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## On Responses to the Goldstone Report

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Prime Minister Netanyahu has made clear two distinct areas on which Israel must focus its response to the implications of this very cunning and devious, grossly inaccurate, report by Judge Goldstone.

On October 20, 2009, Mr. Netanyahu said to the Israeli Security Cabinet:

Our challenge is to delegitimize the continuous attempt to delegitimize the State of Israel. The most important arena where we need to act in this context is in the arena of public opinion, which is crucial in the democratic world. We must continue to debunk this lie that is spreading with the help of the Goldstone report.

Notoriously, Israel's handling of its case in the (so-called) wider community of nations, has been lamentably lackluster, half-hearted and inadequate, according to the vast majority of professionals involved in psychological warfare, the media and *hasbara* efforts. This, then, must alter in light of the Goldstone Report. Then again, it was always in need of massive reform and investment. Israel's image abroad has been in decline, one way or another, ever since it won the 1967 war. Doing the Jewish state down is, in the West, currently a regular pastime for the intelligentsia. The report, like academic boycotts, has a place in this ugly wider picture.

Netanyahu added that

In Lebanon, in Gaza and in other places, weapons are being piled up around us with the sole aim of firing them at the citizens of the State of Israel. I want to make it clear to everyone: No one will undermine our ability and right to defend our children, our citizens and our communities.

These represent brave words but have in them a terrible clue as to the true state of affairs for Israel's attempts at safely securing "a place among the nations". No nation has lifted a finger to prevent, or even to lambast, those responsible for the build-up of arms, weapons which are being stockpiled for use against Israel. No less than Ahmadinejad himself, these groups intend to annihilate the Jewish inhabitants of so-called "Palestinian land" in an unprovoked genocide. Yet they do so with a kind of moral impunity, untroubled by the conscience of most of the countries of the world and egged on by many of them. This translates into President Obama seeking a soft diplomatic approach and a Palestinian state on the one hand and other actions throughout the EU and UN on the other, exemplified by the Goldstone report and its supporters.

There are many anti-Israel forces at work through the Goldstone report and they are determined – but also open to ridicule on rational contextual and evidentiary levels. American author Stephanie Gutmann brought some of this to light in some recent articles. On the actual Human Rights Council she has commented:

The Human Rights Council was created in 2006 as a replacement for the UN's discredited Human Rights Commission. Chaired by Libya, with members like Sudan, Nepal, Saudi Arabia and China, that Commission had spent most of its time "investigating" Israel and thinking up reasons not to look at stonings, clitorectomies and other gross human rights abuses in its member countries. By 2006, the Commission had become, as *The New York Times* put it, "the shame of the United Nations" wherein "some of world's most abusive regimes have won seats...and used them to insulate themselves from criticism."<sup>1</sup>

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<sup>1</sup> Stephanie Gutmann, *Daily Telegraph*, September 18, 2009, at <http://blogs.telegraph.co.uk/news/stephaniegutmann/100010504/in-rebuking-israel-and-letting-hamas-off-the-hook-the-uns-goldstone-report-is-a-gift-to-world-terrorism/>.

So much for context, one might imagine, but not quite. Since the new Council's record is just as bad. Since its inception, up to December 2008, Reuters has reported,

Independent human rights groups say the council has fallen under the control of a bloc of Islamic and African states, usually backed by China, Cuba and Russia, who protect each other from criticism.

Of the eight special sessions on serious rights situations that the Council has held, four have focused on Israeli behavior in occupied Palestinian lands and Lebanon and one the generalized topic of the global food crisis.

The witnesses lack corroborative evidence for their accusations and are biased in their testimony.

...the facts of the report are built mostly on testimonies of Palestinian eyewitnesses, which have received little scrutiny or verification. Critics also call attention to parts of the commission's work that they say was sloppily done, without sufficient cross-examination and double checking of information. Alternative interpretations of the incidents described are not considered, let alone fully explored.<sup>2</sup>

A scrupulous and fact-finding report, in reality? No, not in the least.

As details about the backgrounds of Goldstone's witnesses (many of them Hamas operatives, as it turns out) roll in, [much can be said and] Tom Gross has noticed that one of them is Islam Shahwan, the same Hamas spokesman, who appeared in the Israeli press (as well as the [*London Daily Telegraph*] last summer trumpeting the news that Israeli intelligence was in the Strip distributing chewing gum to make their youth horny.<sup>3</sup>

This does not seem exactly a sound witness or one whose credibility had been rigorously checked up on. Worse still, perhaps it had been.

