

Pro-Bono for Palestine
Scholarship, law, lawyers, European government
funding and the internal legal campaign against
Israel

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In 2007 a call for papers was posted at the Law College at the Hebrew University of Jerusalem's Mount Scopus Campus. It was a competition sponsored by the International Review of the Red Cross, the International Law division at the Law School of the College of Management and Academic Studies in Israel, and the Association for Civil Rights in Israel.¹ Ostensibly, the competition was a call for papers dealing with the "legal aspects of the 40 year old Israeli occupation of Hebron." Winners would receive \$500 from the College of Management and "up to three papers, selected by the competition committee, will be published in The International Review of the Red Cross, subject to the journal's review procedures." But then the call for papers took an unusual turn, noting that "Hebron well epitomizes the nature of this occupation: Hebron is home to around 150,000 Palestinians, of whom approximately 35,000 reside in Area H-2, an area under full Israeli control and home to some 500 settlers. The latter are located in settlements in the old city. Israeli policies associated with these settlements have arguably been designed to generate the 'de-Palestinization' of the area, and have actually achieved this result. The (il)legality of these policies is the broad subject of the competition." There followed some suggested topics, including "Israeli policy and actions in Hebron: Apartheid or Security?" and "International Criminal Law Aspects of the Occupation of Hebron." It was clear that this was not intended to be an open competition for academic papers, but rather was a carefully-scripted call for one-sided papers, intended to result in only one opinion being voiced. Only papers that defined Israel's actions as 'Apartheid' and examined the 'de-Palestinization' would be given high marks.

The fact that the Red Cross and the College of Management and Academic Studies in Israel was issuing such a call for one-sided papers is quite alarming. The members of the 'steering committee' for the papers, who were there apparently to 'steer' the papers to the "correct" political direction, included Dr. Orna Ben-Naftali, Head of the International Law Division at the Law School of the College of Management and Academic Studies; Toni Pfanner, Editor in Chief of the International Review of the Red Cross, Adv. Limor Yehuda from the Association for Civil Rights in Israel (ACRI), Dr. Barak Medinah, the Joseph H. and Belle R. Braun Senior Lecturer in Law at the Hebrew University of Jerusalem, and the Competition Coordinator, Mr. Avi Berg.

¹'The Occupation of Hebron: legal Aspects', Call for Papers, March 15th, 2007.
http://www.icrc.org/Web/Eng/siteeng0.nsf/html/E24EF5457454531EC125729F003A15CE?OpenDocument&Style=Custo_Final.3&View=defaultBody2.

The fact that prominent Israel legal minds were on the steering committee of such a blatantly biased and extremist 'call to papers' illustrates the need for further examination of the Israeli legal field's role in political activism.

The legal field in Israel, its academics and its activism, can best be broken down into three core elements: a. Organizations involved in legal "activism" and NGOs who oppose Israeli policy; b. Professors who have expressed very harsh criticism and denunciations of the Israeli government and its policies; and, c. Activist lawyers who work against Israeli policies and who attempt to use the legal system to change Israeli national policy.

The NGOs

There are a number of prominent Israeli NGOs who either specialize in providing legal defense or are activist in the legal field. These include the **Association for Civil Rights in Israel (ACRI)**, **Yesh Din**, **B'tselem**, **HaMoked Center for the Individual, the Public Committee Against Torture in Israel (PCATI)**, **Gisha** and to a lesser extent, **Physicians for Human Rights** and **Rabbis for Human Rights**. According to NGO Monitor, a number of them "exploit human rights and international legal rhetoric"² as cover for anti-Israel activism.

Historically, ACRI is the pioneer of legal activist "human rights organizations" in Israel, founded in 1972. It was started by a number of academics from The Hebrew University of Jerusalem and its past presidents have been prominent jurists and professors, including Professor Ruth Gavison and Supreme Court Justices Shmuel Agranat and Haim Cohen. The organizations HaMoked, Rabbis for Human Rights, and Physicians for Human Rights were founded in 1988, in response to the outbreak of the First Intifada. B'Tselem was founded the following year and PCATI in 1990. It took seven more years before ICAHD was founded, followed by Gisha and Yesh Din in 2005.

Each "human rights organization" seems to have its own function but, as will be shown, each suffers from a great deal of 'mission creep,' as it "outgrows" its original *raison d'être*. Today there is no shortage of foreign, mostly European, funding for 'human rights' organizations in Israel. In general, many of the newer "human rights organizations" in Israel were founded by foreign-born Israelis, who may have had an incentive to create them as an easy solution to their lack of employment prospects. Thus Rabbis for Human Rights was founded by Arik Ascherman, a Reform Rabbi from Erie, Pennsylvania. Jeff Halper, founder of ICAHD was born in the U.S. Jessica

² http://www.ngo-monitor.org/article/association_for_civil_rights_in_israel_acri

Montell, executive director of B'Tselem, was born in California.³ Gila Svirsky, co-founder of the Coalition of Women for Peace was raised in New Jersey.

Their declared functions can be broadly summed up as follows: ICAHD fights against 'home demolitions,' an Israeli anti-terror policy whose roots are in the British Mandatory policy of destroying the homes of terrorists and rebels.⁴ PCATI fights against what it defines as 'torture'. GISHA fights for 'freedom of movement' for Palestinians. Yesh Din is primarily a legal organization claiming to use the law to help fight for 'human rights.' It describes itself as being "comprised of volunteers who have organized to oppose the continuing violation of Palestinian human rights in the Occupied Palestinian Territory."⁵ There is little that distinguishes it from Hamoked, which defines itself as "an Israeli human rights organization whose main objective is to assist Palestinians of the Occupied Territories whose rights are violated due to Israel's policies."⁶ The older organization, B'Tselem, seems to overlap with both. "It endeavors to document and educate the Israeli public and policymakers about human rights violations in the Occupied Territories, combat the phenomenon of denial prevalent among the Israeli public, and help create a human rights culture in Israel."⁷

It is noteworthy that the groups have overlapping missions. The foreign-born Israelis and prominent Israeli activists often choose to create new organizations with primarily the same mission as other, older organizations, even to the extent that they later join together in the same law suits and share the same lawyers. It is perhaps explained, as we shall see, by the common foreign funding that is channeled to all these organizations.

Sometimes the activities of these NGOs and their legal teams have gone to the most extreme lengths. For instance, on March 6th, 2008 there occurred the Mercaz HaRav Yeshiva massacre, when 8 Jews were killed by a terrorist named Alaa Abu Dhein from the East Jerusalem neighbourhood of Jebel Mukabar. There were widespread public demands and governmental threats to demolish the terrorist's home. HaMoked appears to have provided a

³ 'Profiles in Peace', <http://67.59.138.206/israel-palestine/profiles-of-peace/jessica-montell.htm> .

⁴ In one famous incident during the mandate much of the old city of Jaffa was demolished by the British in the summer of 1936 in order to stamp out the Arab Revolt of 1936-1939. See for instance John Cooley, 'Israel's especially cruel sanction', January 31st, 2002, *Christian Science Monitor*, in which the author acknowledges the British history of the policy and yet claims it is 'cruel' when Israel engages in it. The article is complete with a cartoon of a bulldozer with a Star of David on it, driving over an entire Arab town.: <http://www.csmonitor.com/2002/0131/p09s02-coop.html> .

⁵ <http://www.yesh-din.org/site/index.php?page=about.us&lang=en>

⁶ <http://www.hamoked.org/>

⁷ http://www.btselem.org/English/About_BTselem/Index.asp .

lawyer and assistance to the family of the terrorist in order to help them legally in preventing the demolishing of the home.⁸

Israeli legal-activist NGOs on behalf of Palestinians frequently work together in syndicates. For instance on October 28th, 2007 GISHA petitioned the Israeli high Court to stop the cuts in electricity and fuel provided to the Gaza Strip. It was joined in its petition by Hamoked, Physicians for Human Rights, The Public Committee against Torture in Israel, and B'Tselem. It was represented by lawyers Sari Bashi, Noam Peleg and Professor Kenneth Mann.⁹

In January, 2007 the same groups petitioned the High Court against what they called the Israeli 'Apartheid' order, an order restricting Palestinian Arab travel in cars with Israeli license plates (due to concerns about transporting of terrorists in such cars). According to the petitioners, "The Directive prohibits Israelis and tourists from transporting Palestinians residing in the West Bank in their cars without a permit from the army. According to the Directive, which was the subject matter of this petition, this would have taken effect on January 19, 2007."¹⁰ In this case Gisha was joined by Yesh Din, ACRI, The PCATI, HaMoked, Machsom Watch, Physicians for Human Rights and Bimkom-Planners for Planning Rights, and they were represented by lawyer Michael Sfar from the ACRI.

