

HAMAS'S VIOLATIONS OF INTERNATIONAL LAW

Customary International Humanitarian Law

Rule 1. The Principle of Distinction between Civilians and Combatants

The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians.

Hamas Violations:

- The U.S. State Department has condemned Hamas rocket fire on Israeli civilians.
- Hamas declared that all Israelis had become targets for its missile attacks.
- Ibrahim Kreisheh, the Palestinian delegate to the UN Human Rights Council, stated: "The missiles that are now being launched against Israel, each and every missile constitutes a crime against humanity, whether it hits or missed, because it is directed at civilian targets... Therefore, targeting civilians, be it one civilian or a thousand, is considered a crime against humanity."

References:

- <http://www.idfblog.com/facts-figures/rocket-attacks-toward-israel/>
- <http://www.jpost.com/Operation-Protective-Edge/Hamas-All-Israelis-now-targets-for-missile-attacks-361965>
- <http://www.telegraph.co.uk/news/worldnews/middleeast/palestinianauthority/10955377/Hamas-fires-rockets-at-Tel-Aviv-and-Jerusalem.html>
- <http://www.ynetnews.com/articles/0,7340,L-4542765,00.html>

Rule 7. The Principle of Distinction between Civilian Objects and Military Objectives

The parties to the conflict must at all times distinguish between civilian objects and military objectives. Attacks may only be directed against military objectives. Attacks must not be directed against civilian objects.

Hamas Violations:

- Human Rights Watch reported that Hamas rocket attacks on Israel “appear to be indiscriminate or targeted at civilian population centers,” which are “serious violations of the law[s] of armed conflict[.]”
- Rockets fired into Israel by Hamas during Operation Protective Edge damaged a home and set fire to a plastics factory in Sderot.

References:

- <http://www.hrw.org/news/2014/07/09/palestineisrael-indiscriminate-palestinian-rocket-attacks>
- <http://www.usatoday.com/story/news/world/2014/06/30/tensions-rise-as-israel-hamas-trade-rockets/11776405/>

Rule 11. Indiscriminate Attacks

Indiscriminate attacks are prohibited.

Hamas Violations:

- The EU has condemned Hamas militants for indiscriminately firing rockets into Israel, “directly harming civilians.”
- Among the civilian casualties resulting from Hamas’s indiscriminate firing into Israel, a 4-year-old Israeli boy was killed by a Hamas mortar attack, reportedly launched from an elementary school in Gaza City.

References:

- http://www.eu-un.europa.eu/articles/en/article_15300_en.htm



- <http://www.telegraph.co.uk/news/worldnews/middleeast/palestinianauthority/10955377/Hamas-fires-rockets-at-Tel-Aviv-and-Jerusalem.html>
- <http://www.jta.org/2014/09/04/news-opinion/israel-middle-east/parents-of-boy-killed-by-hamas-rocket-criticize-u-n-in-letter-to-ban>

Rule 20. Advance Warning

Each party to the conflict must give effective advance warning of attacks which may affect the civilian population, unless circumstances do not permit.

Hamas Violations:

- Ibrahim Khreisheh, Palestinian Authority envoy to UNHRC, admitted in a TV interview that Hamas “never warn[s] anyone about where these missiles are about to fall, or about the operation [Hamas] carr[ies] out.”

References:

- <http://www.ynetnews.com/articles/0,7340,L-4542765,00.html>

Rule 22. Principle of Precautions against the Effects of Attacks

The parties to the conflict must take all feasible precautions to protect the civilian population and civilian objects under their control against the effects of attacks.

Hamas Violations:

- CNN reported that ten percent of Hamas rockets fired at Israel fall short and land in Gaza, causing damage.
- The United Nations Relief and Works Agency (UNRWA) said they found rockets hidden by Hamas in a vacant school, in between two other UNRWA schools used to host 1,500 displaced civilians.
- The IDF released aerial photos of rocket launch sites inside Shijaiyeh, purportedly showing that Hamas launched rockets from inside and around a mosque, a hospital, a children’s playground, and a cemetery. Another video

released by the IDF showed rocket launchers, some still holding rockets ready to be fired, next to an agricultural school in Beit Hanoun.

