

## Casualties in Operation Cast Lead: A closer look

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### Executive Summary

The Institute for Counter-Terrorism has carried out an intensive two-month research project to gain a clearer picture of the casualties of the IDF military incursion in Gaza in December 2008-January 2009. The research was based on the list of casualties published by the Palestinian Center for Human Rights (PCHR), supplemented by Hamas and Fatah websites and official Palestinian government online sources.

Although the study relied on the PCHR's raw data throughout, our analysis of this data disproves the PCHR's claims regarding "indiscriminate Israeli fire" on civilian areas. In fact, by checking the names on the PCHR list against Hamas websites, we found that many of those claimed by PCHR to be "civilians" were in fact hailed as "militant martyrs" by Hamas. Others listed by PCHR as "civilians killed in Israeli raids" later turned out to be Fatah members killed by Hamas, some of them in "execution style" killings.

While both PCHR and ICT consider civil policemen to be noncombatants, our researchers found that many of the civil policemen killed also held operational ranks in the Hamas "military" wing. In fact, due to the structure of the Hamas "military", it was difficult to draw a clear dividing line between purely civilian police functions and activity in support of "military" operations.

One of the problems with the PCHR's methodology is their claim to precise knowledge of the circumstances of every Palestinian casualty. PCHR admits to no uncertainty in the combatant status of any casualty; every victim is either a fully-affiliated combatant or a "civilian". But beyond the PCHR's failure to apply its own standards accurately in determining who was and was not a militant, any black-and-white categorization scheme like theirs is bound to be ludicrously inadequate in characterizing a conflict where fighters do not wear uniforms, where combatants are intimately (and deliberately) commingled with non-combatant civilians, and where many unaffiliated civilians become actively involved in confronting invading forces and thus become "ad hoc combatants".

While Hamas and its allies did everything possible to maximize the extent to which the civilian population of the Gaza Strip would be exposed to combat should Israel respond in force to cross-border missile attacks on Israeli towns, a closer look at the demographics of the casualties reveals that at least 63% to 75% of the Palestinians killed in Operation Cast Lead were combat-aged males over and above the number that would be accounted for by random Israeli attacks. This group includes identified

combatants, policemen, and several hundred additional young men whose combatant status could not be verified from the sources we used. Thus, PCHR’s own data refutes its claim that Israel’s attacks were “indiscriminate”.

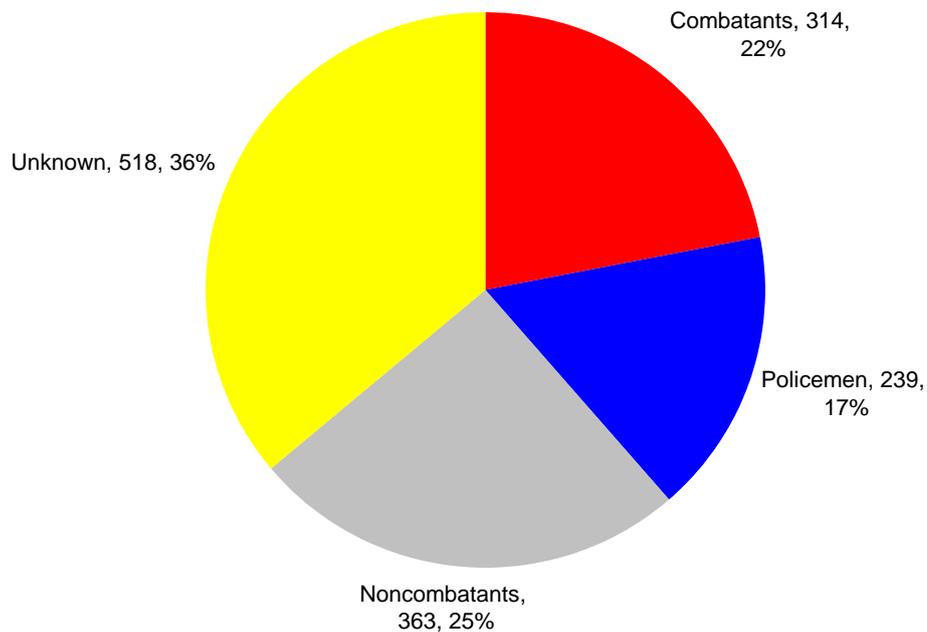
### Introduction

According to PCHR, some 1,434 Palestinians were killed in Israel’s invasion of the Gaza Strip; these included 235 combatants, 239 police officers, and 960 civilians. Of the latter, 121 were women and 288 were children (defined as anyone under 18 years old).

