

## **Politics – August-September 2010**

Many Israelis believe that vis á vis the Palestinians what does not work with force will work with more force. Many Palestinians believe that vis á vis the Israelis what does not work with force will work with more force. The bloody result is inescapable.

Gilad is still in captivity. Veshavu banim legvulam.

~Raphael Cohen-Almagor

The last month has been dominated by a few notable events: First, the Turkel Committee designed to investigate the Gaza flotilla which ended with the killing of nine people on one of the Turkish ships. In the first week, Prime Minister Netanyahu, Defence Minister Barak and Chief of Staff Ashkenazi gave their testimonies. The Committee, no doubt, will do serious work. Don't hold your breath, though.

Common sense does prevail and the government agreed to take part in the international investigative committee that was established to investigate the same flotilla incident. Turkey, I assume, will also have to deduce some lessons.

Second, the Chief of Staff nomination process. Six months before Ashkenazi is scheduled to complete his term, Ehud Barak decided to start looking for a worthy successor. It was widely known who this successor will be, General Yoav Galant, but Barak played the game and interviewed five candidates. However, one of the candidates or someone who did not wish Galant in office interfered in the process. More details below.

Third, the government decided to take action against the guest workers who illegally remain in the country after their term ends. 400 children of guest workers are destined for deportation. They constitute a grave demographic threat to the Jewish character of the State.

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Free Gilad Shalit. The government should invest in his release. It should be one of its top priorities. Veshavu banim legvulam.

**Reflections on July Newsletter**

From Art Hobson, Professor Emeritus of Physics, U Arkansas, Fayetteville, Arkansas, USA

Hi Rafi –

I agree that "If Israel goes down, we all go down." I also agree with Mr. Aznar that the threat to the world from Islamic fundamentalism is enormous. But beyond these important points of agreement, I disagree with much of Aznar's essay. I especially disagree with his notion that we must defend Israel because Israel is a "fundamental part of the West", and that "The West is what it is thanks to its Judeo-Christian roots." Indeed, it is not simply Islam but all of western religion, including our own "Judeo-Christian roots," that forms much of the problem in the Mideast and elsewhere. Irrational fundamentalism--including Christian, Jewish, and Islamic fundamentalists--is the real problem. By "fundamentalists" I mean those who accept their holy books as literal (rather than metaphorical) truth. These people are the real enemy.

Prime Minister Netanyahu's hard-line policies are not in Israel's interests, nor are they in the U.S.'s or the world's interests. It is precisely because "If Israel goes down, we all go down" that President Obama should speak forcefully to Netanyahu, telling him that U.S. aid to Israel will be gradually withdrawn unless Israel establishes a full freeze on

new settlements in all Israeli-occupied territories. It is precisely because "If Israel goes down, we all go down" that Israel must proceed as rapidly as possible to a real settlement with the Palestinians. The outlines of a peace settlement have been clear for years: Israel must give up its settlements, including East Jerusalem, and the Palestinians must give up the right of return to their pre-1947 lands in present-day Israel. Jerusalem must be shared, probably under international protection. Some Israeli settlements could be retained by swapping them for Israeli land or allowances for some Palestinians to return to their pre-1947 homes. Both sides have hinted that a deal along these lines is possible. Anything less than this cannot work. Without such a real and workable peace, I fear that indeed Israel and the rest of us will go down.

Take care, my friend. – Art

### **General Yoav Galant**

The nomination process of a new Chief of Staff tends to be complicated and difficult. This is due to the zeal of the nominees, and the relationships between each of them and the Minister of Defence who nominates them, and the latter's relationship with the Prime Minister who sometimes has his/her own agenda and interests that do not necessarily coincide with those of the Defence Minister. Ehud Barak has a difficult relationship with the present Chief of Staff, Gabi Ashkenazi. Ashkenazi is scheduled to complete his four-year term in six months time. The nomination process should not be too long. There are five candidates. Barak needs to interview them, decide, speak with the Prime Minister, approve the nominee in government and Israel has a new Chief of Staff. How long does this process take? Well, it depends. If you wish it to be quick, a week. If you wish to prolong it, a long time.

Barak did not wish to prolong the process. He did wish to cripple Ashkenazi. Thus, he started the process six months ahead of time. Once the identity of the new Chief of Staff is revealed, Ashkenazi becomes a lame duck. All eyes are set on the new man, and no substantive decisions can be made by the old guy. As said, there were five candidates but all who know something about Israeli politics knew that essentially there was only one candidate: Yoav Galant.

Barak interviewed two of the candidates and then, on August 6, a document was leaked to the media carrying the signature of Galant. In this document, Galant maps a plan how to improve his chances, "complimenting" his rivals and Chief of Staff Ashkenazi. Why should a leading candidate smear his opponents and Ashkenazi, and leak the document to the media? It did not make any sense.

Galant denied any connection to the document, saying it was forged. The public relations company that was said to have prepared the strategy, whose logo appeared on the document, denied any connection. At this point, it became clear that someone concocted the document to damage and undermine Galant. But Barak had to wait until the police had completed its investigation. Finally the police concluded that "There is no basis to suspect Defense Minister Ehud Barak and IDF Chief of Staff Lt.-Gen. Gabi Ashkenazi of being involved in drawing up the document," adding that all of the major

candidates for the position of chief of General Staff have also been cleared of involvement.

Immediately after the police finalized its investigation, Barak interviewed the three remaining candidates and the following day announced that Maj. Gen. Yoav Galant will be the next Chief of Staff. Maj.-Gen. Gadi Eizencot was offered to become his deputy. Eizencot and Galant like one another as a cat likes a parrot. Eizencot gracefully declined and said he prefers to continue his role as commander of the north. The present Chief of Staff Deputy Maj. Gen. Benny Gantz may retire, while the future of Maj.-Gen. Avi Mizrahi and the IDF attaché in Washington, Gadi Shamni, remains unclear. They are likely to remain in the army. They wanted to put their signatures ahead for the next round of nominations.



