

The End of Israel's Impunity?

Muhammad Idrees Ahmad

The assault on Gaza marks the end of an era for Israel. For the second time in two years its colonial ambition has floundered in the face of determined resistance. It may persist for some time; but the trajectory is clear – it is losing both legitimacy and power. Support for it is dwindling in Washington; its friends are alarmed. Citizens are acting where governments have failed; the movement for boycott, divestment and sanctions is snowballing. Apologists are finding it more difficult to justify its persistent criminality. Rifts have emerged in the transatlantic alliance over its recent actions; EU leaders have broken with Israel and the US, questioning the wisdom of continuing to isolate Hamas. Even the pliant Tony Blair will no longer toe the line.

This leviathan may yet be tamed, accountability restored; but what part, if any, will international law have played in this?

At one point in Errol Morris's 2004 documentary 'Fog of War', former US Secretary of Defence Robert McNamara recounts a conversation he had had with General Curtis Lemay of the United States Air Force *à propos* the fire bombing of Japanese cities. LeMay, according to McNamara, said that if the US ended up losing the war "we would be hanged for this". As it transpired, the US did not lose; and far from being hanged, the allied command got to play hangman.¹ The trials that led to the execution of German and Japanese high command assumed a broader significance; they became the founding documents of international law. The conclusions from these trials served as the basis for the Genocide Convention (1948), the Universal Declaration of Human Rights (1948), the Nuremberg Principles (1950), The Convention on the Abolition of the Statute of Limitations on War Crimes and Crimes against Humanity (1968), the Geneva Convention on the Laws and Customs of War (1949), its supplementary protocols (1977), and the International Criminal Court (2002).

As Kirsten Sellars details in her book 'The Rise and Rise of Human Rights,' the Nuremberg trials and the subsequent Tokyo trials which would later provide the basis for international law were not themselves free of controversy. At the end of the war, Western powers saw Germany and Japan as potential allies in the looming conflict against the Soviet Union. However, the passions that had been mobilized against the Axis powers demanded blood sacrifice before Japan and Germany could be laundered back into the Free World. It was to satisfy this purpose that the tribunals were reluctantly instituted. While Justice Robert Jackson's eloquent pronouncements on the rule of law in international affairs have become *de rigueur* in discourses on the subject, his contemporaries took a less generous view. US chief justice Harlan Stone called the whole Nuremberg exercise a "sanctimonious...fraud" accusing Jackson of conducting a "high-grade lynching party". Justice

William Douglas of the US Supreme Court accused the allies of "substituting power for principle" and creating laws "ex post facto to suit the passion and clamour of the time". In his famous dissent at the Tokyo trials, Indian Justice Radhabinod Pal indicted the tribunal for its exclusion of European colonialism and the American use of the atomic bomb. The trial, he argued, was nothing more than an "opportunity for the victors to retaliate". Antiwar US senator Robert Taft called it "victors' justice".

Power asymmetry has defined the application of International Law since. Gaza is a case in point.

Jus ad Bellum?

Israel and its apologists have sought to justify its military assault on Gaza as an act of "self-defence" against Hamas rockets invoking Article 51 of the United Nations Charter.² So pervasive was this view that even putatively antiwar voices frequently worked the word "disproportionate" into their denunciations. Israel, according to this view, has a right to defend itself but used more force than was necessary. However, this argument relies on the inversion of cause and effect and a defective legal premise.

