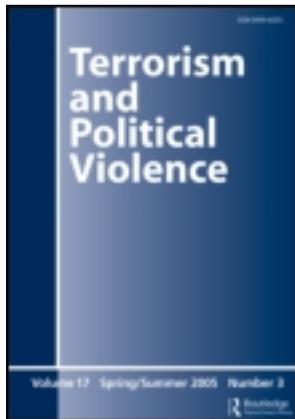


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“Anyone Who Hurts Us”: How the Logic of Israel’s “Assassination Policy” Developed During the Aqsa Intifada

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This article examines the evolving logic to the systematic assassinations of Palestinian activists carried out by Israel during the Aqsa Intifada (September 2000–2005). It argues that the logic of Israel’s “assassination policy” developed in three stages. During each successive stage, the security executive expanded the scope of who could be legitimately targeted and what goals could be served in doing so. This article further argues that normative and legal considerations played a key role in determining target selection and tactical means. It finds that during the Aqsa Intifada, the Israeli government used assassination not according to any unified purpose but rather as an evolving and often ad hoc combination of political communication, tactical action and, more rarely, strategic manipulation. In short: there was not one single rationale driving the assassinations but several.

Keywords assassination, counterterrorism, Israel, Palestine, targeted killing, War on Terror

Introduction

The systematic assassinations of Palestinian activists carried out by Israel during the *Aqsa Intifada* (September 2000–2005) comprise a controversial and still ongoing Israeli policy trend. Faced with escalating violence, the Israeli government began using its military to kill specific Palestinian activists involved in nationalist violence. From the first few months of the conflict through to the present day, the Israel Defence Force (IDF) has carried out such killings regularly throughout the Occupied Palestinian Territories (OPT), making extensive use of snipers, helicopter gunships, drones, and remote-detonated bombs.¹ These tactics, and the policies which drive them, have sparked fierce debate—scholarly, political, and popular—over their efficacy and moral legitimacy. They have been labelled illegal, unethical, and ineffective from some quarters,² while trumpeted as both justified and highly effective from

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others.³ Yet while this ongoing debate is valuable, it suffers one particularly endemic weakness: few involved seem to fully grasp the logic to Israel's "assassination policy."

While it was by no means the first time Israel had used assassination as an instrument of policy,⁴ the particular ways in which it came to be used during the *Aqsa Intifada* defy simple explanations, to the detriment of most discussions on them. During the conflict, Israel assassinated Palestinian activists in vastly greater numbers than previously. Though journalistic articles have offered "snapshots" of the logic to the Israeli government's sharp leap in enthusiasm for such killings,⁵ and though some scholarly writing highlights key moments in its evolution,⁶ a deeper and broader examination of the "assassination policy" has yet to be produced. Until the policy is given such an examination, it is difficult to determine true success conditions, speculate soundly on when it becomes a more likely choice for a party to a conflict, or observe any changes in the norms of warfare that might accompany or result from its institutionalisation. Furthermore, given the fierce and emotive debate surrounding the entire Israeli-Palestinian conflict, any additional insight into the mindset of its key actors is likely to improve the quality of public discourse and diplomatic engagement on the peace process.

To address this gap in knowledge, this article synthesises current scholarship and as-yet unanalysed material to argue that the logic of Israel's "assassination policy" developed in three stages. During each successive stage, the security executive expanded its rubric for determining who could be legitimately targeted and what goals could be served in doing so. This article argues that normative and legal considerations played a key role in determining target selection and tactical means, *contra* those who suggest that morality and law took a "backseat" for the killings. It will be shown that during the *Aqsa Intifada*, the Israeli government used assassination not according to any unified purpose but rather as an often *ad hoc* combination of political communication, tactical action and, more rarely, strategic manipulation. In short: there was not one single rationale driving the assassinations but several.

Defining Terms

Before going further, it would be wise to clarify potentially controversial terminology and language. "Assassination" refers to any premeditated politically motivated killing of a specific person. As military actions are essentially political, it is reasonable to apply this term to what many others prefer to call "targeted killings."⁷ The term "activist" refers here to any Palestinian engaged in political activism, violent or otherwise. The term "Palestinian nationalist" can be of both secular and Islamist character, as groups such as Hamas or Palestinian Islamic Jihad nevertheless focus on liberation and statehood as the goals of their struggle. The term "security executive" refers to the group of relevant strategic decision-makers responsible for shaping and implementing policy at the top echelons of the security apparatus. The term "counterterrorism" in reference to Israeli actions refers to initiatives to reduce or eliminate the use of violence by non-state groups against both Israeli civilians and Israeli soldiers, for such violence is typically referred to as terrorism in mainstream Israeli political and media discourses. It does not constitute affirmation of the terrorist designation such violence may have received.

A Note on Focus

While an objective assessment of the success or failure of that policy would certainly help frame and complement a study of its logic, such an assessment is too large and complex of a task to complete in much detail here—not the least because current literature on the subject is so contentious. There is a robust discussion of the efficacy of assassination in achieving Israel’s security goals during the *Aqsa Intifada*, with no clear consensus. Those who consider it effective argue vociferously based primarily on the assessments of Israeli security personnel,⁸ on evaluations of market conditions as an indirect indicator,⁹ and on data showing decreasing suicide bombing fatalities correlated with successful assassinations.¹⁰ Those who consider it ineffective rely primarily upon quantitative analysis showing no changes in frequency or lethality of Palestinian nationalist violence regardless of the frequency of successful assassinations.¹¹ Others consider the assassinations counterproductive, at least when it comes to the killing of leaders, relying primarily upon the argument that killed leaders were often open to conciliation and that killings create cycles of violence by prompting retribution.¹² A look at the larger discussion of the effectiveness of “leadership decapitation” provides no easy clue into which position is more likely to be accurate, with analysis of similar data producing favourable¹³ and unfavourable¹⁴ conclusions. One explanation for this great plurality of opinions may be that assessing the effects of individual deaths within the larger context of an armed conflict is a very difficult endeavour, and apparent short-term benefit may not translate to long-term success, and vice versa. However, even without connecting it to an objective evaluation of policy success and failure, this article should contribute to future attempts at analyses by offering a deep examination of how and why Israel’s targeting policy developed, including unusually candid interview materials which have otherwise been only cited in a single publication¹⁵ on the *Aqsa Intifada* in general.

