EXAMINATION AND INVESTIGATION OF EXCEPTIONAL INCIDENTS THAT OCCURRED DURING OPERATION 'PROTECTIVE EDGE'

In accordance with the IDF Military Advocate General's investigation policy, and further to the IDF MAG Corps Press Release from September 10, 2014, regarding the examination and investigation of Exceptional Incidents that occurred during Operation 'Protective Edge' (http://www.mag.idf.il/261-6858-en/Patzar.aspx), presented below is information regarding individual incidents which have been decided upon by the Military Advocate General as of the date of publication.

Incidents Concerning Cases Closed by the MAG Following a Fact-Finding Assessment by the FFAM

1. Incident involving the alleged death of Kaware family members in Khan Yunis (8 July 2014) –

The MAG Corps received reports, as well as complaints from human rights organizations, regarding allegations that an aerial strike on a residential building in Khan Yunis on July 8, 2014, resulted in the death of eight civilians. Subsequently, and in accordance with the MAG's investigation policy, the incident was referred to the Fact-Finding Assessment Mechanism (the 'FFA Mechanism').

The material collected by the FFA Mechanism, and its findings, which were reviewed by the MAG, indicated that the aerial strike was carried out against the building due to its use for military purposes by Hamas, as was the case with numerous other residential buildings in the Gaza Strip. Prior to the strike, the IDF provided precautions to the residents of the building to vacate the premises. These precautions included an individual phonecall and the firing of a non-explosive projectile at the roof of the premises, as part of the 'knock on the roof' procedure. Following the provision of the precautions, the residents vacated the building. Subsequently, a number of people were identified as returning to the premises for unknown reasons. However, at this stage the bomb had already been released and could not be diverted from its target. It appears that it was these people who were killed as a result of the strike.

The MAG found that the strike process conformed with the requirements of Israeli law and international law, and despite the tragic outcome, that there was no deficiency in the actions of the IDF forces involved. As a result, the MAG ordered that the case be closed without further action against the IDF forces involved in the incident.
At the same time, the MAG recommended conducting an examination of the operational procedures involved in carrying out such strikes, in order to assess the potential for reducing the likelihood of such exceptional incidents in the future.

2. Incident involving an alleged aerial strike on a vehicle marked 'TV' in Gaza City (9 July 2014)

The MAG Corps received reports, as well as complaints from human rights organizations, regarding allegations that an aerial strike was carried out in the Rimael neighborhood of Gaza City on July 9, 2014, against a vehicle marked 'TV', and which resulted in the death of one person alleged to be a journalist (Ahmed Abdullah Mahmoud Shabab). Subsequently, and in accordance with the MAG's investigation policy, the incident was referred to the FFA Mechanism.

The material collected by the FFA Mechanism, and its findings, which were reviewed by the MAG, indicated that the strike was carried out against a vehicle which intelligence information and direct evidence indicated was being used to transport weaponry, intended for use against IDF forces the same day.

It should be noted that at the time of the strike the IDF forces could not discern whether the vehicle was marked 'TV'. It appears that the vehicle was marked 'TV' in order to mask the military use made of the vehicle to transport weaponry. In any event, in light of the military use made of the vehicle for the purposes of transporting weaponry, the marking of the vehicle did not alter the lawfulness of the strike. In addition, the MAG found that the strike procedure was carried out with an effort to minimize incidental harm, and to that end, the strike on the vehicle was at one point delayed when the vehicle was suspected to be in the vicinity of civilians.

The MAG found that the strike process conformed with the requirements of Israeli law and international law and that there was no deficiency in the actions of the IDF forces involved. As a result, the MAG ordered that the case be closed without further actions.
Incidents into Which, Following an Assessment by the FFAM, the MAG has Ordered Criminal Investigations

1. Incident involving the alleged death of four children on the Gaza Strip coast (16 July 2014) –

The MAG Corps received reports, as well as complaints from human rights organizations, regarding allegations that an IDF strike on July 16, 2014, resulted in the death of four children on the coastal strip next to Gaza City. Subsequently, and in accordance with the MAG’s investigation policy, the incident was referred to the FFA Mechanism.

The material collected by the FFA Mechanism, and its findings, which were reviewed by the MAG, indicated the existence of grounds for a reasonable suspicion that the strike was not carried out in accordance with IDF regulations. As a result, the MAG has ordered a criminal investigation into the incident.

2. Incident involving alleged civilian casualties resulting from a strike in the vicinity of an UNRWA school in Khan Yunis (24 July 2014) –

The MAG Corps received reports, as well as complaints from UNRWA and from human rights organizations, regarding allegations that an IDF strike in the vicinity of an UNRWA school in Khan Yunis on July 24, 2014, resulted in the death of 15 civilians. Subsequently, and in accordance with the MAG’s investigation policy, the incident was referred to the FFA Mechanism.

The material collected by the FFA Mechanism, and its findings, which were reviewed by the MAG, indicated the existence of grounds for a reasonable suspicion that the incident involved a deviation from IDF regulations. As a result, and despite the fact that the actual number of civilian casualties is as yet unknown, the MAG has ordered a criminal investigation into the incident.
Incidents Regarding Which the MAG Ordered Criminal Investigations without Prior Fact-Finding Assessment

1. **Incident involving the alleged shooting of a woman in the area of Dahaniya (18 July 2014) –**

The MAG Corps received an operational incident report indicating that on July 18, 2014, a Palestinian woman was shot by IDF forces in the area of Dahaniya, after her presence in the area was apparently prior coordinated with the IDF. Subsequently, the MAG ordered an immediate criminal investigation into the incident.

2. **Incident involving alleged mistreatment of a 17-year old allegedly held by IDF forces in Khuzaa –**

Following media reports alleging unlawful acts (including allegations of assault and threats) by IDF forces against Ahmed Jamal Abu Raida, who was allegedly held by IDF forces in the area of Khuzaa, the MAG ordered an immediate criminal investigation into the incident.

3. **Incident involving alleged looting –**

The MAG Corps received an operational incident report indicating a suspicion that an IDF soldier stole money while in the Gaza Strip. Subsequently, the MAG ordered an immediate criminal investigation into the incident.