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## Amnesty International: Whitewashing Another Massacre

### Criminalizing Palestinian Resistance

by PAUL de ROOIJ

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Amnesty International has issued four reports on the Massacre in Gaza in 2014 [1]. Given the scale of the destruction and the number of fatalities, any attempt to document the crimes committed should be welcomed. But these reports are problematic, and raise questions about this organization [2], including why they were written at all. It also raises questions about the broader human rights industry that are worth considering.

### Basic Background

July 2014 marked the onset of the Israeli massacre in Gaza (I will dispense with the Israeli sugar-coated operation names). The Israeli army trained for this attack for several months before finding a pretext to attack Gaza, shattering an existing ceasefire; this was the third such post-“disengagement” (2004) attack, and possibly the worst so far. At least 2,215 were killed and 10,000+ wounded, most of them civilians. The scale of destruction was staggering: tens of thousands of houses rendered uninhabitable; several high-rise buildings struck by huge American-supplied bombs; schools and hospitals targeted; 61 mosques totally destroyed; water purification and sewage treatment plants damaged; Gaza’s main flour mill bombed; all chicken farms ravaged; an incalculable devastation [3].

Israeli control over Gaza has been in place for decades; with violence escalating over time, and the people of Gaza have been under siege for the last eight years. Israelis have placed Gaza “on a diet” [4], permitting only a trickle of strictly controlled goods to enter Gaza, enough to keep the population above starvation. Gaza is surrounded on all sides, blocked off from the outside world: military bulldozers raze border areas, snipers injure farmers, and warships menace or destroy fishing boats with gunfire. Periodically Israelis engage in what they term “mowing the lawn” massacres and large scale destruction. It is this history that must serve as the foundation of any report that attempts to describe both the intent of the participating parties and the relative consequences.

### **Context-Challenged – by Design**

The ongoing crimes perpetrated against Gaza are chronic, and indeed, systematic. Arnon Soffer, one of Israel’s Dr. Strangeloves and “intellectual father of the wall”, had this to say about Gaza:

Q (Ruthie Blum): Will Israel be prepared to fight this war?

**Arnon Soffer:** [...] Instead of entering Gaza, the way we did last week, we will tell the Palestinians that if a single missile is fired over the fence, we will fire 10 in response. And women and children will be killed, and houses will be destroyed. After the fifth such incident, Palestinian mothers won’t allow their husbands to shoot Kassams, because they will know what’s waiting for them. Second of all, when 2.5 million people live in a closed-off Gaza, it’s going to be a human catastrophe. Those people will become even bigger animals than they are today, with the aid of an insane fundamentalist Islam. The pressure at the border will be awful. It’s going to be a terrible war. So, if we want to remain alive, we will have to kill and kill and kill. All day, every day. [5]

To determine the reasons behind Israeli actions, one only has to read what their Dr. Strangeloves say – it is no secret. The aim is to create miserable conditions to drive the Palestinians off their land, warehouse the population in an open air prison called Gaza, and to disproportionately repress any Palestinian resistance. Israelis have to “kill and kill and kill, all day”. Such pathological reasoning put Israeli actions into perspective; they are major crimes, possibly genocidal. Recognition of such crimes has some consequences.

First, the nature of the crimes requires recognizing them as crimes against humanity, arguably one of the most serious crimes under international law. Second, Israeli crimes put the violence of the Palestinian resistance into perspective. Palestinians have a right to defend themselves. Third, the long history of violence perpetrated against the Palestinians, and the resulting power imbalance, suggest that one should be in solidarity with the victim.

Amnesty however refuses to acknowledge the serious nature of Israeli crimes, by using an intellectually bankrupt subterfuge; it insists that as a rights-based organization it cannot refer to historical context – doing so would be considered “political” in its warped jargon. An examination of what AI considers “background” in its reports confirms that there is virtually no reference to relevant history, e.g., the prior attacks on Gaza, who initiated those attacks, the Goldstone report, etc. Presto! Now there is no need to mention serious crimes. It also doesn’t

recognize the nature of the Palestinian resistance, and their right to self-defense. Nowhere does AI acknowledge that Palestinians are entitled to defend themselves. And finally, AI cannot express solidarity with the victim; hey, “both sides” are victims!