The NGOs' descriptions of themselves often seem innocuous and disingenuous. Take Gisha's: "As part of its legal work, Gisha represents individuals and organizations in Israeli administrative proceedings and courts. Gisha's legal activity is based on Israeli law, international human rights and humanitarian law. Gisha is operated by a professional staff and guided by a board that includes legal academics and practitioners, women and men, Arabs and Jews, who have helped shape Israeli human rights law through their advocacy and writings. Gisha is registered in Israel as an independent, non-partisan, not-for-profit organization. Gisha is generously supported by donations from Israel and abroad."¹¹ However, reality is quite different. The NGOs are far from being non-partisan and neutral, as seen in their jargon, where they regularly misuse terms such as 'apartheid,' but also in

⁸ Tali Fahima, who was jailed for having connections with Jenin based terrorist cell leader , claimed that Hamoked was assisting the Abu Dhein family on the Facebook Group: " 'We are Against the decision to destroy the house of Husam Doweat', posted on the 10th of July, 2008,.."

⁹At the Supreme Court in Jerusalem, sitting as a High Court of Justice, petition for an order Nisi and an urgent request for an injunction, HCJ9132/07. http://www.gisha.org/UserFiles/File/Legal%20Documents%20fuel%20and%20electricity_oct_07/english_docs/ElectricityPetition9132-07_English.pdf

¹⁰ At the Supreme Court in Jerusalem, sitting as a High Court of Justice, petition for an order Nisi and an urgent request for an injunction, HCJ196/07, <http://www.gisha.org/UserFiles/File/HCJ196-07Eng.pdf> .

¹¹ Gisha website, 'About Gisha'.

the fact that they represent Palestinians or Israeli-Arabs against Israel almost exclusively.

In terms of funding, the watchdog NGO Monitor, headed by Professor Gerald Steinberg of Bar Ilan University, has documented the fact that the bulk of the funds of legal radical NGOs comes from the some unexpected places: European governments and EU-based organizations, and the US-based Ford Foundation. Gisha's funding, for instance, has come from Dutch and Norwegian Foreign Ministries, Foundation for Middle East Peace (FME), and the Open Society Institute of George Soros.¹² HaMoked, whose budget for 2000-2001 was \$2,837,000, received funding from the European Commission, Ford Foundation, International Commission of Jurists, the New Israel Fund, the British, Norwegian, Danish and Finnish Embassies in Tel Aviv, the Dutch Foreign Ministry, and the Swiss Federal Department of Foreign Affairs.¹³ ICAHD, whose 2006 budget came to NIS 2,345,196, receives funding from the European Commission, the Spanish Embassy in Israel (in 2008), and other sources. ICAHD also received a two-year grant of €473,000 from the European Union.¹⁴ ACRI receives funding from the New Israel Fund, Christian Aid, the European Union and the "British Foreign and Commonwealth office" and the New Israel Fund, and the Ford Foundation.¹⁵ PACTI's donors include the New Israel Fund, the Foundation for Middle East Peace, the governments of Norway, Sweden, Ireland, the EU and Oxfam.¹⁶

The funding in question does not even go to fight the causes to which the organizations claim to be officially dedicated. For instance, in a 2006 petition to the Israeli Supreme Court, PACTI was the lead petitioner against targeted killings of terrorist leaders by Israel, something that can hardly be considered 'torture,' its supposed *raison d'être*. This 'mission creep' is standard fare for many Israeli legal NGOs.

In general, the budgets of these NGOs are not large enough to sustain the employment of the considerable legal teams, which they would need in order to pay for submissions of all their petitions. This means that much of the work supplied by their star lawyers, such as Michael Sfard, must be either pro-bono work or must be billed at a steep discount. Working together in syndicates helps spread costs and increases the number of times these mission-specific NGOs can go to court. For example, it results in NGOs against 'home demolitions' petitioning for things that have nothing to do with home demolitions. In fact, since Israel has by and large desisted in recent

¹² <http://www.ngo-monitor.org/article/gisha>

¹³ http://www.ngo-monitor.org/article/hamoked_center_for_the_defense_of_the_individual

¹⁴ http://www.ngo-monitor.org/article/israel_committee_against_house_demolitions_icahd_

¹⁵ Ibid, NOG Monitor, NGO reports.

¹⁶ Ibid, NOG Monitor, NGO reports.

years from demolishing the homes of terrorists, the very *raison d'être* of ICAHD seems to be called into question. This has not put a damper on its support from its European donor base.

A very large portion of the funding for legal petitions submitted to the Israeli Supreme Court filed by these Israeli "human rights organizations" comes from European governmental sources. This not only casts doubt upon the degree to which these organizations are really 'non-governmental' agents, but also raises suspicions about the degree to which European governments are illegally interfering in Israeli domestic affairs and decision making. European states thus back petitions submitted before Israeli courts on behalf of Palestinians. The European embassies in Israel could in principle submit petitions themselves to Israeli courts, but seem reluctant to do so, preferring to use 'local' Israeli organizations as surrogates for their interference. This is something the leaders of these "Israeli" NGOs are always happy to accommodate.¹⁷

There is a great deal of overlap in the membership, leadership and representatives across these organizations, raising doubts as to the extent to which these are really separate independent entities. The Israeli legal NGOs are often clones of each other, with missions, members and ideologies that mimic or overlap those of other extant NGOs. For instance, ICAHD was founded by Jeff Halper and Rabbi Arik Ascherman in 1997. Ascherman later became the executive director of Rabbis for Human Rights in 1998 (he was co-director since 1995).¹⁸ PCATI's staff member Eliahu Abram was formerly a leader in HaMoked. Gila Svirsky, who serves on the board of B'Tselem, is also a co-founder of Women for a Just Peace.¹⁹ Also on the B'Tselem board are Orna Ben Naftaly of the Hebron "apartheid" competition and Professor David Kretzmer, who serves as co-chairman of the board with Svirsky. Yesh Din was founded in 2005 by members of Machsom Watch.²⁰ Abeer Baker, who is on the board of Gisha, was previously on the legal staff of Adalah: the Legal Center for Arab Minority Rights in Israel.

¹⁷ B'Tselem, ICAHD, Rabbis for Human Rights are just a few of the Israeli NGOs founded or run by foreign born Israelis. The Quaker American Friends Service Committee's website includes a fascinating series of 'Profiles in Peace,' which includes numerous well known Israel 'human rights' activists. The majority of them were not born in Israel, which may serve as a reminder of the degree to which Israeli "human rights activism" is not only dominated by foreign born nationals but also by foreign funding. <http://tamejavi.com/israel-palestine/profiles-of-peace/default.htm>.

¹⁸ Both Ascherman and Halper are Americans who moved to Israel and have made a career out of "human rights." See Ascherman's bio at Rabbis for Human Rights webpage, <http://rhr.israel.net/rabbi-arik-w-ascherman>.

¹⁹ <http://en.wikipedia.org/wiki/Btselem#Staff>

²⁰ http://www.ngo-monitor.org/article/yesh_din_volunteers_for_human_rights

At the University

Members of some other professions in Israel have created their own discipline-specific NGOs to voice their critique and denunciations of Israel, including physicians and planners. But the legal activists pursue their critique and activism in a variety of unique ways. One politically active segment of the profession consists of legal scholars in Israeli academia. It is hard to generalize about the level and nature of this activism, or break it down into categories. Thus it is better to provide a narrative about the various academics themselves and some of the academic organizations in which they are involved.

Prof. Mordechai Kremnitzer is a law professor at the Hebrew University in Jerusalem, a senior fellow of the leftist Israel Democracy Institute and chairman of the Israel Press Council. He was born in Fuert, Germany, on November 16th, 1948. He is today the Ivan C. Rand professor of Criminal Law at the Hebrew University of Jerusalem and was formerly Dean of the Law Faculty, teaching Criminal Law and Constitutional Law.

