



ISRAEL MATTERS!

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Netanyahu: Throw Goldstone Report into Dustbin of History

Israeli Prime Minister Binyamin Netanyahu called on the United Nations Saturday night to disavow the Goldstone Report alleging war crimes by the IDF in Gaza two years ago after its author said he had erroneously accused Israel of intentionally targeting civilians. [Note: See page 4 for Judge Goldstein's Washington Post editorial] "The fact that [South African jurist Richard] Goldstone backtracked must lead to the shelving of this report once and for all," Netanyahu said in a statement to the press.

Israel had refused to cooperate with Goldstone's fact-finding mission into its military operation in Gaza in December 2008 and January 2009, known as Operation Cast Lead, and rejected the September 2009 report, which accused Israel and Hamas of war crimes and possible crimes against humanity and suggested that the matter be referred to the International Court of Justice if Israel did not hold follow-up investigations into the matter.

Israel charged that the report, which focused largely on its actions in Gaza, was biased and flawed. But it has held investigations into Operation Cast Lead. "Everything we said has proven true," Netanyahu said. "Israel did not intentionally harm civilians. Its institutions and investigative bodies are worthy, while Hamas intentionally fired upon innocent civilians and did not examine anything," he said. The absurdity here, Netanyahu added, was that the UN Human Rights Council, the body that called for the report, had Libya as a member.

"It's time to throw this report into the dustbin of history," he said.

Defense Minister Ehud Barak, who held that post during Operation Cast Lead, said that Goldstone should send his new conclusions to the same international forums "in which he published his twisted and nonfactual report." "Only that way can there be a partial correction of the damage that was caused," he explained. Both Netanyahu



and Barak spoke after Goldstone published an opinion piece in The Washington Post on April 1st, in which he said: "If I had known then what I know now, the Goldstone Report would have been a different document."

Goldstone said the fact-finding mission's allegations that Israel took actions which intentionally led to the death and injury of civilians, were based on the information available to him at the time. Investigations conducted by the Israeli military into those incidents, which have been recognized by the UN, "indicate that civilians were not intentionally targeted as a matter of policy." Goldstone noted in particular the work of the UN Human Rights Council's panel, which monitors compliance with the report and delivered its own assessment of the matter to the council in its March session.

As an example, Goldstone pointed to one of the most serious attacks his committee investigated, in which 29 members of the al-Simouni family were killed in their home, apparently because of an erroneous IDF interpretation of a drone image. "An Israeli officer is under investigation for having ordered the attack," he said. "I regret that our fact-finding mission did not have such evidence explaining the circumstances in which we said civilians in Gaza were targeted, because it probably would have influenced our findings about intentionality and war crimes," Goldstone wrote. He added he regretted Israel's lack of cooperation with the report.

Goldstone defended his committee's work by stating that it had never intended to "prove a foregone conclusion against Israel" and said that Israel had a right to defend itself, just like any other sovereign nation. He also defended portions of the report, particularly those that accused Hamas of violations and which he said marked the first time that Hamas was investigated and condemned by the United Nations. His report has also demanded that Palestinians investigate their human rights violations in

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Gaza.

While Israel has investigated its actions, he said, Hamas has done nothing. He had hoped, Goldstone said, that his report would sway Hamas to halt its rocket attacks against Israel. Instead those attacks have continued, he noted.

“I had hoped that our inquiry into all aspects of the Gaza conflict would begin a new era of evenhandedness at the UN Human Rights Council, whose history of bias against Israel cannot be doubted,” he said. He called on the UNHRC to condemn Hamas rocket attacks against Israel and the Itamar attack, in which an Israeli couple and three of their children were killed.

IDF Spokesman Brig. Gen. Avi Benayahu said that Goldstone should travel around the world and go country to country and newspaper to newspaper to try and repair the damage he caused Israel. Benayahu said the IDF believed all along that it had operated in Gaza with a high moral standard, and that the military never deliberately target civilians. “The same morals and Jewish conscience that led us during the operation and our subsequent investigations should lead Judge Goldstone to look in the mirror and realize that it is time to share his feelings with the world,” the IDF spokesman said. Benayahu said that the IDF made some mistakes during the operation and has investigated all of them. He warned, however,

that Hamas and Hezbollah were already establishing their military infrastructure inside population centers and that the world needed to be prepared for the consequences in the event of a future war with Israel. “We knew how to locate the mistakes even before we heard the name Richard Goldstone. We did this for Israel and the Jewish people, and not for the world,” he said.

