

What are some of the challenges the IDF has faced in implementing these Standard Operating Procedures?

The IDF faces many challenges in contending with the violent riots and attacks in the Gaza border area. These include contending with crowds consisting of civilians and operatives mixed together; the fact that the events are occurring within the context of an armed conflict; the fact that these events occur in an area outside of Israel's control; and the changing nature of the events.

a. Contending with crowds consisting of civilians and operatives

The Gaza border events consist of civilians, sometimes acting in an extremely violent manner, and operatives belonging to Hamas and other terrorist organizations. At Hamas's direction, these two distinct groups of people are mixed together, and operatives deliberately conceal their identities and activities from within the civilians surrounding them. Contending with such circumstances is extremely challenging.



Hamas’s efforts to appropriate civilian characteristics to conceal its military activities is reflected in its use of the civilian symbols which have come to represent these events, such as flags and wire cutters, as booby-trapped explosives designed to detonate on IDF forces. Here, Hamas has taken objects used by civilians, women and children during the events and turned them into deadly objects presenting a serious threat. Hamas has done the same with kites and balloons, exploiting their symbolism in order to cause harm. Public statements attest to this, for example: “We are using kites, just like the ones kids fly on the beach, but for something more important – as



an explosive. Allah willing, it will light up and burn fields and houses” ([see here at 05.00](#)).



The President of the Supreme Court, Justice Esther Hayut, expressed this as follows in the Court’s [decision](#) mentioned above regarding the SOPs:

"These events present the Israeli security forces with one of the most significant challenges they must face. This is due to the complex state of affairs which the Hamas organization and the other terrorist organizations who are leading the events are – intentionally – creating on the ground. The complexity of the situation primarily derives from the intermingling of the terrorist activists among the civilian population, including women and children, participating in the events. This intentional intermingling is intended to blur and create difficulty in locating the terrorist activists from among the masses participating in the events, in order to allow those activists to commit the acts of terrorism that were described, under the cover of the civilian population."



This challenge is made all the more acute by the fact that Hamas intentionally uses these civilians, including women, children, journalists and medical workers, as shields for their activities against Israel. Hamas incites the civilian population to create breaches in the security infrastructure, uses them as cover for carrying out attacks, and exploits their actions to divert the IDF's attention and resources from neutralizing attacks to contending with the civilian masses.

This all occurs on a massive scale and at multiple points on the border simultaneously. It also generally occurs all in close proximity, such that operatives and civilians acting violently are next to, in front of, behind and alongside others participating and present at the events.

The IDF makes every effort to avoid harm to these bystanders, with a special emphasis on women, children, journalists and medical workers. This is often made more difficult by their actions, and extensive video evidence demonstrates that journalists, for example, have often been present in areas of extreme violence, and are often completely concealed as a result of the crowds and large smokescreens. Medical workers and first aid volunteers are also often present at places of the greatest violence. More so, such persons are deliberately used by Hamas and other operatives to shield violence and attacks.



b. Existence of ongoing armed conflict and active hostilities

The Gaza border events are taking place in the territory controlled by a party engaged in an ongoing armed conflict with Israel. This party, together with other terrorist organizations in the Gaza Strip, have been conducting ongoing hostilities against Israel, up to and during these events, and including from within these events.



This requires the IDF to constantly prepare for the full spectrum of threats that could occur as a part of these hostilities, at the same time as contending with the actions of violent civilians who are not a part of the hostilities.

As noted above, Hamas views these events as connected to the armed conflict against Israel, and created the real risk of leading to largescale hostilities. For example, on days where significant violence and attacks occurred and thus the number of injuries increased, Hamas came under increased pressure both from within the organization and from the general public to carry out military attacks against Israel.

These tensions are not limited to the Gaza context, and terrorist organizations in Gaza have conducted operations in the context of the Gaza border events at the behest of countries such as Iran, who operate against Israel from other arenas, and in particular Israel's northern arena.

c. Events occurring in area outside of Israel's control

The IDF does not have any control over the territory in which the events are occurring, and thus is limited in the means and methods available. Most of the means and methods employed by law enforcement agencies in situations of riots or border incidents are simply ineffective or irrelevant to this scenario.

The effectiveness of means available to the IDF has also been impaired by the existing conditions in the area. The wind direction and speed that typically exists in the Gaza border area limits the effectiveness of the IDF's non-lethal means and hampers the ability of IDF forces to operate. The security infrastructure, including the physical fence, can have an adverse impact on IDF means such as affecting the trajectory of non-lethal rounds and live ammunition.

The security infrastructure and the topography of the area provides cover behind which individuals may conceal themselves.



Video via: [Facebook](#)

d. Changing nature of the events

IDF forces have had to contend with shifting and developing behaviors within these crowds, often deliberately intended to frustrate IDF actions.

This has included the introduction of new means, such as lasers and mirrors against IDF soldiers, the shooting down and jamming of drones delivering tear-gas, and the extensive use of burning tires to create smokescreens. Other developments have included the adoption of kites and balloons to deliver incendiary and explosive devices, endangering IDF forces and their equipment and requiring a diversion of resources for fire-fighting purposes.

As noted above, actions on the border have also increasingly occurred at points on the border far from the focal sites, in an effort to more easily breach the security infrastructure where the IDF has less forces present and where the IDF has built less sand berms and other defenses forces who arrive at the area.

The longer these events continue, the more Hamas and others involved are able to learn about the IDF's methods for contending with the events and change their behaviors accordingly. As a result, the IDF becomes more limited in the means and methods available to it, and the threat of attacks and infiltrations increase.

The exploitation of these events for Hamas's political interests also impacts on the IDF's activities. When Hamas increases the level of violence according to its interests, it is in order to draw a more significant use of force by the IDF and exploit the inevitable consequences as leverage against international actors. Where the IDF



endeavours to reduce its resort to force, this generally results in people and crowds being bolder, and makes it easier to reach the security infrastructure in order to sabotage it.

Has the IDF's conduct changed during the events?

