

MERIA

GOLDSTONE'S GAZA REPORT: PART TWO: A MISCARRIAGE OF HUMAN RIGHTS

*By Richard Landes

The second part of this two-part article explores two main themes: 1) How journalists and human rights NGOs created the body of information Goldstone largely replicated, and 2) the role of intimidation and advocacy on journalists, NGO workers, witnesses, and judges. It concludes with an analysis of how such a systematic misrepresentation of events repeatedly occurred and the dangerous results for the very cause Goldstone espouses--the protection of civilians and the human rights culture.

PART II: WHY? GENEALOGY OF THE "GOLDSTONE REPORT"

In order to understand how the Goldstone Report, with all its pervasive flaws, came into existence, one must first appreciate the culture from which it arose. The pattern is largely as follows: Palestinians create alleged facts or information--often through the mediation of NGOs--journalists hear and repeat the claims, NGOs repeat it once again in their formal reports, and finally it makes up most of the Goldstone report, without any real critical evaluation taking place at any step in the process.

Media Coverage, Gaza War 1.0

The Gaza operation garnered immediate and sustained attention from all Western news outlets. Due to a controversial decision by the Israelis not to allow journalists in through their border crossings, much of what happened on the ground was accessible only through Gazan journalists such as Rushdi Abu Aluf (BBC), Hazem Balousha (*The Guardian*), Taghreed El-Khodary (*New York Times*), and Talal Abu Rahmeh (CNN, France 2), who dutifully reported on hospitals running out of medicine even as Hamas refused to allow Egyptian doctors and ambulances as well as Qatari medical supplies to come across the border.¹

Gazan "medical officials," which is often merely another way of referring to Hamas spokesmen on these issues, insisted there had been great carnage and Palestinian-held cameras showed shocking glimpses of desperate hospitals overwhelmed by victims, with special attention to women and children. UN representatives, NGO workers, and free-lancers--such as the Norwegian doctor Mads Gilbert--all emphasized the high civilian casualties and the humanitarian crisis.²

These reports had an enormous impact on public opinion in both the Arab and the Western world. The vision of bombs falling on "the densest population concentration on earth"³ immediately conjured up visions of women and children blown to bits, and inspired violent protests in the West and in the Arab world. Annie Lennox, a participant in a pro-Hamas protest in London on January 3, 2009, commented to the BBC: "When I saw the images of the warplanes dropping bombs in Gaza and knowing that there are innocent civilians, women and children, at the receiving end of this uh potential absolute carnage, I became incredibly concerned."⁴

Massive demonstrations in Europe and the United States expressed outrage at Israel's "disproportionate response" and brought out a hostile anti-Zionism that spilled into antisemitic rhetoric.⁵ In the Arab world, in addition to the demonizing of Israel, demonstrators made clear that the Arab

leaders who remained silent were themselves unworthy cowards.

One of the more revealing of the tales retailed by news media came from the alleged bombing on January 7, 2009, of the UN School in Fakhoura, a neighborhood of Gaza City where over 1,400 refugees had taken shelter from the hostilities. Journalists, depending on "Palestinian health officials," reported over 40 dead, primarily civilians.⁶ John Ging, the UN representative in Gaza spoke angrily about the insecurity of the people in Gaza and specifically mentioned people who had taken refuge in the school and were killed by Israeli bombs.⁷ Commentators like Juan Cole waxed eloquent about both the Israeli crime and its role in stimulating jihad.⁸ It turns out that the school was never hit, no one killed, and the casualties--many of them combatants who had been firing mortars from near the school--numbered at most 22, possibly fewer than 20.⁹ As for the civilians killed in the shelling, some were children recruited by combatants to help fortify their position near the school.¹⁰

Why would the media so eagerly seize on these stories, so single-mindedly focus on the humanitarian crisis, despite the notorious tendency of local sources to misrepresent? Obviously, "if it bleeds, it leads," that is, the drama of the claims made them big stories. One gets a sense, however, that something else is at work here, something that overrides the journalist's normal inhibitions about running with unverified news, and that is a moral imperative. One also gets the sense that they believe that by emphasizing the humanitarian catastrophe caused by Israel, they somehow contribute to peace. By putting pressure on the Israelis, they reason, they can help to stop the bombing. Christiane Amanpour revealed this concept in a question to Tony Blair: "The civilian casualties in Gaza are obviously going to put a huge pressure on Israel. How long can Israel withstand this pressure?"¹¹ When such diplomatic dynamics are so obvious to the media, why should they not think that the more they emphasize a humanitarian catastrophe, the sooner the violence will end? Thus, instead of showing caution at the

potentially inflammatory nature of some of the tales they retail, journalists actually want the most lethal narratives precisely to bring about the urgently needed ceasefire.

This approach, however well intentioned, reveals a fundamental violation of journalistic principles against shaping the news to promote a result, and, implicitly, a bias that assumes that the "solution" will come from pressure on Israel, not on Hamas.¹² The ironic result of this approach toward how to achieve peace and end the violence was a strong overlap between Hamas' and the news media's talking points--humanitarian crisis, civilian casualties, Israeli brutality, Palestinian suffering, the hell of war brought home to the viewer, the inevitable failure of Israeli violence to stop the rockets, and the strengthening of solidarity between Hamas and the Palestinian people.¹³ Indeed, news anchor Nisha Pillai aggressively berated Arab League Secretary General Amr Moussa for not immediately including Hamas in the preparation of any response the Arabs made to Israel.¹⁴ News providers such as CNN began each hour with an update, each starting off with a collage of Palestinian suffering.¹⁵ In a far-reaching way, this approach worked: Even if it did not end the carnage immediately, it triggered widespread and influential outrage against Israel among many opinionmakers, especially among "progressives." In particular, the "human rights community" voiced its outrage based entirely on accounts coming out of Gaza via the media, and expressed profound sympathy for Hamas.

On January 10, 2009, for example, "Stop the War" held an anti-Israel rally in London's Hyde Park whose theme was "We are Hamas."¹⁶ The following day, a number of prominent public figures signed a letter published in the *London Times* entitled, "Israel's Bombardment of Gaza Is not Self-Defence – It's a War Crime."¹⁷ Its use of casualty figures and reports of destruction as "facts" played a key element in its censorious judgments and thereby illustrate the power of "Palestinian sources": "*The killing of almost 800 Palestinians, mostly civilians* [emphasis added], and more than 3,000 injuries, accompanied by the destruction of schools,

mosques, houses, UN compounds and government buildings, which Israel has a responsibility to protect under the Fourth Geneva Convention, is not commensurate to the deaths caused by Hamas rocket fire.”¹⁸

This overlap between the Western news media and Hamas did not limit itself to articulating the same points, but also to observing the same silences about other issues. For instance, Hamas frowned on the Western news media reporting on how Hamas fired at Israelis from civilian areas; used Palestinian civilians as shields; blocked medical help at the Egyptian border; shot mortars at the Israeli crossing points when supplies were coming in;¹⁹ stole supplies intended for the civilian population; used ambulances for military purposes;²⁰ and incited its population to genocidal rage against the Israelis. By and large, the news media complied. In a way, even this makes sense within the “peace advocacy” position of the news media: If Israelis hit violently at those consistently portrayed as being complete innocents, the outrage will grow even stronger than if they are seen struggling with ruthless “guerrillas” who hide among their population even as they provoke the violence. If the latter were true, then those voices justifying the attack might gain traction with the public.

Accordingly, the Western public heard barely a word critical of Hamas or its tactics from reporters. At best, in their search for some balance, journalists vaguely alluded to Hamas’ intransigence. The BBC did a special feature explaining Hamas on January 10, 2009, in which it spoke of Hamas’ desire that Israel “cease to exist,” in its charter over 20 years ago, but that since then it has “evolved,” and now, the “pragmatist” Isma’il Haniya suggests that “co-existence with Israel might be possible.”²¹ No mainstream reporter mentioned that that charter invokes the genocidal apocalyptic *hadith* (words and deeds of Muhammad)—that on the coming day of judgment the Muslims will kill every last Jew—with the pious wish that now it be implemented.²² Nor do they mention that Palestinian media and mosque sermons regularly repeat this hadith and that it plays a

central role in the feelings of Gazans towards Israel, and explains the “morally repugnant” embrace of the culture of death that Goldstone briefly noted and then ignored.²³

Ironically, while the Western news media thought it was furthering peace by proclaiming an Israeli-caused humanitarian catastrophe and passing over in silence the Hamas role in the tragedy, Hamas used the same narrative to ensure violence continued. By insisting that there was deliberate and terrible Israeli violence aimed against innocent Palestinians, Hamas had a message useful in fomenting the spirit of jihad among Muslims.²⁴ In late December 2009, the Jordanian suicide bomber, Humam Khalil Abu Mulal al-Balawi, who killed seven CIA agents wrote: “The sight of the blood of Muslims in Gaza, small children, women, and powerless people, who were killed by the bombs of the brethren of apes and pigs, encouraged me to publish the article, so that it may strengthen the resolve of [even] a single Muslim in the frontlines, and that I will gain reward from Allah.”²⁵

As Abdel Bari Atwan, the Arab editor of *al-Quds al-Arabi* in London noted to CNN: “Hamas enjoying a huge sympathy in the Arab world, they have many channels like al-Jazeera, al-Arabiyya, al-Manar, and they are putting forward Hamas view twenty-four hours a day. And what’s happening in Gaza, the carnage, actually is helping and supporting the Hamas position.”²⁶ In short, Hamas thrives on the very things that horrify the Western liberal mind. This suggests that Hamas’ strategy creates and sustains the belligerent framework which so concerns a peace-minded media; and yet that same pacific media, by almost exclusively blaming Israel, help Hamas maintain and escalate their belligerence. When Juan Cole seizes on and amplifies every detail of Israeli crimes, and warns, like Christiane Amanpour, that they create radicalism in the Muslim world, they are in fact contributing to that process.²⁷

The role of the media in generating the first draft of the Goldstone Report entered a new stage once the fighting was over. Journalists were then able to enter the area and report a second round of alleged atrocities without

noting how, in some cases, these contradicted earlier Palestinian reporting. While some unearthed evidence of Hamas' brutality, explained off-camera²⁸ with the most extreme of lethal narratives.²⁹ The most incendiary case concerned the January 6, 2009, death of three girls belonging to the Abd Rabbo family. Ma'an News Agency had reported the following day that they died as the result of air strikes. Yet a fortnight later, the story changed into an elaborate tale of gratuitous, cold-blooded murder, in which an Israeli soldier popped out of a tank while his mates munched on oranges and chocolate, and shot the three girls and their grandmother, then the soldiers crushed the ambulance that came to evacuate them, so they bled to death. This story became headline news around the world, most notably in Tim McGirk's articles for *Time Magazine*.³⁰ Those who argue that coverage might have been more responsible had the Western press been there from the start should note how the work of Bowen, McGirk, and others calls into question that idea.

Perhaps the most disturbing element of the overlap between journalists and Hamas/Palestinians is the central focus on this conflict out of all world news. The Western media agrees with Hamas on the centrality of the Palestinian cause, while ignoring other conflicts or oppressed populations elsewhere. If one compares the casualty footprint (number of dead in a conflict) with the news media footprint (amount of airtime/print a conflict receives in the Western media), one finds a startling inversion.

