

Israeli Reserve Soldiers Refuse to Fight in Gaza. Disobey Illegal Orders, Abandon the Battlefield

By [The Cradle](#) and [Prof Michel Chossudovsky](#)

Global Research, January 19, 2024

[The Cradle](#) 18 January 2024

Region: [Middle East & North Africa](#)

Theme: [Intelligence](#), [Militarization and](#)

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Introduction

The Article below documents how:

"Half the soldiers of an Israeli reserve battalion refused to fight in the Gaza Strip and were released from duty by their commander" Al-Arabi Al-Jadeed [reported](#) on 17 January.

Inasmuch as the Netanyahu government is involved in an act of genocide against the People of Palestine, Israeli soldiers have an obligation under [Principle IV of the Nuremberg Charter to Disobey Unlawful Orders](#) and "Abandon the Battlefield".

What is significant is that the Reserve soldiers who refused to fight were not penalized by their commanding officer.

This courageous action by Israeli Reserve soldiers sets the stage: Abandon the Battlefield should be extended to ALL Israeli combatants.

[Principle IV of the Nuremberg Charter](#) defines the responsibility of combatants

"to refuse the orders of Government or a superior ... "provided a moral choice [is] possible".

What we are proposing is the conduct without delay of a Worldwide grass-roots campaign, encouraging: Israeli, American and NATO Combatants to "Disobey Unlawful Orders"

and “Abandon the Battlefield”.

The detailed modalities pertaining to Principle IV of the Nuremberg Charter and the obligation to “Disobey Unlawful Orders” is outlined in Part II of this posting.

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Part I

Israeli Reserve Soldiers Refuse to Fight in Gaza

by

The Cradle

January 19, 2023

The Qatari outlet cited Israel’s Kan Reshet Bet radio as reporting that reserve soldiers were called up to form a new brigade in the Israeli army to carry out protection tasks in the areas surrounding Gaza and the occupied West Bank. However, the soldiers received permission to leave the battalion after the army tried to send them to fight and carry out combat missions within Gaza for which they were not qualified or adequately equipped.

The soldiers were called up in late December, but the new brigade was poorly organized, did not have a deputy brigade commander, and was short on weapons and officers.

During the training period, soldiers complained of serious gaps in equipment, professionalism, and a lack of human resources.

The soldiers were then further angered to learn their mission had changed, and they would be sent to Gaza for combat missions.

The radio quoted one soldier as saying:

“We received the conscription order, and we responded to that. They told us that our specialty would be to protect the towns, and after about a week of training that took place in a horrific manner, without ammunition, and without officers, we were suddenly told that there was an order that the Israeli army needed us to enter the Gaza Strip to clear homes.”

The soldier added,

“We were shocked. We are all combat soldiers. I personally was in the Nahal Brigade, and the rest of the soldiers are from former infantry brigades, but we had not carried out reserve missions for years. We were given an M16 weapon, which fell apart in our hands, and there was no ammunition for training. We collected bullets off the ground so that we have something we can fire.”

The radio station quoted another soldier as saying,

“There are people who trained without military uniforms. There are soldiers who were not given shirts or slippers at first. The means that were available were not suitable for training. The brigade, which was supposed to include four battalions, barely reached one and a half battalions. It is not understandable how they wanted to introduce such a completely unqualified force into the Gaza Strip.”

The report comes amid the announcement that the 36th division, which comprises armored, engineering, and infantry companies, withdrew from the Gaza Strip after 80 days of fighting.

The Israeli government says this is part of a [planned](#) transition away from the “intensive manoeuvring stage” of its Gaza military campaign to a more targeted phase to last until the end of this year.

At the same time, some speculate that Israel has been forced to withdraw some of its forces due to heavy losses inflicted by fighters from Hamas’ military wing, the Ezzedine al-Qassam Brigades.

Israel is also facing economic difficulties, with the government having to pay salaries for hundreds of thousands of reserve soldiers called away from their civilian jobs.