At this point, once Amnesty has chosen to ignore the serious Israeli crimes, it takes on the Mother Teresa role sitting on the fence castigating “both sides” for non-compliance with International Humanitarian Law that determines the rules of war. Thus AI criticizes Israel not for the transgression of attacking Gaza, but for utilizing excessive force or targeting civilian targets. AI’s favorite term to describe to such events is “disproportionate”. The term disproportionate is problematic because it suggests that there is an agreement with the nature of the action, but there is only an issue with the means or scale. While AI bleats that a one ton bomb in a refugee camp is disproportionate, it would seem that using a 100kg bomb would be acceptable. Another AI favored term is “conflict”, a state of affairs where both sides are at fault, both are victims and transgressors.

Notice that while AI avoids recognizing major crimes by using its rights-based framework, it suddenly changes its hat, and takes on a very legalistic approach to criticize the violence perpetrated by the Palestinians. It manages to list the full panoply of international humanitarian law.

The key thing to watch in the upcoming International Criminal Court (ICC) investigation of the 2014 Massacre will be whether the Court will follow the Amnesty approach. Any investigation that doesn’t focus on the cause of the violence and who initiated it will result in another fraud, and no pixel of justice.

### **Criminalizing Palestinian Resistance**

Amnesty dispenses with the Palestinian right to defend themselves by stating that the Palestinian rockets are “indiscriminate”, and proceeds to repeatedly call their use a war crime. Palestinian resistance is also told not to hide in heavily populated areas, not execute collaborators, and so on. While Palestinians are told that their resistance amounts to war crimes, the Israelis aren’t told that their attacks are criminal *per se* – here it is only a matter of scale.

The “Unlawful and deadly rocket and Mortar Attacks...” report repeatedly condemns Palestinian rocket firing with inaccurate weapons, deems these “indiscriminate”, and *ipso facto* war crimes. Amnesty confuses the term “inaccurate” for “indiscriminate”. Examining the table below suggests that Israel killed proportionately far more civilians, albeit with more accurate weapons. It is possible to target indiscriminately with precision munitions. There is also a possibility, that AI seems to disregard, that the Israeli military targeted civilians intentionally. NB: It is likely that Israel drones targeted children intentionally. A report by Defense for Children International states: “As a matter of policy, Israel deliberately and indiscriminately targeted the very spaces where children are supposed to feel most secure”. [6]

<b>Whose violence is indiscriminate?</b>
<b>Fatalities during the Massacre in Gaza 2014</b>

Fatality type	Israeli caused deaths		Palestinian caused deaths	
Civilian	1,639	74%	7	10%
Military	576	26%	66	90%
Total	2,215	100%	73	100%

Regardless of the accuracy of the weapons, the key issue is one of intent. Amnesty dwells on an explosion at the Shati refugee camp on 28 July. On the basis of one field worker, Israeli-supplied evidence and an unnamed “independent munitions expert” [7], Amnesty concludes that:

Amnesty International has received no substantive response to its inquiries about this incident from the Palestinian authorities. An independent and impartial investigation is needed, and *both the Palestinian and Israeli authorities must co-operate fully*. The attack appears to have violated international humanitarian law in several ways, as the evidence indicates that it was an indiscriminate attack using a prohibited weapon which may well have been fired from a residential area within the Gaza Strip and may have been intended to strike civilians in Israel. If the projectile is confirmed to be a Palestinian rocket, those who fired it and those who commanded them must be investigated for responsibility for war crimes.

Mother Teresa certainly provides enough comic material; an occasional joke makes it easier to read a dull report. The evidence for the provenance of this missile is taken at face value although it is supplied by Israel, but of course, it requires an “investigation” – it is suggesting that both Israel and the Palestinians should investigate this incident. If the Palestinian resistance was responsible for this explosion, then it was caused by a misfiring; thus there was no intention for consequent deaths. Suggesting that this amounts to a war crime is rather silly. But the title of the section advertising the report on the AI website suggests a motive for harping on this incident; the title reads “Palestinian armed groups killed civilians on both sides in attacks amounting to war crimes”. This conveys a rather warped and negative view of the Palestinian resistance – they kill civilians on both sides – and it suggests that it is not possible to be in solidarity with them.

