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## [Gaza and the Bipartisan War on Human Rights](#)

During and after Israel's war on Gaza, bipartisan congressional majorities have worked to undermine war crimes investigations by the United Nations and human rights groups.

Israel's seven weeks of attacks this summer on heavily populated civilian neighborhoods in Gaza has led to unprecedented concern among Americans who, while still broadly supportive of Israel, found the attacks to be [disproportionate and unnecessary](#).

Close to [1,500 Palestinian civilians](#) in Gaza were killed in the Israeli attacks—more of 500 of whom were children—and 18,000 homes were destroyed, leaving over 100,000 people homeless. Despite this devastating civilian toll, leading Democrats in Washington have joined Republicans in claiming that Israel's actions were legitimate acts of self-defense against military targets, dismissing reports by reputable Israeli and international human rights groups saying otherwise.

In July and August, the two houses of Congress passed four resolutions and forwarded a series of letters providing unqualified backing for the massive Israeli air and ground assault, echoing the Israeli government's justifications for the war and directly contradicting findings by United Nations officials on the ground, as well as investigations by both Israeli and international human rights groups.

What is particularly shocking is not just the vehemence with which the vast majority of congresspersons so enthusiastically supported a military operation condemned by most of the international community, but that they went on record making demonstrably false accusations despite being repeatedly confronted with evidence directly contradicting their claims.

The resolutions and letters seem to assume that while Hamas was guilty of terrorism in the deaths of the five civilians killed by Hamas rockets inside Israel, the Israeli government bore absolutely no responsibility for the deaths of nearly 1,500 Palestinian civilians killed by Israeli ordnance inside the Gaza Strip. Indeed, members of Congress have repeatedly asserted that the Palestinian side was somehow responsible for the deaths of its own people at Israel's hands.

On July 25, Amnesty International [reported](#) that "Israeli forces have carried out attacks that have killed hundreds of civilians, using precision weaponry such as drone-fired missiles, as well as munitions such as artillery, which cannot be precisely targeted, on very densely populated residential areas." Israeli forces "directly attacked thousands of homes," including high-rise apartment blocks, killing whole families. Observing that civilians in the Gaza Strip had "nowhere to escape military operations by Israeli forces," Amnesty provided ample evidence that Israeli forces were engaging in "indiscriminate attacks on urban areas using artillery and bombs." In a particularly serious breach of international law, Amnesty further [reported](#) that "ambulances and medical personnel on their way to collect the wounded appear to have been deliberately targeted on several occasions, and hospitals have been destroyed by shelling from tanks and missiles."

The congressional reaction to reports like Amnesty International's was swift.

On July 29, the U.S. House of Representatives, with more than [100 co-sponsors](#) from both parties, passed [a resolution](#) by unanimous consent insisting that the Israeli attacks were exclusively “focused on terrorist targets” and that Israel “goes to extraordinary lengths to target only terrorist actors.” Co-sponsors included such prominent Democrats as Alan Grayson (FL), Jared Polis (CO), Eric Swalwell (CA), Richard Neal (MA), Joseph Kennedy (MA), Tulsi Gabbard (HI), Jan Schakowsky (IL), Brad Sherman (CA), Elliot Engel (NY), and Debbie Wasserman-Schulz (FL). Two days later, Senate majority leader Harry Reid introduced [a resolution](#), also pushed through by unanimous consent, claiming that “the Government of Israel has taken significant steps to protect civilians in Gaza” and that “Israel’s attacks have focused on terrorist targets.”

These were just two in a series of similar bipartisan resolutions and public letters that went through Capitol Hill as part of a concerted campaign to discredit human rights groups, journalists, medical workers, UN officials, and any other eyewitness who discredited the Israeli government’s talking points.

Amnesty International certainly wasn’t alone in implicating Israeli forces in war crimes. [Human Rights Watch](#) cited evidence of Israel “blatantly violating the laws of war designed to spare civilians,” including by attacking heavily populated neighborhoods, bombing UN-run schools, and shooting at fleeing civilians. The Israeli human rights organization [B’Tselem](#) challenged its government’s claims that it had “no intention of harming civilians,” noting that “after more than three weeks of lethal bombardments by Israel in the Gaza Strip which have killed hundreds of civilians and wiped out dozens of families, this claim has become meaningless.” [UN officials](#) also charged Israeli forces with engaging in serious violations of international law following a series of attacks against UN schools where Palestinians were seeking refuge, prompting a [bipartisan letter](#) signed by 149 House members to the UN secretary general insisting that “Israel practices the greatest caution trying to prevent civilian casualties.”

