

NGOs and the Political-Legal Theater in Operation Protective Edge

Gerald M. Steinberg, Anne Herzberg, and
Joshua Bacon

As in previous Gaza conflicts, the political theater during Operation Protective Edge (July-August 2014) – as manifested particularly in the international media, in the United Nations, and on legal battlegrounds – was of central importance. Palestinian officials and their allies repeatedly accused the IDF of war crimes, and these allegations gained significant impact, particularly in Europe and the United States.

In parallel, during the war and its aftermath, dozens of NGOs claiming human rights and humanitarian aid agendas issued hundreds of statements, the vast majority targeting Israel. NGO officials were quoted widely in international media outlets, and their publications were highlighted in numerous media reports. NGO statements to the United Nations Human Rights Council (UNHRC) played a central role in the creation of a special commission “to investigate all violations of international humanitarian law and international human rights law...in the context of the military operations conducted since 13 June 2014,” headed by William Schabas.¹ NGO claims and allegations were also repeated in European parliamentary sessions, on university campuses, and elsewhere.

The NGO-based campaign of 2014 followed a standard, familiar pattern. In the years since the Hamas takeover of Gaza from the Fatah-led Palestinian Authority in 2007, the NGO network has issued a steady flow of statements, reports, press releases, and “urgent calls” condemning Israel. The documents

Prof. Gerald Steinberg, professor of political science and founder of the program on conflict management at Bar Ilan University, is the president of NGO Monitor. Anne Herzberg is the Legal Advisor of NGO Monitor. Joshua Bacon is the head of the Israel Desk at NGO Monitor.

label Israeli policies as “collective punishment,” and repeat claims that Gaza remains “occupied,” despite the full Israeli withdrawal in 2005. In contrast, NGO reports and statements have given sparse attention to the tens of thousands of rockets and projectiles fired from Gaza against Israel, or the tactics employed by Hamas of embedding military objects among the civilian population. With few exceptions, the NGO reports omitted mention of rocket launchers, attack tunnels, and other military installations inside hospitals, schools, and private homes. The claims of civilian casualties in Gaza that were labeled “IDF war crimes” had little or no reference to military targets and other key contextual elements of the conflict.

Citing allegations from international groups such as Amnesty International and Human Rights Watch (HRW), and Palestinian groups including Al Mezan, al-Haq, and the Palestinian Center for Human Rights (PCHR), campaigns designed to punish and isolate Israel, particularly in Europe, have intensified over the years. These efforts include boycott, divestment, and sanctions (BDS); universal jurisdiction lawsuits against Israeli officials, corporations or state entities doing business with Israel; and lobbying and campaigning at international institutions such as the UN, the European Parliament, the International Court of Justice (ICJ), and the International Criminal Court (ICC).² The extensive use of legal terms such as “human rights,” “international humanitarian law,” and other labels for political attacks creates the appearance of credibility and expertise for NGO claims. However, evidence shows that many NGOs operating in the fields of human rights and the laws of armed conflict (LOAC) lack any standard or methodology for conducting investigations.

This process has recurred numerous times, including with Jenin in 2002, the ICJ case against Israel’s security barrier in 2004, the 2006 Lebanon War, and Operation Cast Lead. In each instance, attacks targeting civilians in major population centers in Israel triggered Israeli countermeasures, followed immediately by condemnations citing Israeli “war crimes,” “crimes against humanity,” and the “intentional targeting of civilians” (based on “eyewitness testimony”). Media reports and political figures were then prone to repeat these claims without verifying them, and the UN – particularly the UNHRC – called for international investigations and war crimes trials.

NGO allegations are generally accepted by the media and other actors due to a “halo effect,” by which groups perceived to promote moral principles are protected from investigation, and their claims are taken at face value. As academics studying this phenomenon have noted, “There is a widespread

attitude that NGOs consist of altruistic people campaigning in the general public interest.”³ As a result, consumers of NGO reports tend to overlook or do not even consider the absence of credible fact finding methodologies and expertise.

