

Congress of the United States
Washington, DC 20515

May 7, 2015

Chair Mary McGowan David and Commissioner Doudou Diene
The United Nations Independent Commission of Inquiry on the Gaza Conflict
Office of the United Nations High Commissioner for Human Rights
Palais De Nations
CH-1211, Geneva, Switzerland

Dear Chair McGowan and Commissioner Diene:

As you investigate possible violations of international humanitarian law and human rights law during the 2014 Gaza Conflict, we commend to your attention the enclosed report, *2014 Gaza War Assessment: The New Face of Conflict*, authored by a Gaza Conflict Task Force comprised of five retired United States general officers and commissioned by the Jewish Institute for National Security Affairs. The Task force was chaired by General Charles Wald, USAF (ret.) and included Lieutenant General William B. Caldwell IV, USA (ret.); Lieutenant General Richard Natonski, USMC (ret.); Major General Rick Devereaux, USAF (ret.); and Major General Mike Jones, USA (ret.).

Based on interviews with Palestinian, Israeli, and UN officials, and extensive primary and secondary research, the Task Force concluded that:

- “ Hamas violated the Law of Armed Conflict and exploited misunderstanding of its requirements to undermine Israel’s perceived moral standing and international support” (p. 37);
- “Based on the evidence we saw, Israeli military operations in Gaza met or exceeded the requirements of the Law of Armed Conflict (LOAC) as part of an extensive effort to avoid civilian casualties” (p.42);
- “...(I)n addition to their systematic methodology for assessing collateral damage potential and weighing it against anticipated military advantage, the IDF executed a number of extraordinary and innovative methods in an attempt to further mitigate the risk to the civilian population” (p. 43);
- “It is our assessment as military professionals that in terms of distinction, proportionality and precautions required by international law, the IDF generally conducted itself in an exemplary fashion. The IDF’s conduct during the 2014 Gaza War represents an admirable case of restraint, on par with and in some cases exceeding U.S. procedures for minimizing civilian casualties” (p. 46);

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- “ Hamas and its supporters... substantially” manipulated “ LOAC to allege that collateral damage resulting from Israeli attacks against lawful military objectives was actually illegal, while concealing the fact that Hamas simultaneously encouraged that collateral damage by virtue of their deliberate and systematic LOAC violations” (p. 46); and
- “ Hamas supported false claims against the IDF by distorting stories and images to serve the organization’s narrative, and by manipulating stories in the international media” (p. 49).

Though the report focuses on what the United States can learn from the 2014 Gaza War and makes recommendations for United States policy, we believe that you will find the report’s findings useful as well. As you complete your inquiry, we urge you to consult this independent, expert report that was based upon a thorough review of available evidence.

Sincerely,



EDWARD R. ROYCE
Chairman
House Foreign Affairs Committee



ELIOT L. ENGEL
Ranking Member
House Foreign Affairs Committee



WILLIAM M. “MAC” THORNBERRY
Chairman
House Armed Services Committee