



## False Accusations of Genocide

submitted by Doctors Against Racism and Antisemitism  
to The United Nations Special Rapporteur for the Right to Health  
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Recently, Doctors Against Genocide (DAG) released an executive summary of a report entitled “Healthcare Workers as Human Rights Defenders: A Medical Perspective of Israel’s Genocide Enablement Apparatus in Gaza and Abroad.” On the masthead of this paper, DAG stated that it submitted this paper to The United Nations Special Rapporteur for the Right to Health. In this document, DAG alleges that Israel committed genocide in the Gaza war through destruction of the healthcare sector in Gaza. They also propose a new “medical definition of genocide,” while objecting to the “prolonged process of establishing intent” of genocide under international law. Finally, they attempt to prevent any criticism of their positions by claiming Western medical institutions commit “genocide incitement” when they prevent healthcare workers from speaking out against alleged genocide.

### **Hamas and Palestinian Islamic Jihad Used Hospitals for Military Purposes**

Remarkably, this report makes no mention of Hamas and Palestinian Islamic Jihad (PIJ). If this report attempted to advocate for Palestinian civilians, it would have condemned the widespread and deliberate strategy of using hospitals to conceal fighters, and to use many hospitals as military bases. Furthermore, Hamas built tunnels underneath hospitals and used some hospitals to store weapons. Indeed, when Israel responded to attacks launched from al Shifa hospital in March and April of 2024, the Israel Defense Forces (IDF) killed approximately 200 terrorists and captured 500 others. Why were more than 700 terrorists at al Shifa, why did they conduct a battle at the hospital, and why were they hiding behind patients? Why does DAG not show any concern about these issues?

A similar fact pattern occurred at the al Rantisi Children’s Hospital in Gaza City, the Nasser Hospital in Khan Yunis, the Kamal Adwan Hospital in North Gaza, and at other hospitals. Hundreds of terrorists were killed or captured at these hospitals. The IDF found a command center in the basement of the al Rantisi Hospital with piles of weapons and ammunition. Hamas hid this command center and weapons cache beneath a hospital filled with sick children. The destruction of many hospitals in Gaza was a direct consequence of Hamas and PIJ systematically violating the sanctity and neutrality of hospitals under international law. The Fourth Geneva Convention, Article 19, states that hospitals lose their protected status during wartime when they are used to commit acts harmful to the enemy. Hamas and PIJ exposed the civilians of Gaza to an extraordinary risk of harm by using hospitals, schools, mosques, and many hundreds of civilian buildings to conceal their fighters. Indeed, no other military organization in world history ever hid more avidly beneath and behind their own civilians. In open violation of international law, Hamas and PIJ erased every possible distinction between civilian and military targets.

### **Israel Did not Commit the Crime of Genocide in the Recent Gaza War**

Israel could not possibly have committed the crime of genocide. The 1948 Genocide Convention defined genocide as “an intent to destroy, in whole or in part, a national, ethnical (sic), racial or religious group . . .” Therefore, genocide is a crime of intent, a crime largely defined by intent. Israel’s obvious intent was to target Hamas and PIJ, a task made more difficult by the location of Hamas tunnels beneath many hundreds of civilian buildings, including hospitals, clinics, schools, mosques, and even buildings owned or operated by the UN Relief and Works Agency (UNRWA). In fact, Hamas located one of their main command centers immediately beneath the UNRWA headquarters building in Gaza City. Despite the extraordinary extent that Hamas hid behind civilian infrastructure, the proportion of civilian deaths in Gaza was lower than any war on record according to figures presented at UN proceedings. Even if one believes Hamas casualty figures,

approximately 1.5 Gazan civilian deaths occurred for each Hamas or PIJ death. Reports at recent UN proceedings stated that civilians accounted for 90% of casualties in recent urban wars, or a ratio of 9 civilian deaths for each military death. The low proportion of civilian deaths in the recent Gaza war reflects the extraordinary care taken by the IDF to avoid civilian casualties.

This extraordinary care included many thousands of warnings including text messages, emails, direct telephone calls, and other warnings delivered directly to civilians announcing areas of imminent attack. The IDF evacuated many neighborhoods throughout Gaza before launching large attacks. The IDF also created humanitarian zones, although Hamas often infiltrated such areas to further hide behind civilians. Many IDF units included attorneys to assess proper proportionality before launching attacks. Perhaps no other military ever took so many precautions to prevent civilian casualties. Therefore, the DAG allegations of genocide have no factual basis. Instead of advocating for Palestinian civilians and condemning the ways that Hamas and PIJ violated international law and put Gazan civilians at great risk, the DAG report only shields Hamas and PIJ. The DAG report only vilifies Israel and attempts to tarnish Israel with reckless allegations of genocide.

### **DAG Attempts to Change the Definition of Genocide**

The DAG report objects to “the prolonged process of establishing intent” to prove the crime of genocide. Instead, they propose a new definition of genocide, just like Amnesty International did in their recent report labeling Israel as genocidal. According to their new proposed definition, one does not have to establish intent to label an adversary as “genocidal.” The DAG website admits that their report was “built from lessons from the ongoing genocide in Gaza.” In other words, DAG tailored their new definition as a means of vilifying Israel. International law already has a widely adopted definition of genocide derived from the 1948 Genocide Convention. By proposing a new unrecognized definition, the DAG report tacitly admits that Israel did not commit the internationally recognized crime of genocide in the recent Gaza war.