These human rights groups and UN officials also strongly denounced Palestinian militants for firing rockets into civilian areas in Israel and for keeping armaments and soldiers in close proximity to civilian areas in Gaza, as well as for their refusal to accept several ceasefire proposals that could have ended the carnage earlier. Congress had no problem with that. By contrast, since Israel is considered an important strategic ally of the United States and a lucrative market for U.S. arms manufacturers, both major political parties made it a priority to lie and cover up for Israel’s war crimes, effectively insisting that Amnesty International, Human Rights Watch, B’Tselem, and the United Nations were simply wrong and that they—from the comfort of their air-conditioned offices in Washington, DC—somehow knew better.

### **The Human Shields Myth**

The Israeli government has repeatedly claimed that the large number of civilians killed by its forces were a result of Hamas using “human shields,” defined under international law as “Utilizing the presence of a civilian or other protected person to render certain points, areas, or military forces immune from military operation.”

No eyewitnesses in the Gaza Strip during the war found any evidence of this, however. For example, in late July, [New York Times](#) reporters in Gaza noted, “There is no evidence that Hamas and other militants force civilians to stay in areas that are under attack.” Likewise, Jeremy Bowen of the BBC that he saw “no evidence” for “Israel’s accusation that Hamas uses Palestinians as human shields.” According to reporters from [The Independent](#) and [The Guardian](#), it was a “myth” that Hamas forced civilians to stay in their neighborhoods during Israeli attacks. Contrary to accusations by members of Congress, the Gazans who failed to heed Israeli warnings to evacuate did so because areas Israel had declared safe were being attacked as well.

Similarly, on July 25, [Amnesty International](#) noted that it had no evidence “that Palestinian civilians have been intentionally used by Hamas or Palestinian armed groups during the current hostilities to ‘shield’ specific

locations or military personnel or equipment from Israeli attacks.” Preliminary investigations by the United Nations, Human Rights Watch, and other groups—while noting that Hamas had illegally engaged in hostilities in close proximity to populated areas and had stored weaponry in unoccupied homes and schools—found no evidence that Hamas had actually engaged in actions that met the widely accepted legal definition of using human shields.

Again, the response in Congress was swift: In less than a week, Senate Majority Leader Harry Reid (D-NV) pushed through [a Senate resolution](#) claiming that “Hamas intentionally uses civilians as human shields” and condemning the United Nations Human Rights Council for not saying so. Similarly, Senator Barbara Boxer (D-CA)—who serves, ironically, as chair of the Senate Foreign Relations subcommittee focusing on human rights—[drafted a letter](#) to the UN High Commissioner for Human Rights insisting that “Hamas is using Palestinian men, women, and children as human shields to deter Israeli attacks.” When I contacted them, neither senator’s office was able to provide any evidence backing their claims, nor did they explain how they were able to somehow locate information that journalists, UN officials, and human rights monitors in Gaza were unable to find.

A [House resolution](#) went one step further, claiming that Hamas had “encouraged Palestinians to gather on the roofs of their homes to act as human shields.” Without any regard for the evidence, the resolution—also adopted by unanimous consent—put the House on record calling on “the international community to recognize and condemn Hamas’ breaches of international law through the use of human shields.” [A letter](#) signed by 149 members even insisted, in reference to rockets targeting Israel (and without any supporting evidence), that Hamas “publicly declares it the duty of every Palestinian to put his or her life on the line to protect them.”

Protocol I of the Fourth Geneva Convention makes it clear that even if one party to a conflict is in fact shielding itself behind civilians, such a violation “shall not release the [other] Parties to the conflict from their legal obligations with respect to the civilian population and civilians.” In other words, even if Hamas actually had used civilians as shields, it would still have been a war crime for Israel to kill them. To use a domestic example: if bank robbers were holding tellers and customers hostage while shooting at the police, the police could not get away with killing the hostages along with the criminals. Indeed, the implications of such broad bipartisan support in Congress for such a concept are chilling, given that this rationale could be replicated by law enforcement officials here in the United States—particularly given the [militarization](#) of [local police forces](#) in the name of fighting terrorism.

There is little question that these broadly supported bipartisan efforts were designed not just to defend Israel’s war on Gaza, but to discredit empirical investigations by human rights organizations overall. For example, one of the [House resolutions](#) passed this summer—in addition to making unsubstantiated claims about Hamas—also claimed that “throughout the summer of 2006 conflict between the State of Israel and the terrorist organization Hezbollah, Hezbollah forces utilized human shields in violation of international humanitarian law.”

