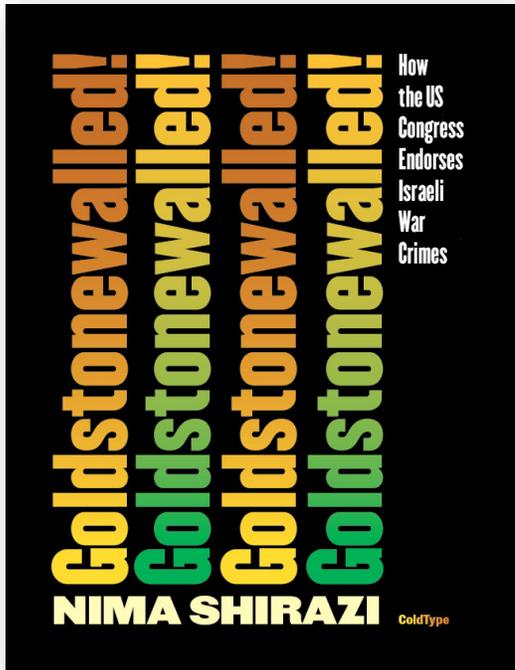


Goldstonewalled!
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NIMA SHIRAZI

**How
the US
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Endorses
Israeli
War
Crimes**

ColdType



THE AUTHOR

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Goldstonewalled!

How the US Congress Endorses Israeli War Crimes

On the afternoon of Nov 3, 2009, the US House of Representatives voted in favor of House Resolution 867 (H.Res.867), an AIPAC-backed bill that urges both President Barack Obama and Secretary of State Hillary Clinton to “oppose unequivocally any endorsement or further consideration of the “Report of the United Nations Fact Finding Mission on the Gaza Conflict,” referred to commonly as the “Goldstone Report.”

With this vote, the US Congress has not only enshrined its opposition to investigations into war crimes and crimes against humanity found to be committed during last winter’s Israeli massacre of over 1,400 Palestinians in the closed-off Gaza Strip, but has also affirmed its commitment to Israel’s continuous aggression and unaccountability to international law, rules of military engagement, human rights, and basic morality.

In their effort to shield Israel from scrutiny or criticism over its illegal use of collective punishment and excessive force against defenseless civilians, Congressio-



The Mission concluded that “violations of international human rights and humanitarian law and possible war crimes and crimes against humanity” were committed by both parties (Israel and Hamas) during the Israeli assault on Gaza

nal supporters of H.Res.867 sought to discredit the UN’s 575-page report of human rights violations.

After visiting Gaza, conducting 188 individual interviews of victims and witnesses, studying more than 300 reports, submissions and other documentation including medical reports and forensic analysis of weapons and ammunition remnants collected in Gaza, amounting to more than 10,000 pages, and reviewing over 30 videos and 1,200 photographs, the Mission, led by South African Justice Richard Goldstone, concluded that “violations of international human rights and humanitarian law and possible war crimes and crimes against humanity” were committed by both parties (Israel *and* Hamas) during the Israeli assault on Gaza (A/HRC/12/48, p.423).

Goldstone’s credentials cannot be overstated. As a member of the South African Standing Commission of Inquiry Regarding Public Violence and Intimidation, Goldstone was responsible for uncovering and publicizing allegations of the extensive violence committed by Apartheid South African security forces, paving the

way for subsequent investigations by the Truth and Reconciliation Commission after South African democratization. He served as a judge for the Constitutional Court of South Africa, chairman of the Independent International Commission on Kosovo, Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda, and was a member of the International Panel of the Commission of Enquiry into the Activities of Nazism in Argentina (CEANA), tasked to identify and prosecute Nazi war criminals who had emigrated to Argentina. In 2004/5, he was a member of the Volker Committee investigation into the UN's Iraq oil-for-food program.

The Israeli newspaper *Ha'aretz* reports that, according to a lecture Goldstone delivered in Jerusalem in 2000, he “believes bringing war criminals to justice stems from the lessons of the Holocaust,” which he described as “the worst war crime in the world.” In Goldstone's view, the atrocities committed by the Nazis and the lessons learned by the international community in the wake of their discovery have “shaped legal protocol on war” and “constituted the basis for the concept of universal jurisdiction.”

Not only this, but in an interview with the *Jerusalem Post*, his own daughter Nicole (once a resident of Israel) even described Goldstone, who is Jewish, as “a Zionist” who “loves Israel.” Goldstone currently serves as a trustee at Hebrew University in Jerusalem.

Nevertheless, the harrowing conclusions and reasonable recommendations of the UN commission were quickly denounced by many US officials, most of whom had not even read the report in its entirety; their smug derision of the dispassionate facts presented in the report made perfectly clear their intention to cover-up



The resolution also called on “all nations” to “condemn Hamas for deliberately embedding its fighters, leaders, and weapons in private homes, schools, mosques, hospitals, and otherwise using Palestinian civilians as human shields,

Israeli war crimes and, in so doing, legitimize and endorse Israel's ongoing suppression, dehumanization, starvation, occupation, and slaughter of the Palestinian people.

As previously, the US House Foreign Affairs Committee, led by Chairman Howard Berman (D-CA) and Ranking Member Ileana Ros-Lehtinen (R-FL), rushed to Israel's defense. This is the same team that, almost two weeks into the Israeli bombardment, co-sponsored House Resolution 34, a Pelosi-led non-binding declaration that “recogniz[ed] Israel's right to defend itself against attacks from Gaza” and “reaffirm[ed] the United States strong support for Israel.” H.Res.34 called upon the House of Representatives to express “vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders, and [to recognize] its right to act in self-defense to protect its citizens against Hamas's unceasing aggression,” in addition to claiming that Israel had “facilitated humanitarian aid to Gaza” during the assault.

The resolution also called on “all nations” to “condemn Hamas for deliberately embedding its fighters, leaders, and weapons in private homes, schools, mosques, hospitals, and otherwise using Palestinian civilians as human shields, while simultaneously targeting Israeli civilians” and “to lay blame both for the breaking of the ‘calm’ and for subsequent civilian casualties in Gaza precisely where blame belongs, that is, on Hamas.”

