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Diplomacy: Israel vs. Human Rights Watch

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A group of Soviet dissidents gathered in a Moscow apartment nearly 35 years ago and courageously formed the Moscow Helsinki group, with the aim of monitoring how the Soviet Union was living up to the human rights component of the 1975 Helsinki Accords that dealt with ways to improve ties between the communist bloc and the West.

One of those involved was Natan Sharansky. Using this group as a model, Helsinki Watch, an NGO founded largely by Robert Bernstein, an American Jew concerned with human rights, was established soon after, also as a way to monitor Soviet compliance. In the intervening 31 years, Helsinki Watch has morphed into Human Rights Watch (HRW), a mammoth human rights NGO that went to Saudi Arabia in May and used its work castigating Israel as a way to solicit funds in one of the world's worst human rights violators.

That transformation, at least for Sharansky, is simply too much.

"Here is an organization created by the goodwill of the free world to fight violations of human rights, which has become a tool in the hands of dictatorial regimes to fight against democracies," he said this week. "It is time to call a spade a spade. The real activity of this organization today is a far cry from what it was set up 30 years ago to do: throw light in dark places where there is really no other way to find out what is happening regarding human rights."

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dismissed by the NGOs themselves - and some in the media - as nothing more than that of a propagandist with a right-wing Zionist agenda.

Now, however, the government is listening, and after years of choosing largely to ignore damning reports put out by HRW and similar organizations, it has decided to go on the offensive and attack the organizations for essentially using human rights and legal lingo to delegitimize Israel. The last month has seen a wave of reports from various NGOs, including HRW, blasting Israel for its conduct during Operation Cast Lead.

"We are going to dedicate time and manpower to combating these groups; we are not going to be sitting ducks in a pond for the human rights groups to shoot at us with impunity," said Ron Dermer, director of policy planning in the Prime Minister's Office. "We will insist that they defend their record and their values. When I see a human rights organization try to raise money in Saudi Arabia, it speaks to the collapse of the human rights community."

The reports of these organizations are an attempt to undermine Israel's legitimate right to self-defense, Dermer said, adding that those who are attacking Israel for defending itself against terrorists using civilians as human shields are playing Hamas's game.

"Every NGO that participates in this adds fuel to the fire and is serving the cause of Hamas," he said. "This is exactly what Hamas wants to do. They use innocent civilians to hide, Israel defends itself, there are unintentional casualties, and they turn that into a great political victory. What then happens is that these tactics of warfare will become more anchored and more likely to happen around the world."

The NGOs, he said, are "blaming the firefighter, not the arsonists. We have to devote more time and resources to getting this out there. We must focus more time and effort in pushing back, in unabashedly seizing the moral high ground."

One thing that these organizations must do to retain "their moral compass" is to distinguish between democratic and nondemocratic governments, he said. "During the Cold War the reason the human rights community was so effective was because it made the distinction between good and bad regimes and how good and bad regimes do in terms of human rights. I would hope that they would regain their moral compass by doing this again, by laying down a marker, and not looking only at this or that violation, but rather looking at the overall nature of the regimes. Once they make that distinction, every single human rights violation is put in the proper perspective."

But Sarah Leah Whitson, director of HRW's Middle East and North Africa division, said the organization will never make these types of distinctions.

"No regime deserves a pass, whether it is a democratic or totalitarian form of government," she said. "There is one human rights law, one standard. Democratic governments are no more

exempt from abiding by international law than are totalitarian regimes."

Whitson said that the "unfortunate truth is that democratic regimes are also quite capable of human rights violations."

"It might be that what is disappointing Mr. Sharansky and others is that we don't rank a government as to who is worse and better because we think that each government has to stand by its own record according to the standard of international law," she said.

She said Steinberg, Sharansky and other HRW critics "overplay" the assertion that the organization is giving other countries in the Middle East a pass, while focusing almost obsessively on Israel. "They just don't like it when we also point the finger at their misconduct."