Israel's assault was not meant to protect its citizens against the Hamas rockets, but to protect its colonial project and right to continue the strangulation of Gaza. Israel broke the truce on 4th November 2008 when under the cover of the US elections it launched an attack inside Gaza killing six Palestinians. The attack, writes Middle East scholar Sara Roy, was "no doubt designed finally to undermine the truce",³ as even according to Israel's own intelligence agencies Hamas had implemented the ceasefire with remarkable effectiveness. Though Hamas retaliated with rockets, it still offered to renew the truce provided Israel ended the siege. Israel refused.⁴

Between the evacuation of its settlements from Gaza in 2005 and the beginning of its latest assault, Israel had killed a total of 1,250 Palestinians, including 222 children, and maimed many more. This despite Hamas's 18 month unilateral ceasefire to which it strictly adhered. The situation was so dismal before the siege that the late Israeli historian and author Tanya Reinhart described it as "a process of slow and steady genocide".⁵ Sara Roy saw in it a deliberate process of what she calls "de-development". The siege, in her view, had two objectives: to reduce the Palestinian issue to a humanitarian problem; and to "foist Gaza onto Egypt". Israel's economic stranglehold over the territory, she said, was leading to the "breakdown of an entire society".⁶

The UN human rights rapporteur John Dugard, a South African legal scholar, has compared the situation in the Occupied Territories to apartheid. His successor Richard Falk, an American Jew and a leading authority on international law, called the situation a "prelude to genocide". Gaza, he said, was "slouching towards a holocaust" insofar as the situation expressed vividly "a deliberate intention on the part of Israel and its allies to subject an entire human community to life-endangering conditions of utmost cruelty". Falk accused Israel of bringing Gaza to the "brink of collective starvation", imposing "a sub-human existence" on a people "repeatedly and systematically" victimized. Poignantly, he added:

"To persist with such an approach under present circumstances is indeed genocidal, and risks destroying an entire Palestinian community that is an integral part of an ethnic whole. It is this prospect that makes appropriate the warning of a Palestinian holocaust in the making, and should remind the world of the famous post-Nazi pledge of 'never again!'"⁷

On 5th November, Israel sealed all entries and exits to Gaza and intensified the stranglehold.

For Gaza – a region whose unemployment

rate is 49.1%, where the majority relies on food aid (from the World Food Program and the UN Relief and Works Agency (UNRWA), the latter alone feeding about 750,000 Gazans), and 50% of whose population comprises children – the consequences were devastating. Roy reports that according to Oxfam, an average of 4.6 trucks per day entered Gaza in November 2008 as compared to 564 trucks a day in December 2005. There were three days where 20,000 went without food and on 18 December UNRWA had to suspend food distribution altogether. On top of that, the WFP had to pay more than \$300,000 to Israeli businesses in November and December for storage of the food being withheld from Gaza. Thirty out of Gaza's forty-seven commercial bakeries had to close for the lack of cooking gas; by April there will be no poultry, on which 70% of Gazans rely for their protein. UNRWA's cash assistance to the most needy has had to be suspended. The embargo on paper, ink and glue needed for the production of textbooks would affect 200,000 students.⁸

Gaza faces regular shortages of diesel, petrol and cooking gas. On 13th November, Gaza's only power station suspended operations because it ran out of industrial diesel. Spare parts for the power station were auctioned by Israel after being held in customs for eight months. Gaza's hospitals have had to rely on diesel and gas smuggled from Egypt via the tunnels. In an attempt to undermine Hamas, Israel's surrogates in the Palestinian Authority (PA) withheld World Bank funds from Gaza's Coastal Municipalities Water Utility (CMWU) to pay for fuel to run Gaza's sewage system. Israel has allowed in only 18 of the 200 tons of chlorine requested by CMWU for water purification. While medical supplies in Gaza have been running dangerously low, the collaborationist PA has been turning supply shipments away rather than send them to Gaza.⁹

It was within this context that on 19th December Hamas officially ended its truce.

All of this is significant, as in 1967 Israel used Nasser's blockade of the Gulf of Tiran as the *casus belli* for its pre-emptive attacks on Egypt, Syria and Jordan – the fateful war where it captured the West Bank and Gaza Strip. Unlike Gaza, however, Israel faced no shortages of food, fuel or medicine – indeed, trade continued unimpeded all across its main air- and sea ports (all of which are located on the Mediterranean coast). Yet, in spite of the facts, '67 has entered mainstream discourse as a legitimate case of pre-emptive self-defence under Article 51 of the Geneva Conventions. The precedent was even invoked by Colin Powell when on 5th February 2003 he made his case for invading Iraq at the UN Security Council. If Israel was within its rights to launch a pre-emptive war in '67 – a highly tendentious proposition – then the Palestinians most definitely had a similar right. It is not only enshrined in the Fourth Geneva Convention, it is also accorded them by virtue of Israel's denial of basic necessities.