The resolution made no mention, however, of the crippling Israeli blockade, the devastating and ceaseless air and ground assaults by the Israeli military, or the fact that it was the IDF that had, in fact, broken the ceasefire in the first place. The resolution passed almost unanimously (390-

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5) on the very same day that the Palestinian death toll in Gaza reached 765, half of them children and women, with thousands more wounded, including hundreds in critical condition. As Congress affirmed its “vigorous support [of] and unwavering commitment” to Israel, municipal buildings, homes, and mosques in Gaza were shelled relentlessly by the Israeli military using US weaponry. Five days earlier, the Israeli Air Force had launched an attack on a school run by the United Nations Relief and Works Agency (UNRWA) in the northern Gaza town of Jabaliya, killing more than 40 people and wounding more than 100 more.

Seven months later, when the Goldstone Report was released, Representatives Berman and Ros-Lehtinen returned to the drafting table.

Howard Berman, a self-described liberal, who voted for the invasions of Iraq in 1991 and 2003, was described in an article in the Jewish daily *Forward* as a “staunch supporter of Israel” and “a cautious backer of the peace process,” whose “interest in the Jewish state was one of the main reasons he first sought a seat on the [House Foreign Relations] committee.” Berman, possibly in an effort to one-up vice president Joe Biden, boasts, “Even before I was a Democrat, I was a Zionist.” Larry Weinberg, an AIPAC board member, confirms Berman’s ethno-supremacist credentials saying, “I have known Congressman Berman for many years, and I am continually impressed by his personal commitment to strengthening the bond between the United States and Israel...He is not only a leader on our issues, but he is a friend to many in the pro-Israel community.”

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He, along with his trusty sidekick Congresswoman Ileana Ros-Lehtinen, has recently proposed HR 2194, the Iran Refined Petroleum Sanctions Act, which seeks to impose sanctions on companies that help Iran to import refined petroleum products or that help it to increase its domestic refinery capacity. In a September speech, Berman claimed the United States “will be in a much stronger position to maximize our ability to obtain crippling sanctions because of our sincere effort to engage [Iran].”

The speech also contained this brilliant nugget regarding the terrifying menace of a nuclear-armed Iran: “We’re not talking about a regime that has the same calculus – that same sense of restraint – as we do about the use of such a weapon.” Perhaps the Congressman forgot that, in addition to being the biggest stockpiler of nuclear weapons on the planet in clear violation of its obligations to the Non-Proliferation Treaty, the United States is also the only country ever to use nuclear weapons. And it used them on innocent civilians. Twice.

Ros-Lehtinen, meanwhile, is not only the most senior Republican woman in the US House, hawkish Zionist, and supporter of the Patriot Act, the invasion of Iraq, the Military Commission Act, drilling for oil in the Arctic National Wildlife Refuge, and the military coup in Honduras, she is also against the funding of stem cell research, affirmative action (scoring a 31% favorability by the NAACP), and civil rights (scoring a dismal 14% by the ACLU) encourages continued sanctions against Cuba (the country of her birth), and has openly called for the assassination of Fidel Castro.

Additionally, as journalist Franklin Lamb points out, Ros-Lehtinen, along with Democratic House Majority Leader Steny Hoyer, is a pillar of the “fake US

Congressional Human Rights Caucus, founded in 1983, which in its quarter century of self congratulatory investigations of Human Rights abuses has yet to find a single human rights abuse by Israel, irrespective of any murders, slaughtering of innocents, home demolitions, political incarcerations, religious bigotry, illegal use of American weapons, illegal siege of Gaza, and serial invasions of Lebanon, and the continuing theft of Syria's Golan heights. Over the past few years the CHRC has become an Iran-bashing forum for all manner of Zionist zealots and kooks spreading falsehoods and defamations against Islam and the Islamic Republic.”

Once H.Res.867 was drawn up, it was rapidly co-sponsored by more than 200 other representatives before hitting the House floor for a vote.

The resolution neither addresses nor disputes any of the Goldstone Report's findings or conclusions. Instead, via a series of deliberately misleading, inaccurate, and unrelated “whereas” clauses, it seeks to delegitimize the entire Fact Finding Mission, attacking its members in an effort to show anti-Israel tendencies or bias. What the resolution amounts to is a repetition of Israeli propaganda and Zionist apologetics masquerading as a legal and moral defense of Israeli military aggression.

The text of H.Res.867 is rife with blatant inaccuracies, decontextualized mischaracterizations, and a thorough lack of historical perspective. Many of these factual errors were addressed and corrected in a letter written by Judge Goldstone himself to both Berman and Ros-Lehtinen on October 29. For instance, in one of its 33 “whereas” clauses, the resolution claims, “... the mandate of the ‘fact-finding mission’ makes no mention of the relentless rocket and mortar attacks, which numbered in the thousands and spanned a



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period of eight years, by Hamas and other violent militant groups in Gaza against civilian targets in Israel, that necessitated Israel's defensive measures.”

This is a deliberate, decontextualized falsehood. The mandate called for the UN Mission “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.” (A/HRC/12/48, p.13)

Palestinian rocket attacks, in addition to Israeli military operations, were clearly included in this mandate. Additionally, had those who wrote and supported the House resolution actually read the contents of Goldstone Report, they would have been aware that, in addition to Palestinian rocket attacks and their consequences being mentioned at length in the report's Introduction, there is also an entire 20-page chapter (XXIV, p.346-366) entitled “The Impact on Civilians of Rocket and Mortar Attacks by Palestinian Armed Groups on Southern Israel,” which practically begins with the following statement, “Since April 2001, Palestinian armed groups have launched more than 8,000 rockets and mortars from Gaza into southern Israel.”

