Amnesty’s slander: Why now?

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Amnesty International’s recent scandalous [report](https://www.camera.org/article/amnesty-internationals-big-lie-about-israel/) accusing Israel of “apartheid,” as well as a [similar report](https://www.camera.org/article/human-rights-watch-report-maligns-israel-with-lies-on-top-of-lies/) from Human Rights Watch a year ago, are unsurprisingly overflowing with falsehoods and bigotry. Many outstanding analysts have already thoroughly debunked each of these reports.

What also must be addressed, however, is the context of this slander. Why are they being released now? What purpose are they supposed to serve?

There are two main contexts to consider in this regard. While problematic in and of itself, it is important to understand that the Amnesty report did not appear in a vacuum. Rather, it has been dropped in the midst of an ongoing wave of attempts to delegitimize the Jewish state as a somehow inherently racist endeavor.

**The International Criminal Court**

First, there is the ongoing International Criminal Court investigation into Israel.

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On Feb. 5, 2021, an ICC pre-trial chamber ruled (preposterously) that it could exercise jurisdiction over Israel—a non-party state. A month later, in the waning days of then-ICC Chief Prosecutor Fatou Bensouda’s tenure, an investigation was officially [opened](https://www.jns.org/icc-opens-war-crimes-probe-netanyahu-blasts-it-as-anti-semitic-and-hypocritical/) into the “situation in Palestine.” The move was seen by some as an attempt by Bensouda to bind the hands of her successor, Karim Ahmad Khan, and force him to pursue the anti-Israel circus act.

Though much could be said about Bensouda’s behavior, even she never went as far as to hint that the “crime of apartheid” could be considered against Israel. For the professional anti-Israel “human rights” industry that would see Israel’s right to exist denied, this was frustrating.

It was thus unsurprising that, when Human Rights Watch issued its report against Israel in April 2021, just one month after Bensouda opened the investigation, one of HRW’s recommendations was for the ICC Office of the Prosecutor to “[i]nvestigate and prosecute individuals credibly implicated in the crimes against humanity of apartheid or persecution.”

However, since taking office, Khan has made several [statements](https://rozenberg.substack.com/p/icc-prosecutor-to-review-all-his) to the effect that he is reviewing all the cases and files at the ICC Office of the Prosecutor. In his [view](https://www.icc-cpi.int/Pages/item.aspx?name=20211124-prosecutor-statement-unsc-libya), the “scarce resources of the [Prosecutor’s] Office have been spread too wide.” Any serious, professional prosecutor—cognizant of the need to use limited resources effectively—would naturally look at the highly politicized allegations against Israel and, comparing them to the serious atrocities in places like Myanmar or Sudan, conclude that the Israel file is not worth the time and resources. This, of course, concerns the anti-Israel industry.

Amnesty’s report, which goes even further than HRW’s in its allegation of apartheid, thus serves as a tool with which to pressure the new ICC prosecutor. Much like the HRW report, the Amnesty report also includes in its recommendations that the prosecutor “[c]onsider the applicability of the crime against humanity of apartheid within the current formal investigation … .”

**The United Nations**

Second, there is the U.N. context; The Amnesty report will not be the only one you hear about in the coming months. Next up is Michael Lynk, the U.N. Special Rapporteur “on the situation of human rights in the Palestinian Territory occupied since 1967,” who is scheduled to submit his annual report to the Human Rights Council (HRC) in March. It is anticipated that he, too, will be accusing Israel of racism and “apartheid,” attempting to build on the perceived momentum of the HRW and Amnesty reports.

For those unfamiliar, this “special rapporteur” mandate is the only country-specific, indefinite (i.e., it does not need periodic renewal) one created by the HRC. Historically, it has been filled by notorious partisans and anti-Semites, including John Dugard, who believes terrorism is a “[relative concept](https://undocs.org/a/c.3/62/sr.23)” and that Israelis are “[foreign soldiers](https://undocs.org/a/57/366/add.1),” and Richard Falk, who likes to [accuse Jews](http://www.oldsite.transnational.org/Area_MiddleEast/2007/Falk_PalestineGenocide.html) of behaving like Nazis and peddles 9/11 [conspiracy theories](https://www.foxnews.com/story/critics-demand-resignation-of-u-n-official-who-wants-probe-of-9-11-inside-job-theories).

