

Open Letter From Military Professionals Refuting Genocide Allegations Against Israel



50TH
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WASHINGTON, DC | As retired senior military leaders and legal experts, on this, the third anniversary of Hamas's October 7, 2023 brutal attack on Israel, we reject claims that Israel committed genocide in Gaza.

Genocide is a grave and exceptional violation of international law, defined and prohibited by the Genocide Convention of 1948 and enumerated as a crime in the Statute of the International Criminal Court and in the U.S. federal criminal code. The allegations that Israel committed this crime do not meet the established definition and standards of genocide, are unsupported by established facts, nor do they stand up to common sense scrutiny.

A finding of genocide requires evidence of acts that are intended to destroy a protected national, ethnic, racial, or religious group, in whole or in part. Israel has neither intended to, nor destroyed, Palestinians as a group in Gaza. All the evidence, in fact, points to the contrary conclusion: that, after suffering a barbaric, indiscriminate massacre by Hamas terrorists on October 7, 2023, the Israel Defense Forces (IDF), acting in justified self-defense, went to extreme lengths to protect civilians in Gaza, including from Hamas.

Israel's accusers allege genocide mostly because of the supposed number of civilians killed in Gaza. Such claims are rife with flaws. Genocide is not a quantitative crime; there is no number of civilian casualties that constitutes genocide. Nor are the claimed casualty numbers from Gaza credible. Issued by Hamas themselves and, at the very least, not distinguishing between civilians and combatants, they cannot be relied upon.

Further, established legal precedent makes clear that civilian deaths occurring during combat, however tragic, are insufficient, by themselves, to support a finding of genocidal intent. That is because of the unfortunate realities of war and the laws that govern it, both of which Israel's accusers appear woefully ignorant.

Many of the signatories to this letter have commanded United States armed forces in combat against enemies who regularly hide behind civilians and put those civilians intentionally in harm's way. Fighting under those complexities is especially difficult. We understand that the loss of civilian life in Gaza is tragic. But we also know that such tragic outcomes do not necessarily violate the law of armed conflict. There is no perfect attack; there are only those in which commanders use all available information to make hard decisions and their best judgement to comply with legal obligations and protect civilians. And that is exactly what we have witnessed from the IDF in Gaza.

Assessments of Israeli combat operations, undertaken by some of the signatories to this letter, describe a military taking an unprecedented combination of precautions to avoid civilian casualties; not one following orders to destroy Palestinians as a group. The IDF has provided civilians with numerous advance warnings—leaflets, phone calls, text messages, radio and TV broadcasts, and social media notices—evacuation instructions, protected corridors, and tactical pauses to help move them out of harm's way, even when those precautionary measures ceded tactical advantage to enemy forces. IDF soldiers have even put themselves in harm's way to protect Palestinians seeking to flee the fighting from attack by Hamas. Stringent legal review of targets is a standard part of IDF procedures. Repeatedly, Israel has called off strikes because of the presence of civilians.

Israel has also gone out of its way to provide aid and assistance to civilians in Gaza. More than 3.5 million tons of food, 48,000 tons of medical supplies, 5,000 tons of baby food, and up to 15,000 cubic meters per day of water desalinated by Israel have been sent into Gaza. Over half a million Gazan children were vaccinated during the war and some 5,000 Gazans evacuated for medical treatment abroad. These are not the actions of a genocidal state but of a professional military ethically and legally committed to the protection of civilian life.

This pattern of law-abiding IDF conduct in Gaza also contradicts accusers' claims that some statements from Israeli political officials, seemingly encouraging unlawful harm to civilians, are evidence of genocidal intent. Such inflammatory statements are disgraceful. Yet, while it deserves unequivocal condemnation, rhetoric from politicians uninvolved in military decision-making is in no way reflective of actual IDF operations.

Israel has not committed genocide but rather set a high bar for how to conduct urban warfare against an enemy who will stop at nothing, including the death of its own civilians.

We call on those concerned with this issue to carefully assess the facts related to the Gaza campaign, insist on faithful application of the Genocide Convention, and reject factually and legally dubious accusations against Israel. Failure to do so incentivizes future adversaries to deliberately endanger civilians and then exploit civilian suffering to portray lawful operations as genocide, weaken public support, and divide our alliances.

The precedent established today regarding Israel will shape the conditions under which American forces fight tomorrow. Protecting civilians and preserving the ability of our nation to defend itself requires us to defend the truth when the laws of war are being distorted to make false charges of genocide.

The Jewish Institute for National Security of America (JINSA) is dedicated to advancing U.S. national security interests in the Middle East, of which a critical pillar is a robust U.S.-Israel security relationship. JINSA believes that Israel is the most capable and critical U.S. security partner in the 21st century and that a strong America is the best guarantor of Western civilization.

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