Galant, 51, will be the first chief of staff to come from the navy, which he joined in 1977. He started his army career with Shayetet 13, the navy's elite platoon. He showed his strategic thinking by later moving to the green land forces. He was appointed commander of the Jenin Brigade in 1993. Galant then returned to the navy to command the Shayetet, but after some time left the navy for good when he was appointed commander of the Gaza Division. In 2001, he was appointed deputy head of the Ground Forces Command; a year later he received the rank of major general and began working alongside then-prime minister Ariel Sharon as his military secretary. Again, a strategic move that paid him well. Galant was well liked and appreciated by PM Sharon, and entered the elite circle of Israeli politicians. In 2005, after the disengagement from the Gaza Strip, Galant took over as head of the Southern Command. In 2008-9, he commanded Operation Cast Lead which he planned and directed. During these later years he became close to Defence Minister Barak, who grew to like and appreciate him.

So what do we know about the new chief of staff? I emphasized his strategic thinking. He knows how to map and analyze opportunities on the personal and army levels. He has analytic thinking. People who know him describe Galant as *Melach Haaretz*, literally meaning in Hebrew "salt of the earth", a genuine man who is fully committed to the idea of Zionist Israel and has dedicated his life to secure Israel and fortify its existence. Galant has little life outside the army. He is a full-fledged army person.

Operation Cast Lead reveals Galant's capabilities. If you recall my analysis of the operation, I said that the operation was guided by the following principles: Minimize

casualties on the Israeli side; avoid direct confrontations; by no means allow another Gilad Shalit – no Israeli soldier should fall in the hands of the enemy; destroy the enemy.

These same principles guide many army commanders across the globe in many military operations – past, present and future. Galant is an army man. As said, he dedicates his life to the army and is very good in what he is doing. That also means very little compassion for the enemy. The result, as we all know, was about 1400 dead on the Palestinian side; 13 dead on the Israeli side.

### **The Washington Peace Summit**

Many asked me what I think of the peace summit. Well, I am not too hopeful. I wish I prove to be grossly wrong, I wish reality will crash my pessimism. But I cannot see peace at this juncture.



Photo: <http://www.france24.com/en/20100902-mubarak-urges-netanyahu-act-peace-chance-0>

Peace is a very precious commodity. It demands many sacrifices on both sides. Such a momentous moment in history will happen in the culmination of ripe circumstances, and strong-willed leaders who are fully committed to the idea of peace. At present, I do not think the circumstances are ripe, and I do not think that both Prime Minister Netanyahu and President Abbas are fully committed to peace. Both of them lack the will and the capability to reach peace.

Again, I wish I am very wrong, but listening to the opening statements of both leaders reveal the wide gaps between the two. Netanyahu said that we withdrew from Lebanon, and what did we get in return? Terror sponsored by Iran. We withdrew from Gaza and what did we get? Iranian-sponsored terror. Israel must insist on preserving its security. What does it mean? All the things that the Palestinian dread and wish to dismantle: the Fence; checkpoints; settlements; army presence.

Abbas spoke of borders, Jerusalem, water, the right of return, checkpoints, settlements, the well-known bones of contention. President Obama delineates a one-year process. I am afraid it will take more than a year.

See text <http://sdjewishworld.wordpress.com/2010/09/01/comments-by-obama-netanyahu-mubarak-abdullah-and-abbas-at-start-of-peace-talks/>

The moment Netanyahu will be true to peace, Lieberman will withdraw from the coalition. This might not be the end of the Netanyahu government as he can welcome Kadima. I will be less pessimistic if this will happen. Labour will remain in coalition now that the peace boat has anchored.

So here is a sign for you: As long as Lieberman is part of the coalition, it is all about words, hyper words, pleasantries, void words. If Lieberman leaves the government, then Israel's real test will begin as heavy sacrifices are demanded.

I watched President Obama closely: He looks tired. I think the job demands a great deal from him, probably more than he expected and wished for. Obama made many rocky mistakes that had their toll on him. His handling of the economy crisis is not satisfactory. He aroused too many opponents against him on the Capitol and other centers of powers. His Middle East policy is questionable. In some parts of the USA he is perceived as a liability for some Democrat candidates. Obama is fighting far too many fronts at the same time, and still does not fully understand how to conduct his affairs vis-a-vis the media. I repeat what I wrote in the past: Obama and his team should study closely how Prime Minister Sharon dealt with the media. By then, the experienced Sharon was no longer blinded by the media specter and knew how to mobilize them to serve his best interests. Obama understands slowly that extensive media exposure burns you, not flatters you. The President of the United States is not a media producer. Instead, he is the most beautiful girl in town who should be courted after, keep her life private, and maintain her glamour like the mysterious Mona-Lisa smile.



The economy, Afghanistan, Iran, the Israeli-Palestinian conflict, and addressing ad hoc matters as they pop up, this should be Obama's order of things.

## **Egypt**

According to recent reports, Hosni Mubarak, the 82 year-old long serving president of Egypt is struggling with incurable cancer. I watched him in the Washington summit and Mubarak looked reasonably well. But he is no longer the strong man he was. Mubarak, who succeeded Anwar Sadat after the latter was assassinated in 1981, provided much-

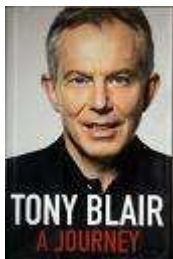
needed stability for the newly built peace relationships between Israel and Egypt. For the past few years he has designated his son Gamal to be his successor.



Israel should prepare for the next era. As far as it is possible to judge, if Gamal will secure his father's position the relationships between the two countries will be more of the same. Hosni took good care to see that Gamal understands his legacy and preserves it.