In addition, a number of NGOs cited by the media and referenced in UN reports have a record of bias among researchers and other staffers. In the case of Israel, several Amnesty researchers and communications staffers have backgrounds in extreme anti-Israel activism. For instance, Deborah Hyams, an Amnesty researcher in Israel and the Palestinian territories, volunteered in 2001 to serve as a human shield in Beit Jala as part of the radical International Solidarity Movement (ISM).⁴ Moreover, many Palestinian groups, such as al-Haq, Al Mezan, and the Palestinian Center for Human Rights, whose factual and legal claims are cited in media reports and UN investigations, are far from independent or credible.

In the early NGO-led campaigns, as with the myth of the 2002 Jenin massacre during Operation Defensive Shield, the IDF, Ministry of Foreign Affairs, and other bodies attempted to coordinate a response through a joint media center. However, as Ambassador Gideon Meir has noted, due to a number of reasons, this coordination was unsuccessful in refuting the “massacre” allegations or preventing their propagation (and though eventually disproved, these allegations damaged Israel significantly at the time).⁵ In subsequent operations, Israeli concern for potential civilian casualties and the accompanying international pressure were a motivating factor for the IDF to mitigate the damage through tactical innovation, including “roof knocking,” calling or texting to warn civilians of an impending attack, and adding legal advisers to relatively low level operational headquarters.

NGO allegations are generally accepted by the media and other actors due to a “halo effect,” by which groups perceived to promote moral principles are protected from investigation, and their claims are taken at face value.

Nevertheless, in Operation Protective Edge, NGO campaigns continued and their impact increased, irrespective of IDF measures. During and after the operation, they repeated the accusations of Israeli “war crimes,” “disproportionate responses,” “indiscriminate” attacks, and “targeting of civilians” without military necessity or justification. As in previous campaigns in Gaza, NGO publications, videos, and other forms of publicity

sought to criminalize Israeli responses, as well as the weapons deployed and their employment in specific circumstances.

Thus in order to mitigate the impact of future campaigns of this sort, including boycotts and lawfare, the IDF, the Ministry of Defense, and the wider Israeli government will have to develop new approaches in response to the NGO dimension when preparing for the delegitimization theater of future wars. The responses to date have apparently failed to yield a significant impact.

NGO Reporting of Operation Protective Edge

Operation Protective Edge began on July 8, 2015, and continued for 51 days – significantly longer than the 2008 and 2012 Gaza operations (three weeks and one week, respectively). IDF airstrikes were followed by a ground incursion into Gaza with the declared objectives of stopping the rocket fire, destroying attack tunnels, and restoring deterrence.

From the first day of combat, dozens of NGOs, both local and global, issued statements, compiled reports, and leveled accusations against the IDF. Lacking any first hand information and – aside from the Palestinian

While the IDF and Ministry of Defense have largely sought to limit clashes with the NGO network, and even sought to develop lines of communication in the hope of reducing the hostility and increasing the knowledge of NGO officials, this approach has failed.

groups – a presence on the ground, this reporting was generally highly emotive and exaggerated. A prominent Palestinian NGO, the Al Mezan Center for Human Rights, accused Israel of “harvesting” civilians and targeting the people of Gaza in an “unprecedented manner.”⁶ Similarly, in its statements to the press and the UN, US-based Human Rights Watch accused Israel of deliberately attacking the people of Gaza, “depriving them of food, medicine, fuel and other essential supplies. Hundreds of thousands of people have no access to clean water. Hospitals are desperately over-stretched.”⁷ For its part, Amnesty focused on alleged violations of international law, and devoted significant resources in accusing Israel of “war crimes” for targeting houses used by Hamas and other terror groups. Amnesty’s

report “Families Under Rubble: Israeli Attacks On Inhabited Homes” (November 5, 2014),⁸ based on impassioned testimonies, was featured in social media for several weeks, a press release, and a broad media push to garner publicity for its claims.

