

War Crimes? Us???

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“WAR IS HELL!” the US general William Tecumseh Sherman famously exclaimed.

War is the business of killing the “enemy”, in order to impose your will on them.

Therefore, “humane war” is an oxymoron.

War itself is a crime. There are few exceptions. I would exempt the war against Nazi Germany, since it was conducted against a regime of mass murderers, led by a psychopathic dictator, who could not be brought to heel by any other means.

This being so, the concept of “war crimes” is dubious. The biggest crime is starting the war in the first place. This is not the business of soldiers, but of political leaders. Yet they are rarely indicted.

THESE PHILOSOPHICAL musings came to me in the wake of the recent UN report on the last Gaza war.

The investigation committee bent over backwards to be “balanced”, and accused both the Israeli army and Hamas in almost equal terms. That, in itself, is problematic.

This was not a war between equals. On one side, the State of Israel, with one of the mightiest armies in the world. On the other side, a stateless population of 1.8 million people, led by a guerrilla organization devoid of any modern arms.

Any equating of such two entities is by definition contrived. Even if both sides committed grievous war crimes, they are not the same. Each must be judged on its own (de)merits.

THE IDEA of “war crimes” is relatively new. It arose during the 30 Years War, which devastated a large part of Central Europe. Many armies took part, and all of them destroyed towns and villages without the slightest compunction. As a result, two thirds of Germany were devastated and a third of the German people was killed.

Hugo de Groot, a Dutchman, argued that even in war, civilized nations are bound by certain limitations. He was not a starry-eyed idealist, divorced from reality. His main principle, as I understand it, was that it makes no sense to forbid actions that help a warring country [or “party”] to pursue the war, but that any cruelty not necessary for the efficient conduct of the war is illegitimate.

This idea took hold. During the 18th century, end-

less wars were conducted by professional armies, without hurting civilian populations unnecessarily. Wars became “humane”.

Not for long. With the French revolution, war became a matter of mass armies, the protection of civilians slowly eroded, until it disappeared entirely in World War II, when whole cities were destroyed by unlimited aerial bombardment (Dresden and Hamburg) and the atom bomb (Hiroshima and Nagasaki).

Even so, a number of international conventions prohibit war crimes that target civilian populations or hurt the population in occupied territories.

That was the mandate of this committee of investigation.

THE COMMITTEE castigates Hamas for committing war crimes against the Israeli population.

Israelis didn't need the committee to know that. A large share of Israeli citizens spent hours in shelters during the Gaza war, under the threat of Hamas rockets.

Hamas launched thousands of rockets towards towns and villages in Israel. These were primitive rockets, which could not be aimed at specific targets—like the Dimona nuclear installation or the Ministry of Defense which is located in the center of Tel Aviv. They were meant to terrorize the civilian population into demanding a stop to the attack on the Gaza strip.

They did not achieve this goal because Israel had installed a number of “Iron Dome” counter-rocket batteries, that intercepted almost all rockets heading for civilian targets. Success was almost complete.

If they are brought before the International Court in The Hague, the Hamas leaders will argue that they had no choice: they had no other weapons to oppose the Israeli invasion. As a Palestinian commander once told me: “Give us cannons and fighter planes, and we will not use terrorism.”

The International Court will then have to decide whether a people that is practically under an endless occupation is allowed to use indiscriminate rockets. Considering the principles laid down by de Groot, I wonder what the decision will be.

That goes for terrorism in general, if used by an oppressed people that has no other means of fighting. The

black South Africans used terrorism in their fight against the oppressive apartheid regime, and Nelson Mandela spent 28 years in prison for taking part in such acts and refusing to condemn them.

THE CASE against the Israeli government and army is quite different. They have a plentitude of arms, from drones to warplanes to artillery to tanks.

If there was a cardinal war crime in this war, it was the cabinet decision to start it. Because an Israeli arrack on the Gaza Strip makes war crimes unavoidable.

Anyone who has ever been a combat soldier in war knows that war crimes, whether in the most moral or the most base army in the world, do occur in war. No army can avoid recruiting psychologically defective people. In every company there is at least one pathological specimen. If there are not very strict rules, exercised by very strict commanders, crimes will occur.

War brings out the inner man (or woman, nowadays). A well-behaved, educated man will suddenly turn into a ferocious beast. A simple, lowly laborer will reveal himself as a decent, generous human being. Even in the “Most Moral Army in the World”—an oxymoron if there ever was one.

I was a combat soldier in the 1948 war. I have seen an eyeeful of crimes, and I have described them in my 1950 book “The Other Side of the Coin”.

THIS GOES for every army. In our army during the last Gaza war, the situation was even worse.

The reasons for the attack on the Gaza Strip were murky. Three Israeli kids were captured by Arab men, obviously for the sake of achieving a prisoner exchange. The Arabs panicked and killed the boys. The Israelis responded, the Palestinians responded, and lo—the cabinet decided on a full-fledged attack.

Our cabinet includes nincompoops, most of whom have no idea what war is. They decided to attack the Gaza Strip.

This decision was the real war crime.

The Gaza Strip is a tiny territory, overcrowded by a bloated population of 1.8 million human beings, about half of them descendents of refugees from areas that became Israel in the 1948 war.

In any circumstances, such an attack was bound to result in a large number of civilian casualties. But another fact made this even worse.

ISRAEL IS a democratic state. Leaders have to be elected by the people. The voters consist of the parents and grandparents of the soldiers, members of both regular and reserve units.

This means that Israel is inordinately sensitive to casualties. If a large number of soldiers are killed in action,

the government will fall.

Therefore it is the maxim of the Israeli army to avoid casualties at any cost—any cost to the enemy, that is. To save one soldier, it is permissible to kill ten, twenty, a hundred civilians on the other side.

This rule, unwritten and self-understood, is symbolized by the “Hannibal Procedure”—the code-word for preventing at any cost the taking of an Israeli soldier prisoner. Here, too, a “democratic” principle is at work: no Israeli government can withstand public pressure to release many dozens of Palestinian prisoners in return for the release of one Israeli one. Ergo: prevent a soldier from being taken prisoner, even if the soldier himself is killed in the process.

Hannibal allows—indeed, commands—the wreaking of untold destruction and killing, in order to prevent a captured soldier from being spirited away. This procedure is itself a war crime.

A responsible cabinet, with a minimum of combat experience, would know all this at the moment it was called upon to decide on a military operation. If they don't know, it is the duty of the army [or “military”] commanders—who are present at such cabinet meetings—to explain it to them. I wonder if they did.

ALL THIS means that, once started, the results were almost unavoidable. To make an attack without serious Israeli casualties possible, entire neighborhoods had to be flattened by drones, planes and artillery. And that obviously happened.

Inhabitants were often warned to flee, and many did. Others did not, being loath to leave behind everything precious to them. Some people flee in the moment of danger, others hope against hope and stay.

I would ask the reader to imagine himself for a moment in such a situation.

Add to this the human element—the mixture of humane and sadistic men, good and bad, you find in any combat unit all over the world, and you get the picture.

Once you start a war, “stuff happens”, as the man said. There may be more war crimes or less, but there will be a lot.

ALL THIS could have been told to the UN committee of inquiry, headed by an American judge, by the chiefs of the Israeli army, had they been allowed to testify. The government did not allow them.

The convenient way out is to proclaim that all UN officials are by nature anti-Semites and Israel-haters, so that answering their questions is counterproductive.

We are moral. We are right. By nature. We can't help it. Those who accuse us must be anti-Semites. Simple logic.

To hell with them all!