# AD KAN

## "Breaking the Silence" fake news about operation "Protective Edge"

Fact-checking, the exposure of lies and damage caused to the IDF and the State of Israel

Summary



ככה נלחמנו בעזה 2014

המילה "חברה" ולא משהו מעבר, הוא לא התכוון לכוחותינו. ואז אני אמרתי לו "שמע משפעם הבאה אם יורים לא יורים סתם" ואז הוא אמר לי "ירון אתה תירה כשאני יגיד לך לירות" ואז אמרתי לו "ואיך אני יכול לדעת מתי אני יורה על משהו שהוא מוצדק ועל משהו שהוא לאז אתה לא אומר לי כלום, אתה רק אומר לי

האזרח שכב שם, התפתל מכאבים האזרח שכב שם, אזור: צפון רצועת עזה



This investigation was conducted by the research department of "Ad-Kan – Young Israelis for Israel" (registered organization).

A big thanks to the ones active in the field risking their lives repeatedly to reveal the truth.

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#### INTRODUCTION



In May 2015, nine months after the "Protective Edge" operation in the Gaza Strip, the "Breaking the Silence" organization set out on a worldwide campaign against the actions of the IDF and the State of Israel in Gaza.

The campaign was based on a booklet of testimonies, in which there are 111 testimonies given by soldiers that, according to the organization, fought in the operation. Most of the testimonies were "feeling-based testimonies" that describe fighting outside of its context. The rest of the testimonies were of specific events that were given a few times by different people as if they were talking about multiple events, but in reality, the different testimonies were talking about the same event. An unassuming reader does not know that the multiple testimonies are all talking about one event and comes to understand that these testimonies are describing a reoccurring phenomenon.

Along with the booklet of testimonies and other taped testimonies (with blurred out faces) that were published in several languages, the organization held public events, had interviews with the most prominent media centers in the world, published opinion pieces in newspapers of various countries, and spread statements and ideas that were widely circulated on social media.

The names of IDF soldiers were tarnished, and the State of Israel became defensive because of the allegations made against them in the campaign.

The Military Police began investigating dozens of soldiers from different units suspected of prohibited acts in the events mentioned in the "Breaking the Silence" booklet. The soldiers were suspected of acts involving war crimes and were in danger of being prosecuted for many years in prison. Suspects that were officers and commanders had their promotions put on hold, and some even quit from military service because of it.

The investigations' focus was on several events – an incident of the Nahal brigade killing a Palestinian in Beit Hanoun, and several other incidents testified by two soldiers from the seventh brigade who served together and gave their testimonies to "Breaking the Silence."

They all involved stories of deliberate shooting on innocent people and civilian buildings without cause and running over civilian cars for the fun of it.



The Military Prosecution turned to "Breaking the Silence" in a request to have the full testimonies to complete the investigation, but "Breaking the Silence" strongly opposed to it. The Military Prosecution turned to the courts to get a warrant for the materials, and only after more than a year of litigation, the two sides came to a compromise, in which the prosecution received the materials censured in March 2017.

In doing so, "Breaking the Silence" undermined the investigators' ability to clarify facts quickly and efficiently, and the harm to the soldiers investigated was intensified.

"BTS"'s funding by foreign countries has grown immensely since they publicized their booklet and started the campaign. This was because the countries saw the organization's doings as the realization of their goal of causing Israel to withdraw from Judea and Samaria and to cut off contact with what was happening in the Gaza Strip.



After the global storm subsided, and after investigating dozens of fighters, the Military Police and Prosecution concluded that **all investigations must be closed, and they must not try a single soldier.** 

It turned out that the difficult testimonies of specific soldiers describing specific acts were not reliable and did not explain what actually happened in the war. Some of the testimonies were just subjective feelings of "Breaking the Silence" witnesses and described things that did not occur in reality.

The interrogations were closed silently with no publication of such by the IDF, who did not bother to publicly clear its soldiers of the accusations made against them. The investigation materials were not publicized, and some of the soldiers were not even informed that the allegations against them were substantiated.

