

Hope Destroyed, Justice Denied

The Rape of Palestine

by WILLIAM A. COOK

"The Estate of Zion is pitiful because of sin and iniquity."

"The Lord hath accomplished his fury; he hath poured out his fierce anger, and hath kindled a fire in Zion, and it hath devoured the foundations thereof."

(Lamentations of Jeremiah 4:11)

The Prophet Jeremiah (626-586 B.C.) lamented the pitiful state of Zion as it "shed the blood of the just in the midst of her" and as the "sons of Zion" "wandered as blind men in the streets, they (have) polluted themselves with blood, so that men could not touch their garments" (Lam. 4: 13-14). And he prophesied that Zion would become "a terror to thyself, and to all thy friends." As we witness Ariel Sharon slide ineluctably into that great dark night, the words of Jeremiah come back to haunt Israel. This man, like no other in recent Israeli politics, has left his indelible mark on Palestine carved like a searing branding iron on the landscape, the mark created by his Wall of Fear, which marks the Israel he strove to create out of stolen Palestinian land even as he herded three million people into walled corrals like cattle. This man, who wielded euphemistic words to kill truth as skillfully as he thrust his sword to kill the innocent, created a new party, the National Responsibility Party, to retain power that he might finish his job of cleansing Israel of Palestinians. Who better to create a stillborn party of such a name than the man who severed the national spirit of the Jews by wielding a sword that cut in two the very fabric of Jewish morality.

Let's view this man as he stumbles off the political stage in Israel, when but a week ago he hoped to grasp the olive branch of the Labor Party to swing back into power. As America's main stream press prepares to eulogize this man for his many accomplishments following the lead of USA TODAY "Ariel Sharon first came to prominence as an army officer in the 1950s. After leaving the military he entered politics, forging the hardline Likud Party. In 1982, Sharon was forced to step down as the party's defense minister, but re-emerged as prime minister in 2001" and other non-descript passages that overlook the truth of what the man did. In 1982, Sharon was forced to leave his post because he oversaw and permitted the slaughter of Palestinian civilians in the refugee camps of Sabra and Shatila, an event, together with his mass killings in the Jenin refugee camp in the West Bank some 20 years later, for which he faces prosecution for war crimes in Belgium. These details the American people are not to know nor are they to know that the UNSC passed Resolution 521 condemning those massacres. So as Sharon awaits the inevitable, let us view him against a moral mirror that will reflect his most grievous crimes. Let's view what Sharon's IDF has done and

continues to do in light of a resolution adopted by the UN unanimously and without abstentions, a document that Israel signed at a later date, the Genocide Convention of the United Nations.

In 1944 the term "genocide" appeared in Raphael Lemkin's Axis Rule in Occupied Europe. This passage by Frank Chalk and Kurt Jonassohn summarizes Lemkin's understanding:

Under Lemkin's definition, genocide was the coordinated and planned annihilation of a national, religious, or racial group by a variety of actions aimed at undermining the foundations essential to the survival of the group as a group. Lemkin conceived of genocide as 'a composite of different acts of persecution or destruction.' His definition included attacks on political and social institutions, culture, language, national feelings, religion, and the economic existence of the group. Even nonlethal acts that undermined the liberty, dignity, and personal security of members of a group constituted genocide if they contributed to weakening the viability of the group. Under Lemkin's definition, acts of ethnocide a term coined by the French after the war to cover the destruction of a culture without the killing of its bearers also qualified for genocide. (The History and Sociology of Genocide, 1990)

It was Lemkin's work that paved the way for the Convention passed by the United Nations in 1948. Lemkin's "composite of different acts of persecution or destruction" includes attacks on a people's political institutions, its culture, its national feelings, its religion, and its economic existence. It also includes non-lethal acts that undermine the liberty, dignity, and personal security of members of the group as they result in weakening the viability of the group. It would appear that many of the actions perpetrated by Sharon and his government and carried out by the IDF fit Lemkin's definition. Let's consider the UN wording as we review Sharon's tenure in office.

These are the criteria that determine genocide under the UN Convention.

Article II:

"In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group."

Article III:

"The following acts shall be punishable:

- a. Genocide;
- b. Conspiracy to commit genocide;
- c. Direct and public incitement to commit genocide;
- d. Attempt to commit genocide;
- e. Complicity in genocide."

