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GAZA

## Systematic destruction

Israel declares its attacks on Gaza as self-defense. Statements by Israeli politicians and military officials expose this as a lie.



Helga Baumgarten/Norman Paech: Genocide in Gaza: A Political and Legal Analysis. Promedia-Verlag, Vienna 2025, 232 pages, €22

**The book " Genocide in Gaza " by Helga Baumgarten and Norman Paech is currently being published by Promedia . With the kind permission of the author and publisher, we are publishing**

**the editorially abridged chapter " October 8, 2023 – Operation Iron Swords " from the second part of the book, written by Norman Paech . The book can be ordered at [mediashop.at](http://mediashop.at) (jW)**

Despite all the – supposed – surprise and despite a lack of preparation for the attack on October 7, the Israeli army responded immediately, the very next day, with massive airstrikes and artillery fire. To legitimize its actions under international law, the Israeli government invoked the right of defense, which it still claims to justify its war, more than a year after the

attack. The governments in the US, Germany, and the EU, which support it, are following suit, in order to legitimize their ongoing arms deliveries and financial aid.

The right to self-defense in Article 51 is the only exception codified in the UN Charter to the absolute prohibition of the use of force in Article 2, paragraph 4. It states: "The provisions of this Charter shall in no way impair the inherent right of individual or collective self-defense in the event of an armed attack against a Member of the United Nations, until the Security Council has taken such measures as may be necessary to maintain international peace and security. Any action taken by a Member in exercise of this right of self-defense shall be immediately reported to the Security Council; such action shall in no way affect the power and duty of the Security Council, under the present Charter, to take at any time such measures as it may deem necessary to maintain or restore international peace and security."

Furthermore, only the Security Council itself has the authority to take or authorize military action (Article 42 of the UN Charter) in the event of a "threat to, breach of, or act of aggression" (Article 39 of the UN Charter). Thus, for the first time in the history of peoples and states, the previously valid claim to sovereignty, which included the right to use force and to declare war, was suspended and monopolized by the United Nations Security Council. However, what 45 states had decided in San Francisco in 1945, still in the immediate memory of the bloody battles of World War II, was increasingly perceived by the most powerful states, with the world becoming divided during the Cold War and the renaissance of imperialist claims to power, as an inconvenient restriction on their options for action. Attempts began to expand the right of defense and, through interpretive tricks, to shift it forward into preventive and preemptive defense and to intensify it. This also includes the extension of the defense, as Israel is currently claiming in its war in Gaza and is supported primarily by the US and the Federal Republic of Germany. The original function of this sole exception to the prohibition of the use of force, to limit the use of force to a narrow area of immediate response to an attack, is becoming increasingly blurred.

### **Expired right**

Over 20 years ago, Israel attempted to justify the construction of a wall or a barrier in parts of the occupied West Bank as a defense against terrorist attacks. It cited Resolutions 1368 of September 12, 2001, and 1373 of September 28, 2001, the UN Security Council's initial response to the terrorist attacks on the World Trade Center in New York. While these resolutions consider and oblige states to take a range of measures against terrorism, they make no mention of the right to self-defense. The International Criminal Court (ICC)<sup>1</sup> did not dwell on Israel's right to self-defense for long in 2004. While confirming the right of every

state to "use force in self-defense against terrorist attacks" (para. 138), it denied Israel's right to self-defense because "the threat justifying the construction of the wall originates from within this territory and not from outside" (para. 139).

The situation on October 7, however, is different. While the threat also comes from the occupied territories, these can now be considered "outside" Israel due to the increasing recognition of Palestine's status in the UN and the recognition of the State of Palestine by 146 states. In this respect, Israel cannot be denied a right of self-defense against the attack on October 7, 2023. Those who nevertheless seek to deny Israel a right of self-defense because the occupation is illegal under international law misjudge the nature of the attack. The high number of civilian casualties alone makes it illegal under international law and gives every victim a right of defense. The single, but major, problem now is the duration of this defense—whether the military operation can still be justified as defense even after more than a year. In addition, the extraordinarily high number of dead, injured and displaced persons raises the question of proportionality, whether more than 50,000 officially recorded deaths and more than 100,000 injured are still in an acceptable proportion to the defense objective.

