

1st Quarter Report 2020

- **Fighting the UN Human Rights Commission over the Blacklist**

IN FEBRUARY 2020, the United Nations High Commissioner for Human Rights Michelle Bachelet released a list of 112 companies that operate beyond Israel's Green Line. Not surprisingly, ninety-four (94) of the companies listed on what is nothing more than a blacklist are based in Israel; six companies, including General Mills and Airbnb, are based in the United States. By highlighting Jewish-owned companies, the United Nations has attempted to institutionalize and legitimize efforts raised by the proponents of the BDS movement—namely the stigmatization of those who refuse to discriminate against Israeli—and Diaspora Jews—for operating in Israel and beyond. Moreover, the UN wants to decide for the world that Jerusalem's Old City does not belong to the Jewish community.

The publication of the Blacklist was particularly troublesome for Shurat HaDin and its president, Nitsana Darshan-Leitner. Only last year, Shurat HaDin led the international legal fight against Airbnb when it ostracized Israelis who were doing business in Judea and Samaria. In an email, the Shurat HaDin president argued, “Focusing [exclusively] on Palestinians' claims of occupation and targeting Israel while ignoring all the other so-called ‘occupied territories’ like Northern Cyprus, Western Sahara and Tibet, underscores the [UN] Commission's true agenda. In earlier centuries dictators and despots employed bills of attainder to unlawfully criminalize the conduct of one individual or entity and to punish them without any trial or hearing. Today the UN Commission and its blacklist serve this same despicable role.” Shurat HaDin will soon announce its strategy for confronting the UN's High Commission.

- **Shurat HaDin Continues to Defend Israel and the IDF in The Hague**

FOR YEARS SHURAT HADIN has been active in the International Criminal Court (ICC) employing strategic proceedings in anticipation of the day when the ICC would target Israel and the IDF on war crime allegations. This past December 2019, unfortunately, that day arrived with the Chief Prosecutor announcing she was launching an investigation. Shurat HaDin along with several other NGOs, the Israeli government and a number of sovereign nations, have filed briefs with the ICC, insisting that the Palestinians are not a state and that the Court does not have the jurisdiction to investigate nor prosecute the Jewish State.

Lining up against Israel on the Palestinian side were a host of anti-democratic regimes, the Arab League and the so-called “human rights organizations.” At stake is whether the Palestinian Authority can charge the Israel with war crimes over the IDF's operations against the terror groups in Gaza and the legitimate right of Jews to settle in the West Bank. In an earlier ruling, the ICC declared that Palestine is a state and that there was sufficient evidence that Israeli officials and IDF officers have committed war crimes.

Israel has repeatedly made it clear that it will not accept ICC jurisdiction since it is not a signatory of the Rome Statute. Regardless, several member nations—including the Czech Republic, Austria, Germany, Australia, Hungary, Brazil, along with others filed briefs supporting Israel. The Czech Republic's argument was the most voracious, quoting a 2004 International Court of Justice decision to prove that there is no state of Palestine. The Arab League and the Organization of the Islamic Conference, which represent dozens of countries, as well as former diplomats from the United Nations support the Palestinian position. Under international law an entity can only be defined as a sovereign state if it has a permanent population, a defined territory, government, and capacity to enter into relations with other states. Clearly, the Palestinians satisfy none of these criteria.

- **Confronting UNICEF Over its Failure to Condemn Hamas Terror Balloon Attacks Targeting Children**

Recently, in the wake of Palestinian terrorist actions targeting Israeli children Shurat HaDin confronted UNICEF on the issue of Hamas balloon bomb attacks targeting Israeli children. In a letter sent on February 5, 2020, we demanded that UNICEF issue a public condemnation of these attacks, as "in the past months, hundreds of balloon bombs, explosive and incendiary devices attached to brightly colored helium balloons, have been released by Hamas into Israel from the Gaza Strip. Some of the balloons have children's toys attached as well, with the clear intention of targeting Israeli children".

In its rather disgraceful response on March 2nd, not only did UNICEF refuse to issue the required condemnation, but it has once again equated the effects of these illegal and deliberate attacks against Israeli children with the "effects of the armed conflict" on Palestinians! UNICEF coldly claimed that the international organization, mandated to safeguard all children, "shared our concerns". UNICEF's boilerplate response drafted by its local representative Genevieve Boutin did not promise that it would act in any way.