### **Tony Blair**

The same evening of September 2, 2010, just prior to the opening of the peace summit in Washington DC I watched Tony Blair's interview on the BBC, this on the occasion of the publication of his memoirs. You may not agree with all he says, but Blair always strikes me as a genuine and courageous leader, true to himself and to his conscience, with a strong sense of direction, belief in what he is doing, a man of ideas and ability to execute them, a doer. He gained my utmost appreciation during his terms in office and continues to have my appreciation in his various roles he assumed since then, mainly in his efforts to bring European ideas to the Middle East and some sanity to that part of the world that believes that the power of the sword is the answer to everything. This belief, I am sorry to say, is shared by both Palestinians and Israelis, with known, bloody results.



Blair believes he had taken the right decision to oust Saddam Hussein and to enter the Bush war coalition. He expresses sympathies and appreciation to the soldiers and their families who pay the highest possible price. He calls upon the world to take similar positions today regarding Iran, as he believes nuclear Iran constitutes a grave threat to the safety of the free world. The West cannot tolerate such a scenario and should resort to arms, if necessary, to prevent the Iranian bomb. I cannot agree more.

## **Iraq**

Now that the coalition forces are leaving Iraq, guess who will come in.

## **Iran**

Iran's behaviour reminds me of Iraq's under Saddam. The UN International Atomic Energy Agency (IAEA) says Iran has hindered its investigations by repeatedly objecting to the agency's choice of inspectors. The nuclear watchdog cannot confirm that Iran's nuclear programme is peaceful. Iran is continuing to produce low-enriched uranium, despite fresh UN Security Council sanctions. Those sanctions are insufficient to deter Iran or to convince its leaders to change their ways.



Bushehr Nuclear Power Station. Photo: BBC

Meanwhile, Tehran insists its nuclear programme is solely for energy production, and its Russian ally confirms this is the case. The free world has many reasons to suspect Iran is trying to develop nuclear weapons.

The IAEA said Iran had produced around 2.8 tonnes of low-enriched uranium. This uranium may be used for peaceful purposes. It might be used for violent purposes. Should the free world take its chances and allow Iran to reach the point of no return? The IAEA's consistent reports are most troubling to all who care about non-proliferation and global security.

I presume Israel and the USA are discussing all these concerns at the moment. Some more time is available to press the Iranians. But if they remain adamant, Israel will attack. The cycle of violence will widen with grave consequences not only to the region but to the world at large.

## **Report on the Gaza Flotilla**

As you know, my criticism of Cast Lead and of the Gaza blockade is not about the logic: Israel has every right to protect its citizens. No sovereign state should stand idly by

while its enemies aim to destroy it. No state should allow rockets being fired into its territory.

The issue is not about the moral and legal right but about the means pursuing that end. It is about proportionality. It is about inflicting indiscriminate suffering and insensitivity. It is about preserving the basic human rights of your enemy.

Not all Gazans are terrorists. Not all Gazans should be subject to arbitrary and indiscriminate fire and punishment. Israel, however, thinks that because Gazans elected Hamas, all deserve to be punished. There has been very little compassion in its actions.

Israel's actions have been subjected to international scrutiny for good reasons. And here comes another blow. Behaving like the neighbourhood bully does not pay dividends. It undermines Israel's position in the community of nations and harms its relationships with friendly and not-so-friendly countries. Israel's enemies rejoice and celebrate the mistakes Israel is making and wish its decision-makers many long years in power.

The report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance, was published on September 22, 2010. Here is its summary, reflections and major findings. I will be happy to email the full report to interested parties.

This report was prepared by the fact-finding mission established by the Human Rights Council in resolution A/HRC/RES/14/1 of 2 June 2010 to investigate violations of international law, including international humanitarian law and human rights law, resulting from the interception by Israeli forces of the humanitarian aid flotilla bound for Gaza on 31 May 2010 during which nine people were killed and many others injured.

The report sets out background information relating to the interception of the flotilla as well as the applicable international law. The fact-finding mission conducted interviews with more than 100 witnesses in Geneva, London, Istanbul and Amman. On the basis of this testimony and other information received, the Mission was able to reconstruct a picture of the circumstances surrounding the interception on 31 May 2010 and its aftermath. The report presents a factual description of the events leading up to the interception, the interception of each of the six ships in the flotilla as well as a seventh ship subsequently intercepted on 6 June 2010, the deaths of nine passengers and wounding of many others and the detention of passengers in Israel and their deportation.

The report contains a legal analysis of facts as determined by the Mission with a view to determining whether violations of international law, including international humanitarian and human rights law, took place.

The fact-finding mission concluded that a series of violations of international law, including international humanitarian and human rights law, were committed by the Israeli forces during the interception of the flotilla and during the detention of passengers in Israel prior to deportation.

Together with the Mission, I express my profound regret that the position of the Israeli government was one of non-recognition of and non-cooperation with the Mission. The Israeli government believes that non-cooperation better serves its interests. I beg to differ.

Under the laws of armed conflict, a blockade is the prohibition of all commerce with a defined enemy coastline. A belligerent who has established a lawful blockade is entitled to enforce that blockade on the high seas. A blockade must satisfy a number of legal requirements, including: notification, effective and impartial enforcement and proportionality. In particular a blockade is illegal if: (a) it has the sole purpose of starving the civilian population or denying it other objects essential for its survival; or (b) the damage to the civilian population is, or may be expected to be, excessive in relation to the concrete and direct military advantage anticipated from the blockade.

A blockade may not continue to be enforced where it inflicts disproportionate damage on the civilian population. The usual meaning of “damage to the civilian population” refers to deaths, injuries and property damage. Here the damage may be thought of as the destruction of the civilian economy and prevention of reconstruction of past damage.

In evaluating the evidence submitted to the Mission, including by the Office for the Coordination of Humanitarian Affairs in the occupied Palestinian territory, confirming the severe humanitarian situation in Gaza, the destruction of the economy and the prevention of reconstruction, the Mission is satisfied that the blockade was inflicting disproportionate damage upon the civilian population in the Gaza Strip and as such the interception could not be justified and therefore has to be considered illegal.