Indeed, in the light of Hamas provocation, some eight thousand rockets being rained down on the civilian population of Israel and the destruction of normal life, buildings and the murders thereby committed, it is remarkable that a professional and informed opinion should be able in all apparent honesty, to spell out this superlative (italics the present writer's):

The former commander of British forces in Afghanistan said on Friday that the *IDF took more precautions during Operation Cast Lead than any military in the history of warfare*. Col. Richard Kemp made the comment in an address to the president of the UN Human Rights Council, Alex Van Meeuwen of Belgium, at its special session on the Goldstone Report in Geneva.<sup>4</sup>

Indeed, he continued,

...Israel did so while facing an enemy that deliberately positioned its military capability behind the human shield of the civilian population. Hamas, like Hizbullah, are expert at driving the media agenda. Both will always have people ready to give interviews condemning Israeli forces for war crimes. They are adept at staging and distorting incidents....

...The truth is that the IDF took extraordinary measures to give Gaza civilians notice of targeted areas, dropping over 2 million leaflets, and making over 100,000 phone calls. Many missions that could have taken out Hamas military capability were aborted to prevent civilian casualties. During the conflict, the IDF allowed huge amounts of humanitarian aid into Gaza. To deliver aid virtually into your enemy's hands is, to the military tactician, normally quite unthinkable. But the IDF took on those risks."

<sup>2</sup> Gal Beckerman, *The Jewish Daily Forward*, October 16, 2009, at <<http://www.forward.com/articles/116269/>>.

<sup>3</sup> Stephanie Gutmann, *Daily Telegraph*, September 29, 2009, at <<http://blogs.telegraph.co.uk/news/stephaniegutmann/100011827/star-witness-for-uns-goldstone-report-israel-spreads-aphrodisiac-chewing-gum-to-palestinian-youth/#postComment>>.

<sup>4</sup> *The Jerusalem Post*, October 16, 2009, at <[www.jpost.com/servlet/Satellite?cid=1255694824777&pagename=JPArticle%2FShowF](http://www.jpost.com/servlet/Satellite?cid=1255694824777&pagename=JPArticle%2FShowF)>.

What all this raises is some questions: was Goldstone part of a conspiracy of ruthless anti Israel forces at work, in the corridors of power, of the UN and elsewhere; or a naïve bungler tolerated and indulged because so inept in fundamental legal elements, like assessment of evidence and its quality, probity of witnesses and motive of testimony; or a politicized puppet, emotionally involved in creating a case and heedless of his own intellectual and moral integrity? Or all of these, perhaps?

There is more. In the (well) left of centre *Guardian*, a British paper famous for its anti Israel position, Sir Harold Evans, a most distinguished editor and writer, wrote an article which spelled out the true diplomatic/political nature of things – and Britain came out of it appropriately badly, with pronounced cowardice:

It was to be expected that the usual suspects of the risible UN human rights council would be eager to condemn Israel for war crimes in defending itself against Hamas. If you treat people as the Chinese do the Tibetans or Uighurs (“Off with their heads!”); or as the Russians eliminate Chechen dissidents; or as the Nigerians tolerate extrajudicial killings, the evictions of 800,000, rape and cruel treatment of prisoners; or as the Egyptians get prisoners to talk (torture) and the Saudis suppress half their population ...well, go through the practices of all 25 states voting to refer Israel to the security council for the Gaza war, and you have to acknowledge they know a lot about the abuse of humans. Anything to divert attention from their own atrocities.

Only six refused to join the farce – Hungary, Italy, Netherlands, Slovakia, Ukraine and the US. Britain didn't just abstain. It shirked voting at all (along with those beacons of civilisation Angola, Kyrgyzstan, Madagascar, and surprisingly, France)....

...The rockets were war crimes and ought to have been universally condemned as such. While new rockets hit Israel over many months there was no rush by the world's moralisers – including Britain – to censure Hamas, no urgency as there was in “world opinion” when Israel finally responded. Then Israel was immediately accused of a “disproportionate” response without anyone thinking: “What is a ‘proportionate’ attack against an enemy dedicated to exterminating your people?” A dedication to exterminating all of his?

....No doubt there were blunders. A defensive war is still a war with all its suffering and destruction. But Hamas compounded its original war crime with another. It held its own people hostage. It used them as human shields. It regarded every (accidental) death as another bullet in the propaganda war. The Goldstone report won the gold standard of moral equivalence between the killer and the victim. Now Britain wins the silver. Who's cheering?<sup>5</sup>

The answer to Sir Harold Evans' rhetorical question is not so brief. The anti-Israel British establishment, the Islamic states of the world, the Arab frontline states against Israel in particular, the Palestinian terrorist groups and their supporters in the West and a host of superficially, veneer-deep, well-meaning liberals, who think moral equivalence and cycles of violence mean Israel is really a badly behaved, depraved terrorist state. They are all cheering – oh yes, and the British Foreign Office which wanted that silver medal, evidently.

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<sup>5</sup> Harold Evans, *The Guardian*, Tuesday October 20, 2009.