

Letter from the Legal Department of Hamas

Dated September 26, 2021

Unofficial English Translation

The Islamic Resistance Movement **[Hamas' coat of arms]**
Hamas – Palestine
Legal Department

Dear Sirs at Human Rights Watch,

Greetings,

The Islamic Resistance Movement welcome the communication with all civil society organizations, including your respectable organization, and the Movement reiterates its firm belief in the importance and effectiveness of human rights organizations in exposing Israeli violations against Palestinians. The Movement welcomes again the possibility of outreaching with the organization's representatives in order to clarify its various positions on the rights issues, especially those related to the conflict with the Israeli Occupation authorities and the behavior of the Palestinian Resistance in defending the Palestinian people in the Occupied Territories.

The Legal Department at the Islamic Resistance Movement is happy to answer all the questions raised in your letter dated September 2nd, in reply to the letter we sent to your organization on August 21st.

- 1- Has Hamas made a public statement setting out the commitment expressed in your letter to apply international law, including international humanitarian law and not to target civilians and civilian objects? If not, do you plan to do so?

Answer: Hamas Issued many statements in which it stressed its commitment to international law and international humanitarian law, and it confirms continuously that it does not target protected civilian objects. Furthermore, the Movement is working on developing its weapon system to avoid any accidental casualties while targeting Israeli military sites. The latest related statement was issued on August 12, 2021, and it mentioned the following: "in defending our people and repulsing the aggression, the Movement targeted only Israeli military gatherings and targets to our land. Nevertheless, the Palestinian Resistance confirms that it is taking all the necessary measures and precautions to avoid targeting civilians wherever they are and reaffirms its continuous commitment to develop its capacities in order to target accurately the Israeli military headquarters and activities that target the civilians and the civilian residential towers only"¹.

¹ Hamas comment on HRW Report, Press Release Issued by the Islamic Resistance Movement – Hamas, "[حماس](https://www.felesteen.news/en/2021/09/26/hamas-comment-on-hrw-report/)" (felesteen.news) | "هيومان رايتس ووتش" تعلق على تقرير

- 2- For each rocket fired by Hamas' armed wing during the May hostilities, can you please indicate the intended military target?

Answer: it is well known that the military target, including fighters who are military forces officers affiliated to the Israeli Occupation, and all Israeli military sites, or sites used for military purposes and soldiers' troops (masses), or sites used as a starting point for the air attacks and targeting civilians in Gaza Strip.

In keeping with of the principle of distinction, the military arm of Hamas attacks targets affiliated to the Israeli occupation and its hostile activities against Palestinians. During the Israeli aggression in May 2021, the Islamic Resistance attacked only military targets, and as you know disclosing the military objects is deemed a confidential security issue for the Resistance.

- 3- What efforts have specifically been undertaken to make rockets fired by Palestinian armed groups hit military targets with greater accuracy?

Answer: Given the legitimacy of the Palestinian Resistance, the Resistance seeks continuously to develop its weapons at the precision level within the available capacities. It works as well to avoid any harms that might occur to protected persons and objects pursuant to the rules of International Humanitarian Law and it shows in every confrontation that it has precise military tools and inflict damages to military targets only. The Movement further emphasize that the Resistance does not own precision weapons as those of the Israeli Army, however the Movement is working hard to avoid any harm that might occur to protected persons and objects pursuant to the rules of international humanitarian law.

While the Israeli Occupation Authorities sought deliberately to harm Palestinian civilians, the Palestinian Resistance worked relentlessly to verify and scrutinize the targets in order to make sure that they are used for belligerent activities.

- 4- What were the specific instructions issued by Hamas to members of armed groups regarding compliance with international law?

Answer: Hamas Movement and the Palestinian Resistance are firmly committed to uphold their obligations under international law. Officers of the Palestinian Resistance continuously undergo a wide array of mandatory trainings and they are informed about the provisions of international law, and the fighters are being introduced to the laws of war.

Instructions issued by the Resistance to their officers with regard to compliance with international law clearly set out the principles of distinction and proportionality, and all their members must abide by them as an integral part of the battle orders.

- 5- In a September 2016 meeting with Human Rights Watch in Gaza, Hamas co-founder Dr. Mahmoud Zahhar said, "There are no civilians in Israel." Does Dr. Zahhar's statement reflect the official position of Hamas?

Answer: it is understood that every Israeli is obliged to do the mandatory military serviced and they are called-up when necessary, at the exception of people with disabilities. The Movement declared in many official statements published on its website that it does not target civilians and is always working on targeting legitimate military objectives. The Movement clear recognized that any Israeli not engaged in military actions and do not commit aggression against Palestinian people, capacities

and lands, is considered a civilian, and the Resistance is keen to avoid harming civilians or prevent any damage to them.

- 6- After prior rounds of hostilities, including in 2008, 2012, 2014, 2018, and 2019, did you similarly request that authorities investigate potential Palestinian rocket attack misfires or other attacks that may have killed civilians in Israel or Gaza?

Answer: Yes, the Movement in Gaza asked via the public prosecution to investigate some accidents considered as a violation of international law and international humanitarian law.

- 7- Will Hamas cooperate fully with the International Criminal Court investigation?

Answer: Since the beginning, the Movement asserted that it will cooperate with the ICC in any investigation the court will conduct, and it emphasized this in many public statements. The Movement reiterate that it will work on overcoming all the obstacles to ICC to get to the truth, noting that Hamas has removed all the obstacles to international organizations and UN committees who came to Gaza to investigate war crimes.