Backdrop: The Aqsa Intifada

The assassination of Palestinian activists took place in the context of unprecedented violence between Palestinian nationalist groups, both secular and Islamist, and Israel—both its civilian population and its security services. Frustrations over failed peace negotiations and internal political pressures ignited into Palestinian mass protests following Ariel Sharon’s September 28, 2000 tour of the Temple Mount. By December 2000 these protests had transformed into guerrilla warfare against Israeli military and civilian targets by nationalist groups. Israel’s government, along with its security services and large segments of its population, blamed the PA completely for the violence and lost confidence in the peace process. Faced with mounting violence from Palestinian militant groups, Israeli prime minister Ehud Barak was succeeded in February 2001 by Ariel Sharon, who had little patience for the PA or sympathy for the Palestinians.¹⁶

Much of the Israeli population had begun to view the situation as a war, and the Israeli political and military executives appear to have operated under the same assumption. In a televised address in late 2001 Prime Minister Sharon stated that, “A war has been forced upon us. . . . A war of terror being conducted systematically, in an organized fashion and with methodical direction.”¹⁷ Others within the security establishment shared this view, with some going so far as to consider the threat to be existential: “we must understand that now we are struggling in a new way for the

defence of our existence.”¹⁸ Suicide bombings against Israeli civilian targets had risen from 4 in 2000, to 34 in 2001, to 55 in 2002,¹⁹ exacerbating feelings of insecurity amongst the Israeli population.²⁰ In April 2002, the IDF commenced Operation Defensive Shield, first reoccupying all major PA-controlled cities of the West Bank and eventually all of the formerly autonomous Palestinian “A” Areas by the end of 2002, in order to attack the infrastructure of Palestinian militant activism. This operation was a turning point for the Israeli government, marking a shift from retaliatory, small-scale raids to large-scale proactive operations, and prompted significant international outcry and negative publicity.²¹ Subsequent operations, for the duration of the conflict, returned to a somewhat smaller scale. Yet the violence continued still largely unabated.²²

While it is difficult to identify a precise “end” to the *Aqsa Intifada*, several events collectively contributed to a cessation of violence. Eventually Israeli public and political sentiment moved towards support for a non-military resolution. Faced with the great cost of maintaining the large-scale military occupation of the Territories, Sharon sought to alleviate the pressure of protecting Jewish settlers in the Gaza Strip through unilateral withdrawal, and had by December 2003 made the decision to evacuate all Israeli citizens, troops, and settlements. The controversial withdrawal began on 15 August 2005 and finished on 12 September.²³ Meanwhile, violence had declined steadily following the July 2003 completion of a physical barrier, begun in 2002, separating most of the West Bank from Israel.²⁴ The death of Yassir Arafat on November 11, 2004 and the January 2005 ascent of the comparatively moderate Mahmoud Abbas to PA presidency bolstered Israeli confidence in negotiations. On February 8, 2005, Abbas and Sharon formally agreed to a cease-fire, with the former negotiating a cessation of violence between Hamas, Palestinian Islamic Jihad, and Israel, and the latter committing to releasing hundreds of prisoners and withdrawing IDF forces from PA areas.²⁵ While the Israeli-Palestinian conflict still went unresolved, by mid-2005 it was clear that this particular war was over.

The Cast: Israel's Security Apparatus in the OPT

The development of Israeli security policy affecting the OPT, including the assassination of Palestinian activists, primarily involved the Israel Defence Force (IDF) and the General Security Service (GSS). While inside Israeli territory (and in settlements) criminal law is enforced by the Israeli National Police, it is the IDF and GSS—responsible for domestic security, counterintelligence, and counterterrorism—which primarily secure against Palestinian nationalist violence. A militarised constabulary, the Border Police, keeps civil order in East Jerusalem and in those parts of the OPT where Palestinians come under direct Israeli control. The IDF typically carries out more dangerous arrests or military actions involving a high likelihood of armed violence. The GSS collects the bulk of Israel's intelligence on Israel's Arab citizens and residents of the OPT, with some such duties shared, assisted, or duplicated by *Aman*, Israel's military intelligence branch.²⁶ This close alliance between the GSS and the IDF allows the former to pinpoint threats and the latter to take action against them while maintaining order in the OPT otherwise. The top echelon of the IDF and GSS thus play a key role in shaping security policy, in addition to implementing it.

The *security executive*, the top echelon of people responsible for designing and directing key policies on Israel's security from the threat of domestic terrorism

and militancy, comprises those responsible for approving and directing assassinations of Palestinian activists. At the top echelon, the security executive consisted of:

- *The Prime Minister*: Until March 7, 2001, this was Ehud Barak. From then until the end of December 2005, the post was occupied by Ariel Sharon.
- *The Minister of Defence*: During Barak's tenure as Prime Minister and the outbreak of hostilities in late 2000, he occupied both positions. Once Ariel Sharon's term began, Binyamin Ben-Eliezer took the post. On November 2, 2002, he was replaced by former Chief of Staff Shaul Mofaz, until May 4, 2006.
- *The Chief of Staff of the Israel Defence Force*: From July 9, 1999 until July 9, 2002, this post was held by Shaul Mofaz. From July 9, 2002 until June 1, 2005, the post was held by Moshe "Boogie" Ya'alon. From June 1, 2005 until January 17, 2007, the post was held by Dan Halutz.
- *Head of the GSS*: From May 2000 until May 2005, this post was held by Avi Dichter. From May 2005 until 2011 it was held by Yuval Diskin.

Besides these "big four," several others within the defence establishment had a notable influence on security policies during the *Aqsa Intifada*:

- *Giora Eiland*: In January 2001 he was appointed Head of the IDF's Planning Directorate—which engaged in strategic planning for the military and the Ministry of Defence—where he played an active role in negotiations with the Palestinian Authority along with the duties of his post. From January 2005 to June 2006 he headed Israel's National Security Council.²⁷
- *Eival Gilady*: From 2001 to 2004 he was head of the IDF's Strategic Planning Division, where he advised on all political issues relevant to defence and the military, including the peace process. In March 2005 he was appointed by Ariel Sharon to be Head of Coordination and Strategy at the Office of the Prime Minister.²⁸
- *Mike Herzog*: From November 2001 to July 2004, he was senior military aide to the Minister of Defence, during which time he was located at the centre of Israel's key military and political decisions.²⁹

Others within the Israeli security establishment, such as the Military Advocate General of the IDF and the Head of the Mossad, also influence the direction of policy affecting the OPT, but their influence is less significant. Thus a fairly small group played the key roles in shaping Israel's assassination policy during the Intifada.

Synopsis: The Assassinations

Though few sources comprehensively discuss the rationales behind Israel's assassinations of Palestinian activists, descriptive statistics and chronologies are more widely available. Between October 2000 and July 2007 Israel carried out 134 assassination operations, resulting in 367 deaths, 218 of them specified targets. During that period, the monthly targeting rate varied steadily in a weak rise-and-fall pattern between zero and six, with the exception of June 2003 when it jumped to ten.³⁰ Between 2000 and 2004—when most assassinations considered within this article took place—roughly half of those assassinated were *Hamas* activists, 31% were *Fatah*-affiliated activists, 17% were *Islamic Jihad* activists, and the rest were from other organisations. Approximately seventy-five percent of these targets were low-level, local militant leaders or activists.³¹ Statistical analysis of the relationship between

the assassinations and immediately subsequent patterns of attacks by Palestinian militants show that, overall, assassinations had negligible impact upon rates of violence,³² neither escalating nor deterring, though these findings do not necessarily mean that such killings were ineffective in altering the organisational and political environment of Palestinian groups involved.³³ Yet these statistics do not tell the story of why the assassinations took place or of the reasoning of those involved in directing them.

