

MEMMO

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Goldstone Retracts Goldstone Report; United Nations Should Too

Justice Richard Goldstone has retracted the central claims of his controversial report that falsely accused Israel of targeting civilians during its Cast Lead military campaign in December 2008 and January 2009. The Goldstone Report claimed that Israel committed war crimes in Gaza as it targeted the Hamas terrorist organization. Goldstone's stunning reversal, in an April 2 [Washington Post op-ed](#), also affirmed a key distinction between Israel and Hamas that the original report ignored: Whereas Hamas' rocket attacks deliberately and indiscriminately sought to murder civilians, Israel's campaign tirelessly strove to protect innocent life. America should lead efforts to press the U.N. Human Rights Council and General Assembly to repudiate the report and end all follow-up actions related to it.

Goldstone Now: "Civilians were not intentionally targeted as a matter of [Israeli] policy."

- The original Goldstone Report slandered Israel by accusing it of carrying out "direct intentional strikes against civilians." The report dismissed the idea that Hamas launched rockets from civilian areas in order to use the population as human shields.
- This assertion flies in the face of the facts. Even at the time of Goldstone's initial report, Israel had demonstrated that it took dramatic steps to limit military actions to legitimate targets threatening Israeli civilians.
- For example, Israel dropped hundreds of thousands of leaflets and made 250,000 phone calls to targeted areas to warn citizens they were in danger, even though this meant losing the element of surprise and placing the lives of its soldiers at risk.
- In addition, Israel facilitated humanitarian assistance to Palestinians in Gaza throughout the entire operation, halting military actions for hours each day even though this allowed Hamas valuable time to regroup.
- In contrast, while the Goldstone report acknowledged that Hamas fighters operated in civilian areas and dressed in civilian attire, the Goldstone commission incredibly stated it could draw no conclusions about whether Hamas intended to use the population as a human shield.



Justice Richard Goldstone has retracted his claim that Israel deliberately targeted innocent civilians in Gaza.

Goldstone Now: “That the crimes allegedly committed by Hamas were intentional goes without saying — its rockets were purposefully and indiscriminately aimed at civilian targets.”

- While condemning the targeting of civilians, the original report made only limited mention of these attacks. The minimal focus on Hamas’ violations undermined the credibility of the report despite its attempts to be seen as balanced.
- Because the U.N. Human Rights Council’s (UNHRC) “history of bias against Israel cannot be doubted,” as Justice Goldstone said, the original report should have placed greater emphasis on Hamas’ violations.
- At the time of the report’s publication, Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner slammed it in testimony before the UNHRC 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.”

Goldstone Now: “Our main recommendation was for each party to investigate, transparently and in good faith, the incidents referred to in our report. ... Israel has done this to a significant degree; Hamas has done nothing.”

- As befitting a democratic nation with an independent judiciary and an army that prides itself on conducting its operations in an ethical manner, Israel had already launched investigations into more than 100 allegations of misconduct—including the majority of those raised by the Goldstone report—prior to the report’s publication. Despite this, the report rejected Israel’s ability to conduct fair and serious inquiries.
- The report concluded that there were “serious doubts about the willingness of Israel to carry out genuine investigations in an impartial, independent, prompt and effective way as required by international law” and called Israel’s legal system “inherently discriminatory.”
- The report thus called into question the ability of democratic countries to investigate their own abuses and correct them independently.
- Since that time, the Israeli Military Advocate General (MAG) has indicted soldiers in four separate incidents. The IDF also conducted a full examination of its conduct during the operation and drew the appropriate ethical conclusions.
- A follow-up report on Israel and the Palestinians’ responses to the Goldstone report “welcomed” Israeli steps to address the concerns of the original report and noted, “Israel’s military justice system has certain built-in mechanisms to preserve its independence.”

Goldstone Now: “I have always been clear that Israel, like any other sovereign nation, has the right and obligation to defend itself and its citizens against attacks from abroad and within.”

- The Goldstone report failed to recognize Israel’s right to self-defense in response to ongoing rocket and terrorist attacks by Hamas and other terrorist groups. Goldstone argued that “the right to use military force was not considered to fall within our mandate.” However, the report went beyond its mandate in several other areas, including its discussion of Israeli policies in the West Bank.

Goldstone Then and Now: “Our fact-finding mission had no evidence on which to draw any other reasonable conclusion.”

- While renouncing some of the conclusions of the report, Justice Goldstone defends the actions of his commission, claiming that because Israel did not cooperate, the commission had no basis to

reject the conclusion that Israel intentionally targeted civilians and that Hamas did not fire rockets from civilian areas.

- However, public information discrediting the report's assertions was readily available. In the first instance, the press consistently and extensively reported on unprecedented Israeli efforts to minimize Palestinian civilian casualties and relieve human suffering.
- With respect to the Hamas use of civilians as human shields, on Jan. 6, 2009, residents of a Gaza neighborhood told the Associated Press that Hamas terrorists opened fire at Israeli forces from the cover of a U.N. school where hundreds of Palestinians had congregated. Two known Hamas terrorists were later found inside the building.
- Hamas openly admitted that it regularly used women and children as human shields, but the report dismissed these statements. Hamas MP Fathi Hammad told Al-Aqsa TV on February 29, 2008, "They [Hamas] have formed human shields of the women, the children, the elderly, and the mujahedeen, in order to challenge the Zionist bombing machine."
- The commission dismissed this statement, saying, "Although the Mission finds this statement morally repugnant, it does not consider it to constitute evidence that Hamas forced Palestinian civilians to shield military objectives against attack."

The United States should press the United Nations to nullify the Goldstone report and take no further action as a result of its inaccurate findings.

- The United States must press the UNHRC—the authorizing body of the Goldstone report—to cease passing further anti-Israel resolutions.
- At the most recent March session, the Council passed six anti-Israel resolutions, including one on the Goldstone report.
- The UNHRC, which created a commission to investigate Israel's implementation of Goldstone's recommendations, must also end all follow-up actions related to the report.
- The United States should press U.N. Secretary General Ban Ki-moon to issue a statement repudiating the Goldstone report. The secretary general should also push for real reform of the UNHRC to prevent it from launching similar one-sided, anti-Israel investigations.