

Alaa Tartir

Why reconsider your report Judge Goldstone?

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Why reconsider your report Judge Goldstone?

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[Alaa Tartir](#) [1] 4 April 2011

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A Palestinian student asks why the report was retracted, what kind of pressure did Richard Goldstone come under, and why now?

On April fool's day, Judge Richard Goldstone surprised us by writing a disheartening [article in the Washington Post](#) [10] regretting his [report](#) [11], praising Israel, its army and its judicial system, and feeling sorry for Israel for being a victim of the international law and the 'black sheep' of the UN Human Rights Council. Believe it or not, the judge who 'fought' on all sides including Israel and the Palestinian Authority, to have his report recommendations endorsed having found evidence of potential war crimes and possible crimes against humanity by both Israel and Hamas, is now claiming that 'the Goldstone Report would have been a different document' had he known then what he knows now.

Judge Goldstone's change of heart seems to have been based mainly on the findings of the final report by the UN committee of independent experts chaired by Judge McGowan Davis that Israel has conducted a significant degree of investigation into the incidents that occurred in Operation Cast Lead, in good faith, while Hamas has done nothing. Based on this, Judge Goldstone, while wishing that Israel had cooperated with him while he was writing his original report, argues that the high ethical standards of the Israeli Defense Force (IDF) and the transparency of the Israeli judicial system and its investigation committees make him regret his original findings. Judge Goldstone goes further and calls on the UN Human Rights Council to begin a 'new era of even-handedness', since the UN Human Rights Council's 'history of bias against Israel cannot be doubted'. Furthermore, Judge Goldstone asks the UN Human Rights Council to condemn the 'heinous acts' of Hamas in the strongest terms, and the recent 'inexcusable and cold-blooded recent slaughter of a young Israeli couple and three of their small children in their beds' in an illegal settlement in the West Bank. Israel's 'transparent investigation' has uncovered that the murderer in this case was a Thai worker in the settlement who hadn't received any pay from his employers for a few months. While feeling very sorry for the Israeli family slaughtered in this way, I have to ask, what have the Palestinians to do with this?

Not surprisingly Judge Goldstone's regrets are a [great boon](#) [12] to the Israeli leadership, particularly in this historical moment, where the Arab World is re-birthing and re-creating itself. Benjamin Netanyahu, Israel's prime minister, has [already urged](#) [13] the UN to "nullify" the report, saying it "must be thrown into the dustbin of history". Israeli president Shimon Peres claims that Judge Goldstone ignored the original provocation behind Operation Cast Lead, protecting Israeli civilians from Hamas's rockets. Peres took this as another opportunity to praise the Israeli army as one of the best, most ethical, armies in the world. Nor did he forget to ask Judge Goldstone to apologize for the harm caused to Israel.

Benjamin Netanyahu says that 'Goldstone himself has just confirmed what we all knew all along... I think our soldiers and army behaved according to the highest international standards... We expect this farce to be rectified immediately'. Ehud Barak, the Israeli Defense Minister, adds, 'This is an extremely important development and right now we are multiplying our efforts to get this report rescinded'. But the truth is that Judge Goldstone's 'retraction', is just another barrier to international attempts to solve the Palestinian-Israeli conflict and end the occupation. Arguing that Israel is a victim of international law and justifying their killing of 1400 Palestinians in Gaza is one more crime against humanity, international law, peace and justice.

A [recent event](#) [14] hosted by Amnesty International in London brought together Palestinian, Israeli and European human rights organizations to discuss the deteriorating human rights situation in Palestine and Israel. Here, there was consensus among the speakers that Israel, the Palestinian Authority, and Hamas had all failed to rise above bias in their post-conflict investigations. A representative from the Al-Haq organization (a Palestinian human rights organization and an affiliate of the Geneva-based International Commission of Jurists), argued that the Israeli judicial system was no more capable of an impartial investigation than the other parties. Judge Goldstone, reading the Davis report, has claimed that 'Israel has dedicated significant resources to investigate over 400 allegations of operational misconduct in Gaza'. The Al-Haq representative reported that out of the 490 claims, Israel responded to around 23. Of the 19 letters that emerged out of these 23 cases, most said, 'Oh, thank you. Your claim was received'. Reply was made to the remaining four. One of these four was a claim about the theft of a credit card where the soldier was sent to jail for seven months.

I am certain that Judge Goldstone is aware of all this: so my question is why? Why retract your report, why now, and what kind of pressure did you come under? As a Palestinian youth who has demonstrated in the streets of Ramallah in the West Bank in support of the Goldstone Report and against the shameful position taken by the Palestinian Authority, and who has been harassed and kicked for his pains by the Palestinian Authority's US-trained soldiers, I feel a deep hurt and sorrow after reading Judge Goldstone's article. But why should more than ten million Palestinians around the world carry the burden for a decision taken by an elite to serve their own interest? What about those youth who 'fight' in the streets of the Arab world to gain their dignity, freedom and rights. What kind of message is this for them? I can understand Judge Goldstone's frustration with the Palestinian Authority; but how am I to respond to his intended or unintended collusion in making the occupier appear as the victim? I can only hope that your article turns out to be an April fool's day joke!

Despite Judge Goldstone's personal conviction that 'it was not any army policy to target civilians in Gaza', it is the responsibility of the UN and the international community now, as before, to endorse recommendations made by more than one individual, to guarantee the accountability of those who commit war crimes, and to resist American and Israeli pressure.

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 About the author

Alaa Tartir is a Palestinian PhD candidate in Development Studies and Global Governance at the London School of Economics, researching the role of good governance in state formation in Palestine. His research areas include international aid and development, non-governmental organizations, public policies, and politics. He is also a research fellow at the Palestine Economic Policy Research Institute-MAS.

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