Foreign Minister Avigdor Lieberman said on Channel 2’s Meet the Press that he was not surprised by Goldstone’s statements. “We had no doubt that the truth would come out eventually,” said Lieberman. Goldstone actually came to the same conclusions that the two follow-up committees to the Goldstone committee came to, he said, namely that Israel’s court system acted objectively and professionally in investigating allegations of war crimes.

In addition, both Goldstone and the follow-up committees agreed that Hamas had done nothing to address allegations of war crimes or human rights violations that the Goldstone report accused them of during Operation Cast Lead. Lieberman also expressed satisfaction with the fact that Goldstone recognized the anti- Israel bias of the UN Human Rights Council. When asked if he believed, given Goldstone’s comments, that Israel should have been more cooperative with Goldstone’s fact-finding mission, Lieberman said that Israel did not want to set a precedent of international bodies interfering in the government’s internal decision-making process. (JPost)

Egyptian Presidential Candidate: If Elected Will Confront Israel

Secretary-General of Egypt’s Amal Party, Magdi Hussein said confronting Israeli plans in occupied Palestine and supporting the Palestinian nation stand atop his agenda for a presidential campaign.

Speaking in an interview with FNA, Hussein announced his candidacy for the upcoming presidential election in Egypt to help establish democracy in his country and materialize people’s demands. The Secretary-General said if elected as Egypt’s president his working agenda would be in full harmony with the people’s demands as shouted in the streets of Cairo and other cities in the January 25 revolution.

Hussein said “confrontation against the Zionist plans in occupied Palestine,” is among his top priorities in foreign policy. He viewed Egypt’s relations with the [Israel] as detrimental to his country, and said if he is elected president, “Egypt would no more be subordinate or dependent on the Zionist regime the same way that we would support the Palestinian nation until the materialization of their righteous demands.” He said “contents and clauses of the agreements signed between Egypt and Israel will certainly be revised” if he is elected president. (Fars News Agency)

Apple Transfer Aids Both Sides of Israel-Syria Border

During a three-month period that started in mid-February, 12,000 tons of apples are to be transferred across the Syrian border by IDF forces via the Quneitra crossing. The apples, grown in the Golan Heights by Druze farmers, carry a profound message: “Each apple equals assistance to Druze farmers on both sides of the border,” explains Cpt. Adham Rad, commander of the Quneitra crossing.

The project began six years ago when Israeli Druze farmers sought another market for their produce. “Some Druze families are separated by the border,” says Cpt. Rad, “and Israel, showing its desire for peace, works to accommodate their needs, making sure they lead normal lives.”

Israeli authorities approved the project and the Red Cross served as the neutral envoy needed to launch the project. The Red Cross has representatives on each side of the border and supplies the trucks and Kenyan drivers that transfer the apples from Israeli to Syrian trucks. From Syria, the apples are marketed to Persian Gulf countries.

“Israel realizes how important this opportunity is,” says Maj. Eyad Aktesh. “Quneitra represents Israel’s concern for the welfare of civilians, disregarding the obvious security threats posed by a border opening, especially with Syria which considers the Golan Heights to be its land.” (IMRA)

Israel Looking to Boost Ties with South Korea

The Israeli Defense Ministry is tightening its ties with South Korea as it searches for new military alliances around the world. Several defense industries have begun solidifying their presence in Seoul with Rafael opening a new marketing office recently in Bangkok to service South Korea as well as Vietnam. Rafael is also in talks with two South Korean companies about possible establishment of joint ventures.

South Korea is extremely interested in Israeli products particularly due to the growing tension with North Korea," a senior defense official said. "For us, it is beneficial since we are facing a drop in defense sales due to the recession."

In recent months, a number of Israeli and South Korean delegations have visited each other's country to discuss potential deals. In December, the South Korean military issued an urgent operational requirement to Rafael for guided anti-tank missile systems called Spike. In addition to Spike, the South Korean military is also in talks with the Defense Ministry about the Iron Dome, the short-range rocket defense system which was recently declared operational by the Israeli Air Force. One official estimated that sales to South Korea could reach about \$500 million a year. (JPost)

Israel: First Field Hospital in Japan

The field hospital Israel established in Japan is the first to be set up by any nation offering outside assistance, Israel's Ambassador to Japan Nissim Ben Shitrit said, and the Japanese are extremely appreciative. Ben Shitrit said the hospital was established at Minamisanriko, a fishing city 290 miles north of Tokyo, that was utterly overwhelmed by the quake and tsunami and where some 10,000 people are dead or missing.

