

2nd Quarter Report 2020

Dear _____ ,

While the challenges of the global health crisis preoccupy so much of our time, the Middle East still continues to boil and the extremism of our Islamic neighbors does not give us any rest, Shurat HaDin's fight for justice has not been impeded.

During these months, when much of the world is told to shelter in place, forcing hundreds of millions across the globe to rely on social media for news and entertainment, Shurat HaDin's fight against terrorist incitement on the internet platforms proceeds unabated. In the US federal courts, where Shurat HaDin is litigating against the internet giants such as Facebook, Twitter and YouTube on behalf of the terror victims, our cases and hearings are going forward, with attorneys and judges utilizing Zoom conferencing.

This and other updates are proudly brought to you in this 2nd quarter report. Thank you so much for your trust in our work and your partnership, even in tough times like these.

1. Blocking Terrorists on Social Media

Most recently, the Ninth Circuit Court of Appeals in San Francisco heard oral arguments in our lawsuit on behalf of victims of the ISIS terrorist attack in Paris on November 13, 2015. The attack involved active shooters and suicide bombers and was the bloodiest in European history. The multipronged assault resulted in the murder of 130 innocent civilians, including U.S. citizen Nohemi Gonzalez, an energetic college student from a Los Angeles suburb who was in France as an exchange student.

The civil action was brought against Google, which owns the YouTube platform, alleging that the social media giant provided video streaming services to the ISIS terrorist organization in violation of America's Anti-Terrorism Act. Google has defended itself by arguing that the Communication Decency Act's §230 (CDA §230) provides blanket immunity to internet platforms for the content posted on their sites. They contend that anyone, including designated terrorist groups, can post an

extremist video and the company is not responsible for providing this material support nor liable for the message.

Shurat HaDin's position contends that CDA §230 is being misapplied by the lower courts and Congress never intended to provide such a broad interpretation that gives the social media companies complete immunity from liability over what is posted by terrorist groups on their platforms.

The use of YouTube, as well as other social media platforms such as Facebook, Instagram, and Twitter, by nefarious actors has increased in recent years. Most notably, these platforms have become pillars of efforts by right-wing hate groups to spew hatred and incite individuals and groups to perpetrate acts of violence. This clear and present danger—amplified by Shurat HaDin's efforts—has sparked the concern and interest of William Barr, the U.S. Attorney General.

Shurat HaDin supports Attorney General Barr's assessment and the right to deny the social media monopolies with the immunity from civil liability when their platforms promote child exploitation terrorism, hate, anti-Semitism, racism, and human trafficking, and enthusiastically awaits further development as the full weight of the U.S. Justice Department becomes a combatant in this all-important fight.

2. Stopping Palestinian Terrorism Pay for Slay

To rein in key financial institutions which work alongside Palestinian banks that facilitate the cash requirements of terror organizations, Shurat HaDin placed Citibank on notice that it needed to cease in its dealings with the Bank of Palestine.

The letter sent to Citibank headquarters came as a result of efforts by Shurat HaDin to stop the "Pay for Slay" phenomenon, a system of financial rewards offered by the terrorist factions to those who kill Jews and Israelis. The perpetrators of cold-blooded killings are rewarded for their crimes by receiving hefty salaries while they are incarcerated; in cases where terrorists have been killed by Israeli security forces, the terrorist's family receives a lucrative stipend in honor of the crimes their loved ones have committed. "The PA incentivizes killing Jews and Israelis by regularly providing such financial rewards to all imprisoned Palestinian terrorists, including those from Hamas, which has been a designated Foreign Terrorist Organization ('FTO') in the United States since 1997," Shurat HaDin President Nitsana Darshan-Leitner wrote to Citibank's CEO.

Citibank serves as a correspondent bank for the Bank of Palestine, enabling the Ramallah-based financial institution to connect to the international banking system. The “Pay for Slay” funds pass through Citibank accounts, exposing the bank to both civil and criminal liability under the US Anti-Terrorism Act (ATA). Click here to read about the story at the [JPost](#).

