Response To Common Inaccuracy: Israeli War Crimes in Gaza

Inaccuracy: The IDF committed war crimes during its actions in Gaza operations in 2008/09 and in 2014. The Israeli army deliberately committed grave violations of international law in Gaza through indiscriminate killing, vandalism and the like.

Response

Israel did not commit war crimes during its operations in Gaza, nor did Israel intentionally harm civilians or Gaza's civilian infrastructure.

IDF guidelines strictly call for the prevention of harm to uninvolved civilians. Allegations that individual Israeli soldiers acted unethically or illegally during Israel's military operations in Gaza were carefully investigated and legal action was taken against soldiers found to have committed violations, including criminal indictments.

In an April 2011 op-ed in the Washington Post, Justice Richard Goldstone, the lead author of the infamous 2009 Goldstone Report which charged Israel with war crimes through a deliberate policy to target civilians during the 2008/09 Gaza operation, wrote “If I had known then what I know now, the Goldstone Report would have been a different document.” Justice Goldstone withdrew the report’s most serious claim that the Israeli Defense Forces intentionally targeted civilians during their operations in Gaza. The op-ed, entitled “Reconsidering the Goldstone Report on Israel and War Crimes,” further commended Israel’s investigations into charges of abuse. As Justice Goldstone concluded, “the investigations published
by the Israeli military and recognized in the U.N. committee's report...indicate that civilians were not intentionally targeted as a matter of policy.” He further wrote of Hamas: “rockets were purposefully and indiscriminately aimed at civilian targets...That comparatively few Israelis have been killed by the unlawful rocket and mortar attacks from Gaza in no way minimizes the criminality.”

Allegations regarding incidents during the 2014 Operation Protective Edge are still under investigation. Despite Israel's best efforts to avoid harming non-combatants, there were many civilian injuries and deaths were reported in Gaza. As in prior Israel-Hamas conflicts, Hamas had deliberately placed its operational centers, storage facilities and rocket launching sites, infiltration tunnels, in densely populated areas, including private homes, mosques, schools and medical facilities, a violation of the Law of Armed Conflict (which prohibits a party to hostilities from deliberately making civilians the object of attack). Hamas' own military manuals urged their fighters, many of whom posed as civilians and non-combatants, to use populated civilian areas so that it “increases the hatred of the citizens towards the attackers [the IDF] and increases their gathering [support] around the city defender [Hamas].” Israel enacted procedures to warn civilians though leafleting, phone calls and other methods, that their neighborhoods and buildings were located in the vicinity of military operations and urged them to leave the area. In response to these warnings, Hamas advised Gaza residents to ignore “Israeli propaganda” and stay in their homes.

In keeping with its commitment to observing international law, Israel created a permanent Fact Finding Assessment Mechanism (FFA Mechanism) to compile alleged violations of international law during Operation Protective Edge, approximately 100 incidents in total. The incidents are being investigated by Israel's Military Advocate General (MAG) which has launched criminal investigations into a number of the alleged violations.

It should also be noted that many of those who accuse the IDF or individual Israeli soldiers of war crimes believe that military action can never be justified, and do
not provide guidelines for what they would consider the justified use of force in the context of a state battling a terrorist organization entrenched in a densely populated area.