Kremnitzer was the chairperson of the Israeli Association of Public Law. He was a chairperson of many activist committees, including a committee nominated by the Minister of Police on the use of force by the police (1994).

He was the academic head of the Minerva Center from 2001-2003.

Kremnitzer's books in Hebrew deal with judicial activism, basic laws, the Army, the offence of sedition, libel, official secrets, disqualification of parties and lists, and targeted killings. He has published in the pro-Palestinian journal called *Palestine-Israel Journal* ('Coping with Public Incitement to Violence' - Vol.10 No.3 2003_), whose emblem includes an Israeli flag without the Star of David.²¹ In June, 2008 he authored an op-ed for the Israel Democracy Institute that strongly condemned "a government sponsored bill, which in practice exempts the State of Israel from compensating Palestinians who live in the occupied territories for any damages the State may have caused them as part of the war on terror."²²

²¹ An analysis of just the cover photos of the journal tell much about its content. For instance of its three issues published in 2006, two had pictures of the security fence on it, photos showing the small portion which is concrete barrier (vol. 12, no. 4 and 13 no. 2). The third had a photo of an Arab village (vol. 13 no. 3). A 2002 issue was called "narratives of 1948"(vol. 9, no. 4) while a 2007 issue was entitled "Jerusalem: 40 years later" (vol. 14, no.1) and a 2008 issue was called "1948 sixty years later" (vol. 15, no. and 2), vol. 5, no. 2 had almost the same title '1948-1998: A tale of two peoples.' One issue, vol. 11, no. 3 and 4 was devoted to lionizing Yasser Arafat. Vol. 12, no.2 and 3 compared 'Islamophobia' to 'Anti-semitism' and vol. 9, no. 2 was devoted to 'the Right of return.'

<http://www.pij.org/archive.php>.

²² 6/26/2008, with Konfino Roi,

<http://www.idi.org.il/sites/english/OpEds/Pages/PalestinianDamageClaims.aspx>

Prof. Kenneth Mann is on the board of and is legal advisor of Gisha. He also serves as its Chairperson of its Advisory Committee. He is a Professor at the Tel Aviv University Faculty of Law. Mann served as Israel's Chief Public Defender between 1996 and 2002 and was among the founders of Israel's Public Defender's Office. He runs a law firm that specializes in criminal and administrative law and serves on the board of the Israel Trauma Center for Victims of Terror and War, an irony considering the fact that his organization, Gisha, works for unrestricted freedom of movement for Palestinians, freedom that often has made terror attacks easier to carry out. He holds a B.A., M.A., and J.D. from the University of California at Berkeley and a PhD in Philosophy from Yale University. In July, 2008 he participated in an International Conference in Abu Dis that condemned the Israeli 'occupation' as part of its *raison d'être*, and declared in its preamble: "This turbulent political environment in Israel, Palestine and the region, coupled with the devastating socio-economic conditions in Gaza, urgently call for better understanding, cooperation and positive plan of joint action among Internationals, Palestinians and Israelis. This conference has been designed as an aid for such an action."²³

Dr. Yishai Blank is another board member of Gisha. He is a Senior Lecturer at the Tel Aviv University's Faculty of Law, where he has written about local government law, legal geography, educational law, globalization and global cities, jurisprudence and "critical" theories of law.²⁴ Blank is also a board member of the leftist Bimkom – Planners for Planning Rights.²⁵

Dr. Nadera Shalhoub-Kevorkian, is the chairwoman of the board of Gisha. She is a Senior Lecturer of Criminology and Social Work at the Hebrew University in Jerusalem and a Professor of Law and Women Studies at the UCLA-USA. According to Gisha's website, "She has received international recognition for her work on behalf of Palestinian women who are survivors of domestic violence and sexual abuse. She has also written extensively on the effects of the Israeli occupation on Palestinian women from a legal as well as psycho-social perspective. She is currently writing a book on Women, Occupation and Militarization in Palestinian Society. Dr. Shalhoub-Kevorkian serves on the board of various local Palestinian and Israeli organizations including the Women's Centre for Legal Aid and Counseling in Jerusalem and the New Israel Fund. She is currently involved with two main research

²³ Full text at <http://isracampus.org.il/third%20level%20pages/Israeli%20extremism%20-%20Israeli%20Profs%20participate.htm>.

²⁴ The term "critical legal studies" is often a euphemism for Marxist advocacy; see <http://www.gradnet.de/papers/pomo2.papers/engle00.htm>

²⁵ See <http://isracampus.org.il/third%20level%20pages/editorial%20-%20Seth%20Frantzman%20-%20inside%20Bimkom.pdf>

projects: one studies the effect of occupation on Jerusalemite women, and the other is entitled: 'Political violence, gender and deprivation of education in Palestine.'"²⁶

Dr. Orna Ben-Naftali, an academic involved in that biased Red Cross Hebron essay competition discussed above, is a Professor of International Law and Jurisprudence at the Law School of the College of Management, Academic Studies in Israel. She "heads the International Law Division for the LLB program and the International Law Field in the LLM program. Over the past few years, she has also served as consultant with the United Nations. Between 1993-1996 she worked as a United Nations Staff member at the Department of Peacekeeping Operations in NY. Her recent publications in the area of international law focus on humanitarian law and international criminal law. Dr. Ben-Naftali received her LL.B from Tel-Aviv University Law School, a masters degree (history) from Harvard University, and a M.A.L.D and a Ph.D. from the Fletcher School of Law and Diplomacy."²⁷

Dr. Yuval Shany is the Hersch Lauterpacht Chair in International Law at the Law Faculty of the Hebrew University of Jerusalem. He also serves currently as the academic director of the Minerva Center for Human Rights at the Hebrew University. He has published a number of books and articles on international courts and tribunals, as well as on other international law issues such as international human rights and humanitarian law. Dr. Shany has taught in a number of law schools in Israel, and served in recent years a research fellow at Harvard and Amsterdam Universities and a visiting professor at the Georgetown Law Center.

Dr. Daphna Golan, of the Faculty of Law, Hebrew University of Jerusalem; is a Director of the "Human Rights Fellows Program" at the Minerva Center for Human Rights at the Hebrew University of Jerusalem. Dr Daphna Golan is the founding Director of the Minerva Center's Human Rights Fellowship Program, and teaches human rights in Israeli society at the Faculty of Law. She established the Hebrew University's Fellowship Program for Gender Equality and the Prevention of Violence against Women, and recently established and directs the Student-Academy Partnership for Social Change. Dr. Golan's books include: *Next Year in Jerusalem* (New York: The New Press, 2005), about human rights in Israel and the Occupied Territories; and *Inequality and Education* (Tel Aviv: Babel Press, 2004, in Hebrew).²⁸ She has

²⁶ <http://www.gisha.org/index.php?intLanguage=2&intSiteSN=140&OldMenu=137&intItemId=144>

²⁷ <http://www2.colman.ac.il/law/concord/index.htm?bennaftaliBio.htm&mainFrame>

²⁸ Undated Minerva document, proposed summer program for University of Denver GSIS students. www.du.edu/gsis/cord/Homeless%20Initiative/Denver_Academic_Program%2013-42-03.doc

played an important role in pushing the Minerva Center towards a path that is biased in the extreme towards helping Palestinians only.