In reality, empirical investigations during and following the conflict by several reputable investigative bodies found absolutely no evidence supporting this charge. A detailed [study](#) by Human Rights Watch published at the end of the fighting in Lebanon found “no cases in which Hezbollah deliberately used civilians as shields to protect them from retaliatory IDF attack.” Similarly, Amnesty International, in a well-documented [report](#) of its own, observed that “While the presence of Hizbullah’s fighters and short-range weapons within civilian areas is not contested, this in itself is not conclusive evidence of intent to use civilians as ‘human shields’, any more than the presence of Israeli soldiers in a kibbutz is in itself evidence of the same war crime.” In addition, Amnesty reported that while Hezbollah did store weapons and fire from civilian areas, it was only long after most of the civilian population had been evacuated. Subsequent reports for the [U.S. Army War College](#) and

elsewhere also failed to find any evidence for the charge, which was nonetheless repeated by the House resolution years later.

In apparent anticipation of the [U.S. bombing in Syria and Iraq](#), which would commence soon thereafter, the bipartisan House majority also went on record saying that Islamic State forces “typically use innocent civilians as human shields.” Following the logic from this and other resolutions supporting Israel’s attacks on Palestinian civilians in Gaza, this appears to have been a preemptive effort to exempt U.S. forces from any moral or legal culpability for the deaths of Syrian and Iraqi civilians caused by the imminent bombing of urban areas in those countries as well.

### **Attacks on the United Nations**

Attacking the United Nations used to be the reserve of right-wing Republicans. Under the current congressional leadership, however, it has become a bipartisan affair, at least when concerns are raised about war crimes by a right-wing ally of the United States.

A particular target of the bipartisan attacks was [UN Secretary General Ban Ki-moon](#), who on July 20 condemned Israel’s devastating bombing and shelling of the Shijaiyah neighborhood in Gaza—which resulted in scores of civilian casualties, including journalists and health care workers—as “atrocious.” In response, Senators Ben Cardin (D-MD) and [Kelly Ayotte](#) (R-NH) drafted a [strongly worded letter](#), signed by a bipartisan group of colleagues, insisting that the Shijaiyah massacre was a “measured response of a nation-state trying to defend its citizens” and that Israel was actually “undertaking extraordinary efforts to avoid civilian casualties while Hamas cynically uses other Palestinians as human shields.” The letter went on to claim that Ban’s expression of concern about civilian deaths “undercuts the legitimate right of nation-states to defend their citizens.”

Another UN official targeted by Capitol Hill was Navi Pillay, the [highly regarded](#) UN High Commissioner for Human Rights who [criticized Israeli forces](#) for their “disregard for international humanitarian law and for the right to life.” Senator Boxer, along with 34 other senators, [accused Pillay](#) and the United Nations of having a “clearly political and biased agenda,” despite the fact that Pillay had made [similar accusations against Hamas](#) for failing to distinguish between civilian and military targets. During her tenure at the United Nations, Pillay had also roundly condemned war crimes and other human rights abuses by North Korea, Syria, Sudan, Sri Lanka, and other countries, raising no objections from Congress. According to 35 senators, however, the objections raised by Pillay and other UN officials were not due to evidence that Israel had also committed war crimes, but to the UN’s supposed opposition to “The fact that Israel has effective defenses against the rockets aimed at its citizens.”

Another target of congressional wrath has been the United Nations Refugee and Works Agency (UNRWA), the relief and development agency that provides education, health care, social services, and other assistance for Palestinian refugees in the Gaza Strip and elsewhere in the Middle East. UNRWA Commissioner General Pierre Krahenbuhl has repeatedly condemned Hamas for a number of illegal activities, including storing weapons in two unoccupied UN schools, and [called for](#) an end to the indiscriminate rocket fire from Gaza aimed at Israel. But when Krahenbuhl also [noted](#) that Israeli forces were acting “contrary to international humanitarian law” in [attacking UN schools](#) housing refugees, Senators Ben Cardin (D-MD) and [Mark Kirk](#) (R-IL) co-authored a bipartisan [letter](#) to Secretary of State John Kerry calling for an investigation into the allegedly “one-sided statements from UNRWA leadership that unjustly condemn Israel.” The six Israeli attacks on UNRWA schools—which killed 46 civilians, including 10 UN staff members—took place after UNRWA officials notified the Israelis of their exact locations and the absence of any Hamas military equipment or activity.

