

MEMMO

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United States: Goldstone Report 'Biased' and 'Flawed'

The Obama administration and Congress have forcefully rejected the U.N.-backed Goldstone report on the conflict in Gaza, calling it “deeply flawed” and “irredeemably biased.” It would be easy to dismiss the report as yet another example of the U.N.’s animus against Israel. However, the report raises fundamental issues of universal jurisdiction and international law that could have long-term implications not only Israel but for America and other democracies. It is vital for Congress and the administration to continue to stand by Israel as it works to combat this report and the denial of its right to self-defense.

The United States has rejected the findings and methodology of the Goldstone report.

- The United States has rejected the findings of the report, which wrongly accuses Israel of deliberately launching attacks on civilians for political purposes. The United States was one of 18 countries to vote against a U.N. General Assembly resolution that endorsed the findings of the report.
- U.S. Ambassador to the U.N. Susan Rice has said the United States has “very serious concerns about many recommendations in the report” and has “long expressed our very serious concern with the mandate that was given by the Human Rights Council ... which we viewed as unbalanced, one-sided and basically unacceptable.”
- Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner slammed the Goldstone report for “its failure to deal adequately with the asymmetrical nature of [the Gaza] conflict or assign appropriate responsibility to Hamas for its decision to base itself and its military operations in heavily civilian-populated urban areas.”
- In voting against the U.N. resolution, which passed by a vote of 114-18 with 44 abstentions, U.S. Deputy Representative Alejandro Wolff said the report is “deeply flawed” because of “its unbalanced focus on Israel, its sweeping conclusions of law, the excessively negative inferences it draws about Israel’s intentions and actions.”
- By a vote of 344-36, the House passed a resolution calling on the administration to oppose unequivocally any endorsement or further consideration by the U.N. or other international fora of the Goldstone report on the Gaza war and reaffirms U.S. support for Israel’s right to self-defense.



The Goldstone report raises serious questions about the rights of nations to defend themselves from terror attacks like those launched by Hamas against Israel.

The Goldstone report failed to recognize Israel's right to self-defense after years of rocket attacks against its civilians.

- The Goldstone report fails to recognize Israel's actions in Gaza were part of a legitimate response to ongoing rocket and terrorist attacks by Hamas and other terrorist groups.
- Instead, the report equates the actions of a terrorist group (Hamas) with those of a democratic country (Israel) reluctantly taking action to defend itself from terrorism while at the same time taking unprecedented steps to minimize civilian casualties. Israel had already endured more than 12,000 indiscriminate rocket and mortar attacks during the previous eight years.
- The report also ignores overwhelming evidence of Hamas' deliberate use of civilian infrastructure to hide its terrorist activity in order to make it more difficult for Israel to target them, facts disregarded by the report.
- The report also ignores Iran's role in arming and funding Hamas as part of their mutual goal of destroying Israel.

The Goldstone report is part of a pattern at the U.N. of singling out Israel for criticism and condemnation.

- The Goldstone Commission is part of long series of biased, one-sided actions taken by the U.N. Human Rights Council, which already has passed 27 anti-Israel resolutions out of 34 motions to censure countries since the Council's inception in June 2006.
- On Oct. 15, the Human Rights Council held a special session to discuss the Goldstone report. The session is only the 12th special session since 2006, but the sixth to address the Israeli-Palestinian conflict.
- The United States has criticized the Human Rights Council's unrelenting focus on Israel. As Assistant Secretary Posner said, "We must step back and take issue with the grossly disproportionate attention the Council pays to one country, Israel. When the United States decided to seek a seat on the Council, we stated our clear intention to address this lack of balance in the Council's proceedings."

Israel's actions in Gaza were consistent with international law and subject to rigorous internal legal scrutiny.

- Consistent with international law, Israel sought to limit its actions to legitimate military targets that threatened its civilian population with mass casualties.
- Throughout its operations in Gaza, Israel made extraordinary and unprecedented efforts to avoid civilian casualties. Israel transmitted specific warnings via leaflets, radio, and hundreds of thousands of telephone calls to Gazans warning them about impending actions against Hamas targets.
- Israel also facilitated humanitarian assistance to Palestinians in Gaza throughout the entire operation even while its soldiers and civilians were being attacked.
- As befitting a democratic nation with an independent judiciary and army that prides itself on conducting its operations in an ethical manner, Israel has launched investigations into more than 100 allegations regarding the conduct of its forces during the operation. Despite this, the Goldstone report totally rejected Israel's ability to conduct fair and serious inquiries.