

Im Tirtzu – The Second Zionist Revolution

This study is based on open-source information. The research was conducted in a fundamental and systematic manner, although there is always the possibility that there are relevant publications on the matter that were not found during the research. In any use of this study that fact should be taken into account. In the event that there is other/additional information on the topic, from sources that are open or are not open to the public, we ask you to inform us, so that we can present the situation as broadly and accurately as possible.

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Executive Summary

From 2001-2009 several lawsuits were filed against senior IDF officers and Israeli government ministers including: Ehud Barak, Tsipi Livne, Shaul Mofaz Binyamin Ben-Eliezer, Avi Dichter, Moshe Yaalon, Dan Halutz, and Doron Almog. The continuously increasing threat of suits against senior Israeli figures threatens to paralyze the functioning of these personalities, both on the personal level and in terms of their ability to manage the State of Israel's foreign relations.

The Bodies Behind the Lawsuits

Research finds that the central organization behind most of the lawsuits is the Palestine Center for Human Rights (PCHR¹). The organization is assisted by lawyers from various countries in order to file charges against senior Israeli figures visiting those countries (Adv. Daniel Machover in England, Adv. Gonzalo Baya in Spain and others). Between 2002-2008, PCHR filed the following suits:

1. England (2002) – Against Shaul Mofaz
2. England (2005) – Against Doron Almog
3. US (2005) – Against Avi Dichter
4. New Zealand (2005) – Against Moshe Yaalon
5. Spain (2008) – Against Binyamin Ben Eliezer, Avi Dichter, Moshe Yaalon, Dan Halutz, Doron Almog, Giora Eiland and Michael Herzog.
6. Holland (2008) – Against Ami Ayalon

Another organization engaged in filing suits against senior Israeli figures is The Center for Constitutional Rights (CCR²). This organization was responsible for the following suits with Adv. Jamil Dakwar from the American Civil Liberties Union (ACLU³).

US (2005) – Against Avi Dichter (together with PCHR)

US (2005) – Against Moshe Yaalon

An examination of the financing of the organizations that filed the suits – PCHR, CCR and ACLU – found that the three organizations enjoyed significant financial support from the Ford Foundation. The Ford Foundation is the principle strategic partner of NIF. Since 2003 it has been funding NIF by \$5 million per year. In effect, NIF serves as the Ford Foundation's representative in Israel.

The Connection Between NIF Organizations and the Lawsuits

This research examines the connection between NIF organizations (organizations that

¹ www.pchrgaza.org/portal/en

² <http://ccrjustice.org>

³ <http://www.aclu.org>

enjoy financial support from NIF as well as a stage for advertising and PR on NIF's website) and lawsuits against senior Israeli figures overseas. The findings emerging from the research show that among NIF organizations, there are those that are involved in lawsuits against senior Israeli figures, and there are many that are cooperating closely with PHCR, which is responsible for most of the lawsuits filed to date.

These connections between NIF organizations and those lawsuits against senior Israeli figures are expressed in four different ways:

A. Calls by NIF organizations to sue senior Israeli figures or expressions of support for the lawsuits. Thus for example, in December 2009 the Coalition of Women for Peace sent a letter to the British Prime Minister calling for an arrest warrant against Ehud Olmert, Ehud Barak and Tsipi Livni.

B. Direct involvement by an NIF organization in a lawsuit conducted in Spain in 2008 against seven senior Israeli officials.

During this suit Hassan Jabarin, the General Director and Founder of Adalah, sent a legal opinion supporting the prosecution's testimony in a suit against Binyamin Ben Eliezer, Avi Dichter, Moshe Yaalon, Dan Halutz, Doron Almog, Giora Eiland and Michael Herzog.

C. There is an ongoing association with Jamal Dakwar – a lawyer who was party to the lawsuit against Avi Dichter and Moshe Yaalon in the US in 2005.

Jamal Dakwar is a graduate of the NIF Law Fellows program, and was in the past a senior activist in Adalah. Even today, Dakwar continues to write and publish various articles and columns in Adalah's electronic monthly newsletter. It also emerges from the research that NIF itself has an ongoing connection with Jamal Dakwar.