At this point, we decided to examine in depth what actually happened in those incidents mentioned in the testimonies and publicized by "Breaking the Silence." The examination included questioning those present in the events, locating video material from the events, and receiving the protocols from the police's investigations.

Testimony after testimony was nullified by direct evidence and even by the same people who at first testified to "Breaking the Silence."



Events described by the "Breaking the Silence" booklet as lacking operational justification, sometimes even as actual war crimes, turned out to be routine and operationally justified combat operations done according to the IDF's operational procedures and the orders that the soldiers were given.

Events that happened while fighting were torn out of their context; testimonies were edited and cut out in a tendentious manner, sometimes even the words of the witnesses of "Breaking the Silence" themselves.

Hence, the Palestinian described in testimonies as killed without justification by soldiers of the Nahal Brigade, and sometimes described as been buried alive, turned out to be a man that was shot by the soldiers only when he continued approaching them after they warned him not to and did the lawful procedure on him. The soldiers risked their lives to provide him with the proper medical treatment, and, in the end, a doctor from the Nahal Brigade determined his death.

In events that happened in the Armored Corps – the description of serial intentional shooting innocent people out of boredom or because of competition between soldiers, turned out to be shootings of incriminating targets according to their commanders' orders, or as warning shots, not intended to hurt anyone, but rather to keep innocent people away from the battlefield.

Descriptions of shell fire to civilian homes with no reason turned out to be part of an initiated attack on a big Hamas base. Stories of running over Palestinian cars with tanks for fun turned out to be a case of tanks driving over wrecked cars to avoid driving over explosives that endangered them.

In general, "Breaking the Silence" ignored the context of fighting that the soldiers were actually in. The State of Israel was under attack of dozens and hundreds of rockets a day on the civilian front, and IDF soldiers entered the Gaza Strip in an attempt to eliminate the threat on the State of Israel that claimed dozens of lives and wounded hundreds of soldiers and civilians.

In this document, we have decided not to present all the evidence that helps disprove the publications of "Breaking the Silence" to not exhaust the readers. We also chose not to publish all the refuted testimonies as to not harm the soldiers that put themselves in danger's way to defend Israel's State.

Some of the soldiers returned from the battles shocked, confused, and even mentally damaged and chose, unwisely, to unload their hearts to "Breaking the Silence." The organization in turn, instead of clarifying the allegations in legal channels of inquiry, took advantage of their international campaign information.

The State of Israel and the IDF will do well if they take the opportunity given to them, by this document and in other evidence held by the investigators, to clean the stain imposed on the names of the soldiers and officers that went out to battle to protect their home and their country and to clean the image of the IDF in the world.



### ABOUT THE "BTS" BOOKLETS

The booklet about operation "Protective Edge" published by "Breaking the Silence" in May 2015 includes 111 testimonies<sup>1</sup> :

- 57 testimonies are feeling-based testimonies about how war looks like in Gaza.
- 21 testimonies are about IDF protocols.
- 23 testimonies are about specific incidents without presenting a problem of any sort.
- 10 testimonies are of particular incidents that raise suspicion of offenses.

An investigation led by the Military Police Investigations was opened regarding the testimonies about eight different specific events (several testimonies about the same events). In the end, all the investigation files were closed



This is How We Fought in Gaza Soldiers' testimonies and photographs from Operation "Protective Edge" (2014)

without any legal action being taken. In only one of the incidents, was any action taken, and in that case, the soldier was handed over to his commanders for disciplinary treatment. The IDF closed the investigations, without publicizing so.

The booklet was published in English and Hebrew. According to what is written in the booklet, it is based on over 60 soldiers' testimonies.

Along with the booklet, they established a website where they publicized testimonies, some of which appeared in the booklet, and some were additional testimonies.

