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Human Rights as a Weapon:

On Israel, HRW betrays its own principles

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Ken Roth and Human Rights Watch have been at the forefront of the campaign to criminalize self-defense against terrorism, and to brand Israel and the U.S. as the primary perpetrators of war crimes.

Roth's emotional outbursts, convoluted pseudo-legal language and post-colonial bias are major contributors to the double standards and records of false allegations that have eroded the universality of human rights and turned these principles into weapons.

In attacking Israel's response to Hamas in Gaza on Forbes.com, Roth applies the skills he acquired during his years as a prosecutor in New York, building a tendentious case based on unsupported "evidence" and stripping away the context. He would have us believe that an army--and the Israeli military in particular--that is less than perfect must be wholly condemned, regardless of the circumstance.

His case combines half-truths, speculation, unverifiable evidence, and subjective claims that may seem convincing only to a jury that has never experienced terror, knows nothing about international law, and has a strong anti-Israel bias from the beginning.

Statements from Human Rights Watch on Gaza follow the organization's pattern and practice used for many years. For example, in October 2000, HRW joined the campaign blaming Israel for the highly publicized death of Mohamed al-Dura, citing

"eyewitnesses" and rejecting contradictory evidence. A few months ago, a French defamation court known for its strict rulings reviewed the details and sided with those who argued that this video was staged by the Palestinian cameraman for France 2 TV - the only "witness." But Roth's organization continues to refer to this as evidence of "indiscriminate or excessive use of force by the Israeli Defense Forces (IDF)."

In 2004, Roth held a high-profile press conference at the American Colony Hotel in Jerusalem to publicize a glossy 135-page anti-Israel indictment entitled "Razing Rafah." The description of terrorists as "resistance" and the use of this report to promote the boycott campaign against Caterpillar over sales to Israel reveal HRW's ideological bias.

The main claims were that tunnels from Egypt to Gaza posed little threat, and, according to "experts," including sales clerks, could be readily detected by equipment used in America. The IDF's attacks against buildings that hid tunnel entrances were "unnecessary," "unlawful," and designed to maintain "long-term control over the Gaza Strip." Less than one year later, Israel had fully withdrawn from Gaza, opening the way for the import of thousands of rockets through the tunnels. HRW got it completely wrong, but learned no lessons.

Roth followed a similar pattern during the 2006 Lebanon War, with numerous false claims quoting "eyewitnesses" from territory fully controlled by Hezbollah. In the case of an attack in Qana, HRW adopted false claims regarding casualties that were nearly double the on-site figure provided by the Red Cross. In these and other cases, Roth has never apologized, and no independent investigations of HRW's numerous errors and biases have been conducted.

When it comes to war crimes committed by terror groups like Hezbollah and Hamas, time and again Roth ignores the clear evidence, refusing to issue public condemnations or hold press conferences claiming the need for thorough investigations. In contrast, Israel was found guilty from the outset.

HRW issued 18 separate condemnations of Israeli policy in Gaza during 2008, exploiting the rhetoric of international law, including false claims that Israel was

guilty of "collective punishment" and for causing a "humanitarian crisis." Very little was said about obvious Palestinian violations of the laws of war and common-sense morality, including launching thousands of rockets to attack Israel, the indisputable use of human shields, the kidnapping of Gilad Shalit and the subsequent denial of his rights in captivity.

The white phosphorus issue--Roth's main weapon in attacking the IDF regarding Gaza--is only one facet in this complex war. Once again, Roth has crafted a highly misleading case worthy of an aggressive prosecution, based on the allegation that the IDF caused unnecessary or indiscriminate harm to civilians.

Does Roth claim to be privy to the details of Hamas military deployments in houses, schools, mosques and hospitals, as well as the targeting decisions of the IDF? And how did HRW's "military expert" (apparently Marc Garlasco, whose ideological bias and lack of expertise were evident in "Razing Rafah," and in the 2006 Gaza beach incident) make such determinations while observing from an unnamed distance and location outside of Gaza?

Roth justifies HRW's disproportionate campaign on the white phosphorous concern by claiming that illegal actions by terrorists do not justify "illegal" defense measures. But as Professor Avi Bell, an international legal expert, states, "When a combatant hides in a civilian house, the house ceases to be a civilian target and becomes a military target ... [The] use of civilian shields is very relevant to the legal standard to be applied."

In contrast, HRW's flood of condemnations suggests that all weapons used in self-defense are somehow illegitimate.

In the complexities of defense against well-armed terror organizations like Hamas and Hezbollah, mistakes are made, and these should be corrected. But the checks and balances in Israel's democratic process are clearly more credible than Roth's emotional outbursts, HRW's ideological "experts" or the counterproductive exploitation of international legal rhetoric.

Beyond the demonization of Israel's right to defend its citizens from attack, such cynical distortions undermine the moral foundation of the Universal Declaration of Human Rights. This moral destruction is antithetical to the worthy objectives envisioned by the founders of HRW.

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