



Gaza: The conflict between Israel and Hamas

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On 27 December 2008, eight days after a fragile six-month ceasefire between Israel and Hamas ended, Israeli Defence Forces launched a full-scale military assault on Hamas in the Gaza Strip. In the days leading up to the conflict, Hamas rocket attacks on Israel increased as did Israeli air strikes on Gaza. Even before the Israeli campaign, an escalation of violence on both sides was evident. Israel maintains that military action was necessary to prevent Hamas from firing rockets into areas civilian population in southern Israel and to stop the smuggling of arms into Gaza, the cessation of which, it maintains, was an integral element of the Egyptian-brokered agreement. Hamas responded to the Israeli assault by further increasing the number of rocket attacks launched from Gaza. For its part, Hamas charges Israel with having failed to live up to its commitments under the ceasefire agreement by continuing its punishing economic blockade of the Gaza Strip.

The conflict between Israel and Hamas has exacted a heavy humanitarian toll. On the Israeli side, 3 civilians and 10 military personnel have been killed. In Gaza, over 1,300 Palestinians have been killed, approximately a third of them children, and a further 5,300 wounded. Tens of thousands of Palestinians – possibly as many as 90,000 – have been displaced by the fighting. International aid and human rights groups say that Gaza is facing a humanitarian catastrophe, with many basic food items no longer available. Extensive damage to homes and public infrastructure is reported to have compounded the deteriorating humanitarian situation, jeopardizing water, sanitation and medical services.

Calls for a cessation of hostilities – including the adoption of UN Security Council Resolution 1860 (8 January 2009) – initially went unheeded, despite growing international pressure to stop the fighting. On 17 January 2008, after 22 days of conflict, Israel announced a unilateral ceasefire. Hamas responded the following day by announcing a week-long ceasefire to allow Israeli troops to withdraw from Gaza. The situation, however, remains fragile with the humanitarian situation a particular concern to aid organisations.

This note examines the conflict between Israel and Hamas. It analyses the original six month ceasefire and the reason for its breakdown. It also examines the international responses to the conflict and assesses its humanitarian impact.

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1 The ceasefire between Israel and Hamas, June – December 2008

1.1 The terms of the ceasefire

The current conflict between Israel and Hamas followed the expiry of a fragile, and often uneasy, six-month ceasefire on 19 December 2008. Brokered by Egypt after three months of indirect negotiations, the ceasefire came into effect on 19 June and inaugurated a period of reduced violence. Although the terms of the agreement were never published, the ceasefire is believed to have required an immediate end to hostile activities on both sides, including the complete cessation of Hamas' rocket attacks on Israel and an end to Israeli military strikes on Gaza and ground incursions into the Strip. It also entailed a progressive easing of Israel's economic blockade of Gaza through the re-opening of the crossing points. According to sources close to the ceasefire negotiations, a limited increase in the quantity of goods entering Gaza was due after the first three days of the ceasefire, followed, after 10 days, by the opening of further crossings into Gaza for all products except materials used in the manufacture of projectiles and explosives. Negotiations on prisoner exchanges and the opening of the Rafah crossing were due to begin three weeks after the ceasefire began. What remains unclear is whether the agreement prohibited Hamas from re-arming by smuggling arms into Gaza through Egypt. Israel maintains that this formed a central part of the deal whereas Hamas denies that the agreement addressed the issue of re-armament.¹

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) summarised the key components of the ceasefire as follows:

On June 19, at 6 am, the ceasefire between Israel and Hamas went into effect. As part of the ceasefire, Palestinian militants agreed to immediately halt their attacks on Israel and Israel agreed to cease its military operations in Gaza. Israel also agreed to ease its blockade of Gaza and to gradually lift its ban on the import of a large number of commodities. The ceasefire is supposed to be in force for six months.²

A report by the International Crisis Group, published on 5 January 2009, provides Hamas' understanding of the terms of the ceasefire:

1. Mutual agreement to cease all military activities by the start of "zero hour" on Thursday 19 June, at 6:00 AM.
2. Duration of ceasefire is six months according to agreement concluded among the national parties under Egyptian auspices.
3. Ceasefire will be implemented under national consensus and under Egyptian auspices.
4. After 72 hours from the start of the ceasefire, the crossing points will be opened to allow 30 per cent more goods to enter the Gaza strip.
5. Ten days after that (i.e. thirteen days after ceasefire begins), all crossings would be open between Gaza and Israel, and Israel will allow the transfer of all goods that were banned or restricted to go into Gaza.

¹ International Crisis Group, [Ending the War in Gaza](#), 5 January 2009, p 3

² United Nations Office for the Coordination of Humanitarian Affairs, [Protection of Civilians Weekly Report](#), 18-24 June 2008

6. Egypt will work to expand the ceasefire into the West Bank later.³

Mark Regev, a spokesman for the Israeli Prime Minister, said "Words are important, but deeds are more so [...] If indeed there will be a total cessation of fire from Gaza, an end of the Hamas arms buildup and movement on Gilad Shalit's case, then there will be a very new situation".⁴

On 18 June 2008, the day before the ceasefire came into effect, the Israeli Prime Minister, Ehud Olmert, explained his perspective on the impending ceasefire and Israel's understanding of it, most notably a complete cessation of all rocket attacks on Israel and the release of the Israeli soldier, Gilad Shalit, who was kidnapped by Hamas in June 2006. Although expressing hopes that the agreement would last, Mr Olmert warned that the Defence Ministry would make contingency plans for military action should the ceasefire collapse. Mr Olmert said:

The terrorist organizations that control the Gaza Strip have been under continuous military and economic pressure in recent months as a result of the Government's policies. It was they who sought the calm. In recent weeks, the Government has held a dialogue with Egypt, in the framework of which the Egyptians committed themselves to bringing about a calm on the ground. [...]

I would like to emphasize and make it clear that we did not hold – and I will not hold – negotiations with any terrorist organization. We have no illusions. This calm is fragile and is liable to be short-lived. Hamas and the other terrorist organizations have not changed and have not become patrons of peace. These are contemptible and bloodthirsty terrorists. Even today they are doing everything they can to harm innocent Israeli civilians. I would like to make it clear that Hamas is the address in the Gaza Strip and it will bear the responsibility for any violation of the quiet. If the firing and terrorist actions continue, Israel will be compelled to act in order to halt the threat against its citizens.

Regarding Corporal Gilad Shalit, his release is an inseparable part of the understandings regarding the terms of the calm. Next week will mark two years since Gilad's abduction. [...] I believe that as part of the understandings that facilitated the start of the calm, that I hope that we will also be able to move forward on Gilad Shalit's return home.

As we approach the implementation of this calm, we are aware and alert. Alongside our willingness to give this step a chance, the Cabinet has decided to instruct Defense Minister Ehud Barak and the security forces to be ready for any other action that may be required, on a short timetable, should it become clear that this exceptional and far-reaching effort that the State of Israel has made in order avoid a violent confrontation and direct friction with the Palestinians, is unsuccessful. I very much hope that it succeeds. I believe that there will be quiet in the south of the country. From here, I warmly embrace all the residents of the south who, with great courage and strength, have faced this daily threat throughout these very long months and years. It is they who, in the end, have enabled the Government to act in the responsible, balanced and

³ The ICG says that Hamas provided this written version of its understanding of the ceasefire to Robert Pastor, an professor at American University (Washington DC) and a senior adviser to the Carter Centre, International Crisis Group, [Ending the War in Gaza](#), 5 January 2009, p 3

⁴ ["Israel agrees to truce with Hamas on Gaza"](#), *New York Times*, 18 June 2008

correct way that, I believe, it has even in this sensitive, complicated and delicate situation.⁵

1.2 Violent incidents and casualties during the ceasefire

From the outset, the ceasefire agreement proved to be fragile. Although overall levels of violence decreased, incidents in breach of the ceasefire were reported on both sides.

On 18 June 2008, the day before the ceasefire entered into force, a total of 33 rockets and 10 mortar shells were fired by Palestinian militants into Israel. On the same day, two Palestinian militants were injured when an Israeli Air Force (IAF) aircraft fired two missiles at a rocket launching crew after they had fired missile from east of Sheikh Zayed in northern Gaza towards the Israeli town of Sderot. On 19 June, one Palestinian militant was killed and three more injured when an IAF helicopter fired a missile at a group of Army of Islam militants in Dier El Balah in central Gaza. Four days after the ceasefire began, on 23 June, a 67-year-old Palestinian man was injured when Israeli Defence Forces (IDF) opened fire on a group of Palestinians collecting fire wood near the border in northern Gaza. The same day, two mortar shells were fired at Israel from Gaza and four rockets were fired on 24 June. According to Israeli media sources, the latter attack (responsibility for which was claimed by Islamic Jihad) injured two Israeli women in the town of Sderot.

Between 25 June and 29 July 2008, a total of 12 rockets and 12 mortars were fired by Palestinian militants towards Israel, six of which landed within Gaza. No fatalities, injuries or damage were reported. In the same period, Israeli Defence Forces shot and killed a 23-year-old unarmed civilian who approached the border fence east of Khan Younis. Four Palestinian civilians were injured in separate incidents on 25 June, 1 July, 8 July and 23 July. Two of the incidents occurred on the border near Khan Younis, one when IDF force opened fire on Palestinian fishing boats, and the third when the IDF shot and injured a 17-year-old Palestinian boy while he was collecting scrap metal near the border in northern Gaza.

From 30 July to 26 August, for three consecutive weeks, there were no reported casualties or injuries on either the Palestinian or Israeli side due to direct conflict incidents. A total of 12 rockets and 1 mortar were fired from Gaza towards the Israeli town of Sderot and western Negev. Two of the rockets landed within Gaza. In this period, there were several incidents in which IDF forces opened fire on Palestinian fishing boats west of Rafah forcing them to return to shore. In addition, two IDF bulldozers guarded by two tanks entered 200 metres into the Gaza Strip east of Khan Younis, detonated an explosive device and withdrew.

In its *Protection of Civilians Weekly Report* of 27 August to 2 September 2008, the OCHA reported no Palestinian rocket fire on Israel. It noted that Israeli naval forces had arrested 9 Palestinian fishermen on 29 August, wounded two Palestinian fisherman on 1 September, and arrested 6 Palestinian fishermen on 2 September, including 4 children. However, the OCHA concluded that “apart from these incidents, by and large, since 19 June the truce between Israel and Hamas is holding”.⁶

Between 3 September and 28 October 2008, 3 rockets and 2 mortar shells were fired by Palestinian militants towards Israel. One rocket, fired on 14 September, landed in Sderot city, within Israel, though no casualties or damage were reported. The remaining two rockets and

⁵ [“Prime Minister Olmert’s comments on calm in the south”](#), Prime Minister of Israel website, press notice, 18 June 2008

⁶ United Nations Office for the Coordination of Humanitarian Affairs, [Protection of Civilians Weekly Report](#), 27 August – 2 September 2008

two mortars landed within Gaza, causing no injuries. On 12 September a Palestinian man was shot and injured by IDF soldiers stationed at the border east of Rafah. Four days later, on 16 September, two IDF tanks and two bulldozers entered 150 metres into central Gaza and carried out a levelling operation. Further incursions were made by IDF troops into Gazan territory between 24 and 30 September, resulting in exchanges of fire with Hamas militants, but no casualties or damage were reported. On 5 and 6 October, IDF patrols boats opened fire on Palestinian fishing boats, forcing the boats to return to shore. One fisherman was reported injured. Later that month, a 15-year-old schoolgirl from Khuza'a town, east of Khan Younis was injured by live ammunition fired into her school. According to Al Mezan Centre for Human Rights, the live ammunition was fired by IDF troops stationed east of the town at Palestinian farmers working in that area.⁷

Tensions between Israel and Hamas remained high but rose significantly in November and December 2008. The number and frequency of rockets fired from Gaza, which had continued at a lower intensity throughout the summer, increased steadily while Israel launched a series of air and artillery strikes on Gaza. Even before the expiry of the official ceasefire on 19 December, violence increased steadily and continued to rise on both sides in the days leading up to Israel's military assault on Gaza on 27 December.