The First Stage: Assassinations Begin

On November 9, 2000, Hussein Abayat, a Fatah-affiliated activist, was killed while in his vehicle by missiles launched from an Israeli gunship, in the West Bank town of Beit Sahur. The Israeli government acknowledged the operation, during which two civilian bystanders were also killed when another missile struck nearby,³⁴ and alleged "based on intelligence information" that Abayat was *en route* to attack IDF forces in the area. While this allegation was likely false, it is undeniable that Abayat was a combatant,³⁵ and had been under intelligence surveillance for weeks prior to his death.³⁶ Thus Abayat had been specifically targeted and killed outside of combat; the first counterterrorist assassination of the *Aqsa Intifada* had taken place not even a month and a half after the violence began.

Israeli security officials and commentators were quick to justify the operation and explain the logic behind it. Chief of Staff Shaul Mofaz, quoted in one newspaper, declared that, "Anyone with the blood of IDF soldiers or Israeli civilians on his hands will be dealt with at any time and any place."³⁷ Chief of Central Command Yitzhak Eitan was quoted in another: "The State of Israel cannot for long stay indifferent to the repeated attacks on its soldiers and civilians . . . We will continue to hurt anyone trying to hurt us. This is not our first or our last move."³⁸ Prime Minister Ehud Barak stated succinctly: "We will strike against anyone who hurts us. We have the ability to do so."³⁹ Ephraim Sneh, Deputy defence minister at the time, gave perhaps the most candid indication that the killing was both the beginning of a new policy, and intended to communicate a certain threat to the PA: "We will hit all those who are involved in terrorist operations . . . having a position within the Palestinian Authority confers no immunity on anyone."⁴⁰ These statements clearly indicate that the killing of Abayat was not an isolated case, but the first action under a new policy of direct action by assassination.

Over the following months, several more Palestinian militants were killed in operations that were either explicitly admitted by Israeli officials to be assassinations, or in circumstances that strongly suggested it. The following is a conservative list⁴¹ of those targeted, which shows both the pace and manner of such operations:

1. On November 22, 30-year-old Fatah activist Jamal Abed al-Razeq was shot dead when his car was intercepted by IDF forces near Morag Junction, in the Gaza Strip.⁴² While the IDF stated that al-Razeq was killed while resisting arrest at a roadblock, reports from *Breaking the Silence* and *The Independent on Sunday* both indicate that the soldiers deployed in the operation were told shortly before contact with the target that their orders were to kill.⁴³
2. On November 23, Ibrahim 'Abd al-Qarim Bani 'Oda was killed by a car bomb, planted by a family member who later admitted to having done so at the request of Israeli intelligence handlers. IDF sources suggested that the explosion came

- from the 34-year-old Hamas activist's own explosive device, denying involvement in his death.
3. On December 11, Anwar Mahmud Khimran was killed by a sniper in Nablus. Though the IDF reported that Khimran was killed in an exchange of gunfire with soldiers, eye-witnesses reported no such exchange, and that the 28-year-old Islamic Jihad member was shot 19 times, with fire continuing after he had fallen to the ground.
 4. On December 12, Yusef Ahmad Mahmud Abu Sawi was killed by gunfire outside his father's home in the village of al-Khader, near Bethlehem. Witnesses reported that the 28-year-old Fatah activist was shot multiple times while approaching the house. The IDF issued no statement.
 5. On December 13, 'Abas Ahmad al-'Awiwi was killed by gunfire in Hebron. Witnesses reported that the 26-year-old Hamas activist had been shot three times on a street approximately 400 metres from a nearby IDF checkpoint. The IDF issued no statement.
 6. On December 14, Hani Hussein Bakra was killed by gunfire at Gush Katif junction. The 31-year-old Hamas activist had been driving a minibus through a checkpoint. He had been asked to step out of his vehicle by IDF soldiers, who then shot him. The IDF spokesperson reported that Bakra had drawn a weapon, but witnesses contradicted this.⁴⁴
 7. On December 14, 32-year-old Sa'ad al-Kharouf was killed by gunfire near Nablus, after having been lured out of his home by a phone call from an acquaintance. The IDF reported that the Islamic Jihad activist had been killed while trying to escape arrest.
 8. On December 31, Dr. Thabet Thabet was killed by gunfire outside his home in Tulkarm.⁴⁵ The 52-year-old secretary general of the Tulkarm branch of Fatah was shot between two and twenty times by IDF snipers. The IDF initially stated that Thabet was killed in crossfire but later acknowledged that the operation was indeed an assassination.

These first assassinations were conducted cautiously. Except in the cases of the first operation and the last, the Israeli government did not admit that any of the killings were premeditated and either declined to comment or claimed instead that the dead men were killed after violently engaging with security forces. However, on December 21, an unnamed IDF officer gave a statement to *Voice of Israel* radio confirming a new policy of "pre-emptive killings," primarily to be effected through sniper fire, and gave assurances that political leaders would be spared—offering the specific examples of *Fatah Tanzim* leader Marwan Barghouti and PA security official Mohammad Dahlan—and that only "terrorists" would be targeted.⁴⁶ Government statements avoided using the term "assassination," with informal statements to the media using the term "liquidation" to refer to the killings, starting a trend which would continue throughout the rest of the *Aqsa Intifada*.⁴⁷ The IDF otherwise released only vague details of the relevant operations.⁴⁸ The reluctance to provide any specifically incriminating information suggests that the Israeli government was not yet sure how the public and the international community would respond to this new tactic.

The objective of the assassinations appears to have been political signalling: for the Israeli government to "let the press or the Palestinians know they were raising a step in our fight" as one soldier involved phrased it.⁴⁹ At the time, the Israeli

government under Barak was still seeking a diplomatic solution to the burgeoning conflict. Faced with American pressure to avoid inflammatory operations that would escalate hostilities, domestic pressure to combat the mounting violence against Israel's citizens, and an uncooperative Palestinian Authority that refused to arrest or otherwise act against Palestinian activists engaged in violence, Barak drew upon a commando mindset. The death of a few activists was unlikely to significantly affect the operational capacity of Palestinian organisations, but it would serve as an effective act of political communication. A senior Israeli security official elaborated during a meeting of the Knesset Foreign Affairs and Defence Committee on January 2, 2001: "The liquidation of wanted persons is proving itself useful . . . this activity paralyzes and frightens entire villages and as a result there are areas where people are afraid to carry out hostile activities."⁵⁰ Yet by the time Thabet was killed, the high public support and friendly media reaction to the new policy had moved the Israeli government away from its cautious position, in which only the killings of 'Abayat and Thabet were acknowledged as assassinations, to claim openly that "[those] involved in the planning and execution of terrorist attacks and whom Israel has thus far avoided hurting will become legitimate targets."⁵¹ Ehud Barak had made it clear: the assassinations were to continue, and the list of targets was growing.

Stage Two: Assassinations Institutionalised

The beginning of 2001 marked the start of a second stage to Israel's "assassination policy." Following the initial string of assassinations that ended with the killing of Thabet Thabet, Israel began to institutionalise their previously quasi-denial and *ad hoc* response to the mounting violence of the *Aqsa Intifada*. The controversial circumstances of Thabet's death,⁵² and the immediate legal challenge his bereaved wife brought to the Israeli High Court of Justice, led to mounting calls for the IDF to justify their actions. The Office of the Military Advocate General (MAG) responded to a request from Shaul Mofaz for "a legal opinion on whether or not we are allowed, under law, to publicly target terrorists"⁵³ with a confidential document permitting the assassination of Palestinian activists under restricted conditions, designating some such militants with the legal status of combatants and permitting the use of lethal force without the preamble of an arrest attempt.⁵⁴ By the end of January, the MAG's International Law Department (ILD) was forming the basic criteria for a legal assassination, allowing the Israeli government to dispense with deniability and escalate the use of the tactic.