"If the democratically elected president of France is making policy statements as to what women should and shouldn't wear, it doesn't make it better that he is the democratically elected president," she said of recent comments made by Nicolas Sarkozy saying that Muslim women should not wear the full-length burka in France.

"That the Venezuelan president, who is democratically elected, should be barring free speech and press, it doesn't make it okay just because he was democratically elected. The matter in which one is elected is not relevant to the particular human rights violation we are looking at. And in the case of Israel, where our focus is primarily on the violations of international law and humanitarian law in the occupied Palestinian territories, the fact that government is a democracy is completely irrelevant because the rule in place in the occupied territories is military rule, it is not a democracy."

Whitson also disputes assertions that one of the reasons the organization focuses on Israel is because it can report in Israel, something it cannot do easily in Saudi Arabia or Syria.

"It is not true that we are doing more work in the open countries," she said. "A woman who works closely with HRW, who just completed a mission with HRW, was killed in Chechnya today [Wednesday] - so frankly I don't want to hear about their griping and whining because they don't like the fact that we criticize Israel, and they would rather only criticize the people they don't like. Go do a better job than our organization is doing in Syria and then come back and talk to me."

Senior government officials said that as a result of the new approach to the NGOs, their reports will be examined carefully, because they are based on faulty methodology that relies uncritically on Arab and Palestinian sources, testimony and witnesses, while dismissing Israeli evidence.

"This is a blanket accusation that groans, 'Your witnesses are Palestinians, therefore they must all be lying,'" Whitson said, saying the methodology HRW uses here is the same methodology it uses all over the world. "Please, if there is something we got wrong, if one of the incidents or attacks we described is wrong, I would love to hear it. Because the Gerald Steinbergs of this

world, and I guess now the Sharanskys of this world, love to give blanket denials, love to give blanket dismissals. But let's get down to the facts and let me know, did we get the fact wrong on any of these cases."

She said the acts of malfeasance her organization has documented are also documented by other organizations, even by Israeli ones. "OK, are we all lying? Are we all enemies of Israel? Are we all making this up? Are we all falsifying evidence? Notwithstanding that we do this work everywhere else in the world - when it comes to Israel, are we all just making it up because we just hate Israel? Come on! Come on!"

But Steinberg said there is actually "plenty of evidence" that HRW comes to Israel with "unclean hands," carrying emotional and political baggage it does not bring to other parts of the world.

"All the evidence shows that when it comes to Israel, they are not a human rights organization, but a political one using the language of international law to isolate Israel," he said. "To deny that there is a campaign, closely linked to the terrorist campaign, to demonize and delegitimize Israel is to ignore fact, and HRW is central to this."

According to Steinberg, who is due to publish an 80-page monograph looking at HRW in the near future, it is disingenuous for Whitson to talk - as she does - of intensive HRW work in other Middle East countries, since the attention Israel gets is way out of proportion to those given those countries, and since much of the work in countries like Saudi Arabia and Syria only really began after 2006 because some of the organization's key donors earmarked their funds for reporting there.

Contrary to what Whitson claims, Steinberg said, his organization points out factual and methodological problems with HRW on a regular basis, only to be dismissed by the group as a Zionist organization with an agenda whose research is not worthy of serious attention.

He said there is much to document, and calls HRW's reports "pseudo-research" passed off to the media as serious investigation. He said HRW does not have the expertise or wherewithal to conduct the types of investigations that it does, in the time frame that it allows. Determining where shots were fired, from what type of weapon, in what circumstances is not something that can be determined using the means at HRW's disposal, he said.

"Human Rights Watch is an organization with a budget of \$40 million a year; they are a superpower, and what they are trying to tell you is that they are above criticism," he said. "In the thousands of pages they have written over the years about Israel, they have never admitted a single mistake. They have no problem critiquing democratically elected governments, but they scream and deny everything when they are criticized."

If that's the case, much "screaming and denying" is in store, as HRW and other human rights NGOs will face increasing criticism from a source that up until now has largely ignored and dismissed them: the Israeli government.