Early November 2008, in particular, witnessed a marked increase in violence. On the night of 4-5 November, six Palestinians were killed and seven others injured, including two civilians, in the first large-scale Israeli military operation in Gaza since the 19 June ceasefire came into effect. According to the IDF, during the Israeli military incursion into Gaza, the IDF destroyed a tunnel leading to the border between Gaza and Israel, which could have been used for military attacks on Israel. In Deir el-Balah in central Gaza, armed clashes broke out between Palestinian militants and Israeli forces. One Palestinian militant was killed and five others injured; four Israeli soldiers were also injured. In retaliation, Palestinian militants fired rockets and mortars towards Israel, some of which landed within Gaza. No Israeli casualties were reported. Israel then fired a missile east of Khan Younis at a group of militants manning a rocket launcher, killing five Palestinians. The clashes continued until the Israeli forces withdrew from Gaza in the early hours of 5 November. Rocket fire from Gaza into Israel continued on 5 November.⁸

The OCHA's *Protection of Civilians Weekly Report* of 12 to 18 November 2008 noted that during the week "the ceasefire between Gaza and Israel became increasingly strained" and observed that "both the firing of rockets and mortars towards Israel by Palestinian militants and Israeli military activity continued".⁹ Two separate Israeli Air Force (IAF) strikes on Hamas militants killed eight Palestinian militants and injured four others. IDF units entered the Gaza Strip on three separate occasions and exchanged gunfire with Palestinian militants, reportedly injuring one IDF soldier. Concurrently, locally-manufactured rockets and mortars were fired by Palestinian militants from Gaza towards Israel. One rocket resulted in the injury of an 82-year-old Israeli woman and one Palestinian man was injured when a mortar fell within the Gaza Strip.¹⁰ In the following week, clashes between Palestinian militants and

⁷ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [3-9 September](#), [10-16 September](#), [17-23 September](#), [24-30 September](#), [1-7 October](#), [8-14 October](#), [15-21 October](#), [22-28 October](#) 2008

⁸ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [29 October – 4 November 2008](#)

⁹ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [12-18 November 2008](#)

¹⁰ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [12-18 November 2008](#)

Israeli forces continued, resulting in the injury of one unarmed Palestinian civilian. Between 19 and 25 November, approximately 20 rockets and mortar shells were fired from Gaza towards Israel, five of which exploded at the launch site. No casualties were reported.¹¹ Rocket and mortar fire continued into early December, prompting two IDF incursions into the Gaza Strip. A missile strike by Israeli planes killed two Palestinian boys and injured six others. Between 26 November and 2 December, eight IDF soldiers were injured from Palestinian mortar shelling on the Kissufim and Nahal Oz IDF bases and Kerem Shalom crossing. A total of six rockets were fired from Gaza into Israel.¹²

In response to the increase in rocket attacks on Israel from Gaza following the Israeli operations on 4 and 5 November, the Israeli Prime Minister, Ehud Olmert, warned that he considered the escalation of violence a breach of the ceasefire agreement. Mr Olmert stated that:

The Government of Israel views the firing of missiles and attacks from Gaza as a basic violation of the understandings that led to the calm and Israel has no intention of tolerating these events. It is unacceptable that the population in Israel, in particular in the communities adjacent to the Gaza Strip, be subjected to a situation of such uncertainty as there was several months ago, before the understandings. In this context, current Home Front Command activities will be increased in order to assist the aforementioned communities. Similarly, pressure will continue to be placed on Hamas vis-a-vis the operation of the crossings and in other aspects.¹³

On 20 November 2008, Human Rights Watch (HRW) wrote an open letter to the Hamas leadership denouncing the increase in rocket fire against Israel and called for restraint. In particular, it expressed “deep concern about the resumption of deliberate and indiscriminate rocket attacks on Israeli civilians by Hamas and other Palestinian armed groups operating in Gaza” and urged Hamas “to speak out forcefully against such attacks, take all necessary measures to prevent unlawful attacks on civilians, and bring to justice those who are found to have participated in them”.¹⁴ The HRW letter continued:

The rockets fired by Palestinian armed groups violate the international humanitarian law prohibition on indiscriminate attacks because they are highly inaccurate and cannot be directed at a specific military target. [...]

Human Rights Watch has repeatedly criticized Israeli attacks and other measures directed against Palestinian civilians. This includes Israel's closure of Gaza's borders, which we regard as a form of collective punishment, which is prohibited under international humanitarian law during occupations. Likewise, we documented Israel's failure to take all steps feasible to minimize civilian loss caused by IDF artillery fire against targets in Gaza. [...]

The use of armed force should never violate the core humanitarian principle of civilian immunity from attack, even if the adversary commits such violations.

¹¹ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [19-25 November 2008](#)

¹² United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [26 November – 2 December 2008](#)

¹³ “[PM Olmert holds assessment of the security situation](#)”, Press release, 14 November 2008, Prime Minister of Israel website

¹⁴ [Letter to Hamas to stop rocket attacks](#), Human Rights Watch, 20 November 2008

Palestinian rockets from Gaza have killed four Israeli civilians this year and spread fear among the civilian population. As the recent attacks illustrate, many rockets fall short of their intended target, and harm Palestinian civilians.

We recognize that until last week Hamas took efforts to halt rocket attacks by other groups as part of the June 19 ceasefire. However, throughout the ceasefire period other armed groups have continued to intermittently fire rockets from Gaza. As the governing authority in the Gaza Strip, it is your responsibility under international law to prevent such attacks, and to arrest and prosecute those who carry them out.¹⁵

Between 3 and 16 December 2008, the number of rocket and mortar attacks on Israel increased substantially, with over 100 fired towards either Israel or Israeli troops in Gaza. Four air-to-ground Israeli Air Force missiles were fired into Gaza. One unarmed civilian woman and one militant were killed and five others were injured.¹⁶

On 19 December 2008, the ceasefire agreement between Israel and Hamas formally ended. Israeli missile fire resulted in the deaths of one unarmed civilian and four militants and injuries to two others. Between 17 and 23 December, Palestinian militants fired more than 100 rockets and mortars towards Israel or IDF troops inside the Gaza Strip. One foreign worker was reported injured. Nine Israeli missiles were fired into Gaza, two of which targeted property reportedly owned by a Hamas militant, and a metal workshop on the outskirts of Rafah. According to the OCHA, this was the first time since the 19 June ceasefire had come into effect that buildings had been targeted by the Israeli Air Force. On 24 December, dozens more rockets and mortars were fired by Palestinian militants at Israeli cities and towns resulting in extensive property damage but no reported casualties.¹⁷

1.3 The economic blockade of Gaza during the ceasefire

Under the terms of the June 2008 ceasefire, Israel undertook to ease progressively its economic blockade of Gaza, which it had imposed following Hamas' seizure of power in the Strip on 14 June 2007. According to Hamas, it was Israel's unwillingness to abide by its commitment to end the blockade that explained why the organisation refused to extend the ceasefire beyond 19 December. Israel, however, argued that a relaxation of the economic restrictions on Gaza and the re-opening of the crossings into the Strip were dependent on a complete cessation of rocket attacks from Gaza and the release of the Israeli soldier Gilad Shalit, who had been kidnapped by Hamas in June 2006. Israel also maintained that restrictions on Gaza were eased and that humanitarian supplies were allowed into the Strip, but that freedom of movement into Gaza was restricted by the security risks posed by Palestinian militants.

In June 2008, shortly after the ceasefire had come into effect, the United Nations observed that the cessation of hostilities had:

created a sense of optimism that after more than a year of heavy restrictions on movement and economic activity, goods and fuel might be able to enter Gaza more freely.¹⁸

¹⁵ [Letter to Hamas to stop rocket attacks](#), Human Rights Watch, 20 November 2008

¹⁶ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [3-16 December 2008](#)

¹⁷ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [17-23 December 2008](#)

¹⁸ United Nations, [Gaza Strip Inter-Agency Humanitarian Fact Sheet](#), June 2007

By the end of June 2008, the UN recorded “a small but irregular change in access restrictions” into Gaza. It noted that there had been a limited increase in the amount of goods entering the Strip, but highlighted the fact that imports into Gaza remained far below the levels prior to the introduction of the blockade by Israel in June 2007:

A comparison of the ten days before June 19 and the ten days after showed that more goods and fuel entered Gaza after the ceasefire. More goods were allowed to pass through the Sufa crossing and the Karni conveyor belt which is used for grain and animal feed. The daily average of truckloads passing through Sufa was 47 before the ceasefire and 67 after, while at Karni the daily averages were 52 and 81. However, the average amount of imports falls far short of the daily average of 450 truckloads in January 2007. There was no change in the composition of the imports which remained about 90% food.¹⁹

One month into the ceasefire, the UN’s OCHA reported that the economic blockade remained in place, despite a reduction in violence, resulting in a deterioration in living conditions in Gaza:

Since the 19 June ceasefire agreement one month ago, the number of casualties has significantly declined, but there has not been a significant improvement in the humanitarian situation. About 95% of Gaza’s local industry remains closed. Imports of goods were 26% of the level prior to the Palestinian elections in January 2006 and the total ban on exports from the Strip continues. Current imports are limited to selected humanitarian items, mostly food commodities and shortages of raw materials and supplies continue. Only six percent of the monthly need for cement has been met.

Fuel imports remain restricted, whereby 21% of petrol and 45% of diesel imported prior to the elections is available. This has resulted in substantial power cuts (4-5 hours/day), reduced water supply, and the continued dumping (since January 2008) of over 60 million litres of untreated and partially treated sewage into the sea. Garbage collection trucks have been grounded due to the lack of fuel, resulting in the accumulation of 600 tonnes of garbage on Gazan streets. No one can exit or enter Gaza due to the closure of Rafah and Erez with the exception of a few selected medical and humanitarian cases.²⁰

In mid-August 2008, the OCHA reported that there had been a decline in imports to Gaza, which remained well below the levels recorded immediately prior to the imposition of the blockade and substantially below the levels recorded in December 2005, the month before Hamas’ victory in the Palestinian elections. The OCHA observed that:

During the past two months (19 June – 19 August), the Israeli authorities have allowed small quantities of several new items (e.g. cement, clothes, juices, agricultural materials) to enter Gaza. Overall, this has not generated a significant improvement in the humanitarian and economic situation due to the continued ban on exports, the prohibited import of many items including almost all raw materials, and the limitations on the *quantity* of imported commodities. Indeed, over the past three weeks, the total number of imported truckloads into the Gaza Strip has consistently declined (1,478 to 1,366, 884 and 835 this week). Since 19 June 2008, 7,163 truckloads of goods have entered the Gaza Strip, which is 34% lower than May 2007 (10,921 truckloads) and 47% lower than December 2005 (13,430 truckloads).²¹

¹⁹ *Ibid.* A map showing the crossing point into Gaza is on p 43

²⁰ UN Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [16-22 July 2008](#)

²¹ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [13-19 August 2008](#)

One of the most pressing problems facing Gaza during the blockade was a shortage of fuel. Throughout August 2008, the OCHA reported increasing shortages of cooking gas and petrol. On 26 August, it observed that more than 231 commercial petrol stations had closed in Gaza since October 2007. Fuel remained rationed and those petrol stations that did remain open opened irregularly. The OCHA also warned that as a result of the fuel crisis, “access to health, education, employment and social facilities remains difficult”. On 24 August, the Coastal Municipalities Water Utility (CMWU) in Gaza launched an appeal to international humanitarian agencies to provide 30,000 litres of fuel for water pumping and waste water treatment. According to the CMWU, the facility had not received a regular fuel supply since 1 August due to a lack of payment by the Palestinian Water Authority in Ramallah. The shortage of fuel also led to the shutdown of electricity supplies twice a week for a total average of 16 hours.²²

Between 27 August and 2 September 2008, the OCHA observed a 50% decline in imports of commodities to Gaza compared with July 2008. It observed that:

The daily number of truckloads continued to decline, now reaching less than half of the amount in the last two weeks of July (126 vs. 295). The flow of construction materials has also very sharply declined, with only 33 truckloads of cement arriving compared to 65 of the previous week. Food items accounted for 80% of all imports.

During the reporting period, there was an increase in the amount [of] diesel supplies allowed into Gaza – accounting for 73% of weekly diesel requirements.

For all other types of fuel supplies, there was no improvement from the previous week’s shortage rates (17% of petrol, 68% of cooking gas and 87% of industrial gas for power plant daily needs were met respectively). Petrol remained unavailable in the open markets and authorities in Gaza continued to enforce the coupon rationing system.²³

A report by the World Bank published on 22 September 2008, highlighted the impact of Israeli’s economic blockade of Gaza. It concluded that:

The closure policy on Gaza since the Hamas takeover of the Strip on June 14th 2007 continues to erode the Strip’s industrial backbone. Over 54% of employment in Gaza was private sector-driven prior to the closure. Gazan manufacturers imported 95% of their inputs. About 76% of their furniture products, 90% of their garments and 20% of their food products used to be exported to Israel, and some to the West Bank. The Palestinian Federation of Industries (PFI) estimates that 98% of Gaza’s industrial operations are now inactive [...]

Despite the truce, and the marginal reduction in closures on Gaza, little progress has been made so far improving living conditions of the population there. First, the increase in fuel and humanitarian imports remains far below needs [...] Consequences of the shortage of fuel and other humanitarian items continues to be apparent. [...] In addition to humanitarian relief, there is an urgent need to revive Gaza’s private sector. The current increase in the quantities and categories of items entering Gaza is a necessary step, but is insufficient.²⁴

²² United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [20-26 August 2008](#)

²³ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [27 August – 2 September 2008](#)

²⁴ “[Palestinian Economic Prospects: Aid, Access and Reform](#)”, Economic Monitoring Report to the Ad Hoc Liaison Committee, World Bank, 22 September 2008

September 2008 witnessed wide variations in levels of imports into Gaza. During the first two weeks of September, imports increased. Between 31 August and 6 September, the number of imported truckloads increased from 630 in the previous week to 916. Between 7 and 13 September, the increase in imports continued, from 916 to 1,256 truckloads. However, the OCHA noted that this figure still remained some way short of the 1,478 truckloads allowed into Gaza in late July.²⁵ It also observed that:

the increase [in imports] can be primarily attributed to an increase in the amount of imported gravel (561 vs. 231 the previous week), most of which remained useless due to the shortage of complementary construction materials, cement in particular.²⁶

Nevertheless, between 21 and 27 September 2008, there were substantial increases in fuel supplies into Gaza; a 138% increase in petrol, a 125% increase in diesel and a 35% increase in industrial gas compared to the weekly average since the beginning of the ceasefire.²⁷

In early October, however, imports were more heavily restricted. Between 1 and 7 October 2008, the OCHA reported that imports had “declined sharply”, with “the lowest number of truckloads entering Gaza since the truce began on 19 June”. In that week, only 268 truckloads were allowed into Gaza, compared to the weekly average of 843 imported truckloads per week since the beginning of the truce. The OCHA observed that the Gaza power plant received only 80% of its weekly needs and petrol supplies were just 17% of actual daily need. The following week, 5-11 October, saw an increase in truckloads entering Gaza to 666, but this remained considerably less than the average since 19 June. Between 12 and 18 October, the number of truckloads of imports entering Gaza declined to 557. On 18 October, the OCHA reported that the average for the past month of approximately 542 truckloads was comparable to the average weekly number of truckloads entering Gaza per week since June 2007 (574 truckloads per week). This figure compares with the average weekly truckloads of 1179 truckloads in July 2008 immediately following the ceasefire.²⁸