From February 2001 onward counterterrorist assassinations of Palestinian militants were to be called "Focused Prevention."⁵⁵ The legal framework provided by the ILD required that five conditions obtain in any such operation:⁵⁶

1. The target must be either an active combatant or the leader of a combatant group;
2. An arrest of the target was not a viable option;
3. Any use of force during the assassination must adhere to the principle of proportionality—that it be commensurate with the threat posed by the target;
4. The target must not be assassinated inside Israel;⁵⁷ and
5. The assassination must be approved by the Prime Minister and Defence Minister.

Equipped with this framework, the IDF began to openly acknowledge assassinations⁵⁸ while escalating their operational pace. Most took place on the same day or

the day after a lethal attack against Israelis, though many reports from that time hinted at a pre-existing list of targets and advance planning for operations.⁵⁹ Numerous assassinations were effected by helicopter,⁶⁰ reflecting a reduced concern for secrecy and deniability. Other methods ranged from planted explosives to unacknowledged sniper attacks.⁶¹ Target selection and tracking was based on extensive human intelligence educed from informants throughout the OPT.⁶² Within a year of Abayat's death, the IDF had carried out more than 40 assassinations⁶³ and showed no sign of slowing its brisk operational tempo.

The January 14, 2002 assassination of Fatah activist Raed Karmi, leader of the Aqsa Martyrs Brigade⁶⁴ in the West Bank, provides an excellent case study of "focused prevention" as it was employed at that point. Benyamin Ben-Eliezer, the Minister of Defence at the time, explained the decision to target Karmi:

Karmi was a terrorist, a murderer. I spent a few months working on him. His name never went off my table. He was the most frightening target we had. . . . At a very early stage I gave the order to put him on a cross, to begin to plan this man's murder.⁶⁵

One of the more controversial aspects of Karmi's assassination, effected by a bomb planted along the route he walked during visits to his mistress, was that it took place during a ceasefire, sparking a resurgence of hostilities. Ben-Eliezer justified the timing:

I said to [Prime Minister Ariel Sharon], I want you to know that I am not certain of this. I'm going to do it, but my heart is not totally in it. Because . . . it is clear that it will end the ceasefire. [Sharon] said we cannot turn a blind eye to this. This is the top terrorist. He said we have to get rid of him as fast as possible because he will always go back to his bad deeds.⁶⁶

Shaul Mofaz affirmed Ben-Eliezer's perception of the threat Karmi posed, explaining that GSS head Avi Dichter was initially lukewarm to the proposed assassination while the Defence Minister was against it, but both were eventually persuaded that the operation was vital.⁶⁷ These statements express great concern for mitigating the future danger Karmi posed and significantly more confidence in the value of the assassination over that of a continued ceasefire. It also shows the planning and deliberation that went into many of the operations and in the decision to assassinate.

Israel's assassination policy was finalised with the January 2002 HCJ rejection of Thabet's wife's petition and the confidential but widely reported-on February 2002 ruling by MAG Menachem Finkelstein on the criteria for a legal assassination. Sharing notable similarities to those issued by the ILD a year earlier, the MAG required that for an assassination to be legitimate, four conditions must be met:

1. There must be good intelligence that the target will commit violence in the near future;
2. Appeals to the Palestinian Authority calling for the target's arrest have been ignored;
3. Attempts to arrest the target have failed; and
4. The target's death is not in retribution for events of the past, but to prevent attacks in the future which are likely to cause multiple casualties.⁶⁸

Though this ruling generated enormous controversy both within Israel and internationally, and its second condition was not always met,⁶⁹ the security establishment was now firmly confident in assassination as a counterterrorist method—though that confidence would be shaken somewhat by the fallout of two controversial operations in particular.

After Israeli gunships fired several missiles into the offices of the Popular Front for the Liberation of Palestine (PFLP) and killed its leader Abu Ali Mustafa, on August 27, 2001, the security executive experienced a painful reprisal attack. Mustafa's killing followed a week of violence, during which 11 people died, three of whom were Israeli soldiers and the fourth an Israeli motorist. The official spokesperson for the Prime Minister's Office justified the killing in terms of prevention:

[Mustafa] was not taken out because of just past events or past terrorist activities but the sheer fact that he was planning, while he was sitting in his office, additional car bombs to be placed in Israeli cities and he was responsible for the last eight car bombs in Jerusalem.⁷⁰

The IDF offered a simpler justification: "Contrary to his promises, [Abu Ali Mustafa] continued with terrorist activities and was responsible for dozens of attacks on Israel."⁷¹ On October 17, 2001, gunmen shot dead Rehavam Ze'evi, the Israeli Minister of Tourism and leader of ultranationalist *National Union Party*, in his Jerusalem hotel room. The PFLP claimed that the killing, the first assassination of an Israeli politician by a non-Jew, was retaliation for the death of Mustafa.⁷² Though the Israeli government reiterated its justifications for the 27 August assassination, it would be almost two years before a Palestinian leader of similar stature to Abu Ali Mustafa was assassinated, and perhaps the trauma felt by the Israeli security and political establishment over Ze'evi's killing contributed to this chronological gap.

Another highly controversial assassination was the killing of Salah Shahadah. On July 22, 2002, an Israeli Air Force plane dropped a one-tonne bomb on the Gaza City home of Salah Shehadah, killing him, his wife, and 13 others, including nine children.⁷³ Shehadah, the commander of Hamas' military wing in the Gaza Strip, had been responsible for hundreds of attacks on Israeli soldiers and civilians.⁷⁴ Shehadah was one of the most senior militant activists targeted since the beginning of the *Aqsa Intifada*, and Prime Minister Sharon referred to the assassination as "one of our greatest successes."⁷⁵ Yet the attack generated a fierce controversy for its seeming heavy-handedness and callous disregard for noncombatant casualties. Until recently some of the military and political decision-makers behind it even faced arrest in the United Kingdom over allegations of war crimes.⁷⁶ The choice to use a one-tonne bomb—the largest explosive device ever used in an assassination during the *Aqsa Intifada*—and the apparent willingness to accept an unprecedented number of bystander deaths does suggest an escalation in the aggressiveness of Israel's operational policy, but other factors must be considered as well.