Moreover, the Mission emphasises that according to article 33 of the Fourth Geneva Convention, collective punishment of civilians under occupation is prohibited.

Given the evidence at the Turkel Committee, it is clear that there was no reasonable suspicion that the Flotilla posed any military risk of itself. As a result, no case could be made to intercept the vessels in the exercise of belligerent rights or Article 51 self-defence. Thus, no case can be made for the legality of the interception and the Mission therefore finds that the interception was illegal.

*Events on board the M.V. Mavi Marmara*

(i) Initial attempt to board the Mavi Marmara from the sea

112. Israeli zodiac boats made a first attempt to board the Mavi Marmara from the sea shortly before 0430 hours. Several zodiac boats approached the ship at the stern from both the port and starboard sides. The approach was accompanied by the firing of non-lethal weaponry onto the ship, including smoke and stun grenades, tear-gas and paintballs. Plastic bullets may also have been used at this stage: however, despite some claims that live ammunition was also fired from the zodiac boats, the Mission is not satisfied that this was the case. The smoke and tear gas were not effective due to the strong sea breeze and later due to the downdraft from helicopters.

113. The Israeli forces attempted to board the ship through attaching ladders to the hull. Passengers engaged in efforts to repel the attempted boarding using the ship's water hoses and the throwing of various items at the boats including chairs, sticks, a box of plates and other objects that were readily at hand. This initial attempt to board the ship proved unsuccessful. It is the view of the Mission that the Israeli forces should have re-evaluated their plans when it became obvious that putting their soldiers on board the ship may lead to civilian casualties.

(ii) Landing of soldiers from helicopters onto the Mavi Marmara

114. Just minutes after soldiers from the zodiac boats had made initial unsuccessful attempts to board, the first helicopter approached the ship at approximately 0430 hours, hovering above the top deck. At this point between 10 and 20 passengers were located in the central area of the top deck, although this number increased as other passengers learned of events on the top deck. The Israeli forces used smoke and stun grenades in an attempt to clear an area for the landing of soldiers. The first rope that was let down from the helicopter was taken by passengers and tied it to a part of the top deck and thereby rendered ineffective for the purpose of soldiers' descent. A second rope was then let down from the helicopter and the first group of soldiers descended. The Mission does not find it plausible that soldiers were holding their weapons and firing as they descended on the rope. However, it has concluded that live ammunition was used from the helicopter onto the top deck prior to the descent of the soldiers.

115. With the available evidence it is difficult to delineate the exact course of events on the top deck between the time of the first soldier descending and the Israeli forces securing control of the deck. A fight ensued between passengers and the first soldiers to descend onto the top deck that resulted in at least two soldiers being pushed down onto the bridge deck below, where they were involved in struggles with groups of passengers who attempted to take their weapons. The equipment jacket of at least one soldier was removed as he was pushed over the side of the deck. A number of weapons were taken from the soldiers by passengers and thrown into the sea: one weapon, a 9mm pistol was unloaded by a passenger, a former US Marine, in front of witnesses and then hidden in another part of the ship in an attempt to retain evidence.



Photo: IDF

116. A number of the passengers on the top deck fought with the soldiers using their fists, sticks, metal rods and knives. At least one of the soldiers was stabbed with a knife

or other sharp object. Witnesses informed the Mission that their objective was to subdue and disarm the soldiers so that they could not harm anyone. The Mission is satisfied on the evidence that at least two passengers on the bridge deck also used handheld catapults to propel small projectiles at the helicopters. The Mission has found no evidence to suggest that any of the passengers used firearms or that any firearms were taken on board the ship. Despite requests, the Mission has not received any medical records or other substantiated information from the Israeli authorities regarding any firearm injuries sustained by soldiers participating in the raid. Doctors examined the three soldiers taken below decks and no firearm injuries were noted. Further, the Mission finds that the Israeli accounts so inconsistent and contradictory with regard to evidence of alleged firearms injuries to Israeli soldiers that it has to reject it.

#### Deaths of nine passengers and wounding of at least 50 other passengers

117. During the operation to secure control of the top deck, the Israeli forces landed soldiers from three helicopters over a fifteen-minute period. The Israeli forces used paintballs, plastic bullets and live ammunition, fired by soldiers from the helicopter above and soldiers who had landed on the top deck. The use of live ammunition during this period resulted in fatal injuries to four passengers, and injuries to at least nineteen others, fourteen with gunshot wounds. Escape points to the bridge deck from the top deck were narrow and restricted and as such it was very difficult for passengers in this area to avoid being hit by live rounds. At least one of those killed was using a video camera and not involved in any of the fighting with the soldiers. The majority of gunshot wounds received by passengers were to their upper torsos in the head, thorax, abdomen and back. Given the relatively small number of passengers on the top deck during the incident, the Mission is driven to the conclusion that the vast majority were in receipt of gunshot wounds.

118. Israeli soldiers continued shooting at passengers who had already been wounded, with live ammunition, soft baton charges (beanbags) and plastic bullets. Forensic analysis demonstrates that two of the passengers killed on the top deck received wounds compatible with being shot at close range while lying on the ground: Furkan Doğan received a bullet in the face and İbrahim Bilgen received a fatal wound from a soft baton round (beanbag) fired at such close proximity to his head that parts such as wadding penetrated his skull entered his brain. Furthermore, some of the wounded were subjected to further violence including being hit with the butt of a weapon, being kicked in the head, chest and back and being verbally abused. A number of the wounded passengers were handcuffed and then left unattended for some time before being dragged to the front of the deck by their arms or legs.

119. Once the Israeli forces had secured control of the top deck they undertook measures to move down to the bridge deck below in order to take over the ship's bridge and thus take control of the ship. In relation to this operation, a series of shooting incidents occurred centred on the portside doorway which gives access to the main stairwell on the bridge deck. This door is near to the hatch and ladder, which allows access from the top deck to the bridge deck.