D. There is strategic and ongoing cooperation between NIF organizations and PCHR, which is expressed in the following activities:

- * Transfer of materials and information between the organizations.
- * Joint publications (reports, position papers, petitions, calls)
- * Keeping ongoing contact between the organizations
- * Relying on reports and data of NIF organizations

NIF organizations, which are connected in one way or another to the lawsuits or organizations filing the lawsuits are:

A: Adalah

B: Coalition of Women for Peace

C: Social Television

D: Public Committee Against Torture in Israel

E: Hamoked: Center for Defense of the Individual

F: B'Tselem

G: Bimkom

H: Gisha
I: Association for Civil Rights in Israel
J: Physicians for Human Rights
K: Rabbis for Human Rights
L: Machsom Watch

A further finding presented in the research is statements by NIF activists on the issue of lawsuits against senior Israeli figures overseas. Activists such as Adv. Michael Sfar (legal advisor to Yesh Din) and Dr. Ishai Menuchin (Head of the Public Committee Against Torture in Israel) express themselves unequivocally on this issue, making it clear that the people at the head of the security forces of the State of Israel must be held accountable for the war crimes that the IDF supposedly commits in the territories and Gaza. In the past, as the spokesman of Yesh Gvul (which is not supported by NIF), Menuchin worked towards filing lawsuits in England against Doron Alomg, Moshe Yaalon and Dan Halutz.

The general attitude of NIF President Naomi Chazan to IDF actions can be understood from a petition sent by the International Women's Commission (IWC). Naomi Chazan is signed on the petition that was published on December 29 2008, one day after the beginning of Operation Cast Lead, and which among other things said, "We demand the immediate end to the attack by the Israeli military forces on Gaza, which have already caused the deaths of hundreds. This slaughter can only enflame the conflict...."⁴

Summary

This research finds that NIF takes an active part in the international efforts to slander and incriminate IDF soldiers and senior Israeli figures and to accuse them of committing war crimes. Lawyers connected to NIF and graduates of the NIF Law Fellows program are directly involved in lawsuits against senior Israeli figures abroad. Senior people in NIF organizations repeatedly call to charge and put on trial senior Israeli figures, and many of the flagship organizations of NIF cooperate closely with PCHR, which is responsible for many of the lawsuits against Israel overseas.

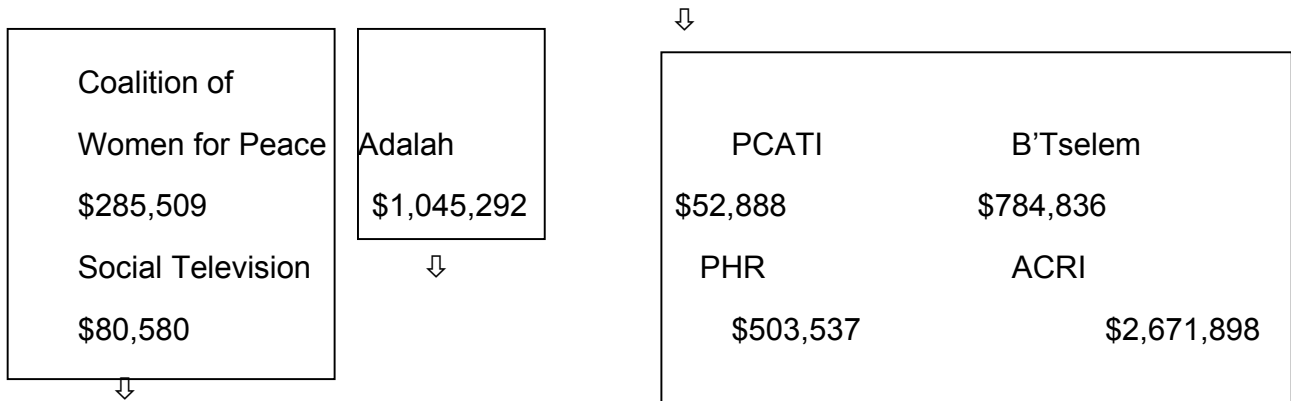
From the research (which is a direct continuation of the research which pointed at the role of 16 NIF organizations in the Goldstone Report), there emerges a mode of action that begins with false accusations against Israel for committing war crimes, continues with writing purportedly objective reports about the crimes that Israel supposedly committed during security operations, and ends in cooperation with the bodies that are suing senior figures from the State of Israel on the basis of those false accusations. Behind these efforts to create a de-legitimization of Israel from within Israel are the

⁴ <http://winwomenspeak.wordpress.com/2009/01/03/israeli-palestinian-women-call-/for-end-to-military-action-for-peace>

same bodies deeply involved in the Goldstone Report, as exposed by the report which was presented in January this year, and behind them stands the New Israel Fund.

