

Washington Pays Lip Service to Israeli War Crimes: U.S. Veto Power Ensures Israel's Impunity from International Law

Interview with Professor George Bisharat

By [Kourosh Ziabari](#)

Global Research, July 30, 2014

[Fars News Agency](#) 27 July 2014

Region: [Asia, Middle East & North Africa](#)

Theme: [Crimes against Humanity, History, Police State & Civil Rights](#)

In-depth Report: [PALESTINE](#)

A renowned Palestinian-American professor of law is of the opinion that without U.S. moral support, the Israeli regime would not have been able to massacre the Palestinian people so ruthlessly.

"The United States veto power in the United Nations Security Council is the single most important factor in enabling Israel's decades long impunity from international law," said Prof. George Bisharat in an exclusive interview with Fars News Agency.

Prof. Bisharat whose commentary on the Israeli-Palestinian conflict regularly appears on the academic publications and major newspapers in the United States says that there's no electoral advantage for the politicians to criticize Israel for its war crimes, instead, they can raise remarkable funds for their campaigns if they condone Israel's brutalities and sympathize with it.

"[I]n the United States, there is simply no electoral advantage for politicians to criticize Israel, and ample advantages in defending it," Bisharat noted. "Of course, virtually any critic of Israel faces the likelihood of baseless accusations of anti-Semitism, while compliance with Israeli policies ensures future flows of campaign donations."

George Bisharat is a Professor of Law at the University of California's Hastings College of the Law in San Francisco. He has advised the Palestinian Legislative Council to help them reform and develop the Palestinian judiciary system. Bisharat who holds a Ph.D. in Anthropology and Middle East studies from Harvard University has published articles in the New York Times, Washington Post, Wall Street Journal, San Francisco Chronicle, San Jose Mercury News, Intifada Palestine and Huffington Post.

To discuss the latest developments in the besieged Gaza Strip and the legal aspects of the Israeli regime's atrocious onslaught there, FNA spoke to Prof. George Bisharat, a well-known professor of law and frequent commentator on the Middle East current affairs.

Q: Several legal and political experts in the recent years, as well as prominent world leaders have likened Israel's policies in the Occupied Territories and Gaza Strip to those of the apartheid regime in South Africa. If discrimination on the basis of racial and ethnic belongings or religion is not legal, and if apartheid is a

crime, then why don't the relevant international authorities and human rights organizations take action to hold Israel accountable?

A: There is a strong argument that Israel's treatment of the Palestinian people as a whole, external refugees, Palestinian citizens of the state, and residents of the Occupied Territories constitutes the crime of apartheid under the Rome Statute of the International Criminal Court. The reasons that Israel has not been held accountable for this offense, however, are the same that it has not been held accountable for its many other offenses, including those being committed as I write; primarily, diplomatic protection from the United States and other western powers.

Q: In the recent days, we have been witness to the relentless and cruel mass killing of the Palestinian women and children in the Gaza Strip. Interestingly, no voice is raised by those who claim to be the advocates of human rights, and the politicians in the Western countries are astoundingly silent. Is it that they are afraid of being labeled "anti-Semite" by the Israeli lobby, AIPAC, ADL, AJC, B'nai B'rith and other influential Jewish organizations based in the United States? Or do you think there are other factors at work?

A: It is not the case that human rights advocates have been silent. Human Rights Watch, Amnesty International, and even several Israeli human rights organizations have criticized the Israeli assault on Gaza in whole or in part. Not all politicians, either, have been silent; MP's in the house of commons, for example, strongly challenged British Foreign Minister in his recent defense of his government's policy toward the attack on Gaza. But in general, the assertion is correct, that too few, and especially too few powerful politicians in the West have spoken out against the onslaught. Conditions vary from country to country, but in the United States, there is simply no electoral advantage for politicians to criticize Israel, and ample advantages in defending it. Of course, virtually any critic of Israel faces the likelihood of baseless accusations of anti-Semitism, while compliance with Israeli policies ensures future flows of campaign donations.

