

Who started Gaza war? To equate Israel and Hamas, UN won't ask the question

By Lev Tsitrin

"The UN's Human Rights Office has condemned the high number of civilians killed in the war in Gaza, saying its analysis shows close to 70% of verified victims over a six-month period were women and children," according to [BBC report](#).

Statistics is just a number, of course; the question is, how is it being used. As some wit (Disraeli according to some, Mark Twain according to the others) observed way back when, "there are three kinds of lies: lies, damned lies, and statistics". Does the UN statistics, while true in itself, falls into the latter category?

Needless to say, it depends on the context in which it is being used. Here is UN's Human Rights Office's: "the high number was largely due to Israel's use of weapons with wide-area effects in densely populated areas, although some deaths may have been the result of errant projectiles by Palestinian armed groups ... raising concerns about "war crimes and other possible atrocity crimes""

This may constitute criminality because, as "UN Human Rights Chief Volker Türk said in a statement ... "[the number of non-combatant casualties] is a direct consequence of the failure to comply with fundamental principles of international humanitarian law" ... He cited the laws of distinction, which requires warring parties to distinguish between combatants and civilians, proportionality, which prohibits attacks where harm to civilians outweighs military advantage, and precautions in attacks."

Those citations are correct – but the problem is that they are at best incomplete, thus prejudging the question of who is to blame – which Mr. Türk prefers to completely avoid, referring instead of “warring parties,” equating IDF and Hamas because clearly, the goal of his report is to smear Israel.

So let’s unpack what Mr. Türk said, and what he didn’t say.

As to what he said, there is no symmetry between Hamas and Israel in the law which he himself cited. “The laws of distinction, which requires warring parties to distinguish between combatants and civilians” clearly apply to Hamas’ use of Palestinian women and children as human shields when firing at Israeli troops from amidst them in the hope (and expectation) that Israelis won’t fire back. This practice is completely banned – while the principle of “proportionality” that would apply to IDF and “which prohibits attacks where harm to civilians outweighs military advantage” is merely subject to interpretation of what the desired “military objective” is, and what the expected “harm to civilians” would be, and whether the latter is worth the former. It clearly may be, though Mr. Türk does not enlighten us on his views of the acceptable ratio. Clearly, the “principle of proportionality” by no means prohibits attacking terrorists embedded amidst non-combatants.

So just as a very basic matter of law, it is Hamas that violates it when shooting at Israelis from amidst the crowd of civilians, and not Israelis when they return fire, even hitting non-combatants.

But even more importantly, another, unasked question hangs over the situation which Mr. Türk laments, the question of “who started the war?”

This question is key for a very simple reason: as anyone who follows court proceedings knows, it does not automatically follow from the fact that X killed Y that X is guilty and Y is

innocent. In fact, the situation of self-defense completely reverses this dependency.

Hence, the context of the conflict matters. Just because Palestinians suffered heavy casualties does not turn them into innocent victims, or Israel into a criminal. If Israel acts in self-defense and Hamas was the aggressor, than the answer to Mr. Türk's report should be, "it is sad, but its Hamas' fault."

And that is really the long and the short of it. If not for October 7, Palestinians would have still lived as they did on October 6, in UN-supplied prosperity and peace. They broke the latter, and now they complain that the former has been broken, too? And UN echoes this sentiment? Well, that tells you something very unflattering about both the Palestinians and the UN – whose report should be ignored by Israel, and held up by the rest of the world as a textbook example of statistics being far more deceptive than "damned lies".