Comparing the Arab-Israeli conflict with those occurring inside the Democratic Republic of Congo, one finds that over the last 20 years (1989-2009), the former conflict has killed about 10,000 people on all sides, and the latter several *million* people!³¹ If one considers the media footprint one finds the reverse: overwhelming focus on the Arab-Israeli conflict, virtually none paid to Congo.³² One can make similar observations about many places, including the Sri Lankan-Tamil conflict, which, in the same period of time as Operation Cast Lead, produced 20,000 civilian casualties.³³

NGO Reports: Gaza War 1.2

The next round of "investigations," what should have been the second, corrected, draft of the history of Operation Cast Lead, came from various NGOs, both local (Palestinian Center for Human Rights (PCHR), Israel's *B'tselem*) and international (Amnesty International, Human Rights Watch, Oxfam), and various United Nations Works and Refugee Agencies (UNWRA). This second round largely replicated and reinforced the findings of the "first draft," in part because the sources were all the same and partly because the commitment of all these groups was to document the violations of Palestinian human rights by Israel. Indeed, one could argue that the NGOs had already played a critical role on the ground in providing journalists with much of the material they use in their "first draft."³⁴

Throughout the over 500 statements that came out of the major "human rights NGOs" during and immediately after the conflict was a remarkably consistent pattern of accusing Israel and downplaying Hamas violations of international laws of war. These replicated, perhaps even more stridently than the media, the essential overlap between Palestinian/Hamas talking points and those used by groups claiming to give Western audiences accurate information. Noted NGO Monitor after a study of these statements:

These statements exhibit severe bias and double standards, focus overwhelmingly on condemning Israel, and ignore or give minimal attention to Israeli human rights and casualties. Under the façade of morality and universality, they exploit international legal terminology and erase Hamas' violations of international humanitarian law, such as the reckless and cynical use of civilian instillations.... In general, these documents misrepresent international humanitarian law...and largely parrot a PLO "legal opinion."³⁵

In the months after the hostilities had ceased, "human rights NGOs" never produced

any reports on Hamas or discussions of Hamas violations of the laws of war but only on alleged Israeli ones. In one particularly revealing example, an Amnesty Report accused Israel of using human shields (no claims of deaths), but dismissed any accusations that Hamas had done so, even though this tactic in fact may have directly caused hundreds of civilian deaths.³⁶ On the subject of Hamas uses of human shields, the report stated unequivocally:

However, contrary to repeated allegations by Israeli officials of the use of “human shields,” Amnesty International found *no evidence* [emphasis added] that Hamas or other Palestinian fighters directed the movement of civilians to shield military objectives from attacks. It found *no evidence* [emphasis added] that Hamas or other armed groups forced residents to stay in or around buildings used by fighters, nor that fighters prevented residents from leaving buildings or areas which had been commandeered by militants.³⁷

On the one hand, this absence of evidence derives from the “peculiarly restrictive definition of ‘human shields’ that many of the NGOs adopted and the Goldstone Report took up, with the effect of “increas[ing] the scope of alleged Israel violations and exonerat[ing] Hamas of culpability.”³⁸ Thus, video evidence from an Arab news station of men dressed in civilian clothes, firing Qassams at Israel from the center of Jebalya, does not count because there is no evidence that they forced the civilians to stay while they fired.³⁹

On the other hand, the absence of evidence derives from a singular lack of initiative in searching out what, specifically because of Hamas intimidation, is hard to come by. When asked why they accused Israel but not Hamas, Amnesty International spokesperson Donatella Rovera explained: “We did not find any Palestinians who said that they had personally been used as human shields by Hamas forces; we did find some who had been used in such a manner by Israeli forces.”⁴⁰ The Goldstone Report would later echo Amnesty’s insistence

that they had asked Israel for evidence of Hamas’ use of human shields and it had never responded.

Of course, neither is true: Israel provided a long list of documented cases,⁴¹ but in any case, what Israel did or did not do hardly exonerates the mission from any investigation of their own. Indeed, the evidence of Hamas firing from and hiding behind civilians is both extensive and widely available, from the headquarters of Hamas being placed under Shifa Hospital during the conflict (thus using sick and injured as shields),⁴² to the videos of firing at Israel from within civilian areas available at Youtube,⁴³ to murmured Palestinian testimony about Hamas firing from civilian areas and punishing those who objected.⁴⁴

To hear this side of the story from Palestinians, however, one has to listen carefully, as did this CNN reporter in the wake of the fighting.⁴⁵ Similarly, a member of the Abd Rabbo family complained to an Arabic news service about the way Hamas treated his family, turning his compound into a launching site for rockets into Sderot and bringing on retaliation that turned their farm into ruins: “The Abed Rabbo family members emphasize that... they were unable to prevent the armed squads from entering their neighborhood at night. One family member, Hadi (age 22) said: ‘You can’t say anything to the resistance [fighters], or they will accuse you of collaborating [with Israel] and shoot you in the legs.’⁴⁶

As *Time Magazine* reporter Tim McGirk noted, “Most residents of Jebel al-Kashif claim there were no Hamas fighters in the area at the time of the alleged incident [Abed Rabbo], but a middle-aged farmer in a battered army jacket *took me aside* and said, *in a near whisper*, that Hamas had been firing rockets from the vicinity of where the episode took place.” This might explain how the Israelis later hit the house with an artillery shell.⁴⁷ It most probably constitutes one of the cases where Hamas brought tragedy to its own people.

Yet at the hands of Western news sources--journalists, NGOs, and Goldstone--the

grotesque cannibalism involved in such a strategy has been reformulated as a tale of ruthless and gratuitous Israeli child murder. Noting the suppressed account of Hamas attacking, McGirk nonetheless presented as reliable the provocative narrative whereby, while munching on chocolate, Israeli soldiers shot the three Abed Rabbo girls in cold blood, a narrative the Goldstone report affirms (§767-89). This inversion occurs constantly and underlines the systematic error that runs through all these reports: its credulity of Palestinian witnesses who made ferocious accusations against Israel and avoided as much as possible any criticism of their own side even in the specific incidents in question.

On the critical issue of civilian casualties, the NGOs, beginning with the Palestinian Center for Human Rights (PCHR) in Gaza, inflated civilian casualties systematically, coming up with the key figures of casualties and the percentage of civilian casualties. It claimed there were 1419 killed, among them 1169 non-combatants (82 percent). The other NGOs, including B'tselem, adjusted the figures slightly, but retained the high percentage of non-combatants. Israel Defense Forces (IDF) figures and those of researchers who found over 300 people, identified as "civilians" on the PCHR list, featured as heroic fighters at jihadi websites, came up with dramatically different numbers, closer to a 2:1 ratio of combatant to civilian casualties.⁴⁸ Note that even the 3:1 civilian casualty rates of PCHR still constitute an extraordinary low ratio for urban warfare.

Given the high stakes here and the widespread allusion to high civilian casualties by everyone accusing Israel of war crimes, one would have expected the "fact-finding mission" to explore this topic. Yet not a trace of a discussion appears in the report. Goldstone merely complained to Christiane Amanpour that, whatever Hamas did to hide among civilians and use them as shields, "It didn't justify the sort of civilian casualties that we see as a result of Operation Cast Lead."⁴⁹

Not only did the major NGOs churn out such skewed reports, they repeatedly called for the UN Human Rights Council to create a

commission to investigate Israeli war crimes. Three of the four senior people on the "Gaza Fact-Finding Mission" that produced the Goldstone Report signed an Amnesty International-sponsored letter, claiming to be "shocked to the core" by the events in Gaza and calling for an international investigation in terms that made clear the real target was Israel.⁵⁰

United Nations Human Rights Council (UNHRC): Prelude to Gaza War 1.3

The UN as a world body created in the service of peace and human rights has a chronic and critical problem: the vast majority of member states have dubious, even adversary relationships with the basic principles of human rights, including countries like Libya, Cuba, and Sudan.⁵¹ This dilemma reflects the historic fact that "human rights" (and the democracies that declare and defend them) are an unusual and late development in human history. Most UN members are afraid of free speech or any other rights that undermine their authoritarian grip.

As a result, every time the UN sets up a body designed to promote human rights, it ends up being taken over by countries that systematically undermine the intended mission by doing everything they can to deflect scrutiny of their own regimes and to attack Western regimes that do try to play by the rules. Israel, of course, lies at the heart of this paradox and becomes the target par excellence of human rights violations by countries that could not bear a fraction of the scrutiny they bring to bear on Israel.

The first iteration of this process, the United Nations Commission on Human Rights (1946-2006) devoted 15 percent of its time and 33 percent of its country-specific condemnations on Israel, a country with .01 percent of the world population. In August 2001, a UN-sponsored world conference aimed at combating racism ended up becoming a hate-fest in which countries that were actively engaged in slavery and genocide heaped vitriol on Israel and the United States. In 2004, Sudan, perhaps the single most

outrageous violator of the human rights of its own citizens (slavery and genocide), was elected to the Human Rights Commission and the American delegate walked out. The situation became so bad that Secretary General Kofi Anan disbanded the 40-year old organization and created the UN Human Rights Council in an effort to reform the body.

This effort failed almost immediately. Faced with the same problem of high representation among human rights violators, the new organization rapidly replicated, if not intensified, the skew of its predecessor. In its first three years, the UNHRC condemned Israel in 26 resolutions, while condemning all other countries in the world combined only 6 times, meaning 81 percent of the condemnations for a nation that makes up .01 percent of the world population. Israel is the only country that holds a permanent place on the Council's agenda. All the same forces hammer away at the only country in the Middle East that even tries to respect human rights, while ignoring the real horrors like Congo and Sudan.⁵² As Goldstone responded to Fareed Zakaria's request to compare Israel's deeds with those in Rwanda or Serbia, "One cannot compare.... Gaza doesn't get anywhere near that kind of situation."⁵³

Thus, when organizations such as Amnesty International and Human Rights Watch called on the UNHRC to establish a commission to investigate Israel, it seemed the bias was built in. Indeed, as early as January 3, 2009, the Organization of Islamic Conference (OIC), the largest intergovernmental organization outside the UN and whose members hold a plurality of seats on the UNHRC, made a request for a formal investigation of Israeli war crimes in Gaza.⁵⁴ The fact that the OIC had just come to the defense of Omar al-Bashir of Sudan, architect of the most vicious and deliberate genocide currently underway, and that they had prevailed on the UNHRC not to investigate that country's behavior, had no impact on the UNHRC's receptivity to this proposal.

Not surprisingly, the original mandate from that council made it clear who was the

predetermined target of the investigation, Israel, and who was not, Hamas:

Requests the United Nations High Commissioner for Human Rights to report on the violations of human rights of the Palestinian people *by the occupying Power, Israel*, by strengthening the field presence of the Office of the High Commission in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, and deploying the necessary personnel and expertise to *monitor and document Israeli violations of the human rights of Palestinians and the destruction of their properties* [emphases added]....

The mandate was so one-sided that major figures, not known for partiality to Israel, including Desmond Tutu and Mary Robinson, refused to head the mission.⁵⁵

Goldstone, who signed the Amnesty International call for an investigation, insisted that he took the position only on condition that the mandate be changed. As proof of this change, he points to remarks at a press conference by the president of the council, Nigerian Ambassador Martin Ihoeghian Uhomoibhi:

I am confident that the mission will be in a position to assess in an independent and impartial manner all human rights and humanitarian law violations committed in the context of the conflict which took place between 27 December 2008 and 18 January 2009 and provide much needed clarity about the legality of the thousands of deaths and injuries and the widespread destruction that occurred.⁵⁶

Yet this new and expanded mandate was never formally codified. Moreover, despite Goldstone's claim that every nation involved was consulted and had agreed with changing the parameters of the investigation,⁵⁷ it is most unlikely that the UNHRC, and certainly not the OIC members who dominated it, would have formally approved a more even-handed mandate.