Following Israel’s 4 November military operation in Gaza and Hamas’ retaliation, Israeli authorities closed all Gaza crossings, effectively stopping the import of commercial goods and humanitarian aid to the Strip. On 10 November the United Nations Relief and Works Agency (UNRWA) announced that food distribution operations in the Gaza Strip would cease unless Israeli authorities allowed the entry of wheat, luncheon meat, powdered milk and cooking oil. The OCHA warned that:

Since 5 November, daily electricity blackouts, shortages of cooking gas and fresh foods and the absence of a daily supply of water, together, compound an already ongoing deterioration in the daily life of the Gazab civilian population.²⁹

On 12 November 2008, the International Committee of the Red Cross (ICRC) voiced its deep concern about the closure of commercial crossings into the Gaza Strip which had been imposed following the upsurge in violence on 5 November. The ICRC’s Head of Mission in Israel and the Occupied Palestinian Territories, Katharina Ritz, said:

²⁵ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [3-9 September 2008](#)

²⁶ *Ibid.*

²⁷ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [24-30 September 2008](#)

²⁸ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [1-7 October 2008](#), [8-14 October 2008](#), [15 – 21 October 2008](#)

²⁹ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [29 October – 4 November 2008](#)

The closure of the commercial crossings aggravates the already precarious situation in the Gaza Strip, seriously affecting most of its population [...] In fact, since Israel imposed an embargo on the Gaza Strip in 2007, the humanitarian situation there has continued to worsen. Any additional restrictive measures, in particular those affecting the flow of essential supplies into the Gaza Strip, can only make the life of the Gazan population even harder [...] No matter what political or security considerations may be behind such measures, the innocent civilian population must be spared from collectively paying the price.³⁰

On 13 November 2008, UNRWA exhausted its food stock supplies and suspended its food distribution programmes to over 750,000 people. Distribution resumed on 17 November following the re-opening of the Kerem Shalom Crossing to allow the entry of 21 humanitarian truckloads and nine commercial truckloads carrying food items into Gaza. However, the OHCA noted that food stocks remained low and that UNRWA required an average of 15 truckloads a day of humanitarian supplies to sustain “normal operations”. It said that “the situation will remain critical unless more humanitarian aid is allowed to enter”.³¹

On 26 November, the Humanitarian Coordinator for the Occupied Palestinian Territories, Maxwell Gaylard, described the Gaza blockade as “an assault on human dignity with serious humanitarian implications”.³² In turn, the head of the OCHA, Philippe Lazzarini, declared that “there is a humanitarian crisis in Gaza,” and that “security and military reasons cannot prohibit an entire population’s access to aid”.³³ The OCHA’s *Protection of Civilians Weekly Report* observed that:

The blockade, which began in June 07 and has been compounded by the recent full closure, has caused the degradation of daily life for most Gazan civilians – half of them children. People’s lives are being increasingly reduced to a daily struggle of obtaining clean running water, fuel for cooking, and fresh foods to maintain their families. Lacking electricity and back-up fuel, most basic services and utilities are on the brink [...] With the poverty rate already standing at 76%, an unemployment rate of 45%, the 76% of the population already receiving assistance are looking more and more to the international community for help.

On 26 November, the Gaza crossings were opened allowing limited humanitarian assistance and some fuel supplies in. While this is a positive development, the amounts of supplies imported remain wholly insufficient to meet the basic needs of the population and restore any semblance of normal life. The level of imports since the closure of the crossings on 5 November, stands at an average of less than five truckloads a day, compared to 123 in October 08 and 475 in May 07, before the Hamas takeover. The unpredictability of these humanitarian deliveries is also making it difficult for organisations to run assistance programmes.³⁴

On 15 December 2008, four days before the ceasefire expired, the OCHA delivered a damning verdict on the humanitarian impact of Israel’s economic blockade on Gaza. The report painted a bleak picture of life in Gaza. It noted that Gaza’s sole electricity power plant

³⁰ [“Gaza: civilians collectively paying the price of the closure”](#), International Committee of the Red Cross, News Release, 12 November 2008

³¹ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [12-18 November 2008](#)

³² [“OPT: Consolidated Appeal for 2009 focuses on food”](#), Integrated Regional Information Networks (IRIN), UN Office for the Coordination of Humanitarian Affairs, 30 November 2008

³³ *Ibid.*

³⁴ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [19-15 November 2008](#)

operated intermittently, leaving the Gaza Strip with a 41% electricity shortfall. Residents of Gaza City were without power for up to 16 hours each day. The lack of power affected the water and sanitation systems, “with obvious health consequences”. The report also warned that the power plant was likely to suffer long term damage due to outages and lack of proper maintenance. In terms of water and sanitation, the OCHA reported that: half of Gaza City’s population was receiving water only once a week for a few hours; the degradation of the system due to lack of maintenance posed a major public health hazard; and that further salinisation and pollution of the aquifer may be irreversible. The situation with livelihoods was equally poor. The OCHA observed that unemployment in Gaza had risen to almost 50%. Only 23 out of 3,900 industrial enterprises were operational as of 15 December 2008. 70% of agricultural land in Gaza was no longer being irrigated, leading to desertification. It also warned that a lack of available cash in the Gaza Strip could lead to a collapse of the financial system. Meanwhile, it reported that food insecurity in Gaza had risen; diets were shifting towards cheaper and less nutritious food; and that childhood development had been affected by poor nutrition with long term consequences. Finally, in terms of healthcare, the OCHA warned that as a result of the blockade, the quality of health services had been “severely affected”. Medical equipment was failing and becoming obsolete due to lack of power, spare parts and maintenance. Over one third of applications for permits to leave Gaza for medical treatment had been denied while stocks of essential drugs were in short supply; no pharmaceutical shipments had been made from Ramallah for three months.³⁵

The OCHA’s report concluded that:

Following the resumption of violence on 4 November 2008, Israel has intensified to an unprecedented level the blockade on the Gaza Strip, imposed in June 2007. The 18 - month long blockade has created a profound human dignity crisis, leading to a widespread erosion of livelihoods and a significant deterioration in infrastructure and essential services. The consequences for the Palestinian population are profound, pervasive and difficult to reverse.

The functioning crossings (Kerem Shalom, Nahal Oz and a conveyor belt next to Karni) have remained closed on most days since 5 November, with only limited quantities of food, industrial fuel, animal feed and a few other essential items, allowed in erratically. An average of six truckloads has been allowed into Gaza per day through the end of November – down from an average of 123 in October 2008 and 475 in May 2007.

The daily lives of most of 1.5 million Gazans are increasingly consumed by completing the most basic tasks, such as collecting and storing clean water, and searching for food, fuel and other essential supplies. Many have reported a growing sense of being trapped, physically, intellectually and emotionally.

The impact of the blockade is further exacerbated by the freeze of investments in developmental projects aimed at ensuring the functioning of services and infrastructures, as well as by the rift between the Palestinian Authority in Ramallah and Hamas in Gaza.³⁶

The continuing economic blockade of Gaza led to an increase in illicit imports brought into Gaza through tunnels under the border between Gaza and Egypt. Tunnel construction proliferated after the imposition of the blockade in June 2007 to transport commercial goods,

³⁵ [“Gaza Humanitarian Situation Report: The Impact of the Blockade on the Gaza Strip”](#), UN OCHA, 15 December 2008

³⁶ [“Gaza Humanitarian Situation Report: The Impact of the Blockade on the Gaza Strip”](#), UN OCHA, 15 December 2008

alongside arms and explosives. Poor construction, however, led to repeated tunnel collapses and Palestinian casualties. For example, in early August 2008 five Palestinians were killed and 30 other injured when a tunnel along the Gaza-Egypt border collapsed. Egyptian security forces carried out operations to destroy the tunnels, demolishing eight tunnels between 30 July and 5 August 2008 and a further 20 tunnels the following week. Incidents of Palestinian casualties caused by collapsing tunnels were recorded throughout this period.

1.4 The breakdown of the ceasefire

The ongoing Israeli economic blockade of Gaza and the continued rocket attacks by Palestinian militants on Israel during the period of the ceasefire provide the immediate context of the recent conflict between Israel and Hamas. In the days and weeks before the ceasefire expired both sides had expressed hope that the agreement could be extended beyond 19 December.³⁷ The Israeli Prime Minister's office and the Israeli Defence Ministry both stated that, despite the increase in violence in November and December, it was ready to extend the ceasefire if Hamas was willing and if it stopped Palestinian rocket attacks from Gaza.³⁸ Israeli Foreign Ministry spokesman Yigal Palmor said:

We think the lull is in the best interest of both sides [...] We would like it to continue. If Hamas chooses violence over the ceasefire, rocket shooting over the possibility of improving the situation in Gaza, then one must ask oneself whether Hamas has the best interests of its people in mind or whether there are foreign interests that are involved.³⁹

Hamas too is reported to have initially favoured an extension of the ceasefire provided Israel lifted its economic blockade of Gaza. However, the International Crisis Group argued that both Israel and Hamas favoured an extension only on their own respective terms:

For Israel, this implied a definitive and unconditional cessation of rocket fire and a means to halt weapons smuggling; for Hamas, it meant opening the crossings with Israel and Egypt. As the date approached, senior Hamas leaders increasingly made clear that, faced with the alternative between "starvation and fighting", they would choose the latter, an unobvious indication that they would intensify rocket fire in an attempt to force Israel to relax the siege. Politically, they appear to have surmised that they had more to gain by military escalation than by facing the anger of ordinary, impoverished Gazans, and a substantial constituency believed the Islamist movement had gained nothing in return for stepping back from its *raison d'être*, resistance.⁴⁰

Attempts to secure a renewal of the ceasefire failed amid mutual recriminations. Just before the expiry of the ceasefire, Hamas announced that it was not prepared to extend the agreement. A spokesman for the organisation, Fawzi Barhoum, said:

The calm ends on December 19 and Hamas' position is against renewing the calm [...] The factions' duty after the calm expires is to protect the people, defend the Palestinian people and confront any aggression [...] The Zionist enemy bears the responsibility for the end of calm.⁴¹

In the days following the expiry of the ceasefire, rocket attacks on Israel from Gaza increased markedly. The OCHA reported that on 24 December, Palestinian militants fired dozens of

³⁷ International Crisis Group, [Ending the War in Gaza](#), 5 January 2009, p 3

³⁸ "Israel in favour of extending Gaza lull", Y-Net News, 13 December 2008,

³⁹ Cited in "[Hamas marks end of six-month ceasefire by 'firing rockets into Israel'](#)," *Daily Mail*, 19 December 2008

⁴⁰ International Crisis Group, [Ending the War in Gaza](#), 5 January 2009, pp 3-4

⁴¹ Cited in "[Hamas says it will not renew ceasefire](#)", *The Times*, 19 December 2008

rockets and mortars at Israeli cities and towns “resulting in extensive property damage but no reported casualties”. In response, an Israeli air strike killed a Palestinian gunman in Gaza.⁴²

The descent into conflict after the expiry of the ceasefire was rapid. On 25 December, in an interview with *Al Arabiya*, the Israeli Prime Minister warned of retaliation unless the rocket attacks from Gaza were stopped and he appealed to the Gazan people to reject Hamas:

Could I allow more missiles against the residents of Israel? More strikes at children and civilians and do nothing? Certainly not. Hamas is firing at us and at the power station that is supposed to supply electricity to Gaza. Stop them. Stop your enemies and ours. Tell them to stop shooting at innocents.

I did not come here to declare war. I have said in the past – as long as I am Prime Minister, I intend to reach peace with, not fight, the Palestinians. But Hamas must be stopped – and so it will be. I will not hesitate to use Israel's strength to strike at Hamas and Islamic Jihad. How? I do not wish to go into details here.⁴³

Hamas responded by saying, "We warn the Zionist enemy that any new aggression against Gaza will blow up like a volcano in the face of the occupiers".⁴⁴

The immediate trigger for the full-scale conflict, which began in earnest with Israel's air strikes of 27 December, was, therefore, the progressive unravelling of the ceasefire agreement, particularly in November and December 2008, and perceptions on both sides that each had violated its obligations under deal.

Israel pointed to the continued rocket attacks launched from Gaza on civilian targets in southern Israel as evidence that Hamas had not honoured its commitments to end its rocket fire. It also criticised the continued smuggling of arms into Gaza, the cessation of which it maintained was a central part of the ceasefire agreement.

Hamas, in turn, cited Israel's continuing economic blockade of Gaza as proof that Tel Aviv had reneged on its undertaking to open the border crossings and to end the blockade, preventing much-needed supplies of food, fuel, aid, and other goods from getting into the territory. In this way, the formal ending of the ceasefire on 19 December served to reinforce an escalation of violence on both sides which had already begun some weeks previously.

Although the causes of the conflict between Israel and Hamas are complex and varied, the immediate cause of the current violence lies in the differing interpretations of the terms of the original ceasefire held by Israel and Hamas, as well as their understanding of each party's obligations under the agreement and the sequence in which those obligations would be met. An International Crisis Group report, published on 5 January 2009, highlighted the divergent perspectives on the ceasefire between the two sides:

The ceasefire was unwritten and negotiated via a third party. Hamas's and Israel's understanding of its terms differed substantially. Hamas believed it had achieved a six-month period of providing phased access to and for Gaza; Israel viewed it as open-ended, with a modulated opening of the crossings depending on the degree of calm in the south and progress toward Gilad Shalit's release. The two sides accused one another of bad faith. Hamas protested Israel's continued limitations on supply-flows into Gaza. Israel denounced continued, albeit occasional, rocket fire, objected to

⁴² United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [17-23 December 2008](#)

⁴³ “[PM Olmert interviewed on Al Arabiya](#)”, Prime Minister of Israel website, 25 December 2008

⁴⁴ “[Flare-up dims truce hopes along Israel-Gaza border](#)”, *Reuters*, 24 December 2008

Hamas' arms build-up and criticised lack of serious negotiations over a prisoner exchange.⁴⁵

2 The conflict between Israel and Hamas, December 2008 – January 2009

2.1 The objectives of the Israeli military campaign

On 27 December 2008, at 11.30 am, Israel launched a full-scale military assault on Hamas in the Gaza strip. In an operation known as “Cast Lead”, Israeli Defence Forces launched a wave of simultaneous air and missile strikes on targets across the Gaza Strip. The Israeli government claimed that its actions were necessary to prevent continued rocket and mortar fire on Israel by Palestinian militants in the Gaza Strip. Announcing the military operation in Gaza, the Israeli Prime Minister, Ehud Olmert, said:

For the last seven years, the Hamas and other terrorist organizations, were attacking innocent Israelis in the south part of the country and threatened the lives of many thousands of Israelis that wanted to live peacefully in their homes and to carry on their lives in a comfortable and normal way. Israel did everything in its power to try to cooperate with the principles of a ceasefire in order to bring relaxation to this part. Unfortunately, the efforts that we made were met by continuous attacks and violations of the basic understandings that were reached by the assistance of Egypt. No country in the world can accept or acquiesce with this approach. In the last few days, it became clear that Hamas is prepared to carry on the attacks and to increase the shooting of Kassam rockets and mortar shells against Israelis in the south part of the country.

