

The Goldstone Report Forgery

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A. Summary

This article focuses on aspects in the Goldstone Report¹ of hardcore forgery / manipulation / ignoring of the mission's own evidence and witness testimonies. It is not a final investigation – even of the two examined cases (The mosque case and the flour mill case). See Chapter »Further Observations« for a cursory list of additional observations regarding these two cases.

At least one case (The mosque case) made in the Goldstone report shows that judge Richard Goldstone, the head of the Fact Finding Mission in Gaza, is completely incompetent as a member of a mission which purpose it is to find facts that could lead to war crimes prosecutions, because he either does not deem it necessary or is not able to distinguish between a airborne missile strike on a mosque in the Gaza strip which obviously could only be carried out by the IDF, a ground-based strike with an anti-tank-missile which could as well have been carried out by the Hamas for propaganda purposes and the detonation of a mortar shell, flying through a mosque entrance door and exploding inside the mosque. Or he is blatantly lying either about a mortar shell explosion that in fact according to evidence gathered in the Gaza field missions was a air-to-ground anti-tank missile impact, or – which is more plausible – he along with the other mission members is lying about a deliberate air-to-ground anti-tank missile strike by the IDF on the entrance of a crowded mosque.

In at least one case (The flour mill case) in the Goldstone report the mission members have willfully ignored / manipulated a testimony of presumably their main witness from the public hearings along with making outlandish assumptions about military necessities in Israeli ground operations to build the case of an evil Israeli air strike on a flour mill in the Gaza strip allegedly with the only purpose of disabling food production facilities in the Gaza strip unrelated to any military objectives.

B. About the »Mission«

On September the 29th 2009 the »United Nations Fact Finding Mission on the Gaza Conflict«² presented their final report to the UN Human Rights Council.

The Mission is headed by **Justice Richard Goldstone**, former member of the South African Constitutional Court and former Chief Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda.

The other members are:

Professor Christine Chinkin, Professor of International Law at the London School of Economics and Political Science, who was a member of the High Level Fact Finding Mission to Beit Hanoun (2008);

Ms. Hina Jilani, Advocate of the Supreme Court of Pakistan and former Special Representative of the Secretary General on Human Rights Defenders, who was a member of the International Commission of Inquiry on Darfur (2004);

and **Colonel Desmond Travers**, a former officer in the Irish Armed Forces and member of the Board of Directors of the Institute for International Criminal Investigations (IICI).

1 Report of the United Nations Fact Finding Mission on the Gaza Conflict:

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf>

2 <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/FactFindingMission.htm>

One result of this mission is the allegation of grave breaches of international law and committed war crimes by the Israeli Defense Forces (IDF) :

»1935. From the facts gathered, the Mission found that the following grave breaches of the Fourth Geneva Convention were committed by the Israeli armed forces in Gaza: wilful killing, torture or inhuman treatment, wilfully causing great suffering or serious injury body or health, and extensive destruction of property, not justified by military necessity and carried out unlawfully and wantonly. As grave breaches these acts give rise to individual criminal responsibility. The Mission notes that the use of human shields also constitutes a war crime under the Rome Statute of the International Criminal Court.«³

D. »The attack on the al-Maqadmah mosque, 3 January 2009«⁴

The events according to the written Report:

»822. The al-Maqadmah mosque is situated near the north-west outskirts of Jabaliyah camp, close to Beit Lahia. It is located less than 100 metres from the Kamal Idwan hospital, in the al- Alami housing project. At least 15 people were killed and around 40 injured – many seriously – when **the Israeli armed forces struck the entrance of the mosque with a missile.**«

The written report makes it very clear: The mosque was struck by a missile fired by the IDF.

