



# Shurat HaDin Israel Law Center



## 2013 Annual Report

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## A Message from the Director

Dear Friends,

The battle on behalf of Israel and the world Jewish community has increasingly shifted to the legal theatre. From defending against lawfare suits, fighting academic and economic boycotts and challenging those who seek to delegitimize the Jewish State, we continue utilizing court systems around the world to go on the legal offensive against Israel's enemies.

As an NGO operating in the private sector, Shurat HaDin is positioned to undertake actions that the Israeli government is unable to formally engage in. We are not constrained by political pressures, diplomatic relations, nor international treaties. As such, we are able to act unapologetically against the enemies of the Jewish State without concern for foreign retaliations. Simply stated, we can act even when the Israeli government or Jewish community sometimes cannot. The multi-faceted threats facing the Jewish people today must be fought on a wide-range of fronts. Our activist attorneys are uniquely qualified and have the experience to lead these struggles which can frequently be best fought utilizing legal actions.



As you will read in our Annual Report, this past year we have continued to employ innovative and forward thinking legal campaigns as a means of preventive strategies to head off and deter many potential threats before they can occur.

We are proud of our progress in 2013, and we are grateful to the many generous supporters who continue to assist us in our work. It is through your generosity that we are enabled to continue our crucial activities and to provide advocacy and legal representation on behalf of the State of Israel and the international Jewish community. We could not do it without you.

Thank you for all your support.

Yours,



Nitsana Darshan-Leitner

# Bankrupting Terrorism

In the past decade, Israel and the Jewish community worldwide have been targeted with devastating waves of terrorism. This threat has dangerously escalated in recent months and once again has become a serious national security challenge for the Jewish State. Israel's security services are confronting daily attempts of terrorist attacks from the Palestinian and Islamic groups as the signs of a new "intifada" are rapidly beginning to emerge. In Europe and South America violence against Jewish communities and anti-Semitic incitement is once again disturbingly becoming commonplace.

For all their successes, however, there is one area where the terrorist organizations and those involved in anti-Semitic violence are permanently vulnerable: Their funding. Terrorism needs money—money for equipment, training, weapons, personnel, and more. Without money, terrorism cannot function. Yet to reach the terrorists, money must flow from the outlaw regimes to places like Gaza, the West Bank, Southern Lebanon and Europe. Simply stated, when we obstruct the flow of the money – we can obstruct the terrorism. Yet, for all the resources they deploy in fighting terror, governments are severely limited in what they can do to block terror funding.

Shurat HaDin – Israel Law Center has become a world leader in the fight to stop terrorist funding. By using legal action and civil lawsuits, we assist in bankrupting terror groups and grinding their activity to a halt. We work with Western intelligence agencies and a network of volunteer lawyers around the world to file legal actions on behalf of terror victims. We have successfully disrupted the terrorist groups and helped their victims to strike back at those responsible for devastating their lives.

Today, Shurat HaDin represents hundreds of terror victims in more than 40 different legal actions against Hamas, Islamic Jihad, Hezbollah, North Korea, the Palestinian Authority, Iran, Syria, the Lebanese-Canadian Bank, American Express Bank, Central Bank of Iran and the Bank of China. These cases including:

- Lawsuits against banks like the Bank of China over its transferring funds for Hamas, Lebanese Canadian Bank for providing services to Hezbollah, Central Bank of Iran for channeling Dollars to Hezbollah;
- Lawsuits against Iran and Syria for their support of Hamas and Islamic Jihad attacks;
- Lawsuits against the PLO and Palestinian Authority over its financing of extremist Palestinian factions

- Judgments enforcement against Syrian and Iranian assets:
- Litigation over North Korean bank accounts:
- Administrative action against the State Department to ensure that US appropriations to the Palestinian Authority meets all safeguards, transparency criteria and reporting requirements;

Shurat HaDin acts to take funds away from the terrorists and state sponsors and turn them over to the victims. In many of our cases the relatively small amount of funds that we expended for case expenses yielded a great many times that investment in payments to the victims and families. This has been a tremendous leveraging of funds against the terrorist organizations.

Our cases send an important public message that the blood of Israelis is no longer cheap and that there is a price to pay for the murder of innocent Jews. In these difficult times when the lessons of the Holocaust are being forgotten, denied or ignored, and Israel is once again facing such serious threats to its survival, this message needs to be heard loud and clear.

**I**n the ten years since its establishment, Shurat HaDin has succeeded in winning more than \$1 billion in judgments against terrorist organizations and their patrons, and has collected more than \$120 million in actual payments to the victims and their families.

**W**e forced banks, companies, businesses, and universities to disconnect from suspected terror affiliates out of fear of civil and criminal liability.

