

**ENDOWMENT FOR MIDDLE EAST TRUTH**

**THE MORAL LEGITIMACY OF THE WAR IN GAZA**

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SARAH STERN: It is my pleasure to welcome you to another Dr. Miriam and Sheldon G. Adelson Policy Seminar Series on Capitol Hill. Last month in this same building, if I recall, in the same room, I was present at a briefing about the humanitarian crisis in Gaza, where I witnessed what could only be described as a Kafka-esque inversion of causality.

Israel was summarily condemned for the conditions of the people living in Gaza, not just during the war, but after it and leading up to it. I have to tell you that this was rather appalling. I was in Israel the summer of 2005, when the government of Israel had made the decision to unilaterally withdraw from the Gaza Strip. This was a soul-wrenching decision that ripped apart the people of Israel, pitting brother against brother.

We saw as young members of the IDF had been trained not to feel any emotion as they had to rip people from their homes and from their life's work of building up the Gaza Strip. There were rabbis who had said let's leave the synagogues standing because we would like to have a place of worship for the Muslims that will occupy this territory. After all, we all pray to the same God. Many Jewish millionaires had spent millions and millions of dollars buying the greenhouses, so that there would be an economic infrastructure waiting for the Palestinian population there.

We all know, however, what ensued. When the last IDF soldier in September locked the gates, there was an atmosphere of chaos and frenzy and nihilistic anarchy. The people living in the neighboring town of Sderot have hardly had a day's peace ever since.

It is my great pleasure here to have with us today Noam Bedein, who is the director of the Sderot Media Center. The Sderot Media Center has been established to document and to remind us of the constant and daily suffering of the people that his community have undergone ever since the Gaza withdrawal in the summer of 2005. Noam has decided to put his life on the line there and he lives every day there and is constantly interrupted in his pursuits when he hears the siren of "tzeva adom," code red.

We also have with us today Dr. Avi Bell, professor of law at Bar Ilan Law School and scholar of international law from the Jerusalem Center for Public Affairs. Avi has written and published many articles about this subject. And it is my pleasure to turn away – turn over, rather, the podium to Noam Bedein. Thanks.

(Applause.)

NOAM BEDEIN: I'll just talk like this. It's easier for me to be expressing myself. Before anything, I would like to thank EMET for bringing me over here to be presenting this side of the story, especially Sarah Stern for making the effort to bring me out during these times down here to Capitol Hill. And thank you all for being here.

Let's get straight to the point. This is the background to understand what we are dealing with, so if you guys pay attention to your right side, this is a map of Israel. This is where Sderot is actually located on this map. If you guys just want to look very fast, Sderot is located right over here on this map. It is a 45-minute drive to Tel Aviv, which is the center of Israel. It is an hour-and-15 drive to Jerusalem.

Still, in the past three years ever since the disengagement, ever since Israel pulled out from the Gaza Strip, from the Jewish communities and the Israeli army bases, almost 7,000 of these Qassam rockets have been launched from the Gaza Strip toward Sderot and the Western Negev, which became the only region in the entire Western world where we have rockets and missiles that are being fired daily upon civilian population.

As such, it became quite a challenge to give expression to this kind of reality which is a reality like no other place in the world. I've been living for the past two-and-a-half years in Sderot. The northern part of Gaza is less than one mile away from Sderot, which means that once a rocket is being launched from Gaza toward Sderot, we have got 15 seconds or less to run for cover.

Again, how do you explain to anyone what those 15 seconds are like – how do you express to anyone what it is like when a rocket explodes right next to you? Or hearing the whistle followed by an explosion? And the fact is, whoever does not live in Sderot or the Western Negev has no idea what people have to live through here on a daily basis.

Sderot was established in 1953, when the Jewish population moved to Sderot, the Jews that came from North Africa from the Arab countries. We have a working-class population with the social economy being middle to lower class.

Especially today, during the days after the war in Gaza, many do not have the resources to compare the devastation, destruction and casualties that are shown in the international media, coming out of Gaza. And at the same time, there is a humanitarian crisis. There is a human story and that is our job to express and expose this. And we – as individuals, as simple people – basically, that's the challenge today.

I moved to Sderot over two-and-a-half years ago. I have experienced over 3,000 of these Qassam rockets that have been launched towards my town – and again this became the challenge in emphasizing this side of the story. I mean, the daily news broadcasts in Israel during the past four years have not shown the impact of these rocket attacks. You hear on the radio that two Qassam rockets exploded in Sderot: no injuries, no harm done, maybe two people are treated for shock – and then the weather report. And the question is, does anybody grasp the meaning of shock or anxiety or trauma, while listening to the condensed version in a news broadcast or watching it on TV. That whole psychological impact, the whole human side of the story is not mentioned through these media elements.

And the question to ask here today, with people living thousands of miles away from Israel and from the Middle East, is how do people get their information about Israel? It's the most simple question in the world. You know, by just turning on the television; reading them off

the Internet Web sites or newspapers. People actually know – or think they know – and again, how do you emphasize this side of the story through those media elements. Again, this became a part of the challenge.

Before I get into the story of Sderot, it is very important to explain that today, as we speak, the more emphasizing the story, in this part of the region- today is presenting 1 million Israelis, under the threat of missile being fired out from Gaza. A little bit about myself. I am a photojournalist. I was born and raised in Israel, as they say. My parents are American-born from Cleveland and Philadelphia. They came to Israel 40 years ago. I grew up speaking English. It is easier for me to speak and express my self in English this rocket reality in Sderot, since I've been doing this for the past two and a half years- emphasizing and getting the story out.

After three years of Israeli army service – I was a staff sergeant for an artillery scout unite – confronting Hezbollah, which is today the second-most strongest terrorist organization in the world. It's a very common thing for Israelis: After they go to the armed services, they basically go out traveling into the Far East, South America. And I went for one year to 10 different countries in the Far East by myself just to experience, to get an observation by myself as a human being, as an Israeli going all the way up to Tibet to experience the Tibetan people under the occupation of China, all the way down to Indonesia, the biggest Muslim country in the world, where Israelis are not allowed to travel in, but I had my American passport that said Israel and Jerusalem. I called myself George and said I'm from Ireland and actually it came across.

I went to live with the Orangutans for two weeks, helping out people after the tsunami, experiencing, you know, the people that lost their entire families, going all the way to Vietnam to see the battlefield with my own eyes, going all the way to Japan. I could probably sell you a watch and maybe get away with it as well – (laughter) – all the way down to India.

And basically, from those travels I became a photojournalist – when I got back from traveling, I created photo exhibits and made a documentary describing what goes through one's mind when he travels on his own. And this brought me down to Sderot. And knowing today that my weapon today is my camera and my job is basically documenting every single angle of this devastation of this ragged reality. And the job is to be presenting this through the media and anyway possible because that is the right thing that needs to be done.

When I moved to Sderot two-and-a-half years ago, at that time there was no public office or governmental office that was dealing with the humanitarian crisis. There was no person to speak out for the residents – not in Israel and not outside of the country. And that is why the Sderot Media Center became the main voice and face– of the entire region in presenting professionally what is happening to the outside region. Today we work with the highest officials in Israel trying to show this side of the story, which, again, has become more and more challenging work in presenting this side of the story.

I can express to the people that when I moved out to Sderot, I went around the community for a month-and-a-half to get a full and professional understanding about this rocket reality. And I remember as I arrived at the security officer's office, I walked into his office and I saw on the wall a map of Sderot with dots indicating where these rockets have exploded.

And the security officer was telling me how that four years ago, he stopped to put dots on this map because he wants to know this is a map of Sderot. I was basically understanding that every single road and every single street, every single community, every single neighborhood, family and child has experienced a rocket explode nearby. Once you've experienced that rocket explode nearby your life has is completely changed by that moment.

