

Israeli high court sanctions political assassinations

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Israel's high court Thursday ruled that the Zionist regime's use of political assassination—so-called “targeted killings”—against members of Palestinian organizations in the occupied territories is not only justified but in conformity with international law.

The ruling constituted the court's long-delayed response to a case filed by two human rights groups seeking a ruling that the practice constituted a violation of international law and that such killings amounted to war crimes.

Instead, the Israeli justices gave a green light to the security forces to continue assassinating those deemed “terrorists” by the Zionist authorities, thereby ensuring that the killing and maiming of both political opponents of Israeli occupation and innocent bystanders will not only continue, but escalate.

This extraordinary judicial ruling is a telling manifestation of the lawlessness that has long characterized the actions of the Zionist regime both in the occupied territories and in the Middle East as a whole. It is, moreover, an indication of the profound crisis of the Israeli state, which is shedding the last pretenses of democratic methods of rule.

The petition was initially brought to the court in January 2002 by an Israeli organization, the Public Committee Against Torture in Israel, and LAW, a Palestinian group. Last month, a third human rights organization, Yesh Gvul, had filed a petition seeking a court ruling against the justices themselves for having dragged the proceedings out for nearly five years while hundreds of Palestinians continued to die at the hands of the Israeli state murder machine.

It is estimated that 339 Palestinians have died as a result of the Israeli assassination program over the last six years. The victims include 210 individuals actually targeted by the Israeli security forces and 129 bystanders, many of them women and children.

While the Israeli government initially claimed that its “targeted killings” were directed against so-called “ticking time bombs”—suicide bombers and others who would strike civilians if they were not immediately stopped—it quickly became clear that the murderous operation was aimed at decapitating organizations opposed to Israeli domination and terrorizing the Palestinian population as a whole.

The overwhelming majority of the victims were killed not in the midst of an operation stopping some imminent terrorist attack, but as they were sleeping in their beds, sitting in offices or riding in their cars in the occupied Gaza Strip.

Among those killed was Sheikh Ahmed Yassin, a 67-year-old blind and quadriplegic cleric who was a founder of Hamas. Yassin was assassinated on March 22, 2004, as he was being taken in his wheelchair from an early morning prayer session. A US-built

helicopter gunship fired a number of US-made Hellfire missiles, killing Yassin, two bodyguards and eight other bystanders, as well as wounding over a dozen others. The man named to succeed Yassin as Hamas leader, Dr. Abdel Aziz al-Rantiss, a pediatrician, was killed less than a month later, when a helicopter fired missiles at his car, killing him, his bodyguard and his son, and wounding several bystanders.

Among the more infamous “targeted killing” operations—and one that prompted the groups that filed the case to return to court seeking an emergency injunction against the practice—was that carried out in July 2002 with the aim of killing another Hamas leader, Salah Shehada.

An F-16 fighter plane dropped a 1-ton bomb on the apartment building in which Shehada lived and was sleeping at the time. The explosion caused the collapse of several buildings in the densely populated Gaza neighborhood, killing 14 people—nine of them children—and wounding at least 150 others.

More recently, the government of Prime Minister Ehud Olmert has threatened to assassinate Sheik Hassan Nasrallah, the leader of Hezbollah, which constitutes a mass social movement and major political party in Lebanon, and Ismail Haniyeh, the prime minister of the Palestinian National Authority and leader of Hamas.

Given this horrific record, the court's decision had a distinct tone of unreality and even mockery in its prescriptions to the security forces on the legal and moral niceties of state-organized assassinations.

For example, it cautioned Israel's Murder Inc. that “the ends do not justify the means.” It called upon the army and intelligence agencies to take into account the “human rights” of those targeted for incineration with Hellfire missiles.

“Attacks,” the court advised, “should be carried out only if the expected harm to innocent civilians is not disproportional to the military advantage to be achieved by the attack.”

It cautioned that Israeli military commanders must possess “strong, convincing and well-founded” evidence linking a prospective victim to “terrorism” before ordering an assassination and that an investigation must be conducted afterwards to determine the “precision of the identification of the target”—something that will prove cold comfort to those already dead.

The reality is that all of these criteria, decisions and investigations are left in the hands of the security forces themselves, who are granted the right to act as judge, jury and executioner, exacting an illegal penalty—there is no capital punishment in Israel—against individuals who have never been charged or tried.

The ruling was greeted favorably by the security forces themselves as well as by right-wing Zionist politicians. It was seen essentially as a

pseudo-legal seal of approval for the policy of cold-blooded state murder that is already under way.