But what of international law?

The use of force is an act of last resort under international law subject to the customary rules of proportionality and necessity. As a signatory to the Geneva Conventions, Israel has a right to defend itself against attacks; but it has no right to do so by force. In order to use force, it will have to show that other options were not available. This was clearly not the case. It had the option to end its occupation, withdraw from Palestinian land, and accept the international consensus on the two-state solution. It also had more immediate options: it could have agreed to renew the truce and end the crippling siege of Gaza. The Hamas government had made three separate peace offers over a period of two years through veteran Israeli peace activist Gershon Baskin, including one a mere two weeks before the assault. Relayed through a family member of Israeli Prime

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Minister Ehud Olmert all of these overtures were rebuffed.¹⁰ In spurning this opportunity Israel had forfeited any claims to self-defence. Had Hamas attacked *after* Israel had tried all these options, writes political scientist Jerome Slater, “then – and only then – would it have a true ‘right of self defense’.” It is also the only condition under which the question of proportionality would arise.

The rocket attacks had not killed a single individual before Israel began its assault; had they done so, they would still not entitle Israel to kill 1,300 Palestinians, mostly civilians, injure 5,000 and destroy schools, mosques, homes, UN compounds and government buildings. As the occupying power Israel has no rights under the Fourth Geneva Convention, it has only obligations – including a responsibility to protect Palestinian civilians and infrastructure. And as the occupied the Palestinians have a right to resist Israel’s oppression. Writes Slater: “An oppressor is not engaged in ‘self defense’ when it uses force in order to annihilate resistance to its repression, and that holds true even if the form of resistance—attacks intended to kill civilians—is itself morally wrong”. The fact is lost on no-one, except perhaps the BBC and CNN, that Israel’s occupation predates both the rockets *and* Hamas. “Israel’s actions amount to aggression, not self-defence,” wrote distinguished lawyers and legal scholars in an 11th January 2009 letter to the *Sunday Times*, “not least because its assault on Gaza was unnecessary”. They added:

“As things stand, its invasion and bombardment of Gaza amounts to collective punishment of Gaza’s 1.5m inhabitants contrary to international humanitarian and human rights law. In addition, the blockade of humanitarian relief, the destruction of civilian infrastructure, and preventing access to basic necessities such as food and fuel, are *prima facie* war crimes.”

That the Palestinians also have a right to self-defence is not an issue the UN Security Council would even allow anyone to raise. Instead, there are feeble pleas for ‘restraint’. In lieu of an investigation, in the initial phase of the massacre some UN officials dignified the Israeli claim that a mere 25% of the Palestinian casualties were civilians (in fact the majority were police trainees killed at their graduation). The notoriously undemocratic executive arm of the UN continued to treat the assault as a ‘war’ even though Gaza is recognized as an Occupied Territory, according Israel the right to ‘defend itself’, albeit ‘proportionately’. In reserving their condemnation exclusively for the targeting of ‘women and children’, the UN was also declaring Gaza’s male population fair game. Despite the verdict of international law experts that Israel’s murder spree in Gaza constitutes war crimes and crimes against humanity, writes Omar Barghouti, “this UN discourse not only reduces close to half a million Palestinian men in that wretched, tormented and occupied coastal strip to “militants,” radical “fighters,” or whatever other nouns in currency nowadays in the astoundingly, but characteristically, biased western media coverage...it also treats them as already condemned criminals that deserve the capital punishment Israel has meted out on them.” (*The Electronic Intifada*, January 1st 2009)