Everyone who heard the leaders of the Hamas in the last few days can easily understand easily that they are not looking for peace, they are not looking for relaxation, they are not looking for ceasefire, they are looking for a country to continue their attacks and to try and do everything in order to upset the lives of so many innocent Israelis in our part of the country.⁴⁶

Explaining the objectives of the Israeli military action, Mr Olmert warned that the campaign could prove lengthy but said that the aim was to protect Israelis in the south of the country by “changing the situation on the ground”, that is, degrading Hamas’ ability to launch rockets at Israel. Mr Olmert also appealed to the people of Gaza to reject Hamas, emphasising that “the citizens of Gaza are not our enemies”. He said:

The operation in Gaza intends primarily to change the situation in the south part of our country. It may take some time and all of us are prepared to carry the burden and the pains that are an inseparable part of this situation. [...] We did everything in order to make sure that Israelis in the south part of the country will be protected under the circumstances. Its' not going to be easy. It's not going to last just a few days. It may continue and one thing must be clear. We are not fighting against the people of Gaza. I take this opportunity to appeal to the people of Gaza. As I have said several times in the past, you, the citizens of Gaza are not our enemies. Hamas, Jihad, the other terrorist organizations, are your enemies as they are our enemies. They brought disaster on you and they try to bring disaster to the people of Israel. And it is our

⁴⁵ International Crisis Group, [Ending the War in Gaza](#), 5 January 2009

⁴⁶ [“PM Olmert remarks at the press briefing on the operation in the Gaza Strip”](#), News release, 27 December 2008, Prime Minister of Israel website

common goal to make every possible effort to stop them, so that we will be able to establish an entirely different type of relationship with us and them.⁴⁷

The Israeli Prime Minister also maintained that, in conducting the campaign, Israeli Defence Forces would make “every possible effort to avoid a humanitarian crisis in Gaza” and that it was “focused entirely on military targets”:

The efforts that we made today were focused entirely on military targets. We tried to avoid and I think quite successfully, to hit any uninvolved people. We attacked only targets that are part of the Hamas organizations where they manufacture their Kassam Rockets and the mortar shells and the headquarters and the command positions of this organization and other organizations. We'll continue to make an effort to avoid any unnecessary inconveniences to the people of Gaza. I promise you on behalf of the Government of Israel that we will make every possible effort to avoid any humanitarian crisis in Gaza. The people of Gaza do not deserve to suffer because of the killers and murderers of the terrorist organizations.⁴⁸

In a press conference on 27 December 2008, the Israeli Defence Minister, and leader of the Labour Party, Ehud Barak, set out three objectives of the Israeli military offensive: dealing Hamas a forceful blow; fundamentally changing the situation in Gaza; and bringing to the cessation of rocket attacks against Israeli citizens. Mr Barak said:

The time has come to act. We do not go to this clash gladly, but neither are we afraid of it. We will not let terrorists hurt our citizens or soldiers. We will do what is necessary. For weeks Hamas and its affiliates lobbed Kassams and Grads and mortar shells on the towns and communities of the South. We have no intention of allowing this situation to continue. In the afternoon IAF aircraft attacked Hamas and terror targets in the Gaza Strip. In this strike the IAF hit more than 190 Hamas operatives, including senior police officials, and destroyed infrastructure used by the terror groups.⁴⁹

In a press briefing in Sderot on 28 December, the Israeli Foreign Minister, and Deputy Prime Minister, Tzipi Livni, explained the reasons for Israel's actions, maintaining that Israel had shown restraint and had tried everything in its power to avoid conflict. However, she argued that Hamas had deliberately broken the ceasefire by firing rockets from Gaza and that “we need to use some force...enough is enough”:

Israel did not leave the Gaza Strip in order to come back [...] But sometimes a state or a government reaches the point at which there is no other alternative [...] We pulled our forces out of the Gaza Strip, we dismantled the settlements, we showed restraint. [...] Hamas deliberately violated this truce by targeting Israel on a daily basis, by smuggling weapons into the Gaza Strip, by continuing to keep Gilad Shalit in captivity and refusing to accelerate the negotiations to release him [...] Israel has paid the price for its restraint.

Six months passed and now we have longer range missiles that threaten other parts of Israel that were not under threat before. And when we needed to choose whether to launch a military operation six months ago, or to have a truce, we decided on the truce in order to give some hope of peace and quiet in this region. [...]

⁴⁷ [“PM Olmert remarks at the press briefing on the operation in the Gaza Strip”](#), News release, 27 December 2008, Prime Minister of Israel website

⁴⁸ [“PM Olmert remarks at the press briefing on the operation in the Gaza Strip”](#), News release, 27 December 2008, Prime Minister of Israel website

⁴⁹ [Press conference held by Israeli Defence Minister, Ehud Barak](#), 27 December 2008

We have tried everything - if there was any need to prove to the international community that Israel is looking for peace and quiet, we have shown it. It was proven [...]

Military actions are not easy to support [...] But this is the only way that we can change the realities on the ground and that is the goal of this operation. We need to change the realities on the ground and we need to change the equation that Hamas thinks is the right equation for this region.

And in order to do so, we need to use some power. [...] there is a point in time at which we needed to do what we are doing now. Enough is enough and we are going to use all of our forces. We are trying to avoid civilian casualties, that is true. The targets are only Hamas targets. We are talking about their headquarters; the places in which they are situated.⁵⁰

In an address to the Knesset, the Israeli Parliament on 29 December, Ms Livni said:

Israel has been under attack from Gaza for the past eight years. We did everything we could to prevent a deterioration of the situation. We agreed to the calm that was immediately violated by Hamas when it refused to advance the release of Gilad Shalit, continued to arm itself, and continued firing. The calm was violated by Hamas. Hamas is the party responsible for violating the calm; and whoever has given Hamas support, assistance and refuge is today paying the price [...]

We have conducted ourselves with unsurpassed restraint. We grinded our teeth, bit our lips, unturned every stone, to prevent the need for widespread action. However, our responsibility is to the safety of our children, their right to walk to school and kindergarten.⁵¹

2.2 The beginning of hostilities

According to the OCHA, Israeli military aircraft bombed more than 400 targets within the first few minutes of the operation.⁵² The Israeli Ministry of Foreign Affairs (IMFA) said the targets included “command centers, training camps, various Hamas installations, rocket manufacturing facilities and storage warehouses”. It claimed that “the vast majority of the casualties are terror operatives, most of whom were wearing uniform and working on behalf of terror organizations”.⁵³ Additional waves of Israeli air strikes were carried out on 28 December targeting, according to the IMFA, Hamas outposts, weapon manufacturing facilities and a centre for weapon research and development. The IMFA said that the Israeli Air Force targeted buildings that were used as meeting places for senior leaders of Hamas:

One of the structures hit housed explosives laboratories that were an inseparable part of the Hamas research and development program, and served as storage facilities for the terror organization. The development of these weapons took place under the auspices of senior lecturers who are Hamas operatives. Among the weapons that have been developed and manufactured at this site are Kassam rockets. Hamas has been working tirelessly to extend the range of the rockets, as has been shown during the past few days.⁵⁴

⁵⁰ [“FM Livni briefing in Sderot – Opening remarks”](#), 28 December 2008, Israeli Ministry of Foreign Affairs website

⁵¹ [“Address to Knesset by FM Livni on Gaza operation”](#), 29 December 2008, Israeli Ministry of Foreign Affairs website

⁵² United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [24-31 December 2008](#)

⁵³ [“IDF Operation in Gaza: Cast Lead”](#), IDF updates on Gaza, Israeli Ministry of Foreign Affairs website

⁵⁴ [“IDF Operation in Gaza: Cast Lead”](#), IDF updates on Gaza, Israeli Ministry of Foreign Affairs website

On the night of 28 December, Israeli air strikes hit the offices of the Hamas Prime Minister Ismail Haniyeh in Gaza City. The Israeli Air Force was also reported to have targeted a weapons research and development centre, located in the Rimel neighbourhood of Gaza City, which, the IMFA says, was “used as a laboratory to develop and manufacture explosives and was an integral part of the Kassam rocket manufacturing infrastructure”. Further air strikes targeted a Hamas vehicle loaded with dozens of Grad type missiles in the Jabaliya area in the Gaza Strip. The Israeli Navy also attacked Hamas vessels off the coast of Gaza. Meanwhile, Israeli tanks were deployed along the border with the Strip. Dozens of tunnels in and out of the Strip were also bombed, particularly in the Rafah area, which the Israeli Government said were “part of the tunnel network used by the Hamas terror organization” and “used for smuggling weapons as part of their terror activity in the Gaza Strip”. On December 30, the Israeli Government reported that its Air Force had struck the Hamas government complex in the Tel Al-Hawa neighbourhood in Gaza City. A statement said that during the aerial strike three seven-storey buildings “that constitute the core of the terrorist organization’s government complex” were “severely hit and are no longer fit for use”. The buildings were said to include the offices of the ministers, vice ministers and senior personnel of Hamas’ Finance Ministry, Foreign Ministry, Labour Ministry and the Construction and Housing Ministry. The Israeli Air Force also carried out air strikes against the offices of the Hamas Prime Minister, which Israeli Government sources described as the “center for the planning, support and financing of terrorist activities against Israel”. As air strikes against targets in Gaza continued, Israel declared the area around Gaza a “closed military zone”. By 31 December, the end of the fifth day of the conflict, the IMFA reported that the Israeli Air Force had carried out strikes against more than 450 separate targets inside Gaza.⁵⁵

The UN’s OCHA *Protection of Civilians Weekly Report* of 24-31 December 2008 reported that Israeli air strikes had resulted in between 310 and 390 Palestinian deaths and between 1,500 and 1,800 injured. It stated that at least 32 Palestinian children were killed in the first 48 hours of the conflict.⁵⁶ According to a report in *The Guardian* on 29 December, the first day of bombings had “brought the biggest total loss of life on a single day in Gaza in 40 years”.⁵⁷ The OCHA observed that there had been widespread damage to buildings as well as civilian casualties:

The Israeli attack hit all parts of the densely populated Gaza Strip. Air-strikes targeted a variety of public buildings, including mosques, civil police stations, universities and sports centres *in addition* to government buildings and military training bases. The IDF claims that all targeted buildings either sheltered Hamas forces or served as command and control bases, arms and ammunition depots and explosive development laboratories.⁵⁸

The OCHA also reported that since the beginning of the Israeli military campaign in Gaza, Palestinian militants had fired over 247 rockets and mortars towards Israel, some of which landed in large Israeli towns, killing four Israelis and injuring 34 others.⁵⁹

⁵⁵ *Ibid.*

⁵⁶ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [24-31 December 2008](#)

⁵⁷ “Killing a Two-State Solution”, *The Guardian*, 29 December 2008

⁵⁸ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [24-31 December 2008](#)

⁵⁹ *Ibid.*

2.3 Initial international responses to the conflict

The UK response

Following the outbreak of the conflict in Gaza, the UK Government responded by calling for an immediate end to hostilities, for Palestinian militants to cease all rocket attacks on Israel, and for Israel to avoid civilian casualties and to respect its humanitarian obligations. On 29 December 2008, the Prime Minister, Gordon Brown, said:

I am deeply concerned by continuing missile strikes from Gaza on Israel and by Israel's response. As the Quartet stated on 15 December, peaceful means are the only way of reaching a lasting solution to the situation in Gaza.

