Assertion

In its war against the terrorist organization Hamas in Gaza, Israel is disregarding international law and committing genocide: this is what opponents of the Jewish state such as South Africa or Algeria claim.

The facts

The accusation that the Israeli army IDF is violating international humanitarian law in Gaza and the claim that Israel is committing genocide there is not justified on the basis of the relevant international agreements and definitions.



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The problem in detail

International humanitarian law, which also includes the Geneva Conventions,

regulates in particular the protection of the civilian population in the event of war.

Attacks on the civilian population, as were common during the Second World War, are therefore strictly prohibited. At that time, the German air force bombed English cities such as London or Coventry, for example, in order to force Great Britain to surrender through these acts of terror. Later, the British and Americans flew air raids against German cities such as Berlin and Dresden for the same reason.

In the Asian theater of war, the Japanese army carried out massacres in China and murdered millions of civilians. The USA, for its part, destroyed the Japanese cities of Hiroshima and Nagasaki with atomic bombs, forcing Japan to surrender.

Gaza: Civilian casualties as a result of attacks on military targets

In Gaza, Israel's war against the terrorist organizations Hamas and Palestinian Islamic Jihad is also claiming thousands of lives among the civilian population.

But unlike in the Second World War, these civilians are not the target of the attacks. They are a side effect – in technical jargon: collateral damage – of Israel's attacks on military targets located in areas inhabited by civilians.

Such "collateral damage" casualties among the civilian population as a result of attacks on military targets are no less tragic. However, they are not considered war crimes under the international laws of war, provided that the attacks are proportionate.

This means that the attacking warring party must account for the number of civilian casualties to be expected from the attack on the military target in question and whether the elimination of this military target justifies this number of casualties.

In the Israeli army IDF, every rocket attack on Hamas targets must therefore be examined in advance by lawyers to determine whether or not the expected civilian casualties justify the attack.

Furthermore, in accordance with the Geneva Conventions, Israel warns the civilian population in Gaza of attacks on a specific area or road by sending messages and

calls to cell phones and dropping leaflets. These warnings also include informing the population of specific routes (corridors) through which they can reach safety.

Protecting the civilian population in Gaza as far as possible is a major challenge for the Israeli army. In violation of international law and the laws of war, Hamas deliberately uses the civilian population in Gaza as human shields and positions its positions in densely populated areas, often close to schools or hospitals. Hamas' weapons factories and warehouses are also located in a system of tunnels built under settlements.

Unjustified accusation of genocide

Against this background, the accusation made by South Africa before the International Court of Justice (ICJ) in The Hague for purely political reasons that Israel is committing genocide in Gaza has no basis whatsoever.

It is true that individual ultra-nationalist politicians in Israel have called for Israel to annihilate the Palestinians in Gaza. But the policies of the Israeli government and the actions of the Israeli army in Gaza have nothing in common with these demands.

Genocide is defined as "the total or partial destruction of a national, ethnic, racial or religious group as such." The above-mentioned actions of the Israeli army to warn and protect the civilian population in Gaza show, however, that Israel is endeavoring to keep the number of civilian casualties in the Gaza war as low as possible while respecting international humanitarian law and international law of war.

Recommended reading by the editors

War, collateral damage and international humanitarian law: What does proportionality mean? Austrian Institute

www.hamas-massacre.net

www.october7.org