Alon Harel is a prominent professor of law at The Hebrew University of Jerusalem, where he holds the Phillip P. and Estelle Mizock chair in administrative law and the Walter E Meyer Professor of Law.²⁹ He received his undergraduate degree at the Hebrew University and his doctorate at Oxford. He is currently a visiting professor at the University of Texas at Austin. He has been dubbed by his supporters a "leading advocate of human rights in Israel."³⁰ This is based on his support for "conscientious objectors" who refuse to serve in the Israeli military and his having sat on the board of ACRI after 1997. Since 1991 he has also been a member of Amnesty International. One of the anti-Israel petitions he has signed appears on the website of the "Coalition Against Israeli Apartheid" and is titled, 'Academic freedom for whom?' It notes that 'as academics and citizens of the State of Israel, whatever our political opinions may be, we see ourselves as having a duty to fight for the academic freedom of our Palestinian colleagues.' What manner of 'fight' this would be was left up to the reader to imagine. 403 active senior faculty joined Prof. Harel in signing the petition.³¹

Harel is also the author of the 2004 paper 'Whose home is it? Reflections on the Palestinian interest in return,' strongly sympathetic to Palestinian demands to "return" to Israel within its 1967 borders. In that paper he is described as being a member of the Felt Center for Legal Studies at Hebrew University. The paper claims that "first, Palestinians have some interests in return to Palestine-Israel (sic). Second, many of these interests can be satisfied (at least to some extent) by establishing an independent Palestinian state within part of historical Palestine. Third, some of these interests are similar to the interests that may justify an analogous right of return for Jews to the same land."³² Harel is also an advocate against the separation of women and men on Orthodox Jewish buses, although apparently not on Palestinian buses. In a 2000 paper in *Democratic Culture* he titled his work 'Liberalism versus Jewish Nationalism: A case for the separation of Zionism and State.'³³

²⁹ The second reference is from his CV, http://www.ispionline.it/it/documents/cv_alon_harel.pdf.

³⁰ Wikipedia.org.

³¹ 'Academic Freedom for whom?' was posted in July of 2008, but not clear when it was originated.

<http://www.caiaweb.org/node/722>

³² *Theoretical Inquiries in Law*, pp. 333-336, 2004. See

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=555863. Also

http://www.ispionline.it/it/documents/cv_alon_harel.pdf.

³³ Alon Harel, *Democratic Culture*, 3, 89-110, 2000.

Dr. Ilan Saban at the University of Haifa is the director, along with **Dr. Yousef Jabareen**, of the "Clinic for the Rights of Palestinians in Israel." By "Palestinians," they mean Israeli-Arabs. This organization collaborates with other radical "human rights" organizations, including Adalah and their lawyer **Hassan Jabareen**, evidently a relative of Yousef, and the Mossawa Center. Both are groups that almost exclusively cater to Arabs, and principally to Muslims.

Tel Aviv University's law school appears to have more political activist professors than other Israeli universities. These include **Prof. Eyal Benvenisti**, who has argued, among other things, that Israel still occupies the Gaza Strip even after withdrawing from it completely because of the "Law on the Unilateral Termination of Occupation."³⁴ Benvenisti has also served as a director of the Minerva Center for Human Rights at the Hebrew University of Jerusalem.³⁵ TAU offers courses in how to prosecute 'war criminals,' a thinly-veiled threat against Israeli IDF officers accused of 'war crimes' by Arabs and anti-Israel radicals. One such course, 'Practical Approaches to international Criminal Law,' is taught by **Sharon Weill**. The course is a sort of 'how to' guide in bringing legal action against Israelis in European courts, including Israeli army officers. The course features: "examples of war crimes trials in different conflicts will be presented, as well as other options, such as truth commissions, while focusing on the Palestinian-Israeli context of international criminal law. The course is open for legal, civil and media activists."³⁶

Dr. Yosef (Yossi) Schwartz is chairman of the board of HaMoked and is also a Tel Aviv University professor.

Dr. Yael Ronen is a lecturer at the Ono Academic College and at Tel Aviv University. She was recently published in the 41st issue of the *Israel Law Review* on the subject of '40 years after 1967: reappraising the role and limits of the legal discourse on Occupation in the Israeli-Palestinian Conflict.' Her paper was entitled, 'Illegal occupation and its consequences.'³⁷

³⁴ Eyal Benvenisti, article published August 25th, 2008, papers.ssrn.com/sol3/papers.cfm?abstract_id=1254523, forthcoming publication in *Veröffentlichungen des Walther-Schücking-Instituts für Internationales Recht an der Universität Kiel* Andreas Zimmermann and Thomas Giegerich, eds., 2009

³⁵ [Eyal Benvenisti website, www.tau.ac.il/law/members/benvenisti/index.html](http://www.tau.ac.il/law/members/benvenisti/index.html)

³⁶ Course description posted at israel-academic-monitor.com.

³⁷ Israel Law Review [3] (Vol. 41, no. 1, 2008) contains a symposium (based on papers presented at this conference [4]) on "Forty Years after 1967: Reappraising the Role and Limits of the Legal Discourse on Occupation in the Israeli-Palestinian Context."

One of the chief activists at TAU is **Dr. Neta Ziv**, a board member and vice-president of the New Israel Fund, which funds many of the most extremist legal-activist NGOs. She is also director of the "Human Rights Clinic" at Tel Aviv University and was attorney in the landmark Ka'adan case, in which an Arab family appealed to the High Court after being prevented from purchasing land in a new community intended exclusively for Jews.

Professor Alexander Kedar was also involved in this case. According to an article in *The New York Times* entitled, 'Israeli learns some are more Israeli than others', Kedar wrote: "I must say that as a Jew in Israel, I think that if a Jew somewhere else in the world was (sic) prohibited from buying state land, public land owned by the federal government, because they're (sic) Jews, I believe there would have been an outcry in Israel. I support the civil rights organization in their appeal. The Supreme Court has to take a courageous step and become the Warren Court, and really transform this into a *Brown v. Board of Education*."³⁸ His reference was to the 1954 decision of the United States Supreme Court rejecting segregation. Kedar was thus insinuating that Arabs are the 'blacks' of Israel. In much the same way law courses at TAU often insist that Israel is in for a Truth and Reconciliation Commission along the lines of South Africa because of Israel's 'Apartheid'.

Kedar's insistence that Israel is a colonial apartheid state has been expressed elsewhere in his scholarly publications, such as in 'Land Settlement in the Negev in International Perspective' in the *Adalah Newsletter*, Vol. 8, 2004 and 'Land Regime and Social Relations in Israel' in the *Swiss Human Rights Book*, vol. 1. This last essay was written together with Oren Yiftachel, a geographer at Ben Gurion University, and in it the two "trace the making of the Israeli land regime, by analyzing the state as an 'ethnocracy' - a society shaped by coterminous processes of ethno-national expansion and internal ethno-class stratification." An 'Ethnocracy' in this case is a nonsense word for apartheid or a Nazi-like state, where only one ethnic or racial group has access to power and where the other suffers rigid official discrimination. The authors claim that "the Judaization project which forms the 'spine' of the Israeli regime, particularly its land and spatial components, has contributed significantly to the creation and preservation of ethno-classes stratification."³⁹ "Judaization" is a medieval slur term, but as misused by the writers it seems to mean encouraging Jews to live on their own lands inside Israel.

³⁸ Serge Schmemman, 'Israeli learns some are more Israeli than others,' March 1st, 1998, <http://query.nytimes.com/gst/fullpage.html?res=9C0DE4DB1631F932A35750C0A96E958260&sec=&spn=&pagewanted=all>.

³⁹ Abstract of Alexander Kedar and Oren Yiftachel's 'Land Regime and Social Relations in Israel' in the *Swiss Human Rights Book*, vol. 1, p. 127, 2006.

In 'Colonialism, Colonization and Land Law in Mandate Palestine: The Zor al-Zarqa and Barrat Qisarya Land Disputes in Historical Perspective,' which Kedar wrote with Jeremy Forman, the authors claim, "Our research reveals that the Mandate legal system extinguished indigenous rights to much land.... It also suggests that the joint efforts of Mandate and Jewish colonization officials to appropriate land and undertake 'development' operations in the area were fueled by neither the interests of colonial rule nor those of Jewish colonization alone, but, rather, by the integrated impact of both forces."⁴⁰ In this case the message is clear: the Palestinian Arabs are the 'indigenous' people of Palestine and the Jews are the 'colonizers'. Together the essays paint a picture of a Jewish apartheid state, an 'ethnocracy' which 'judaizes' the land and is a 'colonial' regime that, like 18th century European colonial regimes, must be extinguished. Of course European "colonialists" always had a home country to which they could return, as evidenced by the continued existence of France and England. The extermination of Israel sought by the anti-Zionist "anti-colonialists" implies the national destruction of its Jews, who do not have a second Israel to which they may "return."