ICT’s research—based both on Hamas websites and on investigation into the circumstances under which people were killed—has so far individually identified at least 314 combatants; as this effort is ongoing, the number will almost certainly increase. 18 of these identified combatants were younger than 18, and thus counted as “children” by PCHR. (Detail: 1 14-year-old, 4 16-year-olds, and 13 17-year-olds.)

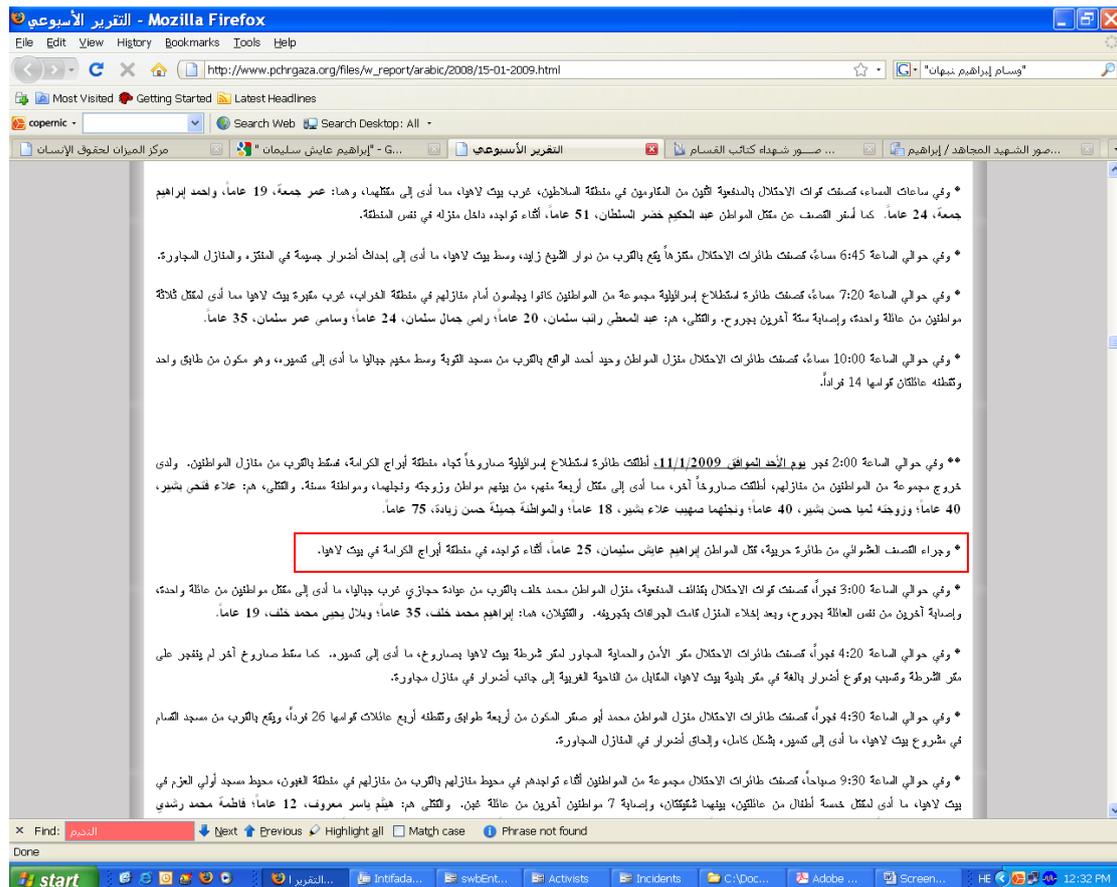
Not counting policemen, we have so far identified 363 noncombatants, leaving us with around 518 “unknowns” – all of them male.