Lynk is no departure from this tradition. Just as HRW and Amnesty attempt to redefine the law so as to slander Israel, so too does Lynk. He once wrote an [entire report](https://undocs.org/a/72/556) in which he attempted to invent law on the topic of “occupation” to delegitimize Israel, claiming it was “illegally occupying” the West Bank. Among the sources he cited to justify this invention were [Norman Finkelstein](https://www.camera.org/article/norman-finkelstein-s-fraudulent-scholarship/) (best known for popularizing the anti-Semitic “Holocaust industry” libel) and, you guessed it, Amnesty International and HRW.

Yet even Lynk’s report likely will not be the worst one of 2022.

Following the conflict with Hamas in May 2021, the HRC voted to [create](https://www.jns.org/opinion/the-un-descent-to-its-deepest-depths-of-hostility-against-israel/) yet another “Commission of Inquiry” (COI) to investigate Israel. Yet, this COI is unlike any past commission. It has been given an extraordinary, open-ended [mandate](https://jcpa.org/article/the-newest-anti-israel-un-action-must-be-challenged-now/), along with unprecedented resources and staffing. It has been tasked to investigate not only the conflict in May, but the “root causes” of the conflict. In other words, the HRC created an indefinite investigation that will seek to reinvent history and question Israel’s right to exist.

Unsurprisingly, the three commissioners chosen for the COI each have a [demonstrated history](https://www.jns.org/opinion/un-revises-its-rules-for-an-anti-israel-inquiry/) of bias against the Jewish State. In particular, the chairperson, Navi Pillay, is remembered by many in the Jewish community as the U.N.’s chief apologist and cheerleader for the anti-Semitic [Durban conferences](https://www.jta.org/2021/09/09/politics/20-years-ago-the-un-durban-conference-aimed-to-combat-racism-it-devolved-into-a-festival-of-hate-against-jews). In her view, those uppity Jews upset at the anti-Semitism were just acting as a “[propaganda machine](http://www.un.org/durbanreview2009/coverage/press/pr_24-04-09_pillay.shtml)” and, in any event, they should just [get over](http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9233&LangID=E) their “narrow, parochial interests and reflexive partisanship” and be happy for everyone else, for the “greater common good.”

The COI is, without a doubt, an unhinged assault by those who seek the destruction of the Jewish state and would deny the Jewish people the same rights afforded to others. Like Lynk’s report, it is widely expected that the COI will also reinvent the law and the facts to accuse Israel of “apartheid,” building off of Amnesty’s attacks.

**The Purpose**

So what, exactly, is the purpose of these coordinated attacks on Israel’s legitimacy? Of course, a fundamental element is an ever-present desire by some to see the world’s only Jewish state wiped off the map. This particular effort, however, is utilizing (intentionally or otherwise) two dangerous strategies.

First, groups like Amnesty are overtly trying to rewrite the law to uniquely disadvantage Israel, its right to self-defense and even to exist. HRW, for example, fabricated a new and[unique](https://www.ejiltalk.org/uncomfortable-truths-how-hrw-errs-in-its-definition-of-israeli-apartheid-what-is-missing-and-what-are-the-implications/) definition of “apartheid” it applied [*only*](https://www.ngo-monitor.org/hrws-inconsistency-and-incoherence-continues-ejil-talk-symposium-on-a-threshold-crossed/#:~:text=Review%20of%20HRW%E2%80%99s%20analysis%20of%20Myanmar%2C%20linked%20by%20Baldwin%20and%20Max%2C%20however%20proves%20that%20HRW%20did%20apply%20a%20unique%20standard%20to%20Israel%20that%20differs%20fundamentally%20from%20that%20adopted%20by%20HRW%20in%20Myanmar.) to Israel. Among countless other examples of its unilateral revisions of existing law, Amnesty claimed that “There are currently more than 441,600 Jewish settlers in the West Bank excluding East Jerusalem. Their presence is illegal under international law.”