- A misfired Hamas rocket killed 10 people, including 8 children, at the Al-Shati refugee camp north of Gaza City. Hamas members reportedly rushed to clean up the debris in an attempt to blame the IDF for the attack.
- Upon learning that Hamas had stored rockets in an UNRWA school, the spokesman for UN Secretary-General Ban Ki-moon issued a statement that "Those responsible are turning schools into potential military targets, and endangering the lives of innocent children," UN staff, and anyone seeking shelter.
- Hamas's Interior Ministry published an order that residents of Gaza ignore Israel's warnings of imminent air strikes and remain in their houses. Israel's policy of warning is intended to give civilians time to flee and seek shelter.
- On three separate occasions during Operation Protective Edge, it was discovered that Hamas rockets were stored in UNRWA schools.
- UNRWA confirmed that Hamas fired into the Beit Hanoun area in northern Gaza where, on July 24, 2014, an UNRWA school was hit. According to Gaza sources, an estimated 17 children and UN personnel were killed, and 200 others wounded.
- UNRWA schools have reportedly been used as launching pads for mortar attacks.
- A senior UN official, John Ging, confirmed that Hamas terrorists "are firing their rockets into Israel from the vicinity of UN facilities and residential areas," thereby putting UNRWA staff and students in harm's way and using Gaza's civilians as human shields.
- According to the IDF, Hamas has booby-trapped hundreds of civilian houses in Gaza. The IDF translated and published the contents of a Hamas bomb-making manual captured during Operation Protective Edge, which recommends "teaching civilians how to build and store bombs in their homes."

References:

- <http://transcripts.cnn.com/TRANSCRIPTS/1407/30/nday.01.html>
- <http://www.foxnews.com/world/2014/07/22/hamas-hiding-rockets-in-schools-children-playgrounds-israel-and-un-agency-say/>
- <http://www.news.com.au/world/hamas-militants-storing-rockets-in-gaza-schools-as-children-among-714-palestinians-killed-in-israeli-strikes/story-fndir2ev-1227000054855>
- <http://www.washingtontimes.com/news/2014/jul/10/hamas-orders-civilians-die-israeli-airstrikes/?page=all>
- <http://www.israelnationalnews.com/News/News.aspx/183505>
- <http://www.unrwa.org/newsroom/press-releases/unrwa-strongly-condemns-placement-rockets-school>
- <http://www.unrwa.org/newsroom/press-releases/unrwa-condemns-placement-rockets-second-time-one-its-schools>
- <http://www.jewishpress.com/news/breaking-news/hamas-may-have-fired-rockets-that-hit-unrwa-school-killing-17/2014/07/24/>
- <http://www.algemeiner.com/2014/07/27/israel-says-deaths-in-unrwa-school-were-not-caused-by-idf-fire/>
- <http://www.breitbart.com/Big-Peace/2014/07/31/Israel-Shaming-Persists-Even-as-UN-Admits-Hamas-Uses-UN-Areas-for-Rocket-Launches>
- <http://www.thetower.org/0974-diy-how-to-booby-trap-your-home/>

Rule 23. Location of Military Objectives outside Densely Populated Areas

Each party to the conflict must, to the extent feasible, avoid locating military objectives within or near densely populated areas.

Hamas Violations:

- Hamas routinely launches rocket attacks from the most densely populated areas of Gaza, although the majority of Gaza is sparsely populated.

- A crew from India's NDTV videotaped Hamas militants assembling and firing a rocket from under a tent located in a densely populated civilian area.
- FRANCE 24 footage showed a Hamas rocket-launching pad located in the heavily populated Gaza City, less than 50 meters from a hotel where the majority of international media was staying and 100 meters from a UN building "clearly marked with the trademark light blue flag." Children could be seen playing on and near the rocket launchers.
- A Hamas bomb-making manual captured during Operation Protective Edge (translated and published by the IDF) "recommends teaching civilians how to build and store bombs in their homes. According to the manual, the goal is 'to transfer combat from open areas to built-up urban areas, which serves the 'resistance' [i.e., Hamas] and fighters of Islamic Jihad."

References:

- <http://www.gatestoneinstitute.org/4580/gaza-population-density>
- <http://www.nytimes.com/2014/08/06/world/middleeast/indian-tv-crew-shows-rare-video-of-rocket-launch-from-gaza.html>
- <http://www.france24.com/en/20140805-exclusive-video-hamas-rocket-launching-pad-near-gaza-homes-un-building/>
- <http://www.thetower.org/0974-diy-how-to-booby-trap-your-home/>

Rule 28. Medical Units

Medical units exclusively assigned to medical purposes must be respected and protected in all circumstances. They lose their protection if they are being used, outside their humanitarian function, to commit acts harmful to the enemy.

