

Facing the facts: Human rights, bias, and professional standards

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On July 2, Prof. Françoise Hampson spoke in Jerusalem on the complexities and problems related to human-rights fact-finding missions and reports. Prof. Hampson is one of the most experienced and straight-talking experts on human rights, and in her comprehensive and brilliantly delivered address, she drew a nuanced picture of the challenges and deficiencies often found in NGO and UN reports. The panel of Israeli experts that followed her presentation (which I chaired on behalf of [NGO Monitor](#)) added a range of perspectives on these critical issues, providing a refreshingly pluralistic debate.

As noted in the presentations, groups that claim to promote human rights agendas have evolved significantly in the past 20 years, after the Cold War ended. From emphasis on political prisoners and closed societies, Human Rights Watch, Amnesty International, and many others have claimed and received recognition as experts on the law of armed conflict, international humanitarian law, and the complexities of asymmetric warfare, in which missiles are stored and fired from schools, and civilians are routinely used as human shields. They are quoted, usually without question or independent verification, by journalists, diplomats, and academics. The accusations of NGO officials become the basis for law suits, investigations by the International Criminal Court, and UN human rights “missions.”

But the evidence, in far too many cases, demonstrates how thin this NGO expertise can be, and how easily accusations regarding military decisions, weapons technology, and international law, are invented, distorted, and manipulated to suit predetermined political and ideological agendas.

These false or unsupported claims have major implications. After the invasion of Kuwait in 1990, Amnesty International published reports accusing Iraqi soldiers of murdering babies by removing them from hospital incubators. The story was spread by an American public relations firm working for the Kuwaitis, and in seeking publicity and associated rewards, Amnesty did not bother to verify the allegations.

Similarly, in dozens of cases, NGOs have accused Israel of war crimes through false or unverifiable charges and twisted international legal arguments – including the Jenin “massacre”

libel, the 2006 Lebanon war, and many of the 36 incidents from the Gaza war supposedly discussed in the now discredited UN Goldstone report. (The list appears to have originated with Amnesty International.)

This history, which has seriously damaged the universality and credibility of human rights groups, highlights the urgent need for professional guidelines for fact finding in conflict situations. As specified in the International Bar Association's [Lund-London Guidelines](#), and emphasized repeatedly by Prof. Hampson, ideological and political impartiality are essential for the integrity of any fact finding report related to human rights.

Influential organizations and individuals that claim a moral mandate have the obligation to act morally themselves, and that means ensuring that accusations of wrongdoing are based on impartial researchers, professional standards, and not on ad hoc procedures, political interests, or private ideological biases.

At the same time, the clients and consumers of NGO products, including journalists, diplomats, and academics who use these reports in their courses and quote them in publications, also have the obligation to watch the watchers. Anyone who has read carefully NGO reports on Israel will note that in many cases, there is no methodology, or the fact finding process is ad hoc and changes in each case. In the absence of consistent and reputable methodologies, and a strict implementation of said practices, NGO reports and urgent actions lack credibility.

The employment of biased and unqualified investigators invalidates any reports. Similarly, there is the case of Marc Garlasco, who had the title of "senior military analyst" at Human Rights Watch, and was accepted as an expert, despite a record of blatant errors and then the discovery of his obsessive collection of Nazi memorabilia. HRW's culture of secrecy, including the failure to investigate the accuracy of all of Garlasco's reports, particularly against Israel, further erodes this organization's credibility.

Finally, professional guidelines for fact finding in conflict situations will provide a template for officials of sovereign governments who must decide on whether or not to cooperate with fact-finding requests. From Jenin through Beit Hanoun, and Goldstone's report, from which he belatedly but correctly distanced himself, the Israeli government has rejected the legitimacy of these groups.

Some people have speculated that cooperation might have prevented the false accusations, but the evidence suggests otherwise in the presence of bias and absence of appropriate guidelines. As Ambassador Robbie Sabel stated in his presentation, on such issues, Israelis subject to *sui generis* treatment, and no other country faces remotely similar procedures and legal interpretations. Different practices regarding violations in Africa and other parts of the world, as detailed by Sigall Horowitz (Former Legal Officer, International Criminal Tribunal for Rwanda; Special Court for Sierra Leone), only highlight the politically inspired differences when it comes to Israel.

Perhaps, in the future, the implementation of standards such as the Lund-London guidelines for fact finding and the publication of reports will provide the basis for such cooperation. The UN Palmer commission on the 2010 flotilla incident provides some hope that the mistakes are beginning to be corrected, at the least at the UN. Members of NGO networks as well those who rely on them would do well to engage with constructive critics, and learn from this history in order to restore the moral foundations and credibility of universal human rights.

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