While NGOs did condemn Palestinian attacks against Israeli civilians, these condemnations were both qualitatively and quantitatively weaker than condemnations of Israeli actions. For instance, Amnesty published one report detailing Hamas attacks on Israeli civilians, but remained silent regarding the complex infrastructure established by Hamas within homes, mosques, schools, parks, hospitals, and cemeteries. At the same time, it published at least four large reports as well as the highly publicized, interactive, and digitized “Gaza Platform,” all of which purported to document alleged Israeli crimes.⁹ Similarly, HRW posted 30 items on the fighting (press releases, reports); of these, only one dealt with Hamas attacks on Israeli civilians. Some additional publications condemned the rocket attacks from Gaza, but always as an addendum to reports that focused primarily on claims of Israeli violations.¹⁰

NGO Expertise in Reporting on Armed Conflict

The credibility given to NGO reports is based, in part, on the perception of military expertise, including decisions to target certain objects (“intentionality”), or assessments of which munitions caused particular damage. However, examination of the publications and biographies of the personnel employed by the NGOs does not support such claims – most of the researchers and report authors have no military backgrounds. On the few occasions in which NGOs utilized outside “experts,” the requisite qualifications were generally lacking, and in many instances, these individuals were not identified, making independent assessment of their knowledge and competence impossible. A number of current and former leaders of NGOs have recently acknowledged these shortcomings, but the practice has not changed.¹¹

This lack of expertise prevents NGOs from accurately identifying weapons employed in the fighting, thereby undermining the credibility of their legal conclusions. While PCHR and other NGOs repeatedly stated during the war that attacks originated from “warplanes,” “tanks,” or “drones,”¹² it is not clear on what basis this classification of attack method is made. Even if a weapon could be identified simply from alleged photos of rubble, this identification provides no information as to what was targeted, why it was targeted, or the information available to military commanders at the time of a strike. Moreover, there is no way of knowing if the images depicted are an accurate reflection of a site, or if the scene, usually with allegations of civilian casualties combined with the absence of military targets in the

areas, was staged. Thus, the NGOs' factual and legal claims based on this "evidence" cannot be deemed credible.

Instead, and to the extent that any systematic methodology is used, NGO reporting on armed conflict relies extensively on interviews with residents of conflict zones, and in a few instances, media reports that are generally based on the same sources. These "witnesses" almost always claim that there were no combatants or military objectives anywhere in the vicinity of IDF strikes and that there was no possible justification for the attacks. These claims are then used as "proof" that the strikes lacked "military necessity" and were therefore "indiscriminate," "disproportionate," and a violation of international humanitarian law.

NGO reports during and after Operation Protective Edge were consistent with this pattern. For instance, PCHR cites witnesses who claimed that the "al-Shuja'iya neighborhood looked as if it was hit by an earthquake or tsunami as it was extensively destroyed."¹³ These same witnesses and thus the NGO statement make no mention of the major terrorist presence in the area, reflected in an intense battle that day between the IDF and terrorist groups and the death of seven IDF soldiers.¹⁴

Claims Regarding International Law

In addition to lacking credible fact-finding methodologies, the legal analyses and conclusions in NGO reports are generally simplistic, misleading, and reflective of political agendas that ascribe malevolent intent to the actions of the Israeli government and the IDF.

Although NGOs are not judicial bodies in any form and do not serve in any official capacity (unless specifically employed to do so by states or international institutions), they publish legal claims, accusations, and conclusions of criminal guilt, based on alleged violations of international humanitarian law, international human rights law, and international criminal law. Many of these frameworks are ambiguous and demand interpretation, particularly as they relate to human rights and the laws of armed conflict. Consequently, numerous legal experts recommend that fact-finding missions refrain from legal conclusions and instead leave such issues to the duly constituted judicial bodies, to the extent that these exist.¹⁵ However, NGO officials often ignore this advice, opting for using "aspirational international law," as discussed in greater detail below, particularly in reports and allegations focusing on Israeli actions in Gaza.