Furthermore, Israel did not even violate the new DAG-proposed crime of “medical genocide.” The stated elements of this new proposed crime include (1) civilian deaths, (2) deprivation of resources, and (3) destruction of the healthcare system. Unfortunately, civilian deaths occur in every war, but as stated above the IDF took extraordinary measures to avoid civilian harm. Israel had no intent of depriving civilians of necessary resources. Since October 7, 2023, the IDF allowed more than one million tons of food into Gaza, or approximately a half ton per person. How many people in the world ate more than a half ton of food during that time? One cannot reasonably blame the IDF for the fact that much of this food got looted by Hamas and other armed gangs. The IDF also allowed large amounts of medical and other humanitarian aid into Gaza during that time. Finally, liability for damage to Gaza’s healthcare system largely lies with Hamas and PIJ for the reasons discussed above. Overwhelmingly, blame for death and destruction in Gaza since October 7, 2023 lies with Hamas and PIJ and the grossly illegal manner in which they fought.

### **DAG is not a Neutral Observer**

Perusal of the DAG website reveals much information about the motives of DAG. The website states DAG was founded in 2023 “by a coalition of healthcare professionals who wanted to unite their voices in uproar against the genocide in Gaza.” In other words, at some time near the beginning of the war, DAG already claimed that Israel committed genocide. The DAG website also includes a prominent campaign to free Dr. Hussam abu Safiya. Nowhere in this online campaign does DAG mention Dr. abu Safiya’s position in Hamas’ command structure, nor the fact that the IDF captured more than 200 Hamas and PIJ terrorists at Kamal Adwan Hospital, nor Dr. abu Safiya’s previous denial that any terrorists were present at the hospital. The entire DAG website is permeated with anti-Israeli propaganda. One cannot conclude that DAG is a neutral observer of the Gaza conflict.

DAG’s intense campaign to vilify Israel and to ignore the war crimes of Hamas and PIJ obscures the real cause of most civilian deaths in Gaza. Hiding behind civilians constitutes a clear violation of the laws of war, specifically the Additional Protocols of the Geneva Conventions, the Rome Statute of the International Criminal Court, and customary international law. The DAG report ignores many other risks Hamas and PIJ created for Gazan civilians. Indeed, the central strategy of Hamas and PIJ was to expose the civilians of Gaza to extraordinary risk. They took no meaningful measures to protect Gazan civilians. Hamas and PIJ triggered this war by committing a heinous massacre of Israeli civilians on October 7, 2023, the only act of genocide during the recent Gaza war. Hamas and PIJ acted with obvious intent, murdering and kidnapping as many civilians as possible. Subsequently, they did nothing to protect Gazan civilians from the expected Israeli counterattack. Even though they built more than 400 miles of concrete tunnels and underground bunkers, Hamas did not build any civilian bomb shelters. More than 1000 Hamas and PIJ missiles fell short and landed within Gaza, probably killing several thousand civilians. Indeed, the Hamas

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Ministry of Health claimed more than 500 civilian deaths when a PIJ missile landed on the grounds of al Ahli Arab Hospital on the evening of October 16, 2023.

Hamas and PIJ purposely exposed the Gazan health care system to extraordinary risk due to their deliberate actions as described above. Furthermore, a study by the Henry Jackson Society published in December 2024 concluded that the Hamas Ministry of Health exaggerated the number of civilian deaths, classified male casualties as female, classified adult casualties as children, and included natural deaths as military casualties. Moreover, Hamas considers a child to be anyone under the age of 20. Therefore, many Hamas terrorists are children, and the deaths of these children are most likely misclassified as civilian deaths. DAG's current allegations only serve to amplify Hamas propaganda, especially its manipulation of casualty figures, and further obscure Hamas' responsibility for the destruction of Gaza and the deaths of civilians.

Finally, DAG attempts to create another new crime, the crime of "genocidal incitement and abetment," as a form of complicity in genocide. DAG claims that healthcare institutions in the Western world, especially the U.S., Canada, and the U.K. threaten workers who bear witness to genocide or who demonstrate against genocide. Laws in Western countries already protect those who speak out against real crimes. Most likely, the creators of this new "crime" intend to proactively protect themselves after making false allegations of genocide.

### **Conclusions**

Israel did not commit the crime of genocide in the recent Gaza War. The IDF took extraordinary measures to prevent civilian harm, as reflected in the low proportion of civilian casualties in this war. Israel did not even violate the new definition of "medical genocide" created by DAG, even though they tailor-made this new proposed crime as a means of attacking Israel. On the other hand, Hamas and PIJ committed widespread violations of the international laws of war and thus exposed the civilian population of Gaza to an extraordinary risk of harm. Hamas and PIJ started this war by committing an act of genocide against Israeli civilians, and then conducted the subsequent war by intentionally erasing every possible distinction between military and civilian targets. The current DAG campaign to blame Israel for the death and destruction in Gaza misrepresents the source of criminal conduct in this war, serves to protect Hamas and PIJ, and does not serve the interests of Palestinian civilians. Therefore, the central premises of the DAG paper should be condemned as a misguided attempt to propagandize on behalf of Hamas and PIJ.

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