In May 2015, "BTS" began an international campaign regarding the IDF's actions in operation "Protective Edge." The campaign received media coverage from some of the biggest media



companies in the world (The British Guardian, CNN, BBC, Washington Post, NPR, Politico, Al Jazeera, Euro News, Le-Mond, Telegraph, Huffington Post, France24, Le-Figaro, Independent, Newsweek, Zeit and more) and in Israel (Channel 2, Walla, YNET, Haaretz and more).

Materials from the booklet were published in the UN's investigation report about operation "Protective Edge" and even posted on **Hamas and Fatah's official website in Gaza (see right).** 

1 www.breakingthesilence.org.il



#### **TESTIMONIES ABOUT THE KILLING OF A PALESTINIAN BY THE NAHAL BRIGADE IN BEIT HANOUN**

As operation "Protective Edge" began, a battalion of the Nahal Brigade was transferred from operational employment in the Ramallah sector to the Gaza Strip. Two weeks after the operation had started, the battalion entered Beit Hanoun, which is in the northern strip of Gaza, to fight as a structured battalion battle team.

The combat team stayed in Beit Hanoun for six days and carried out point-by-point raids and intense fighting against Hamas terrorists.

The force seized buildings for a stay in Beit Hanoun, one of which was called the "Battalion Commandment House."

On one of those days, a message was sent over their radio reporting an old Palestinian man coming near their forces, staying in one of the buildings, and crying. A few soldiers approached him to help, and saw grenades under him, and ended up staying away from him. Minutes afterward, the man threw a grenade at them and was shot by the soldiers.<sup>2</sup>

During the operation, Lieutenant Colonel Shneid recalls, his command post updated him that they hear crying near the battlefield. "We searched and found an old Palestinian man, around 60 years old, lying down on the floor injured, crying of pain. We treated him with our medical teams, and they gave him water. Part of the treatment was that we had to roll him over to pick him up and put him on the stretcher. When we rolled him over, we saw two hand grenades under his back. I commanded everyone to stay away, and we called for the Red Crescent to come and continue treating him. After a few minutes, he put his hand under his body, screamed "Allahu Akbar," and threw a grenade. Only then did we kill him. And that's only an example of what the IDF values truly are for."

In light of this incident, all the soldiers were ordered to be more aware of the possibility of such incidents reoccurring and to be careful of getting close to elder people that have the potential of hurting their force.

A few hours later, soldiers in the defense and observation post at the "Battalion Commandment House" post identified an old Palestinian walking towards the house. The force staying at that house initiated a suspect arrest procedure that took a while. After the Palestinian man continued to approach the house despite warnings from the soldiers, they shot him in the leg, but he still continued to approach the building despite more warnings from the soldiers in Arabic. The

2 <u>www.israelhayom.co.il</u> www.israelhayom.co.il



Deputy commander of the company, who was the commander of the force that stayed in the building, went out to the Palestinian with two other soldiers and ordered to shoot him twice in the center of his body. The Palestinian was shot, injured, and fell at the entrance of the building.

An officer from the engineering force and the deputy company commander approached to check the Palestinian to make sure that there were no explosives or weapons on him. Afterward, a medic from the Nahal Brigade began to treat him, and the deputy company commander called for the battalion doctor that was, at the time, in a different location. When the doctor arrived, he noticed the Palestinian died from his wounds and declared his death.

The deputy company commander got in touch with the battalion to clarify what he was supposed to do with the body. It was important for him that they know that there was a body there and that it will not be lost. The man had identification, and he transferred the information over to the battalion's operations room so that they would be able to identify the deceased and investigate the event. After he realized no one was coming to take the body, he called for a D9 to cover it under a pile of sand and erect mounds of sand around the building to protect the body from terrorist shootings. The deputy company commander made sure to mark the place the body was with a little sign so that they would know that there is a body there and who the man is after the fighting ceased.

In the testimony booklet of "BTS," three different testimonies were published about this one event. Some of the testimonies came from the soldiers who were in the "Battalion Commandment House", and those only saw the incident after the first shots were fired at the Palestinian. Some of them were not there at all and testified according to what they heard on the radio or in the operational investigation.