This unacceptable response has been met with our letter from March 24, 2020, where we once again demanded UNICEF to act, and attacked the unjust and biased comparison between the deliberate and illegal balloon attacks in which "death lures in the most appealing and tightly associated objects with the innocence of childhood" and the children casualties on the Palestinian side, which are the direct result of the Palestinian terrorist groups' deliberate use of these children as human shields and their encouragement to participate in armed clashes, writing that "your effort to group the deliberate violence perpetrated by Hamas and the actions of the Israeli side is completely baseless and unacceptable to us". We will continue our efforts to bring this important organization to live up to its own mandate. [YNET](#)

- **Justice Minister Lauds Shurat HaDin for Historic Jerusalem Court Decision on Behalf of Terror Victims**

DEFINING A LANDMARK judgment by a Jerusalem District Court against the Palestinian Authority and its liability for acts of terror committed against Israeli citizens, acting Israeli Justice Minister Amir Ohana proclaimed that, "Our judges are not from the UN!"

Justice Minister Ohana was speaking at last month's Shurat HaDin conference in Jerusalem. He was referring to the landmark lawsuit that was brought to the courts by Shurat HaDin and that had been in litigation for years. The suit demands that the Palestinian Authority be held accountable for terrorist attacks it mounted against Israel from 1996 to the present, though the majority of the seventeen-complaints filed pertained to the period of 2000 to 2006 during the suicide bombing campaign that is known as the Second Intifada. Minister Ohana explained to the attendees from around the world at the standing-room-only event, "Israeli judges are not from the UN or the International Criminal Court but are rather "part of the foundation of the idea" that Israel "is not just another democracy, but the democracy that is the only national home of the Jewish people."

In 2019, the Jerusalem court found liability against the Palestinians for their role in the suicide bombings and shootings at the center of the 17 cases. The court is now hearing the damages phase of the proceeding. The victims' case are likely to lead to damages as high as NIS 1 billion (roughly equivalent to U.S. \$280 million) against the Palestinians for their support of terrorism.

Although some of the attacks were perpetrated by Hamas and the Palestinian Islamic Jihad, the Jerusalem Court ruling cited Palestinian Authority culpability, concluding that not only did Yasser Arafat and his security services take credit for all terror attacks during the Second Intifada, but they had also provided logistical or material support to other groups to carry out terror attacks; additionally, the Palestinian Authority continues to pay terror prisoners and the families of dead terrorists from its Martyrs Fund. As the presiding Judge Drori held in his ruling: "Judges do not need to be like robots... when there is blood, there are evildoers."

- **Shurat HaDin Assists in Filing US Supreme Court Petition in Cases Against Social Media**

In January, Shurat HaDin assisted in filing a petition for Supreme Court review (*writ of certiorari*) in the case brought by the families of victims of Hamas and Islamic Jihad against the social media giant Facebook. The underlying lawsuit accused Facebook of providing social media services to designated terrorist organizations such as Hamas, Islamic Jihad, Hezbollah, and ISIS in violation of the Anti-Terrorism Act. The plaintiffs alleged that providing social media services constituted material support and resources to terror groups. These terror organizations require social media accounts to carry out their criminal operations, raise funds, disseminate information, and recruit new members. The families claimed that this made Facebook liable for the attacks perpetrated by the terror groups it was supporting.

Facebook defended itself by arguing that it had blanket immunity over the content that appeared on its pages, it was not responsible for providing accounts to the terror groups and could not be considered a "publisher" of the materials on its pages under the Communication Decency Act of 1996 (CDA). The CDA states that no provider of interactive computer service (such as a website) "shall be treated as the publisher of any information provided by another information content provider [such as a user who posts something on the website]."

The plaintiffs, however, countered this assertion by claiming that the CDA does not provide such broad immunity to Facebook and other social media platforms. They further argued that the definition of “publisher” should not solely be one who accepts or rejects a submission. Moreover, the plaintiffs contend that the different US Courts of Appeals have ruled differently on the issue in various cases, and the Supreme Court needs to clarify the statute’s meaning.

This broad immunity purportedly created by the CDA is what allows terror groups, anti-Semitic organizations, neo-Nazis, and other haters and extremists to freely publish their incitement and calls to violence against Jews and Israel on social media.

