

Palestinians are being denied the right to non-violent resistance

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Human Rights Watch has lost its moral bearings

NAZARETH. If one thing offers a terrifying glimpse of where the experiment in human despair that is Gaza under Israeli siege is leading, it is the news that a Palestinian woman in her sixties — a grandmother — chose last week to strap on a suicide belt and explode herself next to a group of Israeli soldiers invading her refugee camp.

Despite the “Man bites dog” news value of the story, most of the Israeli media played down the incident. Not surprisingly: it is difficult to portray Fatma al-Najar as a crazed fanatic bent only the destruction of Israel.

It is equally difficult not to pause and wonder at the reasons for her suicide mission: according to her family, one of her grandsons was killed by the Israeli army, another is in a wheelchair after his leg had to be amputated, and her house had been demolished.

Or not to think of the years of trauma she and her family have suffered living in an open-air prison under brutal occupation, and now, since the “disengagement”, the agonising months of grinding poverty, slow starvation, repeated aerial bombardments, and the loss of essentials like water and electricity.

Or not to ponder at what it must have been like for her to spend every day under a cloud of fear, to be powerless against a largely unseen and malign force, and to never know when death and mutilation might strike her or her loved ones.

Or not to imagine that she had been longing for the moment when the soldiers who have been destroying her family’s lives might show themselves briefly, coming close enough that she could see and touch them, and wreak her revenge.

Yet Western observers, and the organisations that should represent the very best of their Enlightenment values, seem incapable of understanding what might drive a grandmother to become a suicide bomber. Their empathy fails them, and so does their humanity.

Just at the moment Fatma was choosing death and resistance over powerlessness and victimhood — and at a time when Gaza is struggling through one of the most oppressive and ugly periods of Israeli occupation in nearly four decades — Human Rights Watch published its latest statement on the conflict. It is a document that shames the organisation, complacent Western societies and Fatma’s memory.

In its press release “Civilians Must Not Be Used to Shield Homes Against Military Attacks”,

which was widely reported by the international media, HRW lambasts armed Palestinian groups for calling on civilians to surround homes that have been targeted for air strikes by the Israeli military.

Noting almost as an afterthought that more than 1,500 Palestinians have been made homeless from house demolitions in the past few months, and that 105 houses have been destroyed from the air, the press release denounces Palestinian attempts at non-violent and collective action to halt the Israel attacks. HRW refers in particular to three incidents.

On November 3, Hamas appealed to women to surround a mosque in Beit Hanoun where Palestinian men had sought shelter from the Israeli army. Israeli soldiers opened fire on the women, killing two and injuring at least 10.

And last week on two separate occasions, crowds of supporters gathered around the houses of men accused of being militants by Israel who had received phone messages from the Israeli security forces warning that their families' homes were about to be bombed.

In language that would have made George Orwell shudder, one of the world's leading organisations for the protection of human rights ignored the continuing violation of the Palestinians' right to security and a roof over their heads and argued instead: "There is no excuse for calling [Palestinian] civilians to the scene of a planned [Israeli] attack. Whether or not the home is a legitimate military target, knowingly asking civilians to stand in harm's way is unlawful."

There is good reason to believe that this reading of international law is wrong, if not Kafkaesque. Popular and peaceful resistance to the oppressive policies of occupying powers and autocratic rulers, in India and South Africa for example, has always been, by its very nature, a risky venture in which civilians are liable to be killed or injured. Responsibility for those deaths must fall on those doing the oppressing, not those resisting, particularly when they are employing non-violent means. On HRW's interpretation, Mahatma Gandhi and Nelson Mandela would be war criminals.

HRW also applies a series of terrible double standards in this press release.

It refuses Palestinians the right to protect homes from attack, labelling these civilians "human shields", even while admitting that most of the homes are not legitimate military targets, and yet it has not said a word about the common practice in Israel of building weapons factories and army bases inside or next to communities, thereby forcing Israeli civilians to become human shields for the army.

And HRW prefers to highlight a supposed violation of international law by the Palestinians — their choice to act as "human shields" — and to demand that the practice end immediately, while ignoring the very real and continuing violation of international law committed by Israel in undertaking punitive house demolitions against Palestinian families.

But let us ignore even these important issues and assume that HRW is technically correct that such Palestinian actions do violate international law. Nonetheless, HRW is still failing us and mocking its mandate, because it has lost sight of the three principles that must guide the vision of a human rights organisation: a sense of priorities, proper context and common sense.

Priorities: Every day HRW has to choose which of the many abuses of international law taking place around the world it highlights. It manages to record only a tiny fraction of them. The assumption of many outsiders may be that it focuses on only the most egregious examples. That would be wrong.

The simple truth is that the worse a state's track record on human rights, the easier ride it gets, relatively speaking, from human rights organisations. That is both because, if abuses are repeated often enough, they become so commonplace as to go unremarked, and because, if the abuses are wide-ranging and systematic, only a small number of the offences will be noted.

Israel, unlike the Palestinians, benefits in both these respects. After four decades of reporting on Israel's occupation of the Palestinians, HRW has covered all of Israel's many human rights-abusing practices at least once before. The result is that after a while most violations get ignored. Why issue another report on house demolitions or "targeted assassinations", even though they are occurring all the time? And, how to record the individual violations of tens of thousands of Palestinians' rights every day at checkpoints? One report on the checkpoints once every few years has to suffice instead.