What goes through your mind every single day when you leave your doorstep - is when and where the siren is going to go off, where is it going to catch you? If you'll have enough time to run for shelter and where the rocket is going to explode. You try expressing to the people that once you've experienced a rocket explode nearby, the next time you hear the siren, instead of going off, it doesn't matter if the rocket falls in Sderot or outside of Sderot. If you are sure that a rocket is anywhere towards you, you have about 15 seconds or less to run for your life. And again, it became normal in this town – not normal any other place – not in the country or in the world and daily routine life is just trying to decide so much by just living; they're experiencing it. It's, you know, the small things-- driving into Sderot, you will automatically put down your window, you turn off your music, you take off your seatbelt because you're always alert to the siren in case you need to jump out of your car.

Hearing a mother talk about what happened just a couple of weeks ago while she was driving around town and the siren went off and she had to jump out of her car, is shocking. She went to her backseat to choose what child to grab first, so she could run as fast as she could toward a bomb shelter. Bomb shelters are scattered everywhere, in the marketplace, in the high schools and schools and playgrounds. ,

For me as a photojournalist, when you try capturing moments in one photograph, when you see a playground and a bomb shelter side by side in a photograph, you understand this reality is completely unacceptable, and unique to this country and the world. My routine when I moved to Sderot was to wake up almost every single morning with a collective alarm clock. We would have a siren going on from 6:00 to 9:00 in the morning, followed by an explosion. These are the times that children are on their way to the kindergartens, to schools, parents on their way to shop, to work. Those are the times we have direct rocket hits into Sderot itself.

I would go into families' homes, see entire families living all together--the two parents and five children in their living room for the past four years. People have beautiful houses in Sderot, but residents cannot live in the second floor because they won't have enough time to run downstairs in those 15 seconds.

If you're living in the fourth floor of an apartment building and if you hear a siren going off, either you hide in a staircase or in your bathroom and hope not to get hit – (inaudible). It somehow became a Russian roulette reality every single second and moment. I was hearing a social worker describing to me how she wakes up every single morning at 5:30 in the morning because a few years ago, a rocket had exploded next to her house at 7:00, 7:30 in the morning.

And what would happen if she is right now in the shower or in the bathroom and she is not fully dressed? She is not prepared to be evacuating. So since then, she wakes up at 5:30 in

the morning. At 6:30, she is fully dressed and with makeup just in case she has to evacuate. She is not even considered as an anxiety victim. If is taking a minute-and-a-half shower, you know, once you have got the water running, you won't hear the siren going off. You always have someone outside the door waiting for the siren. So it doesn't matter how dressed you are, once the siren goes off, they pull the person out and hopefully, they get to a secured room in 15 seconds.

The dogs in Sderot – they start barking a second before the sirens go off. They could already sense that something is on its way and they know exactly where to run for shelter, as well. Two summers ago, we sent 19 children to Sderot to perform in a community theater, telling their part of the story through the arts of the theater. And to hear 10-year-old Michelle explaining, describing how it takes her one hour to walk to school because she has to go through alleys. Once she hears the siren going off, she knows exactly to run for shelter, as well.

Basically, your entire routine of life revolves around rockets exploding and sirens going off. If it is the winter night, you know, if you had thunder going off, you are not going to be thinking if it is thunder but a rocket exploding. For me, if I just leave Sderot, and go to an airport, I hear the loudspeakers going off and automatically think that it is a siren going off. I look around for shelter. It's pretty crazy.

I could just go on and on--small daily routine life means entire changes. My first experience, actually, of a rocket attack nearby was over two years ago. I was in a Moroccan synagogue right next to my home. In the middle of the service the siren went went off. And what else can you do except sit down and pray? And then in less than 15 seconds, a huge explosion 50 feet from the synagogue – you know, everybody jumped out of their seats. Half of the people ran outside to see and I just stood there watching a father deciding which child to grab onto first and protect.

And from that experience, I get a bit emotional every Friday night. I ask myself who am I to compare myself to families that have been living this kind of reality for the past eight years, who have been sending their children to unprotected classrooms – because everyone has a nine-year-old brother, sister or son or daughter, grandson, granddaughter who could be in that situation here.

A year-and-a-half ago, it was expected that a nine-year-old sit in a classroom and wait for the siren to go off. Once he or she heard the siren going off, it was expected that they make a run in the corridors with 80 other children, hoping to reach a secure room in less than 15 seconds. When the last lady that was killed in Sderot, she was killed with no warning siren going off. So it is a bit absurd, actually sometimes living in your own hometown. Your own government should be putting bomb shelters around the city or protecting the schools and when that finally happens, you realize that it is not the real solution to this intolerable reality. Today the rockets can be up to 12 kilos. We are talking about missiles that are coming directly from Iran that are smuggled into the Gaza Strip.

(Inaudible) – in Gaza been hit by direct hits. Again, the challenge is that every single person, specifically in this town, has experienced a rocket – (inaudible) – nearby. The challenge

is, how do you tell some of the stories? How do you make it interesting? This became part of the challenge.

(Inaudible) – story and one of my most traumatic, traumatizing stories was experienced in the synagogue being hit by a direct hit, when half-an-hour before, there were 400 people – (inaudible) – synagogue. They weren't dancing around the town, you know, throwing off – (inaudible) – going all crazy. When they got to the synagogue they had a huge feast and everything. At 11:00 the 400 people have left. Only the family and relatives had stayed – (inaudible) – at the synagogue – one of the biggest – (inaudible) – today in Sderot.

One of the mothers – she was just cleaning out the room that was attached to the synagogue. As she was cleaning the room, she is locking the doors, so no one could go into the room. As she locked the door, the siren went off. Everybody ran to the synagogue – (inaudible) – attached, a direct hit went straight through that roof. About five minutes later seeing women, children, young men and girls, elderly who would be traumatized. In three years of – (inaudible) – I've never experienced anything so horrifying in my life.

And, again, what was reported that a few were slightly injured, a few were treated for shock. Just experiencing that kind of experience is one of the stories that I had to tell because I feel that it's my obligation for me to be telling the story because when we tell these stories, the more hope we can give to the entire region just getting the message out. That is the point of the stories.

And I'll focus for a second on children; again, the psychological impacts for children today are revealing that 70 percent to 94 percent of children are suffering from symptoms of PTSD. A mother was telling me how – (inaudible). There is no post-trauma in Sderot, according to – (inaudible) – health center. It is still traumatic. It is still actually happening.

Those symptoms cannot only act as reality – (inaudible) – right now it's far from it, only then, things start coming out and basically, how can they even get what is going on? They are children who are brought up in this reality for the past eight years are only now starting to get to realize what is happening. But the ones who are going to get really affected are those children's children. Basically, we have an entire generation brought up in this kind of reality. And – (inaudible) – years, the reality of an entire population.

I remember bringing my sister, who is a – (inaudible) – therapist, last winter to the kindergarten. I took her around to the kindergarten to perform in front of the children. And I followed her around just to hear what the kindergarten children and teachers have to go through. And I remember as we arrived at the kindergarten, the teacher was talking to the children about snails – how they come out in the winter.

And the teacher was asking the children, so why do you think the snail has a shell? And all of the kids put down as the answer – so they could be protected from the Qassam. We are talking about three- to five-year-olds being brought up with tranquilizers – as part of their daily diet. This is the – (inaudible) – that people see in front of their eyes to see how – (inaudible) – we do care about every single life on both sides of the fence.

