[Hamas Atrocities and the Rules of War](https://www.commentarymagazine.com/2015/05/04/hamas-atrocities-and-the-rules-of-war-israel-gaza/)

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Last week the United Nations issued a report on Israel’s attacks on UN facilities in Gaza during last summer’s war. [As I noted at the time,](https://www.commentarymagazine.com/2015/04/29/gaza-casualties-fault-hamas-and-unrwa-un-report-israel/) that even though the purpose of the exercise was to attack Israel and undermine its right to self-defense, even the UN report admitted that Hamas was storing weapons at schools run by the United Nations Relief Works Agency (UNRWA) and that Hamas fighters were firing rockets and other weapons at Israeli targets from the vicinity of these places. Though there were examples of Israeli fire hitting civilians taking cover in UN shelters at the height of the fighting, these damning admissions raised questions about how the rules of war can possibly apply to a situation where armed killers who are themselves firing at Israeli civilians are using Palestinian civilians as human shields. This point was made today at a conference in Israel by the former head of the Israel Defense Forces. To make this point clear, retired [General Benny Gantz recalled one incident that didn’t make it into the UN report](http://www.timesofisrael.com/daniel-tragerman-was-killed-by-mortar-fired-from-un-facility-ex-idf-chief/) in which a Palestinian mortar killed a four-year-old Israeli boy. According to Gantz the shell that took his life was fired from a United Nations building. The question the general raised is of what use are such rules if they serve to protect Hamas killers while endangering Jewish children?

The UN report gave Israel credit for the fact that incidents in which the Israel Defense Forces’ fire was deemed to be unjustified or wrongful due to the impact on civilians resulted in investigations and/or prosecutions of those involved. But it what failed to grasp was that two factors undermined most of the criticisms of Israel’s conduct in Gaza. One is that widespread infiltration of UNRWA by Hamas personnel who use UN facilities as storage depots. The other is the fact that the Hamas government of Gaza systematically exploits civilian buildings that are treated as off limits to Israeli fire for military purposes.

As Gantz detailed, it was well known, even during the war, that the Hamas leaders who were directing the rocket attacks on Israel were doing from the safety of hospital buildings. It was also clear throughout the campaign that Hamas was firing the thousands of rockets that were shot at Israeli cities from the immediate environs of shelters, schools and hospitals.

The IDF did its best to avoid hitting civilian targets and though there were casualties, the chair of the U.S. Joint Chiefs of Staff, General Martin Dempsey later noted that the conduct of the Israelis was exemplary, undermining much of the unfair criticisms of the war put forward by both the Obama White House and the State Department. But while the Israelis were subjected to a double standard not applied to any other modern combatant, it’s worth asking whether we need to think again about a code of military conduct that says a sovereign nation is obligated to let terrorists shoot at children so long as they are around a building that is designated as off-limits.

Were the world prepared to let Israel go into Gaza and capture these terrorists and the government in whose name they operate, it might be possible to say that there is no need to think about rules. But we know this isn’t so. The leaders of Gaza were able to sit out the war inside hospitals secure in the knowledge that the Israelis wouldn’t shoot at their hideouts or attempt to root out this criminal conspiracy. Indeed, the Hamas-run independent Palestinian state in all but name knows that operates with impunity and need never fear that the Israelis will seek to destroy it.

How then is a legitimate democratic government supposed to protect its people? Four-year-old Daniel Tragerman was killed because his family in Nahal Oz near the Gaza border had only a few seconds to seek shelter when a Palestinian shot a mortar shell at them from the safety of a UN building compound. But there is no outcry at the world body to bring to justice his murderer. Nor is there any effort to bring UNRWA — which exists to perpetuate the Palestinian refugee problem so as to use them as props in the war against Israel — to account for its involvement in the war against the Jews.

Gantz doesn’t seem to have any ready answers as to how rules of engagement for the military or those of war can be adjusted to account for Hamas. Ethicists can debate the obligation to avoid causing deaths to civilians against the one that declares that governments must defend their citizens. But the problem here goes deeper than a mere moral dilemma. So long as both sides aren’t playing by the same rules, no one is safe. Those Palestinians that were made homeless or wounded and killed because of the war their Islamist overlords launched ought to hold Hamas accountable. But they won’t because Palestinian political culture still treats the war on Zionism as the national priority even if it means sacrificing the lives of their own people.

Gantz is probably right when he says the inevitable next round of fighting with Hamas will be worse than the last one. So, too will the condemnations of Israeli self-defense. Each incident will probably be used to justify economic warfare via the BDS (boycott, divest and sanction) movement against the Jewish state. You can count on Israel continuing to uphold high standards of conduct in which every effort will be made to spare innocent lives. But so long as terrorists are using UN buildings as launching pads for attacks on Jewish children, the IDF will have no choice but to shoot back. If that generates more UN reports and unfair criticism, so be it. No rule that gives a terrorist impunity to shoot at children should be treated as sacrosanct.