

## **Im Tirtzu Report, April 2010**

### **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 (PCHR). 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 Boye 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 (CCR). This organization was responsible for the following suits with Adv. Jamil Dakwar from the American Civil Liberties Union (ACLU).

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 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 Jabareen, 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 Jamil Dakwar – a lawyer who was party to the lawsuit against Avi Dichter and Moshe Yaalon in the US in 2005.

Jamil 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 Jamil 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 (Director 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 Almog, 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...."

### **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 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.