

Newsletter

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Shabab FM is a community radio station broadcasting on 97.9 FM in Birzeit and Ramallah areas, in Palestine. It is an independent media, promoted by the civil society and the local community and lead by youth and women. The objectives of Shabab FM are the following:

- strengthen social cohesion and participatory processes in Palestine, also in order to promote conflict resolution practices by communication tools
- empower the social protagonism of women and youth in Palestinian society
- spread independent information and build networks with international media involved in human rights issues

The project is promoted by [COSPE](#), [PYU](#) and [AMISnet](#), cofinanced by European Commission.

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Why the Goldstone Report matters

The Goldstone Report, issued by UN, about war crimes executed by Israeli army and Hamas during last attack on Gaza, has been criticized and refused by Israeli government. Following an abstract of an article published on 19 september 2009 by Richard Falk, UN rapporteur on Gaza, analysing the Report and Israeli reactions.

Richard Goldstone, former judge of South Africa's Constitutional Court, the first prosecutor at The Hague on behalf of the International Criminal Court for Former Yugoslavia, and anti-apartheid campaigner reports that he was most reluctant to take on the job of chairing the UN fact-finding mission charged with investigating allegations of war crimes committed by Israel and Hamas during the three week Gaza War of last winter. Goldstone explains that his reluctance was due to the issue being "deeply charged and politically loaded," and was overcome because he and his fellow commissioners were "professionals committed to an objective, fact-based investigation," adding that "above all, I accepted because I believe deeply in the rule of law and the laws of war," as well as the duty to protect civilians to the extent possible in combat zones. The four-person fact-finding mission was composed of widely respected and highly qualified individuals, including the distinguished international law scholar, Christine Chinkin, a professor at the London School of Economics. Undoubtedly adding complexity to Goldstone's decision is the fact that he is Jewish, with deep emotional and family ties to Israel and Zionism, bonds solidified by his long association with several organizations active in Israel. Despite the impeccable credentials of the commission members, and the worldwide reputation of Richard Goldstone as a person of integrity and political balance, Israel refused cooperation from the outset. It did not even allow the UN undertaking to enter Israel or the Palestinian Territories, forcing reliance on the Egyptian government to facilitate entry at Rafah to Gaza. [...]

In substantive respects the Goldstone Report adds nothing new. Its main contribution is to confirm widely reported and analyzed Israeli military practices during the Gaza War. There had been several reliable reports already issued, condemning Israel's tactics as violations of the laws of war and international humanitarian law, including by Amnesty International, Human Rights Watch, and a variety of respected Israeli human rights groups. Journalists and senior United Nations civil servants had reached similar conclusions. Perhaps, most damning of all the material available before the Goldstone Report was the publication of a document entitled "Breaking the Silence," containing commentaries by thirty members of the Israel Defense Forces who had taken part in Operation Cast Lead (the Israeli official name for the Gaza War). These soldiers spoke movingly about the loose rules of engagement issued by their commanders that explains why so little care was taken to avoid civilian casualties. The sense emerges from what these IDF soldiers who were in no sense critical of Israel or even of the Gaza War as such, that Israeli policy emerged out of a combination of efforts 'to teach the people of Gaza a lesson for their support of Hamas' and to keep IDF casualties as close to zero as possible even if meant massive death and destruction for innocent Palestinians. Given this background of a prior international consensus on the unlawfulness of Operation Cast Lead, we must first wonder why this massive report of 575 pages has been greeted with such alarm by Israel and given so much attention in the world media. [...]

First, it does come with the backing of an eminent international personality who cannot credibly be accused of anti-Israel bias, making it harder to deflect attention from the findings no matter how loud the screaming of 'foul play.' Any fair reading of the report



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would show that it was balanced, was eminently mindful of Israel's arguments relating to security, and indeed gave Israel the benefit of the doubt on some key issues. Secondly, the unsurprising findings are coupled with strong recommendations that do go well beyond previous reports. Two are likely causing the Israeli leadership great worry: the report recommends strongly that if Israel and Hamas do not themselves within six months engage in an investigation and followup action meeting international standards of objectivity with respect to these violations of the law of war, then the Security Council should be brought into the picture, being encouraged to consider referring the whole issue of Israeli and Hamas accountability to the prosecutor of the International Criminal Court in The Hague. Even if Israel is spared this indignity by the diplomatic muscle of the United States, and possibly some European governments, the negative public relations implications of a failure to abide by this report could be severe.