Jus in Bello

Israel made no bones about its attacks on civilian targets: one army spokeswoman declared that “[a]nything affiliated with Hamas is a legitimate target”; another added that “we are trying to hit the whole spectrum, because everything is connected and everything supports terrorism against Israel”. The government which had only a year earlier rejected the results of an election which had seen Hamas take the majority of the vote, was suddenly willing to acknowledge the party’s popularity so it could hold it against the whole population of Gaza as evidence of their support for “terrorism against Israel”.¹¹ As the democratically elected government of the Palestinian people all of Gaza’s civilian infrastructure was thus “affiliated” with

Hamas and hence a legitimate target. In the very first hour of its assault Israel bombed the Palestinian Legislative Council, the Ministries of Education and Justice, the Islamic University of Gaza, mosques, ambulances and many homes. Palestinian civilian infrastructure was subjected as a whole to Israeli terror. By the end, Israel had destroyed 4,700 homes completely or partially, leaving tens of thousands of people homeless.

Sara Roy implored the world in the name of International law – and “human decency” – to protect the people of Gaza. Perhaps the appeal to human decency is a tacit acknowledgment of the irrelevance of international law where it doesn’t align with the interests of major powers. As Conor Gearty notes, the assault on Gaza “has laid bare the relative impotence of international law in the face of determined sovereign action”.¹² Like Roy and Gearty, Falk also places little faith in international law for redress. It would be unrealistic, he writes, “to expect the UN to do anything in the face of this crisis, given the pattern of US support for Israel and taking into account the extent to which European governments have lent their weight to recent illicit efforts to crush Hamas as a Palestinian political force”.¹³

The impotence of the mechanisms for enforcing international law was exposed in Israel’s refusal to heed the UN’s calls for a ceasefire. Israel blithely ignored the UN Security Council’s call on January 8th 2009 for “an immediate, durable and fully respected ceasefire”. Likewise, it ignored the strong statement by High Commissioner for Human Rights, Navi Pillay, the next day about the applicability of international human rights law “in all circumstances and at all times”. Pillay stressed that the violations of these laws “may constitute war crimes for which individual criminal responsibility may be invoked”. She urged the UN’s Human Rights Council to “consider authorizing a mission to assess violations” in order to establish “the relevant facts and ensure accountability”. The Council in its resolution said that it “strongly condemns the ongoing military operation” for its “massive violations of human rights of Palestinian people and systematic destruction of the Palestinian infrastructure”; it was particularly outraged at Israel’s “targeting” of UN facilities. At the conclusion of the assault, Ban Ki Moon, the UN Secretary General himself, visited Gaza. He said he was “appalled” by the destruction, which he found “outrageous and totally unacceptable” and called for the perpetrators to be “punished”.¹⁴ The UN has called for the attack to be investigated as a war crime.

Writes Gearty:

“The anger evident in all this UN activity, and in particular the passion evident in the High Commissioner’s choice of words, is founded upon the blatancy of the disregard of the law that has been evident in Gaza.”¹⁵

In a highly unusual move, the International Committee of the Red Cross (ICRC) broke with convention to condemn the Israeli military for

breaching international humanitarian law when it refused access for four days to a Zeitoun neighbourhood where four small children were later found starving among twelve corpses, including those of their mothers. The incident also occasioned one of the most extraordinary moments in the history of British journalism when Alex Thomson of Channel 4 subjected the Israeli spokesperson Mark Regev to an unrelenting interrogation ending with the plea, “In the name of humanity what is Israel doing?”¹⁶

While Israel may have taken a hit in terms of its image – already the worst brand in the world, according to a 2006 poll¹⁷ – a wave of boycotts sweeping Europe also adds economic pressure. “But in the absence of any kind of enforcement mechanism,” writes Gearty, “the legal effect of all this international noise has been for all practical purposes zero”.¹⁸ There being no international adjudicative body to which Israel is required to defer, he writes, the worst Israel has to fear is five minutes of interrogation on the media, which is itself a rare occurrence. Israel’s claim to self-defence “might not be able to survive a few hours in a court of law”, Gearty avers, but with a mostly pliant media already humming with a chorus of friendly ‘academic terrorism experts’ and ‘defence analysts’ Israel is all but immune from accountability.¹⁹