I call on Gazan militants to cease all rocket attacks on Israel immediately. These attacks are designed to cause random destruction and to undermine the prospects of peace talks led by President Abbas. I understand the Israeli government's sense of obligation to its population. Israel needs to meet its humanitarian obligations, act in a way to further the long-term vision of a two-state solution, and do everything in its power to avoid civilian casualties.⁶⁰

In an interview with the BBC on 29 December 2008, the Foreign Secretary, David Miliband, repeated the Government's calls for an immediate ceasefire and said that, in the longer-term, security for both Israel and the Palestinians could only come about through the agreement of a two-state solution to the Israel-Palestine dispute:

The immediate priorities are clear, first, an immediate ceasefire, second renewal of the humanitarian aid to tackle the genuine crisis that exists, food, fuel and medicines and thirdly and critically a reinvigorated political process. Because in the end the crisis that we see in Gaza, the rockets going to Israel, the Israeli response, are a reflection of the weakness, the slow pace, of the political drive for the two state solution in the Middle East that is so important for a state for the Palestinians, but also security for Israel.⁶¹

Asked on Radio 4's *Today* programme whether Israel's use of force had been disproportionate, the Foreign Secretary said:

I think that any innocent loss of life is unacceptable and in this case there's been massive casualties, some of them civilians, some of them children, and that's one reason why we've called for a ceasefire. I think this is a very dangerous and a very dark moment, partly because of the lives that have been lost and the humanitarian crisis that exists, partly because of the threat to the chance of a comprehensive peace that is so important for the Palestinians but also for Israel, and thirdly for the fuel for radicalism that can be argued by some to be the right response, and the heart of this issue is who represents the Palestinians.⁶²

On 4 January 2009, the Prime Minister added that:

We need an immediate ceasefire, and that includes a stopping of the rockets into Israel. Secondly, we need some resolution of the problem over arms trafficking into

⁶⁰ ["PM 'deeply concerned' by Gaza violence"](#), Statement by the Prime Minister, 10 Downing Street website, 29 December 2008

⁶¹ [David Miliband interview with BBC News](#), 29 December 2008, Foreign and Commonwealth Office website

⁶² ["Foreign Secretary comments on the situation in Gaza"](#), David Miliband interview on *Today*, BBC Radio 4, 29 December 2008

Gaza and, thirdly, we need the borders and the crossings open and that will need some international solution.⁶³

On 6 January 2009, Mr Brown described the unfolding situation in Gaza as a “humanitarian crisis”.⁶⁴

The European Union response

Immediately following the outbreak of the conflict on 27 December 2008, the then French Presidency of the European Union condemned Palestinian rocket attacks on Israel and voiced its concern at the escalation of violence in Gaza. It also condemned Israeli air strikes against the territory and said that there could be no military solution to the situation in Gaza. The EU Presidency statement continued:

The Presidency of the Council of the European Union, who on 24 December condemned the rocket strikes targeting the Israeli territory from Gaza, expresses its most serious concern at the escalating violence in the Gaza Strip and deplores the very great number of civilian casualties.

The Presidency extends its deepest sympathy to the victims’ families and relatives and friends.

The Presidency condemns Israeli air raids and rocket strikes from Gaza. It calls for their immediate end. It condemns the disproportionate use of force.

The Presidency of the Council of the European Union recalls that no military solution can prevail in Gaza and calls for the establishment of a lasting truce. It encourages the efforts of neighbouring countries, particularly those of Egypt, which could help reach this goal.

The Presidency of the Council of the European Union, who reaffirms its commitment to the full respect of international humanitarian law under all circumstances, urges the reopening of all border crossing points, immediate resumption of deliveries of humanitarian aid and fuel, and unrestricted access for international and humanitarian organizations, diplomats and journalists.⁶⁵

Following an emergency meeting on 30 December 2008, EU Foreign Ministers issued a joint statement on the situation in Gaza:

The European Union, conscious of the suffering and anguish of all civilian populations, puts forward the following proposals to resolve the crisis:

- Immediate and permanent ceasefire: there must be an unconditional halt to rocket attacks by Hamas on Israel and an end to Israeli military action. The cessation of fighting should allow lasting and normal opening of all border crossings, as provided for in the 2005 Agreement on Movement and Access. The European Union is ready to re-dispatch the EUBAM to Rafah to enable its re-opening, in cooperation with Egypt, the Palestinian Authority and Israel. It is also willing to examine the possibility of extending its assistance to other crossing points, provided that the issues relating to security have found a satisfactory response.

⁶³ [“Gaza needs immediate ceasefire – PM”](#), Statement by the Prime Minister, 4 January 2009, 10 Downing Street website

⁶⁴ [“Gaza is a humanitarian crisis – PM”](#), Statement by the Prime Minister, 6 January 2009, 10 Downing Street website

⁶⁵ [“Declaration by the Presidency of the Council of the European Union on the violence in Gaza”](#), 27 December 2008, French Presidency of the EU website,

- Immediate humanitarian action: food, urgent medical aid and fuel should be delivered to the Gaza Strip, the evacuation of the injured and unhindered access of humanitarian workers should be made possible through the opening of crossing points. The European Union, the leading aid donor to the Palestinians, dispatched a field mission to provide the most appropriate response as quickly as possible in cooperation with the United Nations and NGOs. It has also agreed to coordinate aid donated by each Member State, in collaboration with the European Commission and the outgoing and incoming presidencies.

- Stepping up the peace process, as called for by Security Council Resolution 1850. There is no military solution to the Israeli-Palestinian conflict, in Gaza or elsewhere. The solution to the Israeli-Palestinian conflict must be based on the process set out in Annapolis and on the establishment of a viable Palestinian state existing side by side with Israel in peace and security. Work must be carried out, notably on the basis of the Arab peace initiative, to deal with the Israeli-Palestinian conflict in a comprehensive and operational manner. Europe encourages the inter-Palestinian reconciliation behind President Mahmoud Abbas, as called for by the Ministers of the Arab League on 26 November, and supports the mediation efforts of Egypt and the Arab League in this respect.⁶⁶

The US response

In a statement issued on 27 December 2008, the then US Secretary of State, Condoleezza Rice, voiced her concern about the escalation of violence in Gaza and condemned Hamas for breaking the six-month ceasefire. Dr Rice said:

The United States strongly condemns the repeated rocket and mortar attacks against Israel and holds Hamas responsible for breaking the ceasefire and for the renewal of violence in Gaza. The ceasefire should be restored immediately. The United States calls on all concerned to address the urgent humanitarian needs of the innocent people of Gaza.⁶⁷

On 2 January 2009, following a meeting with President Bush, Dr Rice again condemned Hamas for launching rockets against Israel and blamed the economic plight of the people of Gaza on the actions of Hamas which:

Obviously, the United States is very concerned about the situation there and is working very hard with our partners around the world to address it.

I want to begin by noting that Hamas has held the people of Gaza hostage ever since their illegal coup against the forces of President Mahmoud Abbas, the legitimate President of the Palestinian people. The Hamas has used Gaza as a launching pad for rockets against Israeli cities and has contributed deeply to a very bad daily life for the Palestinian people in Gaza, and to a humanitarian situation that we have all been trying to address. But frankly, Hamas has made it very difficult for the people of Gaza to have a reasonable life.

We are working toward a ceasefire that would not allow a reestablishment of the status quo ante where Hamas can continue to launch rockets out of Gaza. It is obvious that that ceasefire should take place as soon as possible, but we need a ceasefire that is durable and sustainable. I might note that it was Hamas that rejected the Egyptian and Arab calls for an extension of the Takiya that Egypt had negotiated. But I have been in constant contact with the key Arab states. I have talked with our European colleagues,

⁶⁶ [“Statement by the European Union on the situation in the Middle East”](#), 30 December 2008, French Presidency of the EU website

⁶⁷ [“Statement by Secretary of State Condoleezza Rice on the situation in Gaza”](#), 27 December 2008

and we are talking constantly with the Israeli Government to find a solution to Gaza that will be a sustainable one for the people of Gaza, for the people of Israel and for the people of the Palestinian territories of the Middle East more broadly.⁶⁸

The response of the UN Secretary General

On 29 December 2008, the UN Secretary General, Ban Ki Moon, said:

I am deeply alarmed by the current escalation of violence in and around Gaza. This is unacceptable.

I have been repeatedly condemning the rocket attacks by Hamas militants against Israel. While recognizing Israel's right to defend itself, I have also condemned the excessive use of force by Israel in Gaza. The suffering caused to civilian populations as a result of the large-scale violence and destruction that have taken place over the past few days has saddened me profoundly.

The frightening nature of what is happening on the ground, in particular its effects on children -- who are more than half of the population -- troubles me greatly. I have continuously stressed the need for strict observance of international humanitarian law.

I am also pained at the death, injury and damage to United Nations personnel and premises as well as to others associated with our programmes.

All this must stop. Both Israel and Hamas must halt their acts of violence and take all necessary measures to avoid civilian casualties. A ceasefire must be declared immediately. They must also curb their inflammatory rhetoric.

Only then can dialogue start.⁶⁹

On 31 December 2008, in a statement to the UN Security Council, Mr Ban said:

A dramatic crisis in Gaza and southern Israel has now reached its fifth day.

The civilian population, the fabric of Gaza, the future of the peace process, stability in the region, and goodwill among people throughout the world: all are trapped between the irresponsibility displayed in the indiscriminate rocket attacks by Hamas militants and the disproportionality of the continuing Israeli military operation. All will be further threatened if the conflict continues or escalates to a new phase of deadly violence.

I am profoundly troubled that the call of this Council, issued nearly four days ago, for an end to the violence has gone unheeded. I wish to underline in the strongest possible terms the world's call for an immediate ceasefire that is fully respected by all parties. This must be achieved now. The parties must step back from the brink. All this violence must end [...]

As a result of the crisis and violence, conditions for 1.5 million people in Gaza today are nothing short of terrifying. The people of Gaza are living under heavy bombardment, which has targeted Hamas facilities, smuggling tunnels and other Hamas infrastructure as well as the former Palestinian Authority security structure, government buildings, residential homes, mosques and businesses. Over 300 people lie dead, among them at least 60 women and children. Over 800 are wounded.

In southern Israel, there has been a continuous stream of rockets fired from Gaza by Palestinian militants. Longer-range rockets have been used by militants hitting major

⁶⁸ ["Situation in Gaza"](#), Statement by Secretary of State Condoleezza Rice, 2 January 2009

⁶⁹ ["Statement on continued escalation in and around Gaza"](#), UN Secretary General, 29 December 2008

Israeli cities, with hundreds of thousands now in range. Four Israelis have died since Saturday and over thirty more have been injured. Schools have closed and daily life in southern Israel is extremely difficult as Israelis live in constant fear of rockets which have hit homes and schools.

Let me be clear: I condemn unequivocally and in the strongest possible terms the ongoing rocket and mortar attacks by Hamas and other Palestinian militants. But I also condemn the excessive use of force by Israel. All parties must fully uphold international humanitarian law. It is the civilian populations that are bearing the brunt of this escalation, and there must be swift and decisive action by the international community to bring to an end their suffering. [...]

All parties must address the serious humanitarian and economic needs in Gaza and to take necessary measures to ensure the continuous provision of humanitarian supplies. Without the violence stopping, it is extremely difficult to get food to people who need it. It is too dangerous for civilians to leave their homes to seek urgent medical treatment, buy supplies and assist people in distress. Conditions for parents and children in Gaza are dangerous and frightening [...]

There must be an immediate ceasefire that is fully respected by all parties. This must create new conditions on the ground that ensure at last that crossings into Gaza will be reopened; that rocket attacks and weapons smuggling will end; and that we will pursue political dialogue, and only political dialogue, to reunite Gaza with the West Bank; and that the root cause of this suffering, the absence of Israeli-Palestinian peace, is ended.

Even as this crisis rages, let us never forget the underlying issue: there must be an end to occupation, an end to conflict, and the creation of a Palestinian State. Let us not lose sight of our goal: two States, Israel and Palestine, living side by side in peace and security, and a just, lasting and comprehensive peace in the region, based on Security Council resolutions 242, 338, 1397, 1515, and 1850, the principle of land for peace, the Madrid terms of reference, and the Arab Peace Initiative. This conflict must end, and it must end once and for all.⁷⁰

2.4 Escalation of the conflict

On 1 January 2009, Israeli air strikes in Gaza targeted the homes of senior Hamas operatives; a senior Hamas official was killed. The Israeli Air Force also targeted a mosque in Jabaliya, which the Israeli Government said was “used as a terror-hub by the Hamas terror organization” and “as a storage site for a large amount of Grad missiles, Kassam rockets and additional weaponry”.⁷¹ Tunnels used for smuggling were also targeted, as well as a command centre of Hamas' police force in Rafah and a Hamas coastal authority outpost on the shore adjacent to Gaza City. On 2 January 2009, a curfew was imposed on the West Bank and foreigners were instructed to leave Gaza. According to the IMFA, 35 separate targets were attack by Israeli jets including: five tunnels in the Rafah border area; three weapons storage facilities including a rocket site in Khan Yunis; five Hamas outposts; a number of launchers including a launcher used to fire rockets into Ashkelon; and a number of launching sites. Israel also began intensive shelling of the border areas with Gaza.⁷²

On 3 January 2009, Israeli ground troops entered northern Gaza, initiating a much-anticipated ground offensive. Hours later, Israel fired artillery shells across the border for the first time since the offensive began. In Gaza City, one of the leaders of Hamas' military wing,

⁷⁰ [“Statement to the Security Council on the situation in the Middle East”](#), UN Secretary General, 31 December 2008

⁷¹ [“IDF operation in Gaza: Cast Lead”](#), Israeli Ministry of Foreign Affairs website

⁷² [“IDF operation in Gaza: Cast Lead”](#), Israeli Ministry of Foreign Affairs website

Abu Zakaria al-Jamal, was killed in an overnight raid.⁷³ In response, over 20 rockets were fired by Palestinian militants, landing in the Israeli towns of Ashkelon, Ashod and Sderot. No casualties were reported but a house in Askelon was hit.

Announcing the beginning of the Israeli ground offensive, the Defence Minister, Ehud Barak, explained the decision to escalate the conflict:

So far, the Israeli Defense Forces have dealt an unprecedented heavy blow to Hamas. In order to complete their mission we now launched the ground operation.

I have said all along that our military activities will widen and deepen as much as needed. Our aim is to force Hamas to stop its hostile activities against Israel and Israelis from Gaza, and to bring about a significant change in the situation in Southern part of Israel.

We have carefully weighed all our options. We are not war hungry but we shall not, I repeat - we shall not allow a situation where our towns, villages and civilians are constantly targeted by Hamas. It will not be easy or short, but we are determined.

We are well aware of the humanitarian aspect and are doing and will continue to do everything possible to provide all humanitarian needs to Gaza.

While we are fighting in Gaza, we keep an open eye on the sensitive situation in our northern border. We have no aggressive intentions there. We hope the situation there will remain calm; nevertheless we are ready and alert to face any unwarranted development in that area.