The primary target of Congress was the United Nations Human Rights Council (UNHRC), which had been praised by many in Congress only months earlier for its efforts to expose war crimes by the Assad regime in Syria. The UNHRC found itself the target of bipartisan wrath when it voted to establish [a commission of inquiry](#) looking into “all violations of international humanitarian law and international human rights law” in the hostilities in Gaza. The United States was the only one of the UNHRC’s 47 members to vote against establishing the commission.

While unfortunately only mentioning Israel by name in establishing the commission, the language of [the resolution](#) condemned “all violence against civilians wherever it occurred,” explicitly including the killing of Israeli civilians as a result of Hamas rocket fire. Commission chair William Schabas, a respected Canadian human rights lawyer, noted that the mandate is “clear that violations of international humanitarian law by all participants in the conflict would be covered.” Similarly, [Pillay noted](#) that “resolution S-21/1 of the Human Rights Council mandates the independent, international commission of inquiry to investigate all violations of international humanitarian law and international human rights law.” She added that there was “increasing evidence of incidents that may constitute war crimes on both sides.”

In response to the establishment of the commission, nearly 150 members of the House signed a July 25 [letter](#) to Pillay protesting the UNHRC’s decision “to unjustly probe alleged war crimes” by a nation simply “defending its citizens from rocket attacks and terror tunnels” while failing to condemn Hamas’ fictitious “continuing use of human shields.” Similarly, the July 31 Senate [letter](#) to Ban denounced the UNHRC for investigating possible Israeli war crimes, insisting that Israel has “worked assiduously to minimize civilian casualties” and claiming that the UN had allegedly “turned a blind eye to Hamas’ brazen and depraved use of civilians as human shields.”

The full chambers of both the [House](#) and [Senate](#) went on record condemning the UN investigation as well, with Democratic leader Reid, on the Senate floor, [declaring](#) he was “disgusted” that the UNHRC would adopt a resolution “accusing Israel of human rights violations in the ongoing Gaza conflict,” calling such accusations “anti-Israel.” The desperation with which both political parties in Congress have rushed to block a UN inquiry exemplifies their determination to minimize the availability of data that would expose how their previous resolutions and letters were essentially efforts to hide the truth.

## **Terror Tunnels and Other Lies**

Other mistruths abound.

For example, [Senate Resolution 526](#) justified Israel’s war in part on the alleged necessity “to destroy the matrix of tunnels Hamas uses to smuggle weapons and Hamas fighters into Israel to carry out terrorist attacks.”

However, [most reports seem to indicate](#) that while the tunnels—which were primarily used to smuggle civilian goods into the besieged enclave—have at times been used to attack Israeli soldiers, no Israeli civilians have been subjected to attacks through the tunnels. For example, an [Israeli magazine’s investigation](#) concluded that in all six Hamas attacks launched through the tunnels, “Hamas’ targets were IDF soldiers, not the communities.” Leading Israeli military correspondent [Alon Ben-David explicitly said](#) that “there is no doubt their goal is to hurt and capture soldiers—not civilians.” Similarly, a [senior military source](#) told Israel’s Army Radio that “all tunnels were aimed towards military targets and not Gaza-perimeter communities.”

None of the resolution cosponsors I contacted could cite any terrorist attacks carried out from those tunnels, yet none of these senators who supported the resolution have thus far distanced themselves from this claim.



Another misleading statement came in [Senate Resolution 498](#), co-sponsored by [79](#) out of 100 members of the Senate, which accused Hamas' secular Fatah rivals of sharing responsibility for attacks on Israel, despite the consensus that the Fatah-led Palestinian Authority desperately wanted to prevent another Gaza war. Working on the absurd assumption that the rival parties in the newly formed Palestinian coalition government were somehow responsible for each other's actions, the resolution insisted that "the unity governing agreement implies Fatah's and the Palestinian Authority's support for Hamas' belligerent actions against Israel" and called on "Palestinian Authority President Mahmoud Abbas to dissolve the unity governing arrangement with Hamas."

In reality, the cabinet of the technocratic "unity" government does not have a single Hamas member, and the Palestinian Authority has maintained its commitment to past agreements, including non-belligerence and full recognition of Israel. As the [New York Times](#) observed, those "who oppose a two-state solution understand that a unified Palestinian leadership is a prerequisite for any lasting peace" and would thus seek to undermine it. (Ironically, Congress has been willing to spend billions of dollars propping up the disparate coalition government of Iraq, which has included in its ruling coalition members affiliated with the radical Islamist Mahdi Army, notorious for acts of terrorism and attacks on U.S. personnel.)