The connections between NIF and the major organizations suing senior Israelis

New Israel Fund: In 2006-2008 a total of \$5,424,540



Calls for a Trial

Direct Involvement in Suits

General Cooperation



PCHR – Gaza

CCR – US



Direct Involvement in Suits

Calls to Bring Senior People to Trial Such as

Ehud Olmert
 Ehud Barak
 Tzipi Livni

Binyamin Ben Eliezer, Dan Halutz, Avi Dichter,

Giora Eilan, Doron Almog, Michael Herzog,

Moshe Yaalon Spain 2008

Moshe Yaalon New Zealand 2005

Doron Almog England 2005

Shaul Mofaz England 2005

Ami Ayalon Holland 2008

Avi Dichter US 2005

Moshe Yaalon US 2005

Mapping the Lawsuits and Those Behind Them

The central organization responsible for most of the lawsuits against senior Israeli figures is the Palestinian Center for Human Rights (PCHR). These lawsuits were filed by lawyers from around the world. (Among them Adv. Daniel Machover in England, Adv. Gonzalo Baya in Spain and others.) From 2002 to 2008 the PCHR filed a number of lawsuits:

1. England (2002) – Against Shaul Mofaz
2. England (2005) – Against Doron Almog
3. US (2005) – Against Avi Dichter
4. New Zealand (2005) – Against Moshe Yaalon
5. Spain (2008) – Against Binyamin Ben Eliezer, Avi Dichter, Moshe Yaalon, Dan Halutz, Doron Almog, Giora Eiland and Michael Herzog.
6. Holland (2008) – Against Ami Ayalon

Another organization behind the suits against senior Israeli figures is The Center for Constitutional Rights (CCR). This organization thus far submitted two lawsuits:
US (2005) – Against Avi Dichter (together with PCHR)
US (2005) – Against Moshe Yaalon

In order to file these lawsuits in the US, CCR was assisted by the services of Adv. Jamal Dakwar. Until 2002 Dakwar worked as a senior lawyer for Adalah, and today serves as head of the human rights program of the American Civil Liberties Union (ACLU).

An examination of the financing of the organizations that filed the suits – PCHR, CCR, and ACLU – shows that the three organizations enjoyed significant financial support from the Ford Foundation. The Ford Foundation is a principle strategic partner of NIF. (About this financing and the partnership between the Ford Foundation and NIF, see Appendices 1 and 2).

Part I – The connection between NIF organizations and the lawsuits against senior Israel figures

It emerges that some of the NIF organizations are involved in lawsuits against senior Israelis, and that many others maintain close cooperation with PCHR, the organization

behind most of the lawsuits. In addition, NIF also maintains connections with one of the lawyers who filed some of these lawsuits.

This section details the links between these organizations and the lawsuits against the IDF and those behind these lawsuits. These connections between the NIF organizations and the lawsuits against senior Israelis are expressed in four different ways:

A. Calls by NIF organizations to sue senior Israeli figures or expressions of support for such calls.

B. Direct involvement of an NIF organization in a lawsuit conducted in Spain in 2008 against seven senior Israelis.

C. Ongoing connection with Jamal Dakwar – the lawyer who was party to lawsuits against senior Israelis.

D. Strategic and ongoing cooperation between NIF organizations and PCHR, which is expressed in several activities:

- * Transfer of materials and information between the organizations.

- * Joint publications (reports, position papers, petitions, calls)

- * Ongoing contact between the organizations

- * Relying on reports and data of NIF organizations

NIF organizations connected in one way or another to the lawsuits or organizations filing the lawsuits are (for details of NIF's support of these organizations, see Appendix 3):

A: Adalah

B: Coalition of Women for Peace

C: Social Television

D: Public Committee Against Torture in Israel

E: Hamoked: Center for Defense of the Individual

F: B'Tselem

G: Bimkom

H: Gisha

I: Association for Civil Rights in Israel

J: Physicians for Human Rights

K: Rabbis for Human Rights

L: Machsom Watch

A. Calls by NIF organizations to sue senior Israelis or expression of support for lawsuits

Call for a lawsuit

In December 2009 the Coalition of Women for Peace (an organization supported by NIF) initiated a letter to the British Prime Minister and Foreign Minister, demanding that the principle of universal jurisdiction not be restricted in Britain, and calling for an arrest warrant against Ehud Olmert, Ehud Barak and Tsipi Livni for their responsibility in committing war crimes against the Palestinians⁵.

The background to the letter was statements by Gordon Brown (Britain's Prime Minister) and David Milliband (Foreign Minister) about their intention of restrict universal jurisdiction in Britain, after an arrest warrant had been issued for Tsipi Livni.