We have nine people being killed in Sderot – 7,000 rockets in the past few years; 1300 killed in Gaza. It seems like a reality – (inaudible) – serious consideration, but nobody has a chart of 4,000 children in Sderot being brought up with tranquilizers as part of their daily diet. You could definitely see the routine, that once the children hear the siren going off, either hide underneath their table and start singing out loud songs or if they have a secured room, they start running towards the secured room. Once they reach a secured room, they do a countdown: 15, 14, 13, until they reach zero, they start singing out loud, so they won't hear the explosion of the rockets going on next to them.

Let me just show you this. We're actually looking at the slide and, again, today we are competing with, sort of, a few hundreds of channels on cable and – (inaudible) – two-in-a-half minutes what is going on. That became – (inaudible). This began a short video – (inaudible) – slide.

(Begin video clip.)

MR. BEDEIN: This was during August. So there are two kindergartens getting hit by direct hits but because children, at the time, were on summer vacation, so no injuries, no harm done, this wasn't even reported in the media. This is basically a Qassam rocket, and there are 20 types of Qassam rockets – different sizes, different lengths, different colors that indicate a different terrorist organization. But the – (inaudible) – Qassam rockets today to reach their ranges of 300 feet of complete damage.

A kindergarten called – (inaudible) – the kindergarten – (inaudible) – they are using – (inaudible) – just like a daily routine life – (inaudible) – evacuating, people get out. Three of the nine killed by these Qassam rockets were children – (inaudible). And, as I said, there is some psychological – (inaudible) – for children because 70 percent to 94 percent of children are suffering from symptoms of PTSD. People can understand the symptom, but – (inaudible).

This is – (inaudible) – right next to Sderot – (inaudible) – same rocket reality. Those are the protections over the kindergartens: thick concrete cement walls.

(Video continues in Hebrew.)

That is a siren going off. Check out the children in the background. They know exactly where to run for shelter.

There goes the countdown. And then they start singing out loud so that they won't hear explosion of the rocket exploding right next to them.

So there you have it: a short video with no injuries, no blood. This definitely shows you the routine. It shows what you have to live through on a daily basis. And I tell people I do not have enough fingers on my hands to count the amount of times that rockets exploded just a few meters from kindergartens while it's packed with children.

Just this past Saturday, a direct hit into a school's yard in Ashkelon. There's a population of 120,000 but the advanced Iranian Qassam missile exploded into the town. Again, it is the Russian roulette reality. The hardest thing to explain to people, every time we bring down people – (inaudible). (Inaudible) – in front of them, I tell them, you do not have to be a religious person to believe – (inaudible). Every single time a Qassam rocket has exploded in the town, it is a miracle nobody gets killed. The fact that people have been killed and or have been seriously injured – over 1,000 in the past few years – experiencing direct hits into homes. You know, entire families come out with no physical injury. It's the hardest thing to explain.

And the more I experience personally – this kind of reality – the basic questions come to my mind. You know, if you put aside for a second the obvious question, you know, would any other Western democracy in the world tolerate even one rocket launched toward their territory? What would America do if one rocket were launched from Tijuana toward San Diego? The basic question is asking myself every single day by experiencing this. And why is it that we have to wait until a kindergarten classroom is being hit by direct hits in order for Israel to have the international support to do what's right for their own people.

And that is basically the thought that goes through my mind almost every single time a rocket falls into the town. And as I said, it became my challenge to be emphasizing this side of the story. And for a second, I will try explaining why it is so difficult to show this point of view, this side of the story. In order to do that, I have to explain what is happening on the other side of the fence.

Now, I think if you guys are with me until now, I think the most important thing people should memorize and understand is what we are up against on the other side of the fence. Of course, the air force commander of Israel, 97 percent of these Qassam rocket targets are being fired from Gaza, are being fired from among the civilian population in Gaza.

That means these rockets have been fired behind the homes, in residential areas, in neighborhoods, fired next to the mosques—nine in all. From inside the schools, right next to the schools – meaning if Israel wants to defend their own citizens by hitting that target in Gaza where the rockets are being launched from. But I think that target in Gaza civilians, in Gaza – not to get either injured or killed – that is what we are dealing with.

There is a term in the media that we call, only when it bleeds, it leaves. Only when there is blood, only then the media takes notice. It is the nature of media to show casualties and blood. So when one side of the fence, you've got mainly civilian casualties and injuries, on the other side you have psychological impact, it is much easier showing the more media-appealing side of the conflict. And, basically, one side of the conflict is more exposed, naturally over here will be more exposed. And this side of the conflict will have more sympathy than the Palestinian cause in Gaza. When one side is more exposed, there is more sympathy for the Palestinians, probably, in Gaza. This enables the terrorist organizations to keep launching rockets and missiles towards the population and somehow have legitimacy for it.

Again, this is the only region in the entire world where we have rockets and missiles being fired daily upon civilian population in order to hit civilian population. The Qassam rockets

have two purposes. That is to kill and traumatize as many civilians as possible. And according to all human rights organization, any type of militia that uses their own human civilians as their human shield, that is considered a war crime, a crime against humanity.

But again, being thousands of miles away from Israel – knowing and seeing what is going on – one side being more exposed – this is giving further legitimacy to terrorism and making our challenge event bigger in getting out our side of the story.

And the fact is, what is happening in this part of the region is being exposed in the exact opposite story. Our job is somehow to be balanced in our coverage. But without resources, we can never compete or compare the devastation, destruction comes from Gaza; we can never compete or compare the civilian casualties coming out from Gaza.

What we do have is a true human story from the other side. And our job is to get the story out. And the more we create awareness from this point of view and this side of the fence, the more hope we give to both sides of the region – not only the Israelis' side but also on the other side – undermining of legitimacy or terrorist leaders who are literally using the civilian population as a human shield.

During the war, 33,000 tons of humanitarian aid was supplied to Gaza during the war itself with among them: medicine, medical treatment. On those humanitarian trucks, you had fertilizer and sugar that we brought into the Gaza strip. This is used as the explosives of the Qassam rockets.

What is the Qassam rocket? It is basically metal built with this huge pipe and three holes. You have water/sewage pipes, originally for the civilian population, being used as a weapon eventually. During the second ceasefire, the past ceasefire, June 2008 to the 19<sup>th</sup> of December, 2008, having 538 missiles being launched toward Israel during the ceasefire. During that time, the rocket – the missile has been launched toward Israel during the ceasefire, during that time launching missiles it launched toward Ashdod, Ben Sheir Ashkelon put in the range of millions of Israelis came directly from Iran. They got to the Gaza Strip during the second ceasefire.

So when we talk about Iran, al Qaeda, we really have Iran at our backdoor. We started off with the Sderot population of less than 20,000 being threatened by rockets and then it grew to threaten the entire western Negev— about 45,000 for close to eight years. Today we have close to 1 million Israelis in southern Israel living under rocket fire.

People say that we should try, we should have, try to speak – again, how many people actually understand that we actually had two ceasefires in the past two years between Hamas and Israel? The first one, 26 of November 2006 to the 15<sup>th</sup> of May 2007 – there were over 315 missile attacks toward Israel. The second ceasefire I just mentioned, 538 missile attacks toward Israel. Right now it's over a month after the operation in Gaza; over 100 missile attacks toward Israel. The truth is it's actually getting worse by the moment.

I'd like to share with you a short testimony I actually had before the war in Gaza. This is the 1<sup>st</sup> of November, 50 days before the end of the ceasefire, knowing that something was going

to be happening. The intelligence and terrorism information center telling us what's happening on the other side of the fence, and this is just a perspective from like I guess my eye as a photojournalist, by just living over there. So I'll just share this short video with you. I think it will give a better understanding of the rocket reality.

I am proud to say this video has presented Israel on this past war, this video presented close to a million Israelis under threat of Gaza rockets.

