Israel complied with int’l law in Gaza war against Hamas – JINSA

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<https://www.jpost.com/arab-israeli-conflict/israel-complied-with-intl-law-in-gaza-war-against-hamas-jinsa-683443>

The IDF complied with the law of armed conflict and “consistently implemented precautions to mitigate civilian risk,” during the [May 10-21 Gaza War](https://www.jpost.com/arab-israeli-conflict/48-percent-of-gaza-war-casualties-associated-with-terror-groups-intel-report-671725), a Jewish Institute for National Security of America (JINSA) said in a report released on Thursday.

In addition, the report found that despite accusations from human rights groups that Israel violated international law, some Israeli precautions actually exceeded “those implemented in recent US combat operations that we participated in, despite confronting an adversary that often sought to exacerbate that risk deliberately,” the report said.

The authors included about a dozen senior and retired US military officers who traveled to Israel to examine the actions of both sides, and included: Lt.-Gen. Robert Ashley, former director of the Defense Intelligence Agency, Lt.-Gen. John M. Bednarek, former senior defense official in Iraq, Lt.-Col. Geoffrey S. Corn, the former chief international lawyer for US Army Europe and others.

Although the report found the [IDF’s conduct of the war](https://www.jpost.com/arab-israeli-conflict/gaza-news/op-guardian-of-the-walls-behind-the-scenes-of-targeting-hamas-terror-669989) complied with international law, it also found “a significant gap between this reality of IDF LOAC [Law of Armed Conflict] compliance, and of Hamas’s violation of it, and the public’s perception. Israel’s messaging efforts were unable to close this gap.”

If the IDF was mostly focused on degrading Hamas’s attack capabilities, the Gazan terror group was equally investing resources in a massive disinformation campaign to delegitimize Israel alongside its firing of rockets at Israeli civilians.

Comparing the Israeli experience to potential future challenges which the US may face, the report said: “The ability of an unscrupulous adversary to constrain military operations or even achieve strategic advantage against a much more capable opponent through the use of human shields and disinformation about both facts and law is a particularly concerning harbinger of what the United States might soon face.”

JINSA said that the US “will have to contest such conflicts emphatically, and preemptively, in the information domain as much as in the physical. The US military should train to operate in environments significantly more complex than Gaza – just as densely populated by civilians, but farther afield, with more limited intelligence, no air dominance, and a contested electromagnetic spectrum – while remaining committed to LOAC compliance.”

At the same time, the report said, “the US military must also be clear-eyed about setting realistic expectations for what that compliance will look like in such operations – it might not be feasible to take the same extraordinary but costly precautions Israel employed in Gaza.”

“Investments, together with partners like Israel, in new technologies to counter enemies’ advancing capabilities and enable mitigating risk to civilians will be critical,” it continued.

Getting more specific, the report said that, “the IDF has robust processes in place to ensure legal vetting of proposed targets, specific method of attack, and potential incidental injury and collateral damage. Its operations adhered to LOAC’s mandate to implement all feasible precautionary measures to mitigate risk to the Gazan civilian population.”

“Numerous leaflets were dropped, telephone calls were placed to residents, and text messages were sent to warn Gazan civilians to leave a defined area of operations in advance of airstrikes,” said the report.

JINSA stated that, “minutes preceding the actual attack, small munitions delivered a ‘knock on the roof’ to provide further warning of the impending attack – a tactic first used in 2014 and therefore familiar to the civilian population.”

In addition, “multiple surveillance platforms were dedicated to each target, often for hours, to ensure that civilians evacuated areas of attack. These impressive precautions often came at an operational and tactical cost to the IDF, allowing belligerents to escape, diminishing the tactical advantage of surprise, and reducing the number of other targets that could be monitored or struck,” it said.

Next, the report noted the May war was the “first artificial intelligence (AI) war” in which the IDF employed “AI algorithms and machine learning, paired with intelligence analysts in ‘man-machine teams’ to flag and review potential targets… that were significantly more detailed, accurate, and timely than in 2014.”

The report accepted Israeli estimates that out of 264 Palestinians killed, 37% were combatants and another 15% were believed to be combatants, and noted that no civilians were killed in precision attacks on 20 high rise towers.

Also, the report said that “the IDF utilized thousands of Israeli and US produced PGMs (Precision Guided Missiles), including small laser-guided bombs (SLGB), GBU-39/B small diameter bombs (SDB) and Joint Direct Attack Munition (JDAM) tail kits that convert unguided air-to-ground munitions to PGMs. With these weapons, the IDF could apply its precise and timely intelligence regarding target locations,” to limit civilian casualties.

Tracking the disinformation campaign against the IDF, the report said that the problem started with, “The media and public’s misunderstanding of how LOAC applies to military operations – especially the false assumption that the effect of an attack, and especially the presence of civilian casualties, determine its legality.”

“Coupled with social media’s ability to transmit graphic images rapidly and globally without explanatory context,” the report said Hamas succeeded at making “audiences more receptive to Hamas’s disinformation that Gazan suffering was evidence of Israeli LOAC violations.”

Numerous organizations, including the United Nations, Amnesty International and Human Rights Watch – organizations claiming to be experts in the relationship between law and military operations – quickly seemed to accept Hamas’s assertions of unlawful IDF operations.

JINSA accused these groups of misunderstanding or mischaracterizing the principle of distinction “to mean that military objectives cannot be lawful targets whenever they are placed in civilian areas. Meanwhile, the principle of proportionality seems to be interpreted as presenting some quantitative (but unspecified) threshold of civilian casualties or destruction of civilian property above which an attack violates LOAC. Neither of these interpretations is correct.”

Also, the report blamed Israel for only using the IDF spokesperson giving narrow details about specific operations and as its main microphone to the world as opposed to using the Foreign Ministry to educate the world about the larger context.

“On their own, without context and explanation, these facts proved insufficient to align the public perception of the legitimacy of IDF operations with the reality of their LOAC compliance,” said JINSA.

Moreover, the report flagged that Israel’s effectiveness in explaining its narrative was “further decreased by delays and several major missteps, including delayed justification for the IDF’s strike on the al-Jalaa building housing international media in Gaza as well as the perception that the IDF intentionally lied to the media about launching ground operations in Gaza.”

Further, the report stated, “we encountered a lingering resignation among military and civilian leaders in Israel that no improvement in their messaging can overcome the rush to condemnation that appears reserved for Israel alone among all nations… But our review also indicates that even if messaging efforts have marginal impact, ceding the information domain to the enemy is an unacceptable response.”

“To improve communications with international media, organizations and publics, militaries should seek more effective ways to rapidly provide more detailed information to the public,” said the report.