This assumption is elaborated later on:

»834. The Mission has established that the Israeli armed forces fired a missile that struck near the doorway of the mosque. The penetration pattern witnessed on the concrete ramp and stairs underneath is consistent with that which would be expected of a shrapnel fragmentation sleeve fitted onto an air-to-ground missile. Shrapnel cubes that the Mission retrieved from the rear inside wall of the mosque are consistent with what would be expected to be discharged by a missile of this nature.«⁴⁶³

and in a footnote:

»**463** The Mission considers it possible in analysing the information available that the missile in question may have been a modified high-explosive anti-tank missile, sometimes referred to as either augmented high-explosive antitank (AHEAT) or high-explosive dual-purpose (HEDP).«

And the report clearly states that the projectile exploded at or in front of the door:

»828. The Mission has also viewed a number of photographs taken shortly after the strike and considers them to be reliable. They showed that something had penetrated the concrete (about three inches thick) immediately outside of the mosque doorway and then hit the pavement at the bottom of the stairs below the concrete covering. The ramp and entrance level structure had a wall about one metre high built on its outer side. The part of the wall opposite the mosque door was blown away.«

3 The Goldstone Report – Conclusions: http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48_ADVANCE2.pdf

4 The Goldstone Report, paragraphs 822-843

829. The Mission observed that the interior walls of the mosque and part of the exterior wall around the doorway appeared to have suffered significant damage as a result of a spray of small metal cubes. A good number of these were lodged in the wall even at the time of the Mission's visit to the site in June 2009. Several of these were retrieved and the Mission could see how deeply embedded they were in the concrete walls.«

So Goldstone and his colleagues know for sure that this had been a missile impact. This assumption is the most important indication for a responsibility of the Israelis for this incident. But an anti-tank missile is not necessarily an airborne missile. If it were the result of a mortar shell impact or a RPG also used by the Hamas it very well could have been a misguided or intentionally placed mortar shell shot by the Hamas. No witness present at or in the mosque during the incident would have been able to distinguish between an Israeli mortar shell and a Hamas mortar shell. And they know for sure that it had taken place at or in front of the main door of the mosque. Otherwise there would have been no damage to the exterior wall of the mosque.

It seems that Goldstone is developing the case against the Israelis after the publication of the report. In a UN press conference on September the 15th 2009 (the day the report was published)⁵ he puts forward an additional argument against claims or suggestions that there might have been weapons caches inside the mosque which would justify a strike against this building. This is interesting because the written report does not mention this. He claims that no secondary explosion had been observed (Time Index 1:17):

»And I might say there was no evidence of any secondary that one would expect if there were weapons being stored there«

Actually one would not expect that, if the projectile had exploded outside the mosque as stated in the report. For Goldstone this mosque has to be pristine: He wants to make clear that it was not used by the Hamas. It seems that this contradiction led him to another spin of the story at the same day: On September 15th, 2009 (the day the report was published) he gave an interview to the Al Jazeera broadcasting service⁶. In this interview he presented the case of the mosque incident. When asked about it he told the audience the modified story (Time Index 4:30):

»Q: You highlight in your report an attack on a mosque in Gaza City. Tell us a little bit more about this incident and what it demonstrates about Israeli conduct in this war.«

»A: Well, the incident I refer to was eh took place during the evening service in a large new three year old mosque in the middle of Gaza City. Ehm it was crowded with some hundreds of worshipers who were gathered for what is a combined morning and afternoon service that takes place during times of war. And **a Israeli mortar shell was fired at the mosque and in fact went through the main door** of the mosque killing fifteen people and seriously injuring many more. And this was the incident and our mission could absolutely not find a military advantage or military justification in what appeared to us very clearly to be an attack against innocent civilians«

The air-to-ground missile from the written report not only has turned into a mortar shell. This mortar shell now also »went through the main door of the mosque« i.e. exploded inside the mosque after traveling a quite unusual trajectory for mortar shells. Mortars fire grenades into very steep trajectories in general. Goldstone is suggesting the quite unlikely case of a flat trajectory which is

5 Video: http://www.youtube.com/watch?v=46A_HdDK94w&translated=1

6 Video: <http://www.youtube.com/watch?v=Hbi6FnvWwvc&feature=fvw>

needed for a grenade traveling »through the main door« of a mosque. But this is actually needed for maintaining the idea of a pristine mosque without any weapons caches inside and therefore no secondary explosions: The projectile must have been exploded **inside** the building. Otherwise the absence of secondary explosions would not have been an indication for the absence of weapons inside the mosque.

