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[Can U.S. Citizens End Israel's Legal Impunity?](#)

The great wish of the early Zionist leader Theodor Herzl was that Israel would be treated like “any other state.” Were that the case, there might be more rational and productive discourse regarding the Israeli-Palestinian conflict, which is particularly critical in light of Israel launching yet another devastating attack against civilian-populated areas of nearby Arab lands.

There are certainly those who do unfairly single out Israel, the world’s only predominantly Jewish state, for criticism. There is a tendency by some to minimize Israel’s legitimate security concerns and place inordinate attention on the Israeli government’s transgressions, relative to other governments that abuse human rights. There are also those who, in light of the five-year siege of the Gaza Strip and the enormous suffering of the Palestinian people, try to rationalize terrorism and other crimes by Hamas, the reactionary Islamist group currently in control there.

What we are witnessing from the Obama administration, however—as Hamas rains rockets into Israel and Israel rains bombs, missiles, and mortars into the crowded and besieged Gaza Strip—is the similarly unfair phenomenon of exempting Israel from criticism. While most of the international community has criticized both Hamas and Israel for their attacks on areas populated by civilians, the Obama administration has restricted its condemnation to the Palestinian side.

U.S. ambassador to the United Nations Susan Rice—widely considered to be the president’s first choice to succeed Hillary Clinton as Secretary of State—correctly noted that there is “no justification for the violence that Hamas and other terrorist organizations are employing against the people of Israel.” However, she had absolutely no criticism of Israel’s far more devastating attacks against the people of the Gaza Strip, simply saying that “Israel, like any nation, has the right to defend itself against such vicious attacks.”

The real issue, however, is not Israel’s right to self-defense but its attacks on crowded residential neighborhoods, which as of Tuesday had killed more than 70 civilians (as compared with three Israeli civilians killed by Hamas rockets). The Obama administration’s position is ironic given that, while both sides share the blame for the tragedy, it appears that it is Israel which has been primarily responsible for breaking the recent fragile ceasefires, through acts such as its assassination of a leading Hamas official and attacks that killed a number of boys playing soccer.

In the face of growing calls from throughout the world for both sides to de-escalate the violence, the White House said on Saturday that it would leave it to Israel to decide whether it is appropriate to launch a ground invasion. Similarly, in response to the outcry at the growing number of civilian casualties from the Israeli bombardment of civilian areas of the Gaza Strip, Obama's Deputy National Security Adviser Ben Rhodes insisted, “The Israelis are going to make decisions about their own military tactics and operations.”

Late last week, both the U.S. Senate and House passed, by unanimous voice votes, resolutions defending Israel's ongoing war on the Gaza Strip. Unlike some of the statements from the Obama administration supporting the

Israel's attacks, these resolutions failed to call on both sides to exercise restraint or to express any regret at the resulting casualties.

History repeats

This position is not a new one among U.S. elected officials. Back in February 2009, following the devastating three-week war between Israeli and Hamas forces—named “Operation Cast Lead” by the Israelis—in which three Israeli civilians and more than 800 Palestinian civilians were killed, Amnesty International called for an international arms embargo on both Israel and Hamas to prevent the kind of tragic attacks on civilians in which both sides are currently engaging. President Barack Obama, who had just taken office, categorically rejected Amnesty's proposal, and instead increased U.S. military aid to Israel to record levels.

Israel was no doubt emboldened in launching its current offensive as a result of the strong support it received from the United States during that time. For example, the U.S. House of Representatives—in a direct challenge to the credibility of Amnesty International, Human Rights Watch, the International Red Cross, and other reputable humanitarian organizations—passed a resolution in January of 2009 declaring that the Israeli armed forces bore no responsibility for the large numbers of civilian casualties from their assault on the Gaza Strip.

The resolution put forward a disturbing interpretation of international humanitarian law: that, by allegedly breaking the cease-fire, Hamas was responsible for all subsequent deaths, and that the presence of Hamas officials or militia members in mosques, hospitals, or residential areas made those locations legitimate targets.