After exhaustively documenting the impact of these rocket attacks, including Israeli fatalities, physical injuries, psychological trauma, mental health, damage to property, the impact on the right to education and on the economic and social life of affected communities (both Israeli and Palestinian within southern Israel), the Mission states, “There is no justification in international law for the launching of rockets and mortars that cannot be

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directed at specific military targets into areas where civilian populations are located,” and concludes that because these rockets cannot be aimed at specific targets, “one of the primary purposes of these continued attacks is to spread terror,” an act which it explicitly states is “prohibited under international humanitarian law.” (A/HRC/12/48, p.365)

It continues: “...the launching of unguided rockets and mortars breaches the fundamental principle of distinction: an attack must distinguish between military and civilian targets. Where there is no intended military target and the rockets and mortars are launched into civilian areas, they constitute a deliberate attack against the civilian population...”

“... From the facts available, the Mission finds that the rocket and mortars attacks, launched by Palestinian armed groups in Gaza, have caused terror in the affected communities of southern Israel and in Israel as a whole. Furthermore, it is the Mission’s view that the mortars and rockets are uncontrolled and uncontrollable, respectively. ***This indicates the commission of an indiscriminate attack on the civilian population of southern Israel, a war crime, and may amount to crimes against humanity.*** These attacks have caused loss of life and physical and mental injury to civilians and damage to private houses, religious buildings and property and have eroded the economic and cultural life of the affected communities.” (A/HRC/12/48, p.366)

The Goldstone Report is perfectly clear. The House Resolution is deliberately false. Furthermore, as Jeremy R. Hammond of *Foreign Policy Journal* deftly points out, the resolution “ignores the fact that even if Israel’s military operations were justifiable as ‘defensive measures,’ Israel would still be legally obligated to conduct its op-



As Jeremy R. Hammond of Foreign Policy Journal deftly points out, the resolution “ignores the fact that even if Israel’s military operations were justifiable as ‘defensive measures,’ Israel would still be legally obligated to conduct its operations in accordance with international law, and to conduct investigations into alleged war crimes conducted by its own forces.”

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The resolution and its supporters repeatedly refer to the Goldstone Report as “one-sided,” referencing comments made by both Secretary of State Hillary Clinton and the US Ambassador to the United Nations Susan E. Rice, who called its initial mandate “unbalanced, one sided and basically unacceptable.” However, as Goldstone himself explains, “the House resolution fails to mention that notwithstanding my repeated personal pleas to the Government of Israel, Israel refused all cooperation with the Mission. Among other things, I requested the views of Israel with regard to the implementation of the mandate and details of any issues that the Government of Israel might wish us to investigate.”

He added, “This refusal meant that Israel did not offer any information or evidence it may have collected regarding actions by Hamas or other Palestinian groups in Gaza. Any omission of such information and evidence in the report is regrettable, but is the result of Israel’s decision not to cooperate with the Fact-Finding mission, not a decision by the mission to downplay or cast doubt on such information and evidence.”

The Israeli government even denied the Mission entry to Israel in order to interview witnesses and tour affected communities such as Sderot [the real name of the town is Najd] and Ashkelon [real name al-Majdal]. Israeli witnesses had to be flown to Geneva or Jordan to be interviewed. Other interviews were conducted over the phone and via the internet. “I believed that Israel would cooperate,” Goldstone told *Ha’aretz*. “It turned to be a naïve expectation.”

So what was Congressman Berman's response?

"Justice Goldstone is correct. The Government of Israel decided not to cooperate with the Mission, based on its biased mandate, as well as the UNHRC's long history of anti-Israel bias. I find that position, at the least, understandable."

Understandable or not, Berman's resolution omits Israel's refusal to cooperate, while at the same time claiming that Hamas, which did cooperate with the Mission and allowed its members full access to Gaza, was "able to significantly shape the findings of the investigation mission's report by selecting and prescreening some of the witnesses and intimidating others." In turn, Goldstone replied, "The allegation that Hamas was able to shape the findings of my report or that it prescreened the witnesses is devoid of truth. I challenge anyone to produce evidence in support of it."

Berman's only "evidence" is his subsequent claim that "the commission conducted some of its proceedings through holding televised open hearings in Gaza. Given its total control of Gaza and its ability to intimidate, Hamas almost certainly would have been able to control the access and message of each witness attending a televised open hearing. What is beyond doubt is that witnesses were keenly aware that Hamas was monitoring the televised proceedings and likely to inflict reprisals for any unwelcome testimony." The only thing that seems "almost certainly" "beyond doubt" is Berman's ceaseless proclivity to make baseless assumptions about a place he's never been and people he's never met.

In reality, the Goldstone Report's findings are unequivocal and unambiguous. Among many other conclusions, it found that Israel's "repeated failure to distin-



According to Congressman Berman, the only apparent trustworthy source on what happens in Gaza is the Israeli government. What a relief!

guish between combatants and civilians appears to the Mission to have been the result of deliberate guidance issued to soldiers, as described by some of them, and not the result of occasional lapses," and that "the destruction of food supply installations, water sanitation systems, concrete factories and residential houses was the result of a deliberate and systematic policy by the Israeli armed forces. It was not carried out because those objects presented a military threat or opportunity, but to make the daily process of living, and dignified living, more difficult for the civilian population." (A/HRC/12/48, p.407)

The Mission found that Israeli operations, in many cases, constituted "an assault on the dignity of the people" and included not only "the use of human shields and unlawful detentions sometimes in unacceptable conditions, but also in the vandalizing of houses when occupied and the way in which people were treated when their houses were entered. The graffiti on the walls, the obscenities and often racist slogans, all constituted an overall image of humiliation and dehumanization of the Palestinian population." (A/HRC/12/48, p.407)

Although the Israeli government has consistently claimed that all phases of "Operation Cast Lead" were thoroughly and extensively planned, that legal opinions and advice were given throughout the planning stages and at certain operational levels during the campaign, and that, according to the Government of Israel, almost no mistakes made during the planning or operation itself, the Goldstone Report concludes that "what occurred in just over three weeks at the end of 2008 and the beginning of 2009 was a deliberately disproportionate attack designed to punish, humiliate and terrorize a civilian

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population, radically diminish its local economic capacity both to work and to provide for itself, and to force upon it an ever increasing sense of dependency and vulnerability.”