120. Israeli soldiers fired live ammunition both from the top deck at passengers on the bridge deck below and after they had moved down to the bridge deck. At least four passengers were killed, and at least nine injured (five with firearms injuries) during this phase. None of the four passengers who were killed, including a photographer who at the time of being shot was engaged in taking photographs and was shot by an Israeli soldier positioned on the top deck above, posed any threat to the Israeli forces. There was considerable live fire from Israeli soldiers on the top deck and a number of passengers were injured or killed whilst trying to take refuge inside the door or assisting other to do so. Wounded passengers were brought into the ship through the stairwell and through the ship's bridge room and were helped downstairs where they could be given some form of medical treatment by doctors and others on board.

170. The circumstances of the killing of at least six of the passengers were in a manner consistent with an extra-legal, arbitrary and summary execution.

172. The Mission is satisfied that much of the force used by the Israeli soldiers on board the Mavi Marmara and from the helicopters was unnecessary, disproportionate, excessive and inappropriate and resulted in the wholly avoidable killing and maiming of a large number of civilian passengers.

### **Legal Analysis of the treatment of the passengers in Israel**

#### *(a) Arbitrary or illegal arrest or detention*

215. Article 9, paragraph 1 of the International Covenant on Civil and Political Rights guards against arbitrary arrest or detention. Since the Israeli interception of the flotilla was unlawful, the detention of the passengers and crew from the seven vessels at Ashdod was also prima facie unlawful since there was no legal basis for the Israeli authorities to have detained and transported these people to Israel. The passengers found themselves in Israel on the basis of an unlawful act by the State of Israel.

### **Conclusions**

264. The conduct of the Israeli military and other personnel towards the flotilla passengers was not only disproportionate to the occasion but demonstrated levels of totally unnecessary and incredible violence. It betrayed an unacceptable level of brutality. Such conduct cannot be justified or condoned on security or any other grounds. It constituted grave violations of human rights law and international humanitarian law.

265. The Mission considers that several violations and offences have been committed. It is not satisfied that, in the time available, it can say that it has been able to compile a comprehensive list of all offences. However, there is clear evidence to support prosecutions of the following crimes within the terms of article 147 of the Fourth Geneva Convention:

- wilful killing;
- torture or inhuman treatment;
- wilfully causing great suffering or serious injury to body or health.

The Mission also considers that a series of violations of Israel's obligations under international human rights law have taken place, including:

- right to life (article 6, ICCPR);

- torture and other cruel, inhuman or degrading treatment or punishment (article 7, ICCPR; CAT);
- right to liberty and security of the person and freedom from arbitrary arrest or detention (article 9, ICCPR);
- right of detainees to be treated with humanity and respect for the inherent dignity of the human person (article 10, ICCPR);
- freedom of expression (article 19, ICCPR).

The right to an effective remedy should be guaranteed to all victims. The mission must not be understood to be saying that this is a comprehensive list by any means.

The Turkel Commission that recently lost one of its members (Shabtai Rosen who passed away at the age of 93) will have to study this Report closely and address its concerns one by one.

### **Fidel Castro on Anti-Semitism**

Cuba has never been Israel's friend. Understandably so. As long as Cuba and the USA maintain tenuous relationships, Cuba will not be a fan of the American's greatest and most reliable ally. This is why the news from Cuba arrived as a surprise. In a recent interview, Fidel Castro criticized Iranian President Ahmadinejad for what he called his anti-Semitic attitudes. He also questioned his own actions during the Cuban Missile Crisis of 1962.



Photo: YNET

Castro repeatedly returned to his excoriation of anti-Semitism, chiding Ahmadinejad for denying the Holocaust. Castro said that Iran could further the cause of peace by "acknowledging the 'unique' history of anti-Semitism and trying to understand why Israelis fear for their existence."

Castro related a story from his childhood that he overheard classmates saying Jews killed Jesus Christ. "I didn't know what a Jew was. I knew of a bird that was called a 'Jew,' and so for me the Jews were those birds". Castro later added, "This is how ignorant the entire population was."

Castro said, "I don't think anyone has been slandered more than the Jews. I would say much more than the Muslims." Castro also said that the Iranian government should understand that the Jews "were expelled from their land, persecuted and mistreated all over the world, as the ones who killed God."

After undergoing emergency intestinal surgery in July 2006, giving up Cuba's presidency and dropping out of sight for four years, Castro has begun making near-daily public appearances to warn of a nuclear war pitting the US and Israel against Iran and also featuring a Washington-led attack on North Korea.

"This problem is not going to get resolved, because the Iranians are not going to back down in the face of threats," Castro said.

Source: YNET,  
<http://www.ynetnews.com/Ext/Comp/ArticleLayout/CdaArticlePrintPreview/1,2506,L-3951540,00.html>

### **Honour Killing**

A 10-month investigation by *The Independent* in Jordan, Pakistan, Egypt, Gaza, the West Bank and other parts of the world reveals unearthed terrifying details of *murder of at least 20,000 women a year in the name of 'honour'*. Iraqi Kurds, Palestinians in Jordan, Pakistan and Turkey appear to be the worst offenders but honour crimes long ago spread to Britain, Belgium, Russia and Canada and many other nations. Outrageously, rape is also used as a punishment for "honour" crimes. Security authorities and courts across much of the Middle East have connived in reducing or abrogating prison sentences for the family murder of women, often classifying them as suicides to prevent prosecutions.

Near the Belgian city of Charleroi, Sadia Sheikh was shot dead by her brother, Moussafa, because she refused to marry a Pakistani man chosen by her family; in the suburbs of Toronto, Kamikar Kaur Dhillon slashes his Punjabi daughter-in-law, Amandeep, across the throat because she wants to leave her arranged marriage, perhaps for another man. He told Canadian police that her separation would "disgrace the family name".

