

Hamas vs. the IDF in Gaza

Earlier this year, a high ranking group of military experts and political leaders spent several months in Israel, studying the conduct of the IDF and terrorist groups based in Gaza to determine culpability for the 2014 Gaza-Israel conflict, Operation Protective Edge. A preliminary statement was issued in the [findings](#) of the UN Board of Inquiry report on damage to UNRWA schools. It may thus be assumed that the media will similarly display a selective prejudice when reporting on the new UNHRC's report on the war, which is widely anticipated to be demonising, due to its terms of reference, and prior UNHRC conduct. The letter concludes with some assertions on where moral culpability lies:

On the basis of close scrutiny of open source records as well as from secret intelligence, the IDF informed us that they assess that over half of those declared dead were combatants from Hamas and other groups that were engaged in the fighting – a figure higher than that commonly asserted by the UN, which takes its own assessment from Hamas sources. This nevertheless leaves a deeply concerning number of civilian deaths, perhaps around 1,000, many of whom were killed as a result of Israeli military action.

We recognise that some of these deaths were caused by error and misjudgement as we mention below. But we also recognise that the majority of deaths were the tragic inevitability of defending against an enemy that deliberately carries out attacks from within the civilian population. We must therefore consider that Hamas and its terrorist associates, as the aggressors and the users of human shield, are responsible for the overwhelming majority of deaths in Gaza this summer. [...]

We were extensively briefed by the IDF's Military Advocate General and by other military lawyers. We have been informed that where transgressions and errors are alleged these cases

are subject to rigorous, transparent investigation and if necessary criminal proceedings and punishment. The Israeli military legal system includes a number of robust checks and balances, on which we were briefed; including oversight by the country's widely respected supreme civil judiciary.

We agree with the Chairman of the US Joint Chiefs of Staff, General Martin Dempsey, who following the Pentagon's fact-finding mission to Israel, went on record last November as saying that in the 2014 Gaza conflict, "Israel went to extraordinary lengths to limit collateral damage and civilian casualties".

Our overall findings are that during Operation Protective Edge last summer, in the air, on the ground and at sea, Israel not only met a reasonable international standard of observance of the laws of armed conflict, but in many cases significantly exceeded that standard. We saw clear evidence of this from the upper to the lower levels of command. A measure of the seriousness with which Israel took its moral duties and its responsibilities under the laws of armed conflict is that in some cases Israel's scrupulous adherence to the laws of war cost Israeli soldiers' and civilians' lives.