It was Israel’s ’67 pre-emptive attacks on neighbouring Arab states and Reagan’s March 1986 bombing of Libya – both invoking Article 51 of the UN charter – that demonstrated that unilateral action was possible without eliciting any legal repercussions. The US refusal to join the International Criminal Court, and Israel’s repeated rejection of its jurisdiction, is transforming the whole concept of international law is revealed so far to be a farce. The only people brought to trial in the Hague have all belonged to countries either on the rough end of the unipolar world’s stick, or to countries in which major powers have no vested interests. The irony of the US supporting the ICC’s prosecution of Sudanese president Omar al-Bashir while itself refusing to ratify its charter is lost on few in the outside world. Under these circumstances, warnings about criminal responsibility are seen as little more than empty threats. International law has hitherto served no purpose other than to lull the aggrieved into believing that verbal indictments are somehow a substitute for justice.

The End of Impunity?

Concerns about prosecutions at the Hague led the Bush administration to repeal the US signature from the treaty enabling the ICC and in 2002 to pass the American Service Members Protection Act (ASMPA), more commonly known as the Invasion of The Hague Act which permits the United States to unilaterally invade the Netherlands to liberate any military personnel and other elected and appointed officials held for war crimes. The US also pressured weaker states around the world to sign ‘bilateral immunity’ policies that require them to sign a waiver stating that they will contravene the ICC in the case of Americans being arrested. Those who do not comply risk losing US military assistance: Kenya and Trinidad-Tobago, for example, learned this the hard way. According to the *Observer*, ICC prosecutor Luis Moreno-Ocampo is already pursuing seriously the legal instruments that would allow him to put Israelis on trial for war crimes.²⁰ Fear of prosecution has already caused the Israeli government to launch an international campaign to defend its legal position while and at the same time redacting names written in reports and masking photographs of military personnel involved. Director of the Israel Law Center, Nitsana Darshan-Leitner, has opted for bluster, urging the Knesset to legislate a law prohibiting cooperation with any war crimes tribunal and to pass an ASMPA-style Invasion of the Hague law. “Foreign countries should be made to understand we mean business”, she added.

Obstacles remain, however, and precedents of the actual implementation of international law

demand one to attenuate expectations. It is this recognition that has led some to consider using the universal jurisdiction laws enshrined in the legal codes of several European countries to bring US and Israeli war criminals to the dock. Several Israelis have already had close brushes with the law in Europe. In 2001 prosecutors in Belgium filed a war crimes indictment against Ariel Sharon and General Amos Yaron over their responsibility for the massacre of Palestinians in Lebanon. The case was later dismissed by an appeals court on a technicality. On 10th September 2005, General Doron Almog escaped arrest on arrival in London only through a last minute warning from someone at the Foreign Office. Had he disembarked, he would have faced arrest for violations of the Geneva Convention in carrying out house demolitions in Gaza.

Using the same laws that led to the 1998 arrest of the former Chilean dictator Augusto Pinochet, Spanish judge Fernando Andreu has launched an investigation of Israeli officials over a 2002 bombing where a one-ton bomb dropped on a densely populated Gaza neighbourhood killed fifteen, including nine children. Those charged include former defense minister, Binyamin Ben-Eliezer; former chief-of-staff, Moshe Ya'alon; former airforce chief, Dan Halutz; head of Southern command, Doron Almog; head of the National Security Council, Giora Eiland; the defense minister's military secretary, Mike Herzog; and head of Shin Bet, Avi Dichter. The Israel lobby flexed its muscle, and foreign minister Tzipi Livni was soon claiming that she had been assured by her Spanish counterpart, Miguel Moratinos, that his government would amend its laws to diminish the possibility of investigating torture and war crimes committed outside Spain. This however was immediately contradicted by Deputy Prime Minister María Teresa Fernández de la Vega who stated defiantly that "Spain is a country ruled by law" whose justice system enjoys "absolute independence"; this fact was "made clear to Israel and we are sure they understand this".²¹