Israel also has large numbers of soldiers on the northern border to support operations against Hezbollah in Lebanon.

Israel’s army chief [said](#) Wednesday the likelihood of a full-scale war with the Lebanese resistance group has become “much higher.”

“I don’t know when the war in the north is, I can tell you that the likelihood of it happening in the coming months is much higher than it was in the past,” Israeli army chief Herzli Halevi said in a statement during a visit to northern Israel.

Part II

Principle IV of the Nuremberg Charter.

Disobey Illegal Orders, Abandon the Battlefield

by

Michel Chossudovsky

January 19, 2023

This text presents a possible solution to put an end to the ongoing genocide. It is a proposal

which has not been the object of debate by anti-war activists in solidarity with Palestine.

It is based on [Principle IV of the Nuremberg Charter](#) which defines the responsibility of combatants “to refuse the orders of Government or a superior ... “provided a moral choice [is] possible”.

Based on the Nuremberg Charter, what is required is a campaign encouraging:

Israeli, American and NATO Combatants to “Disobey Unlawful Orders” and “Abandon the Battlefield”.

The Campaign would focus on making that “moral choice” possible, namely to enable enlisted Israeli, American, and NATO service men and women to “Abandon the Battlefield”.

The Abandon the Battlefield campaign will in large part be waged in Israel. In regards to Israel, already there are unfolding divisions in the IDF command structures, political divisions, coupled with a protest movement against Netanyahu.

IDF soldiers and commanders must be informed and briefed on the significance of Nuremberg Principle IV.

Inasmuch as the U.S. and its allies are waging a hegemonic war in major regions of the World, Abandon the Battlefield should be a call for action by the anti-war movement Worldwide.

Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal 1950

Text adopted by the International Law Commission at its second session, in 1950 and submitted to the General Assembly as a part of the Commission’s report covering the work of that session. The report, which also contains commentaries on the principles, appears in *Yearbook of the International Law Commission, 1950*, vol. II, para. 97.

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Now let me turn my attention to Nuremberg Principle VI, which defines the crimes punishable under international law:

Nuremberg Charter. Principle VI

Both Prime Minister Bibi Netanyahu as well as President Joe Biden are responsible for “war

crimes”, “crimes against peace” and “crimes against humanity” as defined under [Principle VI of the Nuremberg Charter](#):

The crimes hereinafter set out are punishable as crimes under international law:

(a) Crimes against peace:

- (i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;
- (ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

(b) War crimes:

Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war, of persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

(c) Crimes against humanity:

Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds.

Disobey Unlawful Orders, Abandon the Battlefield

According to [Principle IV of the Nuremberg Charter](#):

“The fact that a person [e.g. Israeli, U.S.soldiers, pilots] acted pursuant to order of his [her] Government or of a superior does not relieve him [her] from responsibility under international law, provided a moral choice was in fact possible to him [her].”

Let us make that “moral choice” possible, to enlisted Israeli, American, and NATO service men and women.

Let us call upon Israeli and American soldiers and pilots “to abandon the battlefield”, as an act of refusal to participate in a criminal undertaking **against the People of Gaza**.

South Africa’s legal procedure at the ICJ should be endorsed Worldwide. While it cannot be relied upon to put a rapid end to the genocide, it provides support and legitimacy to

“Disobey Unlawful Orders, Abandon the Battlefield” **campaign under [Nuremberg Charter Principle IV](#)**.

It is a proposal which has not been the object of media coverage and/or debate by anti-war activists.

While it is predicated on international law, its conduct does not require the political rubber stamp of either the ICC or the ICJ. It is part of a grass-roots campaign in Israel and the Middle East as well as Worldwide.

For more details see



[The Criminalization of International Justice, Putting an End to the Genocide against the People of Palestine. Nuremberg Principle IV](#)

By [Prof Michel Chossudovsky](#), January 17, 2024

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