In their letter, the organizations write⁶: *“As Palestinian, Israeli and international women, we call on the international community to pressure Israel to follow the recommendations of the Goldstone Report. Today, one year after the Israeli assault on Gaza during Operation Cast Lead, Israel has yet to conduct a thorough, independent and reliable investigation into the war crimes it has committed. The international community is obligated to act in order to ensure that Israel will comply with international human rights and humanitarian law. Issuing arrest warrants against Israeli officials responsible for war crimes against the Palestinian people, among them Ehud Olmert, Ehud Barak and Tzipi Livni is an important means to this end.”*

The letter was signed by over 90 feminist peace organizations from Israel and around the world. Among the signatories were some NIF organizations⁷:

- Coalition of Women for Peace and some of the other organizations from the coalition such as Women in Black, WILPF, TANDI (for details on NIF support of the "coalition" see Appendix 3).
- Social Television

(It should be noted that the NGO Zochrot also signed the letter. However, that NGO did not receive funding from NIF but was until recently supported by Shatil – the action arm of NIF)⁸.

Expressions of Support for Lawsuits

In May 2008 a petition was published calling for the Spanish government to refrain from

⁵ <http://gaza.coalitionofwomen.org/?p=240>

⁶ The letter is annexed to this report. See Appendix 4

⁷ <http://www.codepink4peace.org/article.php?id=5245>

⁸ http://www.nrg.co.il/app/index.php?do=blog&encr_id=f2b4c1b55be76d1e6d7b777256ea0370&id=918

restricting its courts from prosecuting war criminals⁹.

The petition was published against the backdrop of an amendment to the Spanish law, so that the possibility of trying war crimes in Spain would be restricted. The amendment was passed after a lawsuit was filed in 2008 by Adv. Gonzalo Baya in the name of the Palestine Center for Human Rights against seven senior Israelis (Binyamin Ben Eliezer, Avi Dichter, Moshe Yaalon, Dan Halutz, Doron Almog, Giora Eiland and Michael Herzog).

The petition is signed by, among others, the Public Committee Against Torture in Israel, an organization supported by NIF.

The petition reads:

In Support of Universal Jurisdiction

The social organizations, solidarity groups, development NGOs and human rights organizations, as well as persons of the academic and sphere, listed below:

EXPRESS our opposition to the approval by the Spanish Congress of Deputies that limits the exercise of universal jurisdiction of the Spanish courts, and restricts their jurisdiction to the cases in which the accused is present in Spain or the victim of the crime is of Spanish nationality.

RECALL, once again, that as a signatory of the Geneva Convention of 1949 on international humanitarian law and their First Additional Protocol, relating to the protection of victims of international armed conflicts, Spain is obliged to maintain the universal jurisdiction principle within its legislation in order to judge those responsible for war crimes. Because of this, we consider the resolution a clear disregard of the conventional obligations assumed by the Spanish state. In relation to other international crimes such as crimes against humanity or genocide, as defined by international law, the resolution will prevent the prosecution of those responsible and imply an act of concealment. Consequently, the decision will also evidently limit the rights of the victims.

REQUEST that the Spanish government does not proceed with the reform of Article 23-4 of the Organic Law of the Judicial Power which could prejudice ongoing causes. We believe that the Spanish government is obliged to prioritize the fulfillment of its international commitments and the defense of human rights over continent national interests and economic or political pressures.

⁹ http://pchrgaza.org/portal/en/index/php?option-com_content&view=article&id=4061:in-support-of-universal-jurisdiction&catid=73:universal-jurisdiction-other-info&itemid=216. The petition is appended to this document.

See Appendix 4.

An additional expression of support against senior Israelis was published in Adalah's monthly electronic newsletter. In edition number 19 in October 2005, an article was published by Jamal Dakwar, about war crimes supposedly committed by Israel and about the issue of prosecuting senior Israelis abroad¹⁰.

In the article, "In the name of Justice" it was claimed that "The government of Israel not only continued committing war crimes and other human rights violations, thus exposing Almog and other Israeli citizens to a higher risk that charges will be brought against them overseas, but also created a culture of immunity from punishment."¹¹ The article also said that, "Credible and frequent evidence indicates the involvement of individuals, at all levels of command in the IDF, in war crimes and grave violations of human rights. Involvement in these violations begins at the level of junior officers, who systematically apply the illegal policies of attacking civilians, and goes right up to the current Chief of Staff Dan Halutz."¹²

At the end of the article, Dakwar concludes:

"The IDF personnel as well as the civilian leadership that bear responsibility of command for committing war crimes and other grave crimes according to international law, have good reason to be concerned. One day, in some place, they will be brought before a court of justice, the same justice that has been denied from the thousands of victims of the Israeli occupation."¹³

And thus, Dakwar did what he said. That very same year, two months after publishing the article, Adv. Dakwar himself was party to filing the lawsuit against Avi Dichter and Moshe Yaalon in the US on behalf of CCR¹⁴.