## Tyranny of Reasons

After any Israeli attack, Israeli propagandists regularly offer a rationale about why a given target was struck. The propagandists reported that there were rocket-firing crews at hospitals, schools, mosques, the power plant, etc. Presto! These places can be bombed whether or not these statements are true. What is disconcerting in the two reports on Israeli crimes is that AI imputes reasons for the targeting of buildings or families.

One finds statements such as:

\* Amnesty International believes this attack was targeting one individual.

\* The apparent target was a member of a military group, targeted at a time when he was at home with his family.

\* The fighters who were the apparent targets could have been targeted at a different time or in a different manner that was less likely to cause excessive harm to civilians and destruction of civilian objects.

\* The apparent target of Israel's attack was Ahmad Sahmoud, a member of the al-Qassam Brigades, Hamas' armed wing. [...] Surviving family members and neighbours denied this.

Amnesty parrots the rationales provided by the Israeli military – one only needs to look at the footnotes of its reports. And Amnesty discounts the intentional bombing of buildings to create misery among the Gazan middle class to demoralize a key sector of society. Or by destroying the power plant it is creating generalized misery. But don't worry, Mother T will always check with the Israeli military to determine why something was targeted.

### **AI is Not an Anti-war Organization**

One would expect a human rights organization to be intrinsically opposed to war, but AI is a cheerleader of so-called humanitarian intervention, and even "humanitarian bombing". [8] Even with this predisposition AI was honored with the Nobel Peace Prize – yet another questionable recipient for a prize meant to be given only to those actively opposed to wars. Today, one wonders if AI is going to jump on the R2P (Right to Protect) neocon bandwagon. A consequence of its "not-anti-war" stance is that it doesn't criticize wars conducted by the United States, UK, or Israel; it is only the excesses that merit AI's occasional lame rebuke – often prefaced with the term "disproportionate" or "alleged". This stance is evident in its latest reports; here the premise is that the Israeli attack on Gaza was legitimate, but it is the conduct of "both sides" that is the object of the reports' criticism.

### **Losing the Forest for the Trees**

Amnesty International is a small organization without sufficient resources to conduct a proper report on the Massacre in Gaza 2014. And given the fact that it wasn't given direct access to Gaza, it chose to focus on two aspects of the Israeli attack: the targeting of entire families, and the destruction of landmark buildings. Within these two categories it chose to focus on a handful of cases of each. The main problem is that AI harps on a few cases to the exclusion of the totality; AI loses the forest for the trees. There is no mention of some of the most significant total figures, say, the number of hospitals and schools destroyed, the tonnage of bombs dropped on Gaza [9], the tens of thousands of artillery shells used... and so on. The seriousness of the crime is lost by dwelling on a subset of a subset of the crimes committed. Amnesty isolates a few examples, describes them in some detail, and then suggests that unless there were military reasons for the attacks, then there should be an "investigation". Oh yes, Amnesty has sent some polite letters to the Israeli authorities requesting some comment, but the Israelis have been rather non-responsive. Quite possibly the likes of Netanyahu, Ya'alon, Ganz, ... are too busy rolling on the floor with laughter.

Given AI's warped framework one would expect symmetry in the way the attacks are described. While AI provides the total number of rockets fired by the Palestinian resistance, AI provides no similar numbers of the tens of thousands of Israeli artillery shells fired, and the tonnage of bombs

dropped on Gaza. The Israeli military propagandists were all too happy to provide detailed statistics about the Palestinian rockets, and AI does not seem to express any misgivings about using this data. It is also clear that Mother T didn't ask the propagandists to supply statistics on the Israeli lethal tonnage dropped on Gaza.

## **Methodology and Evidence**

Every report contains a methodology section admitting to the fact that AI didn't have direct access to Gaza. All its research was done on the Israeli side, and by two Palestinian fieldworkers in Gaza. The inability to enter Gaza possibly explains the reliance on many Israeli military statements, blogs and the Foreign Ministry about the Palestinian rocket attacks. One can verify all the footnotes to find a significant number of official Israeli statements to provide so-called evidence. It is rather jarring to find Amnesty relying on information provided by the attacking military to implicate Palestinian resistance in war crimes. How appropriate is it to use *Hamas' Violations of the Law* issued by Israel Ministry of Foreign Affairs, or *Declassified Report Exposes Hamas Human Shield Policy* issued by the Israeli military?