Furthermore, it adds, “Whatever violations of international humanitarian and human rights law may have been committed, the systematic and deliberate nature of the activities described in this report leave the Mission in no doubt that responsibility lies in the first place with those who designed, planned, ordered and oversaw the operations.” (A/HRC/12/48, p.408)

Clearly, these revelations are far too damning for the US Congress, which funds the Israeli military apparatus to the tune of \$3 billion each year. It is all too obvious that H.Res.867 is meant to be a distraction from the truth; it is a deliberate deflection of well-documented, substantiated, and widely corroborated evidence of Israeli war crimes that reveals itself to be no more than a study in double standards, moral relativism and selective outrage.

When the resolution made it to the floor of the House, Congress members from all over the country lined up to lend vocal support to Reps. Berman and Ros-Lehtinen and the resolution.

Ros-Lehtinen, in her defense of H.Res.867, called the Goldstone Report a “575-page hatchet job” that “persecut[ed] Israel for defending herself,” claiming that the Mission “disregarded evidence that Hamas and other such groups in Gaza used innocents as human shields and deliberately launched attacks from schools, from hospitals, from mosques.” (*Congressional Record* H12234 11/3/09)

By the time these statements were made, Judge Goldstone had already addressed them: “It is factually incorrect to state that the Report denied Israel the right of self-defense,” he wrote in his let-



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ter to Berman. “The report examined how that right was implemented by the standards of international law.”

The Report itself even addresses Israel’s claim to self-defense, concluding, “While the Israeli Government has sought to portray its operations as essentially a response to rocket attacks in the exercise of its right to self-defence, the Mission considers the plan to have been directed, at least in part, at a different target: the people of Gaza as a whole.

“In this respect, the operations were in furtherance of an overall policy aimed at punishing the Gaza population for its resilience and for its apparent support for Hamas, and possibly with the intent of forcing a change in such support. The Mission considers this position to be firmly based in fact, bearing in mind what it saw and heard on the ground, what it read in the accounts of soldiers who served in the campaign, and what it heard and read from current and former military officers and political leaders whom the Mission considers to be representative of the thinking that informed the policy and strategy of the military operations.” (A/HRC/12/48, p.406)

In response to the unsubstantiated claims that Hamas militants hide behind innocent civilians as a defensive strategy, Goldstone notes that the Mission found no conclusive “evidence that Hamas forced civilians to remain in their homes in order to act as human shields. Indeed, while the Government of Israel has alleged publicly that Hamas used Palestinian civilians as human shields, it has not identified any cases where it claims that civilians were doing so under threat of force by Hamas or any other party.”

Nevertheless, because the issue of Hamas using civilians as “human shields” is so deeply ingrained in the Zionist pro-

paganda talking points of both Israeli and American apologists for Israeli atrocities, any contradiction of this assumed justification for the willful murder of innocent Palestinians by the Israeli military is brushed aside as an absurd fabrication and distortion of reality. Despite relevant facts and evidence to the contrary, it is repeated again and again by Israeli and American officials, parroted by an uncritical media, and is entrenched in the psyche of the public as indisputable doctrine.

Desmond Travers, who was one of the four members of Goldstone's UN Mission, addressed the "human shield" allegation in a recent interview with *Harper's* magazine. A retired Colonel in the Irish Defence Force and the former Commandant of its Military College, Travers has also served in "command of troops with various UN and EU peace support missions." In response to a question regarding whether " Hamas deliberately inserted its fighters among civilians" and therefore was responsible for deliberately increasing the civilian death toll of the conflict,

Travers said, "We found no evidence that Hamas used civilians as hostages. I had expected to find such evidence but did not. We also found no evidence that mosques were used to store munitions. Those charges reflect Western perceptions in some quarters that Islam is a violent religion. Gaza is densely populated and has a labyrinth of makeshift shanties and a system of tunnels and bunkers. If I were a Hamas operative the last place I'd store munitions would be in a mosque. It's not secure, is very visible, and would probably be pre-targeted by Israeli surveillance. There are a many better places to store munitions. We investigated two destroyed mosques – one where worshippers were killed – and we found no evidence that either was used as anything but a place of



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worship."

As part of the House floor debate, Congressman Ron Klein (D-FL) claimed the Goldstone Report "does nothing to advance peace and security in the Middle East" but rather "serves to reinforce the deep mistrust that pervades the region and excuses the actions of terrorist groups and their state sponsors." He did not discuss how identifying war crimes and human rights violations would be anathema to promoting peace and security.

"The Goldstone Report ignores the facts," Klein continued. "The terrorist threat surrounding Israel's defensive actions in Gaza require a decisive response, and any sovereign nation would have and should have done what Israel did," adding, "I would urge U.N. member states to devote time and thoughts to the realities of human rights around the world, not Israel." (CR H12233 11/3/09) Clearly, for Ron Klein, the 'realities of human rights around the world' and 'Israel' are mutually exclusive.

Eliot Engel (D-NY) said the Goldstone Report is "part of an ongoing effort at the U.N. to single out Israel and to deny Israel the same rights accorded to other nations" and that it "equates Israel's long-delayed acts of self-defense [sic] with Hamas' 12,000 intentional, indiscriminate attacks on Israeli civilians since 2001." He closed his comments by urging Congress to "stand by" Israel. (CR H12235 11/3/09)

Eric Cantor (R-FL) said, "For years, without provocation, Hamas and other terrorists in Gaza launched thousands of deadly rockets at Israeli civilians. The attacks laid siege to entire swaths of Israelis. By last December, Israel said enough was enough." (CR H12235 11/3/09)

Steny Hoyer (D-MD) echoed Cantor's statements, saying, "The Goldstone Report largely neglects the context within

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which Israel's action took place. Why is that context so vital, and why is the report so empty without it? Because for years – for years – Israel has been the target of asymmetrical warfare for terrorists who hide behind civilians and aim to kill civilians. For eight years before Operation Cast Lead, Hamas, aided by Iran and others, launched deadly rockets and mortar fire into Israel, even after Israel dismantled its Gaza settlements, even after it withdrew its military. More than 6,000 rockets have fallen indiscriminately on southern Israel's cities and towns. I can't imagine there is one of us in this Chamber that if Canada or Mexico rained down six missiles on our civilian population – not 6,000 on our population – that there would be a Member here who would not want decisive response to stop that assault.” (CR H12238 11/3/09)

Dan Burton (R-IN) also chimed in with a short speech in which he declared, “Israel has been our friend forever,” which is an odd thing to say considering that Burton was already 10 years old by the time the colonial European Zionist founders of the State of Israel unilaterally declared its independence.