**B**y enforcing our judgments against Iran in European courts, we assisted in forcing the Iranian government to pull its assets out of European institutions. This blocked the Islamic Regime's ability to obtain hard currencies which obstructed It from supporting the Palestinian terror organizations.

**A**ccording to Israeli security forces, our civil actions have reduced terrorist funding in the Hamas-controlled Gaza Strip by 60 percent.

## Fighting BDS and Lawfare

Moreover, the Jewish community at large is also beset by a perilous international campaign to delegitimize the Jewish State and challenge its right to exist. The wide-spread Boycott, Divestment and Sanctions (BDS) movement and the utilization of *lawfare* which employs legal actions and legislation to attack Israel, its military officials and academics is creating unprecedented challenges.

Tactics like the boycotting of Israeli institutions and academics, the Gaza Flotilla provocation, the effort overseas to indict IDF officers and elected officials for war crimes, blood libels in the media and the persistent debate over whether a Jewish State has a right to exist, are having a devastating and dangerous impact on Israel's security and diplomatic capabilities. Here as well, these developments require a forceful response.

Shurat HaDin ensures that the private sector has its own independent role in initiating bold action, that governments are restrained from, to help win the war against Israel's enemies. Our legal actions include:

- Litigation to counter the boycotts against Israeli companies and academics in Australia and the US;
- Undertaking preventive legal actions to defend IDF soldiers against allegations of war crimes;
- Amicus curiae briefs filed on behalf of the IDF, security and intelligence branches in Israel's High Court of Justice;
- Human rights action against Iranian officials over the fate of kidnapped Persian Jews;

**B**y joining forces with the Israeli Navy, the IDF and the Prime Minister's Office and utilizing legal actions, we blocked the planned Gaza Flotilla from breaching the Israeli coastal blockade of the Hamas controlled Gaza Strip.

**W**e act on behalf of IDF soldiers accused of war crimes in Spain and helped canceling arrest warrants against them.

**W**e file lawsuits to combat anti-Semitic organizations, and are leading the fight against those calling for boycotts and sanctions against the Jewish state.

## Achievements and Activities in 2013

### **\* Winning a monumental court victory in the terror financing case against the Bank of China (BOC) on behalf of 150 terror victims in the New York State Appellate Division**

The NY Court affirmed that the civil action brought in 2008 by the Israeli victims of Palestinian rocket attacks and suicide bombings can proceed against the BOC in the United States. Importantly, the Appellate Division also held that the trial court should apply Israeli law in hearing the case. This decision to use Israeli law instead of Chinese law, will allow the non-American plaintiffs in the case to maintain their claims that the BOC should be held liable for providing financial services to Hamas and the Palestine Islamic Jihad (PIJ) terror organizations and makes it easier to establish that the bank violated banking regulations and US criminal statutes by carrying out the money transfers.



### **\* Scoring an historic precedent for Hezbollah victims against Lebanese banks that provide the terrorist organizations with financial services**

In 2008, we filed a lawsuit in the New York court on behalf of victims of Hezbollah rocket attacks perpetrated during the Second Lebanese War. The defendant banks were accused of moving funds for two Hezbollah front charities and, thus, aiding and abetting the extremist organizations' terrorism. Dozens of Israeli victims, Jews, Christians and Druse, were killed or maimed by the Hezbollah rocket fired into northern Israel. Our lawsuit alleges that the Lebanese banks allowed Hezbollah to open bank accounts and wire millions of dollars from Iran and Syria into their accounts. The Lebanese bank filed a motion to dismiss the lawsuit, claiming that the American court has no jurisdiction to put them on trial in the US as they do not maintain branches in the US. However, the highest court in New York State, in a unanimous decision, ruled that it has authority to hear the case in the US under the NY long arm statute since the transactions of the Hezbollah accounts went through NY branches of the banks. The victims now are



preparing their evidence for their trial, and are engaged in discovery and depositions to prove their case against the defendants in court.

### **\* BDS Movement Suffers Mega Defeat in TIAA-CREF Divestment Battle**

Anti-Israel activists from the BDS movement submitted a resolution to the Teachers Insurance and Annuity Association – College Retirement Equities Fund (TIAA-CREF) calling upon it to divest from Israeli companies. The resolution was being prepared to be voted at the Fund's annual membership meeting. In a letter sent to the pension giant's executives by Shurat HaDin's director, Nitsana Darshan-Leitner, we pointed out that the proposed resolution violates New York's anti-discrimination laws and the Federal anti-boycott laws, and is against the Fund's own charter. If the resolution passes, the letter stated, TIAA-CREF must expressly disown itself of the results, otherwise Shurat HaDin would be ready to immediately bring an action to ensure the enforcement of New York and federal laws, and to act so that Israeli companies are not financially harmed nor discriminated against. As a result, TIAA-CREFF asked and received approval from the Securities and Exchange Commission (SEC) to "take no action" on the submission by the pro-Palestinian activists, and did not put the resolution to a vote.