We are peace seekers. We have restrained ourselves for a long time but now is the time to do what needs to be done. We are determined to afford our citizens what any citizen anywhere in the world is entitled to - peace, tranquility and freedom from threats.⁷⁴

As the ground operation progressed, fighting between Israeli troops and Palestinian militants intensified. Israeli tanks fired shells at buildings suspected of concealing Palestinian fighters, and mortars were fired into Israel in response. The OCHA estimated that the clashes had resulted in many Palestinians killed or injured. On 4 January, over 25 rockets were fired into Israel, mainly on Sderot, Netivot and other towns near the border with Gaza. One Israeli woman was reported to have been injured in Sderot. On 4 January, it was also reported that Israel has conducted an air strike against a house in which around 110 Palestinians were sheltering from the attacks on Hamas.⁷⁵ It was reported that Israel had encouraged the civilians to shelter there but attacked the house 24 hours later. In its *Protection of Civilians Weekly Report* for 1-8 January 2009, the OCHA said that:

There has been extensive destruction and many deaths reported in the Zeitun neighbourhood, south of Gaza city by IDF attacks. From 3 to 7 January, the IDF prevented medical teams from entering the area to evacuate the wounded. In one of the one gravest incidents since the beginning of operations, according to several testimonies, on 4 January Israeli foot-soldiers evacuated approximately 110 Palestinians into a single-residence house in Zeitun (half of whom were children), warning them to stay indoors. Twenty-four hours later, Israeli forces shelled the home repeatedly, killing approximately thirty. Those who survived and were able, walked two

⁷³ *Ibid.*

⁷⁴ ["Statement by DM Ehud Barak"](#), 3 January 2009

⁷⁵ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [1-8 January 2009](#)

kilometres to Salah Ed Din road before being transported to the hospital in civilian vehicles. Three children, the youngest of whom was five months old, died upon arrival at the hospital.

After several days of requesting safe passage to the area, on 7 January during a three-hour lull in hostilities, an ICRC medical team was finally allowed on foot (without ambulances) into the closed military area to evacuate any remaining survivors. Due to the limited time allowed, ICRC was not able to reach all houses in the area. In all, ICRC evacuated 30 Palestinians including 18 wounded.⁷⁶

Between 5 January and 16 January, Israeli air strikes and ground incursions into Gaza continued, as did the firing of dozens of rockets and mortars by Palestinian militants into Israel. On 5 January, two UN-run schools were hit by Israeli artillery, killing 33 Palestinian civilians. According to the OCHA, the school was being used as a refuge for hundreds of people. In its *Protection of Civilians Weekly Report* of 1-8 January 2009, the OHCA stated that:

There is no safe place in the Gaza Strip – no safe haven, no bomb shelters, and the borders are closed and civilians have no place to flee. UNRWA facilities being used as shelters are not constructed to withstand bombardments as they are mostly schools and office buildings.⁷⁷

On 7 January, Israel halted its operations for three hours to allow residents of Gaza to seek food and to allow the dead to be buried. Immediately after the temporary cessation of hostilities, however, the fighting resumed. On 8 January, Israel carried out a further 60 air strikes, targeting tunnels near Rafah, police sites, weapons storage facilities and gunmen. One person was killed and two injured when a fork-lift truck on a UN aid mission was hit by Israeli tank fire at the Erez crossing, according to the UN relief agency UNRWA. Rockets fired from Gaza hit the town of Ashkelon but caused no injuries. In northern Israel, several rockets were fired from Lebanon landing in or near the town of Nahariya.⁷⁸

2.5 UN Security Council Resolution 1860

In the days following the launch of Israel's ground offensive on 3 January 2009, the United Nations Security Council met to discuss the conflict in Gaza. On 8 January, the Security Council adopted Resolution 1860, which had been tabled by the UK delegation, despite the abstention of the United States.

UNSCR 1860 called for "an immediate, durable and fully respected ceasefire" and condemned all acts of violence and hostilities directed at civilians as well as all acts of terrorism. It expressed "grave concern" at the "deepening humanitarian crisis in Gaza" and emphasised the importance of ensuring a "sustained and regular flow of goods and people through the Gaza crossings". It also noted that "a lasting solution to the Israeli-Palestinian conflict can only be achieved by peaceful means".⁷⁹ The text of the Resolution said that the Security Council:

1. Stresses the urgency of and calls for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza;

⁷⁶ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [1-8 January 2009](#)

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ [United Nations Security Council Resolution 1860](#), 8 January 2009

2. *Calls* for the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including of food, fuel and medical treatment;
3. *Welcomes* the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid;
4. *Calls* on Member States to support international efforts to alleviate the humanitarian and economic situation in Gaza, including through urgently needed additional contributions to UNRWA and through the Ad Hoc Liaison Committee;
5. *Condemns* all violence and hostilities directed against civilians and all acts of terrorism;
6. *Calls* upon Member States to intensify efforts to provide arrangements and guarantees in Gaza in order to sustain a durable ceasefire and calm, including to prevent illicit trafficking in arms and ammunition and to ensure the sustained reopening of the crossing points on the basis of the 2005 Agreement on Movement and Access between the Palestinian Authority and Israel; and in this regard, welcomes the Egyptian initiative, and other regional and international efforts that are under way;
7. *Encourages* tangible steps towards intra-Palestinian reconciliation including in support of mediation efforts of Egypt and the League of Arab States as expressed in the 26 November 2008 resolution, and consistent with Security Council resolution 1850 (2008) and other relevant resolutions;
8. *Calls* for renewed and urgent efforts by the parties and the international community to achieve a comprehensive peace based on the vision of a region where two democratic States, Israel and Palestine, live side by side in peace with secure and recognized borders, as envisaged in Security Council resolution 1850 (2008), and recalls also the importance of the Arab Peace Initiative.⁸⁰

Welcoming the adoption of the Resolution, the UN Secretary General said that he was “heartened and relieved” by the Security Council’s decision. He called upon all parties in the conflict to respect the Resolution. A cessation of hostilities, said Mr Ban, would open the way for UN agencies to resume deliveries of humanitarian air, food and medical supplies and called upon both Israel and Hamas to respect the international humanitarian effort. Mr Ban also stated that it was essential “to turn quickly to the process of rebuilding what has been destroyed in the fighting”, pledging that the UN “stands ready to assist and support this process”.⁸¹ He said:

An immediate and durable ceasefire is the first step.

However, we also all know that more will be needed, and that a political way forward is required to deliver long-term security and peace.⁸²

Speaking after the Security Council’s adoption of Resolution 1860, the UK Foreign Secretary, David Miliband, set out four criteria for ending the violence in Gaza and for promoting longer-term stability in the Middle East. Mr Miliband said:

We’ve been brought together over the last three days first by the gravity of the situation that currently exists in Gaza. Statistics do not do justice to the situation there but the

⁸⁰ *Ibid.*

⁸¹ “[Statement to the Security Council following the adoption of a resolution on Gaza](#)”, UN Secretary General, 8 January 2009

⁸² “[Statement to the Security Council following the adoption of a resolution on Gaza](#)”, UN Secretary General, 8 January 2009

word crisis, which is sometimes over used, is wholly appropriate in my view in this context. However we have also been brought together I believe by clarity of vision for the future. That the only way to secure dignity and security for Israelis and Palestinians alike is for that dignity and security to be for both of them.

The heart of this resolution I believe shows a genuine consensus on a clear set of objectives. First of all an immediate, durable and fully respected ceasefire, the wording of the resolution is clear on that point.

Secondly the humanitarian needs of the Palestinian people in Gaza in the short term through increased aid and then through the opening of crossings as per the 2005 agreement.

Thirdly the security needs of Israelis which needs to be tackled through the new measures on the illegal trafficking of arms.

And fourthly the political needs of both Israelis and Palestinians for a strong Palestinian Authority speaking for all Palestinians and negotiating in good faith with Israel for the only solution to the conflict in the Middle East, the two state solution.⁸³

Four days later, in his statement to the House of Commons on 12 January 2009, the Foreign Secretary expounded on his UN speech and highlighted the shortcomings of the six-month ceasefire between Israel and Hamas while strongly criticising Hamas rocket attacks on Israel, particularly in the days following the expiry of the ceasefire:

The Gaza truce of June to December 2008 was less than a ceasefire. Over 300 rockets were fired into Israel. 18 Palestinians were killed in Israeli military incursions into Gaza. The humanitarian situation in Gaza went from bad to worse as the Israeli Government restricted the supply of goods, fuel and aid into Gaza. And the political negotiations for a viable Palestinian state proceeded too slowly.

But the immediate trigger for Israeli military action on 27 December was the end of the truce. Hamas refused to extend the lull, and instead fired almost 300 rockets into Israel between 19 and 27 December. Those rockets - and the hundreds fired since - were a cruel choice by Hamas to target Israeli civilians and to reject again the fragile peace negotiations that had been taking place between the Palestinian Authority and the Israeli government since the Annapolis Conference in late 2007.

However, whatever the trigger, the immediate consequence of Israeli military action over the last fortnight is also very clear. Over 800 dead, many of the civilians, apparently over 250 of them children - the most terrible statistic of all - and thousands injured: the horror of war on top of months of deprivation. [...]

The scale of suffering that is already evident [...] is immense.⁸⁴

Stating that the UK Government agreed with the European Union's description of Israel's use of force as "disproportionate", the Foreign Secretary nevertheless maintained that there could be "no equivalence" between Israel and Hamas. Mr Miliband described Hamas as a terrorist organisation which had proved to be "murderous in word and deed". However, he emphasised the importance of Israel showing respect for international humanitarian law:

There is and can be no equivalence. Hamas have shown themselves over a number of years ready to be murderous in word and deed. Their motif is "resistance" and their

⁸³ [Statement by Foreign Secretary David Miliband to the UN Security Council](#), 9 January 2009, FCO website

⁸⁴ [Statement to the House of Commons by Foreign Secretary David Miliband](#), 12 January 2009, FCO website

method includes terrorism. Israel is meanwhile a thriving, democratic state with independent judiciary.

But one consequence of the distinction between a democratic government and a terrorist organisation is that democratic governments are held to significantly higher standards, notably by their own people. [...] As a beacon of democracy in the Middle East, Israel's best defence is to show leadership in finding a political solution to this crisis and to comply with the standards of international humanitarian law.⁸⁵

Although the United States abstained from the Security Council vote, the then US Secretary of State, Condoleezza Rice, stated:

It is obviously a very serious situation in Gaza. And while our goal must be the stabilization and normalization of Gaza through the implementation of a durable and fully respected cease-fire and an end to all terrorist activities, I think that this resolution shows that the Council and the United Nations is indeed seized of the matter.

This resolution is a step toward our goals. It reflects the international community's concern about the circumstances in Gaza and its desire for a sustainable peace in Gaza.

I want especially to note that while much work remains to be done, there is important work underway. In that regard, the work of the Egyptian president, President Mubarak, in the mediation efforts of Egypt are to be not just applauded, but supported. I believe that it is those efforts that will ultimately help to lead to a durable cease-fire and that will not only lead to a durable cease-fire but to a sustainable peace in Gaza, and we must all support the Egyptian efforts.

Obviously, there are many tasks to be done to root out the causes of the hostilities, including to deal with the provision of rockets and the smuggling of weapons, to secure the borders so that we can lay the basis for the reopening of crossings based on the principles of the 2005 Agreement on Movement and Access, and to provide security for the Israeli people and a better life for the people of Gaza.

We must establish an international consensus that Gaza must never again be used as a launching pad for rockets against Israeli citizens, because it is important to remember how this crisis began. Violence in Gaza was instigated by Hamas, a terrorist group that called for the destruction of Israel. Eighteen months ago, Hamas took over the Gaza Strip in a coup, and since then, thousands of guns and rockets and mortars have been smuggled into Gaza. Hamas refused to extend the tahadiya and continued armament is a root cause of the current situation and it has gravely endangered the residents of both Gaza and southern Israel. Hamas's commitment to violence is not only an attack on Israel, but also on the two-state solution.

We require principled resolution of the situation in Gaza, and the Security Council resolution that we are passing tonight, in fact, gives us a basis on which to do this. [...]

Let me say, too, that the United States recognizes the right of Israel, like other states, to exercise its right of self-defense. And we have said to Israel that it is obligated to take feasible steps to minimize the impact of any actions on civilians. [...]

I want to remind the Council also that Hamas continues to hold IDF soldier Gilad Shalit, and he must be released.

⁸⁵ *Ibid.*

Finally, let me just note that while we are dealing with the current situation in Gaza, we must keep our eye on the goal of Resolution 1850⁸⁶, which we passed in this chamber a short time ago. That is the goal of establishing an enduring commitment to mutual recognition; freedom from violence, incitement, and terror; and a two-state solution, building upon previous agreements and obligations. All UN member-states bear a responsibility to promote these principles and to help the parties toward the establishment of a state of Palestine to live in peace, side by side with the state of Israel.⁸⁷

Explaining the US decision to abstain from the Security Council vote on the Resolution, Dr Rice said that the US was supportive of both the text of the resolution and its aims, but argued that:

the United States thought it important to see the outcomes of the Egyptian mediation efforts in order to see what this resolution might have been supporting, and that is why we chose to abstain tonight. But after a great deal of consideration, we decided that this resolution, the text of which we support, the goals of which we support, and the objectives that we fully support, should indeed be allowed to go forward. I believe in doing so, the Council has provided a roadmap for a sustainable, durable peace in Gaza.⁸⁸

In the days that followed the adoption of UNSCR 1860, the Security Council's calls for a cessation of the violence were not heeded. Between 9 and 12 January, the Israeli Air Force carried out a total of over 190 air strikes. During the same period, several dozen rockets were fired from Gaza into Israel, hitting the Israeli towns of Ashkelon, Ashdod and Beersheba. On 15 January, an Israeli air strike killed the Hamas Interior Minister, Said Siyam. Israeli tanks and troops also advanced deep into Gaza City after an intense bombardment in the early hours.⁸⁹

The same day, Israeli forces shelled areas deep inside Gaza City, hitting the headquarters of the United Nations Relief and Works Agency (UNRWA) and wounding at least three people among the hundreds taking shelter in the compound. Prime Minister Ehud Olmert of Israel expressed regret for the strike but said that Israeli forces were fired on by Hamas militants from just outside the UN compound and that the militants then ran inside to take cover. The UN Secretary General, Ban Ki Moon, said that the Israeli Defense Minister, Ehud Barak, had told him the strike on the UN compound was a "grave mistake." Mr Ban said that he expressed "strong protest and outrage" to Israel.⁹⁰

In a statement issued on 16 January, the UN Humanitarian Coordinator for the Occupied Palestinian Territories, Max Gaylard, raised the possibility that the attack on the UN compound might constitute a war crime and called for the incident to be fully investigated. He said:

Yesterday witnessed the most intense fighting to date in the Gaza Strip, with Israeli ground forces advancing deeper into densely populated areas, particularly Gaza City

⁸⁶ UN Security Council Resolution 1850 was passed on 16 December 2008 ([S/RES/1850\(2008\)](#)). It reiterated the Security Council's continuing support for the Annapolis negotiations between Israel and the Palestinian Authority.