In Britain, the phenomenon is well recorded: Surjit Athwal, a Punjabi Sikh woman was murdered on the orders of her London-based mother-in-law for trying to escape a violent marriage; 15-year-old Tulay Goren, a Turkish Kurd from north London, was tortured and murdered by her Shia Muslim father because she wished to marry a Sunni Muslim man; Heshu Yones, 16, was stabbed to death by her father in 2005 for going out with a Christian boy; Caneze Riaz, was burned alive by her husband in Accrington, along with their four children - the youngest 10 years old - because of their "Western ways".

<http://www.independent.co.uk/opinion/commentators/fisk/the-crimewave-that-shames-the-world-2072201.html>



Photo: The Independent

I must demur and protest against the leniency exhibited by legal systems to this abhorrent phenomenon, leniency that essentially legitimizes crime. They show more sensitivity to cultural norms than to human life. It also seems that by adopting this reasoning the legal systems are more anxious to protect their own interests than to secure fundamental moral codes and basic human rights. Alienation of women from the legal systems, mistrust in them that they will protect their right to life is bad for the minorities and it also goes against state interests. The authorities prefer to exhibit a lenient attitude towards inhuman crimes without understanding that by this they undermine law and order. Apparently the price to be paid is not very substantial: the lives of some dozens of persons, all from minority communities. I find this reasoning offensive and repugnant.

So the state does not mind that homicide takes place in many Muslim communities, and in the Muslim communities no powerful organizations exist to safeguard the most fundamental right: the right to live. Women are left unprotected and a crude rumour might be sufficient to end the life of one suspected of an indecent conduct. Those who do try to protect basic rights often walk on very thin ice, raising their voice against such acts, and at the same time watchful not to rouse angry people against them, who might perceive their activities as 'untraditional', as betraying religion and culture. In some communities, honour is far more important than the life of the girl who shamed her family. The murderers, who are mostly or always male, are not subject to internal punishment or banishment; on the contrary, in their communities they gain in honour. This situation should change, the sooner the better. No country should agree to that, condone it or legitimize it in some form of the shape. Honour killing should be condemned and fought against with all state power. The test of civilization and democracy is always the protection of vulnerable people. In this test until now many countries have miserably failed.

### **Child Abuse and the Catholic Church**

Pope Benedict visited the UK. Both major news channels, BBC and ITV, welcomed him with yet another report about child abuse by clergy. Every few months for the past twenty years the media report such awful incidents. What the church needs is wise and courageous leadership that understands that there is an endemic problem that needs a root solution, otherwise the future is known. Every few months we will hear of yet another child abuse incident. These children are handed like sheep by their parents to God's servants who abuse the parents' trust and succumb to their own selfish sexual drives. Those clergymen destroy the children's lives forever.



The much-needed root change is to lift the ban on marriage. Despite all efforts to fight against human weaknesses and sexuality, humans remain human. We need sex. We possess drives. If suppressed, humans will seek refuge wherever possible abusing children deposited in their hands. Is Pope Benedict the person to bring forward the much needed revolutionary change of allowing clergy the freedom to marry?

In his comments Prof. Sam Lehman-Wilzig wrote: Of course, removing the celibacy requirement could improve the Church's pastoral situation in the long run by opening the doors to the largest potential cohort by far: heterosexual, married men -- who (one would hope and imagine) are far less prone to molest children and others in general. If this occurred, then the Church could be far more selective in who it accepts as priests, thereby winnowing out (at least most of) the pedophiliac and molestation-prone priests. Today, the lack of candidates for the priesthood is so problematic for the Church that it seems to be willing to accept (and turn a blind eye to) just about anyone with pants and a zipper. With a significant expansion of the candidate pool for the priesthood, it would be far less prone to let slide any forms of sexual attack. Instead of three strikes and you're quietly moved to a different parish, a larger heterosexual, married pool of candidates would enable the Vatican to promulgate a policy of "one strike and you're out of the Church".

### **USA School Education 2010**

This story was sent to me by the Southern Poverty Law Center (SPLC). It concerns J.W., a first-grader in Sarah T. Reed Elementary School in New Orleans. The 6-year-old boy is just four feet tall and weighs 60 pounds. He enjoys playing basketball, being read to by his parents, colouring and playing outside with friends.

Within one week, J.W. was twice forcibly arrested, handcuffed and shackled to a chair. His "crimes" were talking back to a teacher and later arguing with a classmate over a seat by an armed security officer. The amount of force used on J.W. inflicted severe emotional distress. J.W. has become withdrawn and afraid to go to school. His counselor reports that he has been "deeply affected and traumatised." Shockingly, this level of punishment is official school policy. All across the nation, schools have adopted draconian "zero-tolerance" policies that treat children like criminals and turn schools into prison-like environments.

SPLC filed a lawsuit against the school district to stop the brutal and unconstitutional policy of chaining students who break minor school rules. SPLC is determined to hold the school and school district accountable for what they've done and to stop their barbaric treatment of children so that no one else suffers like J.W.

### **George Soros' Donation to Human Rights Watch**

Billionaire philanthropist George Soros will give Human Rights Watch \$100 million to expand its work throughout the world. The gift is the largest ever by Soros and the largest received by Human Rights Watch.



Soros, 80, said the gift is the first of a series of large gifts that he plans to make. This year, Soros has donated some \$700 million to several causes. He earned \$3.3 billion from his hedge fund in 2009.

Human Rights Watch, which monitors human rights abuses worldwide, said it will add about 120 staff members to its current 300 posted in capitals around the world, open new offices and expand the translation of its approximately 100 reports a year. Based in New York, the organisation was founded in 1978. It is funded solely by private donations.

I commend Soros for his generosity. I wish he would donate some funds to promote specific human rights causes in Israel and Palestine. There are quite a few worthy organizations that could certainly use some assistance. My special interest is in the Center for Democratic Studies, which I founded in 2003.

