

No International Amnesty for the Palestinians

A senior White House official, who had perhaps recently seen the film *The Godfather*, was heard to remark “It’s not personal; it’s strictly business” when commenting on the attitude of the U.S. administration toward the Israeli prime minister.

One might accept the administration position if President Barack Obama had taken “yes” for an answer when Prime Minister Benjamin Netanyahu retracted his statement that a Palestinian state would not be established during his tenure. Using imperial language, Obama said in an interview with the *Huffington Post* on March 25, 2015, “We believe that Netanyahu meant it[.] ... Instead, ‘we’ need to reconsider the options available to us to ensure that we do not see further deterioration in the region.”

Those options might involve United States approval of the Palestinian Authority’s intention to bring charges of war crimes against Israel to the International Criminal Court. This is indeed a moment to review the situation, with all its trials and tribulations.

After the Israeli election, Netanyahu issued the statement that he favored a two-state solution, but “circumstances have to change.” The Obama administration might be helped in its “reconsideration” of the need for circumstances to change by the publication of a crucially important objective report by Amnesty International (AI) documenting the hostility against Israel.

AI has never been positive in its attitude toward the State of Israel or its political figures. Last year, it issued two reports critical of Israeli actions during the fifty-day

fighting in Gaza, and it has long been critical of the Israel Defense Force. Every mainstream media has covered stories of alleged violations of international law by Israel. Therefore, the report, "Unlawful Deadly: Rocket and Mortar Attacks by Palestinian Armed Groups during the 2014 Gaza/Israel Conflict," which AI issued on March 25, 2015, comes as a surprise.

The report is devastating in its precise account of Palestinian violation of humanitarian law. Its basic accusation is that Palestinian "militant" armed groups have killed both Israeli and Palestinian civilians in an indiscriminate manner. The Palestinians' flagrant disregard for international humanitarian law during the conflict is evident from the routine firing of rockets toward Israeli towns and cities. Specific assaults included direct attacks on civilians, including civilian property, residential homes, public buildings, and educational institutions.

AI boldly asserts that Palestinians are guilty of war crimes as a result of their direct attacks on civilians; their use of prohibited weapons that are inherently indiscriminate, such as unguided rockets and imprecise mortars; and indiscriminate attacks that kill or injure civilians.

The Palestinians have long shown a reckless disregard for the lives of civilians in Israel. They have deliberately targeted civilian centers in Israel in the hope of killing civilians. Between 2001 and July 7, 2014, the start of the Israeli Operation Protective Edge, Palestinian groups fired 15,200 rockets and mortars against Israeli civilians. From July 8 until August 26, they fired 4,881 rockets and 1,753 mortars from Gaza, and struck 224 Israeli residential areas.

The danger to Israel has intensified because of the increase in range of weapons – namely, medium- and long-range rockets. From 2001 to 2004, the Palestinians fired homemade Qassam rockets. In 2014, they fired long-range ones, such as the

Iranian Fajr 5, the R-160 rocket, M-75s, and the M-302, weapons that can hit the major Israeli cities.

Though it does not refer to them as “terrorists,” the report states that the Palestinian organizations involved have committed war crimes. The fact that they launched unguided rockets and mortars that could not be aimed at a specific target is a breach of international law. Those who have claimed responsibility are the Izz al-Din al-Qassam Brigades (the armed wing of Hamas), the al-Quds Brigades (the armed wing of Islamic Jihad), al-Nasser Salah a-Din (the armed wing of the Popular Resistance Committees), the al-Aqsa Martyrs’ Brigades (the armed wing of Fatah), and the National Resistance Brigades (the armed wing of the Democratic Front for the Liberation of Palestine).

Palestinian attacks on August 22 killed six Israeli civilians, including a four-year-old boy in a family car near his home. But their killings were not limited to Israelis. On July 28, 2014, they killed 28 Palestinian civilians when a Hamas projectile from Gaza landed in the al-Shati Gaza refugee camp. Hamas had falsely claimed, and mainstream media reported it to be the case, that Israel was responsible for those murders, but AI concludes that all evidence shows that it was a Palestinian rocket that killed their own civilians.

In fact, Palestinians killed more civilians in Gaza than in Israel. The report notes that it was Israel’s effective system for civilian defense, including bomb shelters and advanced warning systems, and particularly the Iron Dome anti-missile system, that helped limit Israeli civilian casualties.

The report shows that Palestinians are guilty of other violations of international humanitarian law in addition to those above. Those violations include the storing by Palestinians of munitions in civilian buildings, UNRWA facilities, and United Nations schools, as Israel has long reported. AI also criticizes the launching by Hamas of

attacks in or near locations such as hospitals and religious sites, where civilians were taking shelter.

Rockets and mortars were launched from civilian facilities, such as hospitals including the al-Shifa hospital in Gaza City and the Greek Orthodox Church, where more than 2,000 people took shelter, in Gaza City

AI continues to investigate the charges that rockets were launched from within schools in the Gaza strip. Those launchings include rockets from the UNRWA elementary school in Jabalia on July 13 and 14, the Abu Nur school in the al-Shati refugee camp on July 20, the UNRWA girls' school in Beit Lahiya on August 1, and the boys' school in the UNRWA Shahada al-Manar in Shuja'iyyeh on August 21, 22, and 25.

The report, commenting on the imprecise nature of the massive firing of Hamas mortars, emphasizes that indiscriminate attacks that kill or wound civilians constitute a serious violation of international humanitarian law and constitute war crimes. The July 28 attack was an egregious example of the indiscriminate nature of the rockets fired by armed Palestinian groups.

The White House should note that neither the Palestinian authorities nor the Hamas authorities in the Gaza Strip have been willing to open investigations into their violations of international humanitarian law. Nor has AI received any response from the Palestinian authorities about the cases it has been investigating. AI indicates that Palestinians have not investigated similar violations on previous occasions. It also points out that Palestinians have long claimed impunity for abuses inflicted by their security forces, such as arbitrary detention, torture, and the use of unlawful force against protestors in both the West Bank and the Gaza strip.

The Amnesty International report is an important contribution to the accurate history of the activities of Palestinians. It

is incumbent on senior officials in the White House to read it and to consider the circumstances Prime Minister Netanyahu says must change if a Palestinian state is to be established.

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