

# The United Nations on Hamas War Crimes

On April 27, 2015, U.N. Secretary-General Ban Ki-moon transmitted to the U.N. Security Council his public summary of a 207-page report, which apparently is not to be made public, of the Board of Inquiry regarding the incidents in Gaza between July 8 and August 24, 2014. This was the second U.N. report to be issued about incidents involving U.N. premises, personnel, and operations during the course of conflicts in Gaza.

Indeed, it is essential that there be a clear and objective record of the facts of these incidents and identification of how and why casualties occurred, and what persons or entities committed war crimes. The inquiry was conducted by General Patrick Cammaert, former Dutch commander of U.N. forces in the Congo and military adviser to Ban; Maria Vicien-Milburn, Argentinian former legal adviser to UNESCO; Pierre Lemelin, Canadian professor of international law; K.C. Reddy, Indian former U.N. security official; and, for a time, Lee O'Brien, United States diplomat.

Secretary Ban appreciated Israel for cooperating with the inquiry and also for conducting its own investigations into the incidents. In contrast, he criticized the Palestinian Authority for not having investigated allegations of Palestinian violations and crimes. He hoped the PA would probe, in accordance with international standards, these possible Palestinian war crimes and criminal activity.

The 2015 inquiry was concerned with ten specific incidents. Seven concerned the loss of 44 Palestinian lives and at least 227 injured on U.N. premises. Three dealt with weapons found in U.N. Relief and Works Agency for Palestinian Refugees (UNRWA) in the Near East schools, including instances of

alleged use by Palestinian armed groups of those school premises, as well as other civilian sites, to launch attacks against Israeli civilians.

In his attempt at balanced remarks, Mr. Ban noted the "agony of Palestinian civilians in Gaza" and the result of Israeli actions in causing casualties, while pointing out that Israeli civilians in southern Israel continue to face the threat of rocket and terrorist attacks by Hamas and other militant groups. Palestinian groups had fired more than 3,600 rockets since July 8, 2014, of which 1,600 came from civilian areas in Gaza.

The hypocrisy, or deliberate ignorance, of officials of UNRWA, whose premises were the subject of the inquiry, remains unabated. In spite of the clear evidence to the contrary, Chris Gunness, spokesman for UNRWA, said that its schools had been hit by the IDF though no weapons were discovered or fired from their premises. He stated that if militants did fire rockets from the schools, he would condemn them.

The reality, as found by the Board of Inquiry, was that three UNRWA schools were used by Palestinians to store weapons and that firing by a Palestinian armed group from them "probably" occurred in two of the schools. A number of schools used by Palestinian fighters were mentioned. Among them are the Maghazi Preparatory Girls School, the Deir El Balah School, the Beit Hanoun Elementary, the Zaitoun Girls School, El Azhar Islamic College, the Abu Nur School, the Jabalia Elementary Girls School, and Rafah Boys School.

The defense of a senior Hamas official was that Hamas had no choice but to use residential areas from which to launch missiles into Israel. Hamas had pre-positioned weapons and military equipment and prepared fighters to move if hostilities occurred and to blend into the civilian population. Besides schools, Hamas had used mosques, hospitals, and other civilian objects for storing weapons, and

weapons were fired from or near other places: a Red Cross Ambulance station, Wafa Hospital, and the al-Mashtal hotel.

This made it difficult for Israel to distinguish between "fighters" and civilians.

Secretary Ban was dismayed that the Palestinian militant groups, sometimes referred to by name as Hamas, would put U.N. schools at risk by using them to hide their arms. He made clear that United Nations premises are inviolable and should be places of safety, particularly in a situation of armed conflict. Ban stated that the United Nations premises are civilian objects and should not be made the object of attack.

The Inquiry Board concluded that Israel was responsible for firing and causing deaths and casualties. The mainstream media, in its criticism of Israel, has long made this well known. But the UN has now been officially stated that Hamas had placed the civilians of Gaza in danger by storing weapons in the UN facilities, thus causing Israeli fire on them.

The Inquiry Board was also critical of the behavior of UNRWA that failed to address seriously the security of its premises, had no standard operating procedures to report security incidents, and did not have a policy to deal with situations involving the unauthorized presence of weapons on UNRWA's premises, its schools, and its installations. It asserted the need for a review of the whole of UNRWA Security Management System. The inquiry should also have said, but was too diplomatically polite to say it, that it is essential to review the personnel of UNRWA and their unremitting bias against Israel.

UNRWA is supposed to deal with programs in education, health, relief, and social services. The spokesman of UNRWA professed to be ignorant of the reality. The staff of UNRWA must have been aware of that reality and should not be involved in issues of weaponry, ammunition, and unexploded ordnance.

On the very day the report of the inquiry was made public, two projectiles were fired from Syria and landed in the area of Kibbutz Ein Zivan in the northern Golan Heights. On the previous day, April 26, 2015, four terrorists attempted to plant a bomb along the Israeli border with Syria.

Secretary Ban is right. The PA must investigate the possible war crimes of Hamas and others. Moreover, what is needed is a new momentum to the search for a resolution of the conflict in the Middle East. Direct negotiations between the State of Israel and Palestinians must begin. Secretary Ban knows the address of President Mahmoud Abbas.

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