Assertion

Israel is committing “genocide” (genocide) with its army IDF’s war in Gaza, claims South Africa, and has therefore indicted the Jewish state before the International Court of Justice (ICJ) in The Hague.



IDF soldiers overlook the West Bank © Solen Feyissa Unsplash

The facts

The mission of the Israel Defense Forces IDF (Hebrew: Zva Haganah le-Jisrael, or Zahal for short) is to defend the existence, territorial integrity and sovereignty of the State of Israel. In addition, the IDF is committed to protecting the Israeli population and fighting any terrorism that threatens Israel and its people. In its ethical code “Purity of Arms”, the IDF undertakes to protect the dignity of every human being, including that of its opponents. This is difficult in asymmetrical wars such as the one against the terrorists in Gaza. This is because terrorist organizations use civilians as human shields and hide themselves and their

weapons in civilian residential areas.

Born in war

Founded on 26 May 1948, the IDF emerged from Jewish military organizations during Israel's War of Independence in 1948. Only a few hours after its proclamation on May 14, 1948, the Arab armies of the five neighboring countries Egypt, Jordan, Syria, Lebanon and Iraq attacked the young state with the aim of destroying Israel. The war ended the following year, 1949, with a clear victory for Israel.

In 1956 (Suez Crisis), 1967 (Six-Day War) and 1973 (Yom Kippur War), Israel had to defend itself against further military threats from Arab states. However, since the end of the 1960s, paramilitary terrorist groups such as the Al-Aqsa Brigades, which belong to the PLO, and the Popular Front for the Liberation of Palestine (PFLP) have also become a serious threat to Israel and its population. Later, the Iranian-controlled terrorist organizations Hamas and Palestinian Islamic Jihad (both in Gaza) and Hezbollah (Lebanon) were added to the list.

The IDF is a people's army

The constant threat to the existence of Israel and its population shapes the self-image of the army and civil society. National security is part of everyone's consciousness and part of the political culture. Accordingly, military service is part of everyday life. Women are just as liable for military service as men. For male soldiers between the ages of 18 and 29, military service is compulsory for 32 months. Those who want to join the special forces and elite units have to do 36 months. For women between the ages of 18 and 26, it is 28 months. For female soldiers in combat units, service lasts 36 months.

Israel's military expenditure amounted to around 23.4 billion US dollars in 2022. This corresponds to around 4.5 percent of Israel's GDP.

Israel's defense force in figures

Military personnel, total	670'000
Active servicemen and women	170'000

Reservists	465’000
Paramilitary units	35’000
Air Force	
Fighter/interceptor	241
Aircraft for ground attacks	39
Transport aircraft	12
Special aircraft (e.g. reconnaissance)	23
Tanker aircraft	14
Trainer aircraft	155
Combat helicopter	48
other helicopters	146
Land forces	
Main battle tank	1’370
Armored vehicles	43’407
Artillery	950
Self-propelled rocket launchers	150
Naval forces	
Corvettes (smaller warships)	7
Submarines	5
Patrol boats	45
Nuclear weapons	
nuclear warheads	90

Source: Global Firepower



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Protection of civilians is key

The IDF has committed itself to the "Purity of Arms" code, which explicitly demands the protection of civilians on the opposing side. The central message of the code is that one and the same moral principle, based on human dignity and the value of human life, applies to all people, whether they are Israelis or non-combatant enemy civilians. "The spirit of the IDF derives directly from the value of human dignity," the guide states. "It is the highest moral value, and it should guide IDF soldiers in their actions."

This also applies to the war into which Israel was dragged by Hamas and Islamic Jihad on October 7, 2023. Around 1,300 Israelis and foreign nationals were massacred by the terrorist groups operating from Gaza, and more than 240 people were taken hostage.

Since the beginning of the war, Hamas and other terrorist organizations have also

attacked the Israeli civilian population with over 12,000 rockets and mortars, which have been fired indiscriminately at Israeli cities, towns and kibbutzes throughout the country. Many more people were killed and injured as a result. Over 150,000 Israelis had to flee (as of 16.12.2023).

The unprecedented attack by the Palestinian terrorist organizations led to a counterattack by the IDF in Gaza, where Hamas and Islamic Jihad have their headquarters.

The Israeli government and military leadership were aware that the civilian population in Gaza would also suffer enormously in the process. They repeatedly declared that their war was directed against Hamas and the other terrorist organizations operating in Gaza, not against the civilian population. Because terrorists and their weapons were hiding in residential areas, hospitals and schools as well as in a tunnel system located under the settlement area, civilian casualties were and are unavoidable.

The Israeli army therefore warned the civilian population of Gaza of its attacks from the outset by distributing leaflets, calling and sending text messages to cell phones in Gaza and firing warning shots (“knock-on-roof”). Since October 7, 2023, Israel has distributed 7.2 million leaflets in Gaza, sent 13.7 million text messages to Gaza-registered cell phone numbers and called more than 15 million times, some with pre-recorded messages and some live.

On October 13, 2023, Israel also called on more than one million people in Gaza to move to the south for their protection. In doing so, Israel accepted that Hamas terrorists would also save themselves. Around 1,120,000 people have responded to the call to date.

The IDF waited until October 24, 2023 to launch a ground counteroffensive in Gaza. On the one hand, to gather information about the hostages kidnapped on October 7, 2023. On the other hand, to give the people in Gaza enough time to flee to the south.

In November 2023, the IDF set up temporary evacuation corridors to allow more people to move to the south.

In December 2023, the IDF paused firing for four hours almost every day so that civilians could get to safety or be supplied.

