'Not Every Civilian Death Equals a War Crime'

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The IDF's conduct in Operation Protective Edge has become subject to international scrutiny, under the critical eye of the UN and non-governmental organizations (NGOs) alike.

To gain some perspective on the issue, Arutz Sheva spoke to Adv. Ido Rosenzweig, expert on international law and cybersecurity at University of Haifa.

"The question of whether or not the IDF has committed war crimes during Operation Protective Edge is not somewhat of an easy question," Rosenzweig stated to Arutz Sheva. "The question of whether the IDF followed international law is one question, the question of whether war crimes were committed is a different question."

Rosenzweig noted that a violation of international law does not automatically qualify as a war crime, but added that in the event the IDF did commit war crimes, it is obligated to conduct an internal investigation.

Accusations of "war crimes" can stem from either the IDF itself or outside organizations, whether governmental or non-governmental.

"No matter where the accusation is coming from, the IDF is obliged to examine these kinds of suspicions," he said, adding that as long as the IDF's conduct does fall within the rules of international law vis-a-visconflicts, "it's the burden of the IDF to prove that even the smallest suspicion is false."

**Turning the tables**

The question of whether Hamas committed war crimes during the summer war is obvious, Rosenzweig stated, referring to the group storing rocket arsenals in UN schools and other civilian centers in Gaza.

"[The] UNRWA has identified these kind of weapons and rockets, and actually told Israel and told Hamas, 'take these weapons away from here," he said. "The question is whether or not they knew about it before [the war - ed.], and if they knew about it before, it was their responsibility to evacuate the weapons before any conflict would begin."

Once Hamas was firing out of UNRWA schools - making them legitimate military targets for the IDF - the onus was on the UNRWA to ensure minimum casualties and preserve proportionality, he said.

However, he qualified that - in his view - the UNRWA does not directly support terrorism.

"Their aim is to help the non-participating civilians in the Gaza Strip, so to claim that they are supporting terrorism organizations - I think it's a bit far-fetched," he said. "However, they should be very careful in their operations not to support any military activity of such organizations."

As to the deaths of civilians itself, Rosenzweig noted that the phenomenon is not new - and accounted for in international law.

"[International law] does not operate in favor of that, but not every civilian death equals a war crime," he said. Instead, he noted, it's the responsibility of both sides to minimize civilian casualties as much as possible.