**(Video plays, off mike.)**

**MR. BEDEIN: The main question is, there's a line of evidence basically demanding why and how there's no international outcry with this rocket reality taking place here like no other place in the world. I was thinking to myself, you're going back to this rocket reality-- knowing that the problem is going to get worse and worse, but not dealing with the root of the problem itself. And again, somehow this reality is being accepted. We actually accept this kind of reality and I think that's how in countries, like Canada, England and Norway, it is more popular than ever to become anti-Israel and anti-Zionist. Yet we have here a reality that no other place in the world experiences, which is becoming worse by the moment-- having today over 1 million civilians under this threat of missile reality.**

How many people understand that Israel is the only country in modern history that endures rocket attacks on its civilians. And we have had 7,000 Qassam rockets and three ceasefires up to this point. What else can you actually do to prevent these rockets from being launched towards a civilian population?

And people always ask me, how can people still living in Sderot? How come you're not taking your stuff, your families, your children and getting out of Sderot? And the answer to that is, one, because people are pretty much stuck in the town; the real estate has gone down over 50 percent, meaning people will only get half of what their apartment was worth before the rocket fire began.

The second reason we get to the question of families. First thing in the morning, why are you still living here? Why are you still staying in your own hometown? And they actually will tell you, because if I leave my home now, these rockets are going to keep following me on to the next town.

At least with Sderot, people can keep it simple. It's what Sderot today is representing. We're not talking only about a little town being under attack. I think it's much more than that, and the more we speak out, the more we create awareness, the more we get the story out then we hope we can get both sides of the region. And that's basically the point that – I guess, why I'm here – to represent this type of story that's not

I'm not sure actually how many people actually heard about the town of Sderot beforehand. That's the challenge right now, telling the story, understanding that it's so much more than just a little town under attack. It's our job to get this story out in order to give real hope to the region on both sides of the fence, not only to the Israeli citizens.

(Applause.)

MS. STERN: Avi?

AVI BELL: All right, I may do this sitting, if that's okay. If the mike is live. Let's see how well this works. All right, you'll tell me when to go? All right.

I want just to discuss some of the international law aspects of the fighting in Gaza. Or did you want to – go ahead.

MS. STERN: Do you want to move just one seat to the right? Would that be possible. Thank you so much.

MR. BELL: You know, maybe there's some symbolism to framing the right side of the picture. Okay.

I wanted to discuss some of the international aspects of the fighting in Gaza. It's really remarkable to me how many alleged – well, how many remarks are made alleging various kinds of illegalities or legalities are out there that have no connection whatsoever with either the facts or the law. So I want to stake as much as I can to documents and provable facts. And I want to basically talk about the following things. I want to talk about what Hamas is. I think the reason we have to talk about what Hamas is, is it has important legal implications. What we'll see is that Hamas is an organization that is considered under international law by conventions such as the International Convention for the Suppression of Terrorist Financing, a terrorist organization.

As a result of that, there are legal obligations of states in the world, including this one, to take steps against Hamas, and among other things to prevent even passive support from reaching Hamas. So for example, when one is talking about humanitarian aid toward Gaza, one of the important issues to remember is that it is a requirement of international law that states not permit any of this aid to reach Hamas. It's not a favor to Israel, and it is not optional.

By the way, the United States is behind many of the provisions of international law requiring this. This was – there was a Security Council resolution adopted under chapter 7, at the prompting of the United States after the attacks on 9/11, requiring all states to take action to prevent even passive support from reaching terrorist organizations and prevent terrorist organizations from creating safe havens. And it would – at the very least it would behoove the United States in an era where there's change of administration and an administration that wants to emphasize the American commitment to international law, to recall that the U.S. has legal duties to prevent aid from getting to Hamas.

Now, in addition to the duties that have to do with the nature of Hamas, Hamas itself in its fighting pretty openly and blatantly violated almost every relevant international law of war, and by contrast its – I haven't yet seen evidence of any violations of any – any Israeli violations of the law of war in the recent conflict. Now, I want to talk about that last point.

Let's start at the beginning. This is what is interesting. I saw this piece a couple of weeks ago and I think it's a very nice description of the way people tend to look at things among critics of Israel. Several human rights organizations were asked why it was that they were piling on in Israel and demanding investigations about alleged Israeli war crimes, were not doing anything about Hamas. And the answer was, because it was obvious that Hamas committed war crimes and it's not obvious that Israel did so. Which I think is the most pretzel logic you can possibly imagine.

Now, what is Hamas? Well, Hamas is generous enough to have told us. They have a charter. They were chartered in 1988, 21 years ago, a little bit less actually. And they tell us that they are an Islamic resistance movement that is designed to fight for the liberation of Palestine and aim ultimately for a struggle against the Jews, which is very great and very serious. Ultimately in judgment day the Jews must die, they must be killed by the Muslims.

And so that you know why the Jews must be killed in this way, we have various descriptions of the perfidy of the Jews. They're very wealthy, they control the media, they start revolutions, they have formed secret societies and control imperialistic countries. They started World War I, they started World War II. There's no war in the world anywhere that the Jews aren't behind. They mock Muslims by, for example, going up on the Temple Mount in 1967 and saying Mohammad dead and his descendants are women. Perhaps you missed that one. Hamas got that.

I don't know if there are any members here of the Rotary Club, but if you are, you're a member of a secret Jewish conspiracy to control the world. Zionist influence is everywhere and therefore jihad is important for everyone. It includes not just but of course primarily the force of arms. Ultimately the goal is to raise the banner of Allah over every inch of Palestine and to stop the Jews from disputing the sovereignty of Islam. There is no such thing as a peaceful solution. They're in contradiction to the principles of the Islamic resistance movement, Hamas. That's who Hamas is.

Now, have things changed since their charter of 21 years ago? I will skip the video. I'll just give you a couple of items from clips that I pulled here. These are all available on YouTube, items from Hamas, al Aqsa TV, Hamas TV in Gaza. This is the sort of stuff that's broadcast every week. Here is a Hamas spokesman talking about judgment day when the Jews will be killed by the Muslims. And my personal favorite, a very learned discussion by Muhsen Abu 'Ita on July 13<sup>th</sup>, 2008, describing about how the Koran itself talks about – and I am now quoting – it talks about the Jews of our own times, of this century, using the language of annihilation the language of grave-digging. Notice that in this chapter of the Koran the Jews were sentenced to annihilation. This Koranic chapter talked about the collapse of the so-called state of Israel before the state was even established.

From here stems the importance and oddity of this chapter. The blessing of Palestine is dependent upon the annihilation of the pit of global corruption in it. When the head of the serpent of corruption is cut off here in Palestine and its octopus tentacles are severed throughout the world, the real blessing will come. The annihilation of the Jews here in Palestine is one of the most splendid blessings for Palestine. So Hamas is fairly serious about its aims.

Now, in addition to this, as we all know, besides launching thousands of rockets and missiles at Israel throughout the years, Hamas has also engaged in numerous other kinds of terrorist attacks. I just pulled a random year from Wikipedia. Here's 2004, a number of suicide bombings in southern Israel, on the border of Gaza, and in Ashdod.

Now, what are the legal results of this? Now, first of all, Hamas is an organization that is in violation of the genocide convention, which therefore requires all states of the world to take acts to prevent and punish the actions of Hamas. So what is genocide according to the Genocide Convention? It is any of the following acts committed with intent to destroy in whole or in part a national, ethnic, racial, or religious group as such, and one of the acts is killing people. Has Hamas killed Jews? Yes. Has it done so with an intent to destroy the group in whole or in part? Quite explicitly, yes.