Without mentioning that they are all talking about one event, the three testimonies that "BTS" published (that, in the booklet, are testimony numbers: #86 (part of which is censored in the booklet and was published on the campaign website <sup>3</sup>), #99 and #111, provide five different versions of the same event, contradictory to each other. So, in fact, "BTS" turned one event into something that the average reader would understand as three separate events.

According to the testimonies, the soldiers intentionally killed an innocent man/killed an old, injured man for no reason/buried an older man alive with D9.

Due to these testimonies, the criminal investigation division opened an investigation. Commanders and soldiers that were in the event were taken to investigation rooms. After clarifying the facts with soldiers that took part in the event from its beginning to its end, **the criminal investigation division decided to close the investigation without taking any legal action against the soldiers, despite the severity of the allegations.** 

Unlike "BTS," we clarified the situation from ten officers and soldiers that took part in the event, all from different units and places, starting from those that first identified the Palestinian coming close to the building until the ones who were there after the battalion doctor declared the death of the Palestinian – the latter being the ones we investigated in detail.

Also, we located a video that was recorded from a helmet camera of one of the soldiers that were there as the incident was unfolded, in which one can clearly see that the testimonies that "BTS" published were lies and the furthest away from what truthfully happened in the field.



A screenshot from the video was filmed from the officer's helmet camera from the engineering

force, which was broadcasted on channel 10, "HaZinor." The officer screams to the other officer that he doesn't understand why he is risking his own life and approaching to make sure the Palestinian isn't booby-trapped.

It is to be noted that the name of the soldiers that took part in this event are known to us (including names of those who testified to "BTS"), and we got detailed testimonies from them on the unfolding of the event. The soldiers identified what was filmed in the video as the event that "BTS" published in their testimonies, and as the event investigated by the criminal investigation division. They could even tell us which soldiers gave those testimonies, that after the investigations, they talked to them about it.

We have decided not to publicize the names of the soldiers so as not to do harm to them. As mentioned, these soldiers were investigated by the criminal investigation division, and the investigation file was closed, finding no one guilty.



#### TESTIMONIES OF ARMORED SOLDIERS FROM THE FIGHTING IN CENTRAL GAZA STRIP



The Armored Corps' seventh brigade fought in operation "Protective Edge" in the center of the Gaza Strip. In "BTS"'s booklet of testimonies and the videoed testimonies publicized by them, numerous testimonies are given anonymously by soldiers from the Armored Corps who fought in the Strip. We checked and found that the witnesses are two soldiers from the "Smite" company (company name – Mahatz) in battalion 75 of the seventh brigade that fought in Juhor ad-Dik in the "central camps" and in the El-Bureij and Deir Al-Blah areas.

One of the soldiers is Yaron Zeev, and the second is a soldier that served with Yaron in the same division, and his name is safe in our hands.

Yaron's testimony was split up by "BTS" into 15 different testimonies in Hebrew, English, German, and Spanish in various media.

The second soldier's testimony was split up by "BTS" into 14 different testimonies in Hebrew, English, German and Spanish.

Yaron Zeev gave testimonies 27, 29, 38, and 51 in the "BTS" booklet, and they refer to several specific events that happened in the company's fight in the Gaza Strip.

Yaron Zeev was interviewed anonymously and with his face blurred after the booklet of testimonies was published in May 2015 to several media companies. **Yaron's testimonies were published extensively in one of the biggest media companies in the world, and the testimonies include** 

#### severe allegations that amount to war crimes against him and his comrades-in-arms.

Due to the booklet's publication of testimonies, several investigations were opened by the criminal investigation division. Yaron, his friends and commanders, and an additional witness were taken to investigation rooms and were charged with severe crimes based on the testimonies.

We inform you that you are suspected in Circumstances of shelling at buildings in El-Bureij without justice, shelling and machine-gun fire at vehicles and a bicycle-rider without justification, shooting at buildings without justification – during operation "Protective Edge."

You do not have to say anything. Everything you say may serve as evidence against you. Avoiding answering questioned may strengthen the evidence against you. You may consult a civil defense attorney who may serve as a defense attorney before military tribunals or a free military defense attorney, even by a phone call at all hours of the day.

