**Goldstone follow-up panel slammed**

**German jurist has termed Israel’s targeted killings state terrorism.**

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BERLIN – An American UN expert on Thursday slammed the appointment of German jurist Christian Tomuschat as chairman of the UN committee responsible for implementing the findings of the Goldstone Report on Operation Cast Lead, and an Israelbased expert blasted all three of the committee’s members for their affiliation with an “anti-Israel” NGO.

In a 2007 interview with the Kölner Stadt-Anzeiger daily, Tomuschat said, “Israel killed the spiritual leader of Hamas in 2004, Sheikh Yassin, with a missile, killing eight... Targeted killings are as ruthless as the attacks of terrorists.”

When asked in the interview if Israel’s targeted killings constitute “state terrorism,” Tomuschat said, “It is very much in that direction.”

Anne Bayefsky, a senior fellow at the Hudson Institute and director of the Touro Institute on Human Rights and the Holocaust, told The Jerusalem Post that “Aside from the moral repugnancy of such an equivalence, such words twist international humanitarian law beyond recognition.

“His objection to the killing of Yassin – a vicious anti-Semite who was actively promoting the murder of Jews – on the grounds of simultaneous and unfortunate civilian deaths (four of the eight being Hamas terrorists), is unsustainable.

The overriding legal limit on the conduct of war and the targeting of terrorists like Yassin is the rule of proportionality,” Bayefsky said.

“In the words of the Geneva Conventions, an attack on a military target ‘which may be expected to cause incidental loss of civilian life’ is prohibited if ‘excessive.’ The likelihood of civilian casualties must be carefully considered prior to taking action, but it does not render the action illegal in itself.

“So what we know about Tomuschat is exactly why the UN system selected him – to render Israel defenseless against the realities of modern warfare and to delegitimize the Israeli judicial system despite its very high standing in democratic legal circles,” Bayefsky said.

Last month, the UN human rights commissioner, Navi Pillay, appointed three members of the panel that will conduct a follow-up probe to the Goldstone Report. The other two committee members are Malaysian Param Cumaraswamy and American Mary Davis. The panel is charged with examining the efficiency, independence and professionalism of Israel’s court system and its adherence to internationally accepted standards.

Gerald Steinberg, the head of the human rights watchdog group NGO Monitor, told the Post that the committee’s members are affiliated with the International Commission of Jurists, and the “ICJ has had a long history of anti-Israel bias going back to Jenin [after the IDF’s Operation Defensive Wall in 2002]. Involving ICJ officials in an UN-related commission is another illustration of the link between the UN [Human Rights] Council and ideological NGOs.”

Bayefsky, who has written extensively on the anti- Israeli conduct of the UN, said, “The United Nations human rights apparatus did not select Tomuschat in a vacuum. The mandate of this latest committee is to dissect and discredit the entire Israeli judicial system – to trash the idea that Israel respects the rule of law and is a credible democracy.

“Tomuschat was selected because his distorted and erroneous views of international humanitarian law and the right of self-defense mean he is a willing partner in this legal assault.”

Calls and e-mail queries to Tomuschat were not immediately returned.

In an e-mail, a spokesman for the German Foreign Ministry wrote on Thursday, “The UN high commissioner for human rights decided the composition of the committee.

The federal government declines to comment on the decision.”

According to German media reports, Tomuschat has said, “The terrorist is not a combatant, he is not participating in a military conflict.

He is a serious criminal who should be brought to court.”

Bayefsky said, “Such a statement indicates that Tomuschat is incapable of understanding and applying the law so that it makes any sense for democratic societies faced with the realities of modern-day evil. Imagine the Western military being forced to traipse around Afghanistan or Iraq with nothing but police cars and handcuffs.

“To paraphrase others, international law is not a suicide pact. Sadly, Tomuschat will interpret it to work in favor of terrorists who have no interest in the rule of law.

One might have hoped that as a German he would appreciate the imperatives of the Jewish people’s need for selfdefense against an enemy that is committed to their genocide,” Bayefsky said.

Tomuschat, 73, is emeritus professor of public international law and European law at the Humboldt University in Berlin and is a former member of the UN Human Rights Committee and the UN’s International Law Commission.

In December 2008, with Germany bringing proceedings against Italy in the International Court of Justice, Tomuschat was appointed co-agent representing Germany. The case alleges that Italy has violated the principle of sovereign immunity by allowing civil claims by victims of Nazi crimes against Germany to proceed in Italian courts.