Additional misleading information has concerned the alleged role of outside actors in supporting the Hamas attacks. For example, [one of the House resolutions](#) contains the bizarre claim that the Syrian government was providing "material support and training to Hamas" in its "rocket and mortar attacks from Gaza." Not only is there no evidence for this charge, but Hamas and the Syrian regime are now bitter rivals; Hamas has not even had a diplomatic office in the Syrian capital of Damascus since 2011. Indeed, the Palestinian Islamist group has denounced the Assad regime and thrown its support to armed rebel groups seeking its overthrow. Hamas is on much friendlier terms with other Middle Eastern governments—such as Turkey and Qatar—that are considered U.S. allies. Again, requests to congressional offices to back up this claim were unanswered.

## **The Broad Agenda**

When it comes to Israel, both parties allow ideology to trump the facts. A majority of both Democrats and Republicans are determined to attack the United Nations and discredit human rights groups if they dare document war crimes by the right-wing Israeli government.

This is nothing new, however. Back in the 1980s, members of Congress (primarily Republicans, but some Democrats as well) also tried to undermine the credibility of the UN and human rights organizations when they provided evidence of war crimes by U.S. allies in the Central America. In recent decades, leaders in both parties have also covered for atrocities committed by allied governments in Indonesia, Turkey, Colombia, Rwanda, and beyond.

What's different today is that liberal and progressive groups that used to expose "Death Squad Democrats" along with Republicans who defended such governments are now giving unconditional support to Democratic defenders of Israel's war crimes.

Barbara Boxer, perhaps the most outspoken Democratic supporter of Israel's actions in the Senate, has been named a "progressive hero" by such groups as MoveOn and Democracy for America. Peace Action has endorsed Oregon Democrat Jeff Merkley, whom—despite his co-sponsorship of Senate Resolution 498—they label as a "peace leader." Backers of these and other resolutions covering up for Israeli war crimes—including Rep. Alan Grayson (D-FL) and Sens. Brian Schatz (D-HI), Al Franken (D-MN), Sherrod Brown (D-OH), and Mazie Hirono (D-HI)—have been labeled "bold progressives" by the Progressive Change Campaign Committee, which is raising money for their re-election. Meanwhile, MoveOn has endorsed Sens. Mark Udall (D-CO), Kay Hagan (D-NC), and other unconditional supporters of Israel's actions.

While most Americans are still broadly supportive of Israel, only [a minority](#) agree that Hamas was mostly responsible for this summer's violence. Even in the early weeks of the conflict, when sympathy for Israel was strongest, only 29 percent of Democrats surveyed agreed Hamas was mostly at fault, a demonstration that the vast majority of Democrats in Congress—who have gone on record insisting that Hamas was solely responsible—are at odds with their constituents. This gap is particularly apparent among the core Democratic constituencies, such as liberals, minorities, women, and young people, whose enthusiasm is needed to get the vote out in November. Already, there are signs that the strident support by most congressional Democrats in defense of Israeli war crimes has alienated some of the party's base—particularly among [young people](#), who tend to trust human rights groups over politicians.

Still, it's important to note that not everyone in Congress supported these right-wing initiatives. Scores of House and Senate members, particularly progressive Democrats and libertarian-leaning Republicans, refused to do so. Though four of these resolutions were adopted by a parliamentary procedure known as “unanimous consent,” it does not mean they had unanimous support. While technically anyone present could block it by demanding a roll call vote, such resolutions are often pushed through without advance warning when hardly anyone is on the floor. Indeed, the very fact that the party leadership went to some lengths to avoid virtually any roll call votes on the war may have stemmed from an awareness that a growing number of members from both sides of the aisle are reluctant to go on record supporting war crimes.

The bottom line, though, is that there is currently a large majority of both parties willing to undermine and discredit UN agencies and reputable human rights groups in their investigations of war crimes and suppress the reporting and enforcement of international humanitarian law.

The bipartisan implication that, in the name of fighting terrorism, a government can legitimately engage in the massive bombardment of urban areas where 70 percent of the casualties are civilians goes well beyond Israel and Palestine. Unfortunately, the willingness of supposedly “progressive” activist groups to provide unconditional support for the re-election campaigns of those pushing this kind of agenda shows these politicians that they have little to lose when they do.