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US Berated for Shielding Israel on Gaza Killings

Thalif Deen

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A U.S. decision to stall Security Council action against Israel and the Palestinian militant group Hamas for war crimes during the 22-day conflict in Gaza last December has come under heavy fire both from inside and outside the United Nations.

Addressing the Security Council Wednesday, the chair of the 118-member Non-Aligned Movement (NAM) Ambassador Maged Abdelaziz of Egypt urged the powerful 15-member political body to "seriously consider and act upon the recommendations" of the U.N. Fact Finding Mission headed by Justice Richard Goldstone.

But the administration of U.S. President Barack Obama says the charges of war crimes in the Goldstone report, which was released last month, should be within the purview of the Geneva-based Human Rights Council, not the Security Council in New York.

Despite reservations by Western nations, the Council agreed to hold a special meeting Wednesday on the Middle East: a meeting which provided member states with an opportunity to discuss the Goldstone report and focus on the serious violations of international human rights during the Gaza conflict, both by Israel and Hamas.

"That President Obama is receiving the Noble Peace prize after his failure to speak out during the Gaza war, and after his administration's protection of a state that has committed war crimes, is an abomination," Michael Ratner, president of the New York-based Center for Constitutional Rights, told IPS.

The number of Palestinians killed during the conflict is estimated at between 1,387 and 1,417, mostly civilians, compared with four Israeli fatal casualties in southern Israel and nine soldiers killed during fighting, four of whom died as a result of friendly fire.

Ratner said one would hope that the United States would not block the referral of both Israel and Hamas to the International Criminal Court (ICC) for an investigation of war crimes committed in Gaza.

"Sadly, its conduct at the Human Rights Council [in Geneva] where it called the Goldstone report deeply flawed shows that it will again do all in its power to try and bury any investigation of Israel for war crimes," he added.

By doing so, Washington is giving Israel a green light to continue to commit atrocities, said Ratner, who heads the non-profit human rights litigation organization

The failure to refer the Gaza matter to the ICC undercuts any claim that the law is applied equally to Israel and the Palestinians, he noted.

"That the United States attacked the report, authored by Judge Goldstone, one of the pre-eminent jurists in the world, demonstrates that it is willing to debase both the law and a respected jurist in its effort to protect a client state, despite its crimes," Ratner declared.

The Goldstone report has recommended that the Security Council require Israel to report to it, within the next six months, on investigations and prosecutions it should carry out with regard to the violations cited in the report.

During the ruthless military operation, codenamed 'Operation Cast Lead', the Israelis destroyed houses, factories, wells, schools, hospitals, police stations and other public buildings.

The report also recommended that the Security Council should set up its own body of independent experts to report to it on the progress of the Israeli investigations and prosecutions.

"If the expert's reports do not indicate within six months that good faith, independent proceedings are taking place, the Security Council should refer the situation in Gaza to the Prosecutor in the International Criminal Court (ICC)," the report recommended.

The report also recommended that the same expert body report to the Security Council on proceedings undertaken by the relevant Gaza authorities with regard to the crimes committed by the Palestinian side.

But the report's strongest indictment is not against Hamas but against the state of Israel, which is accused of imposing a blockade on Gaza "amounting to collective punishment" carried out as part of a "systematic policy of progressive isolation and deprivation of the Gaza Strip."

Stephen Zunes, professor of politics and international studies at the University of San Francisco, told IPS the Obama administration and Congressional leaders of both parties appear to be continuing the policy of the administration of former U.S. President George W. Bush in ignoring and denouncing those who have the temerity to report violations of international humanitarian law by the United States or its allies.

"They are particularly concerned about the matter going before the International Criminal Court where those Palestinians and Israelis guilty of war crimes might actually face justice," he said.

The Obama administration appears determined that such war criminals be granted impunity, said Zunes, who is also chair of the Middle Eastern Studies Program, and who has written extensively on the Security Council.

He said that although U.S. Ambassador Susan Rice had argued just a few months earlier during a U.N. debate on Darfur, Sudan that war crimes charges should never be sacrificed for political reasons, she is now claiming that similar action on the Gaza conflict could be an impediment to the peace process.

"It's ironic that the Obama administration is insisting that the issue stay confined to the U.N.'s Human Rights Council, which they have repeatedly labeled as anti-Israel," Zunes said.

U.S. officials recognize, however, that if the matter is taken to the Security Council, as the Goldstone Commission recommended, it would place debate on violations of international humanitarian law by a key U.S. ally before a body that, unlike the Human Rights Council, has an enforcement mechanism.

"It would also allow far greater media exposure of Israeli war crimes, the bulk of which were implemented using U.S. weapons systems and ordnance," he noted.

Yvonne Terlingen, Amnesty International representative at the United Nations, called for the prompt establishment of an independent committee of experts in international humanitarian law and human rights law to monitor and report.

Such a report, she said, should be within a strict time frame, to the Security Council and other U.N. bodies, on domestic legal and other measures taken by Israel and the authorities in Gaza to address accountability for violations of international humanitarian and human rights law during the Gaza conflict.

Last week, the Human Rights Council, prompted by the Palestinians, decided to defer a draft resolution that would have endorsed the recommendations in the Goldstone report.

That proposed draft resolution was expected to be taken up during the Council's next session in March 2010.

But the deferment created such a political uproar that it forced the Palestinians to do a dramatic turnaround: to support a meeting of the Security Council Wednesday and also a special session of the Human Rights Council on Thursday to discuss the Goldstone report.

Sarah Leah Whitson, Middle East director at Human Rights Watch, said the failure of the U.S. and European states to endorse the Goldstone report at the Human Rights Council meeting in Geneva "sent a terrible message that serious laws-of-war violations by allied states would be tolerated."

Addressing the Security Council Wednesday, U.S. Ambassador Alejandro Wolff made a predictable statement that the United States continues to "have serious concerns about the

[Goldstone] report, its unbalanced focus on Israel, the overly broad scope of its recommendations, and its sweeping conclusions of law."

Nevertheless, he said, "We take the allegations in the report seriously."

"Israel has the institutions and the ability to carry out serious investigations of these allegations and we encourage it to do so," Wolff said.

He also said that Hamas "is a terrorist organization and has neither the ability nor the willingness to examine its violations of human rights."