- **PALESTINIAN HUMAN RIGHTS VIOLATION REPORTS**

The Palestinian Authority, the United Nation agencies, the European Union and anti-Zionist organizations around the world have invested enormous resources to target Israel in the court of world opinion. Movements like BDS these entities have attempted to delegitimize Israel and use false narratives as an argument for countries, corporations and individuals to blacklist the Jewish State and those who support it. Having failed to defeat the Jewish state militarily, they seek to isolate

and alienate Israel internationally by portraying it as an “apartheid regime.” These effective propaganda campaigns rely on disseminating a distortion of truth about the State of Israel, anchored in the guise of exposing Israel as a racist and oppressive nation.

Anti-Israel campaigns have found sympathetic partners in the halls of power and in corporate boardrooms in some western nations. The anti-Israel effort has been most successful on college campuses around the world, where organizers target young and often impressionable followers – those who know little of the truth, little about the State of Israel, and even less about the state of affairs of the Palestinian Authority –

to carry the torch in this insidiously one-sided cause. Ominously, Jewish students and pro-Israel activists on campuses in the U.S. and Europe face unprecedented harassment, even threats of violence, from BDS proponents and other anti-Israel activists, such as Students for Justice in Palestine (SJP) and the Muslim Student Association. These groups, employing the vilest forms of anti-Semitic propaganda, portray Israel as an evil and brutal force that victimizes innocent Palestinians, and they seek to bully and shame Jews and supporters of Israel on campuses as being guilty by association for the reported Palestinian suffering. The anti-Israel campaign is lavishly funded, slick and, sadly, effective.

The anti-Israel groups produce unrelenting condemnations of Israel, but purposely turn a blind eye to the blatant human rights abuses that have become commonplace inside the Palestinian Authority and the Gaza strip. Because of the lack of a free press, and the brutal repression of freedom of speech inside the Arab World, the abuse of human rights inside the Palestinian Authority is rarely, if ever, reported. There are almost no authentic nor credible human rights groups operating in the Palestinian territories today to shed a light on these

human rights violations, which have been carried out not just against Jews and other Middle East minorities, but also against the Palestinian population itself.

The failure to focus the international community's attention on the extreme human rights violations being perpetrated by the Palestinians, has abandoned the field of human rights monitoring and war crimes investigations solely to the anti-Israel NGOs such as Amnesty International, Human Rights Watch, Btselem and Ádalah, the European and Scandinavian governments, the United Nations along with the terrorist PLO and Hamas ruling cliques.

Therefore, Shurat HaDin has produced reports that document the litany of grievous human rights violations of Palestinian done by Hamas and the Palestinian Authority.

This is a response to those who relentlessly accuse Israel of unilateral violations of international law without reporting on the official actions and policies of the Palestinians. It will counter the biased and false reports of anti-Israel NGO's, and educate the public, the foreign governments and international bodies about Palestinian violations against the human rights of Palestinians, Jews and minorities.

The Great March of Return: Palestinian War Crimes Against Their Own Children

[This document](#) is a detailed and concise survey of Palestinian violations of international law against Palestinian children under the age of eighteen during the violent incidents emanating from the Gaza Strip and border with Israel since the inception of "The Great March of Return" in March 2018. The report illustrates how Hamas and the other Palestinian terror organizations with the full backing of the Palestinian Authority bear full responsibility for the recruitment and deployment of children killed and injured in Gaza during the "Great March of Return" riots and terrorist attacks mounted against Israel. These actions constitute a blatant and serious violation of international law.

Prosecution of the LGBT community in the Palestinian Authority's Territories, Including the Gaza Strip

[This report](#) reviews the situation of LGBT (Lesbian, Gay, Bisexual, and Transgender) people in the Palestinian Authority's jurisdiction (West Bank, or Judea and Samaria) and in the Gaza Strip under the rule of Hamas, with an emphasis on homosexual men and with attention (subject to limitations that will be noted below) to specific instances of persecution and, to the broader context of the issue, to the implications, and to the various responses that it elicits. It is apparent that not only do the Palestinian Authority (PA) and Hamas fail to lift a finger to prevent serious attacks on LGBT people, but they enable, encourage, and even take the lead themselves in serious attacks on them both by PA and Hamas officials, and by the broader Palestinian public. The information we have assembled indicates that the behavior toward LGBT people in the PA territories and the Gaza Strip is among the harshest and most shocking anywhere in the world.