Moreover, some military and security officials said that the ruling would give legal cover to those responsible for carrying out these killings against potential war crimes prosecution or private lawsuits in non-Israeli courts. “A ruling of this kind provides enormous protection,” deputy state attorney Shai Nitzan told the Israeli army radio.

The threat that leading officials could be prosecuted for such crimes became all the more real recently, when a pro-Palestinian group sought to have former Israeli armed forces chief Moshe Yaalon arrested in connection with the July 2002 bombing in Gaza that killed 14 people during his visit to New Zealand last month.

Significantly, the court threw out the category of “enemy combatant”—borrowed directly from the Bush administration’s arsenal of legal justification for torture, illegal detentions and extrajudicial executions—introduced by Israeli state attorneys to defend the killings.

The court held that “unlawful combatant” is not a category recognized under international law. It also found that those deemed terrorists by the Zionist regime are not combatants but civilians.

Nonetheless, it accomplished the same ends as the “enemy combatant” definition favored by the Bush administration by declaring that those civilians alleged to be involved in terrorist activities are “subject to the risks of attack like those to which a combatant is subject, without enjoying the rights of a combatant, e.g., those granted to a prisoner of war.”

In other words, those individuals targeted by the Zionist regime’s security forces for assassination are by definition denied all rights, just as the “enemy combatants” persecuted by the Bush administration are, even if, from a legal standpoint, the Israeli court achieves this aim via a different route.

In summing up the ruling, the court declared, “Thus it is decided that it cannot be determined in advance that every targeted killing is prohibited according to customary international law, just as it cannot be determined in advance that every targeted killing is permissible according to customary international law. The law of targeted killing is determined in the customary international law, and the legality of each individual such act must be determined in light of it.”

This is pure sophistry. Extrajudicial executions are illegal under international law. The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials state unequivocally that the use of lethal force is permissible only “in self-defense or defense of others against the imminent threat of death or serious injury” or “to prevent the perpetration of a particularly serious crime involving grave threat to life.” Clearly the killing of leading political figures in the occupied territories, and the threat to murder the leader of a major political party in Lebanon, do not fall under this category.

Similarly, in December 2004, the UN’s Special Rapporteur on extrajudicial, summary or arbitrary executions stated in regard to the “global war on terrorism,” “Empowering Governments to identify and kill ‘known terrorists’ places no verifiable obligation upon them to demonstrate in any way that those against whom lethal force is used are indeed terrorists, or to demonstrate that every other alternative had been exhausted. While it is portrayed as a limited ‘exception’ to international norms, it actually creates the potential for an endless expansion of the relevant category to include any enemies of the State, social misfits, political opponents, or others. And it makes a mockery of whatever accountability mechanisms may have otherwise constrained or exposed such illegal acts under either humanitarian or

human rights law.”

Clearly, the Bush administration has itself engaged in such extrajudicial executions. In his 2003 State of the Union address, Bush himself boasted that some alleged supporters of Al Qaeda had “met their fate by sudden justice” and were “no longer a problem to the United States of America.”

Israel, which has the greatest experience with such extrajudicial killings—assassinations have served as a customary instrument of state policy since the founding of the Zionist state—has now gone one step farther, with its highest court decreeing such war crimes to be sanctioned by both Israeli and international law.

Such a ruling marks a further degeneration into lawlessness by a state that has similarly justified expropriation of land and the expulsion of its legal inhabitants, collective punishment against civilian populations and the waging of aggressive wars against its neighbors.

Contempt for international law, binding treaties and internationally recognized borders has been the hallmark of Israeli policy for six decades. But what the Israeli high court ruling makes clear is that whatever countervailing pressures previously existed within the Israeli political establishment have ceased to operate.

What kind of a state produces a binding legal decision from its highest court that political assassination of citizens and leaders of other territories is a justifiable policy, sanctioned by international law? One can imagine the howls of outrage in Washington and Israel itself if the government of Iran or the Palestinian National Authority were to issue similar judicial rulings.

Far from trying to curb the criminal practices of its principal client and ally in the Middle East, the Bush administration has consistently aided and abetted them, from the campaign of assassinations in the occupied territories to the barbaric assault against Lebanon last summer. It has concluded that these acts of provocation and aggression can be utilized to further US imperialism’s own drive to dominate the region.

Nonetheless, just as with the debacle confronting US policy in Iraq, there is in the high court ruling enshrining assassination in Israeli national law a powerful element of crisis and frenzy, a sense that the Zionist project is reaching the end of its rope.



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