Indeed, as Irwin Cotler pointed out, even Uhomoibhi's oral mandate undermined Goldstone's request:

Any faith Goldstone possessed in the re-definition of his mandate should have dissipated when Uhomoibhi publicly stated on the day the inquiry was announced... [that] the alleged expansion of the mandate's timeframe that Goldstone apparently fought for, to include reference to Hamas's provocation (apparently from June 2008), was nowhere to be found in the description of his mandate.⁵⁸

While Goldstone's statement that the mandate had changed provided him with a rationale for taking on the job, this factor had little effect on the mission's results. Here the skewed nature of the NGOs and the OIC agendas dominated. Indeed, the list of the 36 incidents on which the investigation allegedly focused--virtually all of them involving accusations against Israel--may be the same list compiled beforehand by Amnesty International.⁵⁹

Moreover, the choice of Goldstone's associates for the mission make it clear that the results were predetermined. In announcing Goldstone's appointment, the president of the UNHRC also announced his associates, Colonel Desmond Travers, Hina Jilani, and Prof. Christine Chinkin. All three individuals have been long-time players in the UN "human rights" drama, "familiar faces" as Uhomoibhi called them. In the case of Chinkin, who had already served on one panel of investigation into alleged Israeli war crimes, the prejudice was clear. She signed the (London) *Times* letter accusing Israel of war crimes, when her only source was "reporting" from Palestinian and "human rights" NGOs on the ground.⁶⁰ Thus, at least one of the four "judges" had already declared the defendant to be guilty before any "investigation" was made.

Goldstone, however, refused to remove her. Chinkin, meanwhile, claimed to be open-minded, though she had already argued that "the manner and scale of [Israel's] operations in Gaza amount to an act of aggression and is contrary to international law."⁶¹ The mission

also claimed that since it was a "fact-finding" and not judicial panel her previous position on the issues was acceptable.⁶² Had Goldstone any real independence from the UNHR "community," he would have asked her to step down, if only as a step to maintain the committee's credibility. Instead, as David Matas points out, the text of the Amnesty International letter she signed would look like an "executive summary of the Goldstone Report."⁶³

Israel, pointing to the obvious prejudice of the enterprise, refused to cooperate with what Alan Dershowitz called a kangaroo court.⁶⁴ Israel's refusal to cooperate bothered Goldstone immensely, and he alternated between regret that Israel passed up a chance to have him as its judge and using their absence of defense as an argument against it.⁶⁵

The Dream and the Nightmare: The Alchemy of Advocacy

It is easier to point to the process by which the Goldstone Mission Report on Gaza took its fatally flawed final form, but harder to explain the motivations of those involved. Why would the Western news media be so susceptible to Palestinian narrative, why were human rights activists so eager to participate in such an enterprise?⁶⁶ How could Richard Goldstone, a man with a long, distinguished career in law and, if anything, a certain affection for Israel, have worked for an organization that so clearly served an agenda that at once assaulted Israel and protected Sudan, and could then produce such a sloppy report so much in the service of that organization's malevolent agenda? Why did so many people with the best of intentions about human rights adopt a discourse designed by people with a commitment to the very values they despise--brainwashing children in hatred, demonizing the "other," and calling for genocide?

As noted above, however, the first element lies in the probability that many such people--journalists and NGOs--convinced themselves they were doing good by such behavior; and in an interview with Christiane Amanpour, Goldstone articulated the dream that animated

his work on the UN Fact-Finding Mission to Gaza (UNFFMG): “It’s certainly my hope that the effect of the report will have consequences in the future for the protection of innocent civilians in many places of the world.”⁶⁷ In another interview, he elaborated: “My hope is that making the facts public, and the debate that has ensued as a result, will assist in achieving an enduring peace in the Middle East. I don’t believe that you can have an enduring peace if violations of serious human rights are not uncovered.”⁶⁸

It is a dream that animates many in the global “human rights” community militating against the targeting of civilians and trying to protect the civil rights of innocents unfortunate enough to be caught in the crossfire. Yet behind that benevolent approach lies a more troubling current, a capitulation to forces of violence and intimidation that make civilians their primary target.

In a highly revealing moment, Richard Goldstone shared one of his nightmares with the audience at Brandeis: “...three nights before I went [to Gaza] I woke up in the middle of the night after a terrible nightmare, with sweat on my brow, because I had a vivid dream that I’d been kidnapped by, by Hamas, and people in Israel were rejoicing [laughter]. That was the nightmare, based on real fears.”⁶⁹

Goldstone clearly didn’t tell this anecdote in order to reveal the flaws of both his report’s methods and conclusions, but reveal them he

did. The nightmare reflects the brutal reality of life in the Gaza Strip, where foreign journalists and critics of the regime face violent sanctions--kidnapping, torture, knee-capping, and death--at any time. The perpetual threat reflects some fundamental aspects of Hamas as a political organization from its origins in the first intifada (during which Palestinians killed almost as many Palestinians as Israelis did),⁷⁰ through the second (during which collaborators and reporters were in constant danger of retaliation), and finally (briefly) reaching the public eye when it took over Gaza in a bloody coup in 2006.⁷¹ Moreover, during Operation Cast Lead, as even the Goldstone Report chronicles, Hamas pursued political enemies with remorseless violence (§1345-72). Goldstone was thus perfectly correct in adding “based on real fears...”

On the other hand, as Goldstone tells it, the story had a happy ending: “I was, I’m happy to say, met warmly by ordinary Palestinians. And what struck me in particular was how similar the people of Gaza are to the people of Israel, the atmosphere, the warmth, the food, everything [applause]....”⁷² Note how Goldstone here changed the subject from Hamas to the “ordinary Palestinians.” Indeed, Goldstone was greeted favorably wherever he went, including by Hamas, which often served as his direct guide, defining what he was seeing and hearing.



UN investigator Richard Goldstone, right, walks with Hamas parliament member Ahmed Bahr, second right, and members of a UN delegation during a visit to the Palestinian parliament building that was destroyed in January 2009 during Israel's offensive on the Gaza Strip, in Gaza City.

The mission warmly thanked Hamas for its cooperation in the report: “¶9. During its visits to the Gaza Strip, the Mission held meetings with senior members of the Gaza authorities and they extended their full cooperation and support to the Mission.” Goldstone refers to Hamas here as the “Gaza Authorities,” a term that the report uses several times before defining it in the text’s first footnote: “¶137, n.1: The term ‘Gaza authorities’ is used to refer to the de facto Hamas-led authorities established in Gaza since June 2007.”

This positive reception stemmed in no small part from Hamas’ perception that Goldstone was “on their side.” For example, the report’s account (¶371-92) of the Israeli bombing of the Palestinian Legislative Council (visited in the picture above) essentially adopted Hamas’ position: It was a legitimate government and the government offices were unjustly targeted.⁷³ While Goldstone insists he was quite critical--on targeting Israeli civilians and brutalizing Fatah

opponents--none of this seems to have bothered Hamas.

While initially some Hamas officials denounced the report as “unfair” to Hamas, others, like Hamas spokesman Fawzi Barhum, made clear how they viewed the report: “The UN report constitutes irrefutable proof that the Zionist occupier committed crimes against humanity....After this explicit report, the international community should bring the leaders of the Zionist enemy as war criminals before the International Criminal Court.”⁷⁴ Other Hamas officials agreed,⁷⁵ while, Hizballah,⁷⁶ and Islamic Jihad also expressed approval of “rallying support and backing for the ‘Goldstone’ report.”⁷⁷ It was clear to anyone on Hamas’ side, that this report was a great victory. Why then, despite Goldstone’s assurance that he was even-handedly critical, would Hamas and its allies so appreciate the report?

There are a number of obvious reasons. First, Goldstone accused Hamas of nothing

that would actually embarrass them. They are proud of both their targeting of Israeli civilians and the reputation for ruthlessness against rivals (including other jihadi groups) that makes “keeping order” in Gaza much easier.⁷⁸ Moreover, even where the report accuses Palestinians of war crimes, it speaks of “armed Palestinian groups,” not Hamas.⁷⁹

If, on the other hand, the report had accused Hamas of systematically endangering their own civilians and trying to create the “humanitarian crisis,” *that* would have done damage, *that* would have embarrassed them. Instead, the mission dismissed the only charges against Hamas to which Hamas was vulnerable--victimizing its own people. In so doing, it at the same time exculpated Hamas and inculpated the IDF. After all, if Hamas were not hiding among civilians, the IDF must have fired at civilian targets with the deliberate aim to kill civilians. Hamas second-in-command Musa Abu Marzuq noted triumphantly:

All paragraphs in the Goldstone report convict Israel and totally exonerate Hamas from any misconduct. For instance, the report exonerates Hamas from the accusation of using civilians as human shields and attributes this accusation to Israeli forces. Likewise, the report exonerated Hamas from all other accusations mentioned by Israel, and even when the report is dealing with the rockets which were launched from Gaza, it speaks about military groups without naming Hamas.⁸⁰

Mahmoud Abbas, whose government opposes Hamas but saw the report as helpful for the overall Palestinian cause, referred twice to Goldstone as “my brother, Richard Muhammad Goldstone.”⁸¹

There are two major alternative hypotheses to explain the course of this mission: 1) Goldstone’s mission went in and fearlessly conducted a fair and even-handed investigation that found Israel primarily guilty; or 2) Goldstone’s mission went in and avoided

any issues that might displease Hamas and produced a report that delighted Hamas.

Supporters of Hamas and many “human rights” advocates adopt the first hypothesis: Goldstone was fair, even-handed, and courageous, but consider this mental exercise: What if Goldstone had gone into Gaza determined to explore not only the 36 incidents that focused on alleged Israeli war crimes, but also a dozen or so incidents that concerned Hamas’ use of civilian shields? What if he had seriously asked their witnesses, in *private* hearings, about the presence of Hamas and other jihadi groups and had known enough of the important data to challenge disinformation? What if his team had gone into Shifa Hospital and searched the lower levels for evidence--widely discussed during the operation--of Hamas’ headquarters, detention centers, and torture rooms. What more shameful evidence against Hamas could one find than the use of the sick and the wounded as human shields?⁸² What if they had heard testimony of Hamas’ use of ambulances to transport combatants and weapons; of its deliberate efforts to control the flow of flour from the AID agencies to the Gazan population?

What if he had heard testimony from Lorenzo Cremonesi and his informants about the meaning of this passage?

“Get away! Get away from here! Do you want the Israelis to kill everyone? Do you want our children to die under the bombs? Take your missiles and weapons away,” the inhabitants of the Gaza Strip yelled at the Hamas militants and their allies in Islamic Jihad. The more courageous were organized and blocked the entrances to their courtyards and locked the doors to their buildings, barricading quickly and furiously the stairs to the highest rooftops. But for all of that the guerrillas didn’t listen to anyone. “Traitors, collaborators with Israel, spies of Fatah, cowards! The soldiers of the holy war will punish you. And in any case you will all die, like us. Fighting the Zionist Jews we are all

destined for paradise. Do you not wish to die with us?"

This is what they yelled furiously as they broke down doors and windows, hiding themselves on high floors, gardens, using ambulances and barricading themselves near the hospitals, schools and buildings of the UN. In extreme cases the [Hamas militants] shot those who sought to block them from their streets and houses to save their own families, or they beat them savagely.⁸³

How different might the report have then looked?

What would have happened to the warm welcome the mission received from the "Gaza Authorities"? What kind of retaliation might such actions have provoked against both Goldstone and anyone who cooperated with his mission?⁸⁴ One might expect outrage and Goldstone's nightmare might well have come true, if not for him, surely for those Gazans who spoke honestly to him. Only the most naïve (or, like Goldstone, defensive) could argue that Hamas did not effectively intimidate the mission. Goldstone and his colleagues behaved the way they did and produced their report not only out of a "human rights gone post-colonial" advocacy, but to a significant extent, out of fear of the consequences of criticizing Hamas.

In doing so, the mission replicated the behavior of journalists reporting from Palestinian-run areas, who live in constant fear of kidnapping and purchase their safety by not telling anything that might displease those they fear.⁸⁵ When BBC reporter Alan Johnston was kidnapped, journalists evacuated the Gaza Strip because if this could happen to Johnston, an outright advocate of the Palestinian cause, no one was safe.⁸⁶ As Daniele Moro put it: "If you write things they don't like, they see you as the enemy." *They* understand that the media is a theater of war, and so do the journalists who have to survive in that environment.