Burton continued, “Ariel Sharon tried to reach out in a peaceful way to give Gaza back to the Palestinians. And what happened? Hamas goes in there and starts launching missile after missile after missile at innocent people, blowing them up, trying to kill them. They want to destroy Israel, as does Iran [sic] ... There shouldn't be one vote, not one vote in this place against Israel.

“And the people who are making these comments on the other side of the aisle really bother me, because Israel has been such a great friend of ours and they have been trying to reach peace over there forever. And, instead, they keep getting



Klein did not discuss how identifying war crimes and human rights violations would be anathema to promoting peace and security

rocket attack after rocket attack, and then they are criticized for human rights problems because they defend themselves.

“If we launched missiles into Michigan, I guarantee you, Michigan would be really ticked off at us and would want to stop it and would do everything they could to stop it. We ought to support Israel.” (CR H12236 11/3/09)

Even Rep. Shelley Berkley (D-NV) decided to lend her version of recent history to the *Congressional Record*, “In 2005, Israel withdrew from the Gaza to allow the Palestinians to begin building a state. They didn't. Instead, Hamas used the Gaza to terrorize the Palestinian people and as a launch pad to rain missiles on Israeli cities, 8,000 rocket attacks in a three-year period. In the fall of 2008, even more rockets fell on innocent Israelis and the situation became untenable...For those who suggest that Israel used disproportionate force, I say Israel used extraordinary restraint: missile after missile, injury after injury, death after death, and year after year.” (CR H12236 11/3/09)

The issues raised by these Representatives are indicative of a staggering amount of misinformation that permeates the halls of Congress and beyond. Hoyer's suggestion that the Goldstone Report neglects to contextualize last winter's assault is a statement devoid of all fact, due either to the Congressman's intentional desire to obfuscate the truth or, perhaps more likely, his unfamiliarity with the Report's actual contents. Part One includes extensive historical background of Israel's policies toward Palestinians, including the devastating three-year blockade (A/HRC/12/48, p.82-85), and Palestinian resistance to ongoing oppression, subjugation, apartheid, and aggression in both Gaza and the West Bank

The Report clearly states the impor-

tance of context: “The Mission is of the view that Israel’s military operation in Gaza between 27 December 2008 and 18 January 2009 and its impact cannot be understood or assessed in isolation from developments prior and subsequent to it. The operation fits into a continuum of policies aimed at pursuing Israel’s political objectives with regard to Gaza and the Occupied Palestinian Territory as a whole. Many such policies are based on or result in violations of international human rights and humanitarian law.” (A/HRC/12/48, p.404)

Also included is the Israeli disengagement from Gaza in 2005. Whereas the Representatives speaking in favor of adopting H.Res.867 refer to the withdrawal as an Israeli move toward peace that was met by Palestinian violence, the Report provides a much more fact-based assessment of the Gaza narrative, revealing that under the disengagement plan, “the Israeli armed forces continued to maintain control over Gaza’s borders, coastline and airspace, and Israel reserved ‘its inherent right of self-defence, both preventive and reactive, including where necessary the use of force, in respect of threats emanating from the Gaza Strip.” (A/HRC/12/48, p.49)

Israeli historian Avi Shlaim, in an article written in the midst of the Gaza massacre early this year and published in the *Guardian*, elaborates on the implications of the Israeli withdrawal, “To the world, Sharon presented the withdrawal from Gaza as a contribution to peace based on a two-state solution. But in the year after, another 12,000 Israelis settled on the West Bank, further reducing the scope for an independent Palestinian state. Land-grabbing and peace-making are simply incompatible. Israel had a choice and it chose land over peace.



Hoyer’s suggestion that the Goldstone Report neglects to contextualize last winter’s assault is a statement devoid of all fact, due either to the Congressman’s intentional desire to obfuscate the truth or, perhaps more likely, his unfamiliarity with the Report’s actual contents

“The real purpose behind the move was to redraw unilaterally the borders of Greater Israel by incorporating the main settlement blocs on the West Bank to the state of Israel.”

The Goldstone Report, both in its “Context” section (A/HRC/12/48, p.46-61) and Chapter IV (entitled “Applicable Law,” p.71-81), discusses how the Israeli military occupation of Gaza did not end with the withdrawal, stating, “Israel removed both settlements and military bases protecting the settlers from the Gaza Strip, redeploying on Gaza’s southern border and repositioning its forces to other areas just outside the Gaza Strip. In addition to controlling the borders, coastline and airspace, after the implementation of the disengagement plan, Israel continued to control Gaza’s telecommunications, water, electricity and sewage networks, as well as the population registry, and the flow of people and goods into and out of the territory while the inhabitants of Gaza continued to rely on the Israeli currency.” (A/HRC/12/48, p.49)

Shlaim is even more direct in his description of the aftermath of Israeli “disengagement”: “Gaza was converted overnight into an open-air prison. From this point on, the Israeli air force enjoyed unrestricted freedom to drop bombs, to make sonic booms by flying low and breaking the sound barrier, and to terrorise the hapless inhabitants of this prison.”

The focus on the number of Palestinian rockets and mortars fired from Gaza into southern Israel (a statistic that ranges generally from 6,000 to 8,000) is oft-repeated and used, most recently by members of Congress, to demonstrate the “asymmetrical warfare for terrorists” in Gaza inflicted upon the innocent Israelis.

