



US Campaign to End the Israeli Occupation

"We aim to change those US policies that both sustain Israel's 42-year occupation of the Palestinian West Bank, Gaza, and East Jerusalem, and deny equal rights for all."

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Talking Points on H.Res.867

The US Campaign to End the Israeli Occupation, a national coalition of more than 300 organizations working to change U.S. policy toward Israel/Palestine to support human rights, international law, and equality, opposes H.Res.867 and urges Members of Congress not to co-sponsor or vote for this resolution.

For additional information or for assistance in preparing floor statements about this resolution, please contact Josh Ruebner, National Advocacy Director, at congress@endtheoccupation.org or 202-332-0994.

Overview

On Oct. 23, Rep. Ileana Ros-Lehtinen introduced H.Res.867, "Calling on the President and the Secretary of State to oppose unequivocally any endorsement or further consideration of the 'Report of the United Nations Fact Finding Mission on the Gaza Conflict' in multilateral fora." As of Oct. 27, the resolution had 43 co-sponsors.

The Report of the UN Fact Finding Mission on the Gaza Conflict, known informally as the Goldstone Report, documents in a dispassionate and even-handed manner "violations of international human rights and humanitarian law and possible war crimes and crimes against humanity" committed by all parties prior to, during, and after Israel's assault on the occupied Gaza Strip in December 2008-January 2009.

H.Res.867 contains numerous "whereas" clauses replete with inaccurate information about and misleading characterizations of the Goldstone Report. More significantly, its "resolved" clauses undermine the commitment of the United States and the Obama Administration to the universality of human rights and the principle of holding accountable human rights violators.

Undermining Human Rights & Accountability

By calling on the President and Secretary of State in its "resolved" clauses to "strongly and unequivocally oppose" endorsement or further consideration of the Goldstone Report, H.Res.867 undermines the commitment of the United States and the Obama Administration to the universality of human rights and the principle of holding accountable human rights violators.

When the United States assumed its seat on the UN Human Rights Council earlier this year, Dr. Esther Brimmer, Assistant Secretary of State, Bureau of International Organization Affairs, stated: "We can not pick and choose which of these [human] rights we embrace nor select who among us are entitled to them...These rights extend to all, and the United States can not accept that any among us would be condemned to live without them."

Yet, H.Res.867 urges the Obama Administration to do just that—pick and choose whose human rights the United States will uphold and advocate for based on whether or not the human rights violations were committed by an ally of the United States. Members of Congress and Obama Administration officials who have been critical of the Goldstone Report and its recommendations have, to date, failed to take up Judge Richard Goldstone's invitation "to indicate where the report is flawed or unbalanced." The substance of the allegations of violations of human rights and international law, and the commission of war crimes and possible crimes against humanity documented in the Goldstone Report remain unchallenged.

Furthermore, H.Res.867 is designed to shield Israel from accountability for crimes committed before, during, and

after its December 2008-January 2009 assault on the occupied Gaza Strip, directly contradicting the Obama Administration's commitment to holding accountable human rights abusers. In her same speech before the UN Human Rights Council, Assistant Secretary of State Brimmer stated: "Make no mistake; the United States will not look the other way in the face of serious human rights abuses. The truth must be told, the facts brought to light and the consequences faced."

Under adverse conditions—including Israel's unwillingness to cooperate with the investigation—and complex circumstances, the Goldstone Report did just that—it brought difficult truths to light and proposed recommendations for accountability and justice. Were Congress to pass H.Res.867, it would do irreparable damage to the reputation of the United States and its commitment before the UN Human Rights Council to promote accountability for human rights violations.

Inaccurate Information, Misleading Characterizations of the Goldstone Report

H.Res.867 contains numerous "whereas" clauses replete with inaccurate information about and misleading characterizations of the Goldstone Report. For example, this resolution asserts that the mandate of the UN Fact Finding Mission on the Gaza Conflict was "flawed and biased." In fact, however, the Goldstone Report stated that: "To implement its mandate, the Mission determined that it was **required to consider any actions by all parties that might have constituted violations of international human rights law or international humanitarian law.**"

The resolution declares that the Goldstone Report "denied the State of Israel the right to self-defense." In fact, however, the Goldstone Report took as its "normative framework" the Charter of the United Nations, which in Article 51 recognizes "the inherent right of individual or collective self-defence." Judge Goldstone, responding to a question whether he doubted Israel's right of self-defense said, "Absolutely not. And our approach to our mission and in our report the right of Israel to defend its citizens is taken as a given."

H.Res.867 claims that the Goldstone Report "repeatedly downplayed or cast doubt upon" allegations of Hamas committing war crimes. In fact, however, it examined Palestinian militant rocket and mortar fire into Israel and concluded that "these attacks constitute *indiscriminate* attacks upon the civilian population of southern Israel and that where there is no intended military target and the rockets and mortars are launched into a civilian population, they constitute a *deliberate* attack against a civilian population. These acts would **constitute war crimes and may amount to crimes against humanity.**"

Inaccurate information about and misleading characterizations of the Goldstone Report in H.Res.867, such as those documented above, are not innocent errors. Rather, they are part of a deliberate strategy on the part of those who defend Israel's illegal 42-year military occupation of the Palestinian West Bank, East Jerusalem, and Gaza Strip to cast aspersions on the integrity and character of any individual or institution that documents Israel's human rights abuses of Palestinians and calls for accountability. It is a classic propaganda technique of challenging the messenger instead of the message, which Congress should not fall for.

Recommendations

The US Campaign to End the Israeli Occupation recommends to Members of Congress that they:

- 1) Not cosponsor or vote for H.Res.867;
- 2) Make floor statements in support of the Goldstone Report and its recommendations if H.Res.867 comes up for a vote;
- 3) Introduce an alternative resolution to H.Res.867 that commends the Goldstone Report and urges the Obama Administration to support its recommendations in international fora;
- 4) Request the State Department to investigate Israel's possible violations of the Arms Export Control Act during its December 2008-January 2009 assault on the Gaza Strip;
- 5) Work to hold all parties to Israel's December 2008-January 2009 assault on the Gaza Strip accountable for their violations of human rights and international law, and the commission of war crimes and possible crimes against humanity.