Source: <http://www.jta.org/news/article/2010/09/07/2740840/soros-gives-100-million-to-human-rights-watch>

### **New Books**

**Christopher C. Harmon, *Terrorism Today* (London: Routledge, 2009).**



The third edition of this best-selling insight into terrorism today has been updated and revised to include what the author terms the new 'militant Moslem international.' Drawing directly on the words and ideas of terrorists themselves, this book is an examination of patterns, current trends and future threats in terrorism worldwide. It explores the ideology and psychology, the politics and policies, the strategies and operations of many active small groups and major insurgencies. The book reflects on modern technology and tactics, and also on counter-terrorism mechanisms.

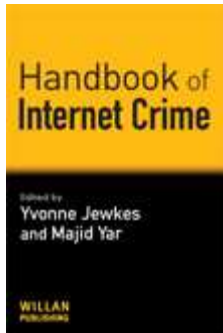
Terrorism is a worldwide phenomenon that troubles many nations. It is the deliberate and systematic murder, maiming, and menacing of the innocent to inspire fear for political ends. Terrorism is used by single-minded small groups, state agents, and broader insurgent movements to seek political and military ends. The terrorist leader emerges as a calculating, innovative and often well-educated person whose use of violence against the innocent is calibrated for maximum effects.

This is an important resource for students of terrorism, counter-insurgency and international security. Its main weakness is lack of careful discussion of the human rights violations that are increasingly the result of the War on Terror. The author is concerned with the terrorist phenomenon and with the ways to fight against it, not with the legality and the legitimacy of the means used to tackle and eradicate terror.

I thank Routledge for a copy of this book.

**Yvonne Jewkes and Majid Yar (eds.), *Handbook of Internet Crime* (Portland, OR: Willan, 2010).**

This is a very thorough collection (654 pages) of essays on many aspects of Internet crime in the fields of New Media, sociology, criminology, film studies, computer law, forensics, and culture studies. It is arguably the most comprehensive book on cybercrime to date. It deals with Internet-related crime, deviance, policing, law and regulation in the 21st century. The Handbook reflects the range and depth of cybercrime research and scholarship, reflecting on the global nature of cybercrime problems, and the international span of scholarship addressing its challenges.



I particularly enjoyed James Curran, “Reinterpreting Internet history”, Barry Sandywell, “On the globalization of crime”, Steven Furnell, “Hackers, viruses and malicious software”, Dorothy Denning, “Terror’s web”, Ethel Quayle, “Child pornography”, and Maggie Wykes, “Harm, suicide and homicide in cyberspace”. The subject matters are diverse and cover a wide range of issues. I also enjoyed the international nature of the book whose contributors come from different nations, with different approaches to cybercrime. The American approach is very different than the rest of the world, and this is well reflected in this rich resource.

<http://www.willanpublishing.co.uk/cgi-bin/indexer?product=9781843925248>

I thank Majid Yar for a copy of this book.

### ***A Reporter’s Profile***

**In Memory of Mark Bianu** (Haifa, 2010) (Hebrew)

Seven years have passed since the Maxim suicide murder that resulted with the death of many people. This murder literally wiped out families who came to have a peaceful meal in an Israeli-Palestinian restaurant. Among the dead were my student Mark Bianu and his newlywed wife Naomi.

Mark’s family works hard to commemorate the life and work of this exceptional man whose life were abruptly cut short by this act of despicable terrorism. This new book includes five sections. In the first section titled “The Reporter” there are short articles of people who knew Mark from his work as a reporter in the Haifa local TV news. Among the authors are the Director of the Israel Broadcast Association, Amir Gilat; Mayor of Haifa Yonah Yahav, Commander of Haifa Police Nir Mariash and local reporters.



*Mark is holding the microphone*

The second section, "The Academician", includes articles by Mark's teachers and fellow students. Among the authors are Professor Oz Almog, Professor Sheizaf Rafaeli, Professor Gabi Weimann, Dr. Yariv Tzfati, Dr. Lilach Nir, Dr. Jonathan Cohen, Dr. Aimy Lev, Dr. Rivki Ribak and yours truly.

The third section was authored by Mark's friends, reflecting on his big heart and similar captivating smile, while the fourth and fifth sections bring the voices of Mark's teachers at school and Mark's family. The last section includes some of the articles that this young man wrote before his life at the age of 30 were taken in the most tragic way, including an article that Mark and I wrote together about Israeli wars as covered by *Haaretz* newspaper. This work was based on Mark's seminar paper which I thought was excellent and in some institutions would be considered as a worthy MA thesis.

I thank Florence Bianu for a copy of this touching book.

**New Article**

"*Ethical Space: Journal with a Difference*", *The Review of Communication*, Issue 10:3 (2010), pp. 228-235.

**Authors:** Richard Keeble - Richard Keeble (PhD., City University, London, 1996) is Professor of Journalism, University of Lincoln, School of Journalism, Main Campus, Brayford Pool, Lincoln LN6 7TS, UK; Raphael Cohen-Almagor - Raphael Cohen-Almagor (D.Phil, Oxford University, 1991) is Professor of Politics, University of Hull, Cottingham Road, Hull, HU6 7RX, UK



## Abstract

*Ethical Space* is a journal with a difference—based on the premise that many segments of the modern media are neglecting ethical concerns. In a reality of fierce competition, ratings, and economic considerations, ethics becomes a secondary, sometimes irritating issue. The idea, so to speak, is “Let me do my job of reporting and don't trouble me with your morals.” As the media have grown in size, scope, and means of dissemination, so the academic interest in the media has grown. More and more departments of media, journalism, and communication have been established in North America, in Europe, as well as in other parts of the world. More courses on media ethics are being offered to evoke awareness to ethical media concerns that will accompany students in their future work in the field. And more pertinent journals have been established to entertain ethical concerns. But it is an unfair race. Often, economic and financial considerations triumph over ethical considerations. Many academic programs do not hire media ethicists and, if they teach media ethics, the courses are taught by scholars who are not specialists. Often, media ethics courses are not obligatory for all students. Thus they miss the only opportunity they may have to acquire awareness and knowledge of ethical concerns. The commitment of the academic journal, *Ethical Space*, is to examine significant historical and emerging ethical issues in communication.