Two days later in a lecture⁷ at the Western Law Ontario as part of the Pensa Lecture in Human Rights on Sept 17, 2009 Goldstone repeated this story (Time Index 19:00)

»And we talk about the incidents that we considered to be unacceptable from an international humanitarian point of view. Let me mention one that related to the shelling by the IDF of a mosque. It was a fairly newly constructed mosque, it was under three years old. And a service the morning and evening services were combined during the war eh because it was decided by the leaders that the people shouldn't be more in the street more than they had to. So they had the morning and evening services combined in the late afternoon. And this mosque was full, over three hundred people. **During the ceremony a mortal shell comes through the front the main front door of the mosque** kills fifteen worshipping and injures many more. Now there can be no justification at all for shelling a mosque when it's full of civilians.«

The latter may be true. But what are the justifications for spinning a story about an evil Israeli air-strike against civilians in a mosque?

But by spinning this story Goldstone has caught him some problems: If it had indeed been a mortar shell that exploded outside or inside the mosque, then the origin of the projectile would be not so clear after all: The Hamas uses mortars as well. The idea that the IDF had fired a single mortar round deliberately and precisely at the entrance door of a mosque is just silly, because it is impossible. And the mission members know that:

»699. The choice of weapon – mortars – appears to have been a reckless one. **Mortars are area weapons.** They kill or maim whoever is within the impact zone after detonation and they are incapable of distinguishing between combatants and civilians. A decision to deploy them in a location filled with civilians is a decision that a commander knows will result in the death and injuries of some of those civilians.«

But they only know that when it seems possible to use it against the Israelis.

In fact the mission members needed the projectile to be some sort of high precision ammunition such as an air-to-ground missile to build the entire case of a mosque entrance door deliberately targeted and hit by the Israelis. If it had been a mortar shell (Israeli or not) as Goldstone has claimed since the publication of the written report – in the press conference, in the Al Jazeera interview and in the lecture - the claim of such a precision targeting and with it the entire case would have been baseless.

The only group who could have produced a targeted mortar grenade explosion at the entrance door of that mosque is the Hamas. But such a Pallywood-style propaganda coup – and the »Palestinian resistance« has a long documented track record for such propaganda coups⁸ - probably exceeds the mindset of the mission members.

Richard Goldstone is completely incompetent as a member of a mission which purpose is to find

⁷ <http://www.youtube.com/watch?v=f6F145Ko6AY&feature=related>

⁸ See <http://www.seconddraft.org/> for examples.

facts that could lead to war crimes prosecutions:

He either does not deem it necessary or is not able to distinguish between a airborne missile strike on that mosque which obviously could only be carried out by the IDF, a ground-based strike with an anti-tank-missile which could as well have been carried out by the Hamas for propaganda purposes and the detonation of a mortar shell, flying through the mosque entrance door and exploding inside the mosque which could have been fired by almost anyone.

Or he is blatantly lying either about a mortar shell explosion that in fact was a air-to-ground anti-tank missile impact, or – which is more plausible – he along with the other mission members is lying about a deliberate air-to-ground anti-tank missile strike by the IDF on the entrance of a crowded mosque.

Considering Goldstone's track record as war crimes prosecutor in Yugoslavia and Rwanda and his former membership of the South African Constitutional Court one must assume that he is able to precisely reproduce witness testimonies and other evidence – if he wants to.

E. »The destruction of el-Bader flour mill«⁹

The events according to the written Report:

»50. The Mission investigated several incidents involving the destruction of industrial infrastructure, food production, water installations, sewage treatment plants and housing (chap. XIII). Already at the beginning of the military operations, el-Bader flour mill was the only flour mill in the Gaza Strip still operating. **The flour mill was hit by a series of air strikes on 9 January 2009, after several false warnings had been issued on previous days. The Mission finds that its destruction had no military justification. The nature of the strikes, in particular the precise targeting of crucial machinery, suggests that the intention was to disable the factory's productive capacity.**«

They make it clear: The mill was hit by a series of air strikes. And they are suggesting that the »nature of the strike, in particular the precise targeting of crucial machinery« indicates that the only purpose was to disable it. Let's see what the »nature of the strikes« according to Goldstone & Co is and how »precise« they were.