Q: Israel is perpetrating war crimes in the Gaza Strip. It claims its right to self-defense, but it disregards several internationally-recognized conventions and treaties which it is a signatory thereof. It's also reported that it has used, like the Gaza Massacre in 2008-2009, banned chemical weapons, such as white phosphorus, on the civilian population in Gaza. Is the United States implicitly endorsing these crimes? Will Israel be able to behave so aggressively without U.S. moral support?

A: reports that Israel has resumed the use of white phosphorus remain unconfirmed, but there is little question that it has committed war crimes, especially in deliberately targeting civilian individuals and objects for attack. And yes, in thoughtlessly endorsing Israel's "right of self-defense," the United States implicitly also approves these other crimes. The United States' veto power in the United Nations Security Council is the single most important factor in enabling Israel's decades long impunity from international law.

Q: You wrote in a recent article that in the light of the international silence against the Israeli airstrikes on the besieged Gaza Strip, Palestinians should invoke the jurisdiction of the International Court of Justice. Do you see the readiness, firmness and independence in ICJ to investigate Israel's conduct in the

recent military incursion into the Gaza Strip?

A: My recommendation was to invoke the jurisdiction of the International Criminal Court (ICC), and Palestinian officials have since announced that they have decided to take that step. It seems politically impossible for them to renege at this point on that promise. Great pressure will, no doubt, be brought against the Palestinians themselves, and on the prosecutor and judges of the ICC. Whether they will be able to withstand that pressure, only time will tell.

Q: What's your interpretation of the continued blockade imposed on the civilian population of Gaza by Israel? Is the siege, which is constantly blocking the people of Gaza's access to medicine, foodstuff, construction materials, toys for the children and even books acceptable and justifiable in terms of international law?

A: A siege is an act of war, and functions in the Gaza Strip as a form of mass collective punishment. Israel initially imposed the siege to punish the Palestinian people for the exercise of their democratic right to vote, as they did in 2006, delivering a parliamentary majority to representatives of Hamas. Collective punishment violates international law, and the siege further violates Israel's obligation to provide protection to the civilian population of the Gaza Strip, who continue to live under occupation according to international law, due to Israel's continuing "effective control" of that region.

Q: As you know, the Israeli regime does not recognize the Palestinian refugees' right of return. Between 1946 to 1948, some 700,00 Palestinians were expelled from their homes, and now, according to the United Nations Relief and Works Agency, the number of Palestinian refugees and their descendants who were born since 1948 amount to 5,000,000. Does Israel have the legal right to prevent these refugees from coming back to their homes?

A: The right of Palestinian refugees to return to their homes and homeland is rooted in customary international law, and was recognized by the United Nations General Assembly in Resolution 194 of 1948.

Israel cannot, therefore, lawfully continue to exclude Palestinians, and in a just resolution of the conflict, Palestinian refugees must be offered their right to return. Some may choose to accept compensation for their properties and resettlement, while others, doubtless, will choose actual return, but the key is that they must be given the choice. This is an individual right, and cannot be bartered away by anyone, not the PLO, nor any other body that has not been specifically charged with that responsibility by each and every refugee.

The original source of this article is [Fars News Agency](#)
Copyright © [Kourosh Ziabari](#), [Fars News Agency](#), 2014

[Comment on Global Research Articles on our Facebook page](#)

[Become a Member of Global Research](#)

Disclaimer: The contents of this article are of sole responsibility of the author(s). The Centre for Research on Globalization will not be responsible for any inaccurate or incorrect statement in this article. The Centre of Research on Globalization grants permission to cross-post Global Research articles on community internet sites as long the source and copyright are acknowledged together with a hyperlink to the original Global Research article. For publication of Global Research articles in print or other forms including commercial internet sites, contact: publications@globalresearch.ca

www.globalresearch.ca contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. We are making such material available to our readers under the provisions of "fair use" in an effort to advance a better understanding of political, economic and social issues. The material on this site is distributed without profit to those who have expressed a prior interest in receiving it for research and educational purposes. If you wish to use copyrighted material for purposes other than "fair use" you must request permission from the copyright owner.

For media inquiries: publications@globalresearch.ca