The IDF is a learning organization, and conducts lessons-learned processes during and following operational activity. The purpose of such processes is to improve how the IDF contends with the threats posed, to reduce the use of live ammunition, and to better protect IDF forces.

Such processes also assist in contending with the developing tactics of Hamas and behavior of those involved in the violent riots, and the fact that the threat of these events is evolving (for example, due to sniper fire against IDF forces).

The operational experience gained from contending with these events through the involvement of many commanders and officers, the number of places in which these events are occurring and the time for which these events have been ongoing, allow the IDF to draw lessons-learned. These commanders are constantly conducting assessments and reviews at different levels of command – from individual units to Division level and higher – and there are designated officers whose responsibility is to compile lessons-learned and translate them into actions that may be implemented by the forces.

Lessons-learned are also generated by the General Staff Fact-Finding Assessment Mechanism from its examination of incidents and general conduct of the forces (see below for more information), as well as from reviewing materials published by external sources and in the media.

The lessons-learned relate to various aspects of operational activity – from infrastructure, equipment, policy, implementation of policy, record keeping, training and more. Some examples of lessons-learned that have assisted the forces in contending with these events and reducing the harm to Palestinians have included increasing the amount of barbed wire on both sides of the border, raising sniper positions higher to reduce deflection when firing through the fence, establishing



additional positions to contend with the increasing spreading out of the riots along the border, and the development of new non-lethal means to increase the effectiveness of their use. An example of lessons-learned that has improved the defenses of the IDF is physically reinforcing sniper positions to defend from explosives and fire.

In addition to these lessons-learned, and as noted above, IDF commanders issue individual instructions to IDF forces regarding the manner of implementation of the SOPs in accordance with changing circumstances and the threat assessment at a particular time.



H. IDF Use of Non-Lethal Means

How does the IDF use non-lethal means during these events?

As discussed above, the IDF makes substantial efforts to prevent people from encroaching the Gaza border area at all in order to avoid having to employ the use of force. These efforts have been unsuccessful, due to Hamas's incitement and coercion of the Gaza population, the removal of Hamas's restrictions on presence in the Gaza border area, and the actions of Hamas operatives in the area itself.

As a result, when crowds begin to encroach on the Gaza border area in a manner that constitutes a threat to Israel and its security forces, IDF forces initiate force continuum procedures in accordance with the SOPs. This generally occurs only at the point in time when crowds have begun to approach the security infrastructure from the focal sites.

These procedures first involve providing verbal warnings to the crowds, using megaphones and sound projection systems. However, such means are generally ineffective in the face of the incitement and crowd dynamics.

The IDF then employs non-lethal means, primarily the use of tear gas, in an effort to distance the crowds from the security infrastructure, so as to avoid higher risk situations which necessitate other uses of force.

All soldiers employing these means are required to be specially accredited and trained. Forces deploying to the Gaza border during these events have undergone training at designated IDF bases, during which individual soldiers responsible for employing non-lethal means underwent training in order to be able to employ these means in the context of the violent riots and attacks.

The use of tear gas and other non-lethal means is regulated under IDF procedures, which include rules regarding the manner of use of such means, including considerations such as wind and firing direction.



Why hasn't the IDF used only tear gas to disperse the violent riots and contend with the threats they pose?

Tear gas does not provide a sufficient operational response to the violent riots and attacks in the Gaza area.

First, the areas in which these events are occurring are open and spread out across the border, such that tear gas disperses quickly and rioters can quickly move out of its range.

Second, the existing wind conditions in the area mean that tear gas blows back into Israel, and quickly. This not only lessens the effectiveness of the tear gas, but also results in adverse effects on the IDF forces in Israel.

Third, Palestinians have developed various tactics for contending with the tear gas, including covering tear gas canisters, launching them back into Israel, and wearing makeshift gas masks.

Fourth, tear gas is not always effective against a crowd incited to violence and against operatives with strong motivation to reach the security infrastructure and sabotage it.

In order to contend with these challenges, the IDF takes a number of steps when using tear gas. First, enormous amounts of tear gas are employed by the IDF, for hours and across each sector during the riot. Prior to and during these events, the IDF has redirected large quantities of non-lethal means from other areas of IDF operations and has undertaken expedited procurement of additional inventory to ensure sufficient quantities.

Second, IDF forces try to maximize the distance of such means, both so that the unfavorable wind conditions still makes tear gas effective and so as to keep the riot as far as possible from the security infrastructure (and thus minimize the necessity to use other means). In order to do so, IDF forces regularly come as close as possible to the fenceline, leaving protected IDF positions and vehicles and exposing themselves to risk. This also requires balancing with other interests, most notably the fact that as the distance at which the tear gas is employed increases, the ability to predict where gas



canisters will land is reduced, sometimes resulting in unintended harm to persons present in the area.



IDF forces employ megaphones and other means to provide verbal warnings to rioters.



Tear gas is limited in its effectiveness for a number of reasons, including the open areas resulting in dispersal, and the wind direction.

Has the IDF tried other non-lethal means besides tear gas?

Where relevant, the IDF also employs other non-lethal means in use by IDF forces in other riot-related contexts, such as rubber and sponge-tipped rounds. However, these means are only effective in very limited circumstances, and in the current context are mostly completely ineffective.

First, the light weight of these rounds can result in their trajectory being altered from the intended target, endangering bystanders and others present at the riots. In the Gaza



context, the strong wind conditions and the fact that such rounds are sometimes shot through the fence itself increases the risk of deflection.

Second, because of their light weight and other factors, the range of such means is limited (typically to a maximum of 70 meters depending on wind conditions). Thus, these means can typically only be used when crowds are right at the fenceline or when they are present in Israeli territory, at which point the ability to repel the threats posed by the riot could require a considerable use of force.

Third, their short range means that IDF soldiers employing these means also have to come right up to the fenceline, endangering him or her from the violence and attacks emanating from Gaza.

Nevertheless, the IDF constantly reassesses the possibility of employing such means, and they are used when circumstances permit, such as when individuals approach the security infrastructure and the commander's threat assessment allows for the exposure of IDF forces.