Subsequent interviews of those responsible for deciding the if and when to assassinate Shehadah revealed months of forethought predating the July 2002 meeting on the escalation of targeting, and show that the strike was based on incorrect intelligence suggesting few bystanders would be placed at risk. Defence Minister

Ben-Eliezer, who was intimately involved in the planning and final order for the operation, highlighted how unintended those additional deaths were:

Twice or three times I cancelled Shehadah's assassination. . . . I did not allow them to harm him [along with] civilians and especially not his daughter, standing next to him. His wife, we knew she was a terrorist just like him. I made sure that the location would always be such that the damage to the area would always be minimal. Then I got a call from Mike Herzog [to] recommend to go for Shehadah today. . . . He said everything is clean. [Afterwards] I heard . . . that intelligence they had about a neighbouring house which was supposed to be completely empty, this intelligence was wrong, meaning that there were people there and therefore they were killed. . . . I still don't want to give an order which will lead to the death of innocent civilians [and] if I had to do it today, I would pay more attention to his surroundings.⁷⁷

Similarly, the choice of a one-tonne bomb was, in Ben-Eliezer's view, not disproportionate: "[A] one tonne bomb has an element of certainty. . . . And here the person justified this kind of use of power [as] long as the area around him is clean." Deputy Defence Minister Mike Herzog confirmed Ben-Eliezer's account:

The principle was that if there are innocent civilians in his area we will not attack so that they will not get harmed. . . . Only later we found out that civilians were hurt, as the result of . . . inaccurate intelligence and inaccurate evaluation of damage to the area.⁷⁸

Their accounts show that Shehadah's assassination was decided upon and executed under the same rubric that saw Karmi killed—roughly that of the four criteria originally provided by the ILD—and was not part of any new and more aggressive targeting logic. He was viewed by the security executive as a severe and imminent military threat, and the decision to use a one-tonne bomb was made under the careful assessment, though ultimately erroneous and perhaps of debatable wisdom, that it would not result in bystander casualties.

In considering the changes in the operational pace of the assassinations and in the institutional decisions and justifications behind them, it is apparent that during this second stage new goals emerged. The approval given by the MAG to Head of IDF Planning Directorate Giora Eiland, and the development by the ILD of a targeting criteria presumably within the framework of international humanitarian law, dictated that a certain logic be followed in selecting targets. Based upon a military paradigm, and aimed at prevention, this logic invoked the perception within the security executive that the *Aqsa Intifada* constituted a situation of war, and led to the position of ILD that the legality of IDF operations should be evaluated under international laws of armed conflict. Certainly the widespread reports of pre-existing target lists and operational plans, along with the pattern of an assassination immediately following any significant Palestinian nationalist attack, suggest that the justification of pre-emption claimed for the initial series of assassinations had already been largely abandoned. This stage never really ended, in the sense that killings of similar targets occurred for similar reasons in subsequent years, but another stage began that represented a further development in Israel's "assassination policy."

Stage Three: Assassination Politics

On March 22, 2004 Hamas leader, co-founder, and primary ideologue Sheikh Ahmed Yassin was killed along with his bodyguards and six bystanders in a missile strike by an Israeli helicopter, in the northern Gaza Strip.⁷⁹ Nearly quadriplegic, wheelchair-bound, and suffering problems with his hearing and sight, the elderly and popular preacher had cut a pathetic figure.⁸⁰ International reactions were swift and harsh: Kofi Annan, Secretary General of the United Nations, denounced the action as illegal and called upon Israel to end its "extrajudicial killings," while the General Assembly passed a motion condemning the action. The United States vetoed a similar motion in the Security Council. Foreign news media were quick to label the killing the final indication that the peace process was doomed.⁸¹ Domestically, reaction was mixed, with some in the government worried about possible reprisal attacks and others, such as Prime Minister Sharon, pleased.⁸²

This was not the first time Sheikh Yassin had been targeted. On September 6, 2003 the Israeli government had an opportunity to kill all of Hamas' top leadership gathered beneath one roof. Yet the quarter-tonne bomb dropped onto the three-storey house where this gathering was taking place failed to kill anyone, as it only damaged the empty top floor.⁸³ While this earlier operation was not the first to target a Palestinian political leader, it set a precedent for targeting even high-profile heads of major Palestinian parties.

As early as 2002, the security executive had considered expanding targets to include high-ranking Palestinian leaders, even if such targets had limited direct involvement in violence. Recounting a meeting with the defence minister in July 2002, Giora Eiland described the discussion surrounding the broadening of targeting:

It was clear that the possibility of stopping Hamas' activities, and other organisations was by scaring them. . . . The decision makers, and those people at the top end of the pyramid, [should be targeted] in order to damage the abilities of the organisation, and also in order to make them wonder if they should try to reduce their activity, even if it's for their own good. The question was not if legally we could target people who were defined as political leaders and not military leaders, [but persuading] the defence minister and also the civilian legal system in Israel that . . . there was no distinguishing [sic] between military and political in terrorist organisations, there are only more important and less important people. From that moment on we had removed the limitations against acting against [political leaders].⁸⁴

This discussion led to a more formal resolution that Hamas' leaders constitute legitimate targets:

The formal [decision] that the entire leadership of Hamas was a legitimate target was taken in October or November 2002, a short time after Mofaz became defence minister. But . . . his agreement was not enough. He wanted the heads of the legal system to approve this. And we had to persuade the legal councillor to the Prime Minister not only that this was the right position, but it could be defensible [sic] before the Supreme Court of Israel. This was a very important meeting between the Chief of Staff

and the legal advisor to the Prime Minister, in which he was persuaded that under certain conditions targeting certain leaders who were so-called spiritual or political leaders was a just fight in the context of fighting terrorism. From that point onwards, the question of whether or not to hit [political leaders such as] Rantisi or Yassin or someone else was more a practical question than a question of principle.⁸⁵

In other words: Palestinian leaders were combatants, and any distinction between political and military leadership was a question of prudence rather than principle.

Nevertheless, a great deal of discussion and forethought went into the decision to target Yassin and his fellow leaders for assassination. As Giora Eiland explained:

[The] leadership of Hamas . . . becomes very careful and sometimes surprisingly very moderate when there is a real threat to their own lives. Hamas' willingness for the first time to officially agree to a "hudna," a ceasefire, several weeks before [Yassin's assassination], happened a short time after we tried to hit Rantisi who was, at the time, Number 2 in Hamas. We failed in hitting him, but to a large extent we got the results we wanted because suddenly Rantisi changed his mind, and supported a ceasefire. . . . It was clear that for every possible reason the best thing to do was to try to hit the [other assembled] leadership of the Hamas.⁸⁶

Even so, the length of time between the unsuccessful attempt on September 6, 2003 to kill Yassin and assembled other Hamas leaders and the second, successful attempt almost a full year later suggests that rather than acting upon an urgent desire to assassinate the head of Hamas, those responsible for ordering the strike were moved more by the apparent opportunity to decapitate the entire leadership of their enemy in a single swoop. By comparison, the timing of Yassin's death and of the killing of his replacement, Abdul Aziz al-Rantisi, on April 17, 2004—less than a month later—suggests that something more than opportunity was driving assassinations at that point. Though Rantisi had been targeted several times before and his killing followed a devastating suicide bombing carried out by Hamas,⁸⁷ the strikes on Yassin and Rantisi coincided with another major Israeli policy shift.

Enacted legally on June 6, 2004, and implemented in August 2005, Ariel Sharon's controversial *Unilateral Disengagement Plan* appeared to be a boon to Palestinian nationalist groups. On December 18, 2003 Sharon first announced to the assembled security officials and academics at a high-profile Herzliya conference his intention to evacuate the Gaza Strip,⁸⁸ and over the next year he began to pass its various components through the Knesset. During this time, Sharon faced fierce criticism and scepticism, both from those who viewed the disengagement plan as a betrayal of the traditionally pro-settlement values, and from those who cited grave security risks as an inevitable outcome of withdrawal from the territory.⁸⁹ It is within this context that the assassination of Hamas leaders should be viewed.