This is a bizarre and wildly inaccurate interpretation of the law, suggesting that the mere presence of Jews in Judea and Samaria is “illegal.” Such an interpretation would mean that international law *requires* apartheid against Jews and only against Jews.

Truthfully, this strategy of distorting and attempting to rewrite the law is not new. For example, the infamous [Goldstone Report](https://www.camera.org/article/the-goldstone-report-a-study-in-duplicity/) sought to rewrite basic concepts such as [due process](https://www.cambridge.org/core/services/aop-cambridge-core/content/view/9BA7C10C179544801F8B9AD06E605993/S2071832200021891a.pdf/due_process_in_un_commissions_of_inquiry_a_legal_analysis_of_the_procedures_of_goldstones_gaza_inquiry.pdf), [collective punishment](https://ssrn.com/abstract%3D1581533), [human shields](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1596214&download=yes) and numerous other basic [concepts](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1788542) in the law of armed conflict. Such was the danger of these revisions that two experts [warned](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1788542) that “the Goldstone Report may prove an incorrect and dangerous precedent” in how the law of armed conflict is interpreted and applied.

The Goldstone Report is far from the only other example. Among the many other examples, one could point to Michael Lynk’s 2017 report mentioned above, or even how the U.N. General Assembly explicitly tried to argue that the Palestinians had a right to murder Israelis.

March 2002, remembered as “Bloody March,” saw a horrifying wave of terrorism, including the infamous suicide bombing that targeted a Passover seder at the Netanya Park Hotel, killing 30. Just weeks later, the U.N. Commission on Human Rights despicably [claimed](https://digitallibrary.un.org/record/464175?ln=en) there was a “legitimate right of the Palestinian people to resist the Israeli occupation in order to free its land,” citing an earlier [resolution](https://undocs.org/a/res/37/43) that explicitly claimed that such a “right” to resist included “all available means, including armed struggle.”

Today, those leading the way in trying to rewrite the law to uniquely deny Israel and the Jewish people their rights are no longer just Arab League dictators and PLO officials. Now, once noble and respectable “human rights” groups—poisoned with contempt for the Jewish state—are helping lead the way.

The second element of the strategy is that, whether intentionally or in a criminally reckless manner, these groups are feverishly working to rebrand “Zionism is racism” for modern sensibilities.

In 1975, the U.N. General Assembly infamously [declared](https://undocs.org/a/res/3379%28xxx%29) that Zionism—the belief that the Jewish people, like any other group, has the right to self-determination in its indigenous homeland—was actually a form of racism. A half-century later and now groups like Amnesty are trying to claim that the very idea of a Jewish and democratic state is inherently racist and amounts to “apartheid.” The change in language is purely cosmetic; at their core, the two claims have the exact same implications.

Amnesty, like HRW, knows exactly what it’s doing, too. Amnesty’s Middle East and North Africa Research and Advocacy Director Philip Luther, while stumbling over his own contradictory words, tried to avoid admitting it, [telling](https://www.timesofisrael.com/amnesty-to-toi-no-double-standard-in-accusing-israel-but-not-china-of-apartheid/#:~:text=Luther%3A%20I%20cannot%20tell%20you%20the%20strategic%20reasons%20in%20terms%20of%20the%20focus%20%5Bon%20Israeli%20apartheid%5D.%20I%20can%20just%20give%20you%20in%20generic%20terms.) *The* *Times of Israel*, “I cannot tell you the strategic reasons in terms of the focus [on Israeli apartheid].”

HRW’s executive director Ken Roth, however, had no qualms about  letting the [truth](https://twitter.com/KenRoth/status/1388246573008756741) out: that the purpose of lobbing the charge of “apartheid” is to erode “perceptions of Israel’s legitimacy.”