As a result, article I says, states, genocide is a crime that state parties undertake to prevent and punish. All states of the world have a duty to take action to prevent and punish the actions of Hamas. And by the way, this is not simply the acts of killing but also article III, direct and public incitement to commit genocide, such as the things you see on Hamas TV every week. That's a selection of duties, number one, related to the genocide convention.

Number two: The international convention of the suppression of the financing of terrorism and other terrorism-related legal duties. I mentioned this earlier, but just to see that Hamas falls into the definition. Article II, what is a terrorist act – an act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act by its nature or context is to intimidate a population or to compel a government or international organization to do or abstain from doing any act.

Okay, does Hamas undertake acts intended to cause death or serious bodily injuries to civilians? Yes. Does it do so in order to intimidate a population or compel a government to do or not do an act? Yes. Therefore, according to article II, Hamas is a terrorist organization.

Now, the legal duties associated with this, among others. Security Council Resolution 1373 requires all states to prevent and suppress the financing of terrorist acts, refrain from providing any form or support, including passive, to entities or persons involved in such acts, deny safe haven to those who finance, plan, support, et cetera. And ensure that anyone who participates in financing, planning, preparing and perpetrating is brought to justice.

I'll just note, in the last two if you take a look you will see the words support, in addition to everything else. States have to take action against those who support terrorism, not simply those who carry it out. We'll skip 1566 and go forward to the next item. Actually, I think we can skip that one too and just move forward to war crimes committed by Hamas.

Not only is Hamas an organization that is in violation of the Genocide Convention, and a terrorist organization leading to the various legal duties that I mentioned, it is also an organization that systematically commits war crimes. Let's talk about some of these. The basic

rules of the laws of war that are relevant to us are the rules of distinction and proportionality. Now, here's a typical formulation of the rule of distinction. I say typical formulation because this applies to Hamas. Hamas is obliged to follow this by rules of customary international law. Hamas is not a party to this treaty, although there is an interpretation under which it is. The PLO claimed to be, on behalf of the state of Palestine, a party to this treaty. And if that's the case then Hamas would be bound, as the successor government.

But be that as it may, certainly as a matter of customary international law Hamas is bound, and the rule of distinction says very simply that all attacks must be aimed – in a conflict all attacks must be aimed at legitimate and not illegitimate targets. For our purposes, illegitimate targets means one may not aim at civilians as such. Now, as Noam just described, almost all of Hamas' attacks are aimed at civilians as such. There is no credible claim that any of their targets are in any way related to or supporting legitimate military or command and control Israeli functions. They in fact are quite open about it.

Their serious struggle is with the Jews in Palestine and not per se with the army. They say that everyone is a legitimate target, meaning that that they are violating the laws of war, the rule of distinction systematically and repeatedly.

Number two: There's a rule that says it is forbidden for combatants to attempt to use protected persons to render certain points or areas immune from military operations. What this means, this is a sort of by-product of the rule of distinction. And again, this applies to Hamas by virtue of customary international law. Combatants are forbidden from placing their own targets behind civilians and thereby creating a situation in which civilians are likely to be the victims of legal attacks because, again, the rule of distinction says you must aim at legitimate and not illegitimate targets.

That means that, for example, if a Hamas terrorist is located in a school, the school has, at least according to the rule of distinction, become a legitimate target. Now, what is the rule of law, the primary rule of law that's there to prevent the school from being struck? It's this one, that forbids combatants from shielding themselves behind protected persons.

Now, the use by Hamas of civilian shields is fairly well known, and they're, again, fairly open about it. They broadcast calls to people to come up on the rooftops of buildings which they expect to be targeted, which by the way both tells us that Hamas is open about using civilian shields, and second, that it knows and expects that Israeli fighters will attempt not to strike if they think there are going to be excessive civilian casualties. It tells us both about what Hamas expects of itself, that it expects to violate the laws of war, and that it expects Israel not to.

Now, here's an interesting article from the New York Times during the course of the war, describing an Israeli technique that was aimed at countering this. What Israel would do when the rooftop filled up, the photograph's a little bit blurry or small but you can see that it's a rooftop full of civilians that are attempting to protect Hamas target. What Israel would do is it would drop empty bombs. That is, the casing without a bomb. What they called this was knocking on the roof. The idea was to send a message to the civilians that they're standing on top of a legitimate target and they should leave.

There are various other newspaper reports out here about civilian shielding. Here, for example, is one in Der Spiegel that interviewed someone who was upset that he found his home was taken over by Hamas and Islamic jihad fighters. There are numerous others, but I will jump to the next issue in the interests of time.

Perfidy. Perfidy is another related concept, designed again to protect the vitality of the rule of distinction. And it says that it is prohibited for combating parties to disguise themselves as protected objects. So the following acts are examples of perfidy. I'm quoting here from article XXXVII of protocol one to the Geneva Conventions. Again, this is binding by customary law, not because of the treaty itself. But the definition is a pretty good one.

The following acts are examples of perfidy: the feigning of civilian noncombatant status and the feigning of protected status by use of signs, emblems, or uniforms of the United Nations or of neutral or other states not party to the conflict. There are a variety of newspaper reports of Hamas militants fighting in civilian clothes, taking refuge in hospitals. Again, civilian clothes, here's a picture of one in civilian clothes. And here's one with the U.N.-marked ambulance and it's dark but you should be able to see a black line emerging out of there. That's somebody holding a gun, pointing out the back of the ambulance.

Here's a newspaper report from the Sydney Morning Herald about how Hamas fighters would hijack ambulances in order to use them to transport troops, again on the assumption that Israel is going to be excessively careful in abiding by the rules of war and therefore be careful about targeting ambulances.

Okay, next war crime by Hamas. It is illegal to interfere with humanitarian supply. Parties to the conflict are supposed to facilitate rapid and unimpeded passage of relief consignments. They shall in no way divert consignments from the purpose over which they are intended, nor delay their forwarding, except in cases of necessity. By the way, one of the necessities is preventing them from being stolen by the other side.

Now, Hamas has systematically stolen these kinds of supplies, intercepted them, and then marked them up as a way of raising funds. Even the U.N., which U.N. Relief and Works Agency, which bends over backwards to never find anything wrong with Hamas, got fed up when a warehouse full of goods was stolen by Hamas. It's important, by the way, for us to realize that there's another legal aspect to this, to the fact that Hamas is violating the laws of war by intercepting humanitarian supplies. It means, for example, that as long as the U.N. Relief and Works Agency is not able to prevent this kind of thing, it is illegal for any state to provide aid through the U.N. Relief Works Agency. The reason is, by doing so a state is providing passive support to Hamas. And again, under Security Council 1373, states are obliged to prevent even passive support from flowing to terrorist organizations.

So this organization has to be taken off the list of permissible organizations by which to distribute aid. And this goes for any other organization that is unable or unwilling to prevent part of the aid from flowing to Hamas.

Last one here that we'll talk about is the use of children as shields. In addition to the general prohibition on using civilian shields, there are particular problems, there are particular rules regarding the use of children in combat. Parties must take all feasible measures to assure that children who have not attained the age of 15 years do not take a direct part in hostilities. I'll just let the pictures speak for themselves. Here you have various Hamas fighters. You can identify the Hamas fighters by the masks, black masks over their faces, in the middle of a crowd of children, preparing to fire. One is an anti-tank weapon, the other one is a machine gun.

So let's move on to the alleged Israeli war crimes. What are the alleged Israeli war crimes? Now, the alleged Israeli war crimes have to do again with the basic rules of war. There are two kinds of crimes that interest us. One of the rules you've already heard. This is the rule of distinction. The rule of distinction says civilians may not be targeted as such. Or all attacks must be aimed at legitimate targets. And the second rule that's of importance to us is the rule of proportionality.