After reading the above, I confirmed in his/her signature that he/ she understood the suspicion against him/her and the content of the warning.

In January 2016, Yaron was investigated by the criminal investigation division, and he denied the incriminating details he gave to "BTS." In light of this, the State Attorney's Office contacted "BTS" to ask them to send her the recordings of Yaron's testimonies so that they could clarify if he lied either to "BTS" or to the investigators of the criminal investigation division or if "BTS" were the ones that distorted the testimonies.











**"BTS" strongly opposed handing over the recordings,** claiming to have journalistic confidentiality. The State turned to the courts, and after over a year of litigation, the parties reached an agreement in which "BTS" will give the State Attorney's Office Yaron's recordings without the part of him saying his name, to produce a presentation as if they are maintaining the anonymity of their witnesses. Simultaneously, the State Attorney's Office knew very well the name of Yaron, who had been interrogated by the criminal investigation division several times before about his part in the events.

The second soldier that testified to "BTS" was asked, during his interrogation, to do a polygraph to verify the testimony he gave "BTS." However, the professionals **decided that there was no value** in performing a polygraph because he did not agree to say he knew for sure or "probably" what happened in the cases he testified.

After receiving the recordings of the testimonies, **the criminal investigation division decided to close the investigations without any legal action against all involved, despite the severity of the testimonies.** 

The testimonies of Yaron and the other soldier **were found to be unreliable**. It should be noted that in the transcript of one of Yaron Zeev's interrogations, he says that **the testimony he gave to "BTS" was changed, and the testimony that was published does not match what he said.** 



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In testimony #27, Yaron claimed the tank driver ran over a Palestinian civilian car with the tank for the fun of it.<sup>4</sup>

In his interrogation by the Police, Yaron admitted that **he was not a witness to the event, he does not know if it happened, and he cannot even know what happened there.** In his testimony to the Police, the platoon commander also said that they did not run over a civilian car during the entire operation. He did not approve anything of the sort and would never do so because it would only endanger the tank and the team



inside it. In his testimony, he said that on one occasion, they drove over a motorcycle with the tank while trying to get away from a gas cylinder that they suspected was trapped, and the motorcycle prevented the tank from passing.



In testimony #29, Yaron claimed that the tanks fired shells at civilian targets for no operational reason. Rather, they just wanted to "wake up the neighborhood" or the soldiers themselves in the morning. Also, Yaron and the gunners decided to select targets in the tanks at random, civilian structures chosen as targets with no operational reason.<sup>5</sup>



In his interrogation by the Police, Yaron (a gunner in a tank) admitted that he did not choose the targets. Instead, the platoon commander, who was his tank commander, was the one who instructed him on what targets to shoot. Also, he admitted that as a gunner, he does not have technical access to information on targets and that he cannot choose targets on his own initiative, rather only according to what the tank commander directs him to do.



The tank commander also explained in his testimony that shooting is done based on intelligence and operational information he receives on the tank systems, and the targets were not chosen randomly. Yaron Zeev, a gunner, was not exposed to the reason for the shooting of every single target; rather, he just fulfilled commands.



In testimony #38, Yaron claimed that out of boredom, he began to shoot shells on several cars driving on the Gaza Strip's main street. After failing to hit them, he continued shooting with the tank's machine gun at a Palestinian riding on a bike on that same street but missed.<sup>6</sup> This testimony is of the most severe and shocking that appears in "BTS"'s booklet of testimonies. According to what is described in it, Yaron Zeev, together with his fellow tankers, shot by his own initiative at many innocent people to intentionally hurt them, with no operational need, which amounts to war crimes.