One journalist who was very sympathetic to the Palestinian cause found this out to his chagrin at the time of the Ramallah lynching.

He was snapping photos of this savage lynching when he was nearly beaten to death by the Palestinian crowd and his camera was shattered. Following his experience, he wrote an article in the *Telegraph* entitled, "I'll Have Nightmares the Rest of My Life." The next day, friends in fear of his safety advised him to leave the Palestinian territories.⁸⁷

An Italian reporter took videotapes of the lynching which, when aired, made the Palestinian Authority (PA) very angry. In the end, the head of another Italian news agency wrote a sycophantic letter to Arafat trying to avoid retaliation by insisting that they would never do such a thing (release footage that harms the Palestinian cause), and that they "always adhere to the journalistic rules of the Palestinian Authority for work in Palestine."⁸⁸ These cases revealed Palestinian intimidation of journalists on the one hand, and the degree to which journalists, in order to protect themselves from that violence, avoid antagonizing Palestinians.⁸⁹

Moreover, as Moro notes, journalists do not talk openly about these matters; and nor did Goldstone. Nor would journalists or NGOs and UN officials agree to charges that their accounts of events are the result of intimidation. On the contrary, they would point to every time they criticized Hamas as proof of their independence.⁹⁰ At most, one might get the admission that these "reporters" are sympathetic to the Palestinian cause as advocates for the victims. As Bob Simon put it, "in the Middle East, one picture can be worth a thousand weapons," and a number of journalists have affirmed that "since Israel has all the weapons, they can 'level the playing field' by giving the Palestinians the PR victory."

CNN's Ben Wedeman and BBC's Alan Johnston clearly feel they are the voice of the Palestinians oppressed by the Israelis.⁹¹ Their beat is precisely *not* to show how the Palestinian leadership victimizes its own people. There is no cost to criticizing Israel even dishonestly; there is a high cost to even the slightest and honest criticism of Palestinian leadership.

As a result, there is a disconcerting overlap between what one might say as a result of “advocacy” and of intimidation. In other words, for journalists and representatives of NGOs, whose ability to survive in these harsh environments depends on reporting as the Palestinians wish, “advocacy” is a fine cover for intimidation. If it were truly a case of “advocacy for the oppressed,” one would imagine a fair number of journalists who would turn against these predatory “leaders” and denounce their systematic victimization of their own people.⁹²

In so doing, the journalists, the NGOs, and Goldstone’s mission illustrate the folly of violating Daniel Moynihan’s paradoxical law, which illustrates so vividly the situation in Israel and the PA: “The amount of violations of human rights in a country is always an inverse function of the amount of complaints about human rights violations heard from there. The greater the number of complaints being aired, the better protected are human rights in that country.”

Goldstone illustrates this “law” quite precisely. Were he really a representative of the “innocent civilian” rather than an (unconscious) agent of an anti-Zionist agenda, he would have looked a good deal harder at Hamas’ behavior and would have found far more evidence of their victimizing their own people, as opposed to the “no evidence” that so often mars the pages of his report. On the contrary, his report serves Hamas’ cause of war and hatred far more than that of those innocents caught in the crossfire whom Goldstone claims to represent.

The report damages everyone its authors claims to care about, not only the civilians whose human rights are violated daily by thuggish elites, but even the culture that first generated the principles of human rights they champion. By judging Israel so harshly and ignoring Hamas’s sacrificial abuse of Gazan civilians, the report encourages “insurgent” militias--the very people who most readily violate the rules they value--to hide in civilian populations. Knowing it was much weaker militarily, Hamas wanted the Israelis to shoot at civilians or their buildings so they could

accuse them of war crimes and win the media war. If the Israelis strike at them, it is both a media and legal victory; if they don’t, as in the case of Shifa Hospital, it is a military advantage; and Goldstone’s report takes that victory to new levels of international legal prominence.

Cognitive Warfare in the Service of the “Weak” Side of Asymmetrical Warfare

In the final analysis, Goldstone’s report represents yet one more example of a massive failure of the West in its cognitive warfare with Islamist forces.⁹³ For the West, cognitive war is an adjunct to the real battlefield; for the jihadists, the physical battlefield (where they know they can only lose, for now) is an adjunct to the cognitive battlefield. Hamas in 2008-2009, and Hizballah in 2006, pursued a strategy literally unknown in the history of warfare of maximizing *their own* civilians’ deaths in order to turn people the world over against their designated enemies. For Hamas, the media battlefield was their main concern. Indeed, they barely fought in the field.

By echoing their accusations, journalists and organizations like Amnesty, Human Rights Watch, and the UNHRC make this strategy a success; they make it “rational.” It is hard to imagine a more spectacular victory of the ruthless “weak” forces of an asymmetrical war, one that specifically encourages sacrifice of their own populations. Yet it couldn’t work without the cooperation of peace and human rights advocates. In the case of the Goldstone mission’s substitution of “truth and reconciliation” for “fact-finding,” they produced a perversion of the basic principles: the former model was based on voluntary confessions rather than accusations made under the coercive gaze of people who could not be accused. The perversion leads to a complete reversal: from truth and reconciliation to lies and alienation.

As long as the militarily weaker side can attack enemy civilians with impunity from the midst of their own civilians and have every attempt to strike back turned against the society that tries to protect itself from their

aggression, they advance their cause. Accordingly, critics have denounced the report for its unintended consequences, as a "terrorist's charter," as a roadmap for lawfare that will tie the West down like the Lilliputians did Gulliver, as a recipe for the victimization of civilians by ruthless jihadists.⁹⁴

Colonel Richard Kemp remarked that Israel is a particularly choice battlefield in this asymmetrical war because of special circumstances, making it the soft underbelly of Western Europe in this campaign:

The IDF face all the challenges that I have spoken about, and more... [It is very difficult to be] fighting an enemy that is deliberately trying to sacrifice their own people, deliberately trying to lure you in to killing their own innocent civilians... And *Hamas, like Hizballah, is also highly expert at driving the media agenda. They will always have people ready to give interviews condemning Israeli forces for war crimes. They are adept at staging and distorting incidents.* Their people often have no option than to go along with the charades in front of the world's media that Hamas so frequently demand, often on pain of death. What is the other challenge faced by the IDF that we British do not have to face to the same extent? It is the *automatic, Pavlovian presumption by many in the international media, and international human rights groups, that the IDF are in the wrong, that they are abusing human rights* [emphases added].⁹⁵

Thus, while every Western country is an ultimate target in the cognitive warfare of jihadists against the West, Israel serves as the prime one, the soft underbelly of Western self-defense and self-respect.

Some might blame antisemitism for this peculiar animus against Israel, and it would be hard to dismiss it as a factor. Certainly, there is an unmistakable moral *Schadenfreude* that tickles the European (and, alas, the "leftist") palette--the seemingly irresistible appeal of accusing Jews of doing to Palestinians what

antisemites have done to Jews for millennia. Increasingly that accusation has spilled over into moral sadism in which the Jews are likened to the Nazis.⁹⁶

Like historical antisemitism, this temptation harms the very people who indulge in it.⁹⁷ European elites, even as they embrace the lethal narratives of Palestinian Muslims against Israel, stoke the flames of jihad in their own midst. By getting the Western news media to channel their accusations against Israel, jihadists gain a valuable ally in recruiting for jihad. The French prisons are filled with jihadists whose awakening to the cause came from watching French TV.⁹⁸ What Arab, even if he or she is aware of how dishonest their media are, could imagine that the West would echo that dishonesty?⁹⁹

Yet even if this virulent Western anti-Zionism is antisemitic in inspiration, it is a new, post Holocaust form, necessarily unconscious. Virtually none of those who embrace the Palestinian narrative in the West will admit, even privately, even to themselves, that they are antisemitic. Most deny it heatedly. Of course, someone like Goldstone, with a history of at least cultural ties to Israel, denies constantly that he is in any way a "self-hating" Jew.¹⁰⁰ Some of his Jewish supporters mockingly embrace the accusation.¹⁰¹

The problem, however, remains: How can so many well-intentioned people, including Jews, be so ferociously self-critical that they end up being major conduits for the propaganda of virulently antisemitic and extremist organizations?¹⁰² It is one thing to renounce the principle of "my side right or wrong" in favor of a just principle of "whoever is right, my side or not," but when can it ever make sense to say "my enemy's side right or wrong"?

Intimidation and Advocacy: The Narcissistic Payoff

There is something more sinister here even than various forms of animosity toward Jews, conscious and unconscious, or radical ideologies that have somehow lost their way. If it were only that problem, then reasoned

discourse, hard evidence, and some serious self-criticism on the part of the parties involved might help, at least in some cases. One wouldn't find so much unanimity. There is, however, something more fundamental that underlies the positions taken in the Arab-Israeli conflict, something that explains why, despite so many powerful anomalies (like Hamas using human shields and shutting out aid at the Egyptian border), "progressives" continue to cling to their self-destructive paradigms and adopt positions that so violate the very principles they claim to espouse. That more powerful factor is: "We are afraid and we cannot admit it."

Journalists in particular, subject to pervasive threats and occasional violence in the Palestinian territories (and elsewhere in the Middle East), cannot possibly admit this to their readers and viewers for fear of losing credibility. Moreover, not inclined toward living in the constant recognition that they have succumbed to the double indignity of bending their knee to jihadi demands, and to hiding that fact from their audiences, they prefer to believe that they say what they do out of advocacy. They can thus feel noble by embracing the cause of the oppressed (who happen to be the same people who threaten them). How much braver it feels to accuse the Israelis of whining about unfair coverage than to admit one cannot report honestly on Hamas' behavior. With the alchemy of advocacy for the "oppressed" and "wretched of the earth," they transform this double cowardice into bravery, "speaking truth to Israeli power."

That intimidation, however, extends beyond the journalistic front lines to the home front as well. Since the Salmon Rushdie affair in 1989, Muslims have realized that they can extend Shari'a through intimidation, that when they call for targeted killings of blasphemers of Islam, the West will back down.¹⁰³ The twenty-first century has been a privileged terrain for such spectacles of intimidation and appeasement, among the most spectacular (and enduring) concerned the "Muhammad Cartoons."¹⁰⁴ Note that the same radical forces in Islam that responded so violently--and so openly about their agenda--to Western

indiscretions, also, in the first decade of the twenty-first century, produced a stunningly long list of suicide attacks on civilians of all faiths around the world, beginning with Israel, but then becoming frequent in both the West and Muslim-majority societies.¹⁰⁵

Much of this intimidation has been internalized in the form of a politically correct narrative whose hegemony depends on the silences it imposes. It denounces any criticism that offends Muslims as gratuitous insult and provocation. The key issue, of course, is where should one draw the line between gratuitous insult and important criticism? If politeness is not saying certain things *lest there be violence*, civility is being able to say certain things *and there won't be violence*. Is contemporary Western discourse too obsessed with being polite with Muslims? Are they too thin-skinned (especially given how violently they can dish out the criticism)? It certainly seems strange then that supporters of human rights and defenders of free speech expend far more effort silencing those who "seem" to insult Islam, than offensive Muslims who call for the death of blasphemers, who carry signs in the streets of European capitals that read: "Slay all those who insult Islam."

Those who follow this politically-correct line so dominate the public discourse that any dissent takes one on a perilous path to marginalization--those who make even mildly critical remarks about Muslims, Arabs, or Palestinians are rapidly dismissed as proto-fascists. If they persist, they may be accused of incitement, Islamophobia, and even holocaust denial (of the genocide against the Palestinians).¹⁰⁶ What is portrayed as politically correct--whether Hina Jilani's it would be "cruel not to believe" or Erik Alterman's it is an "inarguably racist rant" to say that "Arabs are feigning outrage"¹⁰⁷--trumps trying to determine what actually happened based on the evidence. They think they are being virtuously generous and open-minded; but in the world of cognitive warfare, the outcome is systematic renunciation all the West's main defenses.