»919. **On 9 January, at around 3 or 4 a.m., the flour mill was hit by an air strike, possibly by an F 16. The missile struck the floor that housed one of the machines indispensable to the mill's functioning, completely destroying it. The guard who was on duty at the time called Mr. Hamada to inform him that the building had been hit and was on fire. He was unhurt. In the next 60 to 90 minutes the mill was hit several times by missiles fired from an Apache helicopter. These missiles hit the upper floors of the factory, destroying key machinery. Adjoining buildings, including the grain store, were not hit. The strikes entirely disabled the factory and it has not been back in operation since.** A large amount of grain remains at the site but cannot be processed.«

First of all Mr. Hamada is obviously a hearsay witness with regard to the actual events at the flour mill. The only witness was »the guard«, i.e. the only person present at that compound during the incident since the mill owner and the report explicitly speak of the guard as a singular. Obviously

9 The Goldstone Report, paragraphs 913-941

the guard is by far the most important witness regarding the incidents at the site. He in fact was the only witness. But the report does not give any hint that this witness has been heard directly. One has to assume that he was not heard at all. Obviously the mission members considered him to be not that important and therefore the events that actually had happened at that site not that important.

But the mission considers Mr. Hamada to be credible and regard his testimony as corroborated. According to these two persons the building was hit by an air strike, »possibly by a F 16«. One wonders how a single person in the middle of the night could possibly determine that some explosion on the area had been the impact of an air strike. But note how careful the mission members put it: »possibly by a F 16«. That is reasonable since neither they nor the guard would have been able to determine with certainty the origin of some air strike: Helicopter, drone, fixed wing etc.

According to the report the hitting was very precise. In fact it is claimed here that the first missile was aimed at a particular floor housing the indispensable machinery.

Then the building was hit several times and for 60 – 90 minutes »by missiles fired from an Apache helicopter«. In contrast they must be very sure about this: It was one single Apache helicopter. And missiles were fired by this helicopter. How can they be so sure, one wonders? They weren't there. Mr. Hamada wasn't there. Apaches can fire their missiles from several kilometers away. Usually no one sees them coming. But that single guard person in the middle of the night was able to determine the type of aircraft and the number of aircrafts involved precisely? That is strictly impossible.

What about the precision of the alleged attack? After the first »missile« had hit, the building was hit several times for more than one hour. That is not a surgical targeting of specific machines on specific floors. That is a barrage. One wonders why anyone would occupy valuable military resources like one or more helicopters for such a barrage if a single large free fall bomb could have reached the allegedly desired outcome of the disablement of that mill in seconds.

»920. The Israeli armed forces occupied the disabled building until around 13 January. Hundreds of shells were found on its roof after the soldiers left. They appeared to be 40-mm grenade machine-gun spent cartridges.«

The IDF used that building as an observation post and weapons platform for an extended period of time. It was obviously a valuable military object. And if it was such a valuable military object for the IDF it was for the Hamas as well because at least denying this position to the IDF would have been advantageous to them.

»921. The Hamada brothers rejected any suggestion that the building was at any time used for any purpose by Palestinian armed groups. They pointed out that all of the buildings and factories were surrounded by a high wall and manned by at least one guard at night. In addition, the Israeli authorities knew them as businessmen and they would not have been given Businessman Cards had there been any reason for the Israeli Government to suspect that they were involved with or supported armed groups. They were both adamant that their interest was and always had been industrial and commercial, and that the last thing they were prepared to do was put their business at risk.«

In that night the wall was manned by just one guard. If someone had tried to sneak onto the compound he would probably have had a hard time detecting that.