Other means the IDF has assessed include water cannons to push back rioters from the border area. However, the narrow focus of these cannons and their limitations in range (of approximately 60-70 meters depending on wind conditions) meant that these means were ineffective against a crowd spread out along the border in open areas.



The same would apply for other platforms, such as the water trucks used by Israel's Border Police during riots in the West Bank. Such means are effective when operating



in relatively narrow areas framed by buildings, which limit the ability for people to avoid such means. In contrast, rioters on the Gaza border can easily move out of the path of the water. Further, the range of the water hoses on such trucks is generally approximately 30 meters, and the sheer scope of activities along the length of the border would make having even a number of these trucks limited in their effectiveness. Civilian fire trucks would even less effective, due both to the shorter range of their hoses as well as the exposure of fire fighters to unreasonable risk of attack from Gaza.

IDF engineering and technical units are currently developing a fortified vehicle that can shoot water at greater distances than that of existing similar means, and it is expected that this vehicle will provide a partial response to some of the circumstances occurring during the Gaza border events.

The IDF also trialed the use of industrial-sized fans and even wind turbines to disperse the smokescreens created by mass burning of tires, however these means were ineffective in the face of the sheer amount of smokes along the border.





The IDF also tried using water cannons to extinguish tires, however the narrow focus of water cannons could not contend with the sheer number of tires burning at the same time along the length of the border. Further, due to the wind conditions, tires could be placed out of range of the cannons and still have the smoke blow across the fenceline, and the fans' power could not override the wind conditions blowing the other way. Finally, the IDF does not possess the requisite resources that would be required in order to deploy a large number of such means (as noted below, fire trucks and other mobile firefighting units were transferred from elsewhere in the country to contend with the fires in southern Israel).

Has the IDF tried to acquire or develop new non-lethal means?

In addition to means available in Israel, the IDF made efforts to assess other means in use and in development around the world. To date, no means have been found that could provide operational benefits beyond the means already available to the IDF.

The IDF has also prioritized the research and development of new means to try and develop means to contend with the unique circumstances of these events. These efforts began prior to 30 March 2018 and continue until today.

As noted above, one of the IDF's main efforts was to keep people as far away from the border infrastructure as possible, in order to avoid situations that would necessitate greater use of force and to prevent damage to the security infrastructure.

Thus, the IDF sought to develop means that could deliver tear-gas and other non-lethal means (such as foul smelling 'skunk' water) at greater distances. This effort involved various engineering and research and development units throughout the IDF. Further, the IDF also turned to the civilian sector, calling on the private sector and individuals to propose solutions and develop ideas.

For this purpose, the IDF set up a dedicated testing area in Israel, where different means could be tested in a controlled environment. Each means adopted by the IDF were required to undergo the standard procedures for testing and accreditation in the IDF, including legal reviews and dedicated rules and procedures for employing each means.



As a result of this process, a number of innovative means were developed. Most notably, delivery systems were developed so that rotary drones could carry and deploy tear-gas and ‘skunk’ water at greater distances than previously available. These means were used extensively by the IDF during the events; however, they do not provide a response to all the challenges described above (such as the fact that the riots occur in open and wide areas). In recent months, the effectiveness of these means has been impaired due to the increasing number of incidents in which drones are shot down or jammed electronically.



I. IDF Use of Potentially Lethal Force

In what situations may IDF forces resort to live ammunition?

As detailed above, IDF forces employ various non-lethal means in order to contend with the threats posed by the events. Due to the limited effectiveness of these means in negating the threats detailed above, the IDF has also been required to use potentially lethal force as a measure of last resort.

According to IDF Standard Operating Procedures (SOPs), in contexts such as the Gaza border events, potentially lethal force may only be used in circumstances in which there is a real and imminent danger to human life or bodily integrity. Dangers that are not as serious cannot be dealt with by the use of such force. Moreover, the use of potentially lethal force must be a measure of last resort, and thus can only be used when non-lethal means have been exhausted, when it is necessary to use such force in order to address the danger. In addition, the use of such force must be proportionate in relation to the danger.

Thus, potentially lethal force can only be used as a last resort in order to address a real and imminent danger to human life or bodily integrity, and in such a case the force must be used in a proportionate manner and to the minimal extent necessary.

The SOPs applicable to the Gaza border events translate these rules into clear instructions for IDF forces. The SOPs expressly forbid the use of potentially lethal force against rioters save for exceptional circumstances. Potentially lethal force is permissible only where a person or the mob pose a real and imminent danger to the life or bodily integrity of civilians or IDF forces, as a measure of last resort and subject to stringent requirements of necessity and proportionality.

When employing potentially lethal force, IDF forces aim to wound and not to kill. In order to achieve this, IDF forces are required to aim below the knee and do not aim live ammunition at the center of body mass.

In addition to these situations, IDF forces are authorized to use live ammunition with lethal intent where a person is participating in the ongoing hostilities existing between Israel and Hamas and other terrorist organizations operating in the Gaza Strip (for



example, when a person is identified as a member of Hamas's armed forces, or when a person is engaged in activities amounting to direct participation in hostilities, such as firing at Israeli soldiers).

How is this implemented in practice?

Senior commanders in the field constantly assess the threat to Israeli citizens and to IDF forces posed by the riots occurring in areas under their responsibility. Where a commander identifies an increase in the danger, he or she will order their forces to employ the means at their disposal to repel this danger. As long as there is no need to do so, the commander will not move to the next means on the force continuum. Where the means used are successful in repelling the danger, the commander will again move down the force continuum, thus always utilizing the means that correspond to the level of threat posed and never beyond what is required.

In practice, this situation can continue for many hours over the day of a violent riot. For example, if the mob is at a distance, and individuals try to come forward in an attempt to lead the mob towards the security infrastructure, the commander may order the use of non-lethal means to repel this danger. If this is successful in stopping the mob, the commander will cease to employ these means until the level of danger rises again. If the mob is pulled after the individuals towards the security infrastructure, the commander will reassess the level of danger posed by the crowd.

If the commander assesses that the level of danger reaches an imminent and real threat to life or bodily integrity, the commander may authorize the use of potentially lethal force against specific individuals in order to repel the threat posed by the mob. The use of such force must be in accordance with the rules described above, including only as a last resort where all other means have been exhausted.

