

# Israel Isn't Entitled to "Self-Defense" Against the People Under Its Occupation

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*As Israel continues to pummel the Palestinian people with bombs and artillery shot into Gaza from troops amassed along its borders in preparation for a ground invasion, the Biden administration has reaffirmed its unwavering support for Israel's war crimes and crimes against humanity against the Palestinians.*

Israel could not commit its crimes without the [overwhelming support](#) of the U.S. government. U.S. officials are aiding and abetting Israel's crimes with massive military aid and scotching any criticism of Israel in the UN Security Council.

President Joe Biden said he didn't think Israel's attack on Gaza has been a "[significant overreaction](#)." He expressed his "[unwavering support](#)" for Israel's "right to defend itself" from rocket attacks from Gaza, but he did not condemn Israel's airstrikes that are killing Palestinian civilians and destroying residential buildings, or the Israeli attacks on worshippers at the Al Aqsa Mosque.

"Blanket statements like these with little context or acknowledgement of what precipitated this cycle of violence — namely, the expulsions of Palestinians and attacks on Al Aqsa — dehumanize Palestinians & imply the U.S. will look the other way at human rights violations," Rep. Alexandria Ocasio-Cortez (D-New York) tweeted, and [said](#) Biden was giving Israel a "green light" to continue its onslaught.

"By only stepping in to name Hamas' actions — which are condemnable — and refusing to acknowledge the rights of Palestinians, Biden reinforces the false idea that Palestinians instigated this cycle of violence," Ocasio-Cortez said. "This is not neutral language. It takes a side — the side of occupation."

Secretary of State Antony Blinken [declared](#) that there is a "fundamental difference between a terrorist organization in Hamas that is indiscriminately targeting civilians and Israel, which is defending itself." But as Raji Sourani, director of the Palestinian Centre for Human Rights, wrote in an email to this writer, claims like Blinken's obscure the fact that nearly all of Israel's targets have been civilians. And the vast majority of those killed have been Palestinians. Moreover, as an occupying power, Israel cannot use military force against the

occupied Palestinian people because under international law, the occupier has a duty to protect the territory it occupies.

On May 13, Israeli troops [bombed the Gaza Strip](#) with artillery, tanks and war planes, and the Israel Defense Forces (IDF) prepared at least three brigades of troops for action.

Israeli Defense Minister Benny Gantz, who served as chief of general staff for the IDF during Israel's [2014 massacre](#) of 2,251 Palestinians in Gaza, threatened to commit additional war crimes. Gantz warned that "[Gaza will burn](#)" if Israelis have to sleep in shelters.

Hamas has fired rockets into Israel in response to the Israeli attack on worshipers at the holy Al Aqsa Mosque in occupied East Jerusalem. Seven Israelis have been killed. But [120 Palestinians have been killed](#) and 900 people wounded, according to Palestinian health officials.

"This is the worst I witnessed in my life," Sourani wrote in his email. "No safe haven in Gaza, so bloody and brutal; all the targets, almost are civilians, the most intention to exert pressure on resistance." Sourani added:

They are terrorizing the two million in Gaza day and night, the peak this morning. We did not believe we will see the sunshine again. Everything is shaking in the house including our bodies. They destroyed the civilian police stations and headquarters, internal security, infrastructure, big building towers, etc. None of these, to the best of our knowledge, has any security significance.

#### The International Criminal Court Is Investigating Israeli War Crimes in 2014

On March 3, 2021, Fatou Bensouda, chief prosecutor of the International Criminal Court (ICC), [announced](#) that her office was launching a formal investigation into war crimes committed in the West Bank, including East Jerusalem and the Gaza Strip since Israel's 2014 "Operation Protective Edge," in which Israeli forces killed 2,251 Palestinians.

Bensouda found a [reasonable basis](#) to believe that Israeli forces committed the war crimes of willful killing, willfully causing serious injury, disproportionate use of force, and the transfer of Israelis into Palestinian territory. She also found a reasonable basis to investigate possible war crimes by Palestinians, including intentional attacks against civilians, using civilians as human shields, and torture and willful killing.

Seven years after Operation Protective Edge, Israeli officials are once again committing war crimes in the occupied Palestinian territories. In its current "Operation Guardian of the Walls," Israeli leaders are perpetrating the same war crimes as those they committed in 2014.

#### Israeli Apartheid Is a Crime Against Humanity

Under the ICC's [Rome Statute](#), "inhumane acts committed in the context of an institutional regime of systematic oppression and domination by one racial group over another racial group, with the intent to maintain that regime" constitutes the crime against humanity of apartheid.

In 2001, the National Lawyers Guild (NLG) sent a delegation to Israel and the occupied

Palestinian territories and subsequently published a [report](#) documenting a system of apartheid.

Richard Falk, former UN special rapporteur on human rights in the Palestinian territories and professor emeritus at Princeton University, and Virginia Tilley, professor of political science at Southern Illinois University, co-authored a [report](#) for the UN Economic and Social Commission for Western Asia in 2017. It found “beyond a reasonable doubt” that Israel’s treatment of the Palestinians constitutes “the crime of Apartheid.”

In January 2021, the Israeli human rights organization B’Tselem issued a report titled, “[A Regime of Jewish Supremacy from the Jordan River to the Mediterranean Sea: This Is Apartheid.](#)”

Like B’Tselem, Human Rights Watch had long resisted charging that Israeli leaders were committing the crime of apartheid. But on April 27, Human Rights Watch issued a detailed [report](#) describing Israel’s “intent to maintain the domination of Jewish Israelis over Palestinians across Israel and the Occupied Palestinian Territory,” including East Jerusalem. The report added that this Israeli government intent “has been coupled with systematic oppression of Palestinians and inhumane acts committed against them. When these three elements occur together, they amount to the crime of apartheid.”