As a result, Americans don't know how to protect themselves from real enemies like

Major Malik Hassan,¹⁰⁸ FBI Arabic translators whose loyalties lie elsewhere, or government advisors who “help” law enforcement and security deal with the Muslim community.¹⁰⁹ Ironically, stigmatizing as a “right-winger” and an “Islamophobe” anyone who points out the “us-them” ideology--*wala wa bara* (loyalty to fellow Muslims and enmity to infidels),¹¹⁰ a mentality so prevalent among Muslims and so effectively incited by radicals--will make it harder to counteract that problem.¹¹¹ The losers here are moderates on all sides, especially among the Muslims whom jihadists like Hamas and *Jama'at-e-Islami* are permitted to stigmatize as collaborators with the enemy.¹¹²

Alas, Goldstone may have won his peaceful sleep at the cost of the Gazans'--and everyone else's--nightmares, for not only does his report target Israel, it will eventually serve to target every civil polity with a powerful army targeted by this asymmetrical war waged by jihadi forces.¹¹³ Ironically, once these armies become aware of the heightened standards, they go straight to Israel for advice on how to lower the civilian tolls in their military maneuvers.¹¹⁴

The consequences of such self-delusion are massive. The Goldstone Report embodies an astonishing failure of Western culture to collect reliable intelligence, to “see” clearly enough to make sober judgments and take effective decisions. A systematic inversion sets in: al-Dura 2000, symbol of Palestinian blood libels, becomes “Israel's images of hate”;¹¹⁵ Jenin 2002, the most exceptional example of military self-sacrifice for the sake of sparing enemy civilians in the history of human warfare, becomes “the Jenin Massacre”;¹¹⁶ Lebanon and Gaza 2006-2009, the revolting spectacle of religious fanatics victimizing their own people in a war of extermination, become symbols of freedom fighters resisting Israeli apartheid imperialism. The result, as Irwin Cotler points out, is the grotesque double moral inversion of making *Israel the only country accused of genocide, even as it is the only contemporary country subject to incitement as the object of genocide.*

It may make many in the West feel good to “believe” the Arab Muslim narrative of suffering at the hands of the Israeli oppressor. After all, it allows them to be generously empathic, and to wag the finger at Israel. Yet it also empowers the very forces of intolerance, violence, and reactionary goals they imagine they are opposing. It is neither honorable nor courageous; it is a capitulation that endangers the most hard-earned freedoms. Even as they congratulate themselves on bravely balancing advocacy and “objective” journalism, reporters daily betray the very charge given to them by the citizens they serve--to report accurately.

If someone had told the founders of Hamas, as they penned their genocidal “charter” of Islamic supremacy in 1988,¹¹⁷ that in 20 years time, infidels in Europe would be carrying their flags and chanting “We are Hamas,”¹¹⁸ they would have laughed in disbelief. It is not that the jihadists--violent and “non-violent”--are so smart or talented at deception; it is that their Western counterparts are so stupid. Great civilizations do not necessarily die or fall to superior powers; they can self-destruct.

Goldstone's inexcusably unprofessional report represents a major step on the way to either the suicide of a human rights culture unique in history and a millennium in the making, or a global war that will beggar World War II for casualties. The tragedy is that this fight might be won largely non-violently by showing some courage, honesty, and judgment. Given the cost in lives that would ensue in a war with the vicious forces now empowered daily, is that too much to ask for?

**Prof. Richard Landes was trained as a medievalist, teaching history at Boston University. His work on both forgeries and on the role of intimidation in affecting narrative in medieval history led him to switch fields to the way the media (and academia) represent the Arab-Israeli conflict in the twenty-first century. He maintains four sites, [The Center for Millennial Studies](#) (quiescent), [The Second Draft, Understanding the Goldstone Report](#), and he blogs at [The Augean Stables](#). His book*

on *millennialism*: *Heaven on Earth: The Varieties of the Millennial Experience* (Oxford University Press) will be out in December of 2010. He is also currently writing a book entitled, *They're so Smart*.

NOTES

¹ For an analysis of Hamas' blocking the border, see Richard Landes, "Revealing Silence at the Egyptian Border," *PajamasMedia*, January 3, 2009, <http://pajamasmedia.com/blog/revealing-silence-at-the-gaza-egypt-border/>. For a report detailing the problems in the hospitals from Hazem Balousha, *The Guardian*, December 29, 2009, the day after the story first appeared, see:

<http://www.youtube.com/watch?v=hsBNlr2BmkA>. In the case of Rushdie Abu Aluf, trained by Alan Johnston and rapidly promoted to on-screen reporter, BBC's John Williams referred to Abu Aluf as the "unlikely star" of the Gaza war

(<http://www.guardian.co.uk/world/2009/jan/10/gaza-israel-reporters-foreign-journalists>)

while James Stephenson lauded his "calm, accurate, accounts of what is happening... a model of impeccable journalism, in terrible personal circumstances."

(http://www.bbc.co.uk/blogs/theeditors/2009/01/reporting_from_gaza.html).

² BBC journalist Rushdie Abu Aluf goes on a tour of Shifa Hospital, and interviews Mads Gilbert on civilian casualties, <http://www.youtube.com/watch?v=op5UlsPdyTg>. Gilbert's radical politics and agenda were detailed early on in the conflict. See Committee for Accuracy in Middle East Reporting in America (CAMERA) reports on Gilbert,

http://www.camera.org/index.asp?x_context=8&x_nameinnews=222.

³ Ben Cohen, "Gaza: The Overcrowding Myth," Z-Word Blog, September 18, 2009, <http://blog.z-word.com/2009/09/gaza-the-overcrowding-myth/>.

⁴ For Annie Lennox's interview, see: <http://www.youtube.com/profile?user=strtbaldwin#p/u/84/ukOI9JQI8HQ>; for this author's

response, see http://www.seconddraft.org/index.php?option=com_content&view=article&id=471:annie-lennox-&catid=60:dialogues-with-the-media&Itemid=160.

⁵ One sign, held by a hijab-clad little girl in a Melbourne demonstration on January 18, 2009, read: "Jews haven't learn they need [swastika] more than ever before," <http://picasaweb.google.com/Th3M0shP1t/Melbournistan?authkey=ZgYs9ODynX8#5292559215499182770>.

⁶ See "Al Fakhoura UN School," Understanding the Goldstone Report (UtGR), <http://www.goldstonereport.org/case-study/al-fakhoura-un-school>. According to the BBC, it was "killing at least forty civilians, women and children among them..." (<http://www.youtube.com/watch?v=Ux4OVjC4gBU>).

⁷ For the interview with the BBC, see http://www.youtube.com/watch?v=YyM_hYz-svU.

⁸ Juan Cole, "Al-Fakhoura School Bombed, 42 Killed, Including Children; 13,000 Homeless, Water, Medicine in Short Supply," January 7, 2009, <http://www.juancole.com/2009/01/al-fakhoura-school-bombed-42-killed.html>.

⁹ See "Al Fakhoura UN School," UtGR. A similar incident with enormous impact on world opinion occurred in Kafr Qana in Lebanon in July of 2006, in which the number of deaths was half that initially announced. See the analysis of the media coverage by Richard North, *The Corruption of the Media*, EUReferendum, August 28, 2006, <http://eureferendum.blogspot.com/2006/08/corruption-of-media.html>.

¹⁰ See the multiple references in "Goldstone Report: A Study in Duplicity," CAMERA, http://www.camera.org/index.asp?x_context=2&x_outlet=118&x_article=1736, under heading, "No Civilians Kept in Vicinity of Attacks."

¹¹ For the interview, see <http://edition.cnn.com/video/?/video/world/2009/01/06/intv.mideast.amanpour.blair.cnn>; for this segment, see <http://www.youtube.com/watch?v=OjsMr6n>

[Bgw&feature=player_embedded](#). Jeremy Bowen made the same point on the first day of the war, http://seconddraft.org/index.php?option=com_content&view=article&id=650%3Aday-1-tv-news&catid=88&Itemid=279 (third item).

¹² Note that Amanpour asks the question with great confidence unaware of what she reveals about her own thinking. Indeed, from her point of view, this isn't even advocacy; it is such a widespread attitude that it has the status of *Realpolitik*. For a fascinating example of a journalist asking an Arab spokesman why Hamas doesn't simply stop the rocketing of Israel, see BBC interview on January 10, 2009, with Arab League Ambassador to the UN Yahya Mahmassani: "How can they stop when rockets are raining from the sky?" See <http://www.youtube.com/watch?v=ljhInuVFYyQ>. For some in the world, the damage to one's own people is a reason to stop; for others, a reason to keep going no matter what the cost. Real democracies cannot adopt these latter strategies; indeed, the interviewer seems incapable of even understanding the nature of the response (see entire interview, <http://www.youtube.com/watch?v=deK7DnnkOOU>).

¹³ Note that subsequent articles on Hamas, even apologetic ones, argue that their new moderation comes from what the media and Hamas both largely denied at the time, i.e., that the war had seriously weakened Hamas' popularity. See Michael Bröning, "Hamas 2.0: The Islamic Resistance Movement Grows Up," *Foreign Affairs*, August 5, 2009, <http://www.foreignaffairs.com/articles/65214/michael-bröning/hamas-20>. See also Fawas Gerges, "The Transformation of Hamas," *The Nation*, January 7, 2009, <http://www.thenation.com/doc/20100125/gerges/single>. See the more explicit recognition in Barak Mendelsohn, "Hamas and Its Discontents," *Foreign Affairs*, September 9, 2009, <http://www.foreignaffairs.com/articles/65417/barak-mendelsohn/hamas-and-its-discontents>.

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<http://www.youtube.com/watch?v=4z4T2KcYHo8>.

¹⁵ For CNN, see <http://www.youtube.com/watch?v=N59vziDc18I>.

¹⁶ For extensive coverage of this rally, see Zombietime, "The Intifada Is Globalized As the Gaza War Becomes a World War," January 10, 2009, <http://www.zombietime.com/zomblog/?p=230>; on "peace advocates" engaged in such rallies, see Dennis MacEion, "Marching for Hamas," *Jerusalem Post*, January 22, 2009, <http://www.jpost.com/servlet/Satellite?cid=1232292940460&pagename=JPArticle/ShowFull> and Nick Cohen, *What's Left?*, chapter 10.

¹⁷ "Israel's Bombardment of Gaza Is Not Self-Defence – It's a War Crime," *Times* (London), January 11, 2009, <http://www.timesonline.co.uk/tol/comment/letters/article5488380.ece>.

¹⁸ *Ibid.* Goldstone avoided this debate, but nonetheless used vague allusions to inexcusably high civilian casualty figures, see below at note 49.

¹⁹ "Mortar Shells Fired at Keren Hashalom," *Jerusalem Post*, January 9, 2009, <http://www.jpost.com/servlet/Satellite?cid=1231424898375&pagename=JPost%2FJPArticle%2FShowFull>.

²⁰ Jason Koutsoukis, "As Israel's Rockets Fell, Gaza Civilians Also Had Problems with Hamas," *The Age* (Australia), January 26, 2009, <http://www.theage.com.au/world/as-israels-rockets-fell-gaza-civilians-also-had-problems-with-hamas-20090125-7pfd.html>.

²¹ See the program on January 10, 2009, <http://www.youtube.com/watch?v=7VqS0NYr4F0>. Haniya's comment is not at all illustrative of the BBC's introductory characterization. Cf. "Hamas Rejects Israeli Recognition," BBC, June 20, 2009, http://news.bbc.co.uk/2/hi/middle_east/7359661.stm.