**Chart 1: Distribution of Casualties**

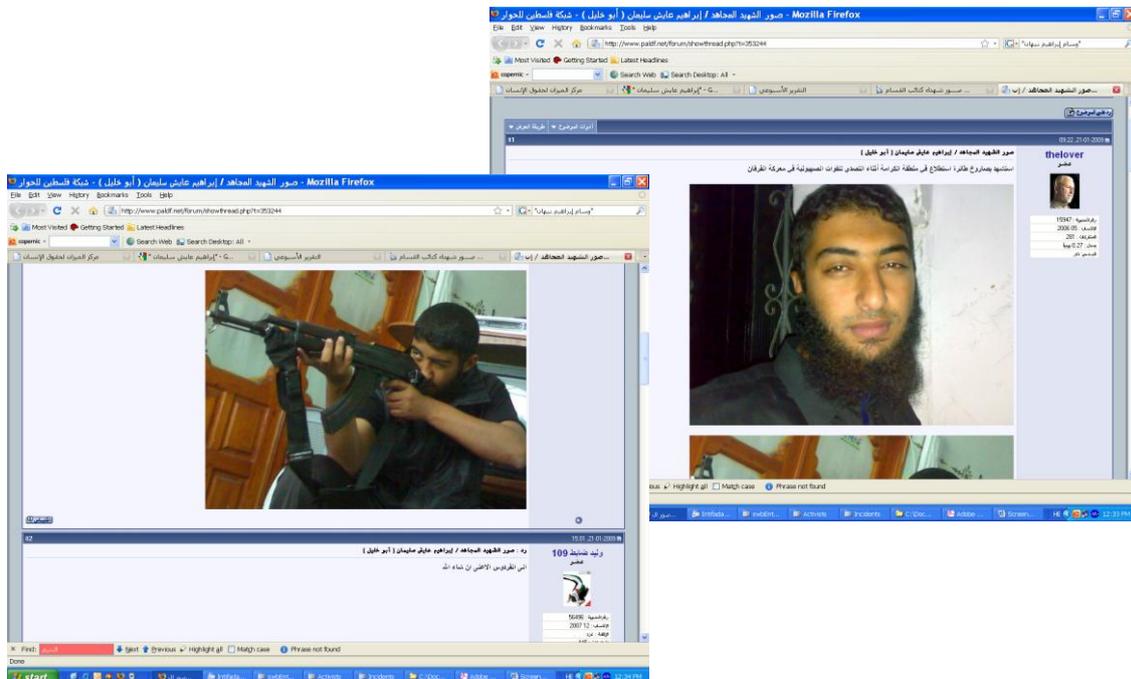


### Why the discrepancies in number of combatants?

Many of those claimed by PCHR to be “civilians” were in fact hailed as “militant martyrs” by Hamas.



Here, the death of a 25 year-old “civilian” is reported. However, a search of Hamas websites gives a different picture.



## Some examples of PCHR categorizing combatants as civilians

**Example 1:** According to PCHR: “The body of the civilian, Abdallah Abdel Hamid Muamar, 22 years-old, from Al-Nassar Village north of Rafah, arrived at approximately 8:00. He was killed in a mortar attack on the village the previous evening.

\*وفي حوالي الساعة 8:00 صباحاً، وصل جثمان المواطن **عبد الله عبد الحميد معمر** ، 22 عاماً، من قرية النصر، شمال رفح، جراء القصف المدفعي الذي تتعرض له القرية منذ ساعات مساء أمس.

However, Abdallah Abdel Hamid Muamar was hailed as an al-Qassam martyr by the Media Department of Al-Qassam Brigades.<sup>1</sup>



**Example 2:** Amjad Abu Rayan was described in PCHR as a civilian:

وفي حوالي الساعة 3:30 مساءً، أطلقت طائرة حربية إسرائيلية صاروخين تجاه مجموعة من المواطنين بالقرب من مدرسة تل الزعتر الثانوية للبنات، في بلدة بيت لاهيا أدى القصف إلى مقتل خمسة **مواطنين** وإصابة 10 مواطنين، بجراح، من بينهم طفلة. والقُتلى هم: احمد محمد أيوب خله، 21 عاماً؛ رامي محمود رجب القدرة، 30 عاماً؛ **أمجد فضل عبد الله أبو ريان، 27 عاماً؛ هاني محمد عبد الله أبو ريان، 24 عاماً؛ ومراد رزق جميل البنا، 27 عاماً**

However, he appeared in PLDF forum as a senior member of a Palestinian group called Al-Ahrar. In the list of the Al-Mezan group he appears as a combatant, as do two others who were killed in the same incident.<sup>2</sup>

<sup>1</sup> <http://www.almoltaqa.ps/arabic/showthread.php?p=1080683>

<sup>2</sup> <http://www.paldf.net/forum/showthread.php?t=351878>

**Example 3:** According to PCHR report: “At approximately 17:00, an Israeli drone targeted the two civilians, Humam Muhamad Al-Khudari, 17 years old, and Sameh [should be Samer] Muhamad abu Aser, 17 years old, while they were close to their houses, towards the end of Al-Nazaz st., Eastern Al-Shuja’iya quarter; as a result, they were killed.