The rule of proportionality is one of the most macabre and disturbing rules in international laws of war, but I'll tell it to you as it is. What it says is that in attacking legitimate targets, it's okay to incidentally kill civilians and other protected persons, so long as the collateral damage is proportionate to military necessity.

Now, before getting into the proportionality, let's run first to distinction. What are legitimate targets to attack? Now, the ICRC, the International Committee of the Red Cross, has helpfully provided a list of items that it considers to be legitimate military objectives.

Let me give you some examples: armed forces, including auxiliary or complementary organizations, and other persons who not belonging to those formations take part in the fighting; installations, constructions, and other works of military nature; rocket launching ramps and other installations; lines and means of communication, including roads, bridges, tunnels, and canals; installations of broadcasting and television stations; industries of fundamental importance for the conduct of war; storage and transport installations whose basic functions it is to serve these industries; installations constituting experimental research centers for experiments on and the development of weapons and war material.

Now, this is important for evaluating claims like this one. Amnesty International claims that Israel violated the laws of war in its fighting in Gaza, and therefore called for an arms embargo. It did this after undertaking exhaustive investigation in Gaza. It's worth reading what their investigation consisted of because it consisted of this. They went around Gaza and they found fragments and components from munitions used by the Israeli army. Everywhere they went, they found there had been a war. It's shocking.

Now, they add to this that the claim that Israeli forces used various weapons to carry out serious violations of international humanitarian war. The attacks resulted in the death of hundreds of children and other civilians, and massive destruction of homes and infrastructure.

Now, we'll have to talk in a moment about proportionality, but the fact of discovering that munitions were used, that homes and infrastructure was destroyed does not tell us whether

there were violations of the rules of war, and let's look, for example, at this one. Do I not have a printout of this page? No. So here's one of their claims. It's up at the top in yellow. Here are alleged crimes. Israel attacked more than 100 civilian police cadets who were not directly participating in the hostilities.

Now, it's a really interesting thing to describe armed and trained and uniformed Hamas fighters as police cadets, but that may have to do something within general – if you look through the entire report, you will find nowhere any reference to Hamas as a terrorist organization, to anyone in Hamas from being a terrorist. By the way, not even in the words of anyone else. They don't even mention the allegation, let alone themselves describe the legality of it.

But let's go back. So 100 armed, uniformed Hamas police. Legitimate targets? Well, let's – item number one of the ICRC list of categories of military objectives, armed forces, including auxiliary or complementary organizations. These police have a role in fighting, according to Hamas doctrine. They are perfectly legal targets.

All right, what else do they have here? They have here civilian homes and other buildings, including schools and a university. Now, I picked out the university because I think it's a nice example of the way Amnesty distorted both the fact and the rules. Is a university a protected target? Well, the question is, was it making a contribution to military efforts? If it was then it's on the list of legitimate military objectives and can be attacked.

Now, at the time when Israel struck the Islamic University of Gaza, it actually said what it was that it was aiming at, right? It said it was aiming at weapons laboratories in the university, as well as the meeting spaces in which Hamas fighters were using. And by the way, they weren't there at the time. It was empty. These were empty facilities used for military support.

Now, are those legitimate targets? Well, meeting places are legitimate targets. They are lines and means of communication. Are weapons laboratories legitimate targets? Well, installations constituting experimental research centers for experiments on the development of weapons and war material are legitimate targets. Therefore, is the university a civilian or military target for purposes of the laws of war? Answer in this case, assuming again – assuming the Israeli characterization is correct, then they are military targets.

Now, I'll have to add that the rule of distinction works according to intent, not according to result. So if Israel thought on the basis of good intelligence that these were military installations, even if it turns out that Israel was wrong, it's still not a war crime. It's still perfectly legal.

Now, I will take my last minute to just briefly describe the last item, the question of proportionality. Now, the other main claim that's made, besides that Israel targeted incorrectly, is that even if it did target incorrectly, it used force disproportionately. And this is generally said by way of inference. You look at the results, and so here's an article that was in – it was reprinted in Salan (sp) from Der Spiegel, saying, 1,300 Palestinian casualties, 13 dead Israelis. Israel must have used force disproportionately.

Now, I already told you what the rule of proportionality is, right, which is, no excessive collateral damage to civilians with respect to military necessity. Now, it doesn't tell us anything whatsoever about casualty counts. And if you look, for example, at the casualty count in the first Gulf war, U.S. and other coalition forces, 234; Iraq casualties, probably around 30,000, although the Iraqis like to claim as much as 200,000. Well, let's take the lowest figure that's out there, 20,000. Twenty thousand to 200? Does this show us war crimes? I've never heard it alleged that this alone shows us war crimes. And of course if you examine the rule, there's no reason it should tell us that.

Now, just to give you in general, if we're talking about operation by operation, what is it that – what is acceptable collateral damage? And I'll just give you this one example and then I think we're really going to have to close. There's an allegation that was raised before the International Criminal Tribunal for the Former Yugoslavia, that when NATO forces attacked Yugoslavian targets during the fighting over Kosovo, that it had used force disproportionately.

And the prosecutor to the international criminal tribunal put together a report describing why he was not going to bring charges against the NATO forces. So it's a pretty good description of how people understand the rules of war outside the Arab-Israeli conflict, which for whatever reason there doesn't seem to be any correspondence to how they apply to Israel and how they apply everywhere else in the world.

But here's how they apply it everywhere else in the world. There is an operation in which NATO forces bombed the central studio of RTS Broadcasting Corporation in Belgrade. As a result of this bombing, the broadcasting station was put out of commission for several hours and 10 to 17 civilians died. Now, the prosecutor said it's not clear that the broadcasting station was a legitimate target. We don't have enough information.

Now, because we don't have enough information, said the prosecutor, we can't bring charges because the burden of proof is on the prosecutor, not on the defense. So it wouldn't bring charges. But it added, the prosecutor added, said, assuming that it was a legitimate target, it's pretty clear here – it says here, assuming the RTS building to be a legitimate military target, it appeared – and NATO realized that attacking the RTS building would only interrupt broadcasting for a brief period.

Indeed, broadcasting recommenced within hours of the strike. Assuming the station was a legitimate objective, the civilian casualties were high but do not appear to be disproportionate. So 10 to 17 civilian casualties in order to knock out a broadcasting station for a few hours.

Now, is there any Israeli action that you can get to which describes that little military benefit and that high a civilian cost? I can't think of a single incident in the entire war in which you have 10 to 17 civilians dead for this little benefit. The overall death toll appears to be – a little under a half of the Gazans who died were civilians. Just so you have a rough idea of war in general since World War II over half of all casualties of war in all wars in the world are civilian, meaning that less civilians died in this one than on average in combat – notwithstanding the fact that Hamas used civilian shields, was operating within civilian areas, hid in schools, hospitals, mosques, et cetera.

There is – if you look at the evidence it is very difficult to think why one would infer that there are violations to the rule of proportionality. If you have any particular incidents I'd be happy to discuss them; I haven't yet seen a single incident which seems to conform to the description of an Israeli violation of the laws of war in Gaza. All right, I'll leave it there. Thank you very much.

(Applause.)

MS. STERN: Thank you very much. This is wonderful; before we open up the floor to Q&A I'd like to introduce Representative Shelley Berkley from Nevada who has been a wonderful fighter for the right of Israel for self-defense and for other wonderful issues for years and years.

(Applause.)

REPRESENTATIVE SHELLEY BERKLEY (D-NV): Hello, everybody. I was supposed to be somewhere five minutes ago so I'm going to talk rather quickly although all the information that we received was very important to hear. I have to say I was – I thought it was very worth my time, but I do have to go someplace else.

