

# Defense of Israeli Assassination Policy by the Bush Administration and Democratic Leaders

By Stephen Zunes | April 2, 2004

The U.S. veto of a proposed UN Security Council resolution criticizing Israel's March 22 assassination of Hamas founder Sheik Ahmed Yassin has once again placed the United States both on the fringe of international public opinion and in opposition to international legal norms. Despite the proposed resolution condemning "all attacks against civilians," the United States once again was the lone dissenting vote, marking the 28th time since 1970 that the U.S. has blocked a Security Council resolution criticizing the actions of its most important Middle Eastern ally.

This is more than all the other permanent members of the Security Council have used their veto power on all other issues during that period combined.

The Fourth Geneva Conventions—to which both Israel and the United States are signatories, and which the UN Security Council, in previous unanimous resolutions, has determined applies to the Israeli-occupied territories—explicitly prohibits "the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized people." [Article 3(D)]

Furthermore, even if Ahmed Yassin was complicit in earlier acts of terrorism, the elderly, quadriplegic sheik would still be considered a "protected person," which the 1949 treaty describes as those "taking no active part in the hostilities, including members of armed forces ... placed *hors de combat* [out of combat] by sickness, wounds, detention, or any other cause."

### Sheik Yassin and Terrorism

Sheik Yassin had been imprisoned twice in recent years by Israeli occupation forces, but Israel set him free without any charges of involvement with acts of terrorism. Though the Israeli military launched frequent raids in the Gaza Strip and other Palestinian areas to arrest suspects, they made no attempt to re-

arrest Yassin. Similarly, the Israelis made no formal extradition request to the Palestine Authority.

Yassin was a spiritual leader, not a military leader. Despite his reactionary interpretation of Islamic teachings and his rationalizations for attacks against Israeli civilians, he was not generally considered to be in the chain of command regarding Hamas terrorist operations. Indeed, his failing health alone—at the time of his assassination, he was largely blind and deaf—limited his effectiveness as anything more than a symbolic figure.

In any case, Hamas was never a cult of personality centered around one person. Its multifaceted operations—which, in addition to its military wing, include a network of schools, health care clinics, and other basic social services—operated well during periods in which Yassin was jailed.

In more recent years Sheik Yassin had been considered a relatively moderate voice, supporting a series of ceasefires with Israel (each of which Israel broke by assassinating Palestinian leaders). He had also insisted that military operations take place only within the boundaries of historic Palestine and not in the United States. He recently stated that Hamas would stop attacks against Israel from the Gaza Strip in return for an Israeli withdrawal from the territory. His successor, Abdel Aziz Rantisi, disagreed with Sheik Yassin on each of these matters, and will likely expand the deadly reach of Hamas' military wing.

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The attack—consisting of three missiles fired from a U.S.-supplied helicopter—also killed seven other people: two bodyguards and five unarmed bystanders. The Israeli government has not even claimed these other victims were guilty of any crimes.

In light of such moral, legal, and tactical questions regarding the assassination, the Bush administration's response is particularly disturbing.

### The Bush Administration's Response to the Assassination

While not overtly endorsing the attack, President Bush declared on March 23 that "Israel has a right to defend herself from terror." A day earlier, National Security Adviser Condoleezza Rice defended the assassination by saying "Let's remember that Hamas is a terrorist organization, and Sheik Yassin has himself, we believe, been involved in terrorist planning." (She gave no evidence to back up her claims of Yassin's personal involvement in planning terrorist operations.)

The strongest language against the attack the Bush administration could use was uttered by spokesman Scott McLellan on the day of the attack, when he said that "the United States is deeply troubled by this morning's action in Gaza." Democrats in the House of Representatives, however, attacked the Bush administration from the right, with Rep. Gary Ackerman (NY)—joined by Robert Matsui (CA), Barney Frank (MA), Nita Lowey (NY), Shelley Berkley (NV), Brad Sherman (CA), Carolyn McCarthy (NY), Ed Markey (MA), Martin Frost (TX), and other Democratic leaders—demanding that President Bush "immediately repudiate" McLellan's statement.

In any event, the Bush administration response to Israel's assassinations policy was a lot milder than it had been previously. Last summer, for example, following Israel's unsuccessful assassination attempt against Rantisi, which killed a female bystander and wounded dozens of others, President Bush declared, "I regret the loss of innocent life. I'm concerned that the attacks will make it more difficult for the Palestinian leadership to fight off terrorist attacks. I also don't believe the attacks help the Israeli security."

The Democratic response to this moderate response from the administration, however, was even more vociferous. The entire House Democratic leadership—Minority leader Nancy Pelosi (CA), Deputy leader Steny Hoyer (MD), Caucus Chair Robert Menendez (NJ), ranking House International Relations Committee ranking member Tom Lantos (CA), and dozens of others—wrote a letter to President Bush saying that they were "deeply dismayed" by his comments. The Democrats claimed that "the attack on Hamas leader Abdel Rantisi was clearly justified as an application of Israel's right to self-defense," and that Israel's assassination policy must have "the full support of the United States."