This is why, for example, Amnesty goes out of its way to legitimize terrorist groups with the genocidal aim of destroying the Jewish state. For instance, the report contains the following sentence:

“Palestinian Knesset members have been subjected to repeated smear campaigns and intimidation by government ministers, in addition to judicial harassment in their struggle for equality, and for expressing support for **popular resistance to the Israeli occupation and other political views that challenge the established narrative of Israel as a Jewish and democratic state***.*” (emphasis added)

The footnote for the sentence goes to a story about [Azmi Bishara](https://www.ynetnews.com/articles/0%2C7340%2CL-4941686%2C00.html), a notorious supporter of and even alleged spy for the terrorist organization Hezbollah.

Later in the report, Amnesty writes:

“Additionally, between 1967 and 1992, according to B’Tselem, Israel deported 1,522 Palestinians from the OPT as a punitive measure, often targeting **opponents of Israel’s occupation and its policies**.” (emphasis added)

The footnote for this sentence cites an article referencing Israel’s deportation of some 400 members of the Hamas terrorist organization 30 years ago.

In other words, Amnesty references two internationally-designated [terrorist organizations](https://www.state.gov/foreign-terrorist-organizations/)—each with openly [genocidal](https://www.memri.org/reports/hamas-sponsored-promise-hereafter-conference-phase-following-liberation-palestine-and) and [anti-Semitic](https://avalon.law.yale.edu/20th_century/hamas.asp#:~:text=Our%20struggle%20against%20the%20Jews%20is%20very%20great%20and%20very%20serious) intentions—as merely “popular resistance to… the established narrative of Israel as a Jewish and democratic state” and “opponents of Israel’s occupation and its policies.”

Meanwhile, Amnesty obscenely casts Israel’s basic laws defining it as a Jewish state as an attempt to “codify Jewish Israeli domination” (i.e., apartheid). The double standards (and malicious deception) at play in this claim have already been [exposed](https://www.camera.org/article/amnesty-internationals-big-lie-about-israel/#:~:text=%E2%80%A2%20In%20its%20section%20on%20Unequal%20and%20Separate%20Citizenship%20Structure%20in%20Israel%2C%20Amnesty%20claims%20that%20Israel%E2%80%99s%20Law%20of%20Return%20discriminates%20against%20Israeli%20Arabs%3A), but are worth repetition. If you have a problem with a country that exists as the national home of the Jewish people, which nonetheless grants all minorities equal rights, but not a problem with any other national home for any other people (e.g., Irish, German, or even a prospective Palestinian state), then the problem you have isn’t with “apartheid.” Your problem is with Jews.

And therein lies the ultimate danger of Amnesty’s libel. The State of Israel today has capable armed forces. Though Amnesty would demand it, Israel will not lay down its arms and allow the Hamas “opponents of Israel’s occupation” to destroy the Jewish state.

The Jewish diaspora, however, is finding itself in an increasingly perilous situation, as anti-Semitism [surges](https://www.jpost.com/diaspora/antisemitism/article-694197) around the world.

Folks like those at Amnesty will issue public-relations disclaimers that they do not condone anti-Semitism. Yet while they were perfectly willing to [meet](https://twitter.com/NGOmonitor/status/1489554043743752192) with terror-affiliated NGOs, they [couldn’t stand](https://www.thejlc.org/jlc_publishes_amnesty_cancellation_email) the idea of meeting with British Jews. While they could write a 100-plus page report on Islamophobia, and a few years later a nearly 300-page report rebranding “Zionism is racism,” they couldn’t [be bothered](https://twitter.com/AmnestyUK/status/590524500422307842) to write even a single-page report on anti-Semitism. Nor can they even be bothered to address the issue of [extremists](https://secureservercdn.net/45.40.145.151/3e8.04f.myftpupload.com/wp-content/uploads/2019/12/191219_amnesty_final.pdf) on their [own staff](https://www.camera.org/article/the-faces-behind-amnesty-internationals-lies/).

That will be the legacy of these efforts by groups like Amnesty and HRW. Israel has faced much more dire attacks on its existence. It will continue to exist and even thrive, much to the chagrin of the likes of Amnesty’s Secretary-General Agnes Callamard and HRW’s Executive Director Ken Roth. But at least they can throw fuel on the fire of anti-Semitism spreading through the western world, putting at risk those Jews who do not have an army between them and the anti-Semites.