As will be shown below, European governments and NGOs help finance these anti-Israel advocacy "research" projects. Thus in a strange way the very same European governments who enjoyed the fruits of colonialism (and even were involved in the Holocaust) are now involved in financing research which mislabels Israel 'colonialist.' Some of those same European countries were responsible for the same destruction of European Jewry that made the creation of Israel so necessary in the 20th century.

While the anti-Israel legal advocacy "research" passes itself off as scholarly and at times appears in 'human rights' journals, it is extremist in its underpinnings, its uses of language, and in its attempts to de-legitimize the very existence of the state of Israel.

Kedar's research has been funded by a diverse group of organizations, especially European ones. The German Israeli Foundation or GIF provided him a grant for three years to study 'Ethnic Migration and State formation'. The French Embassy's Center for Cultural Cooperation provided him with funding for a "research project on land regimes in French Algeria and Israel." This puts the government of France in the odd position of funding research that "proves" that Israel's land regime is as evil and oppressive as that of the former colonial regime of France in Algeria. Kedar has also received two grants from the Israeli Science Foundation, one together with Oren Yiftachel

⁴⁰ Jeremy Forman and Alexander Kedar, 'Colonialism, Colonization and Land Law in Mandate Palestine: The Zor al-Zarqa and Barrat Qisarya Land Disputes in Historical Perspective,' *Theoretical Inquiries in Law*, Forthcoming.

for study of the "Israeli Land Regime," and another for the study of the "rise of a new land regime."⁴¹ Both were projects to represent Israel as a colonialist anachronism.

While it is not always clear what is produced with such funding, it is undeniable that Kedar's general tone in his publications is extremist and anti-Zionist. Kedar considers Zionism an archaic "colonialism", producing "the legal dispossession of the Palestinians" and Israel to be an "ethnocratic settler state."⁴² On the one hand foreign governments such as France and Germany fund radical interpretations of Israel in the name of 'cultural cooperation,' where Israel is defined as a 'colonial' state. On the other hand, the Israeli government-funded Israeli Science Foundation does also, apparently turning a blind eye to the fact that the actual "research" funded and the radical connections of the researchers end up creating anti-Israel advocacy and propaganda "research," published in English.

One of the deans of legal activism in Israel is **Professor David Kretzmer**, a professor of law at the Hebrew University. He helped found the Center for Human Rights at Hebrew University in 1993 and was the first academic director of the Minerva Center for Human Rights. He was also a member of the 'Human Rights Committee' under the International Covenant on Civil and Political Rights. He was a founding member of ACRI and also of B'tselem and was on the first executive committee of HaMoked. He has written on the *Legal Status of Arabs in Israel* (2002) and *the Occupation of Justice: the Israeli Supreme Court and the Occupied Territories* (2002, edited with Eckhart Klein).⁴³

Kretzmer has been described as "a great friend of the Irish Centre for Human Rights" who "has written to justice officials calling for the reports [of war crimes] to be investigated. According to Professor Kretzmer, these accounts raise 'a grave suspicion' that [Israeli general and cabinet minister Shaul] Mofaz 'committed serious offences, some of which at least, fall into the category of war crimes.'"⁴⁴ He has claimed that Mofaz, former Chief of Staff of the IDF and defense minister, may have "committed serious offences, some of which at least, fall into the category of war crimes." Kretzmer's "evidence" was an article in the leftist daily newspaper *Haaretz*, hardly something that

⁴¹ Alexander (Sandy) Kedar's CV,

http://law.haifa.ac.il/faculty/faculty_index.asp?ftype=personal_page&lang=eng&lec_id=19&show=4

⁴² See his list of published articles,

http://law.haifa.ac.il/faculty/faculty_index.asp?ftype=personal_page&lang=eng&lec_id=19&show=4.

⁴³ http://sourcewatch.org/index.php?title=David_Kretzmer

⁴⁴ <http://humanrightsdoctorate.blogspot.com/2008/09/israeli-politician-accused-of-war.html>.

anyone could expect to stand up in court.⁴⁵ Kretzmer is also on B'Tselem's board of directors. Some of his current work includes a Minerva-sponsored study on the Convention of Refugees (1951) and its application to Israel and also a study on the application of a 'Human Rights Commission' for Israel.⁴⁶

PCATI's staff and board is full of professors from Israeli academia who devote their time to supporting the cause of the Palestinians. These include **Prof. Gideon Freudenthal, Prof. Emmanuel Farjun, Prof. Avishai Ehrlich, Dr. Ishai Menuhim and Dr. Yuva Ginbar**. If PCATI only concentrated upon torture-related activities, as its title suggests is its mandate, one might better understand the support it receives. But as was shown above, its mission has stretched far beyond that and includes anti-Israel advocacy.

Gisha's staff also includes a wide range of academics. **Noam Peleg**, who is on the staff as an attorney, is a graduate of the Tel Aviv University Faculty of Law and also has an MA in Public Law. Prior to 2005 he clerked at the Tel Aviv District Court and was accepted as a member of the Israel Bar Association. Peleg has worked as a teaching assistant in TAU courses on International, Family and Constitutional law. According to Gisha "during the 2005 academic year, he helped initiate and organize a series of workshops for lawyers and educators on the subject of law and education under the auspices of the 'Law in the Service of the Community' Center of the Tel Aviv University Law School."⁴⁷ The 'community' in this case is the Palestinian population.

Sari Bashi, the Director of Gisha, received a B.A from Yale University and a J.D from Yale Law School. She clerked at the Israeli Supreme Court with Justice Edmond Levi. She later was awarded a year-long Robert L. Bernstein Human Rights fellowship from Yale Law School. She also worked as a correspondent for the Associated Press in Jerusalem and, according to Gisha, she "conducted research on ethnic identity among Ethiopian immigrants to Israel as part of a Fulbright Scholarship. Ms. Bashi currently teaches a course in international law at Tel Aviv University. She has been awarded a two year fellowship for her work at Gisha by the Echoing Green Foundation in the United States."⁴⁸ Her work and association with the Supreme Court of Israel raise deep concerns about potential bias, since it is called upon to rule on petitions submitted by Gisha.

⁴⁵ Donald Macintyre, *The Independent*, Monday, 8 September 2008
<http://www.independent.co.uk/news/world/middle-east/olmert-indicted-as-deputy-is-accused-of-war-crimes-922496.html>

⁴⁶ http://law.mscc.huji.ac.il/law1/minerva/english/research_projects.htm

⁴⁷ Gisha staff bios.

⁴⁸ Gisha staff bios.

Other politically active professors include **Dr. Asaf Harel, Dr. Eyal Gross, Dr. Badi Hasisi and Dr. Issachar Rosen-Zvi**, whose work includes a book titled *Taking Space Seriously* (Ashgate, 2004) "that explores the different ways in which a multicultural state deals with various social groups through the mechanisms of space."⁴⁹ Rosen-Zvi's late father was a former dean of the Law School at Tel Aviv University and an advocate of "affirmative action" programs.

The **Minerva Center for Human Rights** was originally founded in 1993 by members of Hebrew University's faculty of law and the Truman Center for the Advancement of Peace as the "Center for Human Rights." At that time it was funded principally by the Ford Foundation⁵⁰, a foundation named after Henry Ford, the carmaker and viciously anti-Semitic author of 'The International Jew.' In 1997 with the support of the German Ministry of Education, it became renamed the Minerva Center for Human Rights. It claims its goal is to "promote awareness and to enhance research and academic interest in human rights."⁵¹ It allots research grants and fellowships, hosts conferences and discussions, and runs "public education" programs. It is located within the Hebrew University's faculty of law.

Currently it receives funding from the Minerva Foundation in Germany, the Ford Foundation, the New Israel Fund (NIF), the Konrad Adenauer foundation, the United States Institute for Peace, the European Commission and the Faculty of law and the Truman Center at Hebrew University. It partners with the NIF's Shatil 'training program' for NGOs, which principally 'trains' NGOs that denounce Israel, and Bimkom, an organization that primarily supports only Palestinians and Arabs.⁵² Through its partnerships it provides 'human rights' training for Palestinian teachers, mostly teaching them how to oppose Israel. It is currently involved with Bimkom in a research project whose goal is to study the Palestinian Arab village of Isawiyeh in East Jerusalem and help it prepare a land use plan for "development."⁵³ The Minerva Center, it should be pointed out, has never advised a Jewish municipality, even the most poverty-stricken ones like Kiryat Malachi, on planning and land use. Minerva claims that it is involved with "diverse disciplines" and "different sectors." The problem is that they are all far-leftist ones.