I'm glad you started with the disproportionality because I'd like to talk. This is one congresswoman's view of what's going on and I admit from the beginning that I've been a pro-Israel activist long before I came to Congress and a very active member of my Jewish community and the national Jewish community as well.

When my colleagues talk to me about disproportionality, you know, over 1300 Palestinians killed, only 13 Israeli killed – my question is always, does that mean that we should feel better if 1,000 Israelis had died too? Would that make you feel more comfortable with this?

So I think this is absolutely an outrageous reason to be upset with Israel. And when they talk about disproportionality, I say, you want to hear disproportionality? How about 8,000 rockets in three years being launched into Israel without a single response from the government of Israel: That's disproportionality. (Applause.)

When we did the resolution of supporting Israel's right to defend itself, there were two – five votes no – normal votes. But there were a number of votes present and a number of those members of Congress voting present heretofore had been supporters that we could count on. And that demonstrates that we're not getting our message out enough.

Now, when I was talking and got into a number of – I have to say – pretty heated disagreements off the floor with some of my colleagues. And, Isabel (sp), did you read that whole resolution that's so one-sided?

And I looked at it – I don't know – I didn't look at the back page – maybe it is one-sided. (Laughter.) I started to go through it and everything I picked up – what is it about this that you

think is so one-sided? Did this, yes, and that, yes. Yeah, but it's still one-sided. Well, I'm sorry but those are the facts on the ground and, yes, it is a rather one-sided.

Let me fast-forward to what's happening now. Since the Israelis withdrew under enormous pressures from the international community, there have been – there's a continuance of rockets being launched from the Gaza into Israel. Now, how long must the Israelis endure this before they go back in? And I believe they have every right – not only do they have a right – they have a moral obligation to defend their people and if they have to go back in, I think they have to and they should and we should be completely supportive of that effort.

One last thing: this ridiculous idea and announcement that we're going to give \$900 million to help rebuild Gaza. Now, let me share with you one congresswoman's view: Been there, done that. (Laughter.) How many hundreds of billions of dollars do we have to give the Palestinians to prop them up?

And this notion that we're going to give the money to Abu Mazen so he will look strong to his people. I mean, give me a break. You can't prop up a wet noodle – (laughter) – no matter – (laughter, applause).

I would suggest – and I'm writing a letter to my friend, Secretary of State Hillary Clinton – that before we release this money and it disappears – the idea of transparency in the Palestinian world is a joke – but perhaps we ought to get back, Israel ought to get back their soldiers – (inaudible, applause) – that have been there done that. (Applause.)

(Inaudible) – that they are capable of self-governance and doing something decent in this civilized world – that's number one. How about recognizing Israel's right to exist as a Jewish state? Now, I don't think Israeli needs Hamas' – what is it – blessing to know it has a right to exist – but wouldn't it be nice if they're supposed to be getting a state of their own that they should at least acknowledge the right of their neighbor to have a state of its own as well.

And the third thing, and perhaps one of the most dramatic, is how about they stop the terrorism and launching rockets into Israel and terrorizing Israeli civilians? (Applause.) And that's – (applause) – at the very least before we release this money – which you and I all know isn't going to do one person living in the Gaza one bit of help. And I say at every opportunity, if the Palestinians are so desperate for money, how about they get a hold of Arafat's widow – (laughter) – who managed to burrow away hundreds of millions of dollars of American aid and European aid?

Let's get that money back from her; it was intended to help the Palestinian people. Why don't we get it and actually do something good with it? (Applause.) Let me first thank Sarah, who I love. We've been good friends for a long time.

MS. STERN: It's obviously mutual – (chuckles) – really.

REP. SHELLEY: I want to thank all of you for giving up your time and coming here to hear what's going on, but I also need you to lobby your members of Congress. We are all

warriors in this effort and it's our obligation. If we don't do it there isn't anybody to do it. I can tell you the other side is very energized and getting more energized by the day. Now, we've been doing this for an awfully long time with the community. And after a while, it's like, enough already, you know, I've just devoted 20 years of my life to this and don't seem to be getting – moving in the right direction.

The reality is this: This is not the time to stop and the fact that you're here is so important but the fact that you take this message and meet with your particular member of Congress – I cannot tell you how important it is. They are hearing from the other side; they're hearing about how terrible Israel is, how disproportionate the response was. If Israel just lifted all the roadblocks, if there was just a Palestinian state, Hamas and Fatah would not – there would be no reason to attack Israel.

Well, that is the most blatantly ridiculous thing I ever heard and I say this to each and every one of my colleagues. If Israel ceased to exist tomorrow, the plight of the Palestinians would be no better than it is today because the blame is not with the Israelis; the blame is with the Palestinian leadership and the Arab countries who have used and abused these people for generations. And it is disgraceful and disgusting and until the world recognizes that it's the Palestinian leadership itself and not the Israelis that are doing damage to the Palestinian people, there will be no change and no change in the way their behavior is; and I thank you very much.

(Applause.)

MS. STERN: Thank you so much. (Applause.) It makes you want to move to Nevada just so we could vote for her.

(Laughter.)

REP. SHELLEY: Come to Nevada; we're having a terrible economic –

MS. STERN: (Chuckles.)

MR. : Just come there to lose some money.

(Laughter.)

REP. SHELLEY: Well, I want to drink in excess, and gamble your brains out.

(Laughter, applause.)

MS. STERN: I think we really needed that moment of levity. Now we'd like to open up the floor to Q&A. I don't see Noam, but Avi is here. Go ahead.

Q: (Inaudible, off mike.) Hi, I'm Nathan Arousia (sp) and I have a question, please, regarding actually the legal status of the Palestinian Authority, and even of course both its arms,

including Fatah and the Fatah al Aqsa because, you know, today we think about Hamas, but there are other groups that are kind of delegitimized by the international community. Thank you.

MR. BELL: You can go through the same analysis. I just haven't collected here the facts for you. The same rules apply, so if, for example, giving money to the Palestinian Authority means that some portion of it will flow passively to terrorist organizations, then it is illegal to supply money to the Palestinian Authority under Security Council Resolution 1373. Is that the case? Apparently so, apparently so.

Some of the funds going to the Palestinian Authority have flown through to Gaza and to Hamas. Some of them have gone through to Fatah's own terrorist organization, the al Aqsa Martyrs Brigade, Fatah al Aqsa, as you said, right? That means that the same legal duties apply.

Now, does the Genocide Convention apply to the Palestinian Authority? That apparently not. They don't say these other things about annihilating the Jews and the necessity of killing them all on judgment day. So no need to prevent and punish acts of genocide. But the truth is that, yes, the fact that the Palestinian Authority is a conduit of passive support to terrorist organizations has the same legal implications.

MS. STERN: Dan Pollock from COA.

Q: Thanks. A question for each of you. First, kind of a technical one for you, Noam. When you see those relatively thin concrete roofs over the shelters for kindergartners, or that caterpillar with three- or four-inch thick concrete, does that really protect them? If a missile would hit that concrete roof, what would really happen?

And when it comes to international law, when it's not observed, does it become null and void over time? So, for example, by people continuing to give aid to Hamas, allowing to passively receive it, does the law that is not observed cease to have any force over time?

MR. BEDEIN: Well, regarding your question about the protections over the schools and kindergartens, it's pretty crazy, seeing the different arts and crafts of the different protections over the schools themselves. Many of these protections are suitable for three kilos of explosives, and as I said before, that today then the rockets reach up all the way to 12 kilos. I'm not sure how much that is in pounds. But it's – 25, there you go.

