Defense Experts Back IDF’s 2014 Gaza Campaign, Claim Critics are Invoking Wrong Set of Laws

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Armies of the world would be rendered far less effective if they were forced to operate under the same restrictions as the IDF during last summer’s Gaza campaign, a group of former military and defense leaders from nine countries claim in [a new report](http://www.high-level-military-group.org/pdf/hlmg-assessment-2014-gaza-conflict.pdf) released Friday.

Following a months-long investigation into the 50-day conflict, the High Level Military Group — made up of retired generals and defense officials from Germany, Colombia, India, Spain, Australia, the United States, France, the United Kingdom and Italy — found that Israel not only abided by the laws of armed conflict, but far surpassed their requirements, despite damning reports by the UN and non-governmental organizations that accused the IDF of potential war crimes.

The group had [already defended](http://www.timesofisrael.com/israel-did-not-commit-war-crimes-in-gaza-says-multi-national-military-group/) Israel’s actions in the Gaza Strip earlier this year, submitting their preliminary findings to the UN Human Rights Commission’s probe into the operation, but the group’s final 80-page report goes far beyond their initial assessment.

“Our findings were diametrically opposed to the UN report,” Col. Richard Kemp, one of the document’s authors and the former commander of British forces in Afghanistan, told The Times of Israel on Thursday, blasting the lack of military expertise by the United Nations commission that investigated the conflict. “The UN report was done too quickly and was done by the wrong people.”

The HLMG, which includes, the former chairman of the NATO military committee, the former chief of staff of the Italian army, a former US ambassador-at-large on war crimes and the former director-general of the Indian Defense Intelligence Agency, was formed by the Friends of Israel Initiative, a group created by former Spanish Prime Minister José María Aznar in 2010 to fight an “unprecedented campaign of deligitimation against Israel.”

The UN and NGO reports were investigated by human rights experts, and not military personnel who are most familiar with the laws of armed conflict. Without that expertise, the commissions investigating the 2014 Operation Protective Edge arrived at biased and inaccurate conclusions, Kemp said.

#### The laws of armed conflict

A central issue in all of these reports is that of civilian casualties. One of the problems, the report found, was the UN accepted Hamas’s figures for combatant vs. civilian casualties, which put the ratio at close to 70% non-combatants of the 2,000 or so deaths, compared to the dramatically lower 50% that Israel claims.

The HLMG found Hamas’s numbers to be rife with inconsistencies, such as the “inclusion of duplicate names, incorrect ages, combat-related deaths caused by Hamas or its affiliate organizations, such as in the case of misfired rockets, and deaths not related to the hostilities but classified as such.”

More problematic, however, is that the UN and NGO reports were researched from a human rights standpoint and treated the concept of civilian deaths as inherently wrong, even when those incidents occurred under legally acceptable circumstances, Kemp said.

“Human rights law was not the right set of laws to govern this; the laws of armed conflict are,” he added.

Commissions investigating the conflict should have looked to see that everything feasibly was done to avoid the deaths of non-combatants, not that casualties didn’t happen, as they inevitably will in wartime. That standard of zero civilian deaths is an impossible one, Kemp said.

Nevertheless, the 11 former army and governmental officials found that Israel adopted a far higher level of restraint than other militaries, citing Israel’s now famous “knock on the roof” technique of dropping a non-explosive ordnance to alert residents that their building is about to be bombed, the telephone calls and leaflets dropped warning non-combatants to leave the scene of an impending attack and numerous examples of missions canceled due to potential non-combatant casualties.

“That threshold isn’t something other nations could handle,” Kemp said. “We can’t call everyone in Iraq before a strike.”

This standard, which is already beginning to be applied to other armies besides the IDF, is a hindrance to military expediency, Kemp argued. “You can’t achieve that aim and also be effective. It’s why we’re not being effective,” Kemp said, referring specifically to the current coalition campaign against the Islamic State in Syria and Iraq.

Not only does that intense international scrutiny on every civilian death inherently hinder the IDF’s and other militaries’ ability to wage an effective war, it will also ironically endanger more citizens, as each civilian death can be perversely used by Hamas and other groups as a weapon on the public opinion “front,” Kemp claimed.

#### Anticipating war crimes, finding none

The group met with representatives throughout Israel’s defense and political structure, from Prime Minister Benjamin Netanyahu to enlisted soldiers who fought in Gaza, while gathering material for their report.

Kemp, who also previously led the UK Joint Intelligence Committee’s international terrorism team, has defended Israeli military actions against Gaza before, testifying before the UN’s Goldstone commission on Israel’s 2008-2009 Operation Cast Lead. The rest of the group, however, had only brief or tangential connections with the IDF, and many came in to the group anticipating to find indications of Israeli crimes, Kemp said.

But the HLMG found practically none, laying the blame for the vast majority of civilian casualties — 50 percent of those killed in the conflict, according to some estimates — at the feet of Hamas instead, who they claim instituted a deliberate policy to cause as many Palestinian civilian deaths as possible in order to wage a PR war against Israel. The report lauded not only Israel’s aforementioned operational measures to avoid civilian casualties, but also its overall strategic and organizational structure, which required the constant involvement of Military Advocate General representatives to ensure that the laws of warfare and rules of engagement were respected.

In addition, the report noted that Israel tried multiple times to avoid and end the conflict through diplomatic means, only to be rebuffed by Hamas at every turn.

As all members of the group were retired, they did not represent their home countries, and Kemp explained that the potential for backlash and threat to their professional reputations kept the group independent and objective.

Though there was healthy discussion during the investigation, Kemp said, the group was united in its conclusions. “This wasn’t groupthink. If there was a person with a dissenting opinion, we would have heard about it,” he said.

#### Hamas PR: Censorship and manipulation

The report decries the terror organization’s use of human shields and confirms many of the allegations levied against Hamas, namely that they used hospitals, UN schools, ambulances and other “sensitive sites” in order to force Israel into compromising positions and bring about international condemnation against the Jewish state.

In addition to the military aspects of last summer’s operation, the HLMG focused considerable attention on Hamas’s manipulation of the media, noting both censorship and “proactive fabrication” as tools in the terror group’s PR arsenal.

Hamas at times forcibly prevented the media from taking and publishing photographs of wounded fighters, only allowing pictures of wounded civilians, the report found. Hamas would also “prepare” the scenes after Israeli strikes, removing weaponry and fighters, before allowing journalists into the area in order to make it appear as though only civilians were hit in the attacks.

The HLMG blamed not only the terror organization for perpetuating these acts of bullying and chicanery, but also the international media for not being more forthright about the clearly distorted and censored view of Gaza that they were reporting. Though some news outlets later admitted to the manipulations, the HLMG found, the damage was already done.

The same, to an extent, can be said of the HLMG report. With reports by the UN, Amnesty International, Israel’s Breaking the Silence, Human Rights Watch and others, the High Level Military Group’s document may be too little too late.

In addition to their public release of the document, the group already has plans to discuss their findings with the US Congress, and members of the HLMG will also speak in their home countries. Though there are not yet official plans in the works, the group also hopes to present their findings to the UN, the International Criminal Court and other global bodies, Kemp said.

While it was important to the former military and diplomatic leaders to defend what the group saw as Israel’s legal and legitimate actions in Gaza out of a moral or ethical obligation, the 11 men also saw it with a sense of self-preservation, as the world changes its expectations of how to fight against terror groups and other non-state actors.

The 2014 Gaza conflict report is just the first in a wider study on modern warfare, Kemp said. “There will be a larger project about what can be done against this kind of insurgency.”