### **\* Initiating a pre-emptive campaign to protect IDF from being charged with war crimes in the International Criminal Court (ICC)**

In their effort to further pressure Israel to make concessions in the American brokered "peace negotiations," the Palestinians continuously threaten that if they are not given all that they demand – land, airports, an army and funding -- they will seek ICC membership. Joining the ICC would facilitate the Palestinian's ability to file war crimes complaints in the Hague against IDF officers



and soldiers. After researching the ICC's legislative framework and jurisdictional mandate we have discovered several tactical actions pro-Israeli organizations could potentially undertake to help safeguard Israeli officials and IDF officers from ICC prosecutions. We initiated a public campaign focusing on an innovative strategy to deter the Palestinians by letting them know, that the court's jurisdiction reaches in all directions, and would apply reversely to the Palestinians themselves. As such, victims who were killed or injured in Palestinian terrorist attacks launched from the West Bank and Gaza, could file their own war crimes complaints against PLO and Hamas



leaders. Our well-received media campaign put the Palestinian on notice that the day they dare to become ICC members, we would unleash upon them a tsunami of Israeli war crimes complaints demanding that their leaders be prosecuted. We believe that this counter-threat will act as a powerful deterrent against the Palestinians moving to join the ICC.

**\* Filing a class action racism complaint against Australian professor Jake Lynch for his support of the BDS Movement, whose goal is to delegitimize Israel and cast it as a pariah state**

Prof. Lynch refused to permit Israeli professors to lecture at Sydney University. The lawsuit alleges that the BDS movement violates Australia's Racial Discrimination Act and that Lynch's boycott of Israeli academics, solely on the basis of their nationality was unlawful. The suit, filed in the federal court in Sydney, marks the first time the extremist professors who engage in academic boycotts of Israelis are being sued for their



activities. Already the administration of Sydney University has distanced itself from Lynch and stated that he was acting independently and would not provide him with legal assistance. We hope it will serve as a powerful deterrent against others who try to take actions against the Jewish State and as a precedent for future suits against the BDS extremists worldwide.

**\* Filing the first lawsuit in Canada on behalf of a Toronto based terror victim against Iran using the new anti-terror legislation**

The lawsuit was brought on behalf of Dr. Sherri Wise who was badly injured a decade ago in a Jerusalem suicide bombing. The attack was perpetrated by Hamas. The suit utilizes the newly legislated Justice for Victims of Terrorism Act, which lifts state immunity from countries that sponsor terrorism. Iran was designated as a state sponsor last September, along with Syria. We will



prove that Iran provided Hamas with material support in the form of funding, weapons, training and bases and should be held liable under the statute for the maiming of this Canadian citizen. The filing of the lawsuit received widespread media coverage in Canada. Shurat HaDin is preparing other cases for terror victims in Canada.

**\* Litigation against the Palestinian Authority and PLO pending in the Israeli courts is going into high gear**

15 lawsuits against the Palestinian Authority are going to trial this year in the Jerusalem District Court. Among them is the infamous case of the two IDF soldiers who were lynched in the Ramallah police station by Palestinian policemen in the beginning of the Intifada. In recent months, terror experts from all over the world testified before the court concerning the Palestinian Authority's responsibility for the massive terror attacks perpetrated against Israeli citizens and soldiers in the past two decades. In the next stage, the Palestinian Authority will put on its defense in the cases. In addition 4 cases against the PLO and the Palestinian Authority are going to summary judgment in the federal district courts of NY and Washington, DC.



**\* Pursuing Iranian assets in Chicago to satisfy victims' judgment**

Shurat HaDin is representing several U.S. citizens currently living in Israel, in their lawsuit in the Chicago federal court, seeking to seize ancient Iranian (Persian) artifacts lent to the University of Chicago. In 1997, the plaintiffs were injured in a heinous suicide bombing carried out by the Hamas terror organization. In 2003, a U.S. District Court awarded them \$72 million against the Iranian government, ruling it was responsible for supplying and training the suicide bombers. The plaintiffs received an additional \$300 million in punitive awards. Unfortunately, the families have been unable to execute their court judgment against Iranian assets in the US to date. They allege that there is no dispute that the artifacts belong to the Iranian government and that they should be, therefore, permitted to enforce their judgments against them. After winning several motions against Iran in the district court the lawsuit is currently before the Court of Appeals.