The fact that these riots occur over long hours, and consist of different groups and activities spread out across a commander's area of responsibility mean that the level of threat may rise and fall constantly throughout the riot. Commanders are required to constantly assess the threat level and order their forces to use force corresponding only to the commander's threat assessment.



A commander's assessment of the threat is dependent on many factors, including individual acts occurring from within the crowd, the nature of the crowd dynamics, the topography of the area which may restrict the means available, and the time of day. This means that in some cases commanders will assess that a real and imminent threat occurs only when a crowd is already at the fenceline and about to infiltrate as a group into Israel, and in other cases when the crowd is further back from the fence.

In many cases, IDF commanders have refrained from using potentially lethal force even when individuals and crowds have been at the fenceline, sabotaging the security infrastructure, and even launching explosives and other projectiles towards IDF forces.



This video shows how IDF forces may use non-lethal means even when groups are at the fenceline, and the limited effectiveness of such means in keeping people away from the security infrastructure.

As noted, where soldiers or commanders identify a clear military attack being conducted, or are faced with a real and immediate risk to their life or bodily integrity, they may employ force with lethal intent.

Where the commander assesses that the use of potentially lethal force is required to repel the real and imminent danger posed by a crowd, the commander will order such force used only against “key instigators” or “key rioters”. Live ammunition is not used against bystanders or those who are not assessed to be “key instigators” or “key rioters”.

If this use of force succeeds in repelling the imminent and real threat, the commander will cease the use of live ammunition and go down the force continuum.



Who is a “key instigator” or a “key rioter”?

As explained in Israel’s submissions to the Supreme Court, the purpose of identifying “key instigators” and “key rioters” is to neutralize the threat posed by the mob by acting against those who contribute centrally to creating this threat.

Thus, “key instigators” may be persons who direct or order activities within the mob, such as coordinating the tactical placement and setting on fire of tires, coordinating people to contribute towards pulling back parts of the security infrastructure and so on.

In this video, for example, a man wearing a blue shirt and a *keffiyah* on his head can be seen moving through the crowd while talking into a radio. In a second video, the same person can be seen pulling wires attached to parts of the security infrastructure together with a group of people. These are activities which may be assessed by IDF forces as contributing centrally towards the threat posed by the mob.



Likewise, "key rioters" are those who by virtue of their actions incite the mob, influence their behavior or provide the conditions for which mass breach or infiltration may occur. For example, a person who successfully breaches the security infrastructure and carries out attacks on IDF positions, exciting the mob into following his lead. Another example could be a person who works to connect wires to the security infrastructure so that it may be pulled backwards and made ineffective by the crowds.



The influence that an individual can have on the collective in such highly-charged and tense situations is clearly identifiable in numerous videos published in Palestinian social media.

The IDF's experience, in other contexts as well as the context of these events, is that this is an effective method for contending with the very real threats posed by violent crowds. By acting against an individual who contributes towards the actions of the crowd, the IDF is often able to repel the threats posed by the collective without having to use more substantial force against the crowd itself. This can also be seen in publicly available videos.



In this video, a large mob runs towards a group trying to breach the security infrastructure across from an IDF position. After IDF forces fire one shot in the direction of the group, the entire group runs back towards Gaza.



In this video a group move towards an IDF position on the border in a concealed fashion, and explosive devices are thrown over the fenceline. When IDF forces fire in the direction of the group, the entire group retreat backwards quickly towards Gaza.



In what circumstances is a threat considered real and imminent according to the SOPs?

The SOPs do not provide an exhaustive list of situations in which a threat may be considered real and imminent, such that commanders do not employ potentially lethal force as an automatic reaction to a set of circumstances prescribed by the SOPs. Rather, commanders – senior in their rank, and possessing significant operational experience – are required to constantly assess the factual situation and make a determination based on their knowledge and experience whether the threat posed at a particular time is real and imminent.

Such threats may be posed by individuals, and may also be created by virtue of the mob as a whole. When a violent riot takes place, a danger posed by its many participants to human life or bodily integrity is exponentially greater than that posed by a single individual or a small group of individuals. Additionally, crowd dynamics render the materialization of that danger particularly volatile. In certain situations, a violent riot instantly escalates and poses an imminent danger to human life or bodily integrity.

In such cases, potentially lethal force must be used immediately in order to remove the danger, and any delay will necessitate, from an operational perspective, the use of greater force which would likely lead to more casualties.

In the context of violent riots occurring on Israel's border, in close vicinity of civilian areas and national infrastructure, and from which attacks are carried out by operatives belonging to armed groups, these threats are even greater.

Commanders are required to assess these threats, whether they may be repelled by the use of less lethal means, and the likelihood of their materialization if live fire is not employed.

For example, when a violent mob reaches the security infrastructure and acts to sabotage it, an imminent threat may exist as a result of the destruction of these defenses and the possibility of infiltrations by violent multitudes of rioters, individuals or operatives.



Such a threat may also exist as a result of the high number of grenades, explosives and other objects launched towards IDF forces who are operating to prevent breaches of the security infrastructure. These means have the potential of harming IDF forces and military infrastructure, and in some cases civilians as well, and when conducted from amongst a violent mob, may justify the use of potentially lethal force. Where there exists a real and immediate threat to life and bodily integrity, live fire may be used as a first resort.

However, as evidenced during the events, the IDF does not use live fire when a ‘cold weapon’ such as a knife is identified within the crowd, or even every time a grenade or other ‘hot weapon’ is used. Here too, the commander is required to assess whether there is a real and imminent danger, and to use discretion in the use of force.

How does the IDF regulate the use of live ammunition?

In the context of the Gaza border events, highly-trained snipers have been deliberately deployed by the IDF in order to increase accuracy and restraint in the use of such fire. These snipers are coordinated by professional officers, who are responsible for their deployment, training and conducting after-action reviews. Snipers generally operate in teams, typically consisting of two snipers and an observer.