Let's focus on "a" and "b" only from Article II leaving "c" for another article since space is at a premium. But let's note in passing that the acts described in the UN Convention are not restricted to a nation state and its people, but to groups, groups like the Palestinians who have no recognized state but do represent an ethnical, racial, and religious group. The UN in recognizing Israel as a state for Jews in 1947 also recognized a state for the indigenous population of Palestine though that group failed to acquiesce to the UNGA resolution at that time. The UN has consistently maintained that recognition since 1947 through approximately 169 resolutions that identify the Palestinian group as aggrieved by the Israelis. Thus it is appropriate that we consider the acts perpetrated on the Palestinians by the Sharon government to determine if in fact they constitute a breach of the UN Convention on the Prevention of the Crime of Genocide.

a. KILLING MEMBERS OF THE GROUP:

Following Ariel Sharon's blatant desecration of the Al Aqsa Mosque with his entourage of 1000 IDF soldiers, the start of the current Intifada in 2000, an act intended to force the Palestinians to anger and rioting, the most recent count of Israeli inflicted death on Palestinians stands at 4,140 (AAP reports on 10/15/05 that 4,845 Palestinians have been killed), 887 of these children, 117 caused by medical prevention by IDF forces and another 31 still born births resulting from IDF checkpoints that did not allow the mothers access to hospitals (MIFTAH Report on deaths to 10/5/05). By contrast, during this same time period, 1113 Israelis were killed. The Palestinian Red Crescent Society counts 29,198 injuries with 3530 of these permanently disabled (PRCS web site 10/23/05). In short, Israeli soldiers kill in excess of 1,000 Palestinians each year and permanently maim a similar number. Let us note that the Hague Court has determined that the killing of 7000 Muslim men and boys in Srebrenica in 1995 by General Radislav Krsyic constituted genocide rejecting his argument that the numbers were too insignificant to be called genocide.

Since these killings result not only from rifle fire but from tanks, bombs, missiles, and F-16 fighter jets, and since approximately 1,300 were women and children or those killed by prevention of medical care, they constitute crimes against Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, an article that

states explicitly "No protected person may be punished for an offense he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited ... Reprisals against protected persons and their property are prohibited." This means that IDF force that can produce death and/or injury to non-combatants must not be used nor can collective punishment be inflicted, yet that is the modus operandi of the IDF in its acts against Palestinians.

Perhaps a recent and all too familiar vignette might make the above statistics come alive. "Three Palestinian teenagers were shot by Israeli troops patrolling the southern section of Israel's border with Gaza" The bodies were discovered by medics next to the security fence near the Kissufim crossing; none were armed though they carried bags with food and clothing. An Israeli army spokesman said troops had opened fire towards three "suspicious figures" crawling close to the Palestinian side of the fence. No attempt had been made to intercept the youngsters nor to determine where they were going (Justice Freedom, 10/17/05). Such acts of indifferent brutality are contrary to the laws that govern occupation armies even as they proclaim the intent of the IDF to kill wantonly Palestinians.

Furthermore, since almost all of the above killings occurred on Palestinian land, occupied by the invading Israeli military, they constitute breaches of International Law that requires explicit behavior of the occupying forces, behavior that respects and protects the rights and individuality of the population suffering the occupation (See 75 U.N.T.S. 287 [1949] and Protocol I 1125 U.N.T.S. 3 [1979]). In addition, the United Nations Security Council Resolution 1544 (2004) "cites Israel's obligations as an 'occupying power' under international law and references the Territories 'occupied' since 1967," (PLO Negotiations Affairs Department, October 2004).

As we moved through month after month of 2005, Sharon's forces have continued their illegal "targeted killing" of Hamas militants, a short hand way of saying Israel has disbanded the basis of law in the West to reintroduce the law of the ancient barbarian states that granted license to the tribal chief or local tyrant absolute authority to determine guilt without arrest, without issuance of a charge, without counsel, without a plea, and without a court resulting in illegal assassination that goes unnoticed and unpunished in Israel and the United States, the self-extolled bulwarks of Democracy in the world. What hypocrisy. Thus have we come full circle in the mid-east as a new barbarian horde inflicts its merciless power on the innocent as well as the condemned for it inevitably happens, as it did this week, that innocent bystanders suffer the same fate as the object of the extrajudicial execution. The IDF record as reported by the Palestine Center for Human Rights as of January 2004 shows 309 civilians killed as a result of 157 executions. Rule without law, an action approved by the US government and supported by the American tax dollar. Yet no one objects.