Hamis Violations:

- According to numerous reports, one of Hamas's main command bunkers is located beneath Shifa Hospital, the largest medical complex in Gaza. The hospital "has become a de facto headquarters for Hamas leaders, who can be seen in the hallways and offices." In 2006, PBS aired a documentary showing



gunmen roaming the halls of the hospital, intimidating staff, and denying them access to protected locations within the building.

- A Finnish journalist confirmed that Hamas launched rocket attacks from the grounds of Shifa Hospital.

References:

- <http://www.tabletmag.com/scroll/180730/top-secret-hamas-command-bunker-in-gaza-revealed>
- <http://www.algemeiner.com/2014/08/04/finnish-journalist-who-confirmed-hamas-using-al-shifa-hospital-to-launch-rockets-dismayed-viral-coverage-ignores-her-intended-narrative/>

Rule 29. Medical Transports

Medical transports assigned exclusively to medical transportation must be respected and protected in all circumstances. They lose their protection if they are being used, outside their humanitarian function, to commit acts harmful to the enemy.

Hamas Violations:

- Hamas has reportedly been using ambulances to transport its members around Gaza and for military activities.

References:

- <http://www.theblaze.com/stories/2014/07/23/ambulances-schools-and-mosques-hamas-top-10-hiding-places-that-are-frustrating-israels-fight-against-terror/>

Rule 34. Journalists

Civilian journalists engaged in professional missions in areas of armed conflict must be respected and protected as long as they are not taking a direct part in hostilities.

Hamas Violations:



- FRANCE 24 footage showed a rocket-launching pad in Gaza City less than 165 feet from a hotel where the majority of international media were staying. A week before the footage was recorded, a FRANCE 24 reporter and crew were forced to take cover during a live broadcast when a rocket was fired overhead.
- According to the Foreign Press Association, Hamas has threatened and pressured journalists to prevent them from reporting objectively.

References:

- <http://www.france24.com/en/20140805-exclusive-video-hamas-rocket-launching-pad-near-gaza-homes-un-building/>
- <http://www.jpost.com/Arab-Israeli-Conflict/Foreign-Press-Association-blasts-Hamas-for-threatening-journalists-370755>

Rule 62. Improper Use of the Flags or Military Emblems, Insignia or Uniforms of the Adversary

Improper use of the flags or military emblems, insignia or uniforms of the adversary is prohibited.

Hamas Violations:

- On July 21, two groups of Hamas gunmen emerged from two different tunnels that lead into Israel disguised in IDF uniforms. The gunmen fired on IDF troops, killing four of them.

References:

- <http://www.cnn.com/2014/07/22/world/meast/israel-gaza-tunnels/>
- http://www.washingtonpost.com/world/israeli-clashes-with-hamas-militants-intensify-in-gaza/2014/07/19/f2e14608-0f0b-11e4-b8e5-d0de80767fc2_story.html

Rule 80. Booby-Traps

The use of booby-traps which are in any way attached to or associated with objects or persons entitled to special protection under international humanitarian law or with objects that are likely to attract civilians is prohibited.

Hamas Violations:

- Hamas has reportedly booby-trapped hundreds of houses in Gaza. According to a Hamas combat manual, the destruction of civilian homes “increases the hatred of the citizens towards the attackers [the IDF] and increases their gathering [support] around the city defenders (resistance forces [i.e., Hamas]).”
- In 2009, a video released by the IDF showed a school and a zoo that Hamas had booby-trapped with explosives.

References:

- <http://www.thetower.org/0974-diy-how-to-booby-trap-your-home/>
- <http://www.idfblog.com/blog/2014/07/27/hamas-uses-palestinian-houses-as-military-compounds/>
- <http://youtu.be/uHhs9ihSmbU>

Rule 97. Human Shields

The use of human shields is prohibited.

Hamas Violations:

- According to Professor Alan Dershowitz, Hamas launches rocket attacks from densely populated areas and builds shelters for its terrorists (rather than its civilians) to “use[] its civilians to protect its terrorists” rather than vice versa. This use of civilians as human shields is an “absolute war crime,” with “no exceptions or matters of degree, especially when there are alternatives.” Dershowitz continued, “On the other hand, shooting at legitimate military



targets, such as rockets and terror tunnels is permitted, unless the number of anticipated civilian casualties is disproportionate to the military importance of the target. This is a matter of degree and judgment, often difficult to calculate in the fog of war. The law is also clear that when a criminal takes a hostage and uses that hostage as a shield from behind whom to fire at civilians or police, and if the police fire back and kill the hostage, it is the criminal and not the policeman who is guilty of murder. So too with Hamas: when it uses human shields and the Israeli military fires back and kills some of the shields, it is Hamas who is responsible for their deaths.”

