

# UN Backs Goldstone; Congress Issues Lies

by Michele Steinberg

Nov. 6—Despite the concerted effort by the U.S. House of Representatives to bury the reality that the Israeli Defense Forces committed war crimes in its attack on Gaza in December 2008-January 2009—that resulted in the deaths of some 1,500 civilians, including many children—on Nov. 5, the UN General Assembly adopted the Report of the UN Fact Finding Mission on the Gaza Conflict—the Goldstone Report—by an overwhelming majority of 114 to 18.

Since Oct. 4, when the United States made the stupid blunder of pressuring the UN Human Rights Commission to delay a vote on the report, the Obama Administration has been increasingly isolated, and discredited over its efforts to quash the report, and prevent an investigation of the accusations. The backlash in October was so great against the U.S. and British pressure (mediated through Fabian warmonger, Tony Blair, the “special envoy” of the Quartet), that the decision to delay the vote was revoked, and the Goldstone Report was adopted by the UNCHR, setting the stage for the Nov. 5 General Assembly vote.

The Goldstone Report, more than 500 pages, found that both Israel and Hamas committed war crimes, and called for both the Palestinians and Israelis to conduct war crimes investigations of their own citizens. The significance of the UNGA vote is that the UN Security Council is now required to review the report, and through Secretary-General Ban Ki-moon, to report back to the General Assembly within three months. The resolution requests the Swiss government, as the depository of the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War, to convene a conference of the signers of the Fourth Geneva Convention, to discuss measures to enforce the Convention.

But, instead of acting in defense of international law, the U.S. House of Representatives, on Nov. 3,



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*Justice Richard J. Goldstone, whose report on war crimes in Gaza was overwhelmingly endorsed by the UN General Assembly, exposed the lies about the report perpetrated in a Congressional resolution. Here, he speaks at the National Press Club on Oct. 1.*

went in the opposite direction, with a resolution, “Calling on the President and the Secretary of State to oppose unequivocally any endorsement or further consideration” of the Goldstone Report. Introduced by Ileana Ros-Lehtinen (R-Fla.), H. Res. 867, was such a pack of lies, that sections were denounced even by the right-wing Jewish Telegraphic Agency. Ros-Lehtinen, the author of the resolution, and the most vociferous member of the Likud Party’s Amen chorus on the House Foreign Affairs Committee, was called on the carpet by the Committee, to explain the resolution’s falsehoods, but only after Justice Richard Goldstone confronted the committee, in a lengthy letter (see below), that detailed the grievous inaccuracies and distortions in the resolution.

Goldstone corrects the assertions in no fewer than 12 clauses of the Ros-Lehtinen measure. Defending his report, as he has on dozens of occasions, including in interviews with Jewish media, and in debates with right-wing Israelis, Goldstone wrote, “I have strong reservations about the text of the resolution in question—text that includes serious factual inaccuracies and instances where information and statements are

taken grossly out of context. . . .” His corrections point out just how corrupt, and incompetent our Congress has become.

## End of the Road for Obama?

The House vote—which had massive support from Democrats—is not the cause of the collapse of Barack Obama’s support among the Palestinian people and leadership, but it is a contributing factor. Ten months after the genocidal Gaza War, the U.S. still has done nothing to allow reconstruction to occur; refuses to enter into any discussions with Hamas, which won the last Palestinian national election in 2006; and appears to be unwilling to use the American “power of the purse” to force the Netanyahu government in Israel to *stop the expansion* of Jewish settlements in Palestinian lands—a “freeze” which is *required* by multiple UN Security Council resolutions, the Oslo Treaty, and even the George W. Bush-promoted Road Map.

Now, this failure of the U.S. to break with the British game of perpetual war—as Lyndon LaRouche has warned—threatens to undo the last 20 years of progress towards resolving the Israeli-Palestinian conflict—with Palestinian National Authority President Mahmoud Abbas (Abu Mazen) announcing that he will probably not run for President, if and when, Palestinian elections are held in 2010. Abbas had put his entire credibility on the line in trusting the new Obama Administration to force Israel to end the building of settlements on Palestinian land, and engage in good-faith discussions.