»922. The Mission found the Hamada brothers to be credible and reliable witnesses. It has no reason to doubt the veracity of their testimony. The information they provided was corroborated by other representatives of the Gaza business community with whom the Mission discussed the context and consequences of the strike on the flour mill.«

Their testimonies were corroborated by **»other representatives of the Gaza business community«**. They could have corroborated the economical context but certainly not the testimonies regarding the actual events at that compound. They weren't there. Note how the mission is focusing on that context and neglecting the **facts regarding the incident**. But the economical context is completely irrelevant if the IDF had military reasons for attacking that building.

»925. Available information does not suggest that the Israeli authorities have investigated the destruction of the flour mill. The Mission finds the version of the Hamada brothers to be credible and in line with the Israeli practice of leaving telephone warnings of impending attacks.«

»929. The only issue that remains to be examined is whether there was any reason for the flour mill to have been deemed a military objective on 9 January. The building was one of the tallest in the area and would have offered extensive views to the Israeli armed forces. The Mission notes that taking control of the building might be deemed a legitimate objective in the circumstances. However, by 9 January the Israeli armed forces were fully aware that the flour mill could be evacuated at short notice by using the warning message system. If the reason for attacking the mill was to gain control of it for observation and control purposes, it made no sense to bomb the principal machinery and to destroy the upper floors. There is also no suggestion that the Israeli armed forces considered the building to be a source of enemy fire.«

So the building due to its nature was in fact a valuable military object for both the IDF and the Hamas.

By the same logic of reasoning: If the reason for attacking the mill was to disable it, it made no sense to shell it for 60 – 90 minutes with several missiles. One single large free fall would have done the job. That the IDF did not consider the building to be a source of enemy fire is pure second guessing of the IDF commanders in the field. In fact the mission's own testimonies with regard to a alleged barrage for 60 – 90 minutes indicates that the reason for attacking it **was** of military nature: Hitting the building without destroying it completely.

»930. The nature of the strikes on the mill and in particular the precise targeting of crucial machinery on one of the mid-level floors suggests that the intention was to disable its productive capacity. There appears to be no plausible justification for the extensive damage to the flour mill if the sole objective was to take control of the building. It thus appears that the only purpose was to put an end to the production of flour in the Gaza Strip.«

As laid out above this is nonsense. The IDF had potentially very good reasons for such a kind of attack. A targeted hitting of any particular floor did not take place in a 60 – 90 minutes barrage.

»937. From the facts ascertained by it, the Mission finds that the destruction of the mill was carried out for the purpose of denying sustenance to the civilian population, which is a violation of customary international law as reflected in

article 54 (2) of Additional Protocol I and may constitute a war crime.«

The mission members can not possibly know what the reasons for field commanders were for attacking such a building: Ground troops operating in that area could have thought that they were fired upon from this building (Even if they actually weren't). They in fact could have been fired upon from that building and the guard had no knowledge of that. They could in fact have been fired upon from somewhere close to the compound and falsely regarded the compound as the source of fire. They could have deemed it necessary to eliminate a potentially occupied building of that exceptional nature as the tallest building in that area (Doesn't matter if it actually was occupied). They could have deemed it necessary to clean the building from potential enemy personal and booby-traps before occupying it themselves in order to protect the lives of their soldiers. But the report doesn't suggest that any IDF ground troops were operating in that area during that incident. According to the written report the attack was carried out by aircraft, which were the only IDF units there, for the sole purpose of disabling the mill.

The following is an excerpt from the public hearing of Mr. Hamada, the flour mill owner, who the mission members consider to be »credible and reliable« and whose testimony's veracity they have »no reason to doubt« regarding the events at the compound during the incident:

»On the dawn of the tenth of January, we received a **call from the guard** telling us that the factory was **targeted by air with a missile** and that it had caught fire. After 15 minutes, he called us again and told us that **there are tanks approaching the area and that the factory was targeted with tank fire**. We immediately informed the ICRC and the Civil Defense in order to put out the fire in the mill. At 11:00 a.m., we were told by the Civil Defense that the fire had been put out and that **the guard had been evacuated** from the surface area of the factory.«¹⁰

According to the credible Mr. Hamada and according to the only witness present during the alleged attack, the building was shelled by approaching tanks, i.e. ground troops operating in that area. This important information has mysteriously not found its way into the written report. None of the distinguished mission members has provided any explanation for this contradiction.

