

What B'Tselem does not know and refuses to admit

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With the rapid increase in the number of groups promoting human rights agendas, and the accompanying media impact and international political influence, the fundamental limitations in their capabilities are often overlooked.

NGOs (non-governmental organizations) such as Amnesty International and Human Rights Watch were founded to campaign on behalf of political prisoners held by totalitarian regimes, and acquired respect based on their work. But in the 1990s, following the Cold War and the return of democracy in South America, these groups needed to re-brand themselves to retain their funding and power. This re-branding took the form of supposed expertise on the law of armed conflict and asymmetric warfare.

The problem is that for the most part, these NGOs do not really have such expertise, and frequently run campaigns claiming “war crimes” without knowing or being able to know the facts on the ground, or the implications of these facts. To accurately assess whether there has been a violation of the law, which requires the intent to deliberately target civilians, one would need to know the intentions of the commanders at the time, as well as the available intelligence, intended target, whether there was fighting in the area, if the military knew civilians were present, and other factors.

However, NGOs possess little to none of this information. The example of the January 2009 al-Samouni incident in the Gaza war is a case in point. On May 1, 2012, following a detailed investigation, the Israeli military advocate-general found no basis for NGO allegations that the tragic deaths of 21 people resulted from a deliberate decision to kill innocent civilians.

In a press statement rejecting this decision, B'Tselem reiterated the “suspicions” that its officials and “additional Israeli, Palestinian and international organizations” used to accuse the IDF of breaches in international law. Such suspicions point to the key failure – these groups that claim to promote human rights generally lack credible evidence of intentional violations and substitute their political and ideological biases.

Their “reports” on the al-Samouni incident were based entirely on highly contradictory press reports and inconsistent as well as unverifiable allegations from within Gaza, as well as baseless attributions of motives and intentions, under the immense stress of deadly combat.

THE LACK of evidence notwithstanding, the campaigns led by B'Tselem and the other NGOs in this network were featured prominently in the Goldstone Report on the Gaza war, which bore the imprimatur of the United Nations Human Rights Council. Judge Goldstone belatedly acknowledged that the deaths were the “consequence of an Israeli commander’s erroneous interpretation of a drone image” amid a brutal war, and that the investigation was the “appropriate process” to “ensure accountability for improper actions, not to second-guess, with the benefit of hindsight, commanders making difficult battlefield decisions.”

The reliance on suspicions, second-guessing and hindsight by people with little or no experience is a fundamental failure among numerous human rights NGOs, including Human Rights Watch and Amnesty International. In many examples, not only related to Israel, these organizations have issued condemnations and run campaigns based on false or invented war crimes allegations.

The military credentials of HRW's "senior military analyst," Marc Garlasco, who was responsible for a number of these reports, were never clear. (Garlasco left HRW after he was discovered to be an obsessive collector of Nazi memorabilia, but HRW never conducted the promised independent review of his activities.) These organizations – B'Tselem, Amnesty, HRW and dozens more – also systematically strip away the context of terrorism and asymmetric warfare, further reducing any credibility that they might claim. As in the past, B'Tselem's lengthy statement criticizing the IDF's al-Samouni investigation did not find room to mention the thousands of Palestinian rocket attacks from densely populated cities and even schools in Hamas-controlled Gaza. These obvious war crimes are fully documented, but are not on the political agendas of most NGOs that claim to promote human rights and international law.

For all of these reasons, B'Tselem and the other members of the human rights NGO network are in need of a complete and independent overhaul. I know a number of people who work at B'tselem, and often admire their sincerity and commitment to principles. However, the intensity of this commitment and an accompanying political agenda unrelated to human rights blinds them to the limits of what they know and are able to understand regarding complex military and security issues. By continuing to publish reports and condemnations that use the language of morality and international law, but without the substance, they are doing immense damage to these very principles.

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