The ground is also shrinking around leading US war criminals. Henry Kissinger already can't set foot in many European countries without risking arrest. Donald Rumsfeld likewise had to be spirited out of Paris a few years back in order to save him the embarrassment of being served a French subpoena. Recently the renowned prosecutor Vincent Bugliosi has shown how criminal law can be used to prosecute George W. Bush for murder in any of the districts where a soldier has been killed as a result of a war sold on lies.²² Until international law evolves a mechanism for enforcement that does not allow any state exemption from its purview, the potential of domestic laws to keep war criminals on their toes if not behind bars will remain indispensable.

In the wake of the 11th September 2001 attacks, Dick Cheney and the cabal of neoconservatives around him had gone about dismantling the international legal framework which had been developed across several presidencies as a result of a growing preference for hegemony by consent rather than coercion. Given the extreme unpopularity of the last regime, Obama feels compelled pragmatically to distance himself from its legacy. The appointments of George Mitchell as Middle East envoy and Charles Freeman as the director of the National Intelligence Council have already occasioned tension between the Obama administration and the Israel lobby. The growing unease over the ascension of Benjamin Netanyahu and Avigdor Lieberman to power in Israel is only likely to exacerbate matters. Gestures towards Syria and Iran have caused alarm among Israel-Firsters in Washington. While many rightly criticized Obama for his silence in the face of the Israeli slaughter, the standard reflex of a US politician would have been to come out unconditionally in support of the attacks.

In a remarkable departure from her earlier stance where she opposed the impeachment of Bush administration officials, the house majority leader, Nancy Pelosi, has recently declared that "no one is above the law".²³ Maybe she only wants

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to one-up Senator Patrick Leahy who has proposed a Truth and Reconciliation Commission. But for the first time talk of prosecutions has entered mainstream discourse. What was dismissed as unthinkable only months ago appears now almost attainable. Since Pelosi controls the assignment of hearings to relevant committees in the Congress, writes the veteran journalist Alexander Cockburn, "this means that she could give the green light to House Justice Committee chairman John Conyers to organize hearings...equipped with a capable director and subpoena power - that is, the ability to compel testimony and documents under the threat of criminal sanction."²⁴

Pelosi may or may not be serious but for the left there is a rich opportunity in all this, writes Cockburn. "Obama's pledges in the campaign to run a lawful government were very explicit". He clearly seeks a break with the image if not necessarily the policies of the Bush administration. The closing of Guantanamo and the categorical ban on torture is part of this new trajectory (even though unlawful detention and subcontracted torture will likely continue). This attempt to re-engage with the world will not be effective until Obama affirms US commitment to international law, including a re-signing of the ICC charter. This would also have the effect of empowering the UN rapporteurs, special representatives, tribunals and so on, Gearty argues:

"Since its application would be general, Obama could do all this without any mention of Israel, leaving the consequences to be worked through by various bureaucracies...Were pressure from the lobbies to reach dangerous levels, the president might choose to take the issue to the American people, to discuss openly whether Israel should have an exemption from the system of values to which...the US itself will by then have signed up."²⁵

While this is no doubt a scenario that the Israel lobby would want to avoid, Gearty's otherwise original and practical proposal overlooks the fact that the Israel lobby has long exploited an existing US disposition for unilateralism to generate hostility towards the UN. The UN is undermined in general so it won't have any legitimacy when it comes to the particular demands of making Israel abide by its resolutions. The bulk of US vetoes in the Security Council have been cast in support of Israel. Likewise, the precedent of appealing directly to the public has also failed to gain any cover for the last two presidents who tried it. Both Gerald Ford and George Bush (Snr.) ended up as one-term presidents: the former balked after receiving a letter signed by the majority of the Senate; the latter suffered a major electoral loss for which the Israel lobby claimed credit.²⁶ However, Obama is in a unique position: he has the tide of history with him. He is also more susceptible to public pressure. The Israel lobby is on the backfoot. There has never been a time more propitious for groundbreaking change. Gaza was the catalyst. It is time demands were made of Obama to restore faith in international humanitarian law. Until then, Europe's universal jurisdiction laws should suffice to keep the war

criminals on their toes.