- The EU has “strongly condemn[ed] calls on the civilian population of Gaza to provide themselves as human shields.”
- A senior UN official, John Ging, confirmed that Hamas terrorists “are firing their rockets into Israel from the vicinity of UN facilities and residential areas,” thereby putting UNRWA staff and students in harm's way and using Gaza’s civilians as human shields.
- Hamas’s Interior Ministry orders Palestinian civilians not to heed Israeli warnings distributed in areas of potential Israeli military attack because Hamas claims that such warnings are distributed to cause confusion among civilians.
- Hamas spokesman Sami Abu Zuhri admitted on Al-Aqsa TV that Hamas continues to encourage civilians to act as human shields: “People are reverting to the (human-shield) method, which proved very successful in the days of martyr Nizar Riyan. This attests to the character of our noble, Jihad-fighting people, who defend their rights and their homes with their bare chests and their blood. The policy of people confronting the Israeli warplanes with their bare chests in order to protect their homes has proven effective against the occupation. Also, this policy reflected the character of our brave, courageous people. We in Hamas call upon our people to adopt this policy, in order to protect the Palestinian homes.”

- Secretary of State John Kerry condemned Hamas practice of using innocent lives of civilians as shields.

References:

- <http://www.gatestoneinstitute.org/4580/gaza-population-density>
- http://eu-un.europa.eu/articles/en/article_15300_en.htm
- <http://www.breitbart.com/Big-Peace/2014/07/31/Israel-Shaming-Persists-Even-as-UN-Admits-Hamas-Uses-UN-Areas-for-Rocket-Launches>
- <http://www.washingtontimes.com/news/2014/jul/10/hamas-orders-civilians-die-israeli-airstrikes/?page=all>
- http://www.washingtonpost.com/opinions/hamas-is-playing-a-dangerous-game-with-gazan-lives/2014/07/15/cc5f101e-0c3b-11e4-8c9a-923ecc0c7d23_story.html
- <http://www.israelnationalnews.com/News/News.aspx/182741#.U8AKOPldVx0http://www.israelnationalnew>

Rule 136. Recruitment of Child Soldiers

Children must not be recruited into armed forces or armed groups.

Hamis Violations:

- Hamas has long trained children for military combat and terror operations, and plans to establish a "military academy" to train children as young as 12 to fight against Israel and the Jews.
- UNRWA has publicly admitted to hiring Hamas (and Islamic Jihad) terrorists as teachers at its schools, thereby providing direct access for Hamas to recruit Palestinian children.
- UNRWA has permitted Hamas to use its schools as grounds for the recruitment and training of child soldiers and suicide bombers, and for the operation of militant summer camps for children.

References:

- <http://www.foxnews.com/story/2009/01/14/un-agency-that-runs-school-hit-in-gaza-employed-hamas-and-islamic-jihad-members/>
- http://thelawfareproject.org/Examining_UNRWA.pdf

Additional Resources

Gazans Speak Out: Hamas War Crimes – Gatestone Institute

- "If Hamas does not like you for any reason all they have to do now is say you are a Mossad agent and kill you." — A., a Fatah member in Gaza.
- "Hamas wanted us butchered so it could win the media war against Israel showing our dead children on TV and then get money from Qatar." — T., former Hamas Ministry officer.
- "They would fire rockets and then run away quickly, leaving us to face Israeli bombs for what they did." — D., Gazan journalist.
- "Hamas imposed a curfew: anyone walking out in the street was shot. That way people had to stay in their homes, even if they were about to get bombed. Hamas held the whole Gazan population as a human shield." — K., graduate student
- "The Israeli army allows supplies to come in and Hamas steals them. It seems even the Israelis care for us more than Hamas." — E., first-aid volunteer.
- "We are under Hamas occupation, and if you ask most of us, we would rather be under Israeli occupation... We miss the days when we were able to work inside Israel and make good money. We miss the security and calm Israel provided when it was here." — S., graduate of an American university, former Hamas sympathizer.

Reference: <http://www.gatestoneinstitute.org/4706/gazan-hamas-war-crimes>