**Keywords:** Ethical Space; journalism ethics; PR ethics; communication academics and professionals

## Israeli Summer

Israel's relative quiet does good for the tourism industry. Tel Aviv hotels are in full capacity. As in previous summers, French is frequently heard on the beach and in bars and restaurants. This year, in addition to French I heard lots of English, Italian, Spanish and German. Tourists are coming from all over the world to enjoy the gems Israel is blessed with. The Tel Aviv promenade is stunning as ever; the sand golden, the food excellent, the people are welcoming, and the weather is hot and steamy, as usual is the case in August.



**LIFE in Israel in 1948**

LIFE Magazine archive has a vast collection of photos. See <http://benatlas.com/2009/07/life-in-israel-in-1948-part-1/> ;  
<http://benatlas.com/2009/07/life-in-israel-in-1948-part-2/> and  
<http://benatlas.com/2009/08/life-in-israel-in-1948-part-3/> for photos of Israel in 1948.

### **Gem of the Month – The Moody Blues**

In my youth, one of my favourite groups was The Moody Blues. I love the tunes, and the voice of the lead singer. Three of the original members remain, and they added four other talented musicians. Presently they are touring the UK and Amsterdam, and I was fortunate to see and hear these giants in London. Amazingly, **Justin Hayward's** voice remains as it was some forty years ago.

Their greatest album is



Here is one of the greatest ever:

<http://www.youtube.com/watch?v=7rkgm1yGgbM>

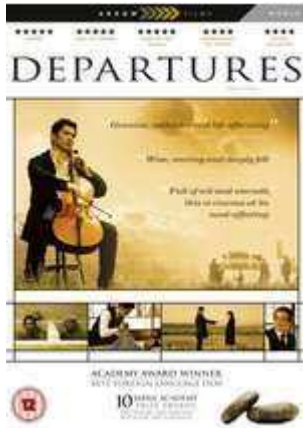
See also <http://www.brumbeat.net/moody.htm>

### **Movie**

#### **Departures (2008)**

In Judaism, we wrap the dead in robes, conduct a funeral procession leading to the graveyard, where people say prayers and bid farewell to the deceased. Then, we bury the dead. It is a very simple ceremony. In Japan they do it differently.

I have spent the past twenty years studying death with dignity. I did not pay much attention to the issue of dignity after death. "Departures" hammers this theme and forces you to think and rethink.



Daigo (Masahiro Motoki) is a cellist whose orchestra had been dissolved. He is looking for work and the first ad he encounters is entitled Departures. Daigo believes this ad was placed by a travel agency. The available position, however, turns out to be with a company that meticulously prepares corpses for cremation. Daigo has to overcome his prejudices regarding the job, something he is able to do upon watching his mentor's dignified conduct; but then he has to face others, including his loyal, optimistic and full-of-life wife (Ryoko Hirose), who does not wish him to deal with corpses.



This slow and beautiful drama, which won the Oscar, is about four people and one ghost that continues to hunt Daigo throughout his life, accompanied by beautiful music (if you like cello, this one is for you). The film is sensitively directed by [Yojiro Takita](#). You cannot remain indifferent watching Daigo-Motoki's agony until he comes to peace with his ghost; the superb acting of Hirose and Daigo's mentor, Tsutomu Yamazaki, and the beautiful scenes of preparing people to their final departure. The final scene is breathtaking.

## Monthly Poem

### Summer Sun

Great is the sun, and wide he goes  
 Through empty heaven with repose;  
 And in the blue and glowing days  
 More thick than rain he showers his rays.

Though closer still the blinds we pull  
 To keep the shady parlour cool,  
 Yet he will find a chink or two  
 To slip his golden fingers through.

The dusty attic spider-clad  
 He, through the keyhole, maketh glad;  
 And through the broken edge of tiles  
 Into the laddered hay-loft smiles.

Meantime his golden face around  
 He bares to all the garden ground,  
 And sheds a warm and glittering look  
 Among the ivy's inmost nook.

Above the hills, along the blue,  
 Round the bright air with footing true,  
 To please the child, to paint the rose,  
 The gardener of the World, he goes.

**Robert Louis Stevenson**

[More poems from Robert Louis Stevenson](#)

### **Light Side**

Don Juan, Valentino, Casanova and Jacob are having lunch in a restaurant in Bern. They speak about women, what else.

Don Juan: Last week I woke up with a blond lady in Rome, made love for lunch with a red-head lady in Venice, and finished the day with a lovely brunette in Florence.

Valentino: I stayed in hotel in Seville, met five women in three days and made love to all of them.

Casanova: I met three married ladies in a bar in Paris, left with all three to one of the ladies' rooms. When her husband was about to arrive we moved to a second room, and then to the third room. There I was almost caught by the angry husband. As a matter of fact, this is why I am here today.

All this time, Jacob is sitting quietly eating his pesto pasta.

Don Juan: What about you, Jacob?

Jacob: I sleep only with my wife – sometimes, he added dryly.

Casanova: And don't you find it a bit, how shall we say, boring?

Jacob: I do. But if I sleep with another woman I will spend my life moving from one bed to another, running for my life.

Peace and love.

Yours as ever,

Rafi

My last communications are available on <http://almagor.blogspot.com/>  
Earlier posts at my home page: <http://hcc.haifa.ac.il/~rca/>

People wishing to subscribe to this Monthly Newsletter are welcome to e-mail me at [r.cohen-almagor@hull.ac.uk](mailto:r.cohen-almagor@hull.ac.uk)