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Israel's Ravagement of Gaza

UN Human Rights Council—Report of Independent Commission

by NORMAN POLLACK

June 24, 2015

Gaza 2014, a scene of unsurpassed brutality indicting Israel as a war-criminal nation nonpareil, though here, in the Report, pursuant to HRC resolution S-21/S, this is only hinted at despite the overwhelming evidence presented of systematic destruction, wanton murder of civilians, indiscriminate policies aimed at terrorizing a whole people into submission. Yes, Palestinians, too, come in for criticism—the tunnels, mortar firings, border raids—in a tactful show of impartiality, but the actuality of a disproportion in the conduct of operations in which the Israeli Defense Forces were merciless in acting out a scorched-earth militaristic paradigm (far beyond anything Hamas could even have tried, if in fact it were so inclined) is enough of an indelible moral stain as to warrant Israel's increasingly pariah status in world opinion. The accommodative—indeed, celebratory—response of global Jewry to Israel's behavior transmogrifies the very identity and historical significance of a religion whose tradition aligned it with radicalism, humane learning and practice, labor rights, respect for all humankind (including in America, as a fading memory now, fighting in the trenches in civil rights and antiwar activity).

The Report is unusually comprehensive, one reason Israel (which did not allow the Commission into its country or the Occupied Territories, illustrating its contempt for the UN virtually since day one) jumped the gun and published a response before the Report was issued. Cocksure,

Israel answers to no-one and acts accordingly. Hence, pummeling with impunity a largely helpless populace, rendered still weaker by an encompassing blockade. Given Israel's refusal to let the Commission into Gaza, we will never know the full cost of the destruction, especially from interviews and the taking of personal testimony. Yet a surprising amount of information has nevertheless come out, including that from the Office of the UN High Commissioner for Human Rights ((OHCHR), various UN agencies (as when their schools, crowded with Palestinians seeking refuge, were deliberately targeted), and NGOs on the ground.

In stating the legal framework, i.e., accountability of the parties, according to international humanitarian law and international human rights law, the Report outlines three principles, violation of which should be presumptive evidence of war crimes (the Report reticent to a fault, does not make the judgment), in each case of which we see why Israel is so uncooperative—to the point of having precious few internal proceedings leading to conviction, and even then, not above the foot-soldiers' level, for such crimes. The principles are plainly put:

“Firstly, the principle of distinction requires that parties to a conflict distinguish between civilians and civilian objects on one hand and combatants and military objectives on the other. Attacks may only be directed against the latter. Secondly, the principle of proportionality prohibits attacks that are expected to cause incidental loss of life or injury to civilians or damage to civilian objects, which would be excessive in relation to the concrete and direct military advantage anticipated. Thirdly, the principle of precautions in attack requires all parties to take all feasible measures to avoid and in any event to minimize incidental loss of civilian life, injury to civilians and damage to civilian objects.”

Distinction, proportionality, precautions: let's get right down to it. Figures don't lie; exact numbers since derived from different sources may be a bit off, but the disproportion is self-evident. Thus the Report states: In Gaza “the scale of devastation was unprecedented. The death toll alone speaks volumes: 2,251 Palestinians were killed, including 1,462 Palestinian civilians, of whom 299 women and 551 children, and 11,231 Palestinians, including 3,540 women and 3,436 children, were injured, of whom 10 per cent suffered permanent disability as a result.” In contrast, “the death of six civilians in Israel and 67 soldiers and the injury of up to 1,600 others were also the tragic result of the hostilities.” Israel pointed to rockets and mortars “amounting to almost \$25 million” in damages and psychological damage to its citizens because of the existence of the tunnels. The context is rather harsher in Gaza: “In Gaza, as Palestinians struggled to find ways to save their own lives and those of their families, they were confronted with intense attacks, with no way of knowing which locations would be hit and which might be considered safe. People began to move from one place to another, only to encounter attacks in the new neighborhood, and they would have to move on. Closed into the [Gaza] Strip, with no possibility to exit, at times, 44 per cent of Gaza was either a no-go area or the object of evacuation warnings. These terrifying circumstances created a sense of entrapment, of having ‘no safe place’ to go.” Disproportion?

Israelis could whine, as they meanwhile pulverized the Gazans, because to them a Palestinian life was of little value; the death of an IDF soldier would result in massive killings, often sadistic in the pain inflicted. The Report goes on: “Alongside the toll on civilian lives, there was enormous destruction of civilian infrastructure in Gaza: 18,000 housing units were destroyed in whole or in

part, much of the electricity network and of the water and sanitation infrastructure were incapacitated, and 73 medical facilities and many ambulances were damaged.” Not in the Report (a serious omission) is the deliberateness of these attacks, requiring pinpoint accuracy, and we learned at the time that hospitals were overcrowded, the injured filling hallways, those on operating tables—when the electricity went out—made to suffer and die. The water-treatment plants were a favorite target as well.