²² Enshrined in the Hamas Charter (1988), Article 7, <http://www.yale.edu/lawweb/avalon/mideast/hamas.htm>. See also "Hamas Covenant,"

Journal of Palestine Studies, No. 22 (1993), p. 123. Although Jews are the most prominent subjects of this tradition, several classical versions do not mention Jews; however, modern Muslim apocalyptic literature only cites those involving Jews. See David Cook, *Contemporary Muslim Apocalyptic Literature* (Syracuse: Syracuse University Press, 2005), p. 36.

²³ For examples of the preaching of this hadith in mosques and on PA TV, see Palestinian Media Watch, "Encouraging Genocide," <http://www.pmw.org.il/tv%20part6.html>.

Those who focus on the "unprecedented ideological transformation" (towards moderation) of Hamas, note how rarely they quote their charter, rather than how often they quote--in Arabic--their apocalyptic genocidal hadith, Brønning, "Hamas 2.0"; also Gerges, "The Transformation of Hamas."

²⁴ For an example of its impact on an Arab reporter for MSNBC, see Lawahez Jabari, "Civilian Toll Could Backfire on Israelis," *Worldblog MSNBC*, January 16, 2009, <http://worldblog.msnbc.msn.com/archive/2009/01/16/1747060.aspx>. Note that Jabari accepts fully the initial report of the 40 or more killed at the al-Fakhoura UN school, and the claim that over 50 percent of the overall casualties were women and children.

²⁵ "Jihadi Forum Publishes Posthumous Article by Khost CIA Base Bomber Abu Dajana," Middle East Media Research Institute (MEMRI), January 4, 2010, <http://www.memri.org/report/en/0/0/0/0/0/3889.htm>.

²⁶ See <http://www.youtube.com/watch?v=oO8sZpmrVzC>.

²⁷ Christiane Amanpour, "Generation Islam," <http://edition.cnn.com/SPECIALS/2009/generation.islam/>; critiqued by Alex Safian, "Amanpour Strikes Again," CAMERA, August 21, 2009; similarly Juan Cole, "Al-Fakhoura School Bombed, 42 Killed, Including Children; 13,000 Homeless, Water, Medicine in Short Supply," January 7, 2009, <http://www.juancole.com/2009/01/al-fakhoura-school-bombed-42-killed.html>. Ray

Hanania has argued precisely the point being made here from the Palestinian viewpoint: "Pro-Hamas Media Bias and Gaza Activists Block Peace," *Jerusalem Post*, January 12, 2010,

<http://www.jpost.com/servlet/Satellite?pagename=JPost%2FJPostArticle%2FShowFull&cid=1263147876102>.

²⁸ See CNN report, <http://www.youtube.com/watch?v=4O2iKY6ROkU>.

²⁹ See Jeremy Bowen, BBC Panorama, February 14, 2009, http://www.seconddraft.org/index.php?option=com_content&view=article&id=460:bbc-panorama-gaza-in-ruins&catid=57:see-section-msm-what-they-say-a-how-they-say-it&Itemid=134.

³⁰ According to CAMERA's analysis, there are at least 14 different versions of the story recorded. See "HRW's Credibility Gap: 14 Versions of the Abed Rabbo 'White Flags' Incident," November 9, 2009, http://www.ngo-monitor.org/article/hrw_s_credibility_gap_versions_of_the_abed_rabbo_white_flags_incident.

³¹ See Virgil Hawkins, *Stealth Conflicts: How the World's Worst Violence is Ignored* (Burlington, VT: Ashgate Publications, 2008). Note that the vast majority of the people who died in Congo died from the aftermath of war: displacement, famine, disease. In other words, they died from causes that external intervention might have prevented even without putting an end to the conflict; whereas the majority of the 10,000 killed in the Israeli-Arab conflict died during specific periods of fighting.

³² See Human Rights Watch report on murders and rapes of civilians in the Congo, cited by Jeffrey Gettelman, "Report Cites vast civilian killings in East Congo," *New York Times*, December 14, 2009, <http://www.nytimes.com/2009/12/14/world/africa/14congo.html?ref=world>. Here the case for deliberate murder of civilians is far more obvious than in the cases studied in the Goldstone Report.

³³ Stephen King, "There Are 70 Conflicts Worldwide, So Why Do We Focus on Just One?" *Irish Examiner*, May 13, 2009, <http://www.examiner.ie/opinion/columnists/stephen-king/there-are-70-conflicts-worldwide-so-why-do-we-focus-on-just-one-91585.html#mon>.

³⁴ For examples, see the coverage of the war made available at "The Gaza War Anniversary Review," The Second Draft, http://seconddraft.org/index.php?option=com_content&view=article&id=647%3Awar-diary&catid=96&Itemid=279.

³⁵ NGO Monitor, *The NGO Front in the Gaza War: The Durban Strategy Continues*, February 2009, http://www.ngo-monitor.org/data/images/File/NGO_Front_Gaza.pdf, p. 1.

³⁶ Moreover, the Commission denies the use of perfidy [dressing as civilians] by Hamas (¶495) as did Human Rights Watch in its *White Flag Deaths* report (<http://www.hrw.org/node/85014>), and claims that engaging in this action is not an International Humanitarian Law violation. Article 37 of the First Protocol of the Geneva Conventions *clearly prohibits* the practice. See NGO Monitor, *House of Cards: NGOs and the Goldstone Report*, http://www.ngo-monitor.org/article/house_of_cards_ngos_and_the_goldstone_report.

³⁷ *Israel/Gaza Operation "Cast Lead": 22 Days of Death and Destruction*, Amnesty International Report, July 29, 2009, http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/02_07_09_gaza_report.pdf.

³⁸ *Israel/Gaza Operation "Cast Lead."* Notes NGO Monitor: "Goldstone adopts a very narrow definition of human shields (¶35, 492) as advocated by Amnesty and HRW, in order to increase the scope of alleged Israel violations and exonerate Hamas of culpability." See NGO Monitor, *Experts or Ideologues: Systematic Analysis of Human Rights Watch*, http://www.ngo-monitor.org/article/experts_or_ideologues_systematic_analysis_of_human_rights_watch, pp. 38-40.

³⁹ Hamas' al-Aqsa TV, January 6, 2009. See Israel Ministry of Foreign Affairs (MFA) website, Hamas Methods, #009, <http://www.mfa.gov.il/MFA/Visual+Media/The-IDF-operation-in-Gaza-14-Jan-2009.htm>.

⁴⁰ Interview with the BBC, http://www.seconddraft.org/index.php?option=com_content&view=article&id=580:bbc-reports-on-amnesty-international-report&catid=57:see-section-msm-what-they-say-a-how-they-say-it&Itemid=134. Granted the idea that this distribution of testimony might have something to do with witness intimidation occurred to Amnesty, but only fleetingly, and dismissed by inference: After presenting the "Hamas point of view" without counter-critique, the authors note that Gazans complained about numerous actions of Hamas, but not the use of civilian shields.

⁴¹ See the extensive discussion of Hamas using civilians and civilian areas as human shields in the Israel Ministry of Foreign Affairs report: *The Operation in Gaza: Factual and Legal Aspects*, Part V: The Use of Force, ¶142-208, http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Hamas+war+against+Israel/Operation_Gaza_factual_and_legal_aspects_use_of_force_Hamas_breaches_law_of_armed_conflict_5_Aug_2009.htm. When one resident objected to Hamas setting up rocket launchers on the roof of an apartment building housing 170 civilians, he was told, "It will be a great honour if you will die with us" (¶170).

⁴² Avi Dichter, "Hamas Distributes Salaries from Shiffa Hospital," *Jerusalem Post*, January 12, 2009, <http://www.jpost.com/servlet/Satellite?pagename=JPost/JPArticle/ShowFull&cid=1231424936164>; see also testimony of Raji Mishah Abd Rabbo to the Shabak (Israel Security Agency), <http://www.shabak.gov.il/English/EnTerrorData/Archive/Operation/Pages/cast-lead-Interrogations.aspx>.

⁴³ For one example of drone footage, see http://www.youtube.com/watch?v=2vHDyUSTneA&feature=player_embedded; Qassams from Jebalya, <http://www.youtube.com/watch?v=EPZlgg9o4Us>. More broadly, see the IDF's website for

various examples of embedding in civilian areas including mosques, <http://idfspokesperson.com/category/operation-cast-lead/>.

⁴⁴ Lorenzo Cremonesi, "Così i ragazzini di Hamas," *Il Corriere della Sera*, January 21, 2009,

http://www.corriere.it/esteri/09_gennaio_21/d-enuncia_hamas_cremonesi_ac41c6f4-e802-11dd-833f-00144f02aabc.shtml, translation: <http://www.theaugenstables.com/2009/01/28/cremonesi-article-in-english/>. See also CNN's coverage: CNN report, <http://www.youtube.com/watch?v=4O2iKY6R0kU>.

⁴⁵ See CNN report, <http://www.youtube.com/watch?v=4O2iKY6R0kU>.

⁴⁶ From an article in the official Palestinian Authority newspaper, *Al-Hayat Al-Jadida*, January 27, 2009, translation at: http://www.pmw.org.il/Bulletins_Jan2009.htm

⁴⁷ For a discussion of the various reports from the news media at the time, see Tamar Sternthal, "[The Tim McGirk Affair: Claims of Cold-Blooded Execution Not Credible](#)," February 4, 2009; and "HRW's Credibility Gap," *NGO Monitor*, http://www.ngo-monitor.org/article/hrw_s_credibility_gap_versions_of_the_abed_rabbo_white_flags_incident.

⁴⁸ On this issue, see the articles assembled at UtGR, "Controversies/Civilian Casualties," <http://www.goldstonereport.org/controversies/civilian-casualties>.

⁴⁹ See interview with Christiane Amanpour, <http://www.goldstonereport.org/video/265-amanpourgoldstone>. See also Richard Landes, *Dialogues with the Media*, http://www.seconddraft.org/index.php?option=com_content&view=category&layout=blog&id=60&Itemid=160.

⁵⁰ "Gaza: World's Leading Investigators Call for War Crimes Inquiry - Open Letter," *Amnesty International*, March 16, 2009, <http://www.reliefweb.int/rw/rwb.nsf/db900SID/RMOI-7Q6KGS?OpenDocument>. Note that the "shocking events" in question were the

news-media mediated images of Gaza. Such shock has nothing to do with the dutifully even-handed mention of "crimes perpetuated against civilians on both sides," since suicide bombings and shelling of Israeli civilians had gone on for eight years and never provoked such a protest.

⁵¹ UN-Charted Waters: Scoring the United Nations, UN Watch, http://www.unwatch.org/site/c.bdKKISNqEmG/b.1419619/k.B821/Charts_and_Scorecards_on_UN_Human_Rights_Council.htm

⁵² See Vaclav Havel, "Table for Tyrants," *New York Times*, May 10, 2009, http://www.nytimes.com/2009/05/11/opinion/11havel.html?_r=1. Note that the same UNHRC refused to investigate the reported deaths of over 20,000 civilians in Sri Lanka. See Helen Pidd, "UN Rejects Call for Sri Lanka War Crimes Inquiry," *The Guardian*, May 28, 2009, <http://www.guardian.co.uk/world/2009/may/28/sri-lanka-un-war-crimes-investigation>.

⁵³ See Goldstone interview with Fareed Zakaria, October 4, 2009, <http://www.goldstonereport.org/video/266-fareedgoldstone>.

⁵⁴ "OIC Initiated Goldstone," *Al-Jazeera*, October 28, 2009, <http://english.aljazeera.net/focus/2009/10/20091021112649368100.html>.

⁵⁵ "Why Mary Robinson Rejected the Mandate Accepted by Judge Goldstone," UN Watch, July 2, 2009, <http://blog.unwatch.org/index.php/2009/07/02/why-mary-robinson-rejected-the-mandate-accepted-by-judge-goldstone/#more-405>; with a quote from an interview with Amy Goodman, http://www.democracynow.org/2009/3/9/fmr_irish_president_mary_robinson_joins.