Little attention has been paid to the second part of the first sentence of Article 51 of the UN Charter. This article stipulates that the right to self-defense exists "until the Security Council has taken the measures necessary to maintain international peace and security." The ICJ's first decision was made on February 26, 2024, in which it called for various measures from states to prevent genocide. This decision was confirmed by the UN Security Council on March 25, 2024, with its Resolution 2728 (2024)<sup>2</sup> and its call for an immediate ceasefire. By this time at the latest, Israel's right to self-defense had expired, as the Security Council had taken "necessary measures." The fact that Israel ignored this binding call did not change the effect of this resolution, which terminated the right to self-defense.

However, there had already been serious developments in the war that went far beyond self-defense and could no longer legitimize such a right. The Israeli government's official justification for its defensive war is the destruction of Hamas, in order to prevent similar attacks in the future. Its personnel strength was estimated at approximately 30,000 members, of whom the army claims to have killed 17,000. Despite a total of 50,000 dead, countless injured, and displaced persons, Hamas's fighting capacity appears to have been severely weakened, but it is still capable of individual actions. In other words: the goal of "defense" is only achieved when all those still capable of an act of resistance have been eliminated.

This is the announcement of an endless war, underscoring the realization that Hamas may be an organization with a definable number of members, but as an organization of resistance, it

is also more deeply rooted in Palestinian society. It is supported by it and is able to continually recruit from it. Moreover, there are a number of other organizations, such as the Islamic Jihad and the PFLP, that have also taken up the fight. Regardless of whether the Israeli government and army have recognized these connections, the fundamental aporia of their war is the failure to understand that popular and liberation movements cannot be overcome militarily. The not-so-distant history of colonial liberation struggles in Africa has demonstrated this. Even France, which considered Algeria part of its own country for decades, eventually had to learn this lesson and grant Algeria independence.

### **Plan for extinction**

The Israeli government consistently emphasizes that its sole goal is the elimination of Hamas. But the data and information released in the Gaza Strip, despite the very limited access of journalists and the de facto ban on commissions of inquiry, paint a different picture. It reveals a "coordinated plan to wipe out the Palestinians in Gaza," as described by the international research group Forensic Architecture. The group recorded more than 1,000 Israeli bombings by June 2024, using approximately 25,000 tons of explosives, an explosive force twice the force of the Hiroshima atomic bomb.<sup>4</sup> This meant that 425 schools, 273 religious buildings, and 250 places of refuge were attacked, some multiple times. Thirty-one of Gaza's 36 hospitals were attacked multiple times, and the Al-Shifa hospital complex alone was attacked six times, while over 60,000 people were sheltering there.<sup>5</sup> 83 percent of all vegetation and approximately 70 percent of Gaza's agricultural land, 104 square kilometers (out of 150 square kilometers) of fields and orchards, were destroyed. More than 47 percent of groundwater wells and 65 percent of water tanks were destroyed or damaged. The condition of 29 percent of the wells is unknown. None of Gaza's wastewater treatment plants remain intact or functional.<sup>6</sup>

These few figures alone demonstrate that not only Hamas and the other resistance organizations, but the entire Palestinian society, has been given the green light for attack and destruction. But they also demonstrate that Israel was unwilling from the outset to comply with the rules of international humanitarian law, which prohibit any armed attack on civilians and civilian facilities. The group Forensic Architecture thus concludes: "The patterns we have observed regarding Israel's military behavior in Gaza point to a systematic and organized campaign to destroy life, a supportive environment, and life-sustaining infrastructure."

From October 7, 2023, to June 2024, a series of statements regarding the destruction of civilian infrastructure were made by a variety of Israeli state and military officials, senior

officers, Knesset members, and public figures. Such statements were posted on social media, made in press interviews, or delivered in an official capacity. These statements often refer to the targeted destruction of essential infrastructure, including medical, cultural, economic, and agricultural infrastructure, as well as housing and sanitation facilities. They demonstrate that, from the outset, Israeli military operations targeted the entire population, which they held collectively responsible for the October 7 attack.<sup>7</sup>

### **Scorched earth**

On October 9, 2023, Israel Katz (then Minister of Energy, recently Minister of Defense) posted on X that he had issued an "order (...) for the immediate interruption of the water supply from Israel to Gaza." "Electricity and fuel were cut off yesterday. What once was will no longer be." On October 9, 2023, Israeli Defense Minister Joav Gallant announced in an Israeli military "situation report" that Israel "is imposing a complete siege on the Gaza Strip. No electricity, no food, no water, no fuel. Everything is closed. We are fighting against human animals and are acting accordingly."