B. Direct Involvement of Adalah (an organization supported by NIF) in a Specific Lawsuit

During the lawsuit conducted in Spain against Binyamin Ben Eliezer, Avi Dichter, Moshe Yaalon, Dan Halutz, Doron Almog, Giora Eiland and Michael Herzog in 2008, Adalah

¹⁰ Jamal Dakwar, "In the Name of Justice", Adala Electronic Newsletter No. 19, October 2005. Available at: <http://www.adalah.org/newsletter/heb/oct05/oct05.html>. The article is appended. See Appendix 4.

¹¹ Et al.

¹² Et al.

¹³ Et al.

¹⁴ <http://www.adc.org/index.php?id=2702>

<http://www.nrg.co.il/online/1/ART1/021/277.html>

sent an expert legal opinion to the Spanish court, as part of the response from the legal team representing the prosecutors¹⁵. The expert opinion, covering 35 pages, was written by Hassan Jabarin, Adalah's founder and General Director.

Raed Mohammed Ibrahim Mattar, et al. v Dan Halutz, Commander of the Israeli Air Force (the "Al Daraj" case)

*Before the Central Magistrates Court No. Four
Spanish National Court of Justice, Madrid
Preliminary Report no 157/2.008-G.A.*

This expert opinion is part of the response of the legal team representing the victims in the Al Daraj case, which is currently pending before the Spanish National Court of Justice.

Adalah is one of NIF's flagship organizations and enjoys significant financial support from NIF (about \$1 million from 2006-2008). More than that, many of the organization's activists over the years are graduates of the NIF Law Fellows program (for additional details of NIF's support for the organization, see Appendix 3).

C. Ongoing Contact with the Lawyer Behind the Lawsuits Against Senior Israeli Figures

Adalah

As said above, one of the lawyers involved in the lawsuits against senior Israelis is Jamal Dakwar. Dakwar worked in the past (until 2002) as a senior lawyer for Adalah, and today serves as head of the Human Rights Program of the American Civil Liberties Union (ACLU). Adv. Dakwar was a partner with CCR in the lawsuit against Avi Dichter and Moshe Yaalon in the US in 2005¹⁶.

Even after Dakwar left Adalah, his name continued appearing many times under the organization's letterhead, publishing articles and columns in editions of the organization's monthly electronic newsletter and taking part in the organization's events. See, for example, references to columns written on the subject of the Guantanamo prison¹⁷, and to articles published in the monthly newsletter, and other articles written in

¹⁵ The legal opinion is attached to this report. See Appendix 4.

¹⁶ <http://www.nrg.co.il/online/1/ART1/021/277.html>

¹⁷ Article no. 7. <http://www.adalah.org/newsletter/eng/nov04/nov04.html>

Article no. 57 <http://www.adalah.org/newsletter/eng/feb09.html>

the newsletter¹⁸. In an interview in 2007 to mark Adalah's 10th anniversary, published in the organization's monthly newsletter¹⁹, and his participation in a round table organized by Adalah in 2006 on the subject of a Supreme Court ruling on a petition against the Law preventing family reunifications²⁰.

The New Israel Fund

Jamal Dakwar maintains ongoing contact with NIF itself and lectures at many events that it organizes. Dakwar is a graduate of NIF's Law Fellows program for human rights, and as such he honorably appears on NIF's website, as part of the list of the program's graduates of whom NIF takes great pride²¹. Between 2007 and 2009, Dakwar took part in several events organized by NIF:

* In 2007, he lectured at a fundraising conference held by NIF at New York University²².

* In 2008, he took part in another NIF event, the NIForum²³.

* In 2009, he lectured at the event "25 years of strengthening human rights in Israel," that was organized to mark the 25th anniversary of the NIF Law Fellows program²⁴.

D: Ongoing Cooperation between NIF Organizations and the Organizations Submitting the Lawsuits

As said above, many NIF organizations cooperate on various and diverse issues with the Palestine Center for Human Rights (PCHR), the organization behind most of the lawsuits against senior Israelis around the world.