The above litany of Sharon's brutality constitutes what is countable in the way of deaths attributable to the illegal actions of the IDF. But there are other consequences to this occupation that are lost to the non-observant eye. Were it not for the international community, the strangulation imposed on the Palestinians would result in many more deaths by malnutrition and starvation. Since close to three quarters of the Palestinian population is unemployed, the population depends on outside sources for survival. This cloaks the real savagery of the Israeli occupation since it requires the international community to maintain a level of food and medical supplies that keeps many alive that would have died without such aid. This also removes the expense of this aid from the government of Sharon that should, under international law, have to carry the cost of the occupation. There is a terrible irony in this since Americans pay for the settlers to live on stolen Palestinian land while Sharon saves his government's money to further the theft of more and more land.

b. CAUSING SERIOUS BODILY OR MENTAL HARM TO MEMBERS OF THE GROUP:
Where does one begin to describe the bodily or mental harm inflicted on the Palestinians by the Israeli IOF and its pit bulls, the squatters? Since we are focusing here on the efforts of Sharon to ethnically cleanse the Palestinians from their land, we will say nothing of early voices like Ben-Gurion's that claimed "we will abolish the partition of the country, and we will expand to the whole land of Israel," a statement guaranteed to create mental anguish in the population that would, of necessity, result in bodily harm, and itemize a few of the thousands of acts that constitute genocide under the definition as stated in the UN Convention, acts done while Sharon governed and continues to govern the country.

Let's begin with the 2004 Human Rights Watch report that observes IOF activity in Gaza: "IDF positions fire with large caliber machine guns and tanks at civilian areas [shooting which] appears to be largely indiscriminate and in some cases unprovoked." The report continues, "Violence against Palestinians has by no means been confined to the soldiers of the IDF. Settlers too have weighed in with their own abuses, actions that have increased sharply since 2000. These include blocking roads in order to disrupt the lives of Palestinians, shooting solar panels on roofs of buildings, torching cars, smashing windowpanes and windshields, destroying crops, uprooting trees and generally abusing the population." According to the Israel B'tselem human rights organization, "the intent was often to force Palestinians to leave their homes and farmland, and thereby enable the settlers to gain control of them." These are dispassionate words, merely descriptions of acts that if witnessed would cause revulsion.

Consider this account reported by B'tselem: "Raja'a Taysir Muhammad Abu 'Ayesha, age 17, a high school student and resident of Hebron in the west Bank. She describes the experience of growing up under Israeli occupation. 'I have no social life. Our house is

like a cage. It is completely fenced in, including the entrance. My grandfather set it up that way in 1996 to protect us, after settlers broke all of our windows. Our house looks like an island surrounded by a sea of soldiers, settlers and a violent atmosphere. The settlers have also attacked my school. Almost every day, the settlers' children block the path for me and my sister, Fida'a, age 14. They throw stones, water and leftover food at us. The settlers throw stones and leftover food at the house while we are inside, and sometimes at night while we are sleeping. My brothers and I wake up frightened, worried, and scared there is not one family member that hasn't been attacked by settlers." I've walked the streets of Hebron, hunched my shoulders instinctively as I moved beneath the chicken wire strung above to catch the stones and garbage thrown at the Palestinians who must pass through this gauntlet to get to the market, and felt the humiliation that falls like a wet, heavy blanket over the soul beneath the taunting slurs cast from above. This is intentional, calculated, heinous psychological torture — genocidal "mental harm" as described in the UN Convention.

"The decline in the well-being and quality of life of Palestinian children," reports Human Rights Watch, "[in the occupied territories] over the past two years has been rapid and profound according to CARE, 17.5% of children in Gaza are malnourished." Thirteen percent of children between the ages of 6 months and 5 years "have moderate to severe acute malnutrition." Nearly half of Palestinians live below the poverty line. Hospitals are in dire need of basic supplies including water and electricity. Almost 90% of the Rafah population depends on food aid. And while malnutrition and poverty imposed by the Israeli oppressors seems hideous enough, it pales in comparison to the reality facing the children as they grow up in the occupation. "90% of children two years old or more have experienced some many, many times the [Israeli] army breaking into the home, beating relatives, destroying things. Many have been beaten themselves, had bones broken, were shot, tear gassed, or had things happen to siblings and neighbors." (Dr. Shamir Quota, Director of Research for the Gaza Community Mental Health Programs).

Contemplate that statistic, 90% of two year olds growing up have witnessed soldiers bursting through the door of their home, rifles pointed at their mother or father, pushed against walls, beaten perhaps, shouted at certainly, cursed we might assume, and left in fear knowing another raid is imminent. What torture is here? This is intentional, calculated, psychological torture genocidal "mental harm" as described in the UN Convention.