⁸⁷ "[Remarks at the UN Security Council Session on the situation in the Middle East](#)", US Secretary of State Condoleezza Rice, 8 January 2009, US Department of State website

⁸⁸ *Ibid.*

⁸⁹ "[IDF operation in Gaza: Cast Lead](#)", Israeli Ministry of Foreign Affairs website

⁹⁰ "[Opening comments at press conference with Israeli Foreign Minister Tzipi Livni](#)", UN Secretary General, 15 January 2009

with an estimated population of 500,000 people. Intense Israeli shelling hit the main UNRWA compound in Gaza City and three hospitals - Al Wafa, Al Fata, and Al Quds. Two ambulances were also hit by Israeli fire. The Al-Quds hospital was surrounded by Israeli forces and the administrative and pharmacy buildings of the hospital were shelled and badly damaged. Fires broke out and all of the patients and staff were evacuated. The patients were later transferred to Shifa hospital.

This is not the first time that Gazan health facilities have been attacked and damaged. Sixteen health facilities have been damaged and sixteen ambulances have been damaged or destroyed since the start of the Israeli military operation on 27 December 2008 and 13 health workers have been killed and 22 have been injured. Medical relief workers face extremely dangerous conditions when trying to reach injured Palestinians in combat zones or areas made inaccessible by the Israeli army. Densely populated Palestinian areas have been turned into combat zones, causing significant risk to the civilian population, including hospitals, medical facilities and emergency relief workers.

The dangers posed by Israeli bombardment and fighting between the Israeli army and Palestinian militants compound the already difficult situation of the Gaza health system. Hospitals are already overwhelmed due to the volume of injured Palestinians and the severity of their wounds. There is limited space in Intensive Care Units, shortages of staff, medicines, equipment, power and clean water.

The situation for hospitals, medical workers and the injured in Gaza is alarming and deteriorating. Hospitals must be protected and remain neutral areas under any circumstances. Civilians and the injured must have access to medical care.

Violations of international humanitarian law by one party to a conflict offer no justification for non-compliance by other parties. Allegations of violations must be fully investigated and those responsible held to account.⁹¹

3 The end of the conflict, January 2009

3.1 The US-Israeli Memorandum of Understanding

On 16 January 2009, the United States and Israel signed a Memorandum of Understanding (MoU) on the supply of arms and related materials to terrorist groups. The MoU was intended to put in place both bilateral and regional measures to prevent Hamas from rearming after the conflict. Egypt made similar commitments to secure the border with Gaza. The text of the MoU lists the following commitments:

1. The Parties will work cooperatively with neighbors and in parallel with others in the international community to prevent the supply of arms and related materiel to terrorist organizations that threaten either party, with a particular focus on the supply of arms, related materiel and explosives into Gaza to Hamas and other terrorist organizations.
2. The United States will work with regional and NATO partners to address the problem of the supply of arms and related materiel and weapons transfers and shipments to Hamas and other terrorist organizations in Gaza, including through the Mediterranean, Gulf of Aden, Red Sea and eastern Africa, through improvements in existing arrangements or the launching of new initiatives to increase the effectiveness of those arrangements as they relate to the prevention of weapons smuggling to Gaza. Among the tools that will be pursued are:

⁹¹ [“Statement by Mr Max Gaylard, the United Nations Humanitarian Coordinator for the occupied Palestinian Territory”](#), 16 January 2009

- Enhanced U.S. security and intelligence cooperation with regional governments on actions to prevent weapons and explosives flows to Gaza that originate in or transit their territories; including through the involvement of relevant components of the U.S. Government, such as U.S. Central Command, U.S. European Command, U.S. Africa Command, and U.S. Special Operations Command.
 - Enhanced intelligence fusion with key international and coalition naval forces and other appropriate entities to address weapons supply to Gaza;
 - Enhancement of the existing international sanctions and enforcement mechanisms against provision of material support to Hamas and other terrorist organizations, including through an international response to those states, such as Iran, who are determined to be sources of weapons and explosives supply to Gaza.
3. The United States and Israel will assist each other in these efforts through enhanced sharing of information and intelligence that would assist in identifying the origin and routing of weapons being supplied to terrorist organizations in Gaza.
 4. The United States will accelerate its efforts to provide logistical and technical assistance and to train and equip regional security forces in counter-smuggling tactics, working towards augmenting its existing assistance programs.
 5. The United States will consult and work with its regional partners on expanding international assistance programs to affected communities in order to provide an alternative income/employment to those formerly involved in smuggling.⁹²

At the signing ceremony for the MoU on 16 January, the US Secretary of State, Condoleezza Rice, said that the agreement was necessary to prevent Hamas from rearming. She argued that there needed to be an international consensus to prevent rearmament and said that the MoU responded to that need. Dr Rice also blamed Hamas for causing the conflict with Israel:

The current crisis in Gaza was instigated by Hamas, a terrorist group that has called for the destruction of Israel, and refused to extend the calm, and still holds Gilad Shalit, the Israeli soldier, who was captured.

The Israelis cannot be expected to live under daily threats, nor should Gazans be put at risk by Hamas's reckless targeting of Israel or endure the brutality of life under Hamas. Hamas has presided over the degradation of safety and well-being of innocent Palestinians since it seized power in a violent coup against the legitimate Palestinian Authority 18 months ago.

We've said repeatedly that the continued supply of armaments to Hamas and other terrorist groups in Gaza, including by some in the region, is a direct cause of the current hostilities. It is, therefore, incumbent upon us in the international community to prevent the rearmament of Hamas so that a ceasefire will be durable and fully respected. There must be an international consensus that Gaza can never again be used as a launching pad against Israeli cities.

This Memorandum of Understanding that we will sign today responds to that need. It provides a series of steps that the United States and Israel will take to stem the flow of weapons and explosives into Gaza. The United States is reaching out to its partners, as well. And together, the steps that we and other members of the international community can take will contribute to a durable ceasefire.

⁹² [Text of US-Israel Memorandum of Understanding](#), 16 January 2009, Israeli Ministry of Foreign Affairs website

The United States remains deeply concerned, too, about the innocent Palestinians who are suffering in Gaza. A sustainable end to hostilities, rather than one that collapses in a few days or weeks, is crucial to ending the suffering. In the meantime, we are doing all that we can to respond to the humanitarian needs of the population of Gaza.⁹³

The Israeli Foreign Minister, Tzipi Livni, also welcomed the signing of the MoU, saying that

In this MOU, we have agreed on a series of actions with regional and international players in order to complement Egyptian actions and end the flow of weapon to Gaza. [...] these are specific steps to end the flow of weapons along the supply routes by working with NATO and regional states, and by enhancing the effectiveness of measures against Iran, the main supplier of these weapons.

As I've said many times, our commitment to peace and the solution of two-states with two peoples requires not only genuine negotiations with our pragmatic partners, the legitimate Palestinian Government, as was decided in Annapolis; but also determined action against terrorists and enemies of peace.

It is this dual strategy that we are pursuing. And I believe that it is this strategy that will lead us to a more secure and peaceful future. I believe that this MOU, together with parallel understanding with Egypt and an end to attacks from Gaza, can create the basis for Israeli decisions on the future of the operation.⁹⁴

The MoU between the US and Israel, designed to end the smuggling of arms to Hamas, was followed by commitments from the governments of the UK, France, Germany, Spain and Italy to prevent arms smuggling. In a statement in Tel Aviv on 18 January 2009, the UK Prime Minister, Gordon Brown, said that the UK and other European countries:

will do everything in our power to support this ceasefire and to support it as a bridge to permanent peace. We recognize that a ceasefire means that there should be no rocket attacks on the Israeli people from Gaza, and we call on the Hamas, even at this stage, to make sure that its supporters desist from any rocket attacks on the people of Israel.

We recognize also that this ceasefire must mean that action is taken against arms smuggling and arms trafficking. We have written to you, Prime Minister, to say that we will do everything to help stop the supply of arms by land and by sea. We recognize that the cessation of rocket attacks and the control of arms trafficking are vital to the security of the people of Israel, and Israel has a right to be secure within its own borders.⁹⁵

3.2 Israel's cessation of hostilities

The signing of the MoU between the United States and Israel formed the immediate context within which Israel announced a cessation of its military operations in Gaza. On 17 December 2009, the Israeli Prime Minister announced a unilateral suspension of Israel's hostilities, saying that the objectives of the mission had been achieved and that Hamas' ability to fire rockets into Israel had been dealt a "heavy blow". Mr Olmert maintained that:

the conditions have been created so that our targets, as defined when we launched the operation, have been fully achieved, and more so:

⁹³ ["Signing Ceremony of the US-Israel Memorandum of Understanding with Israeli Foreign Minister Tzipi Livni"](#), 16 January 2009, US Department of State website

⁹⁴ *Ibid.*

⁹⁵ ["Statement by Prime Minister of Great Britain, Gordon Brown"](#), 18 January 2009, prime Minister of Israel website

Hamas was badly stricken, both in terms of its military capabilities and in the infrastructure of its regime. Its leaders are in hiding. Many of its members have been killed. The factories in which its missiles were manufactured have been destroyed. The smuggling routes, through dozens of tunnels, have been bombed. The Hamas's capabilities for conveying weapons within the Gaza Strip have been damaged. The scope of missile fire directed at the State of Israel has been reduced. The areas from which most of the missiles were launched are under the control of IDF forces. The estimate of all the security services is that the Hamas's capabilities have been struck a heavy blow which will harm its ability to rule and its military capabilities for some time. [...]

Today, and in large part due to the success of the military operation, the entire international community is ready to mobilize in order to achieve maximum stability, and knows that, for this to occur, the process of Hamas's strengthening must stop. To this end, we reached a number of understandings - the importance of which cannot be underestimated - which will ensure that the strengthening of Hamas will decrease. [...]

I have no doubt that were it not for the determined and successful military action, we would not have reached diplomatic understandings, which together create a full picture of impressive accomplishment. [...]

Hamas's methods are incomprehensible. It placed its military system in crowded residential neighborhoods, operated among a civilian population which served as a human shield and operated under the aegis of mosques, schools and hospitals, while making the Palestinian population a hostage to its terrorist activities, with the understanding that Israel - as a country with supreme values - would not act. The external Hamas leadership, which lives in comfort and quiet, continued to set extremist policies while ignoring the population's ongoing suffering and out of a conspicuous unwillingness to ease its situation.

Hamas still does not fully appreciate the difficult blow it received. If Hamas decides to continue its wild terrorist attacks, it may find itself surprised again by the State of Israel's determination. I do not suggest that it or any other terrorist organization test us.⁹⁶

3.3 Hamas' reaction

Within hours of the Israeli ceasefire beginning, around 18 rockets were launched by Palestinian militants against Israel. However, later on 18 January 2009, Hamas announced a week-long cessation of actions against Israel to allow Israeli forces to leave Gaza. The Hamas statement said:

The Zionist aggression against the Gaza Strip which has gone on for more than three weeks has failed, and with God's blessing it failed to impose its conditions on the resistance and on our people.

We, the Palestinian resistance factions announce a ceasefire of our factions in the Gaza Strip and we stress that our demand is the withdrawal of the enemy forces from the Gaza Strip within a week, along with the opening of all the crossings for the entry of humanitarian aid, food and other necessities for our people in the Gaza Strip.⁹⁷

⁹⁶ http://www.mfa.gov.il/MFA/Government/Speeches+by+Israeli+leaders/2009/Statement_PM_Ehud_Olmert_17-Jan-2009.htm

⁹⁷ [Statement by Hamas](#), 18 January 2009, BBC News online

3.4 International reactions

In a statement on 17 January 2009, the then US Secretary of State, Condoleezza Rice, said:

The United States welcomes the cessation of hostilities in Gaza announced by Israel and expects that all parties will cease attacks and hostile actions immediately. The goal remains a durable and fully respected cease-fire that will lead to stabilization and normalization in Gaza.

The United States commends Egypt for its efforts and remains deeply concerned by the suffering of innocent Palestinians. We welcome calls for immediate coordinated international action to increase assistance flows and will contribute to such efforts.⁹⁸

The UK Foreign Secretary, David Miliband, in a statement to the House of Commons on 19 January, welcomed the ceasefire announcements by both Israel and Hamas as a “relief” but noted that “the respite has come too late for many”. He said that that a ceasefire was “the essential first step” and called upon Israel to complete the withdrawal of its troops from Gaza “with all due speed”. He also called upon Hamas to “put a definitive end to rocket fire at Israel”. The immediate priorities, Mr Miliband said, were two-fold: “stopping the flow of arms and starting the flow of aid into Gaza”.⁹⁹ Mr Miliband said that, in terms of arms trafficking, the UK was ready to play its part:

The immediate security responsibility lies with Egypt. But the origin of these arms stretches way beyond the Egypt-Gaza border. This is where international help aimed at interdiction, using intelligence and a range of military assets, is important.¹⁰⁰

The Foreign Secretary also said that, while it was essential to prevent arms smuggling into Gaza, it was also vital to expand the flow of goods and humanitarian aid into the territory:

Hand in hand with closing of illegal traffic must go a vast increase in legal traffic. The immediate priority is to meet the desperate humanitarian needs. That means not simply food and medicine but for example sanitation equipment. Then there are all the supplies which are required to repair Gaza's ruined infrastructure and return power and water. The Government has pledged a further £20 million, on top of the £6.8m we pledged earlier in the conflict. British charities have raised millions more.