This ongoing cooperation between NIF organizations and the organizations filing the lawsuits is manifested in several ways:

- * Exchange of materials and information between the organizations.
- * Joint publications (reports, position papers, petitions, calls)
- * Maintenance of ongoing contact between the organizations
- * Reliance on reports and data of NIF organizations

¹⁸ The article "In the Name of Justice" see comment 10; additional article in edition no. 49
<http://www.adalah.org/newsletter/heb/jun08/jun08.html>

¹⁹ <http://www.adalah.org/newsletter/heb/sep07/3.php>

²⁰ <http://www.adalah.org/newsletter/heb/jun06/round.php>

²¹ <http://www.nif.org.get-involved/fellowships/law-fellows/where-are-they-now.html>

²² Adalah annual report, page 37. The annual reports of Adalah can be viewed at <http://www.adalah.org/eng>

²³ <http://www.nif.org/forum08/about.html>

²⁴ <http://www.nif.org/raisingthebar/speakers.html>

Exchange of Materials and Information

A. In January 2002, PCHR sent the Public Committee Against Torture in Israel and Physicians For Human Rights (both NIF organizations) information and investigative materials about the killing of three children by IDF soldiers, so that they would use them “to apply pressure within Israel to investigate the incident.” Subsequently, representatives of the Public Committee Against Torture in Israel and Physicians for Human Rights participated in a discussion of the Knesset’s Foreign Affairs and Defense Committee about the matter²⁵.

B. In PCHR’s 2007 annual report the organization mentions that it transferred the Public Committee Against Torture in Israel several complaints against the Israel Prisons Authority about the imprisonment conditions of security prisoners²⁶. Within this context, the said PCHR report states that it maintains cooperation with the Public Committee Against Torture in Israel and with Physicians for Human Rights in order to monitor the condition of security prisoners²⁷.

C. In PHCR’s 2008 annual report, PCHR also cites cooperation with the Public Committee Against Torture in Israel and Physicians for Human Rights, regarding the condition of security prisoners²⁸.

Joint Publications

D. PCHR published on its website an ad for a joint demonstration held by Israeli and Palestinian organizations in 2008 to call for lifting of the siege on Gaza. The demonstration was held in Gaza, and at the same time a supply convoy arranged by the Israeli organizations reached the Gaza border. Among the Israeli organizations taking part in the demonstration were: the Public Committee Against Torture in Israel, the Coalition of Women for Peace, Adalah, Physicians for Human Rights, Machsom Watch and Gisha – all of them supported by NIF²⁹.

E. In May 2009, PHCR published together with several other Palestinian organizations (Al Mazan, Al Haq, Badil and others) and with Israeli organizations (Gisha, the Public Committee Against Torture in Israel, Physicians for Human Rights), a position paper

²⁵ <http://www.pchgaza.org/files/pressr/english/2002/11-2002.htm>

²⁶ Page 105. The annual reports of PCHR can be viewed at <http://www.pchrgaza.org>

²⁷ Page 105.

²⁸ Page 110.

²⁹ http://www.pchgaza.org/files/campaigns/english/gaza_closure/4.html

calling for the countries of the world to apply pressure on Israel to stop violating international law and obligate it to fund the rebuilding of Gaza³⁰.

F. PHCR's website published an announcement from Israeli organizations supported by NIF (Adalah, ACRI, Bimkom, B'Tselem, Physicians For Human Rights, Gisha, Yesh Din, Hamoked: Center for the Defense of the Individual, the Public Committee Against Torture in Israel, and Rabbis for Human Rights) expressing support for the organization Breaking the Silence³¹.

G. A declaration was submitted jointly to the UN Secretary General by several Palestinian organizations (PCHR, Badil, Al Haq, DCI and FIDH) together with Adalah (an organization supported by NIF) in October 2009³². The declaration alleges that Israel committed crimes against humanity in the Gaza Strip during Operation Cast Lead and afterwards, during the closure of Gaza.

H. A joint declaration by a number of organizations, among them PCHR and Adalah. The declaration expresses opposition to the willingness of the Palestinian leadership to reject a draft plan of the UN's Human Rights Council, which accepted the recommendations published in the Goldstone Report³³.

I. During Operation Cast Lead, the organization Coalition of Women for Peace had a link from their website to the PCHR website³⁴.

Maintaining ongoing contact between the organizations

J. On its website, PCHR publishes a list of links to its "partner" websites. Among others there appears: Adalah, B'Tselem, HaMoked: Center for the Defense of the Individual, the Public Committee Against Torture in Israel and Physicians for Human Rights³⁵.

