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Judge Goldstone vs. the Goldstone Report?

by Gerald M. Steinberg Special to WJW

During last week's Israel Apartheid Week (IAW), the now infamous Goldstone Report on the 2008-2009 Gaza war was the basis for much discussion. Since its release in September 2009, anti-Israel activists have pointed to the report's conclusions as evidence for Israeli "war crimes" and "apartheid," and to bolster their boycott campaigns.

However, in a series of public appearances in California, the author of the report, Judge Richard Goldstone, seems to be slowly distancing himself from his United Nations report, which wrongly condemned Israel for alleged war crimes.

At the same time, Goldstone continues to repeat many of most damaging accusations against the Jewish state, despite evidence that they are based on false claims.

In a talk at Stanford University in January, Goldstone acknowledged that the U.N. Human Rights Council, which appointed him to head the so-called investigation, was biased against Israel. "They repeatedly rush to pass condemnatory resolutions in the face of alleged violations of human rights law by Israel, but fail to take similar action in the face of even more serious violations by other states," he acknowledged.

This was an important admission -- albeit two years too late.

Logically, the inherent bias at the UNHRC should have led Goldstone to refuse to partake in the investigation of Israel, first launched in January 2009. The disrepute of the UNHRC led Mary Robinson, who had served as the U.N. commissioner of human rights, to decline the position when offered.

Goldstone was subsequently chosen, in part because the UNHRC sought to appoint "prominent Jews known for their anti-Israel views to head their investigations," as was reported by Human Rights Watch founder Robert Bernstein in a November 2010 speech at the University of Nebraska.

From the start, the 2009 UNHRC resolution targeted only Israel; as usual, the war crimes of Hamas and the Palestinians were entirely ignored. As a result, the Israeli government refused to provide Goldstone and the UNRC any assistance. In Goldstone's confused attempts to both acknowledge this bias and continue to act as if it did not exist, he expressed "dismay" that Israeli officials had denounced his farce.

Recently, during an event at the University of California at Berkeley, Goldstone declared, "I pleaded with [Israel] to meet with me. ... I had nurtured the hope that the Israeli government would take this opportunity to have a U.N. platform to put its version into the commission. It didn't."

Attempting to justify his decision to proceed with the report, Goldstone has claimed to have been given a revised mandate by the rotating UNHRC president. This is clearly false. Of the "36 incidents" investigated by Goldstone, not one relates to the thousands of Palestinian rocket attacks from Gaza, each a war crime targeting Israeli citizens.

The second fatal flaw is Goldstone's reliance on unsourced and unverified claims, many of which were made by ideologues closely aligned with both the UNHRC and Hamas. Hundreds of "references" in this report (often contradictory) are copied from unverifiable claims that were made by anti-Israel political groups.

Although Goldstone now recognizes Israel's right to defend itself, he continues to reference unsupported allegations against the Jewish state. For example, Goldstone has continued to repeat erroneous civilian casualty statistics, which were used as evidence to justify the war crimes charge. He's also rejected the public statement by Hamas interior minister Fathi Hammad indicating that false claims were made in the report.

The combination of a totally biased mandate and the reliance on false or unverifiable allegations from equally biased groups should have led to the immediate dismissal of the Goldstone report. But the powerful coalition led by these groups continues to exploit both false claims and Goldstone's own reputation, thereby compounding the damage.

In his Berkeley presentation, Goldstone reportedly stated that "the powerful don't like to be looked at and judged." Goldstone is a powerful individual, and in failing to address the overwhelming and substantive criticism -- and moving far too slowly, if at all, to correct the enormous damage that he has caused -- Judge Goldstone continues to abuse his power.

Professor Gerald M. Steinberg is president of NGO Monitor, a Jerusalem-based research institution that tracks NGOs that claim to protect human rights, particularly in the Middle East.

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