The approaching tanks in the oral testimony in fact have turned into one single Apache helicopter in the written report.

Suddenly and miraculously the riddle of the upper floors that allegedly have only been hit has disappeared: Tanks can not shoot over a four meters high wall and hit the basement of a building.

Suddenly a completely new scenario unfolds:

Approaching ground troops are hitting a potential high-value military target (still for 60 – 90 minutes ?) and are occupying it afterwards. It is apparently a fire fight in the middle of a battle and not a evil isolated air strike.

The mission members have willfully modified / ignored an oral testimony of their presumably most important witness to construct a case of an evil Israeli air attack on a flour mill without any military justification.

¹⁰ Transcript of the public hearing of Mr. Hamada:

http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/docs/2009.06.29PM_Session.doc

Video of that hearing:

<http://webcast.un.org/ramgen/ondemand/conferences/unhrc/gaza/gaza05-eng.rm?start=00:03:11&end=00:38:28>

F. Further Observations

F.1. Regarding the Mosque Case

*The interview of the three Al-Silawis conducted by the 'fact-finding mission' headed by judge Goldstone and his colleagues (public hearings) is in fact not really a fact-finding interview but propaganda sermon brought forward by the Al-Silawis as well. They combined held statements of not less than 18 minutes (of 40 minutes total) without being asked a single question. The Imam Al-Silawi preaching inside the mosque "saw the rocket coming to the land and it exploded to my understanding before hitting the ground because shrapnels were just showering the area..." (while making a hand movement towards the table).

He saw the 'rocket' from inside the mosque? The Mission member repeats the question whether he saw or heard the missile. He then modifies his statement by saying that he heard the rocket and then saw shower of shrapnels. (31:00..) The Pakistani member of the Mission then asks for the number of 'martyrs' and wounded.

Apparently martyr now is a terminus technicus at the UN.

*Claims that the worshipers who had attended the services in this mosque or the local imams were not affiliated with the Hamas are just pathetic considering the origin of the mosque's name: The »Martyr Ibrahim al-Maqadmah Mosque« is named after the terrorist Dr. Ibrahim al-Maqadmah, a founder of Hamas who was believed to be the top commander of its military wing, which has waged a bombing campaign against Israel since mainstream Palestinian leaders signed interim peace accords with the Jewish state in 1993. He was killed in an Israeli air strike in 2003¹¹. Making this claim is similar to claiming that worshipers who frequently are attending services in a fictional Adolf-Hitler-Memorial-Temple are not affiliated with Nazism.

F.2. Regarding the flour mill case

***The credible Mr. Hamada**

»Colonel Desmond Travers

Mr. Hamada, thank you very much for your very detailed presentation. You mentioned that the strike by the F-16 was very precise or very deliberate. Can you tell us why, in your opinion, that this was so?

Mr. Rashad Hamada

Let us be truthful in what we say, war is war. War is war. Be it economic through siege, be it, uh, through F-16s, it is war. It is a war that took place and, uh, continues. It is a war that was launched by Israel and these are the results. We see the results. The shelling, the death and the destruction, but war is war. We have been dying for over two years, dying of siege and the last war came as a culmination of the siege.

Hina Jilani

11 http://alqassam.multiply.com/journal/item/106/Tokoh_Palestin_Dr._Ibrahim_Al-Maqadmah
<http://www.aljazeera.com/News%20archives/2003%20News%20archives/March%202003%20News/9%20news/Israel%20assassinates%20Al-Maqadma%20and%20three%20other%20Hamas%20activists.htm>

Thank you, Mr. Hamada, for your statement. Do you have any opinion on why the Israeli defense forces targeted this particular establishment, this particular mill?«

The oh so credible Mr. Hamada doesn't answer this question at all. And the fact finder Colonel Desmond Travers apparently doesn't feel the need to dig deeper.