A quick look at the facts reveals a very different perspective of what “dispropor-

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tionate” really means. The Goldstone Report states that, in 14 months from the September 2005 disengagement until November 2006, “the Israeli armed forces fired approximately 15,000 artillery shells and conducted more than 550 air strikes into the Gaza Strip. Israeli military attacks killed approximately 525 people in Gaza. Over the same period, at least 1,700 rockets and mortars were fired into Israel by Palestinian militants, injuring 41 Israelis.” (A/HRC/12/48, p.51-52)

Such statistics show that for each homemade rocket we are told terrorizes and traumatizes the children of Sderot, there are at least nine Israeli shells on Gaza that bring death and destruction to Palestinian children who are already forced to live in constant horror and humiliation.

In all of 2007, five Israelis, none of whom were children, were killed in Israel in incidents involving Palestinian violence. The same year, more than 300 Palestinians in Gaza, 29 of them children, were killed by Israeli violence (another 91, including 14 children, were killed by Israeli or settler violence in the West Bank). The following year, up through October 2008, a total of 30 Israelis, including four children, were killed by Palestinian violence. In contrast, in the first ten months of 2008, 389 Palestinians, including 69 children, were killed by Israel in Gaza alone, not to mention the 56 Palestinians killed in the West Bank and Israel. Between December 27, 2008 and January 21, 2009, the Israeli air force, navy, and army killed 926 Palestinian civilians, including 313 children, 116 women, 497 civilian men, and 255 non-combatant police officers, wounded over six thousand, and left tens of thousands homeless. 236 Palestinian combatants were also killed. Disproportionately, 10 of the 13 Israelis killed in those 26 days were Israeli soldiers, four of whom died by friendly fire.



“Gaza was converted overnight into an open-air prison. From this point on, the Israeli air force enjoyed unrestricted freedom to drop bombs, to make sonic booms by flying low and breaking the sound barrier, and to terrorise the hapless inhabitants of this prison”

The actual “asymmetry” of Israel’s bombardment of Gaza is also evident when considering that, as Hamas and other Palestinian resistance groups fight with conventional weapons, homemade rockets, and thrown stones, the IDF employs tanks, helicopters, fighter jets, unmanned drones, howitzer artillery, as well as the illegal use of such destructive weaponry as white phosphorous, flechette missiles, dense inert metal explosive (DIME) munitions, and even depleted and non-depleted uranium. (A/HRC/12/48, p.194-199)

Although resolution advocates like Eric Cantor describe Palestinian rocket attacks as being initiated “without provocation,” the truth reveals something completely different. It is clear from such *New York Times*, Reuters, *Ha’aretz*, *Guardian*, *Yediot Ahronot*, *Times* (UK), BBC, and Amnesty International reports that Israel broke the ceasefire, leading to an escalation of events eventually culminating with Operation Cast Lead. It has even been conclusively proven that, with regard to who breaks ceasefires more often, the Israeli military or Palestinian militants, “a systematic pattern does exist: it is overwhelmingly Israel, not Palestine, that kills first following a lull. Indeed, it is virtually always Israel that kills first after a lull lasting more than a week.”

Even the Congressional Research Service (CRS), a governmental think tank that, according to its own website, “serves shared staff to congressional committees and Members of Congress” and whose “experts assist at every stage of the legislative process” providing “Congress with the vital, analytical support it needs to address the most complex public policy issues facing the nation” found in a February report titled *Israel and Hamas: Conflict in Gaza (2008-2009)*, “For the first five months [of the Egyptian-mediated, six-

month tahdiya beginning in June 2008], the cease-fire held relatively well. Some rockets were fired into Israel, but most were attributed to non-Hamas militant groups, and, progressively, Hamas appeared increasingly able and willing to suppress even these attacks. No Israeli deaths were reported...” (CRS R40101, 2/19/09)

This corroborates the reporting of *New York Times* Jerusalem bureau chief Ethan Bronner, who wrote on December 18, 2008 (more than a week before Israeli launched its ruthless assault) that, in its efforts to abide by the truce, “ Hamas imposed its will [over other armed resistance groups] and even imprisoned some of those who were firing rockets.”

In fact, the terms of the ceasefire between Israel and Hamas included, not only the halting of rocket fire from Gaza, but also the Israeli agreement to lift its brutal economic blockade of Gaza, which had been in place before Hamas was voted into power. The siege, nevertheless, continued unabated. Hamas leaders even offered to extend the ceasefire beyond its December 19 expiration date. Israel ignored the proposal, opting instead to bomb civilian neighborhoods and incinerate, mutilate, and dismember children with banned and experimental weaponry.

Essentially, the Congressional claims of relentless and unprovoked Palestinian aggression against a peaceful Israeli population are not only unfounded, they assume the exact opposite of the truth. The “What-if-Mexico or Michigan” analogies also fall short under even the most cursory scrutiny. All real evidence turns such suggestions into a preposterous joke at which no one is laughing.

At one point, during the Congressional debate over H. Res.867, Maryland Rep. Steny Hoyer’s effort to place the blame for



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Israel’s brutal blockade, deprivation, starvation, collective punishment, and massacre of Palestinians in Gaza squarely on the democratically-elected leadership of Hamas took a tellingly racist turn. “Tragically, civilians in Gaza suffered and continue to suffer. They suffer in major part from the determination of their imposed leaders to pursue indiscriminate terror,” he began.

“Is there anybody here who doubts that if those children living there for decade after decade after decade were European children or American children or Jewish children that they would still be there in those [refugee] camps? I say to you, not the case. Why are they there? Because the Arab community does not want to absorb them, and their leaders will not seek a meaningful peace. That is why they’re there.” (CR H12238 11/3/09)

Why Hoyer believes that “the Arab community” would be responsible, let alone obligated, to “absorb” Palestinians is never explained. Palestinians in Gaza don’t ask for absorption elsewhere; their home is Palestine, not Jordan, Lebanon, or Egypt. They were expelled from what is now Israel and, under international law, are entitled – not to be “absorbed” by other countries – but to return to their homes.

