[UN Gaza War Report Leaves No Room for Israeli Self-Defense](https://www.commentarymagazine.com/2015/06/22/un-gaza-war-report/)

June 22, 2015

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Commentary Magazine

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After months of anticipation, [the report by the United Nations Human Rights Council](http://www.timesofisrael.com/text-of-un-gaza-commissions-press-release-summarizing-its-findings/) about last summer’s Gaza war is out today and its contents are no surprise. While the UNHRC acknowledged that Hamas’s indiscriminate firing of rockets and missiles at Israeli cities and towns were acts of terrorism, it concentrated most of its fire on Israel’s attempts to defend its territory and citizens. The UNHRC not only described Israeli actions as “disproportionate and indiscriminate” but also considers the blockade of Gaza to be a violation of Palestinian human rights and should be investigated by the International Criminal Court. But while the toll of Palestinian civilian deaths was a tragedy, the UN Gaza war report is predictably skewed not just in terms of its mischaracterization of what were, in fact, highly restrictive rules of engagement that often put Israel Defense Forces personnel in danger, but also seeming to grant Hamas impunity to wage a terror war against Israel’s existence. In effect, what the UNHRC is doing is to create rules that allow Hamas to hide amid a civilian population, using them as human shields, and then to claim those trying to stop terror are the real criminals. The United States must not only reject this dangerous precedent, but it ought to withdraw from a biased UN agency that seems to exist largely to single out the Jewish state for unfair treatment.

The UNHRC takes the view that the large number of Palestinians who were killed by Israeli fire around or in their homes is, almost by definition, proof that the IDF misbehaved. Just as wrongheaded is the claim that Israel’s efforts to warn Palestinians to leave specific areas or even specific structures is insufficient to ward off charges of war crimes. But [as this feature by Willy Stern published this month by the *Weekly Standard* shows,](http://www.weeklystandard.com/print/articles/attorneys-war_964911.html) the legal process by which IDF strikes are approved is geared toward saving civilian lives goes beyond any notion of what international law requires. Indeed, the Israeli rules, which often endanger Israeli soldiers and allow terrorists to escape simply because of the possibility that civilians might be harmed, are such that they go well beyond the practices what other Western nations, including the United States in its conflicts in Afghanistan, Pakistan, and Iraq observe.

But when one boils down the UN report to its essentials, it comes to this: The only sort of Israeli action in Gaza that might pass the HRC’s test would be if Israeli soldiers knocked on every door and politely asked if there were any terrorists there and then left if they were told there weren’t. The fact that Hamas deliberately fires its rockets amid and from civilian structures places those in those buildings in harm’s way. Israel tries to warn civilians to leave and even goes to extreme measures such as firing duds at buildings in order to get noncombatants to evacuate them. But Hamas made it clear to civilians that those fleeing the fighting would be considered collaborators if they didn’t stay put. That’s a death threat that Gazans rightly treat as more worrisome than the prospect of being caught in a firefight involving the Israelis. The UNHRC standard is damaging to Israel, but it also hurts the Palestinians since it effectively leaves them at the mercy of the Islamist tyrants that have seized control of Gaza.

Moreover, asking the Israelis not to use heavy weapons in urban areas essentially gives Hamas a further incentive to dig in, as it did, in residential neighborhoods and then dare the Israelis to try to root them out. The results of such actions are sometimes tragic. Though any such deaths are awful, given the scale of the fighting initiated by Hamas, a death toll of even the number of civilians claimed by the UNHRC (other reports place the number of civilians much lower since the UN wrongly allows the Palestinians to declare many Hamas personnel to be noncombatants) is actually quite low. [As I noted last week,](https://www.commentarymagazine.com/2015/06/15/the-pointless-battle-gaza-war-reports/) the fact that other reports and even the verdict of the Chairman of the Joint Chiefs of Staff of the United States is that Israel not only acted properly but also constituted a model for the conduct of armed forces in asymmetrical conflicts illustrates the UNHRC’s bias.

But the main question to be asked here is how a war launched by a terrorist organization operating an independent Palestinian state in all but name can be defended against by the victims of their attacks without incurring some civilian casualties. The point is not just that Hamas’s goal is to kill as many Jewish civilians as possible while the IDF goes to extreme lengths to avoid such deaths. Rather, it is that once a terrorist group sets up operations in an area under its control, sovereign nations attacked by these killers must have the right to conduct defensive operations intended to halt rocket fire and the use of tunnels for kidnapping and murder. If the soldiers of such nations are to be deemed war criminals for using heavy weapons or for mistakes that inevitably happen in the heat of battle amid the fog of war, then what the UNHRC is doing is to create rules that give the terrorists impunity.

Moreover, if blockades of areas run by such terrorists bent on destroying their neighbors — the purpose of Hamas’s “resistance to Israel is not to adjust its borders in the West Bank, but to eliminate the Jewish state — are also illegal, then such criminal groups will likewise be granted impunity to set up such states and conduct wars without fear of international sanctions. That Israel’s blockade of Gaza ensured that food and medical supplies continued to flow into the strip even during the war proves how absurd the UN standards are when applied to Israel.

It is that last phrase that is the operative concept at work here. We know that the UN would not dare label any military operation such as the one conducted by Israel as illegal were it carried out by any other nation. The UNHRC largely ignores real human rights crises elsewhere in the world (including next door to Israel in Syria where hundreds of thousands have died) in order to concentrate its condemnations on the Jewish state. The fact that the chair of this commission who guided it for most of its life was a bitter critic of Israel and issued statements prejudging its outcome made this bias even more explicit.

In the end, the UNHRC report does nothing to clarify how nations should conduct wars. But it does tell us everything we need to know about the need for civilized nations to cease supporting an agency that purports to speak in the name of human rights but instead bolsters hate.