Added to this, was the Nov. 4 press conference by longtime PLO leader Saeb Erekat, who suggested that the entire discussion of a “two-state solution” may now be moot. Erekat, who has been the key negotiator, both for Yasser Arafat, and later for Abbas, said that the U.S. acceptance of Netanyahu’s partial, conditional, temporary settlement freeze is “unacceptable” and “unforgivable.”

Citing statistics on the increase of settlement construction by the Israeli government in Jerusalem, and elsewhere in Palestinian territories, Erekat said that these numbers are destroying the two-state solution. It is now time to face reality and to look for other alternatives, he stated: “The Palestinian people still have choices; there is still the one state to fight for, if the two-state solution” collapses. He added that it is even possible that elections will be cancelled if the Israelis continue to block fair and open voting in Jerusalem, and Hamas blocks the vote in Gaza.

## True American Policy

The U.S. could rescue its honor if it were to back the Goldstone Report at the UN Security Council, and embrace the Oct. 29 Goldstone letter, by not only demanding the investigation of war crimes as detailed in the Report, but also by conducting a U.S. investigation into the process that led to the miscarriage of justice by Congress in the Ros-Lehtinen resolution. That would be true American policy.

But, as Lyndon LaRouche warned on Nov. 7, there is no prospect whatsoever for a genuine Arab-Israeli peace agreement until such time that the British Sykes-Picot “Great Game” factor is eradicated from the region. Breaking with the British policy *is* the true identity of the American Revolution and foreign policy.

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## The Goldstone Letter

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# Congressional Resolution ‘Misleading,’ ‘Inaccurate’

*Here are excerpts from Judge Richard Goldstone’s Oct. 29 letter to Chairman Howard Berman and Ranking Member Ileana Ros-Lehtinen of the House Foreign Affairs Committee (for complete text: <http://blogs.jta.org/politics/article/2009/10/30/1008853/goldstone-v-ros-lehtinen-and-berman>).*

It has come to my attention that a resolution has been introduced in the United States House of Representatives regarding the United Nations Fact Finding Mission on the Gaza Conflict, which I led earlier this year.

I fully respect the right of the US Congress to examine and judge my mission and the resulting report, as well as to make its recommendations to the US Executive branch of government.

However, I have strong reservations about the text of the resolution in question—text that includes serious factual inaccuracies and instances where information and statements are taken grossly out of context. . . .

*Whereas clause #1: Whereas, on January 12, 2009, the United Nations Human Rights Council passed Resolu-*

*tion A/HRC/S-9/L.1, which authorized a “fact-finding mission” regarding Israel’s conduct of Operation Cast Lead against violent militants in the Gaza Strip between December 27, 2008, and January 18, 2009;*

This whereas clause ignores the fact that I and others refused this original mandate, precisely because it only called for an investigation into violations committed by Israel. The mandate given to and accepted by me and under which we worked and reported reads as follows:

“...to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after.”

*Whereas clause #2: Whereas the resolution pre-judged the outcome of its investigation, by onesidedly mandating the “fact-finding mission” to “investigate all violations of international human rights law and International Humanitarian Law by ... Israel, against the Palestinian people ... particularly in the occupied Gaza Strip, due to the current aggression.”*

This whereas clause ignores the fact that the expanded mandate that I demanded and received clearly included rocket and mortar attacks on Israel and as the report makes clear was so interpreted and implemented. It was the report carried out under this broadened mandate—not the original, rejected mandate—that was adopted by the Human Rights Council and that included the serious findings made against Hamas and other militant Palestinian groups.