\* وفي حوالي الساعة 5:00 مساءً، قامت طائرة استطلاع اسرائيلية باستهداف كل من المواطنين همام محمد الخضري، 17 عاماً؛ وسامح محمد أبو عصر، 17 عاماً، أثناء سيرهما قرب منزل ليهما في نهاية شارع النزاز شرق حي الشجاعية، مما أدى إلى مقتلهما.

Humam Al-Khudari and Samer Abu Aser were both hailed by PIJ’s Al-Quds companies as a martyr, targeted by Israeli shelling in Al-Shuja’iya quarter, Jan. 14.<sup>3</sup>



<sup>3</sup> <http://www.saraya.ps/view.php?id=11327>



**Example 4: PCHR relates the deaths of three civilians:**

وفي حوالي الساعة 4:00 فجر يوم الأربعاء الموافق **2009/1/14**، تواصل القصف المدفعي باتجاه منطقة مشروع عامر وأبراج الكرامة، جنوب غرب بلدة جباليا، مما أدى إلى مقتل ثلاثة **مواطنين**، وهم: **هيثم أبو القمصان، 19 عاماً؛ حمدي فريد أبو حمادة، 27 عاماً؛ وإياد المقوسي، 27 عاماً.**

At approximately 4:00 on the morning of Wednesday, 14/01/2009, IDF continued shelling Amer project and Abraj Al-Karama regions, Southwest of Jebalia, causing the death of three civilians, Haytham Abu Al-Qumsan (19), Hamdi Farid Abu Hamada (27) and Iyad Al-Maqusi (27).<sup>4</sup>

However, the official site of Martyr Abu Rish Brigades (military wing of al-Fatah). It describes the death of three activists, killed on Jan. 14; one of them, Haytham Abu al-Qumsan, was affiliated with Al-Aqsa Martyrs Brigades.<sup>5</sup>

وكان اثنان وعشرون فلسطينياً سقطوا منذ فجر اليوم بينهم ثلاثة استشهدوا متأثرين بجراح أصيبوا بها خلال الأيام السابقة من العدوان، واستشهد ثلاثة **مقاومين** في الساعة الرابعة من فجر اليوم في تواصل القصف المدفعي على مشروع عامر وأبراج الكرامة جنوب غرب جباليا، وهم **هيثم أبو القمصان (19 عاماً) من كتائب الأقصى، وحمدي فريد أبو حمادة (27 عاماً)، وإياد المقوسي (27 عاماً) فيما استشهدت المواطنتان كفا محمد المطوق (35 عاماً) وحنان شعبان النجار (40 عاماً) وإصابة طفلتها عائشة إبراهيم النجار عام ونصف بجراح بالغة الخطورة، بالإضافة إلى إصابة 5 مواطنين من بينهما طفلان بجراح.**

<sup>4</sup> [http://www.pchrgaza.org/files/w\\_report/arabic/2008/15-01-2009.html](http://www.pchrgaza.org/files/w_report/arabic/2008/15-01-2009.html)

<sup>5</sup> <http://www.abualrish.com/arabic/print.php?id=1231931404&archive>

## Discrepancies in responsibility for death

On 6 January 2009, PCHR reported the killing of a certain civilian, Alla Tawfiq Al-Fayumi.<sup>6</sup>

\* وفي نفس التوقيت تقريباً، أعلن عن مقتل المواطن علاء توفيق الفيومي، 32 عاماً، جراء تعرضه لإطلاق نار من قناصة الاحتلال أثناء تواجده في منزله بحي التفاح بغزة.

“At the same time, the death of the citizen Alaa Tawfiq al-Fayumi (32), was announced, as a result of shooting by occupant’s sniper, while in his house in Al-Tufah quarter in Ghaza.”