⁴⁹ Dr. Issachar Rosen Zvi, <http://www.law.tau.ac.il/Eng/?CategoryID=242&ArticleID=202>

⁵⁰ Minerva Center for Human Rights, <http://law.mscc.huji.ac.il/law1/minerva/english/background.htm>.

⁵¹ <http://law.mscc.huji.ac.il/law1/minerva/english/background.htm>

⁵² <http://isracampus.org.il/third%20level%20pages/editorial%20-%20Seth%20Frantzman%20-%20inside%20Bimkom.pdf>

⁵³ Minerva website, <http://law.mscc.huji.ac.il/law1/minerva/english/background.htm> and links.

On the Minerva website listing those organizations benefiting from the Minvera fellows' volunteer work one finds Adalah (an Arab "human rights" group), the Public Committee Against Torture, ACRI, B'tselem, Hamoked, the "Legal Center for the Arab Minority, and the Jerusalem-based Palestinian Organization for Economic and Social rights. These organizations are not exactly 'diverse' and they cater primarily to helping Palestinian Arabs alone. The only organization with which Minerva is involved that targets a specifically Jewish community is the Israel Association of Ethiopian Jews. The Minerva webpage also lists "Israeli Organizations" that it claims are involved in human rights. The list in this case does NOT include the Israel Association of Ethiopian Jews, but it does include the extremist Machsom Watch, and the Israel Committee against Home Demolitions. Minerva, in short, caters to the "human rights" of only one community: the Arab minority in Israel and principally the Arab population of the West Bank and Gaza strip. It does not appear to consider Jews as worthy of enjoying human rights, certainly not the right to defend themselves against terrorism.

Under 'Humanitarian Organizations' the Minerva Center web site lists the International Committee of the Red Cross, an organization that once covered up Nazi abuses when it was invited to tour the Thereisenstadt concentration camp.⁵⁴ Needless to say, Minerva does not list on its website any connections with prominent Jewish humanitarian organizations, such as the Joint Distribution Committee (JDC).

In yet another example of the blatant bias of this 'human rights' organization, consider the fact that the University of Denver offers a 'Minvera Center for Human Rights Program in Israel' from June to August, 2009.⁵⁵ Students will be lodged in the Hebrew University dorms and receive "educational bus tours" as well as an "opportunity to study the Israeli/Palestinian Conflict on the scene with leading scholars." They will also "intern with Israeli and Palestinian Human rights Organizations in Israel and/or the West Bank." The brochure for this summer program is little more than an anti-Israel propaganda sheet. It first shows a view of the "Western Wall" during "the anniversary of the destruction of the first and second Temple" but there is no mention that it is "Jewish." The same slide show shows pictures of the "Christian Quarter" and "Dome of the Rock Mosque."⁵⁶

⁵⁴ Furthermore the Red Cross also ran Thereiseinstadt for 18 days between the time it was evacuated by the Nazis in April of 1945 and liberated by the Red Army in May.

⁵⁵ Powerpoint presentation from the University of Denver,

<https://portfolio.du.edu/portfolio/getportfoliofile?uid=115989>

⁵⁶ <https://portfolio.du.edu/portfolio/getportfoliofile?uid=115989>, Actually this is a factually inaccurate statement, the Dome of the Rock is not a mosque. Al-Aqsa, located nearby, is the mosque.

A slide show pitching the summer abroad shows two photos of Arab East Jerusalem (Isawiyah), a photo of "Palestinian volunteers with a few interns from the Alternative Information Center" flying the Palestinian flag, three photos of the separation fence, one photo of a protest against Israeli actions, two photos of volunteers building a Palestinian home with the UN, a photo of an Israeli soldier arresting a Palestinian and four pictures of Palestinians standing in line at a checkpoint. Of 20 pictures there is not a single of human rights work on behalf of Jews or Israelis, nor of course any mention of Israel having legitimate security concerns. Except for an internship with the Association of Rape Crises Centers, all of the internships provided are with radical leftist or Arab organizations, including Machsom Watch, the Israeli Committee against house demolitions, B'tselem and Adalah. The slide show for the 'internship' includes a description of Rabbis for Human rights, which says it "teaches a different understanding of the Jewish tradition." For the ICAHD internship the show notes that it includes "resistance activities." For Adalah the show notes that it "serves Arab citizens of Israel" and works to "protect human rights in general, and the rights of the Arab minority in particular."⁵⁷

Recall that the original intention of the internship was to the "study the Israeli-Palestinian Conflict on the scene with leading scholars." Because of the way in which the Minerva center crafts the internships program, the students are provided with only extremist anti-Israeli propaganda and brainwashing. What kind of "study program" includes a call for (violent?) 'resistance?'

The message from Minverva's Denver internship makes it clear that there will be no help for Ethiopian Jews in 2009 from the students of Denver University. Their single pro-Jewish cause has been phased out. Had Denver University students chosen to study at a University in Jordan or at Bir Zeit or Bethlehem or Gaza, they would no doubt have been offered similar images, similar propaganda, and a similar menu of 'human rights' and 'alternative information,' a similar menu of one-sided, anti-Israel, homogenous views about the Middle East conflict.

In another announcement of internships through Minerva, the only non-partisan and non-political organization available was the Association of Rape Crises Centers in Israel. Other internships included those with B'Tselem, ICAHD, Rabbis for Human Rights, Adalah and Machsom Watch. Clearly

⁵⁷ Minerva Center for Human Rights in Israel program, Denver University.
<https://portfolio.du.edu/portfolio/getportfoliofile?uid=115989>

Minerva, an organization established in 1997 at the Hebrew and Tel Aviv Universities, actively strives to influence the political opinions of its interns through driving them to work with the most radical anti-Israel voices in Israeli society.

At the same time it nominally includes prominent legal minds. One author of a Minerva report from 2004-2005 is Dr. Yisrael Mersel, registrar of the Israeli Supreme Court, who has written on 'Suspending the Declaration of Invalidity' for the *Law and Government Journal*. There are also prominent faculty from the law colleges of Hebrew University and Tel Aviv, including **Guy Mundlak** of TAU. In a recent call for papers Minerva repeated the bias of its earlier Red Cross Hebron competition in calling for papers for "an international conference designed to examine various normative aspects of immigration regimes with an emphasis on the Israeli immigration regime." It was not going to endorse the legitimacy of Israel's Law of Return.

Daphna-Golan was a keynote speaker at a Minerva seminar-conference sponsored by the Hebrew University of Jerusalem's law school, which brought together Arab student activists in order to train them how to be more effective activists, principally on issues that fan Arab nationalism, with titles such as "Racism and Seeing the Other", "The Sacred Obligation not to Take art", "Is the national struggle connected to the struggle for social justice?" and so on. One would never learn in such seminars that the Arab world has some problems with "The Other."