*Whereas clause #3: Whereas the mandate of the “fact-finding mission” makes no mention of the relentless rocket and mortar attacks, which numbered in the thousands and spanned a period of eight years, by Hamas and other violent militant groups in Gaza against civilian targets in Israel, that necessitated Israel’s defensive measures;*

This whereas clause is factually incorrect. As noted above, the expanded mandate clearly included the rocket and mortar attacks. . . . The resulting finding made in the report is that these attacks constituted serious war crimes and possibly crimes against humanity. . . .

*Whereas clause #8: Whereas the report repeatedly*

*made sweeping and unsubstantiated determinations that the Israeli military had deliberately attacked civilians during Operation Cast Lead;*

This whereas clause is factually incorrect. The findings included in the report are neither “sweeping nor unsubstantiated,” and in effect reflect 188 individual interviews, review of more than 300 reports, 30 videos and 1200 photographs. Additionally, the body of the report contains a plethora of references to the information upon which the Commission relied for our findings.

*Whereas clause #10: Whereas in the October 16th edition of the Jewish daily Forward, Richard Goldstone, the head of the “United Nations Fact Finding Mission on the Gaza Conflict,” is quoted as saying, with respect to the mission’s evidence-collection methods, “If this was a court of law, there would have been nothing proven.”*

The remark as quoted is both inaccurate and taken completely out of context. What I had explained to *The Forward* was that the Report itself would not constitute evidence admissible in court of law. It is my view, as jurist, that investigators would have to investigate which allegations they considered relevant. That, too, was why we recommended domestic investigations into the allegations.

*Whereas clause #11: Whereas the report, in effect, denied the State of Israel the right to self-defense, and never noted the fact that Israel had the right to defend its citizens from the repeated violent attacks committed against civilian targets in southern Israel by Hamas and other Foreign Terrorist Organizations operating from Gaza;*

It is factually incorrect to state that the Report denied Israel the right of self-defense. The report examined how that right was implemented by the standards of international law. What is commonly called *ius ad bellum*, the right to use military force, was not considered to fall within our mandate. Israel’s right to use military force was not questioned.

*Whereas clause #12: Whereas the report largely ignored the culpability of the Government of Iran and the Government of Syria, both of whom sponsor Hamas and other Foreign Terrorist Organizations;*

This whereas clause is misleading. Nowhere that I

know of has it ever been suggested that the Mission should have investigated the provenance of the rockets. Such an investigation was never on the agenda, and in any event, we would not have had the facilities or capability of investigating these allegations. If the Government of Israel has requested us to investigate that issue I have no doubt that we would have done our best to do so.

*Whereas clause #14: Whereas, notwithstanding a great body of evidence that Hamas and other violent Islamist groups committed war crimes by using civilians and civilian institutions, such as mosques, schools, and hospitals, as shields, the report repeatedly downplayed or cast doubt upon that claim;*

This is a sweeping and unfair characterization of the Report. I hope that the Report will be read by those tasked with considering the resolution.

I note that the House resolution fails to mention that notwithstanding my repeated personal pleas to the Government of Israel, Israel refused all cooperation with the Mission. Among other things, I requested the views of Israel with regard to the implementation of the mandate and details of any issues that the Government of Israel might wish us to investigate.

This refusal meant that Israel did not offer any information or evidence it may have collected regarding actions by Hamas or other Palestinian groups in Gaza. Any omission of such information and evidence in the report is regrettable, but is the result of Israel’s decision not to cooperate with the Fact-Finding mission, not a decision by the mission to downplay or cast doubt on such information and evidence.

*Whereas clause #16: Whereas Hamas was able to significantly shape the findings of the investigation mission’s report by selecting and prescreening some of the witnesses and intimidating others, as the report acknowledges when it notes that ‘those interviewed in Gaza appeared reluctant to speak about the presence of or conduct of hostilities by the Palestinian armed groups ... from a fear of reprisals’;*

The allegation that Hamas was able to shape the findings of my report or that it pre-screened the witnesses is devoid of truth. I challenge anyone to produce evidence in support of it.

Sincerely,  
Justice Richard J. Goldstone