In Israel's case, there is an added reluctance on the part of organisations like HRW to tackle the extent and nature of Israel's trampling of Palestinian rights. Constant press releases denouncing Israel would provoke accusations, as they do already, that Israel is being singled out — and with it, the implication that anti-Semitism lies behind the special treatment.

So HRW chooses instead to equivocate. It ignores most Israeli violations and highlights every Palestinian infraction, however minor. This way it makes a pact with the devil: it achieves the balance that protects it from criticism but only by sacrificing the principles of equity and justice.

In its press release, for example, HRW treats the recent appeal to Palestinians to exercise their right to protect their neighbours, and to act in solidarity with non-violent resistance to occupation, as no different from the dozens of known violations committed by the Israeli army of abducting Palestinian civilians as human shields to protect its troops.

Women volunteering to surround a mosque become the equivalent of the notorious incident in January 2003 when 21-year-old Samer Sharif was handcuffed to the hood of an army Jeep and driven towards stone-throwing youngsters in Nablus as Israeli soldiers fired their guns from behind his head.

According to HRW's approach to international law, the two incidents are comparable.

Context: The actions of Palestinians occur in a context in which all of their rights are already under the control of their occupier, Israel, and can be violated at its whim. This means that it is problematic, from a human rights perspective, to place the weight of culpability on the Palestinians without laying far greater weight at the same time on the situation to which the Palestinians are reacting.

Here is an example. HRW and other human rights organisations have taken the Palestinians to task for the extra-judicial killings of those suspected of collaborating with the Israeli security forces.

Although it is blindingly obvious that the lynching of an alleged collaborator is a violation of

that person's fundamental right to life, HRW's position of simply blaming the Palestinians for this practice raises two critical problems.

First, it fudges the issue of accountability.

In the case of a "targeted assassination", Israel's version of extra-judicial killing, we have an address to hold accountable: the apparatus of a state in the forms of the Israeli army which carried out the murder and the Israeli politicians who approved it. (These officials are also responsible for the bystanders who are invariably killed along with the target.)

But unless it can be shown that the lynchings are planned and coordinated at a high level, a human rights organisation cannot apply the same standards by which it judges a state to a crowd of Palestinians, people gripped by anger and the thirst for revenge. The two are not equivalent and cannot be held to account in the same way. Palestinians carrying out a lynching are committing a crime punishable under ordinary domestic law; while the Israeli army carrying out a "targeted assassination" is committing state terrorism, which must be tried in the court of world opinion.

Second, HRW's position ignores the context in which the lynching takes place.

The Palestinian resistance to occupation has failed to realise its goals mainly because of Israel's extensive network of collaborators, individuals who have usually been terrorised by threats to themselves or their family and/or by torture into "co-operating" with Israel's occupation forces.

The great majority of planned attacks are foiled because one member of the team is collaborating with Israel. He or she not only sabotages the attack but often also gives Israel the information it needs to kill the leaders of the resistance (as well as bystanders). Collaborators, though common in the West Bank and Gaza, are much despised — and for good reason. They make the goal of national liberation impossible.

Palestinians have been struggling to find ways to make collaboration less appealing. When the Israeli army is threatening to jail your son, or refusing a permit for your wife to receive the hospital treatment she needs, you may agree to do terrible things. Armed groups and many ordinary Palestinians countenance the lynchings because they are seen as a counterweight to Israel's own powerful techniques of intimidation — a deterrence, even if a largely unsuccessful one.

In issuing a report on the extra-judicial killing of Palestinian collaborators, therefore, groups like HRW have a duty to highlight first and with much greater emphasis the responsibility of Israel and its decades-long occupation for the lynchings, as the context in which Palestinians are forced to mimic the barbarity of those oppressing them to stand any chance of defeating them.

The press release denouncing the Palestinians for choosing collectively and peacefully to resist house demolitions, while not concentrating on the violations committed by Israel in destroying the houses and using military forms of intimidation and punishment against civilians, is a travesty for this very same reason.

Common sense: And finally human rights organisations must never abandon common sense, the connecting thread of our humanity, when making judgments about where their priorities lie.

In the past few months Gaza has sunk into a humanitarian disaster engineered by Israel and the international community. What has been HRW's response? It is worth examining its most recent reports, those on the front page of the Mideast section of its website last week, when the latest press release was issued. Four stories relate to Israel and Palestine.

Three criticise Palestinian militants and the wider society in various ways: for encouraging the use of "human shields", for firing home-made rockets into Israel, and for failing to protect women from domestic violence. One report mildly rebukes Israel, urging the government to ensure that the army properly investigates the reasons for the shelling that killed 19 Palestinian inhabitants of Beit Hanoun.

This shameful imbalance, both in the number of reports being issued against each party and in terms of the failure to hold accountable the side committing the far greater abuses of human rights, has become the HRW's standard procedure in Israel-Palestine.

But in its latest release, on human shields, HRW plumbs new depths, stripping Palestinians of the right to organise non-violent forms of resistance and seek new ways of showing solidarity in the face of illegal occupation. In short, HRW treats the people of Gaza as mere rats in a laboratory — the Israeli army's view of them — to be experimented on at will.

HRW's priorities in Israel-Palestine prove it has lost its moral bearings.

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