

# Israel Accused of War Crimes in Gaza

by Michele Steinberg

The UN Fact-Finding Mission led by Justice Richard Goldstone [today] released its long-awaited report on the Gaza conflict, in which it concluded there is evidence indicating serious violations of international human rights and humanitarian law were committed by Israel during the Gaza conflict, and that Israel committed actions amounting to war crimes, and possibly crimes against humanity.

—UN press release, Sept. 15, 2009

Oct. 2—The 574-page report by the UN Fact-Finding Mission on the Gaza Conflict, headed by the distinguished Jewish South African jurist, Richard Goldstone, has been the target of a tidal wave of denunciations by the government of Israel, which carried out an attack on Gaza from Dec. 27, 2008 to Jan 18, 2009, in an unsuccessful attempt to wipe out Hamas. Lacking military targets after five days, the Israelis launched a full-scale assault on civilian infrastructure, which the UN report found to have constituted “collective punishment.” Israeli Prime Minister Benjamin Netanyahu of the Likud Party, which in its charter *rejects* the existence of a Palestinian state, *warned* the UN not to accept the Goldstone report. The Obama Administration has called the report biased.

What the report actually says will never be known by the American people, if they depend on the corporate media. On Oct. 1, when Justice Goldstone appeared for a “Newsmakers” briefing at the National Press Club, not a single national or regional newspaper, press service, or TV station was there.

So, the American people will not be told that Israel did everything possible to block the probe of human rights violations in Gaza, from the very moment the investigation was mandated in April 2009, or that the Israeli government refused to allow UN monitors into Israel to investigate the rocket attacks by Hamas and other Gaza-based Palestinian groups on Israeli towns near the border with Gaza.

The American people won’t know that the Goldstone Report found that the Palestinians committed war crimes with those attacks on Israeli civilians; that the UN Mission interviewed as many Israeli citizens as they could—either transporting them to Geneva, Switzerland for testimony, or to Amman, Jordan, or interviewing them by telephone—in order to put the evidence together; that the UN Mission was unable to enter the West Bank Palestinian territory to interview witnesses and responsible Palestinian government officials—not because of refusal by the Palestinian National Authority, but because of refusal by the Israeli government, which controls the border crossings into the West Bank. Thus, Israel blocked UN face-to-face meetings with the Palestinian Authority.

## End the British-Imposed ‘Impunity’

On Oct. 2, the UN Human Rights Council in Geneva deferred the vote on accepting the Goldstone Report until March 2010. Is this another case of the UN acting as a rubber stamp for Israeli impunity under the threats of British and U.S. vetoes? Well-informed Washington sources say that it is better that the Council vote was deferred, because the U.S. is under excruciating pressure from the Netanyahu government, and a panoply of pro-Israel lobby organizations, to condemn the report. An early vote would probably have been a “no” vote.

Will the Obama Administration continue to kowtow to the British abuse of the Palestinian people that was enshrined in the nearly century-old Balfour Declaration? That British document, written in the context of the secret Sykes-Picot Treaty to carve up Southwest Asia, was a mere 139-word letter, dated Nov. 2, 1917, from then-Foreign Minister (and former Prime Minister) Arthur James Balfour to Lord Rothschild. It unilaterally took away Palestinian sovereignty, in favor of a Zionist homeland. But even that despicably imperialist letter, at least formally (though hypocritically), stated that, in “His Majesty’s” support for a Zionist homeland, “nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine.”

Ninety-two years later, the Obama Administration is—in the British tradition—unilaterally taking away, not only the sovereignty, but also the human rights of the Palestinians.

## The Findings

Justice Goldstone gave a powerful briefing in Washington on Oct. 1, undeterred by the attacks, and un-



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South African jurist Richard Goldstone

shakeable in the confidence that the UN Mission was fair, and loyal to its mandate, which he stated as being: “to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after.” On Sept. 29, he told the UN Human Rights Council that the members of the Mission “believe deeply . . . in the principle that in armed conflict civilians should to the greatest extent possible be protected from harm, . . . that pursuing justice is essential and that no state or . . . armed group should be above the law. . . .”

Goldstone’s depth of knowledge of international humanitarian law and what constitutes war crimes silenced even the most hostile questioners at the Press Club, including from such Likudnik cheerleaders as The Israel Project. In answer to one hostile question, Goldstone corrected the oft-repeated myth that the lesson of Israel’s “ending of the occupation of Gaza,” is that Israel’s good action was answered with deadly Hamas rocket fire. Goldstone replied that, first of all, Israel should not have acted unilaterally in leaving Gaza, because, if you want durable peace, then you must negotiate with the other side. Secondly, Israel has

*never ended* the occupation of Gaza: It controls the borders; it controls everything that goes in, and whoever, and whatever goes out; it controls the airspace; and it controls the coastline, including vital fishing grounds.

Jewish support for the Goldstone mission was also evident at the Press Club. Rabbi Brian Walt, a fellow South African, a founder of Rabbis for Human Rights, and the coordinator of the Jewish Fast for Gaza, asked if the blockade of Gaza’s borders was a human rights violation. Indeed it is, said Goldstone, and the report says that the effects of the blockade “amounted to a violation of Israel’s obligations as an occupying power.”

Every aspect of the investigation is transparent, and the findings can be read by anyone with access to the Internet, including:

- that the Israelis committed “wilful killing, torture or inhuman treatment . . . not justified by military necessity and carried out unlawfully and wantonly. . . .”;
- that the use of Palestinian human shields by the Israelis, to clear buildings they feared were booby-trapped, “constitutes a war crime. . . .”
- that the Israelis “wantonly attacked and destroyed without military necessity a number of food production or food-processing objects and facilities (including mills, land and greenhouses), drinking water installations, farms and animals in violation of the principle of distinction,” and that “this destruction was carried out with the purpose of denying sustenance to the civilian population. . . .” Goldstone drew special attention to the bombing of the only flour mill in Gaza: Without flour, there is no bread.

Israel lobby representatives attended the briefing in force, and had every opportunity to quote any and all criticism of the report, from Netanyahu, to Israeli President Shimon Peres, to a doctor who was severely injured by a Palestinian bomb that hit her clinic in Sderot. The doctor complained that her full testimony, especially her serious injuries, was not described in the report.

Calmly, Goldstone explained, there is *no* justification for Palestinian attacks on Sderot or any other town—*those are war crimes*, and the report says so. But, there are *no descriptions* of *any* personal injuries in the report. No doubt, this brought to some minds the image of a Palestinian father weeping over his dead child, killed by an Israeli bomb.

And whether the U.S. or UN bodies accept it, or not, the record of the Israeli war crimes is there, and cannot be erased.