Thirdly, whatever happens in the UN System, and at the Human Rights Council in Geneva, the weight of the report will be felt by world public opinion. Ever since the Gaza War the solidity of Jewish support for Israel has been fraying at the edges, and this will likely now fray much further. More globally, a very robust boycott and divestment movement was gaining momentum ever since the Gaza War, and the Goldstone Report can only lend added support to such initiatives. There is a growing sense around the world that the only chance for the Palestinians to achieve some kind of just peace depends on the outcome over the symbols of legitimacy, what I have called the Legitimacy War. Increasingly, the Palestinians have been winning this second non-military war. Such a war fought on a global political battlefield is what eventually and unexpectedly undermined the apartheid regime in South Africa, and has become much more threatening to the Israeli sense of security than has armed Palestinian resistance. A fourth reason for Israeli worry stemming from the report, is the green light given to national courts throughout the world to enforce international criminal law against Israelis suspects should they travel abroad and be detained for prosecution or extradition in some third country. Such individuals could be charged with war crimes arising from their involvement in the Gaza War. The report in this way encourages somewhat controversial reliance on what is known among lawyers as 'universal jurisdiction,' that is, the authority of courts in any country to detain for extradition or to prosecute individuals for violations of international criminal law regardless of where the alleged offenses took place. Reaction in the Israeli media reveals that Israeli citizens are already anxious about being apprehended during foreign travel. As one law commentator put it in the Israeli press, "From now on, not only soldiers should be careful when they travel abroad, but also ministers and legal advisers." It is well to recall that Article 1 of the Geneva Conventions calls on states throughout the world "to respect and ensure respect" for international humanitarian law "in all circumstances." Remembering the efforts in 1998 of several European courts to prosecute Augusto Pinochet for crimes committed while he was head of state in Chile, is a reminder that national courts can be used to prosecute political and military leaders for crimes committed elsewhere than in the territory of the prosecuting state. [...]

There are reasons to applaud the forthrightness and comprehensiveness of the report, its care, and scrupulous willingness to conclude that both Israel and Hamas seem responsible for behavior that appears to constitute war crimes, if not crimes against humanity. Although Israel has succeeded in having the issue of one-sidedness focus on fairness to Israel, there are also some reasons to insist that the report falls short of Palestinian hopes. For one thing, the report takes for granted, the dubious proposition that Israel was entitled to act against Gaza in self-defense, thereby excluding inquiry into whether crimes against the peace in the form of aggression had taken place by the launching of the attack. In this respect, the report takes no notice of the temporary ceasefire that had cut the rocket fire directed at Israel practically to zero in the months preceding the attacks, nor of Hamas' repeated efforts to extend the ceasefire indefinitely provided Israel lifted its unlawful blockade of Gaza. Further it was Israel that had seemed to provoke the breakdown of the ceasefire when it launched a lethal attack on Hamas militants in Gaza on November 4, 2008. Israel disregarded this seemingly available diplomatic alternative to war to achieve security on its borders. Recourse to war, even if the facts justify self-defense, is according to international law, a last resort. By ignoring Israel's initiation of a one-sided war the Goldstone Report accepts the dubious central premise of Operation Cast Lead, and avoids making a finding of aggression. Also, disappointing was the failure of the report to comment upon the Israeli denial of a refugee option to the civilian population trapped in the tiny, crowded combat zone that constitutes the Gaza Strip. Israel closed all crossings during the period of the Gaza War, allowing only Gaza residents with foreign passports to leave. It is rare in modern warfare that civilians are not given the option to become refugees. Although there is no specific provision of the laws of war requiring a state at war to allow civilians to leave the combat zone, it seems like an elementary humanitarian requirement, and should at least have been mentioned either as part of customary international law or as a gap in the law that should be filled. The importance of this issue is reinforced by many accounts of the widespread post-traumatic stress experienced by the civilians in Gaza, especially children



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that comprise 53% of the population. One might also notice that the report accords considerable attention to Gilad Shalit, the one IDF prisoner held by Hamas in Gaza, recommending his release on humanitarian grounds, while making no comparable suggestion to Israel although it is holding thousands of Palestinians under conditions of harsh detention. [...]

Despite these limitations, the report is an historic contribution to the Palestinian struggle for justice, an impeccable documentation of a crucial chapter in their victimization under occupation. Its impact will be felt most impressively on the growing civil society movement throughout the world to impose cultural, sporting, and academic boycotts, as well as to discourage investment, trade, and tourism with Israel. It may yet be the case that as in the anti-apartheid struggle the shift in the relation of forces in the Palestinian favor will occur not through diplomacy or as a result of armed resistance, but on the symbolic battlefield of legitimacy that has become global in scope, what might be described as the new political relevance of moral and legal globalization.

Richard Falk
UN rapporteur on Gaza
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[download the Goldstone Report](#)

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EU elections from a Palestinian point of view

One of the goals of The [Palestine Solidarity Campaign](#), a UK-based NGO network, is to monitor the EU policies towards Palestine. During the last election campaign for the European Union Parliament, this NGO mapped the political stand of all candidates in regard of the Palestinian issue.