Also on October 9, 2023, Israeli Major General Ghassan Alian addressed Hamas and the residents of the Gaza Strip in a video message released via the official channel of COGAT (the authority responsible for the occupied Palestinian territories), stating: "Hamas has become ISIS, and the citizens of Gaza are celebrating instead of being horrified. Human animals are being treated accordingly. Israel has imposed a total blockade on Gaza, no electricity, no water, only damage. You wanted hell, you will get hell."

On October 10, 2023, Israel Katz posted on X: "Until now, we have transferred 54,000 cubic meters of water and 2,700 megawatts of electricity to Gaza every day. This is over now. Without fuel, the local power supply will also collapse within days, and the pumped wells will be (inactive) within a week. This is what is being done to a nation of murderers and child-slayers. What once was will be no more."

On October 13, 2023, Israel Katz posted on X: "The UN rejects the IDF's call for residents of the northern Gaza Strip to relocate to the south of the Strip for (military) operational reasons, warning of devastating humanitarian consequences. What hypocrisy! We will not provide a single gram of water or electricity to those who do not relocate. We will work with full force to eliminate the murderers in Hamas and ISIS and restore security. What once was will be no more."

On October 13, 2023, Israel told Katz—after Israel ordered 1.1 million Palestinians, including patients and hospital staff, to leave the northern Gaza Strip within 24 hours: "The

entire civilian population in Gaza must leave the area immediately. We will win. They will not receive a drop of water or a single battery until they leave the world."

On October 7, 2023, Israeli Knesset member (Likud) Revital Gottlieb declared on X: "Tear down buildings!! Bomb indiscriminately!! Stop this powerlessness. You have the ability. There is global legitimacy! Level Gaza. Without mercy! There is no room for mercy this time!"

Two days later, on October 9, 2023, Colonel Tsachi Fenton posted on Facebook that the entire Gaza Strip and Lebanon would look like a completely destroyed neighborhood. And on October 10, 2023, Israeli Major and Deputy Commander of the 35th Parachute Brigade, Amit Deri, posted on Facebook: "Gaza must be destroyed. Everything. Every building, every house, every school, and also Shifa Hospital. (...) Give the residents of Gaza a short period of a few hours to evacuate to Egypt or to the coast outside their homes and start working immediately. It won't take long!! With intensive air activity, it's a matter of a few days. There is no other option."

On October 17, 2023, Israeli politician and chairman of Zehut (Centers for the Deepening of Jewish Identity), Moshe Feiglin, stated on X: "If the goal of this operation is not destruction, deportation, and settlement, we have done nothing. In the end, the entire land (Kibbutz) will be Beerli." Feiglin also posted: "It is not Hamas that should be eliminated. Gaza should be razed to the ground, and Israeli rule should be restored to this place. This is our land."

On November 4, 2023, Israeli Brigadier General Jogew Bar-Sheshet, former deputy head of COGAT and now deputy auditor of the defense establishment, who fought in Gaza, stated in a video filmed in Beit Lahia and broadcast on Israeli television: "Whoever returns here, if they return here after this, they will find scorched earth. No houses, no agriculture, nothing."

### **Cloak of legality**

On November 17, 2023, Shlomi Warmstein, an officer in the Givati Brigade's special forces, posted on his Facebook page: "...let us settle in Gaza today! (...) Each of us, in our rank and position, we are united as one for the war to destroy Gaza. There are no questions here, only the common and united desire to eradicate this terrible evil and wickedness. (...) (We) walk through the destroyed streets, into houses, schools, and hotels, looking at every opportunity for the open sea, which offers a brief, pure, and profound glimpse of clean nature. (...) They could have created a place of sea and tourism and life and housing and advanced agriculture and business centers, literally a global center, but they chose evil and death. In the places we walk through, there is nothing left, God willing. Everything is broken and destroyed, thanks to the air force and the armored corps. (...) A feast for the eyes! (...) Everything must be ours."

Really. Everything here is empty, and there's no reason in the world to let them return. (...) Gaza must (...) be a light that shows that sometimes you have to be the most aggressive and determined, and ('kill') and take revenge and drive out. We really must pray for our stay here; it will be a reform (tikkun) for everything. (...) How beautiful it will be when we make the decision to wipe out, eliminate, and destroy all the houses in Gaza, and to rebuild and rehabilitate the envelope settlements, and in a long human chain, we will wait on the day of their return with flags and with a smile and a look that we have destroyed the enemy and it is now safe and everything is quiet forever and we can sleep peacefully at night and live a peaceful life during the day."