These teams are under the command of senior commanders who are responsible for the sector to which they are deployed, and who are required to approve the use of live ammunition by each sniper. Thus, a sniper does not operate individually but rather as part of a team and chain of command, with coordination and review by professional officers.

Before deployment to the Gaza border area, snipers undergo dedicated training sessions designed to recreate the conditions of the events, including operating under conditions of smoke, tear gas, high wind and long hours.

The IDF maintains detailed professional regulations regarding marksmanship, including the manner in which factors such as wind, distance, nature of the movement of the intended target and distance to others must be considered. “Key instigators” and “key rioters” are often conducting activities within the violent riots for a lengthy



period of time, and snipers face a challenge in identifying a time which provides the necessary circumstances for carrying out their fire while reducing the risk of hitting above the knee or hitting someone else. For example, snipers may act as a person temporarily moves away from the crowd or rests before continuing his activity.

What ammunition does the IDF use?

Snipers during these events have used industry standard 7.62mm ammunition, in use by many state militaries including NATO members.

The IDF has also assessed alternative ammunitions, including the 0.22 gauge, in use in Israel and in the use of other security agencies internationally. However, such means have not found to be suitable for use in this context for a variety of reasons, including the higher energy of some bullets (and thus increased likelihood of more significant damage caused to the body), the higher velocity of some bullets (and thus increased likelihood of passing through the body and harming others), or the lighter weight of some bullets (and thus more likely to have their trajectory deflected in the conditions applicable in the Gaza context).

The IDF does not use any proscribed variants of “expanding” or “explosive” bullets.

Why doesn't Israel use Border or Riot Police instead of the IDF forces stationed on the Gaza border?

The border between Israel and Gaza separates two parties to an armed conflict, engaged in active hostilities, and as such, the responsible entity for defending the border is the IDF.

Specifically, the Gaza border area has been a flashpoint in this armed conflict. Due to the risks, including the threat of sniper fire, anti-tank and other ground-to-ground missiles and abductions, as well as the real danger of the Gaza border events leading to largescale hostilities, police units would be placed in unreasonably high risk of harm and without the requisite means and capabilities for contending with these risks.

These violent riots are taking place at the same place that attacks are conducted against Israel, at the same time that ongoing hostilities are occurring, are led by the



same organization that is waging an armed conflict against Israel, are attended by operatives of this organization, and includes acts of violence that constitute clear military attacks. These attacks occur under the guise of the riots conducted by operatives and violent civilians, some of whom act in a manner that poses a real and imminent danger to IDF forces defending Israel. In such circumstances, the IDF cannot view this situation as it would a violent riot occurring in another context, such as occurs in the West Bank regularly.

The nature of these events is incomparable to that of other violent riots either inside Israel, the West Bank or worldwide. The threats posed by the events – to civilian communities near Gaza and further into Israel, to security forces and military infrastructure – are not threats typically dealt with by Police. Contending with the means used during these events – guns, military grade explosives, improvised explosive devices, high-velocity projectiles, and the like – also typically require military capabilities rather than policing methods.

Police are typically deployed in situations where the state controls the territory in which the riot is taking place. In this context, however, Israel has no control in Gaza, and thus does not have access to many of the means and methods typically available to Riot Police. This includes the ability to close areas to civilian presence, set up roadblocks and conduct containment operations, question, detain or arrest specific persons following each event, detain key instigators or rioters during or prior to each event, conduct searches for weapons or other tools, and so on.

However, police and other internal security agencies do take part in contending with these events, primarily with regards to enforcing closed military zones inside Israel and taking authority over Gaza residents who have infiltrated into Israel and are detained by security forces.

Independent military professionals with relevant experience and knowledge of the Gaza border events have also assessed that [these events are incomparable to other situations of violent riots.](#)



Why can't Israel allow people to breach the security infrastructure and arrest them once inside Israeli territory?

A sovereign state is obligated to prevent the violation of its borders and illegal infiltration into its territory.

Due to Hamas's aims, Israel cannot risk masses of Palestinians infiltrating Israeli territory, whether at multiple points on the border simultaneously or at individual points. Considering the proximity of the border to civilian communities, national and commercial infrastructure, military positions and military infrastructure, the security infrastructure is a vital defense against infiltration into these places. If this defense is removed, the likelihood of such persons reaching these areas increases dramatically.

These events have continued for over ten months. To date, experience has shown that there is no indication that once having penetrated Israel's security infrastructure and infiltrated into Israeli territory, such persons ceased their activity and waited to be arrested by IDF or police forces. The opposite is the case. There is also no indication or evidence that persons involved in violent activity in the border area were there with the sole intention of participating in political non-violent protests. Here, too, the opposite is the case. Indeed, the visual evidence and statements made by Palestinians participating in the events indicate their intention to partake in violent activities. Considering the time that these events have continued, it is reasonable to assume that persons approaching the Gaza border in the context of these violent riots were aware of the dangers and the activities occurring in their surroundings.

It is important also to consider 'mob mentality' and crowd dynamics. These highly charged events are typically characterized by mass incitement, and replete with anti-Semitic and anti-Israel sentiment expressed both by the leaders of these events and by participants. In such circumstances, the unpredictability of a large crowd of persons, fueled by these sentiments, could very likely be uncontrollable when fueled further by success of breaching Israel's security infrastructure and entering Israeli territory.

In addition to the threat from the masses, Hamas and other operatives would be able to exploit any breaches in the infrastructure to traverse the open topography towards



these areas rapidly and without impediment. This would be even easier if done under the cover of mass infiltration of crowds through the fenceline.

Further, as noted above, the risk to IDF forces coming into close contact with people who have exhibited violence in infiltrating into Israel is significant. This is compounded by the fact that Hamas and other operatives are disguised as civilians within these crowds.

Why didn't Israel build a bigger and stronger fence to withstand sabotage and attacks?

Israel's security infrastructure on the Gaza border is sophisticated and multi-layered, and provides a sufficient response to many of the threats emanating from Gaza.

At the same time, Israel constantly works to increase its security in response to Hamas's developing means and methods. As noted above, Israel is currently constructing a more substantial security infrastructure on the border between Israel and Gaza which will provide an increased operational response to the underground threat and the threat of infiltration.