Humanitarian support

The IDF monitors the transportation of aid to Gaza via the Rafah and Kerem Shalom border crossings. The Israeli armed forces have ensured that the amount of aid has been continuously increased. The number of trucks crossing the border every day has increased from an average of 70 trucks per day in the pre-war period to an average of 110 trucks (as of January 12, 2024).

Contrary to the United Nations' claim in December 2023 that more than half a million people in Gaza were starving, there is no shortage of food in Gaza, according to the Coordination and Liaison Office for Gaza (COGAT) of the Israeli Ministry of Defense. However, there have been problems with the distribution of goods by the UN and other organizations. In addition, Hamas has forcibly stolen goods for its own civilian population and, as video footage shows, confiscated them for itself.

175,010 tons of aid have been transported to Gaza since the start of the war. 9,500 trucks have crossed the border.

The IDF acts in accordance with national and international law

The IDF is subject to national and international law, as is customary for the armies of democratic states. Israel's Supreme Court has played a significant role in civilian control of the army since the mid-1990s.

According to international humanitarian law (IHL), only military targets may be attacked in armed conflicts. Attacks with the intention of killing civilians are prohibited, even if this is likely to bring military advantages.

However, according to international law, it is permissible to attack military targets and accept the death of civilians in the process. Proportionality must be ensured. (You can find out more about the importance of proportionality in war here).

What concrete steps does the IDF take to comply with national and international law? The Israeli army has legal experts who are involved at every stage in the planning of a military operation. This is to ensure that the principles of international humanitarian law (IHL) are observed. The Military Advocate General's Corps plays a decisive role in the implementation of and compliance with the law in the Israeli army.

The detailed report on the 2014 Gaza war shows how the IDF is planning a military operation and how it is legally examining compliance with international humanitarian law step by step. A good overview can be found in the Mena-Watch lexicon.

Guest commentator Martin Rhonheimer writes in the NZZ of 13.11.2023: "If the Israeli army wants to destroy Hamas, it will have to accept civilian casualties. It will be forced to do so ."

Is Israel committing genocide in Gaza?

South Africa has reported Israel to the International Court of Justice for genocide in Gaza. The International Court of Justice (ICJ) – not to be confused with the International Criminal Court – is an organ of the United Nations.

The complaint has no legal basis. International law defines genocide as acts aimed at the complete or partial destruction of a national, ethnic, racial or religious group. The definition of the term goes back to the Polish-Jewish lawyer Raphael Lemkin, who lost all but a few members of his family in the Holocaust. In 1947, he drafted a bill for the UN to punish genocide.

In order to convict a country of genocide, the intention to commit such genocide is decisive. This means that South Africa must be able to prove that Israel is explicitly pursuing the goal of wiping out the Palestinian population in Gaza or making the coastal strip uninhabitable.

That is clearly not Israel's goal. Rather, Israel has repeatedly and clearly stated that its only goal is to eliminate the terrorist organizations in Gaza and free the hostages held by them on 7 October.

Accordingly, the members of Hamas and Islamic Jihad and their military infrastructure are targeted by the IDF and not the Palestinian civilian population in Gaza. Israel is trying to protect the civilian population in Gaza with numerous measures (see above).

However, Israel can be blamed for not dismissing radical ministers who call for the extermination or expulsion of the Palestinians from the government, but merely suspending them from office.

However, Israel cannot be blamed for the casualties among the civilian population in Gaza, who are used by Hamas as human shields or prevented from fleeing to the south of the coastal strip. The fact that these casualties occur is the fault of Hamas and does not constitute a violation of international humanitarian law by Israel.

The same applies to the civilian casualties caused by Hamas hiding its infrastructure in schools, clinics and residential buildings, as this also deprives the civilians living there of the protection provided by international humanitarian law.

While Israel abides by international martial law, Hamas tramples on it. However, in South Africa's statement of claim, Hamas' crimes are not mentioned at all.

Relatively fewer civilian casualties than in other wars

The numbers of civilians killed in Gaza also show how absurd the accusation of genocide made by South Africa is. According to an analysis in the Jewish Journal, significantly fewer civilians have died in IDF attacks on military targets in Gaza in relation to non-civilians than in the armed conflicts in which other Western armies have been involved in recent decades.

In wars waged by non-Western armies, such as the Russian army in the Ukraine war, where civilians are deliberately targeted and terrorized with missile attacks, the number of civilian casualties is even higher.

According to the Hamas-controlled Ministry of Health in Gaza, the war has claimed around 23,700 lives so far. If the IDF's estimates are correct, its forces have killed around 9,000 terrorists as of January 14, 2024. Based on these figures, there were 1.6 dead civilians for every terrorist killed. This figure is low by international war standards.

The figures from the Palestinian Ministry of Health also do not reveal how many of their own civilians were killed by Hamas and Islamic Jihad rockets that were misguided and crashed too early. This figure is probably not insignificant, as according to the report, around 20 percent of the more than 11,000 rockets fired at Israel did not reach their target and instead exploded in Gaza itself.

The best-known example of this is the Al-Ahli Hospital. A rocket exploded there on October 17, 2023. The Palestinian Ministry of Health immediately accused Israel of the attack and spoke of 500 deaths. A subsequent review of the case by the USA,

other states and the EU revealed that a rocket fired by Palestinian terrorists near the hospital had exploded, killing not 500 but 50 people.

What makes the calculation of civilian casualty figures even more difficult is that in reality it is often almost impossible to distinguish between terrorists and civilians. This is because the terrorists mingle with the population in Gaza or are part of it.

The number of people killed on both sides is undeniably a sad result. But like any other state, Israel has the right to self-defense and to protect its citizens from an enemy that has publicly declared the destruction of Israel and the extermination of its Jewish population as its goal.

That South Africa instead accuses Israel of genocide is, as the New York Times writes, “A Moral Obscenity”.