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Notes

1. Since the allies had carried out more bombings of civilians than the axis powers, the American prosecutor Telford Taylor got around the problem by declaring that "the air bombardment of cities and factories has become a recognized part of modern warfare", hence a part of "customary law"; and that since the fourth Hague convention of 1907, which forbade bombing of civilians, had not been applied during WWII, it had lost its validity (see Sven Linqvist, 'A History of Bombing', Granta, 2000, n.239)
2. Zionist propagandist Paul Berman who in his book 'Terror and Liberalism' ridiculed the notion that Israeli occupation might be the cause of Palestinian resentment had to resort to hyperbole in order to justify Israel's killing of more than 400 children in Gaza. Israel, he told the American Jewish Committee's webzine *Z Word*, did it to prevent 'genocide'.
3. Sara Roy, 'If Gaza Falls', *London Review of Books*, 1st January 2009
4. Henry Siegman, 'Israel's Lies', *London Review of Books*, 29th January 2009
5. Jon Elmer, 'Slow Genocide: Tanya Reinhart interview', *From OccupiedPalestine.org*, 10th September 2003
6. Roy, op. cit.
7. Richard Falk, 'Slouching toward a Palestinian holocaust', *The Transnational Foundation for Peace and Future Research*, 29th June 2007
8. Roy, op. cit.
9. Ibid.
10. See Peter Beaumont, 'Israel PM's family link to Hamas peace bid', *The Observer*, 1st March 2009
11. Cited in John Mearsheimer, 'Another war, another defeat', *The American Conservative*, 26th January 2009
12. Conor Gearty, 'Sovereign wrongs and human rights', *The Tablet*, January 2009
13. Falk, op. cit.
14. Robert Fisk, 'So, I asked the UN secretary general, isn't it time for a war crimes tribunal?', *The Independent*, 19th January 2009
15. Gearty, op. cit.
16. Channel 4 News, 8th January 2008. Video of exchange available at: <http://pulsemedia.org/2009/01/10/c4/>
17. 'Survey: Israel worst brand name in the world', *Israel Today*, 22nd November 2006
18. Gearty, op. cit.
19. For example, the BBC gave platform to the very dubious Col. Richard Kemp to make pronouncements such as "I don't think there has ever been a time in the history of warfare when any army has made more efforts to reduce civilian casualties and deaths of innocent people than the IDF is doing today in Gaza" (can be seen here: <http://www.youtube.com/watch?v=WssrKJ3Iqcw>). Over in the US, Anthony Cordesman, a military analyst for the Center for Strategic and International Studies, earned his junket to Israel by declaring that it fought a "clean war" ("The 'Gaza War'", CSIS, 2nd February 2009). For a debunking of Cordesman, see Norman Finkelstein, 'War Whore: A Camp Follower Who Aims to Please', *Pulsemedia.org*, 19th February 2009
20. Peter Beaumont, *The Observer*, 2nd March 2009
21. JPost.com Staff, 'Spain won't annul judge's decision', *Jerusalem Post*, 1st February 2009
22. For a succinct summation of Bugliosi's case, see his interview with *Pulsemedia.org*, 27th February 2009
23. 'One-on-one with Nancy Pelosi', *Rachel Maddow Show*, MSNBC, 25th February 2009
24. Alexander Cockburn, *Counterpunch.org*, 27th February 2009
25. Conor Gearty, *London Review of Books*, 15th January 2009
26. Philip Weiss, 'Did the First President Bush Lose His Job to the Israel Lobby?', *New York Observer*, 17th July 2006