

Sorry, AOC: Israel's Precision Attack Against Hezbollah Was Humane—and Legal

written by Arsen Ostrovsky | 22.09.2024

This week, in a scene one would expect from a Hollywood thriller, thousands of pagers and walkie talkies exploded across Lebanon and the Middle East, killing, maiming, or severely injuring thousands of Hezbollah terrorists.

Although the attacks were immediately attributed to Israel, the Jewish state has so far not claimed responsibility. In the event that Israel did carry out the operation, it could only be understood as the most audacious and unprecedented counter-terrorism precision attack in military history, and one that was entirely justified and in full accordance with international law.

The attack not only disrupted Hezbollah's terrorist capabilities and infrastructure; it re-established Israeli deterrence and leveled psychological trauma on the entire terror organization, from its leader Hassan Nasrallah, to the most junior of Hezbollah foot soldiers, who now know that no-one is safe, and every terrorist can be reached at any time.

Lest you be swayed by the false and malicious narratives of those trying to defend Hezbollah or blame the Jewish state, some necessary context is in order.

First, Hezbollah is a Lebanese-based jihadist terrorist organization and a standing army that is funded, supplied by, and serves entirely at the behest of the Islamic Republic of Iran.

Like Hamas, Hezbollah *also* has genocidal intentions to annihilate Israel and kill all the Jews, intentions which they have made repeatedly clear and have continuously sought to act on. Hezbollah Secretary-General Hassan Nasrallah has said that the entire Middle East will not rest until the "cancerous gland" that is Israel is removed, and on October 8 last year, a day after the Hamas massacre, Hezbollah formally joined the war in the wistful hope that they might help eradicate the Jewish state.

Since then, Hezbollah has fired more than 8,500 rockets at Israel, each an unquestionable war crime, murdering 47 people, including 12 children who were struck while playing football in the Majdal Shams massacre in July. In the meantime, over 80,000 Israelis have also been displaced from their homes in the north of the country, as a result of the ongoing attacks.

By any stretch of the imagination, Israel is fully entitled under international law, including but not limited to Article 51 of the UN Charter, to exercise its right to self-defense.

Some so-called “experts,” like Ken Roth, former head of Human Rights Watch, and New York Congresswoman Alexandria Ocasio-Cortez, have immediately and reflexively rushed to condemn Israel for violating international humanitarian law, including by unlawfully using booby traps. But what does the law actually state?

Generally speaking, under Article 7 of the Amended Protocol II to the 1980 Convention on Certain Conventional Weapons, the use of booby traps in communication devices are indeed prohibited *in certain situations*. There is, of course, an overriding caveat, which is that pursuant to Article 52 of the Additional Protocols to the Geneva Convention I, such acts are permissible in circumstances where the objects in question are no longer used for civilian purposes.

In this case, the pagers and hand-held devices, which were distributed specifically to Hezbollah operatives, were being used for the purposes of communicating, planning and conducting operations. As such, they immediately ceased to be considered “civilian objects” and became legitimate military targets.

Accordingly, their destruction constitutes a clear military objective under customary international law (per Art. 52 of the Additional Protocols), and they are a lawful target of attack.

Under the Principle of Distinction, one of the cornerstone principles of International Humanitarian Law (IHL), parties to an armed conflict must also at all times distinguish between civilians and combatants.

In this case, the operation was also aimed solely at Hezbollah terrorists. Indeed, only Hezbollah operatives were known to be in possession of these devices, which were *not* widely or generally available, and were in fact ordered by Hezbollah and distributed by Hezbollah leadership specifically to circumvent Israeli intelligence.

Under the Laws of War, parties must also abide by the Doctrine of Proportionality, which requires that any anticipated loss of civilian life must not be excessive in comparison to the potential military advantage to be gained from such an attack and or action, as well as taking feasible precautions in planning and conducting attacks to reduce the risk of harm to civilians and other persons and objects protected from being made the object of attack.

In this case, the clear military advantage would be to stop the ongoing Hezbollah rocket fire, allow for the 80,000 displaced Israeli residents to safely and permanently return to their homes, and render a large part of an enemy army unable to fight.

Of the 4,000 reported Hezbollah operatives injured, only a handful of civilians were reportedly harmed. That is an *extraordinary* feat in modern warfare and the textbook definition of a precision and proportionate attack.

Lots of people like to claim Israel has the right to self-defense, and yet the moment the Jewish state lawfully exercises that right in an almost unimaginably targeted way, they are outraged, looking to cast Israel as an aggressor. For the record, 8,500 unprovoked and indiscriminate rocket attacks is what might be called an escalation, not the pinpoint accurate response to stop those rockets.

The article was written in collaboration with John Spencer, chair of urban warfare studies at the Modern War Institute (MWI) at West Point and host of the "Urban Warfare Project Podcast" and Dr. Mark Goldfeder is Director of the National Jewish Advocacy Center, and teaches at the Touro Law Center.

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