UN Gaza Report May Hamper Fight on Terror, Military Experts Warn

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By Elhanan Miller

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Israel has complied with, and even exceeded the requirements of international law during the 2014 Gaza war with Hamas, senior military experts told the United Nations Human Rights Council on Monday.

The military experts warned that a recently released United Nations report on the war, which concludes that both Israel and Palestinian terror groups may have committed war crimes during the 50-day conflict, may incentivize terrorists worldwide to embed themselves in civilian populations in future conflicts.

Speaking on a panel organized by pro-Israel groups UN Watch and NGO Monitor in Geneva, members of two independent military teams which examined the conflict in recent months blasted the UN investigation team headed by Mary McGowan Davis for failing to sufficiently consult with military experts on the war, relying instead mostly on testimonies collected by local non-governmental organizations, and for not recognizing the unique challenges posed by terror organizations with military capabilities.

According to Maj. Gen. (ret.) Mike Jones, former chief of staff of US Central Command (CENTCOM) and a member of the 2014 Gaza Assessment task force which submitted a report on the war commissioned by the [Jewish Institute for National Security Affairs (JINSA)](http://www.jinsa.org/), the Davis report insufficiently considered the evolving nature of conflict, in which non-state actors such as Hamas have gained the military capabilities so far reserved for standing armies.

“Hamas and other armed groups escalated military operations with no intent to defeat the IDF militarily,” said Jones on the panel. “Rather, it was clear to us that their strategic intent was to win the information war, with military operations and activities supporting the information effort.

“To engage in that assessment without a solid foundation of military operational expertise to inform your judgement … you would think that the commission would have a voracious appetite for the views of people like General Jones and the generals that accompanied him,” Lt. Col. (ret.) Geoffrey Corn, an international law professor at the South Texas College of Law in Houston, Texas, told the gathering.

Corn advised the Gaza Assessment task force of senior retired American generals in the JINSA report published in March.

The report, titled “2014 Gaza War Assessment: the new face of conflict,” argues that Israel’s restraint in exercising its military capabilities has “unintentionally empowered Hamas to distort both the law and facts for their own purposes to the ultimate detriment of civilians’ safety, for which Hamas bears sole responsibility.”

The 75-page JINSA report refers to Hamas as a “hybrid adversary”; a non-state actor possessing advanced weapons systems, yet choosing to adopt a doctrine of “unrestricted warfare” in a manner “likely to be studied by other nations and terror organizations.”

Realizing that Israel possesses warning and missile defense systems rendering it largely immune to incoming rockets from Gaza, Hamas cynically worked to force Israel to strike civilian targets — which would be legitimate under laws of armed conflict — generating international pressure that would later force Israeli political concessions, the experts argued.

Examining the UN report, the military experts argued, Hamas’s ploy seems to have worked.

Rather than judge Israel according to the principles of necessity, humanity, precaution, distinction and proportionality prescribed by laws of armed conflict, the Davis committee resorted to a post-hoc “effects-based condemnation,” indicting Israel on the basis of the widespread collateral damage caused to the Gaza Strip, the experts concluded.

The UN report would have serious ramifications on future battles fought by the US military against terrorist groups, the report argued. Armed groups using Hamas’s “unlawful tactics” will “undermine the legitimacy of US operations, encourage international actors to condemn and pressure the US, and sap its will to continues such campaigns,” it read.

“When confronting such a foe, unnecessary greater restraint in US military operations will not deliver victory,” the report claimed.

Meanwhile, the preliminary findings of a second independent military inquiry, commissioned by the Friends of Israel Initiative led by former Spanish president Jose Maria Aznar, were published late last month and sent to the Davis committee for consideration.

Headed by General Klaus Naumann, former Chief of Staff of the German military (the Bundeswehr) and Chairman of the NATO Military Committee, and including senior security experts from the US, Spain, Italy, Australia, Great Britain and Colombia, the High Level International Military Group said it gained “unprecedented access to the Israeli government and the IDF” in a visit to Israel on May 18-22.

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“We … are in no doubt that this was not a war that Israel wanted,” [wrote the group to Davis in a letter on May 31](http://blog.unwatch.org/wp-content/uploads/HLIMG-report-cover-letter-to-Judge-Mary-McGowan-Davis-UNHRC-31-May-2015.pdf). “In reality, Israel sought to avoid the conflict and exercised great restraint over a period of months before the war, when its citizens were targeted by sporadic rocket attacks from Gaza. Once the war had begun, Israel made repeated efforts to terminate the fighting. The war that Israel was eventually compelled to fight against Hamas and other Gaza extremists was a legitimate war, necessary to defend its citizens and its territory against sustained attack from beyond its borders.”

Colonel Richard Kemp, a retired British officer and member of the High Level Group, was less diplomatic Monday in describing his outrage over the UN report’s comparison of the IDF and Hamas in last year’s conflict.

“It is morally bankrupt to do that,” he told the audience. “There is no comparison between the two. The IDF is the legitimate army of a democratic government in a Western liberal democracy fighting to defend its people. Hamas, on the other hand, is a ruthless terrorist organization … intent on brutally suppressing and repressing the people of Gaza.

“What is the comparison? It’s like comparing the US army and the Islamic State,” he concluded.