He confirmed Israel was also providing tons of aid assistance – including mattresses, blankets, coats, gloves and chemical toilets – for some of the half-million people who are homeless, many of whom live in public facilities.

I don't know how or why it is that our field hospital is the first," the ambassador said. "Maybe we moved faster. Maybe it's because of our experience." He said the medical crisis would take a long time to resolve, but that he believed the Japanese government would bring the situation under control in the coming weeks. Appreciation for Israel's help, he said, was clear in the reporting in the Japanese media and in the grateful response of people in the field.

Asked whether Israel had provided any assistance in grappling with the difficulties affecting Japanese nuclear facilities, Ben Shitrit said no. "That's an issue for the Japanese and the Americans only," he said. (JPost)

Germany: No Recognition of Unilaterally-Declared Palestinian State

Chancellor Angela Merkel said Germany would never recognize any Palestinian state if it were declared without Israel's acceptance. After talks with Israeli Prime Minister Benjamin Netanyahu in Berlin recently, Merkel said she supported a two-state solution, with Israel and a Palestinian state coexisting side by side. However, she added that this could only be acceptable to Germany if Israel itself recognized Palestinian independence. Palestinian officials have said they might unilaterally declare statehood in September.

"When it comes to the question of recognizing a Palestinian state, I repeat again that Germany is working for there to be a two-state solution," said Merkel. "Unilateral recognitions therefore definitely do not contribute to achieving this aim ... This is our stance now and it will be our stance in September ... There needs to be mutual recognition, otherwise it is not a two-state solution."

Netanyahu was on a diplomatic tour aimed at convincing western allies not to acknowledge a Palestinian state. Merkel, who referred to some "controversy" during the meeting, said that the talks had been "very friendly and very direct." She added that restoring momentum back to the stalled Middle East peace process was "more pressing than ever."

Merkel's office denied that she and the Israeli prime minister had fallen out in a telephone conversation in February, with Merkel accusing Netanyahu of failing to make progress on peace. (DW-World.DE)

Egypt Air Eliminates Israel From Route Map

Egypt Air has removed Israel from its route map, even though its subsidiary, Air Sinai, flies to Tel Aviv, four times a week. Customers seeking flights to Ben Gurion National Airport will have a hard time as Israel does not exist on its map.

Israel has literally been removed from an online map on the airline's website which shows that Jordan's border extends to the Mediterranean Sea, thus swallowing up Israel. However, other Middle East capitals, Amman, Beirut, and Damascus are featured on the map.

The Cairo-Tel Aviv flights were temporarily halted following the recent uprising in Egypt that overturned the government, but had been reinstated later. There had also been an increase in passengers on the Air Sinai's flights. According to the Airports Authority, the airline saw a 27 percent increase in passengers in 2010 compared to previous years. (Israel Herald)

Reconsidering the Goldstone Report on Israel and War Crimes

By Richard Goldstone, Friday, April 1, 2011

We know a lot more today about what happened in the Gaza war of 2008-09 than we did when I chaired the fact-finding mission appointed by the U.N. Human Rights Council that produced what has come to be known as the Goldstone Report. If I had known then what I know now, the Goldstone Report would have been a different document.

The final report by the U.N. committee of independent experts — chaired by former New York judge Mary McGowan Davis — that followed up on the recommendations of the Goldstone Report has found that “Israel has dedicated significant resources to investigate over 400 allegations of operational misconduct in Gaza” while “the de facto authorities (i.e., Hamas) have not conducted any investigations into the launching of rocket and mortar attacks against Israel.”

Our report found evidence of potential war crimes and “possibly crimes against humanity” by both Israel and Hamas. That the crimes allegedly committed by Hamas were intentional goes without saying — its rockets were purposefully and indiscriminately aimed at civilian targets.

The allegations of intentionality by Israel were based on the deaths of and injuries to civilians in situations where our fact-finding mission had no evidence on which to draw any other reasonable conclusion. While the investigations published by the Israeli military and recognized in the U.N. committee’s report have established the validity of some incidents that we investigated in cases involving individual soldiers, they also indicate that civilians were not intentionally targeted as a matter of policy.

For example, the most serious attack the Goldstone Report focused on was the killing of some 29 members of the al-Simouni family in their home. The shelling of the home was apparently the consequence of an Israeli commander’s erroneous interpretation of a drone image, and an Israeli officer is under investigation for having ordered the attack. While the length of this investigation is frustrating, it appears that an appropriate process is under-

way, and I am confident that if the officer is found to have been negligent, Israel will respond accordingly. The purpose of these investigations, as I have always said, is to ensure accountability for improper actions, not to second-guess, with the benefit of hindsight, commanders making difficult battlefield decisions.