According to the organizers "Over 150 students participated in the seminar, students from 25 universities and colleges, active in 45 social change organizations and projects."⁵⁸ The "conclusions" of the student panels were entirely predictable, since the conference allowed only one political perspective. Its mission was: "Collective action for existence as opposed to coexistence...They suggested holding an alternative memorial day [for Arabs], and organizing a tour to an uprooted village....oppression... create an alternative learning center and street stalls that will provide information about social injustice... holding an alternative Jerusalem day and connecting this to other events related to 40 years occupation. The group suggested establishing a learning group about the Nakba."⁵⁹ (Nakba refers to the "catastrophe" of the creation of Israel in the minds of radical Arabs and anti-Zionists.) This activism opposing coexistence is ironic, considering the fact that it is under the auspices of a "human rights" group. In light of the recent riots in Acre in October 2008, one may see that encouraging Arab nationalism

⁵⁸ Statewide Seminar for Student Activists, Nazareth, April 11-12, 2007, http://law.huji.ac.il/eng/merkazim.asp?cat=883&news_id=280&in=883

⁵⁹ *ibid.*

in the name of human rights may have unintended consequences.⁶⁰ Golan helps promote Palestinian nationalism and irredentism through her participation in propaganda conferences, including one called "Future vision of the Palestinian Arabs in Israel."⁶¹

Words such as 'normative', 'global justice' and 'regime' obscure the true message of the May 2009 conference. Its 'call for papers' notes that "the Arab minority [in Israel] is not an immigrant minority but rather a homeland minority." This politically-charged statement accepts the Arab nationalist rhetoric that describes Israel as the real 'homeland' of Palestinian Arabs and thus predefines the entire conference with a pro-Palestinian agenda.⁶²

As with other faculty in Israel, **academics from the schools of law** have signed their names to the numerous anti-Israel petitions promoted by radical organizations and by other Israelis, condemning the Israeli government. In one petition signed by 358 faculty members from various Israeli universities the petition noted: "We, faculty members from a number of Israeli universities, wish to express our appreciation and support for those of our students and lecturers who refuse to serve as soldiers in the occupied territories. Such service too often involves carrying out orders that have no place in a democratic society founded on the sanctity of human life."⁶³ Its signatories included the following law lecturers and professors: Chaim Gans (TAU), Daphna-Golan Agnon (HUJI), Alon Harel (HUJI), Ilan Saban (Haifa), Leon Sheleff (TAU) and Neta Ziv (TAU). In addition, a few signed an appeal in April of 2003 called an "Urgent appeal for international involvement; Save Palestine and Israel," demanding international intervention that would in

⁶⁰ A further example of the irony of 'human rights' being turned into Arab nationalism and becoming an excuse of violence is an article by Hisham Nafa in *Haaretz* on October 26, 2006 entitled 'The amusing term coexistence.' Nafa argues that Palestinians suffer "oppression" in Israel, that they are subjected to a "creeping takeover," and thus they reinforce among themselves the 'concept of Nabka' as a reaction. "There is nothing surprising in what happened in Acre," where an Arab mob destroyed part of the Jewish commercial district on Yom Kippur and shouted "Allahu Akhbar". Nafa notes, "I suggest to all the potentially surprised individual to get ready for more 'surprises' in other locations...Arabs of Acre have no magic formula for coping...its called *samud* (steadfastness in Arabic), holding on to the homeland and waging a stubborn struggle for full civil and national rights equality." Thus, in the name of equality, the human rights activist actually praises rioting and violence. This after complaining that Israeli society has "arrogance and hatred toward all Arabs" and "there is no coexistence." He also insists that Israel is "a violence colonialist occupation." This rhetoric, so often on display at conferences and discussions where 'human rights' and 'coexistence' and 'equality' are the headlines, obscures the fact that Arab nationalism and racism are being fanned by these 'human rights' campaigns. It is a classic example of how the 'other', Israel and Jews, is turned into an object of hatred, all in the name of 'human rights.'

⁶¹ *ibid.*

⁶² Call for Papers, an international conference, Human rights and Justice in immigration: national and International perspectives, Minerva Center, 25-27 May, 2009.

<http://www.ssrn.com/update/lsn/lsnann/ann076.html>

⁶³ www.seruv.org.il/universitysupportEng_print.asp

effect end Israeli sovereignty. The document opined: "The elimination of the Palestinian national presence west of the Jordan River is implicit in the long-term aims of the Israeli right wing. A violent, apocalyptic, driving out of the entire Palestinian population."⁶⁴ Both Daphna-Golan and Ilan Saban signed the document that, in essence, called for the international community to condemn Israel and described Israeli society as "backward looking."⁶⁵

The Judicial Pashas: Michael Sfard and Israeli legal activism

No "Human Rights" NGO in Israel, no matter the amount of EU funding it receives, could be effective without legal minds who are willing to devote a great deal of time to its causes. In Israel this has become for a select few a lucrative sideline or full-time calling. These pashas of the Israeli legal system have gained fame and notoriety through their work, both in Israel and abroad, sometimes bringing numerous suits as part of their work on behalf of Palestinians.

One of the first Israeli activists to make a name for herself as a "human rights activist lawyer" was Leah Tsemel, an activist in Israel's communist party and one of the Jews featured in the American Friends Service Committee's 'Profiles in Peace.' The Quaker organization describes her as "one of the first Israeli lawyers to defend Palestinian rights. During the past 30 years, Tsemel's cases have dealt with land confiscation, torture and interrogation, house demolitions, residency, and political prisoners, among many others. In 1999 she won a landmark case that outlawed the use of torture by Israeli officials when interrogating detained Palestinians."⁶⁶

Tsemel was born in Haifa in 1945 and graduated from the Hebrew University in 1965 with a degree in criminal law. By this time she was already an anti-Zionist activist in the Maoist splinter calling itself Matzpen, listed in her bio as merely a "left-radical Israeli group."⁶⁷ Some members of Matzpen were arrested in the 1970s and accused of espionage and terrorism. She relates in her own bio: "It seems that my parents and others who wanted to build the state of Israel did not understand that it is impossible to build a new future on the relics of oppression."⁶⁸ According to one interview she concluded that "Israel never intended to have peace."⁶⁹ In the Six Day War she alleges that she witnessed the "Israeli army deporting Palestinians out of entire towns

⁶⁴ <http://www.jerusalemities.org/appeal/7.htm>

⁶⁵ <http://www.jerusalemities.org/appeal/7.htm>

⁶⁶ Bio of Tsemel, 'Profiles in Peace' <http://tamejavi.com/israel-palestine/profiles-of-peace/default.htm>.

⁶⁷ Dateline May 5, 2004 from <http://tamejavi.com/israel-palestine/profiles-of-peace/default.htm>.

⁶⁸ Ibid.

⁶⁹ Dateline May 5, 2004 from <http://tamejavi.com/israel-palestine/profiles-of-peace/default.htm>.

and villages, and eventually destroying some of those towns.”⁷⁰ What ‘entire towns’ means is not clear since there were no towns in which Palestinians were deported during the Six Day War.⁷¹ According to her ‘Profile in Peace’ biography made by the Quaker⁷² American Friends Service Committee; “her children suffered much discrimination and torment in Israel because of Tsemel’s activism for Palestinian rights.”⁷³ Like most leading Israeli activists against Israel, she has been the recipient of awards from European governments, in her case “the Human Rights Award of the French Republic.”⁷⁴

Following in Tsemel’s footsteps has been the well-known Israeli lawyer and activist Michael Sfard, a lawyer practising “human rights and criminal law” in Tel-Aviv. He is probably one of the most prominent lawyers in Israel representing Palestinians in various ‘human rights’ cases. In 2002 he represented Israeli ‘refuseniks’ (those who refuse to serve in the Israeli army). In 2005 he represented Palestinian villagers “trapped by the Apartheid Wall.”⁷⁵ According to an article he wrote in *The Observer* in 2002, “It is said that in the first few years of the Israeli occupation of the West Bank and Gaza Strip, no one seriously thought of holding on to these territories forever. It was at the time widely assumed, that these newly conquered lands were to be handed back to the Arabs as part of a peace agreement. I don’t remember those days. I was raised in a different Israel. In my Israel the small fundamentalist group of Jewish settlers has always enjoyed more political power than their relative share in the Israeli population. In my Israel both left-wing and right-wing governments enabled the colonialisation of these occupied Palestinian lands. My Israel paid, and is still paying, a heavy moral price for ruling another nation by the force of the sword. My Israel, built on the founding values of humanism, pluralism and democracy is being lost.”⁷⁶

Sfard writes anti-Israel advocacy articles from time to time in English. He had been representing Palestinians of the West Bank village of Bilin on behalf of “Peace Now.” In 2004 he appeared before the Israeli Supreme Court arguing

⁷⁰ Dateline May 5, 2004 from <http://tamejavi.com/israel-palestine/profiles-of-peace/default.htm>

⁷¹ There were a group of villages near Latrun in which this was the case and many other Palestinians fled the West Bank for Jordan during the war. The idea that Tsemel witnessed the destruction of the Latrun villages seems fanciful. The entire episode seems like Tsemel was referring to 1948 but, having not witnessed 1948, wished to recreate the narrative for 1967, turning fleeing Palestinians into the destruction of “entire towns” and thus being a “witness” to the creation of the Palestinian refugees.