But there's more. I left Palestine shortly after the "disengagement" from Gaza, a word that masks the reality of that "peace" move by Sharon. There is no disengagement: Sharon government owns the sky above Gaza; it owns the fence around Gaza; it owns access and exit from Gaza; it owns sea passage and use of the sea that borders Gaza; and it owns the missiles that it hurls from F-16s into the cities and refugee camps inside of

Gaza indifferent to the innocent incinerated by its savagery. The only real disengagement that Sharon authorized in Gaza is disengagement from responsibility under the Geneva Conventions for occupying powers to provide adequately and humanely for the people so occupied. That means Israel does not have to pay for the care of the people who are locked into their prison in this most heinous apartheid on the face of the planet.

Consider how this mental torture is inflicted. Three months ago, Israeli warplanes dropped thousands of leaflets on Gaza directed to the residents of the strip. This is the text:

The terrorist actions originating from your areas are forcing the Israel Defense Forces to respond harshly to those who are subjecting the citizens of the State of Israel to danger. We call on the Palestinian Authority to shoulder its responsibility to prevent these criminal acts.

We warn you of the danger of remaining in the areas which are being used to launch terrorist actions and we advise you to leave your homes.

We are not responsible for the consequences if you ignore our warning.

(Al-Watan Newspaper, 10/1/05)

Article 33 of the Geneva Conventions states, "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited" This action by the Israeli forces is calculated fear. It attempts to coerce the residents to leave their homes. But where can they go? The Israelis control the exits from Gaza; they alone determine who can go and who can come. The people are left to find safety in the maze of alleys that constitute the cities and the refugee camps; left in fear that the missiles can fall anywhere; left in the conflicted horror of their minds and emotions that long for the security of their children uncertain that they may be carrying them to an unknown death flung from the sky. This is intentional psychological fear imposed by a government and against every moral sense that rests on the recognition that innocent humans cannot be collectively punished when they are in no position to prevent the demands made upon them.

Move now to the West Bank. Chris McGreal reports on October 20, 2005, that the Israeli military "blocked Palestinians from driving on the main artery through the West Bank in a first step towards what Israeli human rights groups say is total 'road apartheid' being enforced throughout the occupied territory." He further explains that the military has been authorized to bar all Palestinians from roads used by Israelis in the West Bank. This action results in forcing Palestinians to use secondary roads, "many little more than dirt tracks or roads which have yet to be built." Anyone who has taken

these "secondary" roads understand that they are generally scraped gravel passages between buildings or tracks carved into the hilly landscape lacking finished surfaces or protective guardrails. They wander over the mogul hills designed originally for farmers to access distant fields, not for today's traffic and ready access to cities and towns. This insidious action creates a silent anger that seeps inside the soul and festers there, a mental torment against those who would inflict such wanton harm collectively on a group simply because they are Palestinian. This blatant racism is not lost on the children who must endure both the humiliation and the swelling hatred that arises visibly in the adults who curse the conditions imposed by the occupiers.

The West Bank we must remember belongs to the Palestinians. The Israeli roads are built on confiscated land. The action approved by Sharon prevents the indigenous people from using their own land or roads built on their land; it prevents not only personal and community interaction, it prevents commercial activity as well. It is nothing more than a calculated attempt to destroy the viability of a people to provide for themselves, an attempt to cause deep and continuing mental harm, actions contrary to the UN Genocide Convention.

Again in October, Israeli troops invaded the town of Bil'in, going house to house to arrest peaceful demonstrators who had participated in public pacifist actions against the erection of the Sharon Wall of Fear. The IOF distributed leaflets in Arabic warning people not to take part in direct action against the wall; this in a purported democratic country. Never forget that this wall is being built on Palestinian land against their expressed desires. "For the last ten months, Bil'in has launched an ongoing non-violent campaign against the annexation barrier supported by hundreds of Israeli and international activists. It has been met with brutally violent Israeli repression. Israel designed the current route of the barrier to annex 60% of Bil'in's agricultural land to Israel, and expand the settlement of Modi'in Elite." (World View, Oct. 6, 05).

None of this activity, the peaceful demonstrations or the brutality of the Israeli forces has been reported in America's mainstream press or shown on the major channels. Why? Why haven't Dobbs, Brown, Cooper, and Olberman let the cameras roll so that Americans can witness the use of their tax dollars that support the racism that is at the heart of Sharon's bestial behavior against the Palestinians? Let them compare the treatment our government provides for the 35.9% that live in poverty in New Orleans and the suburban life style we provide for Jewish immigrants to a foreign state, the state of Israel. Why?