However, there is some evidence that Al-Fayumi was actually shot by a Hamas member, Hamza Hamada.<sup>7</sup>

وكشف شاهد عيان طلب عدم نشر اسمه : “ أن أحد عناصر مليشيا حماس قام بقتل الشهيد علاء الفيومي ، ظلماً أثناء العدوان الإسرائيلي وبعد مقتل سعيد صيام .

وأضافت الشاهد : “أن الشخص الذي قام بقتله الشهيد علاء الفيومي يدعى حمزة حمادة وهو مرافق سعيد صيام وقد قتله بإطلاق النار على راسه من مسدس مباشرة بعد مشاده بينهما حول لماذا يمر من الشارع وينظر اليه في منطقة حي بالتفاح شرق غزة.

“An eyewitness...said: Al-Fayumi was killed by a Hamas militia member... the name of this member is Hamza Hamada... he shot [al-Fayumi] in the head, while crossing the street.”

Al-Fayumi may have been killed because he was a Fatah member. This is one of several reported cases of internal clashes during the operation.

## The status of Palestinian policemen

PCHR claims that all 239 policemen killed should “not [be] considered members of armed forces (combatants), unless explicitly recognized as such.” However, our research into Hamas websites has revealed that a considerable number of these policemen were also members of the Hamas “resistance” apparatus—and thus were “explicitly recognized” by Hamas as combatants.

In any case, the legal status of a “civil” police force organized, staffed, and managed by a terrorist organization is, to say the least, unclear.

At a press conference on 19 January 2009, Abu Abida—the spokesperson for the Az Al-Din Al-Qassam Brigades—claimed that out of over 1,300 casualties, only 48 were fighters in the organization, and that all the rest were civilians.

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<sup>6</sup> [http://www.pchrgaza.org/files/w\\_report/arabic/2008/08-01-2009.html](http://www.pchrgaza.org/files/w_report/arabic/2008/08-01-2009.html)

<sup>7</sup> <http://www.palpress.ps/arabic/index.php?maa=ReadStory&ChannelID=50023>

These claims were checked against casualty reports on the online forum of the Az Al-Din Al-Qassam Brigades ([almoltaqa.ps](http://almoltaqa.ps)), in Arabic and in English.

Over the course of the six weeks of coverage, the names and details of 471 Hamas casualties were gathered from the aforementioned online forums. Of the Hamas casualties, 101 are directly ascribed to the fighting forces of the organization and its various battalions.

**Table 1. Hamas casualties according to unit**

Battalion	Number of casualties	Number of them that held a position in the Palestinian Police
Al-Nusi'rat Battalion	22	3
Dir al-Balach Battalion	18	4
Jabalaya Battalion	9	9
Al-Burej Battalion	7	2
Al-Mughazi Battalion	6	1
Al-Tufach Battalion	1	1
Salah A-Din Battalion	1	1
Al-Shati Battalion	1	-
Tel Al-Islam Battalion	1	-
The Artillery Unit	6	3
The Special Unit	5	2
The Suicide Bomber Unit	2	2
The Missile Unit	2	-
The Armored Corps Unit	2	1
Members of Palestinian Police		192
No organizational affiliation	171	
<b>Total</b>	<b>254</b>	

Among the 171 with no direct organizational affiliation, 71 were directly identified with the fighting and with the organization (“the Shahid Fighter”, “the Shahid Commander”, the “Qassam Shahid”, “the commanding Qassam Shahid”,)

Many, if not all, of the remaining 99 casualties, belong to Hamas as well even if they are sometimes defined in reports on the online forums as a “shahid” or a “heroic shahid” and not as a “fighting shahid” or “Qassami shahid” etc.

An examination of the affiliation of those killed from the ranks of the Palestinian Police in Gaza shows that here too, many came from the operational units and only a few were administrative staff.

**Table 2. Palestinian Police Casualties in Gaza according to unit**

<b>Unit in Palestinian Police</b>	<b>Number of casualties</b>
Intervention and Public Order Force	39
Disciplinary Security	25
The Naval Force	19
Anti-Drug Unit	14
Mounted Police	11
Rescue	11
Orchestra	6
Interrogation	5
Law Court Guard	5
Legislative Security against Aggression	4
	3

Despite the fact that our classification scheme counts Palestinian policemen as “uniformed non-combatants”, many of the Palestinian police casualties nevertheless held positions in the fighting wings of Hamas. At least 28 of those identified with the fighting forces of Hamas based on their title, have a *double title*. On the one hand they are called fighting shahids in various ways, and on the other hand they were members of the police force.