3. Shurat HaDin Wins Half-a-Billion Shekels Damages Lien Against the Palestinian Authority

In April 2020, Judge Moshe Drori of the Jerusalem District Court ruled that the Palestinian Authority must pay NIS 500 million—approximately \$142 million—to the families of Israelis and Jews killed by a Palestinian terrorist during suicide bombings and shooting attacks; most of the incidents occurred from 2000 to 2005 during the Second Intifada. A year earlier, the same court ruled that the PA was liable for damages of up to NIS 1 billion (approximately \$284 million), but Shurat HaDin worked tirelessly on behalf of additional families representing seventeen complaints of incidents where thirty-four Israelis were murdered and seven were critically wounded between 2000 and 2002.

Some of the attacks considered by the court were carried out by Hamas and the Palestinian Islamic Jihad, but the court decided that because the Palestinian Authority control the areas where the terrorists launched their murderous strikes as well as took credits for the killings, the Ramallah-based government was, indeed, liable. The money, the court said, would eventually be seized from the customs tax that the PA must pay each month.

Convicting the terrorists does not end with their imprisonment, as long as the Palestinian Authority continues to fund them and encourages acts of terrorism. The Palestinian Authority will know that there is a price for the blood on its hands, a very expensive price, and now it will need to pay. Click here to read about the story at [IsraelHayom](#).

4. U.S. Federal Court Rules that Iran and Syria Can Be Found Liable for Lone-Wolf Terror Attacks

In June 2020, the United States district court in Washington D.C. set a new precedent by issuing a default judgment that Iran, Syria, Hamas, and Islamic Jihad can be held liable for wrongful death damages as a result of what security officials refer to as “lone-wolf attacks.” The decision is a game-changer, finding that the state-sponsors of terrorism, and the organizations that they fund, can be subject to million and even billion-dollar judgments. The decision came as a result of the tireless efforts of Shurat HaDin to link the state-sponsored financing and support of terrorist groups to the use of incitement on social media to prompt Palestinians to carry out lone-wolf attacks against Israeli civilians by stabbing innocent people or driving vehicles directly into crowded areas. These attacks typified the so-called “Knife Intifada” when young Palestinians were grabbing kitchen knives from their homes and randomly attacking innocent Israelis in the street.

The game-changing decision means that terrorist groups and terror’s state-sponsors can be responsible for multimillion-dollar judgments for the 2015-2016 “Knife Intifada” and for other lone-wolf attacks going forward, if there is proof connecting them to specific attacks behind the scenes, such as postings on Facebook, Twitter, YouTube or the other social media platforms, and from sermons in mosques or other venues. The U.S. court heard the decision primarily as a result of the murder of Taylor Force, a U.S. war veteran and university student, stabbed to death near Tel Aviv in 2016 while on a school trip.

Click here to read about the story at the [JPost](#).

5. Palestinian Authority Sued Over the Murder of a Thirteen-Year-Old Israeli Child

Shurat HaDin, acting on behalf of the family of thirteen-year-old Hallel Ariel, a young girl brutally murdered by a Palestinian terrorist in 2016, filed a “communication” with the International Criminal Court in The Hague against the heads of the Palestinian Authority for inciting terror.

Following the murder, Hallel’s parents—Rina and Amichai Ariel—have been involved in legal battles against the Palestinian Authority that have stretched across multiple jurisdictions. In another lawsuit being litigated in the Jerusalem district court, the damages sought, NIS 100 million, is the same amount the Palestinian Authority is

paying the terrorist's family, in the form of monthly payments, for having carried out the attacks.

Muhammad Tarayrah, who murdered Hallel was seventeen-year-old when perpetrated the cold-blooded slaying, shared multiple posts on Facebook in which he praised terror attacks, and stated his intentions to be a martyr. Carrying out his intentions, the terrorist infiltrated the West Bank Settlement of Kiryat Araba, located next to Hebron, snuck into Hallel's bedroom, and stabbed her multiple times. The settlement's security team, of which her father was a part of, shot and killed the terrorist.