The Prime Minister made clear in Egypt and in Israel that reopening the crossings will be vital. The 2005 Movement and Access Agreement between Israel and the Palestinian Authority should provide the framework. We are ready to help, including by reinstating and, if necessary, extending the EU Border Assistance Mission at the Rafah crossing.¹⁰¹

Finally, the Foreign Secretary said that the key to long-term stability in the region was to provide a lasting, two-state solution to the Israel-Palestine conflict:

The challenge is to ensure that this Gaza crisis does not simply provide another grim milestone in an endless conflict.

As we help Gazans rebuild their lives, we must find a way to ensure this is the last time they will have to do so. That means showing serious progress towards a Palestinian State alongside improved Israeli security. It means a peace process where closed door

⁹⁸ Statement by US Secretary of State Condoleezza Rice, 17 January 2009, US Department of State

⁹⁹ [Statement by Foreign Secretary David Miliband to the House of Commons](#), 19 January 2009, FCO website

¹⁰⁰ *Ibid.*

¹⁰¹ [Statement by Foreign Secretary David Miliband to the House of Commons](#), 19 January 2009, FCO website

negotiations are buttressed by Israel and the Arab world taking steps to support rather than undermine the peace process.¹⁰²

4 The humanitarian impact of the conflict

4.1 Casualties

The 23-day conflict between Israel and Hamas exacted a heavy humanitarian toll. On the Israeli side, a total of 13 Israelis have been killed. Of these, nine of the fatalities were Israeli soldiers who were killed in conflict since the Israeli operation began on 27 December. In terms of civilian casualties, four Israelis have been killed, four critically injured, 11 moderately injured, and 167 lightly injured since 27 December.¹⁰³

On the Palestinian side, the precise number of casualties is not yet clear as additional fatalities are reported as bodies are removed from the rubble. On 18 January, International Committee of the Red Cross and Palestinian Red Crescent Society teams retrieved approximately 100 bodies. A further 14 bodies were retrieved on 19 January. As of 1600 hours on 19 January 2009, the Palestinian Ministry of Health said that 1,314 Palestinians had died in the conflict, of whom 412 were children and 110 women. The number of injured stood at 5,300, of whom 1,855 were children and 795 women. According to the OCHA, it was not yet possible to determine the exact number of Palestinian male civilian casualties.¹⁰⁴

The OCHA reported that “the danger to medical staff and the difficulty of extracting the injured from collapsed buildings makes proper evacuation and estimation of casualties difficult, including to determine the number of Palestinian male civilian casualties”.¹⁰⁵ In its 16 January update on the humanitarian situation, the OCHA said:

According to the Palestinian MoH, 13 medical personnel have been killed and 22 medical personnel injured while on duty since 27 December 2008. In addition, 16 ambulances and 16 health facilities have been damaged through direct or indirect shelling since 27 December 2008.¹⁰⁶

Max Gaylard, the United Nations Humanitarian Coordinator for the occupied Palestinian territory, said on 16 January:

The situation for hospitals, medical workers and the injured in Gaza is alarming and deteriorating. Hospitals must be protected and remain neutral areas under any circumstances. Civilians and the injured must have access to medical care.¹⁰⁷

Throughout the conflict between Israel and Hamas, UN agencies and international aid organisations had highlighted the humanitarian impact of the fighting. On 12 January 2009, the OCHA warned that:

The humanitarian crisis is intensifying and the Palestinian civilian casualty rate is increasing. Many basic food items, including food for infants and malnourished children, are no longer available. Israeli bombardment of the Gaza Strip is causing extensive damage to homes and to public infrastructure and is jeopardizing water,

¹⁰² *Ibid.*

¹⁰³ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [9-15 January 2009](#)

¹⁰⁴ *Ibid.*

¹⁰⁵ “[Field update on Gaza from the Humanitarian Coordinator](#)”, 13 January 2009, UN OCHA

¹⁰⁶ Update on the humanitarian situation in Gaza, 16 January 2009, UN OCHA

¹⁰⁷ Statement by Max Gaylard, UN Humanitarian Coordinator for the occupied Palestinian Territory, 16 January 2009

sanitation and medical services. There are increasing risks of epidemic outbreaks resulting from the disruption of vaccinations, uncollected rubbish piling up in the streets and unsafe drinking water. Of particular concern is the long-term impact of the conflict on children, who make up 56 percent of the Gaza population.¹⁰⁸

Two days later, on 14 January, the OCHA stated:

The humanitarian crisis is intensifying and the number of Palestinian civilian casualties is increasing. Israeli bombardment is causing extensive destruction to homes and to public infrastructure throughout the Gaza Strip and is jeopardizing water, sanitation and medical services. Although movement remains extremely dangerous, Palestinians continue to flee their homes seeking refuge from the hostilities. Medical staff report large numbers of blast injuries due to high explosives, resulting in traumatic injuries and amputations.

Children, who make up 56 percent of the Gaza population, continue to bear the brunt of the violence and account for a significant proportion of the dead and severely maimed.¹⁰⁹

During a visit to the Gaza Strip on 13 January 2009, the president of the International Committee of the Red Cross (ICRC), Jakob Kellenberger, said:

What I saw today was shocking. It is unacceptable to see so many wounded people. Their lives must be spared and the security of those who care for them guaranteed. [...]

Both parties must ensure that all victims are cared for rapidly, at all times of day. In particular, the wounded must be evacuated and receive treatment [...] Injured people cannot wait for days, or even for hours, before being treated. The work of medical personnel must be respected – and this is not negotiable.¹¹⁰

4.2 Impact of the conflict on children in Gaza

On 12 January 2009, prior to the cessation of hostilities, the Palestinian Ministry of Health reported that the number of child fatalities had tripled since the beginning of Israel's ground operation on 3 January (compared to the number of child fatalities from 27 December to 3 January). In its *Protection of Civilians Weekly Report* of 9-15 January 2009, the OCHA highlighted the increasing toll the conflict was taking on children in the Gaza Strip:

¹⁰⁸ ["Field update on Gaza from the Humanitarian Coordinator"](#), 12 January 2009, UN OCHA

¹⁰⁹ ["Field update on Gaza from the Humanitarian Coordinator"](#), 14 January 2009, UN OCHA

¹¹⁰ ["ICRC President demands greater respect for civilians and humanitarian workers"](#), International Committee of the Red Cross, 13 January 2009



Source: UN OCHA¹¹¹

On 13 January 2009, the UN Committee on the Rights of the Child expressed its deep concern at “the devastating effects that the current military engagement is having on children”. The Committee stated that:

The United Nations Committee on the Rights of the Child is deeply concerned at the devastating effects that the current military engagement in Gaza is having on children [...] Hundreds of children have been killed or injured, many seriously. Many others have lost their loved ones. The continuous fighting and destruction of livelihoods and basic infrastructures, severely compromise enjoyment of human rights especially in relation to health, education and family life.¹¹²

In a statement on 12 January 2009, the UNICEF Executive Director, Ann Veneman, said:

Over 300 children have been killed and more than 1,500 wounded, since the beginning of the Gaza crisis on 27 December, 2008.

Each day more children are being hurt, their small bodies wounded, their young lives shattered.

These are not just cold figures. They talk of children’s lives interrupted. No human being can watch this without being moved. No parent can witness this and not see their own child.

This is tragic. This is unacceptable [...]

The crisis in Gaza is singular in that children and their families have nowhere to escape, no refuge. The very thought of being trapped in a closed area is disturbing for adults in peace times. What then goes through the mind of a child who is trapped in such relentless violence?

Children form the majority of the population of Gaza. They are bearing the brunt of a conflict which is not theirs. As fighting reaches the heart of heavily populated urban areas, the impact of lethal weapons will carry an even heavier toll on children. Absolute priority must be given to their protection. [...]

¹¹¹ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [9-15 January 2009](#)

¹¹² [“Effect of the conflict on children ‘devastating’, says UN rights monitoring body”](#), UN News Centre, 13 January 2009

Beyond the immediate needs of the children who have lost their homes, have no access to water, electricity and medicine, beyond the horrific physical scars and injuries however, are the deeper psychological wounds of these children. For these children, psychological and social healing will be long and difficult.

Only when there is a cessation of hostilities can children begin the long journey back to a semblance of what is the most fundamental right of a child, the right to a life free from physical and mental violence.

UNICEF calls on all parties to take every measure to protect children.¹¹³

4.3 Internally displaced persons

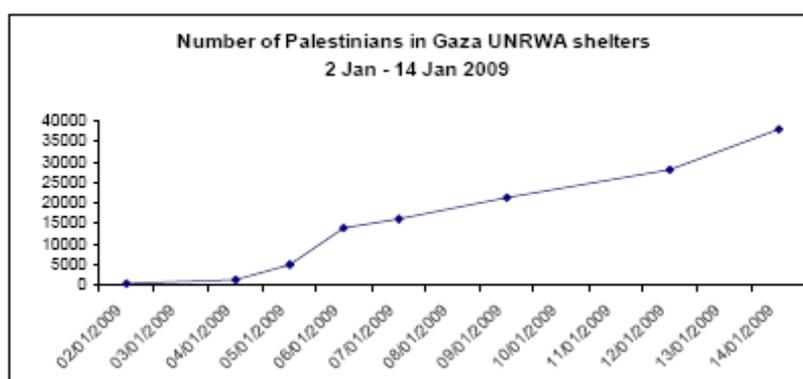
The conflict has also had the effect of exacerbating the problem of internally displaced persons within Gaza. In its weekly report on the protection of civilians, the OCHA said:

The Israeli offensive has resulted in the largest number of forcibly displaced Palestinians since 1967. Initially, only a few hundred Palestinians sought shelter at five UNRWA schools. However, when the Israeli ground offensive began, thousands of displaced Palestinians poured into UNRWA facilities.¹¹⁴

On 12 January 2009, the OCHA said that:

The number of people who have fled their homes in Gaza remains unknown, but is estimated in the tens of thousands. As of the evening of 12 January, UNRWA was operating 38 emergency shelters, with 35,520 displaced people, an increase of 7,404 people since 11 January.¹¹⁵

Initial figures from the OCHA show the dramatic increase in the number of Palestinians in Gaza UNRWA shelters between 2 and 14 January 2009:



Source: United Nations Office for the Coordination of Humanitarian Affairs¹¹⁶

¹¹³ [“Statement by UNICEF Executive Director Ann M Venneman regarding the humanitarian situation in Gaza”](#), 14 January 2009, UNICEF

¹¹⁴ United Nations Office for the Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, [1-8 January 2008](#)

¹¹⁵ [“Field update on Gaza from the Humanitarian Coordinator”](#), 13 January 2009, UN OCHA

¹¹⁶ [“Field update on Gaza from the Humanitarian Coordinator”](#), 14 January 2009, UN OCHA

4.4 The wider humanitarian situation

In a report published on 13 January 2009, the human rights organisation, Human Rights Watch, said:

Gaza's 1.5 million people are enduring a serious humanitarian crisis brought on by more than two weeks of major military operations that have magnified the impact of 19 months of a highly restrictive Israeli blockade, reinforced by Egypt.

The Israeli government has repeatedly denied that a humanitarian crisis exists. Information from international humanitarian organizations, United Nations agencies and Gaza's residents themselves starkly refute that claim. Hundreds of civilians have been killed in the fighting, a large percentage of them children. Many wounded and sick have been trapped in their homes, unable to get medical care. Corpses have been left among rubble and in destroyed homes because Israeli forces have at times denied access to medical crews. Increasing numbers are displaced or are trapped in their homes. They have nowhere to flee, caught in a warzone where no place is truly safe.

Gaza's civilians are facing dire shortages of food, water, cooking gas, fuel and medical care due to insecurity, the enforced closure of all of Gaza's borders, and alleged serious violations of international humanitarian law. Electricity is sharply down, and in some places open sewage is spilling into the streets. Children, who make up 56 percent of Gaza's residents, are especially vulnerable.¹¹⁷

In a statement on 7 January 2009, Amnesty International highlighted the growing humanitarian crisis in Gaza and called upon the United Nations to demand that Israel, Hamas and Palestinian armed groups observe "an immediate truce in Gaza to allow desperately needed humanitarian assistance to the beleaguered civilian population, evacuation of the wounded and safe refuge for civilians wishing to flee the conflict zone". An Amnesty spokesperson said:

Civilians in Gaza are trapped in an unfolding humanitarian catastrophe, and need immediate respite.

Eleven days into the conflict and amid a mounting toll of civilian casualties in Gaza, calls for a ceasefire have as yet gone unheeded by both Israel and Hamas. In the absence of a ceasefire, an immediate humanitarian truce is urgently needed to protect the civilian population. The fighting must stop long enough so that humanitarian assistance can reach those in need and so that those who want to leave can be evacuated.

An immediate pause in hostilities would at least make it possible for basic assistance to be got to civilians in dire need, permit the evacuation and treatment of the wounded and the burial of the dead. It would also allow civilians trapped in Gaza an opportunity to leave the conflict zone safely to seek refuge with the assistance of neighbouring states where necessary, allow emergency repairs to essential infrastructure, and ensure that humanitarian workers can provide protection and assistance in safety.¹¹⁸

¹¹⁷ Human Rights Watch, "[Deprived and Endangered: Humanitarian Crisis in the Gaza Strip](#)", 13 January 2009

¹¹⁸ Amnesty International, "[Gaza: An immediate 'humanitarian truce' needed – UN must act](#)", 7 January 2009