However, no obstacle is completely immune from attack, and especially when efforts to damage it are conducted and led by a terrorist organization with military capabilities, such as Hamas.



J. Investigation of Allegations of Misconduct

Are allegations or suspicions of misconduct investigated?

Yes. The IDF maintains a robust justice system which includes the examination and investigation of alleged misconduct in an independent and effective manner. This system is overseen by Israel's civilian justice system, including the civilian courts. For more information on this system and the manner in which allegations or suspicions of operational misconduct are examined in Israel, [see here](#).

What is the mechanism for investigation such allegations or suspicions?

Where an initial allegation or suspicion of misconduct does not by itself reach the level of criminal suspicion, the Military Advocate General (the 'MAG') requires additional factual information in order to make a decision whether to open a criminal investigation or not into the incident. In order to obtain this information, the MAG utilizes the General Staff Fact-Finding Assessment Mechanism (the 'FFA Mechanism').

The FFA Mechanism, headed by a Major General, is tasked with providing the MAG with the most comprehensive and substantiated factual information possible in order to assist with decisions whether or not to open a criminal investigation, as well as for the purpose of a lessons-learned process and the issuance of operational recommendations that will help mitigate the risk of exceptional incidents occurring in the future.

On 4 April 2018, the then IDF Chief of Staff ordered that the FFA Mechanism examine exceptional incidents allegedly occurring during the Gaza border events and provide the findings and materials to the MAG for his review.

Due to the unique nature of the Gaza border events, and the expectation that these events would be ongoing, a dedicated team was established within the FFA Mechanism tasked with examining these events. This team was headed by the then Head of Doctrine and Training in the IDF, and after his transfer to another position in the IDF, has been headed by a Brigadier General in the reserves with extensive experience in fact-finding in operational circumstances.



This team comprises of senior active duty and reservist officers with relevant professional military expertise (such as in field intelligence and marksmanship). The team is accompanied by legal advisors. All members of the team are outside the chain of command of these events.

The FFA Mechanism has been referred all alleged incidents of death occurring during these events, and has prioritized incidents involving minors, medical personnel or first aid volunteers and journalists. These incidents have come to the attention of the IDF through various means, including operational reports and the media. More than 60 incidents have originated from complaints submitted by different organizations and on behalf of the families of the victims.

However, the manner of the FFA Mechanism's examinations involve examining the conduct of relevant IDF forces in general with regard to each sector of their responsibility, and not just individual incidents which allegedly resulted in death (see below).

The FFA Mechanism possesses substantial resources and wide-ranging authority which enable the collation of information and materials from any relevant IDF sources, as well as the capacity to request information and materials from external sources, including from civilian witnesses and international organizations. IDF personnel are obligated by law to cooperate with the FFA Mechanism and to provide it with any information in the person's possession that may be relevant to their examinations. The FFA Mechanism's findings and any materials prepared by it are privileged under law.

How does the FFA Mechanism conduct its examinations into the Gaza border events?

The dedicated team of the FFA Mechanism established to examine incidents occurring in the Gaza border events has operated continuously since it was established.

In addition to examining specific incidents in which Palestinians have died during the events, the FFA Mechanism is conducting a broad examination of the actions of IDF



forces, by assessing their conduct according to their responsibilities for different sectors along the Gaza border.

In order to conduct these assessments, the FFA Mechanism gathers testimonies from operational authorities throughout the chain of command, and obtains any relevant materials in their possession, such as documentation regarding their use of force and any known results, data regarding the deployment of the forces and the equipment used, and information regarding the forces' preparations for the events. Additional materials are extracted from the various operational systems, including intelligence information and operational reports concerning the sequence of events of each riot. The FFA Mechanism also actively searches for and assesses open source information, including from social media, and are in contact with Palestinian and other sources to obtain information that may provide further details.

These materials are then used to compile a full picture regarding the IDF's actions in each sector on a specific date, which includes the manner in which the forces prepared for the disturbances, the type and extent of the means and methods employed at each of the sites, the implementation of the SOPs by the forces and policy decisions made by commanders within the confines of the SOPs.

On this basis, the FFA Mechanism conducts an in-depth examination of each of the sectors in order to determine the causes of exceptional injuries to individual persons (including death) and to examine the compliance of the policy according to which each force conducted itself with the SOPs.

By conducting a broad examination of the conduct of different IDF forces by sector, the FFA Mechanism is able to evaluate the overall policy for dealing with the events per IDF force, as well as to establish a factual basis that will assist in the assessment of any future claims that may arise regarding IDF conduct.



What challenges has the FFA Mechanism faced in its examinations of the Gaza border events?

Due to the ongoing, chaotic and complex nature of these events, the examination process is complicated and lengthy. Some of the challenges in conducting these examinations include the following.

First, these events are occurring primarily in an area which is controlled by Hamas and not by Israel. As noted above, Hamas is waging an armed conflict against Israel, and Israel does not have unfettered access to the area of these events. As a result, the FFA Mechanism is unable to conduct examinations at the scene of the incidents, which affect, for example, efforts to determine the trajectory of bullets and the collection of any physical evidence located at these scenes.

Second, where complaints have been submitted by Palestinians alleging that their family members were injured during the events, the FFA Mechanism's requests to collect testimony from the injured family member or from witnesses have mostly gone unanswered. The same has been the case with regards to Palestinians claiming that they were injured by IDF forces or that they witnessed such injuries taking place.

Third, requests to be provided with medical records have generally gone unanswered, and medical records that have been provided have been very limited. In particular, the FFA Mechanism has been refused cooperation from the Palestinian Authority in obtaining medical records and any information from Hamas.

Fourth, these events are ongoing, and involve examining the conduct of forces still engaged in operational activity. As the events continue, the number of incidents to be examined by the FFA Mechanism increases, and the resources required increases as well.