The Palestinian Authority pays Tarayrah's family a monthly amount of NIS 12,000 as a reward for their son carrying out the horrific crime. If the Jerusalem lawsuit is accepted, all victims of terrorism can sue the Palestinian Authority based on the payments the PA pays to the terrorists and their families. Click here to read about the story at the [JPost](#).

6. U.S. Supreme Court Revisits Landmark Case on Behalf of U.S. Terror Victims

In May 2020, the US Supreme Court issued an order from a blockbuster case that has—throughout its sixteen-year-history—become a source of political controversy and consternation between the State Department, Congress, and the Judicial branch of government.

The case in question is *Sokolow v. PLO*, a civil action filed on behalf of American victims of Palestinian terrorists who were killed and wounded during the Second Intifada; the lead plaintiff, Mark Sokolow, who, along with his wife and daughters, was injured in January 2002 when a female suicide bomber blew herself up in Jerusalem. American victims and their families sued the Palestine Liberation Organization and Palestinian Authority under the Anti-Terrorism Act.

The victims initially won a significant monetary judgment at trial in February 2015, only to lose it when an appellate court reversed in 2016 ruling that there was not sufficient jurisdictional contacts over the Palestinian defendants. The case has reached the United States Supreme Court, and the justices have now overturned the appellate court's decision and instructed that court to revisit the case in light of new amendments to the Anti-Terrorism Act. The Anti-Terrorism Act was passed by

Congress to allow American citizens who are victims of terrorist attacks abroad to sue the perpetrators in US courts. In the case of *Sokolow v. PLO*, a Manhattan jury found that the PLO and the Palestinian Authority were responsible for knowingly supporting six terrorist attacks in which Americans were killed and injured. The jury awarded damages to the families, resulting in a \$655.5 million judgment. In 2016, though, a Second Circuit Court of Appeals vacated the judgment invoking a complex legal doctrine known as “personal jurisdiction,” the Second Circuit explained that U.S. courts lacked the authority to hear cases against terrorists who murder Americans on foreign soil, rendering the Anti-Terrorism Act ineffective.

Congress, however, responded by passing amendments to the original legislation that shore up the loopholes cited by the Second Circuit. And, in April 2020, the Supreme Court instructed the Second Circuit to revisit its ruling in *Sokolow* in light of a recently enacted amendment to the Anti-Terrorism Act.

Shurat HaDin has worked tirelessly on behalf of the Sokolow family and other victims of terror, and will not stop fighting until justice has been served. Click here to read about the story at the [JPost](#).

7. Can China Be Sued Over the Global Spread of COVID-19

In May 2020, Shurat HaDin hosted a virtual—but incredibly timely legal roundtable to discuss legal liabilities facing the People’s Republic of China for their mishandling of the COVID-19 global pandemic that originated in Wuhan. The international health crisis has killed over half-a-million people worldwide and infected over eleven million. The disruption to health systems, commerce, the global economy, and what was once considered a normal way of life, has been catastrophic.

The Shurat HaDin roundtable included global political, security, and legal experts, including **John Bolton**, former U.S. National Security Advisor and New York Times best-selling author, **Marsha Blackburn (R)**, Senator from Tennessee, noted attorneys **Gordon G. Chang**, and **John B. Bellinger, III**, as well as Shurat HaDin President **Nitsana Darshan-Leitner**, who hosted the event.

Issues and questions raised included: Will Beijing face legal liability for its role in the global pandemic, or as a sovereign state, can it merely assert immunity and avoid litigation? Was the failure to sound the alarm and contain the virus a breach of its duty under international law? As the international health crisis spreads, many around

the world are pointing an accusing finger at China's leadership and demanding they be held accountable before the law. Click here to read about the story at the [JPost](#).

Wishing you a great summer!

All the best,

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