It is also jarring to find Amnesty referring to Israeli claims that rockets were fired from schools, hospitals, and the electric power plant. This information was provided as a justification for the Israeli destruction of those sites, but in the report AI uses it to wag its finger at the Palestinian resistance. [10]

Amnesty's access to Israeli victims of Palestinian rockets produced emotional statements by the victims, and complied with Israeli propaganda needs. Israeli PR was keen to take journalists or visiting politicians to the border towns to show the rocket damage, and Amnesty seems to have been pleased to go along. At the same time Israelis barred AI access to Gaza – any information coming out of the area would not be compliant with Israeli PR requirements. Thus why send any researchers to the Israeli border area?

## **Execution of Collaborators – Who will be Criticized**

AI has announced a publication of a forthcoming report on the execution of collaborators, and one can only speculate on its contents. But AI is not opposed to wars, and at the same time it is opposed to the death sentence; it is opposed to some deaths, but silent about others. Couple this stance with an unwillingness to recognize the Palestinian right to defend themselves, and consequently AI will deem the execution of collaborators as abhorrent.

There are many collaborators in the West Bank and they are evident at all levels of society, even in the so-called Palestinian Authority government. The Palestinian Authority has even committed to protect them. Collaboration with Israel in the West Bank is a relatively low risk activity. In Gaza there are also collaborators, and these are used to infiltrate and inform on the armed resistance groups, and also to sow black propaganda. During the Massacre in Gaza, collaborators were instrumental in pinpointing the location of the resistance and its leadership. In most countries, treason/espionage in time of war merits execution, but it is doubtful that AI will accept this, and will instead urge a judicial process with no death sentence.



The key aspect of the forthcoming report will be whether AI deems the Israeli use of collaborators an abhorrent practice. Israel uses collaborators to gather information, but it is also meant to fragment Palestinian society, and to sow distrust. With a society already under massive stress due to economic hardship and military repression, collaborators are a pernicious means to break morale and undermine Palestinian resilience. Will AI criticize Israeli use of collaborators, or will its report merely castigate Hamas for the way it deals with collaborators?

### **Why Were These Reports Written at All?**

All AI reports follow the same boiler plate formula: a brief overview, a methodology section about data sources, some emotional quotations by the victims, a section on accountability, and then some recommendations. These reports are trite, barely readable, and certainly not very useful either for legal purposes or to educate its volunteers. So why were these reports published and who actually reads them? AI would like to be known as one of the leading human rights organizations, and it must be seen as reporting on major violations/crimes. Its volunteers must be given the impression that AI cares for some of the wholesale atrocities, and not merely the retail crime or violation.

The timing of the publication of one report (“Unlawful and deadly: Rocket and mortar attacks...”) is rather curious. The report dealing with the Palestinian rockets was published a few days before the Palestinian accession to the International Criminal Court. Is that a mere coincidence? While some Palestinians are gearing up to prosecute Israel for war crimes and crimes against humanity, a leading human rights organization publishes a report which harps on the theme that Palestinians are guilty of war crimes. AI has published reports in the past that were exploited for propaganda purposes, e.g., the throwing-the-babies-out-of-the-incubators propaganda hoax. [11] Those reports were published just in time so that they provided a justification for war.

### **Impotence by Design**

All the reports contain a list of recommendations to Israelis, Palestinians, and other states. One is struck by the impotence of the recommendations. AI urges Israel to cooperate with the UN commission of inquiry; allow human rights organizations access to Gaza; pay reparations to some victims; and ensure that the Israeli military operates within some legal bounds. Given that Israel can do as it pleases, ignoring commissions of inquiry, loudly proclaiming that it will engage in disproportionate attacks (i.e., the Dahiya doctrine), and that it refuses compensate any Gazan due to the previous massacres, all these recommendations ring rather hollow.

Amnesty urges Palestinians to address their grievances via the ICC. It is curious that while international law provides the Palestinians no protection whatsoever, AI is urging Palestinians to jump through international legal hoops. It is also questionable to suggest a legal framework meant for interstate conflict when dealing with a non-state dispossessed native population. And of course, AI fails to mention that Israel has avoided and ignored international law with the complicity and aid of the United States.