While I welcome Israel’s investigations into allegations, I share the concerns reflected in the McGowan Davis report that few of Israel’s inquiries have been concluded and believe that the proceedings should have been held in a public forum. Although the Israeli evidence that has emerged since publication of our report doesn’t negate the tragic loss of civilian life, I regret that our fact-finding mission did not have such evidence explaining the circumstances in which we said civilians in Gaza were targeted, because it probably would have influenced our findings about intentionality and war crimes.

“We know a lot more today about what happened in the Gaza war of 2008-09 than we did when I chaired the fact-finding mission appointed by the U.N. Human Rights Council that produced what has come to be known as the Goldstone Report. If I had known then what I know now, the Goldstone Report would have been a different document.”

- Richard Goldstone

Israel’s lack of cooperation with our investigation meant that we were not able to corroborate how many Gazans killed were civilians and how many were combatants. The Israeli military’s numbers have turned out to be similar to those recently furnished by Hamas (although Hamas may have reason to inflate the number of its combatants).

As I indicated from the very beginning, I would have welcomed Israel’s cooperation. The purpose of the Goldstone Report was never to prove a foregone conclusion against Israel. I insisted on changing the

original mandate adopted by the Human Rights Council, which was skewed against Israel. I have always been clear that Israel, like any other sovereign nation, has the right and obligation to defend itself and its citizens against attacks from abroad and within. Something that has not been recognized often enough is the fact that our report marked the first time illegal acts of terrorism from Hamas were being investigated and condemned by the United Nations. I had hoped that our inquiry into all aspects of the Gaza conflict would begin a new era of evenhandedness at the U.N. Human Rights Council, whose history of bias against Israel cannot be doubted.

Some have charged that the process we followed did not live up to judicial standards. To be clear: Our mission was in no way a judicial or even quasi-judicial proceeding. We did not investigate criminal conduct on the part of any individual in Israel, Gaza or the West Bank. We made our recommendations based on the record before us, which unfortunately did not include any evidence provided by the Israeli government. Indeed, our main recommenda-

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tion was for each party to investigate, transparently and in good faith, the incidents referred to in our report. McGowan Davis has found that Israel has done this to a significant degree; Hamas has done nothing.

Some have suggested that it was absurd to expect Hamas, an organization that has a policy to destroy the state of Israel, to investigate what we said were serious war crimes. It was my hope, even if unrealistic, that Hamas would do so, especially if Israel conducted its own investigations. At minimum I hoped that in the face of a clear finding that its members were committing serious war crimes, Hamas would curtail its attacks. Sadly, that has not been the case. Hundreds more rockets and mortar rounds have been directed at civilian targets in southern Israel. That comparatively few Israelis have been killed by the unlawful rocket and mortar attacks from Gaza in no way minimizes the criminality. The U.N. Human Rights Council should condemn these heinous acts in the strongest terms.

In the end, asking Hamas to investigate may have been a mistaken enterprise. So, too, the Human Rights Council should condemn the inexcusable and cold-blooded recent slaughter of a young Israeli couple and three of their small children in their beds.

I continue to believe in the cause of establishing and ap-

plying international law to protracted and deadly conflicts. Our report has led to numerous “lessons learned” and policy changes, including the adoption of new Israel Defense Forces procedures for protecting civilians in cases of urban warfare and limiting the use of white phosphorus in civilian areas. The Palestinian Authority established an independent inquiry into our allegations of human rights abuses — assassinations, torture and illegal

detentions — perpetrated by Fatah in the West Bank, especially against members of Hamas. Most of those allegations were confirmed by this inquiry. Regrettably, there has been no effort by Hamas in Gaza to investigate the allegations of its war crimes and possible crimes against humanity.

Simply put, the laws of armed conflict apply no less to non-state actors such as Hamas than they do to national armies. Ensuring

that non-state actors respect these principles, and are investigated when they fail to do so, is one of the most significant challenges facing the law of armed conflict. Only if all parties to armed conflicts are held to these standards will we be able to protect civilians who, through no choice of their own, are caught up in war.

The writer, a retired justice of the Constitutional Court of South Africa and former chief prosecutor of the U.N. International Criminal Tribunals for the former Yugoslavia and Rwanda, chaired the U.N. fact-finding mission on the Gaza conflict.



Richard Goldstone on a 2009 visit to a house destroyed during Israel's offensive in Gaza. Photograph: Ashraf Amra/AP