The challenges faced affect the ability to provide unequivocal findings on individual incidents. For example, in the absence of detailed medical records, there is a significant difficulty in determining the type of injury suffered, the trajectory of the bullet and the degree of connection between the injury and the cause of death. Due to the fact that the IDF does not know the identities of the Palestinians being acted



against, and that such Palestinians are mostly evacuated by medical personnel in Palestinian organizations quickly from the area, in some cases it is difficult for the IDF to connect the names of deceased or wounded appearing on published lists to a specific instance of IDF fire.

The FFA Mechanism has developed different methods and tools in order to mitigate these challenges. This has included extensive and thorough examination of visual documentation of specific riots on social media, the use of public images published of deceased and wounded to glean identifying details which can be traced back to IDF documentation of the riots, and ongoing efforts to obtain witness testimony and materials. Such efforts have contributed to the FFA Mechanism's examination efforts, including in linking between deceased and harmed Palestinians and specific operational activity.

What happens to the FFA Mechanism's findings and materials?

The FFA Mechanism's findings and materials are provided to the MAG so that they may be used when making a decision whether to order a criminal investigation. The MAG can also order the FFA Mechanism to collect additional information where deemed necessary.

Where the findings and materials of the examination give rise to a reasonable suspicion of criminal misconduct, the MAG will order a criminal investigation. As this includes suspicion of criminality under Israeli law, criminal investigations will be opened even when there is no suspicion of a violation of international law, as Israeli penal law criminalizes actions which are not considered crimes under international law.

Criminal investigations ordered by the MAG are conducted by the independent Military Police Criminal Investigative Division, and particularly by the Military Police Criminal Investigative Unit for Operational Affairs ('CIUO'). The CIUO is a dedicated unit within the Military Police specializing in investigations of suspected misconduct occurring during operational activities.



The MAG may order disciplinary procedures to be initiated against IDF personnel where an incident indicates wrongdoing that does not give rise to a suspicion of criminal misconduct (for example, for a ‘military’ offense such as failure to obey orders).

With regard to the Gaza border events, to date, the MAG has ordered five criminal investigations which relate to eleven separate instances of Palestinian fatalities. These investigations are ongoing.

The remaining instances of fatalities are still undergoing examinations and are at various stages of this process, or have been provided to the MAG for his review. In cases where an examination has suggested flaws in the forces’ conduct that do not give rise to a criminal suspicion, the MAG has directed the findings of the examination to the relevant commanders so that they may conduct a lessons-learned process.

Where an allegation is filed by an organization, lawyer or family members representing a victim, the IDF provides a written explanation of the MAG’s decision. As noted above, this decision may be challenged before the Attorney General and petitioned before the Supreme Court.

Is the Military Advocate General’s decision final?

In accordance with the Attorney General's Regulation No. 4.5003, the decision of the MAG not to order a criminal investigation in cases of fatalities can be challenged before the Attorney General.

As with any determination by a public authority, a decision of the MAG may also be petitioned to the Supreme Court sitting as the High Court of Justice.



K. Outcomes of the Gaza Border Events

What has been the outcome of these events in Israel?

As noted above, Hamas has not been successful in achieving its primary military aims of causing breaches in the security infrastructure and infiltration *en masse* into Israel in order to conduct military attacks inside Israeli territory. Still, there have in practice been significant ramifications to Israel's security as a result of these events.

The substantial damage to the security infrastructure has resulted in heightened risk to the communities living in the vicinity of the Gaza Strip and to Israel more generally. Damage to the technology and physical elements of this infrastructure leaves entire sectors of the fence inoperable, thus impairing the IDF's ability to detect and respond quickly to attempted infiltrations into Israel. Damage to engineering equipment in the area has resulted in delays in completing the underground obstacle and technology designed to detect cross-border tunnels.



In this video, posted on Palestinian social media, explosions on the security infrastructure can be seen, causing serious damage, as well as sabotage of the technology that the infrastructure contains.

Damage has also been caused to civilian property, including in [one incident](#) where a Palestinian infiltrated into a community near the border and set alight a greenhouse. The Palestinian was caught by security forces before he reached the residential area of the community.



Thousands of incendiary kites and balloons have been launched into Israel, and while many have been successfully felled by the IDF, over 2,000 separate fires have been ignited inside Israeli territory, resulting in over 35,000 dunams (approximately 8,500 acres) being burnt. This has included over 13,000 dunams (approximately 3,200 acres) of nature reserves, and over 11,000 dunams (approximately 2,700 acres) of forestry. Balloons carrying explosive devices have also landed in residential areas, including [playgrounds](#) and [kindergartens](#), posing a serious risk to the lives of civilians.

The events have also caused significant psychological harm primarily to sectors of Israeli society residing in southern Israel. This population has been subject to over a decade of increased threats and attacks from the Gaza Strip, including infiltrations, rocket and mortar fire, and in recent years the threat emanating from the cross-border assault tunnels. The increased threat of infiltration and military attacks from these events have compounded the psychological effects on this population.

Specifically, the use of balloons to deliver incendiary and explosive devices, often attached to objects designed to appear as children's toys, have had a severe psychological effect on children in Israel.

Israeli authorities required educational institutions to move all classes and gatherings to protected spaces during the mass events, in anticipation of infiltrations and supporting mortar fire.

The violent riots and attacks have also resulted in the death and wounding of IDF soldiers defending Israel in the Gaza border area.

On Friday 20 July 2018, Staff Sergeant [Aviv Levi was killed](#) by gunfire conducted under the guise of violent riots on the southern Gaza border. The incident occurred while Staff Sergeant Levi was operating on the Gaza border against a violent riot which included explosive devices thrown at IDF forces. In response to these events, the IDF targeted a number of Hamas military positions in the vicinity. Following the launching of rockets and mortars into Israel, Israel Air Force fighter jets conducted attacks on Hamas military objectives throughout the Gaza Strip.



In January 2019, an IDF officer was wounded by gunshot also conducted under the guise of violent riots. The incident occurred while IDF forces were contending with a particularly violent riot being held at a point on the border at which riots had not been regularly occurring, and which also involved the presence of many minors, including some who entered Israeli territory through a hole made in the security infrastructure.