171 of the casualties are directly identified as belonging to the fighting forces. Some of those identified as a “shahid” or “hero shahid” are part of the Palestinian Police. Eighty-four of the casualties are directly connected with the various battalions of Hamas and the other 17 are connected to the various units. Thus, many of the Palestinian police casualties were also identified by Hamas websites as active in the fighting.

**Table 3. Hamas casualties according to title**

Title	Number	Of whom held police rank
The shahid	94	15
The hero shahid	34	5
The fighter shahid	49	10
The hero fighter shahid	3	1
The commander shahid	4	-
The Qassami shahid	23	3
The Qassami hero shahid	1	-
The Qassami fighter shahid	83	13
The Qassami commander shahid	5	1
The hero Qassami commander shahid	1	-
The Qassami Field Commander shahid	2	-
Without affiliating title	33	

For example, Basel Jihad Muhamad Dababish, appears in the official list of policemen killed by Israel.<sup>8</sup>

ملازم باسل جهاد محمد دبایش النجدة 2008/12/27 قصف مقر الجوازات

But he also appears as a “Kassam Martyr” on the PALDF Site: “Mulazem (Lieutenant) Basel Jihad Muhamad Dababish, Al-Najda, 27/12/2008, bombing of Al-Jawazat headquarters.”<sup>9</sup>

There is a close connection between Hamas and the Palestinian Police in the Gaza Strip. Not only is the number of Hamas casualties much higher than 48, but many of them come from the operational ranks and units of Hamas and the Palestinian Police, with fewer from the administrative or supporting units.

### **Did the IDF use “indiscriminate force”?**

Among the 881 “civilians” (including confirmed noncombatants and “unknowns”), only 121 were women and another 72 were girls. (Our database at present actually has 104 adult women; earlier PCHR reports included 111 women.) In addition to the 18 identified “child” combatants, we have identified 263 children (under 18 years old); the “missing” 7 children are due to our working with an earlier version of the PCHR list.

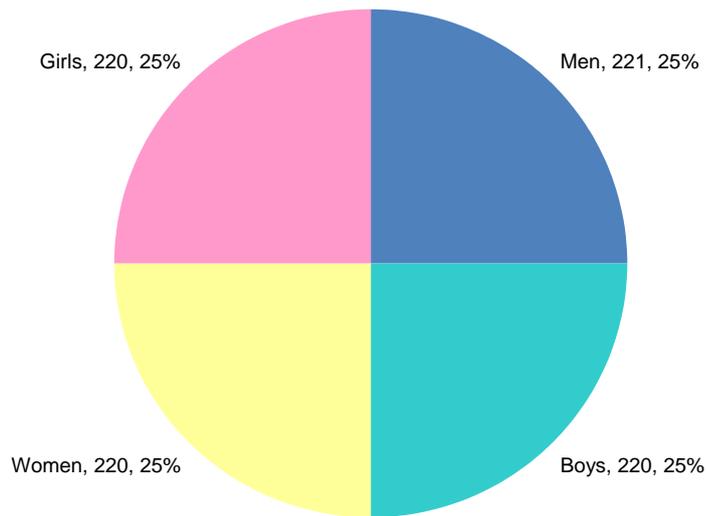
What would we expect to see if Israel’s attacks in Gaza were really “indiscriminate”? By definition, random attacks on a civilian population will kill a random selection of