Gary Ackerman (D-NY), who actually traveled to Israel with NYC Mayor Mike Bloomberg and police commissioner Ray Kelly (on the Mayor’s private jet) during the Gaza Massacre to show his support for the murder of hundreds of defenseless Palestinians by the Israel military, entered his remarks into the Congressional Record, calling the Goldstone Report “a pompous, tendentious, one-sided political diatribe” that, for all its “facts” and “context” contains “very little truth” and “very little wisdom.” (CR H12244 11/3/09)

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Ackerman makes clear his contempt for the authors of the Report by stating, “In the self-righteous fantasyland inhabited by Judge Goldstone and his colleagues, there’s no such thing as terrorism; there’s no such thing as Hamas (and if it does exist, it’s certainly nothing to fear); there’s no such thing as legitimate self-defense; and war is like a sporting event, rather than the most ghastly, destructive, chaotic phenomenon we human beings are capable of creating.”

Ackerman himself could benefit from a reality check in the form of testimony by a young Israeli reservist who, upon reflecting on his role as a remote operator of Predator drones conducting airstrikes on civilian centers and residential neighborhoods in Gaza, said, “It feels like hunting season has begun ... Sometimes it reminds me of a PlayStation game. You hear cheers in the war room after you see on the screens that the missile hit a target, as if it were a soccer game.”

Although Congressional opponents of H.Res.867 were few and far between, a number of courageous Congress members took up the mantle of human rights, international law, and even American legislative process by voicing their dissent and urging their colleagues to side with morality and legality, rather than denial and impunity.

Minnesota Congressman Keith Ellison led the opposition, stating that the resolution “should be opposed because it suppresses inquiry, inquiry that is the hallmark of democratic societies” (CR H12234 11/3/09) and asking, “Why are we going to pass a resolution without holding a single hearing? Why is the House voting for a resolution which condemns a report that few Members have fully read?” (CR H12235 11/3/09)

Rep. Barbara Lee (D-CA) addressed Pal-



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estinian rocket attack and the humanitarian crisis in Gaza, remarking, “The urgency and the gravity of these harsh realities on both sides require that Congress act always with an eye toward peace and reconciliation.” She concluded that supporting H.Res.867 “doesn’t lead us to securing Israeli peace and security nor Palestinian peaceful coexistence and for their citizens a life of respect.” (CR H12235 11/3/09)

Rep. Betty McCollum (D-MN) called the resolution “blatantly biased,” stating that it “damages U.S. credibility” and “seeks to hide the ugliness of the Gaza war by covering up violent excesses committed against innocent civilians by both Hamas and the Israeli Defense Forces,” including the use of “American-made white phosphorous shells” in civilian areas and the needless killing of “hundreds of Palestinian women and children and elders.” McCollum also noted that the resolution calls for double standards when evaluating war crimes. “There must be only one standard for respecting human rights,” she said. “A single standard by which we must hold ourselves and our friends and our adversaries accountable. Establishing situational standards for respecting human rights is dishonest and only encourages actions that destroy human dignity and life.” (CR H12239 11/3/09)

Congressman Jim Moran (D-VA) called the resolution “a deliberate diversion” and challenged Congress “and the committees of jurisdiction to invest their time and resources into more constructive efforts that further the cause of peace.” (CR H12236 11/3/09)

Rep. John Dingell (D-NY) rose to oppose the resolution by stating, simply, “This is a bad bill. It’s a bad resolution. It is unfair. It is unwise. It contributes nothing to peace. It establishes a bad precedent, and it sets up a set of circumstances

where we indicate that we're going to just arbitrarily reject a U.N. finding and a U.N. resolution and that we're going to have that as a precedent. This is bad."

Dingell spoke to the universality of international law, "Neither Israel nor Hamas, nor any other country or other non-state political act is exempt from international human rights laws or free of consequence for violations of them. If nothing else, the Goldstone Report should serve as a document from which Israel and Hamas, and the rest of the international community can use to ensure that future human rights violations do not take place in civilian areas and that their militaries and fighters are actively working toward minimizing civilian casualties in the future." (CR H12237 11/3/09)

Two of the strongest opponents of the resolution were Brian Baird (D-WA) and Dennis Kucinich (D-OH). Baird, in a statement released the night before the vote, stated, "if our own country is truly to stand for human rights and the rule of law, and if facts matter, how can we do other than insist that legitimate questions and evidence are followed by further investigation and, if necessary and warranted, appropriate consequences?"

The statement continued, "H.Res. 867 is very serious business. If, as Goldstone asserts and the evidence I have seen supports, there were in fact gross violations of international law and human rights on all sides, we cannot in good conscience support H.Res. 867.

"This is about much more than just another imposed political litmus test that we are all too often asked to perform. This is about whether we as individuals and this Congress as an institution find it acceptable to drop white phosphorous on civilian targets, to rocket civilian communities, to destroy hospitals and schools, to use



"It feels like hunting season has begun ... Sometimes it reminds me of a Play Station game. You hear cheers in the war room after you see on the screens that the missile hit a target, as if it were a soccer game"

civilians as human shields, to deliberately destroy non-military factories, industries and basic water, electrical and sanitation infrastructure. This is about whether it is acceptable to restrict the movement, opportunities and hopes of more than a million people every single day."

On the floor of the House, Baird, who has visited Gaza and seen first-hand the affects of Israel's assault, made one last appeal to his colleagues. "Do not pass this resolution. Support this fine jurist," he said. "Give justice, true justice, a chance to be heard." (CR H12237 11/3/09)

Kucinich reprimanded fellow Congress members for their suppression of the truth in supporting H.Res.867, declaring, "Almost as serious as committing war crimes is covering up war crimes, pretending that war crimes were never committed and did not exist," continuing, "Behind every such deception is the nullification of humanity, the destruction of human dignity, the annihilation of the human spirit, the triumph of Orwellian thinking, the eternal prison of the dark heart of the totalitarian."

The Ohio Representative stated that "if this Congress votes to condemn a report it has not read concerning events it has totally ignored about violations of law of which it is unaware, it will have brought shame to this great institution." He accused resolution supporters of "tacitly approv[ing] violations of international law and international human rights" and warned that "if we close our eyes to the heartbreak of people on both sides by white-washing a legitimate investigation?" (CR H12237-8 11/3/09)

Nevertheless, despite the objections of these representatives and the call of numerous human rights organizations to oppose the bill and support the Goldstone Report's findings and recommendations, Congress voted overwhelmingly to pass

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H.Res.867, thereby white-washing war crimes in a successful bid to allow Israel to slaughter Palestinians with impunity.