Finally, AI requests other governments to assist the commission of inquiry and to assist in prosecution of war criminals. It remains to be seen whether the commission of inquiry will actually publish a report that has some teeth. AI also urges other countries to stop supplying weapons to “both sides”. There is no mention of the fact that the US resupplied Israel with weapons *during* the Massacre in Gaza in 2014. It is very unlikely that the US/UK will stop arming Israel, and thus AI’s recommendations are ineffective.

Amnesty trumpets that it has 7 million supporters world-wide [12], a few months ago this number was 3 million; two years ago this was 400,000, and few years ago this was 200,000. One should marvel at this explosive growth. If AI can really tap into the support of even a fraction of these volunteers, then AI can urge them to do something that has tangible results, e.g., recommending that its members/supporters boycott Israeli products or products produced by western companies complicit in Israeli crimes. Such action would be far more effective than the silly recommendations that are regularly ignored by Israel and its western backers. Alas, it is difficult to conceive that Amnesty will issue a call for a boycott to its ever expanding army of supporters. It is difficult for Mother T to change her stripes.

### **The Human Rights Industry**

There are thousands of so-called human rights organizations. Anyone can set up a human rights organization, and thereby specify a narrow focus for the NGO, determine the parameters within which the NGO will operate – even define who is human – and now the new NGO can chime in with press releases, host wine and cheese receptions, bestow prizes, lobby politicians, launch investigations, and castigate the enemy *du jour*. Hey, Bono, Geldof and Angelina will hop along and sit on the NGO’s board! The human rights framework is so elastic, and it can be molded to fit legitimate purposes, but also to be manipulated for propaganda. The history of some of the largest human rights organizations show that they were originally created with the propaganda element foremost in mind.[13] This suggests NGO output (reports, etc.) merit scrutiny not so much for what they say, but for what they omit. In the Palestinian context, a simple test on the merits of a so-called human rights organization is whether they challenge state power, call for accountability and prosecution of war criminals, and urge members to do something more than write out cheques or write a very formal and polite letters to governments engaged in criminal deeds.

Another test on the merits of a human rights NGO is whether it is in solidarity with the victims of violence, and whether victims are treated differently depending on support/demonization by “the west”. In Amnesty’s case, consider that on the one hand it provides long lists of “prisoners of conscience” (POC) pertaining prisoners held in Cuba, Syria, etc., but on the other hand it explicitly doesn’t make the list of Palestinian POC available.[14] We have no means of knowing how many Palestinian POC Amnesty cares about, and whether its volunteers engage in letter writing campaigns on their behalf. One thing is certain, while the majority of Cuban political prisoners are considered POC, only a tiny fraction of the Palestinian political prisoners have been bestowed the POC status. And of course, Mother Teresa doesn’t give a hoot about political prisoners who might have been involved in violence – Palestinians are one stone throw away from being ignored by Amnesty International. Some victims are more meritorious than others.



In trying to justify AI's double standard, Malcolm Smart, AI's Director of the Middle East and North Africa Programme, stated:

“By its nature, the Israeli administrative detention system is a secretive process, in that the grounds for detention are not specified in detail to the detainee or his/her legal representative; inevitably, this makes it especially difficult for the detainee to challenge the order for, by example, contesting the grounds on which the detention was made. In the same way, it makes it difficult or impossible for Amnesty International to make a conclusive determination in many cases whether a particular administrative detainees can be considered a prisoner of conscience or not.” [15]

AI provides yet more comic material. AI admits that Israeli military courts can determine who can be considered a Palestinian POC! The only thing the Israeli military courts need to do is maintain the court proceedings secret or not reveal “evidence”. Alternatively, they can simply imprison the victims without trial or declare that they are members of a “banned” organization. [16] Presto! Israelis now won't have to reply to those pesky polite letters written by AI volunteers. Once again, double standards in the treatment of victims raise questions about the nature of any human rights NGO.