It is noteworthy that the majority of the Democratic leaders signing these letters are on record opposing the death penalty, even in cases where a mass murderer like Timothy McVeigh has been granted a fair trial by jury and other Constitutional guarantees. McVeigh, however, is a white American. By contrast, if the suspect is a Palestinian, these Democrats appear to believe that not only is execution an appropriate punishment, no due process is required. This is yet another example of the vicious and endemic anti-Arab racism in the Democratic Party.

### The Assassination Debate within Israel

It would be wrong to attribute the Republicans' and Democrats' support of Israel's assassinations as support for Israel. Indeed, Israelis themselves are deeply divided on the wisdom of such provocative actions. Israeli Prime Minister Ariel Sharon's own interior minister, Avraham Poraz, declared, "I think the damage is greater than the usefulness." Even more significantly, Shin Bet, the Israeli security service charged with protecting Israelis from terrorist attacks, was also in opposition to the Yassin assassination, according to Israeli press reports.

Danny Rubenstein, writing in the Israeli newspaper *Haaretz*, observed, "The more Israel hits Hamas leaders and rank-and-file members, the more their popularity climbs. In tandem, they become increasingly immune to operations by the PA's security force,

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since any such operation would only be interpreted as treacherous collaboration with Israel.”

Prominent Israeli journalist Uri Avneri reacted by observing, “There seems to be no limit to the stupidity of our political and military leaders. They endanger the future of the State of Israel.” Indeed, public opinion polls show that 80% of the Israeli public fear more violence, since virtually every Israeli assassination has resulted directly in terrorist attacks against civilian targets in Israel. Indeed, political scientist Steve Niva of Evergreen State College has demonstrated that the overwhelming majority of terrorist attacks by Hamas have come in direct response to such Israeli assassinations and assassination attempts.

Similarly, *Yediot Aharonot’s* military affairs correspondent Alex Fishman has observed that such assassinations appear to be designed to inflame militant groups rather than deter them, noting the pattern of Israeli attacks when there has been a lull in Palestinian violence and when Hamas had agreed to or was considering a cease-fire.

Furthermore, the killings have dramatically raised the standing of Hamas relative to the more moderate secular groupings that make up the Palestine Authority (PA). Despite PA president Yasir Arafat’s corruption, ineptitude, and autocratic rule, the PA has accepted the principle of peace, security guarantees, and normalized relations with Israel in return for the withdrawal of Israeli occupation forces from the 22% of historic Palestine occupied by Israel in 1967. By contrast, Hamas wants no less than 100% of historic Palestine.

### A Revival of Nonviolent Resistance

Over the past two months, there has been a revival of nonviolent resistance to the occupation, with Palestinians (sometimes joined by Israeli peace activists) engaging in sit-ins, blockades, and other forms of nonviolent direct action against the Israeli occupation and colonization of the West Bank. A

number of Israeli analysts, including political science professor Neve Gordan of Ben-Gurion University, believe that the assassination of Sheik Yassin will short-circuit this nonviolent movement and turn the tide back in a more violent direction.

It is noteworthy that, during the first and largely nonviolent intifada in the late 1980s, the Israelis closed down the Palestinian Center for the Study of Nonviolence (PCSNV) while allowing Hamas to operate openly. Israeli occupation authorities arrested and exiled PCSNV’s founding director Mubarak Awad, a Palestinian native of Jerusalem and a disciple of Gandhi, while allowing Sheik Yassin to remain free and to openly call for armed struggle against Israel.

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The major reason for the bipartisan American backing for Israel’s policy of assassination, then, is not out of concern for Israeli security interests, which are clearly compromised by such policies. The main reason is that Israeli policy is not very different

from current U.S. policy.

In September 2001, President Bush rescinded President Gerald Ford’s 1976 executive order banning agents of the U.S. government from engaging in assassinations and lowered the standard of proof for assassinations to those merely “suspected” of being terrorists.

For example, in November 2002, President Bush ordered the assassination of a suspected al Qaeda operative in Yemen. Not only has the administration not released evidence of why it believed the victim was an al Qaeda leader, but the missile attack on his car killed four other people, including a U.S. citizen.

In effect, the Democratic Party is now to the right of Ford administration, and—as indicative in these recent “Dear Colleague” letters—to the right of the Bush administration as well. By opposing international legal standards even more vociferously than President Bush, it will make it very difficult for voters who support these principles to vote for either major party this fall.

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The sad fact, then, is that even a Democratic victory in November is unlikely to bring much change from the Bush administration's ongoing assaults against international law and the United Nations. As a result, it is all the more imperative that those who support such principles not waste their time trying to elect Democrats who support nearly identical foreign policies as their Republican opponents, but demand that both parties end their opposition to basic international legal principles and institutions which are upheld by virtually every other democratic nation.

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