We talked about this initiative with Sara Colborne, activist of the Palestine Solidarity Campaign.

Khaldoun
Radio Shabab FM
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Palestinian diaspora: healthcare brain drain

Many are the Palestinian professionals working in the healthcare system in Italy. Most of them arrived in Italy in the '70s, when many were the students moving from the Middle East to Europe.

A mutual exchange of knowledge between Italian and foreign doctors as well as between Italian doctors and immigrant patients daily takes place.

On such common ground new experiences and medical knowledge are acquired, cultural integration is motivated and solidarity is increased, such as some Palestinian doctors did, helping people in need during last earthquake in Abruzzo region.

Doctor Khaled Rawash reports his personal and professional experience on the subject.

Marzia Coronati
Radio Shabab FM
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Call for the Seventh Week Against the Apartheid Wall

The Palestinian Grassroots [Anti-Apartheid Wall Campaign](#), its popular committees and member organizations call on activists to launch a week of global mobilization against the walls of apartheid in the West Bank and Gaza from November 9 to 16 2009. We call on all organizations, networks, institutions, unions and concerned media to mobilize during the 7th Week against the Apartheid Wall and to:

- Protest the overarching Israeli policy of ghettoization behind a system of walls that targets the Palestinian people, whether in Gaza or the West Bank, isolating them from each other and the Palestinians inside the Green Line.

Protest the criminal repression of the people resisting these walls.

- Protest the inhumane siege on Gaza imposed to force its people to surrender their dignity and struggle.

- Protest the repression of the communities struggling against the Wall in the West Bank.



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The current wave of violence has reached alarming highs, and education and awareness raising around this issue is critical. Stop the Wall and Addameer have published *Repression allowed, resistance denied*, an extensive report on the repression of the grassroots movement against the Wall.

- Continue BDS efforts. Launch campaigns against companies building the Wall and complicit in the siege of Gaza. BDS campaigns have already made important inroads, especially against transportation giant Veolia's project in Jerusalem and settlement builder Lev Leviev. Campaigns are being built up against those involved in the construction of the Wall, such as CRH which is involved in supplying concrete and Elbit Systems, which equips the Wall with sensors and other hi-tech equipment while at the same time producing the drones that kill Palestinians in Gaza.

- Put the Wall back on the agenda. Pressure your government representatives to follow their obligation to ensure the walls in Palestine are torn down and the siege on Gaza is ended. Governments have to respect the ICJ decision and not to aid the construction and maintenance of the Wall. They have to stop their complicity through silence in the siege on Gaza.

On November 9 1989 – exactly 20 years ago – the Berlin Wall fell. The event was celebrated as a victory of the 'Free World'. Today, however, the same powers back the construction of walls which are destroying Palestine. Five years ago the International Court of Justice ruled that the Wall is illegal and has required that it be torn down and all laws and orders related to it be reversed. The Court has reminded the international community of its obligation not to render any aid or assistance to the Wall and to ensure the implementation of international law. To date, the international community has not promoted any tangible move towards the ruling's implementation. The hypocrisy must end, justice has to prevail. Gaza has been imprisoned by walls and razor wire for 15 years. The wall and its no-go zone confiscate almost 25% of the prime agricultural land of the starving Strip. About 15% of Gaza's farmers are barred from working their farmlands, while tens of water wells and about 50% of livestock shelters and other related industry in the east part of the Gaza Strip have been destroyed. Many farmers have been killed while tending to their land or have been displaced and forced into overcrowded urban centers. In the West Bank, the Apartheid Wall carves out today's Bantustans. It curves around settlements, which continue to grow despite disingenuous talks of a "settlement freeze". So far its path has isolated 78 Palestinian villages, trapping them between walls, settlements and/or the Green Line while stealing land, water and other resources from hundreds more. Jerusalem remains isolated by the Wall and settlements, and an increasing number of Palestinians have found their homes demolished or taken over by settlers. In response, the international community has put a veil of silence over these crimes, yet another Nakba for the Palestinian people. In spite of this, Palestine resistance to the Wall has grown. Protests have been a weekly undertaking in a number of West Bank villages. In an attempt to uproot what they have termed "a dangerous phenomenon", Occupation forces have employed increasing violent means against protesting communities, in particular youth. In barely more than a year, 6 have been shot and killed by soldiers, hundreds have been injured and dozens arrested in the villages struggling against the Wall. Gaza has seen much worse. In response to their resilience under siege, the people of Gaza have faced an overwhelming military onslaught. More than 1,500 were killed as a result and thousands more injured this past winter when Occupation forces laid waste to the small coastal territory. In their struggle, the Palestinian people shall not stand alone. Unite against apartheid!

www.stophthewall.org

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