### **Human Rights is Denatured Justice**

Pushing for the observance of human rights doesn't necessarily imply that one will obtain justice. The human rights agenda merely softens the edges of the *status quo*. As Amnesty's position on the Israeli attacks on Gaza illustrate, pushing human rights can actually be incompatible with obtaining justice. Human rights are a bastardized, neutered, and debased form of justice. The application and effectiveness of international law is bad enough, but a pick and choose legal framework with no enforcement is even worse. If one seeks justice, then it is best to avoid the human rights discourse; above all, it is best to avoid human rights organizations.

Palestinians should be wary of Mother Teresas peddling human rights snake oil. In exchange for giving up their resistance and complying with AI's norms, it is not likely that Palestinians will obtain a pixel of justice. One should be wary of human rights groups that don't push for justice, play the role of Israel's lawyer, and are bereft of solidarity with the victims. When the likes of AI come wagging their finger, it is best to keep the old blunderbuss near at hand.

1. •Families Under the Rubble: Israeli Attacks on Inhabited Homes (MDE 15/032/2014), 5 November 2014.  
•“Nothing is immune”: Israel's destruction of landmark buildings in Gaza (MDE 15/029/2014), 9 December 2014.  
•Unlawful and deadly: Rocket and mortar attacks by Palestinian armed groups during the 2014 Gaza/Israel conflict (MDE 21/1178/2015), 26 March 2015.  
•The fourth report about the execution of collaborators has not been published yet.
2. I distinguish between Amnesty International, the international organization, and its well intentioned letter-writing volunteers.
3. Possibly the best overview of the Gaza Massacre 2014 is Al Haq's Divide and Conquer;

4. Statement made in 2006 by Dov Weisglas, one of Israel's Dr. Strangeloves and close confidant of Ariel Sharon.
5. Ruthie Blum interviews Arnon Soffer, ONE on ONE: It's the demography, stupid, Jerusalem Post, 10 May 2004.
6. Ali Abunimah, Israel "directly targeted" children in drone strikes on Gaza, says rights group, Electronic Intifada, 17 April 2015
7. Amnesty loves to trot out military experts and dwell on the type of weapons used. First, there is an issue about the military experts, and who they are. What is the ethics of showing up in Gaza with a military person who might still be in the armed forces of, say, the UK. One can hardly expect them to be "independent". And why dwell on the type of munitions if their use is already criminal to begin with? Focusing on the type of weapon deflects attention from the damage and the victims – that should be the emphasis.
8. Alexander Cockburn, "How the US State Dept. Recruited Human Rights Groups to Cheer On the Bombing Raids: Those Incubator Babies, Once More?", CounterPunch newsletter, April 1-15, 1999
9. While AI reports the total number of Palestinian rockets fired, there is no equivalent number to the totals used by the Israeli military. That number would be of interest because it would indicate the scale of the crimes committed. Tens of thousands of artillery shells were used requiring restocking by the United States in the middle of the attack.
10. The UN report on the Israeli attacks against schools lists several incidents where the Israelis falsely accused the Palestinians of firing on these schools. Such evidence should reduce the credibility of Israeli statements. See, e.g., Ali Abunimah, UN finds Israel killed dozens at Gaza schools but ducks call for accountability, Electronic Intifada, 28 April 2015.
11. In the lead up to the 1991 invasion of Kuwait/Iraq, Amnesty issued a report on the so-called babies out of incubators story. President Bush Senior showcased the report on the eve of the attack, and used it for its full propaganda potential. When it was pointed out to AI that they were pushing a propaganda hoax, AI doubled its estimate of the number of children dumped from the incubators. To this day, AI has never apologized for playing a role in selling an American war.
12. See here And notice that in the page after title page of AI's reports the number of supporters increases from one report to the next.
13. Kirsten Sellars, The Rise and Rise of Human Rights, Sutton Publishing, 29 April 2002. Herein she discusses the origin of Human Rights Watch.
14. Malcolm Smart, Letter: Amnesty International's Prisoner of Conscience lists and the reason for double standards, 9 August 2010.
15. Ibid.
16. Another technique to rule out sympathetic treatment of Palestinians is to suggest that they are members of a banned organization. NB: it is Israel who does the banning. Any organization seeking liberation or to confront the Israeli dispossession or violence is deemed by the Israelis to be a "terrorist organization". Currently, AI will play along with this charade, and also ignore Palestinians of "political" organizations.