The strength of Hamas in its traditional stronghold of the Gaza Strip was such that many in Israel worried the Palestinian Authority would be unable to establish control over the territory, and that it would become a base for terrorist attacks. The assassination of Yassin was a move to mitigate this risk. As Mike Herzog admitted: "it is in our interest that the Hamas will be weaker and that the authority will be

able to control Gaza . . . this was one of the considerations, ultimately, to attack him."⁹⁰ Shaul Mofaz, as Minister of Defence, stated outright that Yassin was a strategic threat.⁹¹ One Head of the Operations Department of the IDF described the desired effect of Yassin's assassination: "It generates great fear There was no doubt that [the assassination] would result in a victory or at least a temporary solution [for Israel] and even generate political alternatives."⁹² These political alternatives, according to Avi Dichter, were the comparatively moderate factions associated with PA Prime Minister Mahmoud Abbas, whose position was intended to be strengthened by the killings of Hamas' leadership.⁹³ By these statements it is evident that the logic behind the operation was not merely preventive, and therefore a tactical action, but concerned with influencing Hamas' political strategy and achieving significant deterrence. These strategic goals suggest a new role envisioned for assassination.

The third stage to Israel's "assassination policy" thus began in late 2002, with both the expansion of targeting to include top Palestinian political leadership and the emergence of an additional goal of strategic deterrence. The perception of the Israeli security and policy executives was that targeting leaders made them fear for their lives. To use Avi Dichter's erudite summary: "Senior Hamas leaders decided they were tired of seeing the sun only in pictures."⁹⁴ Such fear, it was hoped, would deter them from inciting violence and instead push them toward compromise and de-escalation more effectively than diplomacy. This was what Giora Eiland reported had occurred following the failed attempt to kill Rantisi. This was also likely part of the reasoning behind the first attempt to kill Yassin along with the rest of Hamas' leadership, though other comments by Eiland⁹⁵ suggest that some of the rationale was closer to that which dominated the second phase: preventive and military, and an attack of opportunity. As Chief of Staff Moshe Ya'alon stated in June 2003, assassinations had already by that point replaced diplomatic politics: "Liquidations . . . gave the political levels a tool to create a change in direction."⁹⁶ Yet during this phase a secondary logic arose that was decidedly more than deterrent. The strikes against Yassin and Rantisi appear to have been aimed at weakening Hamas, removing competition against moderate Palestinian leadership, and bolstering Sharon against his critics pending the unilateral withdrawal from the Gaza Strip. During the first half of 2004 when the debate over the disengagement was fiercest, assassinations occurred at an accelerated pace compared to previous months. The month prior to the evacuation operation that took place in August 2005 saw more assassinations than any other that year.⁹⁷ This strategic use of assassination stands out as a departure from the preventive framework and hints at a level of calculation on the part of some members of the security executive which may have been at play earlier.

The Moral Dimension

Statements from the security executive indicate a significant normative dimension to their decisions regarding assassination, which they saw as a morally legitimate and just use of force. Notably, some senior politicians claimed specifically that the tactic should be philosophically differentiated from assassination entirely, due to its preventive logic: "[Focused prevention] seems to have been a good idea . . . not simply due to semantics but truly because of the philosophy of the meaning of the act itself. It was about prevention of Israeli deaths. And that is the key difference between

assassination and...targeted killings.”⁹⁸ One former head of *Mossad*, Shabtai Shavit, highlighted this critical goal of “prevention” to contrast the killings with retribution, the goal of the campaign to kill Palestinian terrorists connected to the Munich Massacre. Perhaps the starkest and most significant normative consideration amongst the members of the security executive was aversion towards the possibility of killing bystanders. Shaul Mofaz, discussing the decision to use a smaller bomb for the 6 September 2003 attempt on the assembled heads of Hamas, said:

I thought it was wrong to drop a one tonne bomb because I thought we shouldn't harm civilians and that we should try using the five hundred kilograms. ... You must understand that it was a very difficult decision when you know you have one chance to get them all and maybe lower the level of terrorism but I thought we did not have the right because ... *it is against our norms and our morals to harm innocent people* [emphasis mine].⁹⁹

Giora Eiland also explained the fierce moral dilemma posed by the possibility of killing non-combatants and bystanders in assassination operations, referring to one instance of a failed operation:

[We] had a dilemma: whether to shoot a big or small rocket when his car is driving through a crowded street. We used a small missile, and the result was that he was only mildly injured, even though we hit the car. ... Why do we feel fine with this? Not only because the decision of collateral damage is very central for us, but also because it goes up to the highest level of decision-making. [The] Chief of Staff decides on [the ordinance.] I think we are very balanced in our decision making and once in a while mistakes are [made].¹⁰⁰

This attention towards careful discrimination between combatant and non-combatant was not merely an important consideration in choosing the weapons for operation, but according to former Chief of Staff Moshe Ya'alon was integral to the logic of the assassinations themselves: “[assassinations] make a distinction between the general public and the instigators of terror.”¹⁰¹ Prime Minister Ariel Sharon expressed similarly how such killings helped address the need to spare the general Palestinian population from harm.¹⁰² It was not merely the Palestinians whose safety was morally and politically relevant either: Avi Dichter noted that assassination provided a means “to liquidate [those] who cannot be eliminated any other way ... without a serious risk to our personnel.”¹⁰³ Such statements reflect sensitivity to the human cost of Israeli counterterrorism.

There also appears to have been a significant normative element to target selection, particularly regarding the debate over whether or not to target activists with leadership roles that did not involve immediate militant activity. Certainly Ben-Eliezer's use of the term “murderer” to describe Raed Karmi suggests a strong, personal sense that the targets of assassination were morally reprehensible. This theme of moral condemnation seems to play a significant role in shaping the decision to begin targeting top political leadership. Members of the security executive defended this decision not only in military terms, but by affirming that such leaders shared moral responsibility for the violence with those activists personally involved in

committing it. For example, Mike Herzog defended the killing of Yassin, by referring to the latter's role in significant strategic decisions,¹⁰⁴ while Shaul Mofaz similarly judged Yassin's role as leader of Hamas: "he was a terrorist."¹⁰⁵ The security executive's perception was thus that political leaders were both morally and operationally responsible for the violent acts of their subordinates. Given their attitudes towards the legitimacy of targeting Palestinian political leaders, it is almost surprising that the systematic killing of Hamas' top political leaders did not begin sooner. That it did not is perhaps largely due to another key component of the assassinations: the legal dimension.