The report continues: “Many Palestinians were uprooted from their homes or temporary shelters multiple times; at the height of the hostilities, the number of internally displaced persons reached 500,000, or 28 per cent of the population. The effects of this devastation had a severe impact on the human rights of Palestinians in Gaza and will do so for generations to come.” “The West Bank,” it adds, “including East Jerusalem, witnessed a period of heightened tensions and widespread human rights violations, including the fundamental right to life,” but largely unnoticed given the events in Gaza. Too, the hostilities in Gaza “cannot be assessed separately from the blockade imposed by Israel.” The further one probes the more one-sided the contest, although the Report refrains from such comments, at least in so many words: “The blockade and the military operation have led to a protection crisis and chronic, widespread and systematic violations of human rights, first and foremost the rights to life and security, but also to health, housing, education and many others.” The “protection crisis,” I surmise, refers to the failure of Israel to protect these rights “in accordance with international human rights law,” i.e., Israel’s obligation, as in the case of any occupying power, to “take concrete steps towards their full realization.”

Children on both sides “were savagely affected by the events”; however, the Gazan case seems worse off. The UN Children’s Fund reveals that in Gaza “more than 1,500 children were orphaned.” Next, the Report “focuses on areas that reflect new patterns, notably attacks by Israel on residential buildings resulting in the death of entire families; Israel’s ground operations, which leveled urban neighborhoods; and violations by Palestinian armed groups and authorities in Gaza, including their reliance on attack tunnels.” “New patterns,” the old being sufficiently disheartening as not to be worthy of comment: “Other incidents—namely attacks by Israel on United Nations shelters, medical facilities, ambulances, and other critical infrastructure—are considered less thoroughly, because these patterns have been a recurring reality in this and prior conflicts.” Wow, what a record: same old, same old stunning violations of human rights. Meanwhile, as for Palestinians, there were several mortar hits on kibbutzim. IDF also discovered “32 tunnels, 14 of which extended beyond the Green Line into Israel.” I do not apologize for Palestinian actions; children were killed, rockets promiscuously fired (unlike the Israelis, no guidance systems), but again the disproportion, as when the Report notes: “During the 51-day operation, the Israel Defense Forces carried out more than 6,000 airstrikes in Gaza, many of which hit residential buildings.” The details are grisly (no compassion, apologies, only more unrelenting attacks expressed by Israel), as here: “...at least 142 Palestinian families had three or more members killed in the same incident, amounting to a total of 742 fatalities.” Tawfik Abu Jama, a Gazan father of eight, recalled: “I was sitting with my family at the table, ready to break the fast. Suddenly we were sucked into the ground. Later that evening, I woke up in the hospital and was told my wife and children had died.”

Israel denounces the Report before its release and brazenly prides itself on the commission of mass civilian deaths (one recalls the citizens of Siderot sitting on the hillside cheering the explosions as they struck Gaza, munchies in hand, couches dragged out for comfort—a searing image of moral depravity). Airstrikes, just the thing to measure national virility: “The commission investigated 15 cases of strikes on residential buildings across Gaza, in which a total of 216 people were killed, including 115 children and 50 women.” The Commission found that in all cases “precision-guided weapons were used,” a finding “corroborated by satellite imagery analysis,” and “many of the incidents took place in the evening or at dawn, when families gathered for iftar and suhkur, the Ramadan meals, or at night, when people were asleep.” The Report states the obvious: “The timing of the attacks increased the likelihood that many people, often entire families, would be at home. Attacking residential buildings rendered women particularly vulnerable to death and injury.” Even the Report has to recur to one of its principles: “With regard to proportionality, given the circumstances, a reasonable commander would have been aware that these attacks would be likely to result in a large number of civilian casualties and the complete or partial destruction of the building.” Why else the attack?

One point emphasized is that knowing the damage inflicted and loss of life by the airstrikes, why did not these attacks come under closer scrutiny, questioned, halted? The Report continues: “Furthermore, the large number of targeted attacks against residential buildings and the fact that such attacks continued throughout the operation, even after the dire impact of these attacks on civilians and civilian objects became apparent, raise concern that the strikes may have constituted military tactics reflective of a broader policy, approved at least tacitly by decision-makers at the highest levels of the Government of Israel.” It’s about time the Report stepped outside its comfort zone of caution: residential airstrikes as military policy sanctioned at the highest levels.

Ground operations were equally murderous, especially in Shuja’iya; in the three neighborhoods studied a pattern was seen, “large areas of which were leveled to the ground.” I’m sorry, I haven’t the heart for the coverage of more atrocities, this section speaking, as the boldface heading makes clear, of “Use of artillery and other explosive weapons in densely populated areas.” There is in fact much more (the Report should be required reading, I devoutly wish, for all Israelis, not that I think it will change minds), but let me close with the testimony of Talel Al Helo from Shuja’iya: “I am not a fighter, I am a civilian and I care about the well-being of my family. The attacks were everywhere. Everything was coming under attack, the roads and the buildings; there was no safe haven in Shuja’iya. We walked as the missiles kept arriving. We saw bodies of people in the streets. We came across the body of an acquaintance and several other bodies, of young and old people, women and children.”

Today (June 22) Jodi Rudoren’s article in the New York Times, “U.N. Report on Gaza Finds Evidence of War Crimes by Israel and by Palestinian Militants,” appeared, its title—and contents—suggesting equal culpability and destruction. This blatant distortion of the Report and the underlying reality of the Gaza attack prompted my critical detailed Comment in The Times, which was published as number five and then subsequently removed. I protested in an email to the public editor, likely to no avail. So much for NYT’s devotion to honest journalism.