In addition to adopting untenable positions of existing law and inventing international standards, NGOs often apply inconsistent definitions of legal concepts. For instance, since 2007 the term “collective punishment” has been used repeatedly by NGOs regarding Israel’s policy in Gaza. The term was used to suggest that such policies were illegal and a violation of international law, and reflect an ideologically driven agenda that is inconsistent with the accepted meaning of this term. This language has persisted in NGO publications since 2007 and has continued through the 2014 conflict and its aftermath.

Contrary to this particular NGO usage, “collective punishment” refers to criminal penalties (imprisonment, execution) imposed on a group of people for acts attributed to members of that group. It does not refer to sanctions and blockades. Restrictions on the flow of goods in a war environment, therefore, do not constitute “collective punishment” under international law.¹⁶ Similarly, Israel’s military responses to rocket attacks on a civilian population during Operation Protective Edge are consistent with the exercise of the legal right of self-defense, in contrast to allegations of “collective punishment.”

The same holds true for NGO interpretation of the term “human shielding,” a clear violation of the laws of armed conflict, and the core distinction between combatants and civilians.¹⁷ Despite the central prohibition against the use of human shields, NGOs consistently minimize and even deny the evidence of widespread use by terror groups of civilian infrastructure to carry out their war efforts. NGOs obscure the extent of this practice, instead arguing that if Israel is striking Hamas fighters, tunnels, or weaponry hidden in homes, mosques, schools, or hospitals, then these attacks must be “indiscriminate” and illegal for “targeting civilians.”

In the context of the 2014 Gaza war, officials from HRW and B’Tselem couched many of their legal claims in generalizations that erased the core principles and definition related to human shielding. For instance, a B’Tselem spokesperson explained that the “focus on specific cases can distract from bigger-picture questions about Israel’s prosecution of a war.”¹⁸ Similarly, HRW acknowledged to some degree that Hamas did indeed embed fighters in civilian areas, but continued to assert that even if Hamas positioned among civilians, this did not constitute “human shielding.” HRW selected a narrow definition in accusing the IDF of violations, while exonerating Hamas and other terror groups.¹⁹ And despite all the evidence showing rockets and tunnels in civilian homes and protected sites, Amnesty stated

that it “does not have evidence at this point that Palestinian civilians have been intentionally used by Hamas or Palestinian armed groups during the current hostilities to ‘shield’ specific locations or military personnel or equipment from Israeli attacks.”²⁰

Under the laws of war, targets must be confined to military objectives, including strategic sites and buildings.²¹ In minimizing and denying human shielding by Hamas to protect such sites, the NGO network could justify its focus on condemning Israel for “targeting of civilians.” Moreover, as noted by the ICRC, “most civilian objects can become useful objects to the armed forces. Thus, for example, a school or a hotel is a civilian object, but if they are used to accommodate troops or headquarters staff, they become military objectives.”²² This central aspect of the confrontation does not find expression in the NGO reports.

In response, the IDF developed an extensive system to evaluate whether a given target is lawful, including embedding legal advisers within each division and at times at brigade level. These advisers are also available to provide real time legal advice in the midst of combat. Few if any other armies engage in this practice.²³ However, these IDF assessments were also ignored by the NGOs in their reports.

An additional charge leveled by NGOs was that Israel “deliberately targets civilians” and engages in “indiscriminate attacks.” Almost every target struck by Israel was declared by the NGOs to be an unlawful strike. When the evidence pointed to a legitimate military objective at the target site, the NGOs instead claimed the Israeli strike was “disproportionate.”²⁴ For example, in Amnesty’s report “Families under the Rubble,” the NGO declared the strike that killed Muhammad Mustafa al-Louh (shown to be a Hamas operative and legitimate target²⁵) and a number of his family members to be “disproportionate.”²⁶ Amnesty does not provide any evidence of this claim, other than “eyewitness testimony.” Furthermore, al-Louh is listed by Amnesty as a civilian, and not as a combatant, once again illustrating either the lack of Amnesty’s capacity to investigate such incidents, or the lack of interest.