The Legal Dimension

Legal considerations and opinions seem to have shaped the attitudes of the security executive on several levels. Speaking almost three years following the release by the ILD and the MAG of criteria for determining whether an assassination is an appropriate and legitimate action, Giora Eiland described the process of approving an operation in almost identical legal terms:

You must understand that we use this method only under four conditions. One, when there is no possibility of arresting the person who is wanted. [If] we have a realistic possibility of making an arrest, we make an arrest. Second, we carry out targeted action only when we have very, very reliable intelligence. . . . [Our] 100% intelligence success means that hundreds of other times, when an operation was prepared we did not carry it out because we did not think the intelligence was reliable enough. The third condition, we carry out targeted action when we consider the target as important enough. Not every single activist deserves something like this, only people whose direct influence on terror is very, very clear. The fourth, we carry out targeted action only when the possibility of collateral damage seems to be relatively low, or non-existent.¹⁰⁶

Eiland later discussed Sharon's desire for a solid legal argument from the security executive before agreeing to the systematic targeting of political leadership, in late 2002: "[There] was a very important meeting between the Chief of Staff and the legal advisor to the prime minister, in which he was persuaded that under certain conditions targeting certain so-called spiritual or political leaders was a just fight in the context of fighting terrorism."¹⁰⁷ In other words, even while the security executive already viewed political leaders to be morally equivalent to combatants, they were not willing to proceed without a solid legal argument justifying that equivalency.

These statements highlight the key role that legal criteria played in targeting norms and the decisions to escalate and expand assassinations through the second and third phases. While a cynical observer might suggest that this deference to the law was pragmatic rather than committed, and the politically conscious timing of the assassinations suggest motivations above and beyond immediate threat prevention, statements such as those from Eiland suggest that at least some within the security executive had genuinely assimilated the legal dimension into their broader normative considerations.

Israel's legal assessments of the conflict as a whole also play an important role in explaining rationales of the assassinations, showing how the security executive framed such killings within the international conventions of war. Almost immediately after the conflict began, Colonel Daniel Reisner, the head of the ILD, declared that the violence was frequent and severe enough to qualify as "armed conflict short of war," placing the *Aqsa Intifada* within the context of international rather than domestic law.¹⁰⁸ In a later interview, Reisner explained that his approval of the assassinations of Palestinian activists was contingent upon the armed conflict paradigm, and that such killings were for "wartime only."¹⁰⁹ On February 13, 2001, in testimony to the HCJ as it addressed the petition filed by Thabet Thabet's wife, State prosecutor Shay Nitzan quoted Attorney General Elyakim Rubenstein:

The laws of combat, which are part of international law, permit injuring, during a period of warlike operations, someone who has been positively identified as a person who is working to carry out fatal attacks against Israeli targets. These people are enemies who are fighting against Israel, with all that implies, while committing fatal terror attacks and intending to commit additional attacks—all without any countermeasures by the Palestinian Authority.¹¹⁰

The HCJ seemed to accept this argument, ruling that both IDF soldiers and Palestinian militants should be considered combatants under the Geneva Conventions.¹¹¹ That assessment would persist: in its ruling on assassinations in 2006, the HCJ reiterated that the standard by which the legality of assassination should be measured is international humanitarian law, as the conflict between Israel and the Palestinians constituted a state of war.¹¹² By persistently portraying the *Aqsa Intifada* as war, Israeli legal institutions thus permitted security actions to be devised under the pragmatic calculations of the norms of war—discrimination, proportionality, and necessity—and bolstered the tactical, *ad hoc* logic that underpinned much of the decision-making behind the assassinations.

Conclusions

Israel's assassination of Palestinian activists during the *Aqsa Intifada* continues to be a fiercely controversial subject, prompting passionate and important moral and strategic discussions. As such, and like most aspects of the Israel-Palestine conflict, it is prone to mis-characterisation into simplistic narratives, naïve or cynical. Yet a careful and critical examination of the trajectory of Israel's "assassination policy" and of the reasoning of those responsible for its design tells a nuanced story of evolving logic and real moral engagement. These assassinations were not devised out by cold machines with single-minded purpose, but rather by a set of politicians and security professionals—often at odds with one another—responding to an unfolding conflict with real personal impact. While this article argues that there are three stages in the development and evolution of Israel's "assassination policy," and to the security executive's growing confidence and appreciation for employing assassination as a counterterrorism method, it also argues the security executive did not operate from one single rationale, and the strategy behind the killings was not necessarily as cohesive or considered as its proponents might claim. Anyone seeking to evaluate the overall success or failure of that strategy should thus contextualise it within the

relevant stage, and not fall into the trap of retroactively rewriting earlier goals to be in line with later ones.

Key to understanding Israel's assassinations of Palestinian activists are the normative and legal dimensions to the security executive's decisions. Statements from various members of the security executive demonstrate their perspective on the killings as morally legitimate and just uses of force, by virtue of their discrimination, preventive efficacy, and the culpability of those targeted. The diplomatic and internal political pressures upon the security executive to craft policy in accordance to domestic and international law also profoundly shaped the manner in which targets were chosen and killed. Only two and a half months after the assassinations began, the security executive sought legal advice and guidelines, and demonstrably internalised a criteria of target selection based upon those legal judgements. Before commencing the targeting of political leadership, the security executive again sought to confirm the legality of an expanded scope to the assassinations. Ultimately, in considering both the normative and legal dimensions to the assassinations, the perception that Israel was at war with insurgent Palestinian groups should frame any analysis, and goes a long way in explaining the moral calculations expressed by the security executive in defending their choice of targets.

This article has presented an oft-neglected element to the discussion of Israel's assassinations of Palestinian activists during the *Aqsa Intifada*: the evolving logic that drove it. By showing how that logic developed and how it relates to particular trends in target selection and rates, it has provided a framework for assessing the efficacy and legitimacy of the killings free from the presumptions or *a posteriori* justifications that many observers and scholars offer. There likely was considerably more that went into the decisions and rationales of the security council than was revealed in the myriad quotations—cagey or candid both—provided here and forming the main material of the analysis offered. It is nevertheless clear that the enthusiasm the security executive felt for the assassinations thus stemmed from viewing them as an elegant ethical and operational solution to the dilemmas of employing military means against the perpetrators of Palestinian nationalist violence against Israeli targets.

Notes

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2. Michael L. Gross, "Fighting by Other Means in the Mideast: A Critical Analysis of Israel's Assassination Policy," *Political Studies* 51, no. 2 (2003): 350–368; Or Honig, "Explaining Israel's Misuse of Strategic Assassinations," *Studies in Conflict & Terrorism* 30, no. 6 (2007): 563–577.

3. Avi Kober, "Targeted Killing during the Second Intifada: The Quest for Effectiveness," *Journal of Conflict Studies* 27, no. 1 (2007): 76–93; Adam Stahl, "The Evolution of Israeli Targeted Operations: Consequences of the Thabet Thabet Operation," *Studies in Conflict & Terrorism* 33, no. 2 (2010): 111–133; Gal Luft, "The Logic of Israel's Targeted Killing," *Middle East Quarterly* 10, no. 1 (Winter 2003): 3–13.

4. The Israeli government has employed assassination as a security measure since the early years of the state. See: Aaron J. Klein, *Striking Back—The 1972 Munich Olympics Massacre and Israel's Deadly Response* (New York: Random House, 2005).