On December 13, 2023, Israeli Defense Minister Yoav Gallant said during a visit to the Israeli city of Sderot: "The work in the north of the Gaza Strip, with all its costs and pain, is such that the surrounding infrastructure, such as Beit Hanoun and its surroundings, its tunnels, and the houses in the officers' quarter, in Tel Al-Hawa (a neighborhood in Gaza City), is being destroyed—everything has been wiped out, and that has meaning."

On January 8, 2024, Israeli soldier Aviad Yisraeli described the Israeli military's destruction of the Palestinian village of Khuza'ah, posting on Facebook: "It was Khuza'ah's turn to bear the consequences of the decision to attack the Jewish people. (...) For the first time, I understood the value of the piles of concrete and iron that became a symbol of war. This village (...) should no longer exist. Destroyed buildings, burned greenhouses, and even dead terrorists are not a strategic achievement. They are the most fundamental consequence that everyone who dared to assist or look away on October 7 must bear. In the last two weeks, we have captured and destroyed Khirbet Khuza'ah. We hung the Israeli flag and the Nir Oz flag on the community center, the school, and the mosque. Then we blew them up."

On March 3, 2024, Israeli Defense Minister Yoav Gallant declared: "We are dismantling one neighborhood at a time." On March 30, 2024, following the siege and destruction of Al-Shifa Hospital by the Israeli military in March 2024, Lieutenant General Herzi Halevi declared: "An impressive strategy is being implemented here. A very, very important message is being conveyed here: A hospital is not a safe place." Halevi described the operation as a "very great achievement." On April 7, 2024, Rabbi Avraham Zarbiw posted on Facebook: "Wherever the soldiers of the Israel Defense Forces (IDF) passed through, the earth was burned." On May 30, 2024, Israeli Finance Minister Bezalel Smotrich, chairman of the National Religious Party – Religious Zionism, reaffirmed the Israeli government's policy in Gaza and attempted to extend it to the West Bank on May 30, 2024, declaring: "We will reduce you to rubble, as we are now doing in the Gaza Strip."

Similar statements can be documented up to the present day. They prove two things: First, the invocation of the right to self-defense is a clumsy maneuver to cloak the war in legality and thus facilitate continued support for the allies – the latter with complete success. Second, it shows that from the outset, Operation Iron Swords intended the conquest, ethnic cleansing, and settlement of the Gaza Strip for strategic and economic reasons. Zionism had never previously laid claim to the Gaza Strip, the land of the Philistines, on religious grounds. Now, with the destruction of Hamas, the most dangerous group in the Palestinian resistance, the final pacification of the Palestinian conflict, access to further economic resources off the coast, and attractive settlement areas opened up.

**Notes:**

1 See <https://www.icj-cij.org/sites/default/files/case-related/131/131-20040709-ADV-01-00-EN.pdf> and Karin Oellers-Frahm: Expert Opinion on the Construction of a Wall in Palestinian Territory. In: *Journal of the United Nations and its Specialized Agencies* 3, 2005

2 See [https://www.un.org/Depts/german/sr/sr\\_24/sr2728.pdf](https://www.un.org/Depts/german/sr/sr_24/sr2728.pdf)

3 See Yaro Allisat: Genocide according to Plan, *junge Welt*, November 1, 2024. See Forensic Architecture: A Spatial Analysis of the Israeli Military's Conduct in Gaza since October 2023, October 15, 2024, p. 381. [info@forensic-architecture.org](mailto:info@forensic-architecture.org)

4 Other sources even report 40,000 tons of bombs and 14,800 deaths in the first two months of the Israeli operation, see <https://www.teletrader.com/40-000-tons-of-bombs-reportedly-dropped-on-gaza-since-october/news/details/61045294?international=1>

5 See Forensic Architecture: A Spatial Analysis of the Israeli Military's Conduct in Gaza since October 2023

6 See Forensic Architecture, A Cartography of Genocide since October 2023, <https://forensic-architecture.org/investigation/a-cartography-of-genocide>

7 The following examples are taken from Forensic Architecture: A Spatial Analysis of the Israeli Military's Conduct in Gaza since October 2023, pp. 817 ff.