In previous reports regarding IDF operations in Gaza, including the 2009 UN Goldstone report on Operation Cast Lead, which was based primarily on NGO allegations,²⁷ the allegation (later retracted by Goldstone²⁸) that Israel had a policy of deliberately killing of civilians was central.

In a broader sense, whether an attack complies with the principles of distinction and proportionality requires an assessment of many factors. For

instance, one must know what was known to military commanders prior to an attack, including enemy locations, the presence of military objects, presence of civilians, anticipated harm to civilians, military advantage expected, and evidence of intent to cause civilian harm. These factors must be evaluated prospectively rather than based on the outcome of a strike. However, NGOs generally do not possess the expertise or access to information that would allow them to make these evaluations, and almost invariably claim strikes were unlawful solely based upon outcomes. Thus, HRW's analysis reflects the lack of understanding of military operations, repeating the "collective punishment" allegation.²⁹

By co-locating military targets among civilian objects, Hamas was able to inflate the number of civilian casualties, and minimize the number of combatants killed. Ignoring the manipulation of casualty statistics, NGOs simply repeated Hamas's statements in reference to the numbers of civilian deaths. Three NGOs (B'Tselem, Al Mezan, and PCHR) formed the UN-OCHA "Protection Cluster," taking their estimates primarily from the Ministry of Health in Gaza, which is controlled by Hamas.³⁰ These NGOs then cited the unsupported casualty claims to charge the IDF with acting "disproportionately" or "indiscriminately."³¹ Many of the Israeli attacks resulting in casualties among Gaza civilians were clearly justified under international law; thus, the number of casualties is not the determining factor in establishing whether war crimes were committed.³² Furthermore, these statistics did not differentiate between civilians killed in combat and Palestinians killed by the misfiring of Hamas rockets or premature/secondary explosions of Palestinian weaponry or Hamas killing of collaborators and other civilians in Gaza.³³ NGOs did not appear to have made efforts to obtain this data.

When taken together, repeated allegations of deliberate killing of civilians in violation of moral and legal norms have strong political repercussions, and can have a major impact on military freedom of action in response to attacks. These implications are illustrated in the two following examples.

Israel was able to conduct the war for 51 days without any binding UN resolutions coercing the IDF to stop the fighting before ostensible objectives were achieved and without having to bow to massive international pressure. However, the ongoing NGO-led campaign blaming Israel for human rights

Israeli officials, independent experts, and civil society allies should aggressively highlight the demonstrated lack of NGO expertise, citing cases where NGO claims are clearly false.

violations had other implications during the fighting. For instance, in the international arena, the US, Israel's closest ally, decided to delay a shipment of Hellfire missiles requested by Israel. Some have claimed that this was due to the White House being "angry at Netanyahu and the Israel Defense Forces over the attacks on Gaza, especially concerning the high number of civilian casualties."³⁴ If so, it is highly likely that NGO data was used to make this decision, as NGOs were the main actors disseminating both the statistics and allegations regarding civilian casualties.

In addition, the UK government decided to "review" arms export licenses to Israel in the context of the fighting. While rejecting calls by MPs and others for an outright arms embargo on Israel, the UK did open a case-by-case examination of "whether each license is appropriate in light of the conflict in Gaza." This decision followed a campaign by the British NGO Campaign against the Arms Trade.³⁵ Similar NGO campaigns delayed UK arms exports to Israel following Operation Cast Lead.³⁶

Responses to NGO Delegitimization

In recent years, the IDF and other Israeli government frameworks have recognized that the political theater of asymmetric conflicts has implications for military hard power responses to attacks and threats. NGO reports, accusations, and analyses couched in the language of international law and human rights are of central importance in this context. As noted, in Europe and elsewhere, NGO activities have led to some instances of limitations on military exports, lawfare cases targeting IDF officers and political leaders, and numerous boycott initiatives.³⁷

In efforts to reduce the impact of war crimes allegations, the IDF has introduced some changes in weapons and tactics. These include providing warnings to minimize civilian casualties through roof knocking, restricting the use of white phosphorous, changing the content of airdropped warning leaflets, and other measures.³⁸ In addition, the Ministry of Foreign Affairs, Ministry of Justice, and IDF attempted to counter NGO allegations of human rights violations and war crimes through expanded public diplomacy efforts (*hasbara*), which included the publication of factsheets and infographics.