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7. A common neologism referring to counterterrorist or counterinsurgent assassinations.
8. Daniel Byman, "Do Targeted Killings Work?," *Foreign Affairs* 85, no. 2 (March/April 2006): 108–109; Kober (see note 3 above); Stahl (see note 3 above).
9. Asaf Zussman and Noam Zussman, "Assassinations: Evaluating the Effectiveness of an Israeli Counterterrorism Policy Using Stock Market Data," *Journal of Economic Perspectives*, *American Economic Association* 20, no. 2 (Spring 2006): 193–206.
10. David A. Jaeger and M. Daniele Paserman, "The Shape of Things to Come? On the Dynamics of Suicide Attacks and Targeted Killings," *Quarterly Journal of Political Science* 4 (2009): 315–342.
11. Mohammed Hafez and Joseph Hatfield, "Do Targeted Assassinations Work? A Multivariate Analysis of Israel's Controversial Tactic during Al-Aqsa Uprising," *Studies in Conflict & Terrorism* 29, no. 43 (2006): 59; Avery Plaw, *Targeting Terrorists—A Licence to Kill?* (Hampshire: Ashgate Publishing Limited, 2008), 86.
12. Or Honig, "Explaining Israel's Misuse of Strategic Assassinations," *Studies in Conflict & Terrorism* 30 (2007): 563–577; Nir Gazit and Robert J. Brym, "State-Directed Political Assassination in Israel: A Political Hypothesis," *International Sociology* 26, no. 6 (2011): 862–877.
13. Patrick B. Johnston, "Assessing the Effectiveness of Leadership Decapitation in Counterinsurgency Campaigns" (paper presented at the 11th Annual Triangle Institute for Security Studies New Faces Conference, Chapel Hill, NC, 2010.).
14. Jenna Jordan, "When Heads Roll: Assessing the Effectiveness of Leadership Decapitation," *Security Studies* 18 (2009): 719–755.
15. Ahron Bregman, *Elusive Peace: How the Holy Land Defeated America* (London: Penguin, 2005).
16. Sergio Catignani, *Israeli Counter-Insurgency and the Intifadas: Dilemmas of a Conventional Army* (New York: Routledge, 2008), 102–104.
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18. Brigadier General Gershon HaCohen in Catignani (see note 16 above), 107.
19. "Suicide and Other Bombing Attacks in Israel Since the Declaration of Principles" *Israel Ministry of Foreign Affairs*, September 1993, <http://www.mfa.gov.il/MFA/Terrorism+Obstacle+to+Peace/Palestinian+terror+since+2000/Suicide+and+Other+Bombing+Attacks+in+Israel+Since.htm>.
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21. *Ibid.*, 114.
22. "High-tide and Low-tide: Data Report for Year 2004 and Multi-Year Comparison," *Israel Defence Force*, http://www1.idf.il/SIP_STORAGE/DOVER/files/4/37604.pdf.
23. "Israel's Disengagement from Gaza," September 16, 2005, <http://www.usembassy.it/pdf/other/RS22000.pdf>.
24. "Guide to the West Bank Barrier," *BBC News*, July 29, 2011, <http://news.bbc.co.uk/2/shared/spl/hi/guides/456900/456944/html/nn1page1.stm>.
25. "Al-Aqsa Intifada timeline," *BBC News*, September 29, 2009, news.bbc.co.uk/2/hi/middle_east/3677206.stm.
26. Pedahzur (see note 1 above), 15.
27. "Major General Giora Eiland," *IISS*, February 25, 2005, <http://www.iiss.org/recent-key-addresses/major-general-giora-eiland/>.
28. "Gaza—Eival Gilady," *BBC News*, August 12, 2005, <http://news.bbc.co.uk/2/hi/programmes/hardtalk/4146406.stm>.
29. "Brig. Gen. (Res.) Michael Herzog," *The Jewish People Policy Institute*, July 29, 2011, <http://jppi.org.il/researcher/?u=14>.
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31. Kober (see note 3 above), 82.
32. Hafez and Hatfield (see note 11 above), 59; Plaw (see note 11 above), 86.
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37. Shaul Mofaz in Korn (see note 36 above), 219.
38. Yael Stein, "Israel's Assassination Policy: Extra-judicial Killings," *B'Tselem*, January 2001, http://www.btselem.org/download/200101_extrajudicial_killings_eng.doc.
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40. "Israel and the Occupied Territories: State Assassinations and Other Unlawful Killings," *Amnesty International*, February 21, 2001, 7.
41. Except when otherwise indicated, this is based on an extensive list of Israeli news articles, sworn witness affidavits, and government statements, the full particulars of which are available in Stein (see note 38 above), 17–28.
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43. "Israel's Death Squads: A Soldier's Story," *The Independent*, March 1, 2009, <http://www.independent.co.uk/news/world/middle-east/israels-death-squads-a-soldiers-story-1634774.html>.
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45. "Israelis Confirm Assassination Used as Policy," *Washington Post*, January 8, 2001, A01.
46. "Israel and the Occupied Territories: State Assassinations and Other Unlawful Killings" (see note 40 above), 7.
47. Korn (see note 36 above), 222–223.
48. *Ibid.*, 224.
49. "Israel's Death Squads: A Soldier's Story" (see note 43 above).
50. Stein (see note 38 above), 13.
51. Ehud Barak in *Ibid.*, 11.
52. Stein (see note 38 above), 1.
53. Daniel Reisner in Stahl (see note 3 above), 120.
54. *Ibid.*
55. Allegedly the term originated with former GSS chief Avi Dichter (*Ibid.*, 122).
56. Reisner in *Ibid.*, 122–123.
57. This condition would not appear in the public HCJ ruling issued in 2006, discussed later.
58. For example the February 13, 2001 killing of Maso'oud Ayyad, a senior officer in Fatah's elite *Force 17* unit, in Gaza, and the April 2, 2001 killing of *Islamic Jihad* activist Muhammad 'Atwa 'Abdel-'Al in Rafah (Plaw (see note 11 above), 68–69).
59. Korn (see note 36 above), 225.
60. Plaw (see note 11 above), 69.
61. Stein (see note 38 above), 27.
62. Gross (see note 2 above), 358.
63. Plaw (see note 11 above), 85.
64. A Fatah-affiliated group notable for its suicide bombings of Israeli civilian targets.
65. Binyamin Ben-Eliezer, Interview, *The Elusive Peace* 2/5 (London: Liddell Hart Centre for Military Archives, 2004).
66. *Ibid.*
67. Shaul Mofaz, Interview, *The Elusive Peace* 2/14 (London: Liddell Hart Centre for Military Archives, 2005).
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92. *Ibid.*
93. Weizman (see note 1 above), 247.
94. "Ex-Shin Bet chief: Israeli assassination policy led to period of calm," *Haaretz*, May 31, 2005, <http://www.haaretz.com/news/ex-shin-bet-chief-israeli-assassination-policy-led-to-period-of-calm-1.160054>.
95. "[W]hen this opportunity presented itself it was clear to us that we could hit a large group of leaders in that moment, and as a result to cause real damage to the Hamas, and perhaps to scare the others" (Eiland, see note 84 above).
96. Moshe Ya'alon in Weizman (see note 1 above), notes 41 and 96 of "Chapter X".
97. Weizman (see note 1 above), 249.
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