#### Palestinians Have a Lawful Right to Resist Israeli Occupation

Under international law, the Palestinians have a lawful right to resist Israel’s occupation of their lands, including through armed struggle. In 1982, the [UN General Assembly](#) “reaffirmed the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, including armed struggle.”

The Biden administration is claiming that Israel is acting in self-defense against the Hamas rockets, but under international law, Israel, as an occupying force, does not have the right to use military force in self-defense against its occupied territory.

Noura Erakat, a human rights attorney and associate professor at Rutgers University, [wrote](#) in *Jadaliyya*, “A state cannot simultaneously exercise control over territory it occupies and militarily attack that territory on the claim that it is ‘foreign’ and poses an exogenous national security threat. In doing precisely that, Israel is asserting rights that may be consistent with colonial domination but simply do not exist under international law.”

As Falk [said in an interview](#) with *Truthout*, “It is always deceptive to treat the oppressor and the oppressed as if equal.” In the current situation, he added, “the oppressor acts contrary to applicable international law and elementary morality while the oppressed is countering by exercising rights of resistance and suffering the deprivation of basic rights. Of course,” Falk added, “the tactics of resistance should be scrutinized by reference to legal and moral constraints, but without losing sight of overwhelming structures of dominance and the far greater harm done by state violence than by the violence of resistance.”

Yet the Biden administration maintains a false equivalency between Palestinian rockets and Israeli bombs.

#### The Biden Administration Is Aiding and Abetting Israeli Crimes

An individual can be convicted of a war crime or a crime against humanity under the Rome Statute if he or she “aids, abets or otherwise assists” in the commission or attempted commission of the crime, “including providing the means for its commission.”

The U.S. government gives Israel \$3.8 billion in military aid annually. Israel could not maintain its occupation of Palestinian lands and persecution of the Palestinian people without U.S. assistance.

Moreover, the United States regularly prevents the UN Security Council from issuing resolutions or statements that criticize Israel. The U.S. was the only country on the Security Council to oppose a statement urging Israel to prevent the evictions of Palestinian families from the Sheikh Jarrah neighborhood in East Jerusalem. The [proposed statement](#), endorsed by 14 of the 15 Council members, called on Israel “to cease settlement activities, demolitions and evictions, including in east Jerusalem in line with its obligations under international humanitarian law” and refrain from taking unilateral actions “that exacerbate tensions and undermine the viability of the two-state solution.”

Between 1967 and 2017, the United States used its veto in the Security Council [43 times](#) to protect Israel from international accountability.

#### End U.S. Military Aid to Israel

Countries that receive U.S. military aid can only use weapons for legitimate self-defense and internal security, according to the Arms Export Control Act. In addition, the Leahy Law forbids military units that commit human rights abuses from receiving U.S. weapons or training. Moreover, the Foreign Assistance Act of 1961 prohibits U.S. assistance to any country “which engages in a consistent pattern of gross violations of internationally recognized human rights.” U.S. military aid to Israel violates all three of these laws.

There is [growing opposition in Congress](#) to U.S. funding of Israeli violence and human rights violations in the occupied Palestinian territories.

Rep. Mark Pocan (D-Wisconsin) [tweeted](#),

“We cannot just condemn rockets fired by Hamas and ignore Israel’s state-sanctioned police violence against Palestinians — including unlawful evictions, violent attacks on protestors, and the murder of Palestinian children.” Pocan added, “U.S. aid should not be funding this violence.”

Rep. Rashida Tlaib (D-Michigan), the first Palestinian American woman to serve in Congress, [tweeted](#),

“American taxpayer money is being used to commit human rights violations,” adding, “Congress must condition the aid we send to Israel, and end it altogether if those conditions are not followed. Statements aren’t working, Blinken. Enough is enough.”

Twenty-three members of Congress joined Representatives Marie Newman (D-Illinois) and Pocan in signing a [letter](#) urging the Biden administration to pressure Israeli leaders to “desist from its plans to demolish Palestinian homes in Al-Bustan and evict Palestinians from their homes in Sheikh Jarrah,” two neighborhoods in East Jerusalem.

On April 13, Rep. Betty McCollum introduced [H.R. 2590](#),

“To promote and protect the human rights of Palestinians living under Israeli military occupation and to ensure that United States taxpayer funds are not used by the Government of Israel to support the military detention of Palestinian children, the unlawful seizure, appropriation, and destruction of Palestinian property and forcible transfer of civilians in the West Bank, or further annexation of Palestinian land in violation of international law.”

The National Lawyers Guild issued a [statement](#) in solidarity with the Palestinian people. It notes that May 15 is the 73-year anniversary of the Nakba, the Arabic word for catastrophe. “In 1948, the Zionist settler colonial movement with the support of imperialist powers established the state of Israel through the expulsion of hundreds of thousands of Palestinians, waged through massacres and the destruction of over 500 Palestinian villages,” the statement reads. “This colonial project continues today as we are witnessing the forced expulsion of Palestinians in the Sheikh Jarrah neighborhood of Jerusalem by armed settlers, indiscriminate violence against Palestinian protestors, attacks on Palestinian holy sites, and the ongoing devastating closure and indiscriminate bombing of Gaza.”

As Israel continues its assault on Gaza, congressional disapproval and international [opposition](#) will increase. Those who oppose Israeli war crimes should pressure their congressmembers and the White House to halt U.S. military assistance to Israel and stop blocking UN Security Council action to end Israel’s human rights violations.

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