⁵⁶ UNHRC Press Conference, April 3, 2009, <http://www.unhchr.ch/hurricane/hurricane.nsf/viaw01/2796E2CA43CA4D94C125758D002F8D25?opendocument>.

⁵⁷ "Ambassador Uhomoihi explained the mandate to the Human Rights Council at a plenary session and the members of the mission have discussed it explicitly with the

ambassadors of all the nations that sponsored the original resolution, and there was no objection to it. That is the mandate the mission is pursuing to the best of its ability.” See Haviv Rettig-Gur, “Goldstone: Israel Should Cooperate,” *Jerusalem Post*, July 16, 2009,

<http://www.jpost.com/servlet/Satellite?cid=1246443832996&pagename=JPArticle/ShowFull>

⁵⁸ Irwin Cotler, “The Goldstone Mission – Tainted to the Core,” *Jerusalem Post*, August 16, 2009,

<http://www.jpost.com/servlet/Satellite?cid=1249418620191&pagename=JPost%2FJPArticle%2FPrinter>.

⁵⁹ For the mention of a letter to the IDF about “36 cases” written by Amnesty International as early as March 25, 2009, see “UN Vote on Goldstone Report a Defining Step for Accountability,” Amnesty International, November 6, 2009,

<http://amnesty.org/en/news-and-updates/news/un-vote-goldstone-report-defining-step-accountability-20091106>.

Although Goldstone often mentions this specific number, it is not possible to identify specifically what they were, see Richard Landes, “Goldstone, Kemp, and the 36 Incidents,” *Augean Stables*, November 4, 2009,

<http://www.theaugeanstables.com/2009/11/04/goldstone-kemp-and-the-36-incidents-the-bizarro-world-of-the-unffm-to-gaza/>.

More broadly, see the analysis of the “mandate change,” by David Matas, “The Goldstone Report: Stone or Gold?,”

<http://www.goldstonereport.org/pro-and-con/critics/495-david-matas-the-goldstone-report-stone-or-gold>, B1; cf. the dismissal of the problem by the Chatham House Report, http://www.chathamhouse.org.uk/files/15572_il271109summary.pdf, pp. 10-11.

⁶⁰ “Israel’s Bombardment of Gaza Is Not Self-Defence – It’s a War Crime,” *Times* (London), January 11, 2009, <http://www.timesonline.co.uk/tol/comment/letters/article5488380.ece>.

⁶¹ For an excellent discussion of how the report consistently confuses and misrepresents the problems of *ius in bello* and *ius ad bellum*, specifically on the critical issue of proportionality, Laurie Blank and Gregory Gordon, “Goldstone, Gaza and (Dis)Proportionality: Three Strikes,” *Jurist: Legal News and Research*, December 23, 2009,

<http://jurist.law.pitt.edu/forumy/2009/11/goldstone-gaza-and-disproportionality.php>.

⁶² Francesca Marotta, “Statement on Christine Chinkin,” UN Fact-Finding Mission on the Gaza Conflict, August 25, 2009, <http://blog.unwatch.org/?p=451>.

Goldstone dismissed the objection in an interview with Israeli TV as follows: “I’m working with her now. I’m absolutely satisfied that she has a completely open mind and will not exhibit any bias one way or the other, but in any event she’s one of four people on the committee...” Interview with Yacov Achimeir, Channel 1, July 11, 2009,

<http://www.youtube.com/watch?v=lv9-81d35R0>. For a full transcript and critique of the interview, see Hillel Neuer, “Goldstone Defends Christine Chinkin from Bias Charge,” UNWatch, July 13, 2009, <http://blog.unwatch.org/?p=416>.

⁶³ David Matas, “Goldstone Report,” <http://www.goldstonereport.org/pro-and-con/critics/495-david-matas-the-goldstone-report-stone-or-gold>, #2a.

⁶⁴ Alan Dershowitz, “The UN Kangaroo ‘Investigation’ of Israeli ‘War Crimes,’” *Jerusalem Post*, July 2, 2009, <http://cgis.jpost.com/Blogs/dershowitz/entry/the-un-kangaroo-investigation-of>.

⁶⁵ “I understand that you and your fellow Commissioners were outraged by Israel’s decision to snub you (as is evident in the numerous references to their refusal to cooperate throughout your Report--I stopped counting at forty)...” See Trevor Norwitz, “Open Letter to Judge Goldstone,” <http://www.goldstonereport.org/open-letters-to-goldstone/428-open-letter-from-trevor-norwitz>.

⁶⁶ See the series of discussions at NGO Monitor, http://www.ngo-monitor.org/article/ngo_forum_at_durban_conference.

⁶⁷ Interview with Amanpour, <http://www.goldstonereport.org/video/265-amanpourgoldstone>.

⁶⁸ Matt Suroso, "Man on a Mission: Goldstone Discusses U.N. Report's Findings and Fallout," *Fordham Observer*, November 18, 2009, <http://www.fordhamobserver.com/man-on-a-mission-goldstone-discusses-u-n-report-s-findings-and-fallout-1.2089309>.

⁶⁹ See <http://www.goldstonereport.org/goldstone-debates/388-richard-goldstone-dore-gold-brandeis-qdebateq> for the full session, and http://www.youtube.com/watch?v=BPCR_8RgBxA for the specific passage.

⁷⁰ Bassem Eid, "'Collaborators' – New Impetus for an Old Witch Hunt," *Palestinian Human Rights Monitor (PHRMG)* Report on Assassinations, July 2001, <http://www.phrmg.org/monitor2002/feb2002-9.htm>.

⁷¹ Marie Colvin, "Gaza's Deadly Guardians," *Sunday Times*, September 30, 2009, http://www.timesonline.co.uk/tol/news/world/middle_east/article2543457.ece (note the significance of talking to witnesses in private).

⁷² See http://www.youtube.com/watch?v=HAAL027nQU&feature=player_embedded.

⁷³ See Matas' remarks on how the Goldstone Report systematically dissembled the issues at stake, "Goldstone Report," B10, "The Wings of Hamas."

⁷⁴ " Hamas Calls for Israeli Leaders to Be Tried over Gaza," AFP, September 16, 2009, <http://www.goldstonereport.org/pro-and-con/defenders/117-afp-hamas-calls-for-israeli-crimesleaders-to-be-tried-over-gaza-16909>.

⁷⁵ " Hamas Welcomes Vote in Favor of Goldstone Report," *Earth Times*, October 16, 2009, <http://www.earthtimes.org/articles/show/2905>

[46,hamas-welcomes-vote-in-favor-of-goldstone-report.html](http://www.goldstonereport.org/goldstone-report.html). Subsequently Hamas organized a children's panel to condemn Abbas for this crime against the Palestinian people.

⁷⁶ "Hizbullah Slams Countries That Voted against Goldstone Report," October 16, 2009, http://www.monstersandcritics.com/news/middleeast/news/article_1507756.php/Hezbollah-slams-countries-that-voted-against-Goldstone-report.

⁷⁷ "Media War: Gaza," <http://saraya.ps/index.php?act=Show&id=2447>, translation by Shammai Fishman.

⁷⁸ For example, " Hamas Forces Attack Mosque; 16 Killed," UPI, August 14, 2009, http://www.upi.com/Top_News/2009/08/14/Hamas-forces-attack-mosque16-killed/UPI-84681250284993/.

⁷⁹ Indeed the report mentions Hamas 16 times, most often as victims of repression in the West Bank or as part of quotations from Israeli sources. The avoidance was noted both by critics of the report. See Elder of Ziyon, "Goldstone Report Does Not Condemn Hamas Once,"

<http://elderofzion.blogspot.com/2009/10/goldstone-report-does-not-condemn-hamas.html>; and Jonathan Dahoah Halevi, "No Wonder Hamas Isn't Scared," *Ynet*, October 21, 2009, http://www.ynet.co.il/english/articles/0,7340,L_3793009,00.html.

⁸⁰ *Al-Mashahid al-Siyasi* (UK, Arabic), December 5, 2009, <http://www.almushahidassiyasi.com/ar/4/7704/>; translated by Jonathan Dahoah Halevi, <http://www.dailyalert.org/archive/2009-12/2009-12-08.html>.

⁸¹ Ulrich Sahn, "Bruder Muhammad Goldstone," *Israelnetz*, December 15, 2009, <http://www.israelnetz.com/themen/arabische-welt/artikel-arabische-welt/datum/2009/12/15/bruder-muhammad-goldstone/>.

⁸² This point apparently escapes the experts at Chatham House http://www.chathamhouse.org.uk/files/15572_i1271109summary.pdf, pp. 10-11.

⁸³ Cremonesi, "Così i ragazzini di Hamas," translation <http://www.theaugeanstables.com/2009/01/28/cremonesi-article-in-english/>.

⁸⁴ Matas, "The Goldstone Report," 1Be. Matas points out what kind of hostility emerges when one of the missions contradicts the expectations of the anti-Zionist groups like OIC by pointing to the insufficiently harsh findings of the Lebanon Quartet Mission that explored violations in Lebanon in 2006.

⁸⁵ This applies both to the Western press, and even more to the Arab press. See "Gaza Journalists Impose Self-Censorship for Fear of Arrest" (Arabic), *Al Quds*, December 1, 2009, <http://www.alquds.com/node/217174/>.

⁸⁶ Martin Patience, "Reporting Risks Leave Gaza Neglected," BBC, April 25, 2007, http://news.bbc.co.uk/2/hi/middle_east/6592055.stm; Avi Issacharoff, "For Gaza Journalists Kidnapping Is No Longer Greatest Fear," *Haaretz*, May 21, 2007, <http://www.haaretz.com/hasen/spages/861868.html>; Bret Stephens, "A Reporter's Fate," *Wall Street Journal*, May 22, 2007, <http://www.opinionjournal.com/columnists/bstephens/?id=110010108>. On the subject of Johnston's impartiality, compare Patience's claim of "fair and balanced," with the remark of a Gazan living in Britain that "Alan, at the end of the day, he's one of the people who cares about us and he works for us;" and Palestinian Information Minister Mustafa Barghouti's comment that Johnston "has done a lot for our cause." Johnston's pro-Palestinian work was the only thing that assured his safety in Gaza as long as it did, despite heated claims to the contrary. See Richard Landes, "BBC Silent about Being Terrorized in Gaza," *The Augean Stables*, January 16, 2009, <http://www.theaugeanstables.com/2009/01/16/bbc-silent-about-being-terrorized-in-gaza-discretion-or-cowardice/>. Note also that the journalists admit that their ability to work in Gaza came from a combination of "protection from the Palestinian authority or from Arabic and Islamic customs on treating guests."

⁸⁷ Mark Seager, "I'll Have Nightmares for the Rest of My Life," *Telegraph*, October 15,

2000. The article cannot be found at the *Telegraph* website (original URL according to the Israeli MFA: http://www.telegraph.co.uk/et?ac=003633015715630&rtmo=a2b2NNwL&atmo=rrrrrrq&p_g=/et/00/10/15/wmid315.html), despite articles on the same topic from the same day being easily accessible; article reproduced here: <http://rotter.net/israel/mark.htm>. In an email to this author, Seager wrote, "There are also concerns over my safety... I was still working in the West Bank at the time and it was an uncomfortable situation to be in. That article caused me a great deal of trouble."

⁸⁸ Arafat published the letter in his newspaper; see a reproduction of article and a translation at the MFA website: http://www.mfa.gov.il/MFA/MFAArchive/2000_2009/2000/10/Coverage%20of%20Oct%2012%20Lynch%20in%20Ramallah%20by%20Italian%20TV.

⁸⁹ The Ramallah lynch revealed the extensive network of Palestinian intimidation, both informal and government-run, of the news media. See Alex Safian, "In the Palestinians' Pocket: Journalists Doing PR for the PA," *CAMERA*, October 19, 2000, http://www.camera.org/index.asp?x_context=3&x_outlet=13&x_article=193.