After Operation Protective Edge, the public diplomacy response continued, and shortly before the UNHRC investigatory commission, initially led by William Schabas, published its report (here too based primarily on NGO claims), the Ministry of Foreign Affairs and Ministry of Justice published a detailed analysis of these aspects of the fighting,

including a number of instances in which violations were alleged. The extent, if any, to which these detailed investigations and reports reduced the credibility of the NGO-led allegations remains unclear.

With this in mind, greatly accelerated real time responses to allegations of human rights and legal violations during the combat can allow the IDF to “get out in front” of the reporting. The policy of general denials, without providing specific responses to the accusations through the IDF spokesperson, is insufficient. To counter the perception of NGO “expertise,” Israel must present detailed refutations.

In parallel, the legal claims made by the NGO community and its allies must also be challenged quickly, and in specific cases in detail, but in language and context that is clear to non-lawyers, among them, journalists and social media activists. While operational limitations will always prevent full publication of details, the tendency to restrict public response in all cases, as the default policy in the IDF, needs to be carefully reconsidered. When possible, the location and/or name of military targets should be revealed in order to demonstrate the justification for the military response.

In addition, if the NGO claim to expertise is rebutted by legal and military professionals and experts, the NGO network’s ability to influence media coverage and policy is also impeded. While the IDF and Ministry of Defense have largely sought to limit clashes with the NGO network, and even sought to develop lines of communication in the hope of reducing the hostility and increasing the knowledge of NGO officials, this approach has failed. Instead, Israeli officials, independent experts, and civil society allies should aggressively highlight the demonstrated lack of NGO expertise, citing cases where NGO claims are clearly false. Using specific responses of this nature should enable Israel in future wars to mitigate the damage caused by delegitimization efforts.

Notes

- 1 “UN Human Rights Council S-21/1 Ensuring Respect for International Law in the Occupied Palestinian Territory, Including East Jerusalem,” 23 July 2014, http://www.ohchr.org/Documents/HRBodies/HRCouncil/SpecialSession/Session21/A-HRC-RES-S-21-1_en.doc.
- 2 Pnina Sharvit Baruch, “Operation Protective Edge: The Legal Angle,” in *The Lessons of Operation Protective Edge*, eds. Anat Kurz and Shlomo Brom (Tel Aviv: Institute for National Security Studies, 2014): 65-72, http://www.inss.org.il/uploadImages/systemFiles/ZukEtanENG_final.pdf. See also Orde F.