Due to the severity of the testimony, it was publicized in the most prominent media centers worldwide. Yaron Zeev and senior members of "BTS" were even interviewed about it on foreign television networks.<sup>7</sup>

According to Yaron Zeev's testimony,

- 1. He shot civilian cars that were driving on the main road in the Deir al-Balah area.
- 2. The shooting was in light of a bet and competition between the soldiers in the company as to who would hit the driving car.
- 3. He fired a shell at a driving taxi and missed.
- 4. He fired another shell, or maybe two, on two other civilian cars driving on the road and missed.
- 5. The commander of the tank told him to stop firing shells because they're running out of ammunition.
- 6. Because he missed using the cannon, he used the tank's heavy machine gun to shoot at several driving cars and missed.





7. Afterward, he identified someone riding a bicycle on the road "happily peddling" and, with the tank's heavy machine gun, shot at him and missed.

According to the testimony, the firing systems' activation in the tank cannot be done by the gunner (Yaron) alone. Both the claimant and the tank commander participated in the actual shooting.

In his interrogation by the Police, Yaron admitted that the event's description in his testimony to "BTS" was not true. All the shooting was performed for **operational purposes and based on intelligence information and operational guidelines** received from the company commander. The shooting was not performed under his initiative, but rather under the platoon commander's initiative that commanded over the tank, and according to orders, and not out of boredom or egoistic competition between company gunners.

According to his claims in the investigation, only one shell fired at an ambulance that was driving suspiciously and was "incriminated." After a while, another shooting was performed at a bicycle rider who was incriminated as a terrorist without any relevance to the first incident.

However, an investigation of the platoon commander and the platoon sergeant shows that no ambulance was fired at all, rather on a civilian car into which terrorists fled after firing a rocket at Israel. The second shooting incident was a warning performed at a distance from the bicycle rider to prevent him from coming close to the building in which the engineering soldiers were involved in exposing terrorist tunnels. The shooting was aimed to warn the bicycle rider and not to hurt him, and he did escape. The platoon sergeant testified that Yaron did ask permission to shoot on moving targets, but he was forbidden from doing so by order.

**In testimony #51,** Yaron says that after his friend was killed by terrorist shootings, the platoon commander gave an order to fire shells on random civilian buildings as a "Volley of Honor" in honor of the friend, and so they did. Among the rest, they shot at a tall orange home that was far away from them.<sup>8</sup>

The incident took place on 7/25/2014. Around three hours prior, one of their friends from the platoon, Guy Levi, RIP, was killed from terrorist fire. At the time, tanks were securing engineering soldiers engaged in exposing a Hamas tunnel, when terrorists began shooting anti-tank missiles at them. The tanks were ordered to draw the anti-tank fire to them. A battle developed during which several of the company's armored personnel carriers, that were in a different location, were injured from mortar bombs that were shot at them, and their friend from the platoon was killed.

Sometime after their friend was killed, the battalion commander and the company commander arrived to inform them of his death. They gathered the platoon soldiers and told them about Guy's death, RIP. The platoon was in a bad mood, and the company commander ordered them to return to operational activity as fast as possible. After the company commander left the place, the platoon commander received approval to shoot at two buildings that they shot at two hours prior, from which the anti-tank missiles





were shot, to bring the soldiers back to battle. Indeed, the tanks fired at the buildings from which an anti-tank missile was fired towards them.

In his interrogation by the Police, Yaron admitted that the shooting was for operational purposes, that they shot where the commander ordered them to shoot, that he doesn't even remember what color the building that they shot at was, and that the shooting was not as an act of revenge or as a volley of honor, but rather as part of resuming the IDF's attack against the terrorists.

In the meantime, due to police investigations, the soldiers' personal lives and the officers' promotions were hurt.

"BTS" ran an international campaign against IDF soldiers and the State of Israel and, based on false testimonies, merited fanatic coverage in the major media in the world. Also, "BTS"'s income from European countries increased after publishing the testimonies booklet and the campaign they ran worldwide.

Lately,

Two armored soldiers filed a massive lawsuit for the sum of 2.6 million NIS for defamation and libel against Yaron Zeev and against "BTS."

The publication of the lawsuit provoked angry reactions among "BTS" supporters that their false witnesses are being exposed and that organization's unreliability was being published, yet again.



