

**Goldstone breathes new life into Gaza report: the Goldstone Report fails to justly present the facts about Israel's war crimes in Gaza** Al-Jazeera Richard Falk 20 April 2011 *Richard Falk is Albert G. Milbank Professor Emeritus of International Law at Princeton University and Visiting Distinguished Professor in Global and International Studies at the University of California, Santa Barbara. He has authored and edited numerous publications spanning a period of five decades, most recently editing the volume International Law and the Third World: Reshaping Justice (Routledge, 2008). He is currently serving his third year of a six year term as a United Nations Special Rapporteur on Palestinian human rights.*

Ever since it first struck the raw nerve of Israeli political consciousness, I thought it misleading to associate the Goldstone Report so exclusively with its chair, Judge Richard Goldstone. After all, despite his deserved prominence as an international jurist, he was the least substantively qualified of the four members of the mission.

Part of the intensely hostile Israeli reaction undoubtedly had to do with the sense that Goldstone - a devoted Zionist - had been guilty of betrayal. Perhaps even the betrayal of 'a blood libel,' because he seemed to be elevating his fidelity to the 'law' above tribal loyalties; he should never have been mixed up with such a suspect entity as the UN Human Rights Council in the first place.

What should be observed - and what stands out over time - is the degree of importance that even the extremist Israeli leadership attaches to avoiding stains on its reputation as a law-abiding political actor. This seems true even when the assessing organisation is the UN Human Rights Council, which Israel, as well as the US government, never misses a chance to denounce and defame.

Implicit in their fury is a silent acknowledgement that the UN is a major site of struggle in the ongoing war of legitimacy being fought against Palestinian claims of self-determination.

(...)There is a double irony present: Goldstone was partly selected to head this sensitive undertaking because, as a known supporter of Israel, he would make it harder for Israel to complain about bias. Yet - precisely because of the difficulty Goldstone's credibility posed for Israel's propaganda machine - the level of attack on him reached hysterical heights, and exerted such intense pressure that he eventually retreated.

Two other aspects of the situation are often neglected or misstated. First of all, several other respected international studies had already confirmed most of the conclusions reached before the Goldstone Report was released in September 2009. Other prior reports highlighting the international law issues were published by Human Rights Watch, Amnesty International, B'Tselem, Al Haq, and especially the comprehensive report of an earlier detailed and authoritative fact-finding team. The team was composed of internationally respected international law experts under the leadership of John Dugard, a leading South African jurist and former UN special rapporteur for Occupied Palestine; its work was carried out on behalf of the Arab League.

Against such a background, in a substantive sense, the Goldstone Report did not say anything

that had not already been established by a community of NGOs, journalists, UN humanitarian workers and civilians who were on the scene during the attacks. Such an overwhelming and informed consensus is what makes mockery of the effort by the US state department and the senate to repudiate the report. (...)

(...)Many have asked whether the Goldstone retraction will doom the future of the report. In my view, rather than performing a funeral rite, Goldstone miscalculated; he has given the report a second life. It may still languish in the UN system, thanks to the geopolitical leverage being exerted by the United States to ensure that Israeli impunity is safeguarded once more. But this new controversy surrounding the report has provided civil society with renewed energy to push harder on the legitimacy agenda which is animating the growing Palestinian solidarity movement.(...)

(...)It is up to persons of conscience to seize this opportunity, and press hard for a more even handed approach to the application of the rule of law in world politics. There is much righteous talk these days at the UN and elsewhere about the '

**responsibility to protect**

, ' contending that the Qaddafi threats directed at Libyan civilians justified a No Fly Zone and a full-fledged military intervention from the air undertaken with UN blessings and NATO bombs and missiles. But, not even a whisper of support was provided for the still beleaguered people of Gaza with a No Fly Zone, despite a debilitating unlawful blockade that has lasted almost four years - a severe form of collective punishment that directly violates

**Article**

33 of the Fourth Geneva Convention.

This blockade continues to block the entry of building materials needed in Gaza to recover from the devastation caused more than two years ago.

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