Brooklyn Representative Yvette Clarke was one of only 36 members who voted against the legislation. The day after the vote, a statement appeared on her website, explaining her position. “Consideration of this resolution completely circumvented the legislative process, preventing an accurate and thorough vetting of the findings of the Goldstone Report,” she wrote. “This highly unusual legislative maneuver, which denied members a single subcommittee hearing, raises questions regarding the claims in this resolution.” She also stated that the “language stating that it should be U.S. policy to ‘oppose unequivocally any endorsement or further consideration...in multilateral fora’ is excessively broad and inconsistent with our national commitment to human rights and the rule of law.”

This national commitment to human rights and the rule of law was recently affirmed by Dr. Esther Brimmer, Assistant Secretary of the US Bureau of International Organization Affairs in her September 14, 2009 remarks to the High-Level Session of the Human Rights Council in Geneva, in which Brimmer declared that the United States was pleased to rejoin the community of nations on the United Nations Human Rights Council due to the Obama Administration’s renewed efforts to advance “one of the most fundamental roles of the state: to protect and advance human rights.” Brimmer continued,

“We cannot pick and choose which of these rights we embrace nor select who among us are entitled to them. We are all endowed at birth with the right to live in dignity, to follow our consciences and speak our minds without fear, to choose those who govern us, to hold our leaders



Despite the noble objections of these representatives and the call of numerous human rights organizations to oppose the bill and support the Goldstone Report’s findings and recommendations, Congress voted overwhelmingly to pass H.Res.867

accountable, and to enjoy equal justice under the law. These rights extend to all, and the United States can not accept that any among us would be condemned to live without them.”

During a press briefing two week later, Brimmer added that the United States “must do everything in our power to end the suffering of innocent Israeli and Palestinian civilians.” Addressing the findings of the Goldstone Report, she said, “We encourage domestic investigations of credible allegations of violations of international human rights and humanitarian law.”

The United States Congress, at the bidding of AIPAC and the Israeli government, did not heed this call, nor did they act as true representatives of their constituents. A Rasmussen poll from December 31, 2008, taken just days after Israel launched its devastating assault on Gaza when Israeli propaganda was at its height and revelations of war crimes were far from being exposed, found that Americans generally “are closely divided over whether the Jewish state should be taking military action against militants in the Gaza Strip.” While the American public at large slightly favored Israeli aggression (44-41%, with 15% undecided), Democratic voters overwhelmingly opposed the Israeli offensive – by a 24-point margin (31-55%). Despite such a majority of Democratic disapproval of Israeli military action at the time, a staggering 70% of Democratic Representatives (179 out of 255) voted in favor of H.Res.867 on Tuesday.

On January 2, 2009, Salon.com commentator Glenn Greenwald posed the following query, “Is there any other significant issue in American political life, besides Israel, where (a) citizens split almost evenly in their views, yet (b) the leaders of both parties adopt identical lockstep posi-

tions which leave half of the citizenry with no real voice? More notably still, is there any other position, besides Israel, where (a) a party's voters overwhelmingly embrace one position (Israel should not have attacked Gaza) but (b) that party's leadership unanimously embraces the exact opposite position (Israel was absolutely right to attack Gaza and the U.S. must support Israel unequivocally)? Does that happen with any other issue?"

The answer is a resounding no because the US Congress adheres to the strict doctrine of "Israel Über Alles" at all times, no matter what the facts are. The late Edward Said wrote, "The paramount thing is that the struggle for equality in Palestine/Israel should be directed toward a humane goal, that is, co-existence, and not further suppression and denial."

The Goldstone Report came to the same conclusion, echoing the voices of those struggling for the universal values of human rights, social justice, legal equality, and basic morality, when it stated:

"The international community as well as Israel and, to the extent determined by their authority and means, Palestinian



"Is there any other significant issue in American political life, besides Israel, where (a) citizens split almost evenly in their views, yet (b) the leaders of both parties adopt identical lockstep positions which leave half of the citizenry with no real voice?"

authorities, have the responsibility to protect victims of violations and ensure that they do not continue to suffer the scourge of war or the oppression and humiliations of occupation or indiscriminate rocket attacks. People of Palestine have the right to freely determine their own political and economic system, including the right to resist forcible deprivation of their right to self-determination and the right to live, in peace and freedom, in their own State. The people of Israel have the right to live in peace and security. Both peoples are entitled to justice in accordance with international law." (A/HRC/12/48, p. 404)

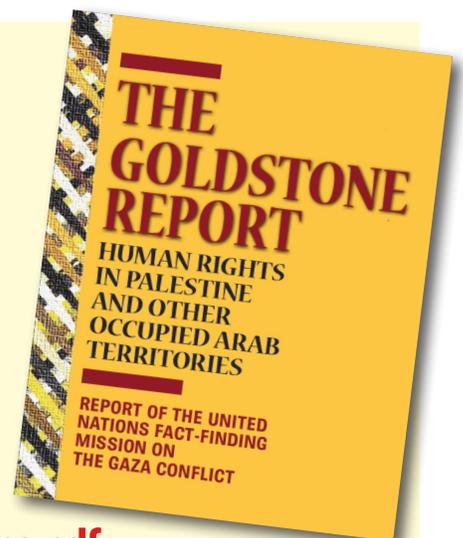
With the passing of H.Res.867, two days after what would have been Edward Said's 74th birthday, Congress made perfectly clear that it not only seeks to deny and suppress the truth, but is itself, in the words of its own resolution, "irredeemably biased and unworthy of further consideration or legitimacy."

Not only does the United States House of Representatives not accurately represent the views of the American people, let alone those of the rest of world, it is – unequivocally – no home to morality.

READ THE GOLDSTONE REPORT

Download the full 454-page **Report of the United Nations Fact-finding Mission on the Gaza Conflict** free of charge at

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