I think it's even more absurd than that, actually, as I said before as well. Sometimes fighting literally our own government and state to be putting more bomb shelters and protections over schools when this protection is not a solution for this crazy reality. When you see that, you understand how absurd it actually is. Again, I think that, as I say, one photo is worth 1,000 words, when you see that playground and a bomb shelter in one photograph. That's how absurd it is on expecting children to run for their lives in 15 seconds towards a bomb shelter.

A qualification of a bomb shelter is basically 40 centimeters thick of concrete cement walls. When actually the bus stops, bomb shelters – they're not even qualified as a bomb shelter because it's only 20 centimeters thick, meaning would not withstand a direct hit. And many

times being in the road, running for your lives with like 20 residents into a scattered bus stop, protected bus stop, thinking this right now will be a direct hit into the bus stop, it would not stand it. That's part of the reality back in Sderot.

MR. BELL: The question about enforcement. In general, international law has no intrinsic enforcement. And so the fact that things are under-enforced doesn't tell us anything per se. Now, there are ways to enforce some of these things, not through international courts primarily but through domestic courts. Funding for terrorist organizations, actually the United States is in good shape here. There are ways to pursue organizations that allow support to terrorist organizations and there is a fair amount of litigation on this. But as far as I know, this is the only place in the world where that sort of thing is happening other than Israel, and by the way, to a much lesser degree in Israel.

One of the things that creates international law is international custom. It is possible to develop new customs over time that overrule the old rules. Simply failing to enforce does not itself create a new custom.

MS. STERN: Warren Madison.

Q: Several questions. Number one, I notice that you referred to the Hamas terrorists as Hamas militants and fighters. This is a battle we have with the news media in general, with their refusal to acknowledge that these Hamas terrorists are really terrorists. And yet I just sat here and heard you refer to them as fighters and militants and so forth. And I just wonder if perhaps that terminology might want to change.

Number two, regarding – I see you smiling. Regarding the issue of the, as Shelley Berkley said, the \$900 million, someone should make the point that it's wasted money because with the continuance of the rocketing, et cetera, et cetera, it would seem to me you're just going to have to go back in and do it again, which means that this nation will have wasted \$900 million at a time when we cannot afford to waste \$900 million. Somehow or other I think that has to be part of a discussion.

There are a lot of other issues, and one of them has to do also with the failure of us here and our news media to present these stories that we see, like you did, Noam, what's happening in Sderot. There is little awareness of this. Therefore, there is little support from the Jewish community with Congress people to be sure that they are aware of this and to fend off the people walking the hallways right now calling for a severance of aid to Israel.

So it seems to me we've got to find a better way of getting this out. What you showed, Noam, I would like to get onto YouTube and at least somehow get that dispersed, make it available to various organizations. CUFI is one of them, Unity Coalition for Israel. Let's get that out there because we here have seen some of this before, but it isn't clear how many other Americans are seeing it. I think it's very important to get that out.

MR. BELL: Can I just say, I never referred to Hamas terrorists as militants. I find the term very, very objectionable. I did refer to them in places as fighters, and the reason is that the

laws of war make all fighters legitimate targets, whether they are terrorists or not. So for our purposes, it's not even important that they are – when it comes to the laws of war as opposed to the rules about terrorism, it's not important that they're terrorists. It's only important that they fight.

Q: Psychologically, when you're dealing with the public, not fully understanding the nature of this threat, this terrible threat –

MS. STERN: Okay, thanks, Warren. There was one other question, then we're going to have to adjourn.

Q: A few months back the U.S. Chamber of Commerce hosted a very quiet symposium looking to bring in technological people: AOL, Steve Case's (sp) wife from AOL – (inaudible) – e sitting down were Cisco and Intel. And they were looking to build – (inaudible) – to try to bring work to the youth there that are deprived of work. I was wondering, with the congresswoman being impassioned about the aid going from America to Gaza if anybody is now taking steps to consider that if you have someone funding youth there and employing youth there, verifying that the call centers are – (inaudible) – to say is a tool of terrorism, that they somehow be considered as – to be put under guidelines for – (inaudible).

MS. STERN: That's a wonderful suggestion. We do have a number of terrific young staffers here that if they would like to take that up with our member, we can go ahead and do that. And your name is Deborah Carey (ph). If you would like to talk to somebody further about this, that would be fine.

Elly?

Q: I'm sorry I came in late. I was in Israel in 2007 when the Israeli army announced that they were not doing targeted assassinations of the Hamas leadership in Gaza, and made some declaration in – I think it was early 2007. And then during the Gaza operation they targeted Said Sayyam and Nizar Rayyan. And I just wanted to know what changed in that process, why were those targeted assassinations done, why were they done late in the operation, that kind of thing, if you can answer that?

MR. BELL: As far as I know, the Israeli army, the Israeli government has never denied itself the right to target senior Hamas people. What Israel announced that it would do at various times, including 2007, is that it would refrain from doing so for an unspecified period of time. Sometimes it was part of unofficial ceasefires, sometimes it was what I consider to be a misguided step to build confidence.

But obviously none of these commitments were that Israel would never again target senior Hamas people. And certainly all bets are off when there's active combat.

MS. STERN: Okay. One other question, I'm sorry, in the back.

Q: Faith McDonald from – Religion and Democracy. If I could, just two quick questions. One is, I had a friend who was present for an aerial bombardment in southern Sudan, and she said one of the most dangerous things is that when the bombs come down they're packed with shrapnel and it comes out when the bombs hit. I want to know if that was the same kind of thing that happens with Qassam rockets, or with the new Iranian bombs.

And then the second thing is, we've got a dog and pony show going on right now in the United States with Naim Ateek from Sabeel talking about the plight of Gaza. The mainline churches in the United States have really got a screwed up impression of everything, and they come over, they've been to Gaza, they've been to Jerusalem, but have they ever been to Sderot, and is there a way to get them there? Actually leave them there, whatever. (Laughter.)

MR. BEDEIN: Regarding your first question about the shrapnel. Definitely a rocket, it could go up from three close to 12 kilos with metal devices inside the rocket itself, as a TNT explosive with a warhead. When it explodes, absolutely anything is possible. Now, the impact of one of these Qassam rockets today can reach the radius of 300 feet of complete damage. The shrapnel goes through – absolutely anything is possible. As I said before, seeing this with your own eyes, directed into homes, seeing the shrapnel go through the other side of the street, and again, people coming out with no physical injuries, you cannot explain these things with anyone until they actually experience it on their own.

The Grad missile, the warhead actually, as a missile it comes directly from Iran, through Egypt, through the tunnels into the Gaza strip. Damage of a Grad missile reaches all the way up to 1,000 feet of complete damage. Again, the same thing with any kinds of metal device inside the Grad missile itself. And this missile has exploded this past Saturday in a schoolyard in Ashkelon, population 120,000. They called it an advanced Iranian Grad missile that they hadn't seen before. This is after the war, third ceasefire, having over 100 missile attacks toward Israel.

MR. BELL: About Sabile and the mainline Protestant churches and Catholic Church, there is a terrific organization that works with the liberal churches to try to counter the Sabile narrative. It's called Christians for Fair Witness in the Middle East, and they do terrific stuff. But like anything else here, you can lead the horse to water but can't make it drink. So you can provide the information. That doesn't mean that anybody's actually going to use it. You can provide the opportunity to go visit Sderot. That doesn't mean that actually anybody's going to go there. You can provide the opportunity to learn the truth, but some people don't want to see it.

MS. STERN: On that sobering note I want to thank all of you for taking your time and coming here today. I'm sorry that we have to be out of the room about 1:00, but if people would like to stay until they chase us out, there's plenty of food left. If you'd like to talk to the speakers directly yourselves, they'll be around. Thank you so much.

(END)