- Kittrie, *Lawfare: Law as a Weapon of War* (New York: Oxford University Press, 2016).
- 3 Peter Willetts, "Introduction," in *"The Conscience of the World": The Influence of Non-Governmental Organisations in the UN System*, ed. Peter Willetts (Washington D.C: Brookings University Press, 1996), p. 11.
 - 4 Inigo Gilmore, "Israel Protests as British Women Join 'Human Shield,'" *The Telegraph*, July 29, 2001, <http://www.telegraph.co.uk/news/worldnews/middleeast/israel/1335737/Israel-protests-as-British-women-join-human-shield.html>.
 - 5 Gideon Meir, "Jenin: The Diplomatic Cost," in *The Battle of Jenin: A Case Study in Israel's Communications Strategy*, eds. Hirsh Goodman and Jonathan Cummings (Tel Aviv: Jaffee Center for Strategic Studies, 2003): 30-32.
 - 6 "Al Mezan Calls for Accountability for War Crimes and an End to Israel's Occupation of the Occupied Palestinian Territory. Death Toll Rises to 2,168: 521 Children and 297 Women since 7 July 2014," Al Mezan Center for Human Rights, August 27, 2014, <http://www.mezan.org/en/post/19514>.
 - 7 "Human Rights Council: Establish Fact-Finding Mission in Israel/Palestine," Human Rights Watch, July 23, 2014, <https://www.hrw.org/news/2014/07/23/human-rights-council-establish-fact-finding-mission-israel/palestine>.
 - 8 "Israel and the Occupied Palestinian Territories: Families Under the Rubble: Israeli Attacks on Inhabited Homes," Amnesty International, November 5, 2014, <https://www.amnesty.org/en/documents/MDE15/032/2014/en/>.
 - 9 See: "Publications: State of Palestine," Amnesty International, <https://www.amnesty.org/en/search/?country=38551>.
 - 10 "Palestine/Israel: Indiscriminate Palestinian Rocket Attacks," Human Rights Watch, July 9, 2014, <https://www.hrw.org/news/2014/07/09/palestine/israel-indiscriminate-palestinian-rocket-attacks>.
 - 11 See Robert L. Bernstein, "Human Rights in the Middle East," Goldstein Lecture on Human Rights, University of Nebraska at Omaha, November 10, 2010, http://www.ngo-monitor.org/article/human_rights_in_the_middle_east; "Salil Shetty: 'Speaking Truth to Power,'" Talk to *al-Jazeera*, February 10, 2014, <http://www.aljazeera.com/programmes/talktojazeera/2014/02/salil-shetty-speaking-truth-power-201427102725815233.html>.
 - 12 See, for example, "On the 15th Day of the Israeli Offensive: Dozens of Palestinian Civilians Killed or Wounded as Israeli Forces Attack Apartment Buildings, Mosques, Hospitals and Schools; White Phosphorous Bombs and Flechette Shells Fired by Israeli Forces in Border Areas," Palestinian Centre for Human Rights, July 22, 2014, <http://pchrgaza.org/en/?p=1614>.
 - 13 "PCHR: Temporary Ceasefire Reveals Mass Destruction in Beit Hanoun, Sheja'eyya," International Middle East Media Center, July 27, 2014, <http://www.imemc.org/article/68635>.

- 14 "IDF Releases Details on Shejaiya Battle in which 7 Soldiers Died July 20," *Times of Israel*, August 22, 2014, <http://www.timesofisrael.com/idf-releases-details-on-shejaiya-battle-in-which-7-soldiers-died/>.
- 15 "2014 Gaza War Assessment: The New Face of Conflict," Jewish Institute for National Security Affairs, March 2015, pp. 45-46, <http://www.jinsa.org/files/2014GazaAssessmentReport.pdf>.
- 16 "False Claims of 'Collective Punishment' in NGO Campaigns on Gaza," *NGO Monitor*, February 28, 2008, <http://www.ngo-monitor.org/article.php?id=1822>.
- 17 "Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977," International Committee of the Red Cross, <https://www.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?viewComments=LookUpCOMART&articleUNID=F08A9BC78AE360B3C12563CD0051DCD4>.
- 18 Jodi Rudoren, "Facing Rights Accusations, Israel Opens Gaza Inquiries," *New York Times*, December 6, 2014, http://www.nytimes.com/2014/12/07/world/middleeast/israel-opens-new-investigations-into-gaza-strip-war.html?_r=0.
- 19 See, e.g., "'Naive Beyond Understanding': Hannity Clashes With Human Rights Watch Exec," *Fox News*, December 15, 2014, <http://insider.foxnews.com/2014/12/15/hannity-clashes-human-rights-watch-exec-ken-roth>; Transcript of CNN Newsroom that aired on July 29, 2014 available at <http://transcripts.cnn.com/TRANSCRIPTS/1407/29/cnr.02.html>; "Human Rights Watch Statement on our November 22 Press Release," Human Rights Watch, December 16, 2006, <http://www.hrw.org/en/news/2006/12/15/human-rights-watch-statement-our-november-22-press-release>.
- 20 "Israel/Gaza Conflict: Questions and Answers," Amnesty International, July 25, 2014, <https://www.amnesty.org/en/latest/news/2014/07/israelgaza-conflict-questions-and-answers/>.
- 21 See note 17.
- 22 Ibid.
- 23 "A Conversation with General Martin Dempsey, Chairman of the Joint Chiefs of Staff," Carnegie Council Events, November 6, 2014, <http://www.ustream.tv/recorded/55011394>.
- 24 "Joint Letter: Grave Concern regarding Israeli Calls to Vacate Northern Gaza Strip," Adalah, July 14, 2014, <http://www.adalah.org/en/content/view/8307>.
- 25 See: "We Love the Martyr Muhammad Mustafa al-Louh," Facebook, September 1, 2014, <https://goo.gl/vYJ5J1>.
- 26 "Israel and the Occupied Palestinian Territories: Families under the Rubble: Israeli Attacks on Inhabited Homes," Amnesty International, November 5, 2014, p. 34, <https://www.amnesty.org/en/documents/MDE15/032/2014/en/>.
- 27 See Gerald Steinberg and Anne Herzberg, *The Goldstone Report "Reconsidered": A Critical Analysis* (Jerusalem: NGO Monitor & JCPA, 2011).

