

Following Publication of Report of the UN Fact Finding Mission on Gaza: Israeli War Criminals to Trial/Court!

Monday 12 October 2009, by [WARSCHAWSKI Michael](#) (Date first published: 16 September 2009).

Publication of Report of the UN Fact Finding Mission on the Gaza Conflict [[1](#)] is an important step, on condition that it is followed up. This is important, first and foremost, for international public hygiene: during two decades of neo-conservative rule in the United States, we were witness to a joint effort of the White House and Israel to annul the norms of international law. Here we can recall the stupid comment of George W. Bush. Bush, in the framework of the global war on terror, argued it is essential to annul the limitations placed by the Geneva Conventions on combatants. And Israel, already in the early 1970s, decided that the Fourth Geneva Conventions are not applicable to the occupied Palestinian territories.

The report, and before it the advisory opinion of the International Criminal Court on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory [[2](#)], remind the world that the lessons resulting from the Nazi era are not forgotten, and that the world is not a jungle in which the strong automatically rules, but a civilized community which strives to act in accordance with international laws protecting the most fundamental rights of human beings. And for those who contend, justifiably, that these international norms are violated every single day by a majority of the world's countries, we must reply that it is better that there be norms and laws protecting the weakened, even if they are not generally respected, than living in a society without law that permits the strong to do as it wishes.

The responses of Israeli leaders were expected: "biased report," "one-sided approach," and we even heard that Goldstone is anti-Semitic...or a Jew full of self-hatred. At the head of this campaign stood, and how could it be otherwise, Ehud Barak, who declared "not only does this report give a prize to terrorism, but also encourages it." Barak added that the Ministry of Defense will provide legal counseling to officers against whom legal proceedings are liable to be initiated.

In accordance with the regulations of international law, the recommendations of the report are now supposed to be discussed in the Human Rights Council and then the Security Council, which should transfer the recommendations to the International Court in the Hague or a special international court so that those suspected of committing war crimes can be tried and if found guilty, to sit behind bars for many years. However, this same international law provided privileges to the big powers, called the veto. Israeli diplomacy will focus in the coming days on convincing some of these powers so they will veto and pull Israel out of the mud. And first and foremost it will pressure the White House.

So the real test of Barack Obama has arrived: not declarations about "peace within two years" and "the right of Palestinians to a state," but actually dealing with real policies that contradict the values he preaches and with clear recommendations to take legal measures. Barack will decide if the system of international law is allowed to do what is expected of it. To my sorrow, I gamble on him siding with Israel, i.e., the use by the United States of its veto power in the United Nations Security Council.

However, the American veto is not the end of the story: numerous countries in the world have adopted laws allowing them to try persons accused of war crimes or crimes against humanity. It is upon us, every woman and man, in Israel and abroad, who fear for international public hygiene and international law—to unite forces in order to place before those war criminals the dilemma: risk being tried if they are found in countries in which the law permits this or remain locked in Israel, to give up tourism in Spain or a sabbatical in the UK. As occurred to the former Israeli Air Force commander who was forced to remain on the airplane in the airport in London, when he heard of the detention order awaiting him if he would step foot in the UK.

The establishment of an “Israeli War Criminals Watch” can be one of the contributions of civil society to following up the UN report, in addition to the collection of relevant material and testimonies about Israeli military actions in Gaza, in addition to monitoring the movements of these same suspects of war crimes.

P.S.

* Translated to English by the Alternative Information Center (AIC).

Footnotes

[1] <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/FactFindingMission.htm>

[2] <http://www.alternativenews.org/news-from-within:-palestine/israel-podcasts/2032-news-from-within-podcast-fifth-anniversary-of-the-international-court-of-justices-advisory-opinion-on-the-wall-in-the-occupied-palestinian-territories.html>