

MEMMO

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Faulty U.N. Gaza Report Equates Self-Defense with Terror

The report of the U.N.-appointed Goldstone Commission is a highly flawed and tendentious document replete with unsubstantiated claims. Israeli President Shimon Peres described the report as “a mockery of history” for failing “to distinguish between the aggressor and a state exercising its right for self-defense.” The report focuses on alleged Israeli misdeeds, equating Israel’s defensive measures that thwarted attacks against its citizens with the very terrorism that forced Israel’s actions. Rather than illuminating the real causes of the Gaza conflict—eight years of Hamas’ unrelenting rocket attacks on Israeli civilians—the commission merely rubber-stamped the Council’s predetermined conclusion that Israel had committed “war crimes.”

The Commission failed to recognize Israel’s right to self-defense after years of rocket attacks against its civilians.

- The Commission’s report wrongly accuses Israel of deliberately launching attacks on civilians for political purposes, explicitly failing to recognize Israel’s actions in Gaza were part of a legitimate response to ongoing rocket and terrorist attacks by Hamas and other terrorist groups.
- Article 51 of the United Nations Charter clearly establishes the right of every nation to act in self defense against those who willfully attack innocent citizens.
- Instead, the report equates the actions of a terrorist group (Hamas) with those of democratic country (Israel) reluctantly taking action to defend itself from terrorism while at the same time taking unprecedented steps to minimize civilian casualties. Israel had already endured more than 12,000 indiscriminate rocket and mortar attacks during the previous eight years.
- The report also ignores overwhelming evidence of Hamas’ deliberate and callous use of civilian infrastructure to hide its terrorist activity. Hamas located its terrorist infrastructure in densely populated housing, near and in hospitals, schools, mosques, and U.N. facilities in order to make it more difficult for Israel to target them, facts disregarded by the Commission.
- Also, the report conveniently ignores Iran’s role in arming and funding Hamas as part of their mutual goal of destroying Israel.



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The mandate and the makeup of the Goldstone Commission precluded it from drafting an objective, unbiased report.

- The U.N. Human Rights Council resolution establishing the Commission predetermined that Israel was responsible for “massive violations” of human rights and appointed to the commission a person who had previously signed a letter saying Israel had committed war crimes.
- The original mandate given to the commission to investigate Israel’s “aggression” was so outrageously unfair that the government of Israel refused to cooperate in the charade of this “investigation.”
- As Israel’s Ambassador to the U.S. Michael Oren said: “Israel basically was the equivalent of being summoned to a court in which its guilt was already presumed, in which one of the jurors had already declared Israel guilty, and which the witnesses for the prosecution were, in fact, the murderers. I can’t think of any country in the world which would participate in such a farce of justice.”
- While the report does say Hamas’ rockets attacks against Israeli civilians amount to “war crimes,” the bulk of the report focuses on falsely accusing Israel of deliberately attacking Palestinian civilians. Such charges, which twist the actions of a democratic nation taking steps to defend itself from years of terrorism, undermine the credibility of the report despite its attempts to be seen as “balanced.”
- The Goldstone Commission is part of long series of biased, one-sided actions taken by the United Nations Human Rights Council, which already has passed 26 anti-Israel resolutions out of the 33 motions to censure countries since the Council’s inception in June 2006.

Israel’s actions in Gaza were consistent with international law and subject to rigorous internal legal scrutiny.

- With Hamas escalating its attacks by firing rockets into major Israeli cities, Israel during the Gaza conflict was forced to take additional steps to protect the nearly one million citizens that were within rocket range. Israel’s actions in Gaza specifically targeted Hamas command centers, security installations, rocket-launching sites, weapons stockpiles and weapons-smuggling tunnels.
- There have been numerous accusations that Israel used excessive force. However, consistent with international law, Israel sought to limit its actions to legitimate military targets that threatened its civilian population with mass casualties. Additionally, Israel facilitated humanitarian assistance to Palestinians in Gaza throughout the entire operation even while its soldiers and civilians were being attacked.
- Throughout its operations in Gaza, Israel made extraordinary and unprecedented efforts to avoid civilian casualties. Israel transmitted specific warnings via leaflets, radio, and telephone calls to Gazans warning them about impending actions against Hamas targets.
- British Colonel Richard Kemp, an expert in counterinsurgency warfare who commanded British troops in Afghanistan has said of the Israel-Hamas conflict that "the IDF did more to safeguard the rights of civilians in a combat zone than any other Army in the history of warfare."
- Article 28 of the Fourth Geneva Convention clearly states the responsibility for civilian casualties when the civilians are used as human shields lies with the party that deliberately places them at risk, namely Hamas.
- As befitting a democratic nation with an independent judiciary and army that prides itself on conducting its operations in an ethical manner, Israel has launched investigations into more than 100 allegations regarding the conduct of its forces during the operation. Despite this, the Goldstone report totally rejected Israel’s ability to conduct fair and serious inquiries.

The United States must reject the findings of the report and stand up for the right of democracies to defend their citizens from wanton terrorism.

- U.S. Ambassador to the U.N. Susan Rice said the United States has “very serious concerns about many recommendations in the report” and has “long expressed our very serious concern with the mandate that was given by the Human Rights Council prior to our joining the council, which we viewed as unbalanced, one-sided and basically unacceptable.”
- The United States must continue to speak out and take any measures to prevent further punitive actions being taken by the Security Council or other U.N. bodies against Israel.
- The United States should lend no credibility to this biased report, the verdict of which was reached before the investigation. The report does not recognize Israel’s right to self-defense or the terrorist threat it faces.
- There also is no recognition of Israel’s unprecedented efforts to minimize civilian casualties and of Israel’s own efforts after the war to investigate any potential violations of Israeli or international law.