

America Giving Israel a Pass on Civilian Deaths

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A Palestinian man salvages items from the rubble of his home destroyed by Israeli strikes on a building in northern Gaza Strip. Aug 7, 2014. Credit: UN Photo/Shareef Sarhan

WASHINGTON – United Nations officials and human rights organisations have characterised Israeli attacks on civilian targets during the IDF war on Gaza as violations of the laws of war.

During the war, Israeli bombardment leveled whole urban neighbourhoods, leaving more than 10,000 houses destroyed and 30,000 damaged and killing 1,300 civilians, according to U.N. data. Israeli forces also struck six schools providing shelter to refugees under U.N. protection, killing at least 47 refugees and wounding more than 340.

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But the Barack Obama administration's public posture during the war signaled to Israel that it would not be held accountable for such violations.

A review of the transcripts of daily press briefings by the State Department during the Israeli attack shows that the Obama administration refused to condemn Israeli attacks on civilian targets in the first three weeks of the war.

U.S. officials were well aware of Israel's history of rejecting any distinction between military and civilian targets in previous wars in Lebanon and Gaza.

During the 2006 Israeli War in Lebanon, IDF spokesman Jacob Dalal had told the Associated Press that eliminating Hezbollah as a terrorist institution required hitting all Hezbollah institutions, including "grassroots institutions that breed more followers".

And during Israel's "Operation Cast Lead" in December 2008 and January 2009, the IDF had shelled a school in the Jabaliya refugee camp, killing 42 civilians. The IDF's justification had been that it was responding to mortar fire from the building, but officials of the United Nations Relief Works Agency (UNRWA) who ran the school had denied that claim.

Given that history, Obama administration policy makers knew that Israel would certainly resort to similar targeting in its Gaza operation unless it believed it would suffer serious consequences for doing so. But the administration's public stance in daily briefings in the early days of the war suggested little or no concern about Israeli violations of the laws of war.

On Jul. 10, two days after the operation began, State Department spokesperson Jan Psaki

was asked in the daily briefing whether the administration was trying to stop the Israeli bombardment of Gaza, as well as the firing of rockets by Hamas.

Psaki's answer was to recite an Israeli talking point. "There's a difference," she said, "between Hamas, a terrorist organisation that's indiscriminately attacking innocent civilians...in Israel, and the right of Israel to respond and protect their own civilians."

After four children playing on a beach were killed as journalists watched on Jul. 16, Psaki was asked whether the administration believed Israel was violating the international laws of war. She responded that she was unaware of any discussion of that question.

Psaki said that "tragic event makes clear that Israel must take every possible step to meet its standards for protecting civilians from being killed. We will continue to underscore that point to Israel; the Secretary [of State John Kerry] has made that point directly as well."

The IDF shelled Al-Wafa Rehabilitation and Geriatric Hospital on Jul. 17, claiming it was a response to launches of rockets 100 metres from the hospital. Psaki was asked the next day whether her failure to warn the Israelis publicly against bombing the hospital had "made any difference".

She said, "We're urging all parties to respect the civilian nature of schools and medical facilities...." But she refused to speculate about "what would've happened or wouldn't have happened" had she issued an explicit warning,

On Jun. 16, two days before the ground offensive began, the IDF began dropping leaflets warning the entire populations of the Zeitoun and Shujaiyyeh neighbourhoods to evacuate. It was a clear indication they were to be heavily bombed. IDF bombing and shelling leveled entire blocks of Shujaiyyeh Jul. 20 and 21, citing rockets fired from that neighbourhood.

Kerry was recorded commenting to an aide on an open microphone Jul. 20 that it was a "hell of a pinpoint operation", revealing the administration's private view. But instead of warning that the Israeli targeting policy was unacceptable, Kerry declared in a CNN interview that Israel was "under siege from a terrorist organisation", implying the right to do whatever it believed necessary.

State Department Deputy Spokesperson Marie Harf said on Jul. 21 that Kerry had "encouraged" the Israelis to "take steps to prevent civilian casualties", but she refused to be more specific.

On Jul. 23, Al Wafa hospital was hit by an Israeli airstrike, forcing the staff to evacuate it. The IDF now charged that it had been used as a "command centre and rocket launching site".

Joe Catron, an American who had been staying at the hospital as part of an international "human shield" to prevent attacks on it, denied that claim, saying he would have heard any rocket launched close to the hospital.

On the same day, three missiles hit a park next to the Al Shifa hospital, killing 10 and wounding 46. The IDF blamed the explosions on Hamas rockets that had fallen short. The idea that three Hamas rockets had fallen short within such short distances from one another, however, was hardly a credible explanation.

The IDF also appeared to target facilities run by the UNRWA. On Jul. 23 and 24, Israeli tank shells hit Palestinian refugees at two different school compounds designated as U.N. shelters, despite intensive communications by U.N. officials to IDF asking to spare them.

An attack on a U.N. refugee shelter at Beit Hanoun elementary school Jul. 24 killed 15 civilians and wounded more than 200. The IDF again claimed a Hamas rocket had fallen short. But it also claimed Hamas fighters had fired on Israeli troops from the compound, then later retreated from the claim.

At the Jul. 24 briefing, Harf read a statement deploring the Beit Hanoun strike and the “rising death toll in Gaza” and said that a UNRWA facility “is not a legitimate target”.

Harf said Israel “could do a bit more” to show restraint. But when a reporter asked if the United States was “willing to take any kind of action” if Israel did not respond to U.S. advice, Harf said the U.S. focus was “getting a ceasefire”, implying that it was not prepared to impose any consequences on Israel for refusing to change its military tactics in Gaza.

On Jul. 25, a reporter at the daily briefing observed that the hospital and schools had been targeted despite reports confirming that there had been no militants or rockets in them.

But Harf refused to accept that characterisation of the situation and repeated the Israeli line that Hamas had used U.N. facilities to “hide rockets”. She said she could not confirm whether there were rockets in “the specific school that was hit”.

The IDF hit another UNRWA school sheltering refugees at Jabaliya refugee camp Jul. 30, killing 10 and wounding more than 100. The IDF acknowledged it had fired several tank shells at the school, claiming again that mortar shells had been fired from there.

That was too much for the Obama administration. White House spokesman Josh Earnest called the attack “totally unacceptable and totally indefensible” and even made it clear that there was little doubt that Israel was responsible.

Even then, however, the administration merely repeated its call for Israel to “do more to live up to the high standards that they have set for themselves”, as Earnest put it.

On Aug. 3, the IDF struck yet another refugee facility at the Rafah Boys Prep School A, killing 12 refugees and wounding 27. The IDF said it had been targeting three “terrorists” riding a motorcycle who had passed near the school.

“The suspicion that militants operated nearby does not justify strikes that put at risk the lives of so many innocent civilians,” said Psaki.

But that criticism of Israeli attacks was far too restrained and too late. The IDF had already carried out what appear to have been massive violations of the laws of war.

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