K. In PCHR's 2005 annual report, the organization mentions that its international department has "excellent connections" with some Israeli organizations (NIF

³⁰ The full letter is at http://www.pchgaza.org/files/pressr/english/2009/06-05-2009_2.html

³¹ <http://www.pchgaza.org/library/goldstone.html#un>

³² The statement is appended to this report. See Appendix 4.

³³ <http://www.pchgaza.org/portal/en/index.php?option=com/content&view=article&id=1146:pchr-goldstone&catid=36:pchrpressreleases&itemid=194>

³⁴ <http://coalitionofwomen.org/home/english>

³⁵ <http://www.pchgaza.org/portal/en/index.php?option=com/content&view=article&id=3052&itemid=198>

organizations): the Public Committee Against Torture in Israel, Hamoked: Center for the Defense of the Individual, B'Tselem, ACRI. The report further adds that several joint meetings in Israel were held and the result is “superb information sharing.”³⁶

Relying on reports and data of NIF organizations

L. In many places PCHR publishes documents which rely on data provide by the Public Committee Against Torture in Israel.

Hence, far example, a report published by the organization in 2003 cites violations of international law and war crimes committed by Israel. Among other things, the report relies on data from the Public Committee Against Torture in Israel³⁷. The same is true for the organization’s annual report for 2003³⁸ and for additional report published by the organization in 2005 about violations of international law in the territories by Israel³⁹.

M. In its website, PCHR refers to “external material” which includes materials from organizations such as B'Tselem, and the Public Committee Against Torture in Israel⁴⁰.

Part II – Statements by activists in NIF organizations on the issue of lawsuits abroad against senior Israeli figures

Michael Sfard

Michael Safard is a lawyer specializing in international law, is the legal advisor to Yesh Din. Adv. Sfard published an article in Haaretz in which he warned that if the High Court of Justice does not discuss petitions against the war crimes that Israel committed, according to him (the petitions were submitted by Sfard on behalf of Yesh Din and the Public Committee Against Torture in Israel) the next stop is England:

“In contrast to regular crimes, war crimes are international crimes. The meaning of the matter is that when law enforcement agencies in the suspect's national state prove that they are not able or are not interested in investigating or judging those responsible,,

³⁶ Page 158

³⁷ <http://www.pchgaza.org/files/reports/english/three%20years%20of%20war%20crimes.pdf>

³⁸ http://www.pchgaza.org/files/reports/english/pdf_annual/ann_rep_03.pdf

³⁹ http://www.pchgaza.org/files/reports/english/pdf_spec/pchr%20memorandum%20implementation.pdf

⁴⁰ http://www.pchgaza.org/themes/external_material_torture.htm

http://www.pchgaza.org/themes/external_material_journalists.htm

international law is obligates all states of the world to investigate and prosecute them, if there is sufficient evidence. If not Israel, then England. If not the Supreme Court then the House of the Lords⁴¹."

Ishai Menuchin

Dr. Ishai Menuchin, a former spokesman of Yesh Gvul (a movement that is not supported by NIF) has served since the beginning of 2008 as director of the Public Committee Against Torture in Israel (an NGO supported by NIF). As part of his position in the past with Yesh Gvul, Menuchin worked toward filing lawsuits and issuing arrest warrants against General (Res.) Doron Almog⁴², and towards additional lawsuits against Dan Halutz and Moshe Yaalon⁴³.

Menuchin has many times spoken in the past in favor of overseas prosecutions against senior Israelis. For example, in an interview with the NRG website conducted after the Second Lebanon War, Menuchin claimed that "If war crimes have been committed, and there is a suspicion that this is the case, all those who took part must be put on trial, from the Chief of Staff who gave the order through the Head of Northern Command, onto the commander of the battery that fired a volley of shells towards civilian population concentrations⁴⁴."

In the same interview, he added that the way to prosecute them for war crimes was in courts overseas:

"I think that Israel's legal system, which badly disappointed us, should judge and order investigating war crimes," claims Menuchin. "If the legal system continues to insist not to judge people suspected of committing war crimes, then international law and other states must do this dirty work for us."

