

Human Right Watch: One Step Forward, One Step (or More) Back

Gerald Steinberg

Responding to the growing criticism of its biases, Human Rights Watch, an NGO superpower based in New York, has published two statements which are unusually “balanced”. The first is a report — “Indiscriminate Fire: Palestinian Rocket Attacks on Israel and Israeli Artillery Shelling in the Gaza Strip” and is a sharp contrast to last year’s absurdly skewed report on the war with Hezbollah (“Fatal Strikes: Israel’s Indiscriminate Attacks Against Civilians in Lebanon”). The criticism of the Palestinian attacks, including terms such as “war crimes” and “violations of international law” is an important step in correcting the years of denial. The second item is a statement, “Gaza/Israel/Lebanon: Release the Hostages”, which is a call by HRW for the release of Gilad Shalit, Ehud Goldwasser and Eldad Regev and condemnation of their treatment by Hamas and Hezbollah, after a year of embarrassing silence.

These statements mark a major change from the justifications provided by HRW officials for condemning Israel, while ignoring Palestinian terror groups and their leaders. In explaining HRW’s repeated allegations of Israeli war crimes in 2001 and 2002, HRW officials made the false claim that “non-state actors” are not covered by international human rights law or basic morality.

The good news from the most recent HRW reports is the reduction in double standards. The leaders of Hamas, Fatah (in all its forms and subgroups), Islamic Jihad and others are now subject to the same moral and legal requirements as others.

The small opening in HRW’s very belated criticism of Hezbollah after last year’s attacks has now been widened to include Palestinian terrorists. And Israelis who are killed by these terror attacks are finally included as victims of human rights violations another important step for HRW. For example, “Eshel Margalit of Moshav Nativ Ha’asara, for example, told Human Rights Watch how his daughter narrowly escaped becoming a victim of a rocket attack.” Until now, such accounts have been almost exclusively reserved for Palestinians or, during the 2006 war, Lebanese.

But cynics will urge caution regarding a major change in HRW’s agenda. Two publications earlier hardly constitute convincing evidence in the massive stream of HRW’s activities regarding Israel. In October 2002, following a barrage of criticism for obsessive anti-Israel reports after the suicide bombings and IDF Jenin operation (Defensive Shield), HRW published an impressive report entitled: “Erased in a Moment: Suicide Bombing Attacks against Israeli Civilians” <<http://www.hrw.org/reports/2002/isrl-pa/>>. However, the authors of this very detailed report, which also included statements from Israeli victims, exonerated the chief terrorist Yasir Arafat primarily by ignoring the detailed documents and other evidence. And the report was quickly forgotten as Kenneth Roth, Joe Stork, Reed Brody, and others who choose HRW’s targets resumed publishing one-sided reports that condemned Israeli anti-terror policies. In 2004 and 2005, these officials led HRW’s role in supporting anti-Israel boycotts and sanctions. In that case, the single report on Palestinian terrorism simply served to “prove” that HRW was balanced, so that the imbalance and double-standards could resume. In 2004, for example, while the suicide bombings continued, NGO Monitor’s systematic analysis showed that one-third of HRW’s entire Middle East activity targeted Israel far more than Iran, Syria, Saudi Arabia, and the Palestinians.

In addition, the latest HRW report on Gaza and the statements on the kidnapped Israeli soldiers repeats the old problem of immoral equivalence. Palestinian aggression and

Israeli defense are treated as two sides of the same coin, in sharp contrast to common sense and international law, including the Charter of the United Nations. HRW's Joe Stork repeated the mantra: "Tit-for-tat abuses" can't be justified by arguing that the other side violated the law first: The laws of war are meant to protect civilians from harm, whatever the reason. Otherwise, the cycle of violence spirals out of control, as happened in Gaza and Israel." Stork and HRW also glossed over the fact that daily Palestinian rocket attacks continue, while the IDF ceased artillery shelling after November 2006.

Similarly, during the second Lebanon war in 2006, the almost daily barrage of reports, opeds, letters, etc. produced by HRW ignored the initial Hezbollah attack, in which 8 soldiers well within Israeli territory, were killed, and two were kidnapped (and are still being held, with little comment from Human Rights Watch). Similarly, on the issue of the Israeli soldiers, HRW gave equal status to their call on Israel to "release Hamas legislators and ministers apparently taken in reprisal."

Regarding the issue of HRW's use of evidence and credibility, some sections of the report on Gaza reflect the central defects of previous methods displayed in the 2002 Jenin report, and "Razing Rafah" (November 2004). As NGO Monitor's analyses also showed, many reports from Southern Lebanon during the 2006 war were also based entirely on suspect "eyewitness" claims, in some cases as relayed to sympathetic journalists. In this case, however, the authors acknowledged: "Human Rights Watch did not have sufficient detailed information to conduct a similar analysis of the injured. ... Human Rights Watch does not have information regarding 135 of the total reported injured by OCHA." Given OCHA's lack of credibility and transparency, this caution is justified. And later, HRW notes: "While Palestinians often claimed that Israel's shelling had other objectives, we were not in a position to gather sufficient information to assess such claims, and for purposes of this report we accept Israel's stated purpose." If a similar admission has been published previously by HRW, NGO Monitor's researchers did not see it.

But other sections of this report repeat the same mistakes of the past, particularly in the two detailed case studies "the fatal explosion on a Gaza beach on June 9, 2006, and the fatal shelling of the Nada Apartments complex during the week of July 24, 2006". These appendices reiterate the mix of "eyewitness" and selective press accounts, as well as claims of military expertise that cannot be verified, while ignoring the considerable contrary evidence. Both sections would have benefited from the same warning regarding the lack of "sufficient information" printed in the body of the report.

There are many other issues to consider in the statement on the kidnapped soldiers and the 147 page report on Gaza, including tendentious explications of international law, and it needs careful analysis. However, the bottom line is clear and important. If these publications are evidence of an initial change in HRW's agenda and policies, to be followed by sustained reports, opeds, campaigns and other activities that reverse the biases and double standards that stripped the context of terror, and unfairly condemned legitimate defense by Israel, the US and others, HRW deserves credit for trying. The defects and remaining bias can be corrected, and progress will be made. But if this report is followed by a barrage of HRW's old-style political attacks that exploit the rhetoric of human rights, as occurred continuously from 2000 to 2007, the cynics will have been proven correct, again. And HRW's leaders will be seen in the future as having played a key role in the extinction of the principles of universal human rights and basic morality.

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