⁷² The Quaker support for Palestinians dates from at least the 1950s when they provided reports of Israeli incursions into the Gaza strip. See Benny Morris, *Israel’s Border Wars*, various pages. Its website on the ‘conflict’ is a virtual diatribe of anti-Israel, pro-Palestinian, rhetoric;

<http://www.afsc.org/israel-palestine/>

⁷³ *ibid.*

⁷⁴ *ibid.*

⁷⁵ Michael Sfard bio, <http://student.cs.ucc.ie/cs1064/jabowen/IPSC/php/authors.php?aid=4544>.

⁷⁶ Sunday, May 19 2002, <http://www.guardian.co.uk/world/2002/may/19/1>.

against targeted assassinations.⁷⁷ In August of 2007 he even declared that he would sue low- income Jews for purchasing homes developed by Heftsiba in the town of Modin Ilit because they are across the Green Line.⁷⁸ Sfard argued in court that " the residential buildings [purchased by Jews] in Matityahu East should be dismantled and the land belonging to the Palestinians restored to them"⁷⁹ It was one of the few cases since the Holocaust in which Jews were removed from homes due to European influence and money, all thanks to the fact that Peace Now, for which Sfard litigated the case, receives funding from the European Union.⁸⁰

Representative of the class of lawyers who have made livings off "human rights law" in Israel is Yadin Elam. He is a Gisha lawyer mentioned on their website as a staff member. He received an LL.B from the Interdisciplinary Center – Herzliya and an LL.M from Columbia University School of Law. He clerked for Justice Asher D. Grunis of the Supreme Court of Israel. Before joining Gisha, Yadin worked as a lawyer at HaMoked. As was the case with Sari Bashi, his association with the Supreme Court seems to imply a conflict of interest in cases where Gisha is one of the petitioners before the court.

There is also **Avigdor Feldman** a recipient of the Robert F. Kennedy Human rights Award in 1991 and member of the board of directors of B'Tselem. He was "recognized for his tireless human rights advocacy on behalf of both Israeli and Palestinian citizens...Mr. Feldman's work focuses on the violation of Israeli and international law in Israel and the Occupied Palestinian Territories. He has defended and represented Arab terrorists indicted and convicted for murdering a Jewish child, Danny Katz and also raping and murdering a female Jewish soldier named Dafna Carmon.⁸¹ It should be noted that in these cases Feldman, recipient of a 'human rights' prize, did not defend the human rights of a Jewish child or Jewish woman not to be raped and murdered. He has also litigated cases opposing Israel's use of torture, arbitrary detention and extrajudicial assassinations against suspected Palestinian terrorists and political leaders. Mr. Feldman supports the full spectrum of "human rights" within Israel. He promotes "social justice" issues ranging from welfare benefits and prisoners' rights to the compensation of

⁷⁷ Anthony Dworkin, 'The Killing of Shaykh Yassin: Murder or lawful act of war,' <http://www.crimesofwar.org/onnews/news-yassin.html>.

⁷⁸ 'Peace Now Blamed for Heftsiba Fall,' Aug 5th, 2007, *The Jerusalem Post*. <http://www.jpost.com/servlet/Satellite?cid=1186066386973&pagename=JPost%2FJPArticle%2FPrint>

⁷⁹ Ibid.

⁸⁰ Hillel Fendel, 'Peace Now Will have to publicize European Contributions.' October, 2008. <http://www.israelnationalnews.com/News/News.aspx/124952>.

⁸¹ 'High court hears appeal against..' by Tomer Zarchin, Feb. 21, 2008, <http://www.haaretz.com/hasen/spages/956416.html>. Feldman also gained fame for representing the Israeli spy Mordechai Vanunu, <http://student.cs.ucc.ie/cs1064/jabowen/IPSC/php/authors.php?auid=6084>

Arab Israelis who were forcibly removed from their villages. Through his "civil rights" practice in Tel Aviv, and in collaboration with Israeli and Palestinian human rights organizations, Feldman is currently litigating several Israeli army "abuse" cases."⁸² Reading between the lines, one sees that Feldman represents almost exclusively Arabs. Like most of the legal activists and 'human rights' organizations, his interest is in one side only.

In 1993 Feldman participated as a representative of B'Tselem in a UN-sponsored 'Journalists Encounter' in Lebanon discussing "the Question of Palestine."⁸³ In a March 2003 speech hosted by Minerva at the Tel Aviv University Faculty of Law on conscientious objection he was quoted as saying, "The selective refusers, the ideological refusers ... what do they refuse to do, to take part in?...Let me say the word, a harsh and unpleasant word: War Crimes There is such a thing as International Law... And here is what they [the refusers] uphold: the norms of International Law, which are becoming more and more entrenched, which are this week codified in the War Crimes Tribunal which started work at the Hague. This the refusers uphold: not some strange bizarre ideology, but the norms of the International Community".⁸⁴

Disproportionate Force: Legal activism, lawyers and law professors in Israel

The last twenty years have seen a rise in the number of anti-Israel radical advocacy NGOs, lawyers and professors, who realize that the path to achieving their goals can be best pursued through the judiciary and via judicial activism. NGOs such as Gisha and others exhibit extreme examples of 'mission creep,' in which their originally-stated goals of ending things like 'home demolitions' or 'torture' are replaced. 'Torture' morphs into 'targeted terrorist killings' and 'home demolitions' comes to include the cutting off of gas and electricity to the Gaza strip, a policy enacted by Israel in order to stop rocket attacks on Jewish civilians. Even the nature of the word 'occupation' changes, so that organizations which once claimed merely to oppose the occupation insist that the Gaza strip is still occupied 'according to international law.' By redefining their mission, the plethora of legal-activist NGOs pursue anti-Israel advocacy disguised by misleading make-pretend mandates.

⁸² http://www.rfkmemorial.org/legacyinaction/1991_feldman/

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<http://domino.un.org/unispal.nsf/3822b5e39951876a85256b6e0058a478/b9197a1abf75a785852560fd007167a1!OpenDocument>.

⁸⁴ As quoted by Briant Atinsky, <http://mailman.lbo-talk.org/2003/2003-March/007235.html>, March 12, 2003.

In general their staffs are small and made up of a few lawyers and academic advisors. They have a "punch" far beyond their weight class, in the sense that they have access to the procedures and workings of the highest courts in the land, sometimes due to the fact that their members clerk for the Supreme Court.

Political bias and partisanship are the bread and butter of this anti-Israel lobby. From extremely biased articles in academic journals, to conferences in which every single participant agrees on the need to condemn Israeli actions, to 'calls for papers' in which the political conclusions of the papers are determined before they are written, the advocacy and activism of legal academics displays an agenda that is neither in the spirit of academic freedom nor constitutes research and scholarship.

It is ironic that some Europeans and Americans speak of a nefarious "Israel Lobby," which supposedly seeks to influence government and change foreign policy, while the truth is that European governments seek through funding Israeli NGOs to change Israeli law and internal Israeli policies in an anti-democratic manner. This idea of a nefarious Jewish cabal controlling the West and bringing it into conflict with the Muslim world was promoted most forcefully in John Mearsheimer and Stephen Walt's book, *The Israel Lobby*, which is one of the few Western books on Israel that can be found on the shelves of book stores in Iran.

Israeli legal-activist NGOs and their academic supporters exercise such a disproportionate influence over Israeli policy that one might consider them to be a foreign subversive 'European Lobby' inside Israel. The Israeli legal-activist NGOs and their supporters, both inside and outside academia, are funded in no small way by European governments. In effect, these governments use the NGOs to bring cases before the Israeli High Court in order to promote their own political agendas. This is unprecedented in world affairs and is a dangerous development in Israeli democracy, for it means that Israeli law is being manipulated by foreign governments. European governments seek to disguise their role by channeling the funds through local Israeli NGOs, many of which are run by foreign-born Israelis. Sometimes the money is twice hidden, such as by first channeling it to the New Israel Fund and then re-directing it to other NGOs, so that the total amount of European governmental funding for 'non-governmental' organizations is harder to trace. In no other country is judicial sovereignty comprised to such an extent, where the role of foreign powers is felt at the highest levels of the judiciary.