Human rights reports condemned

Unusual interpretations of international law have long played a role in the special treatment Israel receives from the United States. In the fall of 2009, when a blue-ribbon panel of prominent international jurists—veterans of human rights investigations in Sudan, Rwanda, and the former Yugoslavia—led a meticulously detailed U.N.-sponsored investigation that confirmed previous human rights reports by documenting possible war crimes on both sides, Congress passed another lopsided bipartisan resolution condemning the investigation for failing to absolve Israel of any responsibility. The Obama administration succeeded in blocking the United Nations from acting on the report's recommendations that both sides be investigated for possible war crimes.

The human rights investigations from 2009 and earlier examined Israeli claims that Hamas' alleged use of “human shields” was responsible for the large number of civilian casualties. While these probes criticized Hamas for at times having men and materiel too close to civilian-populated areas, they were unable to find even one incident of Hamas deliberately holding civilians against their will in an effort to deter Israeli attacks.

The Obama administration and Congressional leaders, however, insisted that they knew more about what happened inside the Gaza Strip than these on-the-ground investigations by expert human rights monitors and respected international jurists. As a renewed round of attacks is unleashed upon this small and heavily populated Palestinian enclave, they are now making similar claims to justify the ongoing Israeli attacks on civilian population centers.

As Amnesty and other human rights groups have observed, however, even if Hamas were using human shields, it would still not justify Israel killing Palestinian civilians.

The United States has not been hesitant to criticize Russia in its attacks on Chechnya and Georgia, or Syria in its more recent attacks against its own people. Yet both Congress and the administration seem willing to bend over backwards to rationalize for Israel when it attacks civilians.

The administration's criticism of Hamas rocket attacks would also have more credibility if they didn't also oppose nonviolent means of challenging the siege of Gaza and the occupation and colonization of West Bank

lands, such as boycotts and divestment against companies supporting the occupation, UN recognition of Palestinian statehood, humanitarian aid flotillas to Gaza, and targeted sanctions against Israeli violations of international humanitarian law

Fair application of universal principles

While the Israeli-Palestinian conflict certainly has unique aspects, it is critical for those supportive of peace and human rights to underscore universal principles, such as those enshrined in international humanitarian law.

The fact that Israel is perceived as an important strategic ally of the United States does not mean we should ignore its violations of well-established legal norms any more than those committed by a perceived adversary like Hamas. Those of us in the peace movement should challenge elected officials who currently support unconditional U.S. military aid to the Israeli government and rationalize its attacks on civilians just as vigorously as we did those who in earlier years supported unconditional U.S. military aid to El Salvador, Indonesia, and other repressive Cold War allies of the United States.

And while it is important to recognize the special sensitivity some people have regarding the subject of Israel, this should not deter those who care about human rights from speaking out. Indeed, even putting aside the important moral and legal critiques of Israel's current offensive against the Gaza Strip and the ongoing siege of the crowded enclave, such policies ultimately harm Israel by encouraging extremism among Palestinians struggling for the right of national self-determination.

It is also important to recognize that, while both sides have committed great wrongs against the other's people, there exists a gross asymmetry in power. Israel—the occupying power, which possesses by far the strongest military in the region, one of the world's higher standards of living, and the backing of the world's one remaining superpower—has a huge advantage over the impoverished Gaza Strip, with its weak and isolated Hamas government struggling under a five-year air, land, and sea blockade, and without an air force, navy, or standing army.

Fortunately, thousands of Israelis have taken to the streets in protest of their government's attacks on the Gaza Strip. Israeli peace and human rights activists have called on the Obama administration to end its support for Netanyahu's militarism. As citizens of the country that has provided Israel with the military, financial, and diplomatic support that has made the renewed killing possible, those of us in the United States have a special obligation to challenge the administration and Congress to end its unconscionable support for the ongoing destruction.

As we would such policies toward any other state.

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