⁹⁰ Ethan Bronner, for example, pulls the classic, "I'm criticized by both sides, so I must be doing something right," in his "The Bullets in My In-Box," *New York Times*, January 24, 2009,

http://www.nytimes.com/2009/01/25/weekinreview/25bronner.html?_r=1&pagewanted=all and praises his colleague, Taghreed El-Khodary, for reporting on a brutal murder by Hamas of an alleged "collaborator" despite the threat that she would be killed if she did. El-Khodary did show courage in reporting this, but the incident only illustrates the difference in atmospheric pressure between Israel (where no one would make such a threat) and Gaza, thus undermining Bronner's posturing as "even-handed." Khodary vaunted herself as one of "the very few objective reporters" in Gaza during the war, and that may be true comparatively, but her interviews with CNN

constitute primarily subjective accounts, little different from the other residents interviewed. Compare “Q and A with Taghreed El-Khodary,” *New York Times*, January 19, 2009, <http://thelede.blogs.nytimes.com/2009/01/19/q-a-with-taghreed-el-khodary-in-gaza/>, with, for example, the first CNN clip up at Second Draft, Day 2: http://seconddraft.org/index.php?option=com_content&view=article&id=653:day-1-tv-news&catid=89&Itemid=281.

⁹¹ On Johnston, see discussion above, note 86; on Wedeman, see “Reporter Offers Bush a Gaza, West Bank Misery Tour,” *CNN*, January 10, 2008, <http://edition.cnn.com/2008/WORLD/meast/01/09/btsc.wedeman.bush/index.html>, in which it is clear he thinks that Israel is the cause of the misery on “my beat” (see Gilad Ini, “Behind the Scenes’ of CNN Bias,” *CAMERA*, January 21, 2008, http://www.camera.org/index.asp?x_context=3&x_outlet=14&x_article=1429). For an insight into Wedeman’s workshop, see Richard Landes, “Wedeman’s View: How They Bury the Things That Contradict,” Second Draft, http://www.seconddraft.org/index.php?option=com_content&view=article&id=472:ben-wedeman&catid=60:dialogues-with-the-media&Itemid=160.

⁹² For a brief example of a case in which Hamas behavior so outraged an Arab reporter for the *New York Times*, see Taghreed El-Khodary, “The Smell of Paradise,” *Columbia Journalism Review* (May-June 2009). Note that this account comes much later. Also note the interesting comments accusing her of being a Zionist.

⁹³ On the issue of jihadi cognitive warfare and the Arab-Israeli conflict, see Stuart A. Green, *Cognitive Warfare*, Master’s Thesis, Joint Military Intelligence College, Washington DC, 2008, <http://www.scribd.com/doc/20459296/Stuart-Green-LTC-USN-Cognitive-Warfare-02-July-2008-Final>.

⁹⁴ See “(Un)intended Consequences,” UtGR, <http://www.goldstonereport.org/big-picture/unintended-consequences>.

⁹⁵ Colonel Richard Kemp, “Hamas, the Gaza War, and Accountability under International Law,” Jerusalem Center for Public Affairs (JCPA), June 18, 2009, <http://www.jcpa.org/JCPA/Templates/ShowPage.asp?DBID=1&LNGID=1&TMID=701&FID=765>.

⁹⁶ For an extensive discussion of these issues, see Richard Landes, “Post-Modern Anti-Semitism: Cognitive Egocentrism, Moral Schadenfreude, and ‘Progressive’ Anti-Zionism,” *Augean Stables*, 2002, <http://www.theaugeanstables.com/essays-on-judeophobia/anti-semitism-post-modern/>.

⁹⁷ As Yehuda Bauer points out, World War II was started by fanatics driven by a genocidal anti-Semitism, and six years later, 29 million *non-Jews* in Europe were dead.

⁹⁸ Farhad Khosrokhavar, *Quand Al-Qaïda parle : Témoignages derrière les barreaux* (Paris: Grasset & Fasquelle, 2006); John Rosenthal, “The French Path to Jihad,” *Policy Review*, Hoover Institute (discussed at the *Augean Stables*, <http://www.theaugeanstables.com/2006/12/04/john-rosenthal-on-what-makes-a-french-jihadi/>).

⁹⁹ As one Russian reminisced at the fiftieth anniversary of Sputnik, “we didn’t believe it until the Western press admitted it.”

¹⁰⁰ In an interview with Fareed Zakaria, Goldstone claimed, “I have great love for Israel... and have worked for many Israeli causes.... But what saddens me is the fact that Jews, whether inside or outside of Israel, think that because I am Jewish, I should not investigate Israel. If anything, I think I have a greater obligation to do that. If I have investigated war crimes in other countries, why should Israel be different? That should be welcomed and recognized.” See <http://www.goldstonereport.org/interviews/493-fareedgoldstone>. The objection is not that he should not investigate Israel, but that he should have the courage to also investigate Hamas; it is not the investigation, it is how

poorly it was done. See also, Claudia Braude, "Goldstone's Gambit: The Man behind the UN Report," *Forward*, September 16, 2009, <http://www.forward.com/articles/114165/>.

¹⁰¹ Dan Fleshler, "The Goldstone Report and Why I Am a Self-Hating Jew," *Realistic Dove*, September 16, 2009, <http://www.realisticdove.org/archives/380>.

¹⁰² See the fundamental essay of Alvin Rosenfeld, "Progressive Thought and the New Anti-Semitism," American Jewish Committee, 2007, http://www.ajc.org/atf/cf/%7B42D75369-D582-4380-8395-D25925B85EAF%7D/PROGRESSIVE_JEWI%7C%20SH_THOUGHT.PDF.

¹⁰³ Daniel Pipes, *The Rushdie Affair: The Novel, the Ayatollah and the West* (New York: Transaction Publishers, 2007).

¹⁰⁴ On the Danish Cartoons, see <http://www.theaugeanstables.com/category/danish-cartoon-scandal/>. (including the cartoons themselves, <http://www.theaugeanstables.com/2006/02/02/danish-cartoons-colors-to-the-mast/>). See also the controversy surrounding the decision not to publish the cartoons in a scholarly book on the affair in Jytte Klausen, *The Cartoons that Shook the World* (Yale University Press, forthcoming). See also comment by Christopher Hitchens, "Yale Surrenders," *Slate*, August 17, 2009, <http://www.slate.com/id/2225504/?wpisrc=eDialog>. Another book on the subject has published the cartoons: Gary Hull, *Muhammad the "Banned" Images* (Voltaire Press, 2009). The Metropolitan Museum of New York, without actually being asked to, has quietly tried to take down all of its artwork that depicts Muhammad. See Isabel Vincent, "Jihad Jitters at the Met," *New York Post*, January 10, 2010, http://www.nypost.com/p/news/local/manhattan/jihad_jitters_at_met_76yj3VNUy4hcRAnhOcPCHP. The *New York Times* did not publish anything on the story.

¹⁰⁵ Bloody Borders Project, <http://chromatism.net/bloodyborders/>. See the complaint of Dr. Aaidh al-Qarni, a Saudi

preacher, "The Muslim Ummah is Killing Itself," *Asharq al-Awsat Newspaper*, January 11, 2010, <http://www.aawsat.com/english/news.asp?section=2&id=19475>.

¹⁰⁶ See the case of Pilar Rahola, the Spanish journalist accused of denying the Palestinian genocide in a Spanish court: Marc Tobias, "Judeophobia Explains the Pro-Palestinian Hysteria of the European Left," *Proche-Orient*, October 2, 2002, an interview with Pilar Rahola.

¹⁰⁷ Erik Alterman, "The New Republic: Bad for the Jews," *The Nation*, December 7, 2009, <http://www.thenation.com/doc/20091207/alterman>.

¹⁰⁸ Mark Steyn, "The Hole in the Heart of Our Strategy," *National Review*, November 2, 2009, <http://article.nationalreview.com/print/?q=YjVmN2E4MjQwZTZkMDgyNTZiMTIxNzhjYzcwZTAxNzI=>.

¹⁰⁹ Paul Sperry, *Infiltration* (Nashville, TN: Thomas Nelson, 2005), chapters 15-17; Melanie Phillips, *Londonistan* (New York: Encounter Books, 2006).

¹¹⁰ Raymond Ibrahim, "Fort Hood: A Study in Muslim Doctrine," *Middle East Forum*, November 18, 2009, <http://www.meforum.org/2512/nidal-hasan-fort-hood-muslim-doctrine>. This is a favorite theme of world Jihad organizations like al-Qa'ida: "loyalty to our people and total hostility to those who oppose us."

¹¹¹ Ruth Dudley Edwards, "A Nation in Fear of Being Seen As Anti-Muslim," *Independent*, November 15, 2009, <http://www.independent.ie/opinion/analysis/a-nation-in-fear-of-being-seen-as-antimuslim-1943905.html>; Shannen Rossmiller, "Political Correctness and Fort Hood," *Middle East Forum*, December 15, 2009, <http://www.meforum.org/2533/political-correctness-fort-hood>.

¹¹² Nick Cohen, "It's Little Wonder Moderate Muslims Feel Betrayed," *Guardian*, March 15, 2009, <http://www.guardian.co.uk/commentisfree/2009>

[9/mar/15/islam-britain-jamaat-labour-extremists.](http://www.washingtonpost.com/archive/local/localnews/2009/03/15/localnews/2009-03-15/)

¹¹³ There is already considerable evidence that other countries are targeted in the wake of the report: Daniel Schwammental, "Prosecuting American 'War Crimes'," *Wall Street Journal*, November 26, 2009, <http://online.wsj.com/article/SB10001424052748704013004574519253095440312.html>; Tzvi Ben Gedalyahu, "Turmoil in Canada over Alleged War Crimes in Afghanistan," *Arutz Sheva*, November 23, 2009, <http://www.israelnationalnews.com/News/News.aspx/134566>. Sunera Thobani argues that "Gaza may well be the gateway to anti-imperialist accountability in the 21st century," and that the UK, United States, and Canada are the next targets. See "Gaza and the Path to Accountability," *The Electronic Intifada*, January 5, 2010, <http://electronicintifada.net/v2/article10987.shtml>.

¹¹⁴ Yaakov Katz, "NATO Chief Comes to Consult IDF Tactics," *Jerusalem Post*, November 20, 2009, <http://www.jpost.com/servlet/Satellite?cid=1258624597078&pagename=JPost%2FJPostArticle%2FShowFull>; for a non-ironic, virulently self-critical "take" on this, see, Gilad Atzmon, "Light onto Nations," *Palestine Chronicle*, November 23, 2009, http://www.thecornerreport.com/index.php?title=as_a_light_onto_the_nations&more=1&c=1&tb=1&pb=1.

¹¹⁵ On the al-Durah Affair, see the Investigation at Second Draft, and the extensive coverage at The Augean Stables, <http://www.theaugeanstables.com/al-durah-affair-the-dossier/>.

¹¹⁶ Compare Mohammed Bakri's *Jenin, Jenin*, <http://video.google.com/videoplay?docid=-6006251982389677883>, with Pierre Rehov's, *The Road to Jenin*, <http://www.pierrehov.com/jenin.htm> (which contains interviews with David Zangen whose viewing of Bakri's film prompted him to write "Seven Lies about Jenin," *Maariv*, November 8, 2003, <http://www.imra.org.il/story.php3?id=18817>),

and Martin Himel, "Jenin: Massacring the Truth,"

<http://kitmantv.blogspot.com/2009/08/jenin-massacring-truth.html>.

¹¹⁷ David Littman, "The Genocidal Charter of Hamas," *National Review Online*, September 26, 2002, <http://www.nationalreview.com/comment/comment-littman092602.asp>.

¹¹⁸ Josh Strawn, "How Liberals Arrive at 'We are Hamas'," *Jewcy*, January 8, 2009, http://www.jewcy.com/post/how_liberals_arrive_we_are_hamas. See also multiple references above, note 16.