A number of soldiers have been wounded by shrapnel from grenades (such as [here](#)) and other explosives, as well as by high-velocity projectiles such as ball bearings launched from slingshots and [catapults](#).

Since 30 March 2018, over 1,300 rockets and mortars have been launched towards Israel, resulting in death and injury, property damage, psychological injury and economic harm. Other attacks during this period have included anti-tank fire on a bus carrying IDF soldiers in southern Israel, as well as machine gun fire hitting residential structures in the Gaza vicinity (for example, on 12 April 2018 machine gun fire from Gaza hit a home in Shaar Hanegev, and on 16 May 2018 heavy machine gun fire [hit residential homes](#) in Sderot).

The violent riots and attacks have also resulted in significant damage to the crossing points between Israel and the Gaza Strip. Violent riots in the Kerem Shalom and Erez crossings have resulted in the closure of these crossings for repairs, as has mortar fire which directly landed in the Erez crossing.



Damage caused to a crossing during one of the violent riots.



How many Palestinians have been harmed as a result of the events?

Israel is unable to verify how many people were harmed as a result of the events, due to the fact that Israel has no control over the territory where the events occur, and because medical records and information are held by the Hamas-run Ministry of Health. As Palestinians who are injured are often immediately surrounded by crowds and then evacuated from the area, the IDF is often unable to determine the nature of the injury or what happens once they are evacuated (whether they are taken for medical treatment or not; to which hospital or clinic; what medical treatment they receive; and so on).

With regards to harm caused by live ammunition, Israel is aware of figures published by the Hamas-run Ministry of Health, which have not been validated by an external neutral party (while various UN agencies cite these figures in their publications, they do not appear to have independently verified them). Israel is likewise unable to verify these figures. Requests by Israel to the Palestinian Authority in order to obtain medical records and lists of fatalities and wounded have been expressly rejected.

Without access to medical records, the IDF is unable to verify whether all wounds reported as occurring from live ammunition fired by the IDF actually occurred from such (as documented by videos published in Palestinian social media, some of the injuries, and possible fatalities, have occurred as a result of actions inside Gaza, such as explosives detonating prematurely or high-velocity projectiles aimed towards Israel).





It should be noted that these figures include Hamas and other operatives killed or wounded while carrying out military attacks, as well as persons harmed since 30 March 2018 outside the immediate context of the mass violent riots and attacks in the Gaza border area.

The amount of live ammunition employed by the IDF and leading to injuries and unintended deaths is a direct function of the level and scope of violence in each event. Where Hamas has restricted attendance and the level of violence at the border events in accordance with its political interests, the IDF has been able to use less live ammunition in order to contend with the reduced threats. On days where the level of violence and attacks has been high, such as 14 May 2018, the IDF has had to employ larger amounts of live ammunition. The total number of injuries and unintended deaths is also a direct function of the fact that these events have been ongoing continuously for over ten months, with varying frequency and at multiple points along the border, each event taking place for many hours and involving thousands of people, many acting in a violent manner giving rise to serious threats.



Why on some dates there appear to be many wounded by live ammunition, and on other days less?

As noted above, IDF forces are authorized to employ live ammunition only when there exists a clear and imminent threat, as a last resort only when all other means have failed, and only at specific individuals who are identified as “key instigators” or “key rioters” following senior command approval. Thus, on days where IDF commanders of the relevant sectors along the Gaza border do not assess there to be clear and imminent threats, or where alternative means are effective in negating these threats, this results in no or less use of live ammunition.

Whether these threats exist, and whether non-lethal means are effective in negating the threats posed by the riots and attacks, is dependent on the nature of the events on the particular date. As noted above, Hamas exhibited control over the level of violence during these events, and increased or decreased the violence in accordance with its interests. Thus, on dates of political importance for Hamas, such as the opening of the US embassy in Jerusalem on 14 May 2018, Hamas facilitated the participation of over 45,000 people at the Gaza border events and organized and facilitated a particularly high level of violence. In contrast, at times when Hamas had purportedly agreed to curb the violence in the context of dialogue with international actors, the level of violence in the Gaza border area diminished, and in turn, the need to use live ammunition was reduced accordingly.

Why are amongst the harmed some journalists, medical personnel, first aid volunteers, women and minors?

The IDF does not intentionally use potentially lethal force against bystanders or persons who are not assessed to be key instigators or key rioters. Specifically, the IDF does not intentionally target journalists, medical personnel, first aid volunteers, women or minors with live ammunition.

IDF forces constantly undergo briefings on the SOPs, and IDF commanders in the field repeatedly instruct forces to take steps to avoid harm to such persons.



Indeed, in many instances IDF forces cease all activity when medical personnel or first aid volunteers approach the security infrastructure, despite the fact that this is often exploited so that others may approach the security infrastructure without being harmed.

Nevertheless, there have been incidents where such persons have unintentionally been harmed by IDF forces. This could occur as a result of a deflection of a bullet's trajectory, ricochet, a bullet passing through the body of a person and hitting someone else, or professional error (such as miscalculating the range of the intended target). Where the IDF is aware of such instances, the relevant forces conduct after-action reviews in order to assess any potential lessons-learned. For more information about the investigation of individual incidents, see above.

Bystanders and other persons may be harmed unintentionally by other means, such as tear gas canisters, the premature detonation of explosives or high-velocity projectiles aimed towards Israel.

It should be noted that during these events, journalists, medical personnel and first aid volunteers have repeatedly placed themselves in great danger by operating close to the security infrastructure, often concealed by the smokescreens created by burning tires.

The following two videos show examples of journalists amongst violent rioters on the fenceline, behind thick smokescreens blocking all vision from Israel's side of the border.



In some cases, medical personnel have also been observed undertaking activities that give rise to concern about their contribution to the dangers posed by the events.



With regards to minors, including the very young, there is clear visual evidence that in many instances they have been used to deploy tools and objects for use in the violent riots and to act as shields for those encroaching on the border infrastructure. Some minors have also been active in the immediate vicinity of the border infrastructure. Different terrorist organizations in Gaza have publicly stated that some of these minors – typically 16 or 17 years of age – have been operatives in their organizations.