Israeli historian Ilan Pappé wrote of the Jews currently residing in Israel who lived through 1948 that they know what happened, it is not a distant memory; they know and have experienced the attempted genocide, but they "succeed in erasing it totally from their own memory while struggling rigorously against anyone trying to present the

other, unpleasant, story of 1948." These same individuals witness Sharon's new set of atrocities and do nothing. Perhaps they too, like most Americans can do nothing to change their government's actions, can do nothing to force their representatives to investigate the genocide they support with American tax dollars, and can do nothing to make those who accept torture as an American practice flinch at genocide.

If the above is not enough to stamp indelibly in a compassionate mind the intolerable actions perpetrated on the Palestinian people by the Sharon militaristic government, then I advise the doubters to travel to Palestine, to witness first hand what bodily and mental harm means in fact to those who must endure it day after day. A true accounting is long overdue of these barbaric acts done on behalf of Jews and Americans, acts that demean and destroy the morality inherent in Judaism and Christianity.

It's time for the United Nations to stand against America's bought regime that fosters this genocide, to call upon the peoples' representatives to acknowledge the atrocities they have permitted and continue to permit, to assert the relevance of the UN as the voice of humanity by prohibiting the voice of this administration to veto even the resolution that accepted the judicial ruling of the International Court of Justice condemning Sharon's Wall of Fear as not just illegal but inhumane, and, finally, to take control of the conflict in Palestine by stating plainly, forcefully and with absolute determination the need for Israel to remove its people from Palestinian land, to accept the internationally recognized right of the Palestinian people to return to their homes (Article 12.4 of the International Covenant on Civil and Political Rights), and to tear down the icon that now characterizes Judaism around the world, a wall that incarcerates a people isolating them from the community of nations, a new ghetto wall erected on behalf of the one people in the world who have experience with this kind of racism and know the mental suffering and bodily harm it imposes on generation upon generation, singed on the soul like the tattoos that marked the imprisoned Jew in Europe.

Jews in the thousands around the world decry Sharon's attempt to ethnically cleanse the Palestinians from their homeland by acts that cause bodily harm and mental anguish. "Traditional Jews are much troubled by the increasing frequency of references to Jewry and their supposed connection to Israel in political and media rhetoric such as was heard at the recent political conventions Focusing on this issue only serves to inflame anti-Semitism, an historically essential component to the advancement of Zionism, while endangering traditional Jews who are wrongly and unfairly blamed for the deplorable actions of the secular state of Israel." (Justice Freedom, 10/21/04). Indeed, many Jews living in Israel actively work on behalf of Palestinians, rebuilding demolished homes, teaching the truth of the Nakba, participating in peaceful demonstrations with Palestinians, as at Bil'in, working in the Israeli courts to seek some sort of justice for those wrongfully detained or imprisoned, working hand in hand with

Palestinian organizations to bring about reconciliation, and serve as witnesses to the acts of Sharon's government through B'tselem Human Rights Watch. Sharon has created an anti-Semitic state by destroying the very foundation of Judaism as it survived over the centuries, a foundation built on tolerance for all peoples and their beliefs, a tolerance that gave them license to retain and practice their own.

The existence of the state of Israel attests to the world's recognition that lack of such tolerance will not be accepted, that when another state imprisons and attempts to destroy another people, the world will not stand by, but act to protect those subject to such racial outrage. That is the purpose of the Genocide Convention. When a demagogue like Sharon takes control of the state, when his policies erode, nay destroy hope in a people, when he denies justice to that people, when he lets his hordes humiliate, abuse, and kill a people disregarding international law and all the conventions the people of the world have designed to care for each other, and when a President of the United States condones and supports those acts, then it is the responsibility of the Jewish people and the American people who have supported this racist government to renounce allegiance to that government and call upon the international body to investigate the actions taken by Sharon as he attempts to commit genocide against the Palestinians. Should this ravishment of the Palestinians go unattended, this rape of Palestine, then the words of Jeremiah will ring again across the hills and valleys of Palestine, the land where the ancient prophets admonished the Jews of old, where Christ called upon the people to love one another, to, indeed, love thy enemy, and the Prophet's words will once again warn of impending doom, "Behold, I will make thee a terror to thyself, and to all thy friends."

William Cook is a professor of English at the University of La Verne in southern California and author of [Tracking Deception: Bush's Mideast Policy](#) He can be reached at: cookb@ULV.EDU