## **A Climate for Change – Strategy for 2014**

In 2014, Shurat HaDin is preparing to continue its hard fought efforts in the legal struggle on Israel's behalf. As the challenges grow, we are increasing our educational activities, ensuring that our mission is carried-out long and far in an ever-expanding scope. In the next year, Shurat HaDin is:

### **\* Continuing Litigation of More than 40 Cases**

Today Shurat HaDin has more than 40 cases litigated in the courts world wide. We will continue litigating these cases against the Palestinian Authority, Iran, North Korea, Syria, Lebanese banks, the Bank of China, the Central Bank of Iran, Hamas, PLO, Islamic Jihad, and Hezbollah.

### **\* Judgments Enforcement**

Shurat HaDin will continue working to enforce the victims' judgments against terror assets around the world, and obstructing terror financing, including in Germany, Italy and Canada.

### **\* Initiating New Lawsuits and Legal Actions**

Shurat HaDin is regularly called upon by Israeli agencies and leaders to confront challenges that they cannot officially engage in. We have proven that the private sector also has a role in initiating bold action on Israel's behalf. We are committed to winning the war against the terrorists and their BDS supporters and will continue to be at the forefront of the struggle against Israel's enemies.

### **\* Going on the legal offense against the (BDS) movement**

Shurat HaDin's lawsuit in Australia against Prof. Lynch is the first time that a Racial Discrimination Act action has been launched in Australia against those promoting BDS against the Jewish State. We intend to bring other anti-discrimination lawsuits around the world by using this model for legally confronting the BDS movement in other jurisdictions and forums.

### **\* Launching a Lawyers Training Institute**

This year Shurat HaDin is launching a Lawyers Training Institute, offering a week-long seminar in Jerusalem to train lawyers from abroad on how to be effective activists, Israeli advocates and confront issues in their communities. The participants will receive cutting-edge lectures and take part in hands-on workshops taught by accomplished attorneys and legal scholars active in the legal activist fields.

### \* **Enhancing our Student Internship Program**

*The Arnold Silverman Internship Program/Summer (ASIP/Summer)* and the winter internship program bring top law school students to serve as interns at Shurat HaDin's Tel Aviv office. The students will be making a difference by working on actual law cases that assist innocent civilians injured in terrorist attacks along with other issues relevant to Israeli and Jewish security. The students conduct hands-on research and writing involving the litigation activities of Shurat HaDin. In addition they visit such unique places as IDF military courts and border crossings, hear lectures on cutting-edge legal issues, participate in discussions with governmental legal advisors and judges and meet with members of parliament (Knesset), military and police officials, as well as other senior officials.



### \* **Public Speaking**

Director Nitsana Darshan-Leitner is frequently asked to speak at numerous events in communities and campuses all over the world, from Australia, Europe, South America to Canada. These events, serve many purposes. They allow for increased awareness, not only of Shurat HaDin, but of the whole threat of lawfare and its dangerous potential. The events provide Shurat HaDin's Director with a stage to widen its circle of supporters. We endeavor to travel to many different countries each year to provide information on the work of the law center. Some of the countries visited this year include Mexico, Norway, Canada, England and the Netherlands.

### \* **The Ultimate Mission to Israel**

Twice a year Shurat HaDin runs its famous Ultimate Missions to Israel. Participants have the privilege of hearing lectures by high ranking Israeli government officials, intelligence agents and IDF officers, observe IDF military court proceedings and tour along Israel's strategic borders on dynamic field trips. The Missions are life-changing experiences for the participants. Moreover, we regularly travel and speak around the world in a highly successful effort to inform the public.



### \* **Increased Media Exposure**

Shurat HaDin has experienced increased media exposure over the past year, with many news stories making head waves on numerous international and local networks and wire agencies. Shurat HaDin was also able to expand its online footing and is now present on all major social media networks such as Facebook, Twitter, Google+, and LinkedIn. In addition, our audience continues to be updated via our blog and electronic newsletters. Our enhanced media presence has resulted in more and more people worldwide, as well as government officials and organizational leaders learning of the law center's work, seeking our assistance and asking to be involved with our activities.

### \* **Law and Policy Center**

We also are working to develop a center focused on the legal challenges of terrorism and *lawfare* to be based in Jerusalem. The center would assist with our litigation activities by affording greater involvement of academics and policy makers both from Israel and abroad, ongoing activities such as conferences, workshops, and lecture series, and broadening of existing student programs. We have established a small endowment for a lecture series, and are seeking funding for a building that would allow for a small venue and office.