- 28 Richard Goldstone, "Reconsidering the Goldstone Report on Israel and War Crimes," *Washington Post*, April 1, 2011, https://www.washingtonpost.com/opinions/reconsidering-the-goldstone-report-on-israel-and-war-crimes/2011/04/01/AFg111JC_story.html.
- 29 "Israel/Palestine: Unlawful Israeli Airstrikes Kill Civilians," Human Rights Watch, July 15, 2014, <http://www.hrw.org/news/2014/07/15/israelpalestine-unlawful-israeli-airstrikes-kill-civilians>.
- 30 Clare Malone, "Determining the Body Count in Gaza," *FiveThirtyEight*, July 22, 2014, <http://fivethirtyeight.com/features/determining-the-body-count-in-gaza/>.
- 31 Sharvit Baruch, "Operation Protective Edge: The Legal Angle," pp. 68-69.
- 32 Judicial bodies such as the ICTY have taken note of this phenomenon. For instance, the Committee appointed by the ICTY Prosecutor to review alleged wrongdoing by NATO forces during the 1999 Kosovo campaign concluded that "much of the material submitted to the Office of the Prosecutor consisted of reports that civilians had been killed, often inviting the conclusion to be drawn that crimes had therefore been committed."
- 33 " Hamas Executes 30 Suspected Collaborators: Report," *I24news*, July 29, 2014, <http://www.i24news.tv/en/news/international/middle-east/38508-140728-hamas-executes-30-suspected-collaborators-report>.
- 34 Barak Ravid, "U.S. Confirms Taking 'Additional Care' Over Israeli Arms Transfers Amid Gaza Operation," *Haaretz*, August 14, 2014, <http://www.haaretz.com/israel-news/1.610686>.
- 35 Rowena Mason, "UK Government Reviewing £8bn of Commercial and Military Export Licences granted to Israel," *The Guardian*, August 4, 2014, <http://www.theguardian.com/world/2014/aug/04/uk-government-reviews-arms-sales-israel-gaza>.
- 36 Gerald M. Steinberg, Anne Herzberg, and Asher Fredman, "A Farewell to Arms? NGO Campaigns for Embargoes on Military Exports: The Case of the UK and Israel," *Israel Affairs* 19, no. 3 (2013): 468-87.
- 37 Alexander Joffe, "How the Gaza War has Affected the BDS Movement," *The Algemeiner*, September 1, 2014, <http://www.algemeiner.com/2014/09/01/how-the-gaza-war-has-affected-the-bds-movement/>.
- 38 Steinberg, Herzberg, and Fredman, "A Farewell to Arms?"