<sup>8</sup> <http://www.almoltaqa.ps/arabic/showthread.php?t=102851>

<sup>9</sup> <http://www.paldf.net/forum/showthread.php?p=5084474>

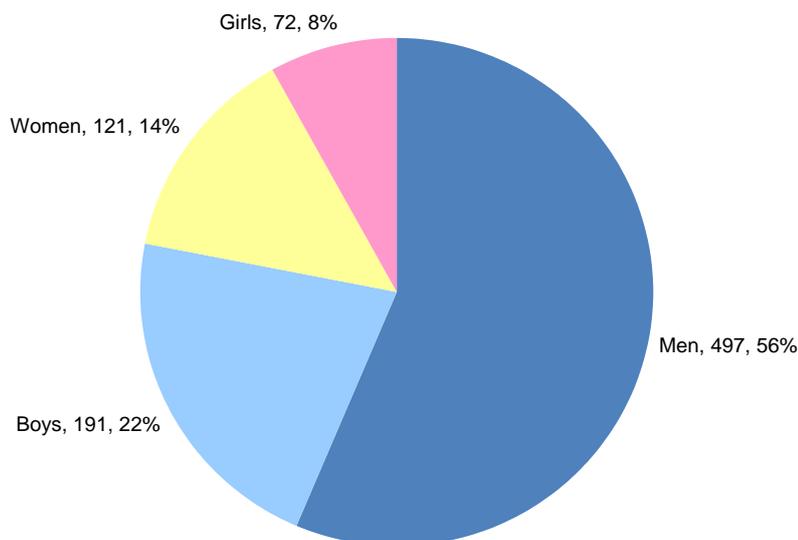
people; and if a large number of people are killed, their demographic profile (age, gender, and so on) should resemble that of the broader population. This means that civilians killed indiscriminately should be approximately 50% female. Further, the Gaza Strip has a very young population, with a median age of around 17 years. This means that around 50% of those killed indiscriminately should be children.

**Chart 2. Gender age distribution for random population sample**



In fact, though, the “civilian” victims of Operation Cast Lead show a demographic profile very different from this expectation. 78% were males, and 70% were adults.

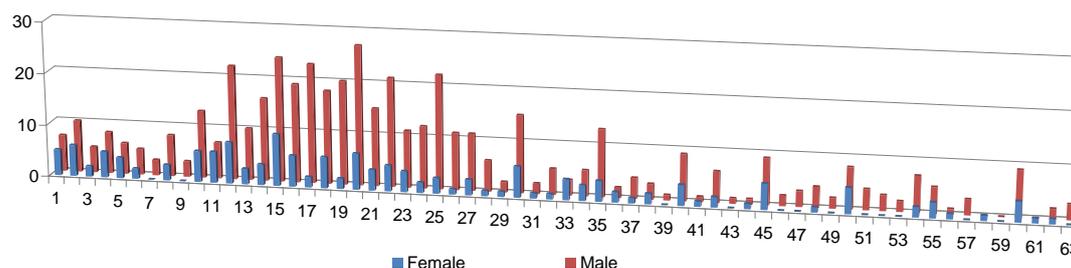
**Chart 3. Actual demographic distribution of noncombatants/unknowns.**



The demographics of these noncombatant and “unknown” fatalities are so strongly different from what we would expect from random, “indiscriminate” attacks on a civilian population that they cannot be dismissed as mere “statistical noise”. Some explanation must be sought to account for the relative dearth of women and children among these “civilians”—for example:

1. To the extent that Israel announced in advance that certain targets or areas were to be attacked, it is possible that women, children, and the elderly were more likely to be evacuated to safety—leaving a “human shield” population consisting disproportionately of men and (to a lesser extent) boys.
2. In “up close” encounters, Israeli forces may have been more likely to fire on men who appeared to be of “combat-age”.
3. Many of the men classed by PCHR as “civilians”—and by ICT as “unknown”—may in fact have been combatants.

**Chart 4. Age distribution for male and female “civilians”**



The age distribution of these fatalities shows a huge “excess” of combat-aged males, as well as a smaller “excess” of males at all ages. (It is also interesting to note a pronounced “five-year rounding bias” in the reported ages of victims—we see peaks at age 10, 15, 20, 25, and so on. This is a common bias in “anecdotal” age reporting, and indicates a degree of unreliability in the PCHR-reported data.) This graph actually *understates* the number of adult males killed, since our database is missing over 150 of them and the graph includes only what is in our database.

#### **Possible Explanations for the demographic distribution**

There is no single “correct” way to use demographic data to imply the size of the genuine civilian noncombatant population killed. Still, we can draw some conclusions from this data:

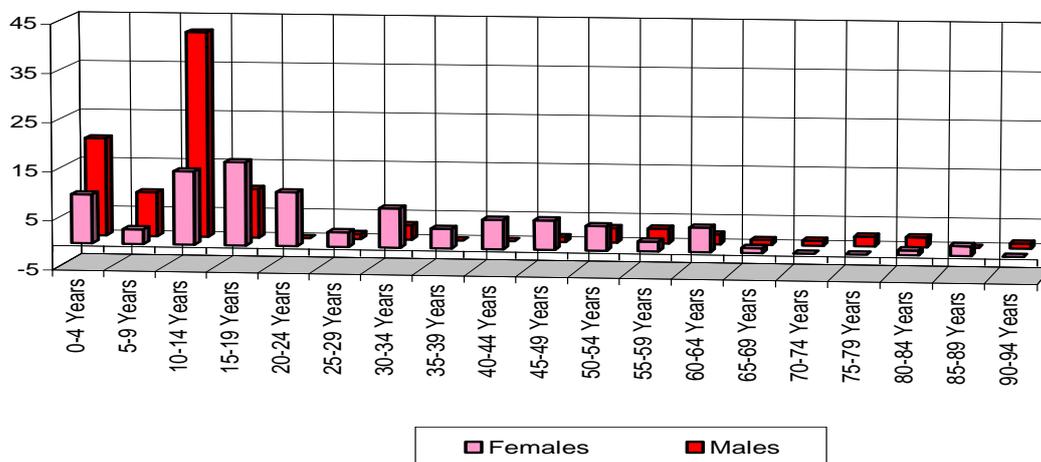
1. Whatever explanation we choose for the demographics of the noncombatant and “unknown” victims of Operation Cast Lead, it is very clear that the majority of those killed by Israeli forces were not killed “indiscriminately”—since truly random attacks on civilian targets would have killed a lot more women and children.

2. It would appear overwhelmingly probable that a large number of the 500 or so men of “unknown” combatant status—all classified as “civilians” by PCHR—were in fact combatants. Some of these may have been affiliated with terror organizations, and others may have simply grabbed a gun to attack invading Israeli forces.
3. If we assume that all women and children killed were the result of random attacks on civilian targets with no warning issued in advance, then we must also assume that they were accompanied by a “reasonable” number of noncombatant men. Depending on how we do the math, we can use the number of women and children killed to estimate a “civilian fatality” population of between 400 and 550. This would imply that the remainder—between 900 and 1,070 (63% to 75%) of those killed—were specifically targeted, either because they were genuine combatants or because Israeli forces believed they were combatants.
4. If we assume that a substantial number of Palestinian civilians were deliberately used by Palestinian combatants as “human shields”, it is more difficult to estimate the size of the civilian population killed—since it is possible that women, children, and the elderly would have been (at least somewhat) preferentially evacuated from areas of known danger, leaving a disproportionate number of adult male “shields”. This would mean that the total number of noncombatants killed was higher than the 400-to-550 figure estimated based on the number of women and children; but it would also mean that the number of victims of “indiscriminate attacks” was *lower*, since a target would have to be specifically identified in order for selective evacuation to take place. (Of course, it is also possible that women and children were *preferred* as “human shields”, which would imply that a larger number of young-adult males were in fact combatants; this bears further investigation.)

### Possible evidence of “human shield” use by Hamas

Our research revealed an unusually large number of boys aged 10-14 killed relative to boys of other ages and girls of all ages.

**Chart 5. Palestinian non-combatant casualties by gender/age**



Given the lack of other obvious explanations for this phenomenon (such as the riots, demonstrations, and other confrontations that characterized the “al-Aqsa Intifada”), and given anecdotal accounts of Hamas fighters forcing children to accompany them as “human shields”, the data suggests that a large proportion of these boys were in fact killed as a result of their having been forced into combat situations.

Further research should clarify whether this was indeed the case, or whether some alternative explanation better fits the facts.

## **Conclusions**

There is no objective standard under the Geneva Conventions or other elements of international law to determine what constitutes an acceptable level of “collateral damage” when attacking military targets. Obviously, real-world results will depend on the nature of the particular conflict; and equally obviously, Hamas and its allies did everything possible to maximize the extent to which the civilian population of the Gaza Strip would be exposed to combat should Israel respond in force to cross-border missile attacks on Israeli towns.

Further, Hamas had engaged in a publicity campaign for many months before the invasion, proudly claiming that “unpleasant surprises” would await any invading Israeli forces. These Hamas claims led to (and justified) Israeli tactics designed to minimize IDF casualties, including heavy use of force and considerable reliance on “stand-off” weaponry such as artillery and aerial bombardment.

Considering all this, the fact that at least 63% to 75% of the Palestinians killed in Operation Cast Lead appear to have been specifically-targeted, combat-aged males, PCHR’s own data refutes its claim that Israel’s attacks were “indiscriminate”.