Social Television

⁴¹ <http://www.haaretz.co.il/hasite/pages/shart.jhtml?itemno=624805>

⁴² The suit against Almog: <http://wwwynet.co.il/articles/0,7340,L-3140698,00.html>

⁴³ The suit against Halutz and Yaalon: <http://wwwynet.co.il/articles/0,7340,L-3141418,00.html>

⁴⁴ <http://www.nrg.co.il/online/1/art1/493/014/html>

The Social Television project is operated by the Syncopa Community NGO, an organization supported by NIF⁴⁵. Social Television presents programmatic contents of many organizations, addressing a range of social issues and more⁴⁶.

Social Television is also engaged in documenting events that organizations hold such as demonstrations, seminars and conferences, and independently-produced films in cooperation with various organizations. Among the organizations presenting their programs on Social Television are: NIF, Shatil, B'Tselem, ACRI, Gush Shalom, Yesh Gvul and others⁴⁷. It should be pointed out that Yesh Gvul is not supported by NIF, although that said many of its programs are presented on Social Television's site.

On the website one can see many clips against IDF policies, as well as encouragement to refuse of evade military service, accusations against the IDF of war crimes and calls to put the IDF on trial.

It should be mentioned that NIF President Naomi Chazan is a member of the website's public council⁴⁸. Among the many clips on the topic of war crimes that the State of Israel commits, one can note three in particular:

1. "The Age of Immunity has Ended" – a seminar held by Yesh Gvul in January 2006. Participants in the seminar included Dr. Ishai Menuchin, Michael Sfar, Prof. Yaron Ezrachi, who all discussed in "ending of the age of immunity and the exposure of IDF soldiers and officers to prosecution for their actions in the occupied territories."⁴⁹ At the start of the discussion, Ishai Menuchin described how Moshe Yaalon and Avi Dichter will "earn" (to use his language) charge sheets in the US for their actions as former Chief of Staff and former head of the Shin Bet. Afterwards, Menuchin explains that the prosecution process against IDF officers will continue to move towards more junior officers and that the "immunity" which they enjoy today, for various reasons, will expire with time. Subsequently, Prof. Ezrachi mentioned that, "There is a clear trend in which the willingness of countries to operate the authority of universal jurisdiction for human rights crimes, even when those violations were committed in other countries – is spreading. As these crimes are can be judged anywhere in the

⁴⁵ <http://www.nif.org.il/index.php>

⁴⁶ <http://www.tv.social.org.il/profile.htm>

⁴⁷ From Social Television profile, page 3, <http://www.tv.social.org.il/ful-profile-social-tv-eng-rtf>

⁴⁸ <http://www.tv.social.org.il/public-council.htm>

⁴⁹ <http://www.tv.social.org.il/lectures.yesh-gvul.htm>

world, the criminals no longer have any possibility to escape and hide in other countries.”

Adv. Michael Sfard said that, “The most relevant thing today for Israeli soldiers is the state path.... We are committing very many war crimesWe are not committing sporadic war crimes; we are doing so in a serial and systematic way. Our targeted killings policy approaches a crime against humanity.

2. A demonstration by human rights organizations against the Second Lebanon War – a demonstration that took place in the midst of the Second Lebanon War – and in which many organizational representatives took part⁵⁰.

During the demonstration Ishai Menuchin called for IDF officers to be put on trial. He said, “In Lebanon and Gaza residential neighborhoods are being wiped out in our name. In Lebanon and Gaza IDF soldiers are taking part in war crimes. We call from here on IDF soldiers – do not take part in war crimes. Do not intentionally harm civilians. Harming civilians is a war crime. Wiping out residential neighborhoods is a war crime. Firing on civilians is a war crime. Destroying homes is a war crime. Do not take part in war crimes. And all those who do take part will wait for court, if not in Israel then overseas.”

3. War Law – This clip is part of a series of clips dealing with humanitarian law within the context of IDF actions and the State of Israel. The clips were jointly produced by Social Television and the Public Committee Against Torture in Israel. In the clip “War Law”, among those appearing are Prof. Naomi Chazan, Adv. Michael Sfard, Dr. Ishai Menuchin, Prof. Yaron Ezrahi, Adv. Hassan Jabarin, Shelly Hoffman and others⁵¹.

In the clip Shelley Hoffman, PhD candidate in international relations and an activist in ACRI, claim that: “There are crimes that are very, very grave, that the international community sees as grave and specific individuals must be made to stand criminal trial ... it is impossible to put an entire country in prison but it is possible to punish specific people who committed war crimes, crimes against humanity and crimes of genocide.”

⁵⁰ <http://www.tv.social.org.il/lebanon-war2/hafgana-22-7-06-web.htm>

⁵¹ <http://www.tv.social.org.il/ihl/stv-war-law-1-12-08.htm>