



April 24, 2013

The Palestinian Center for Human Rights (PCHR) plays a leading role in anti-Israeli lawfare and is planning to exploit Operation Pillar of Defense to sue senior Israeli figures. It is also urging the Palestinian Authority to benefit from its new international status to sue Israel in the ICC.



A conference organized by the PCHR held in Spain to formulate an anti-Israeli lawfare strategy (PCHR website, April 23, 2013)

Formulating an Anti-Israeli Lawfare Strategy

1. On **April 23-24, 2013**, an international conference was held in Málaga, Spain, with the title "**Pursuing justice and redress for Palestinian victims: developing strategies for advocacy and litigation.**" It was the fourth such conference organized by the Palestinian Center for Human Rights (PCHR), an NGO in the Gaza Strip **headed by Raji Suriani. The Center plays a leading role in anti-Israeli lawfare** (See Appendix). The conference was co-organized with international pro-Palestinian organizations such as **Al-Quds Málaga** and attended by representatives of Israeli and international Palestinian human rights organizations (PCHR website, April 23, 2013).

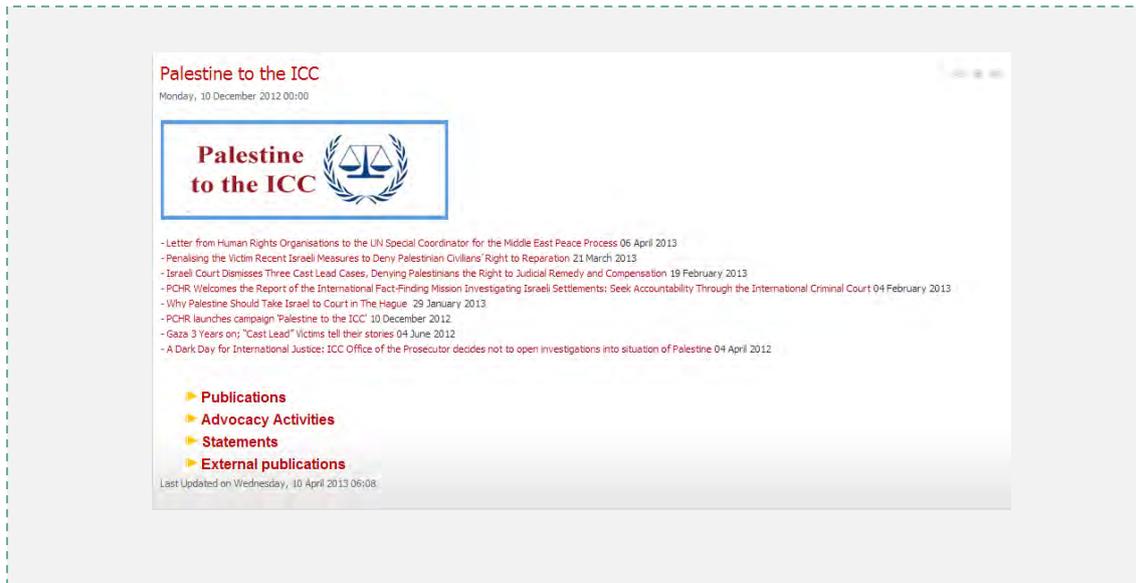
2. In our assessment, the main motive for the conference to formulate a method for taking legal action against Israel in the international arena, since Israel has put limitations on suits for damages from being filed in Israeli courts. That has been the case since the passing of **Amendment No. 8** to the Israeli Civil Torts Law (Liability of the State), **which reduces the liability of the state for damages caused by the IDF in the PA territories or during combat** (the amendment was passed by the Israeli Knesset on July 16, 2012). **As far as the PCHR is concerned, the adoption of the amendment meant they had to increase their efforts in the international legal arena** (See below). However, the PCHR and the other organizations leading anti-Israeli lawfare and the campaign to delegitimize Israel also deal with the settlements, the Palestinian terrorist prisoners, the administrative detentions and the so-called "mistreatment of minors."

3. On the first day of the conference the participants shared their experiences of litigating for Palestinians, with the aim of developing "**effective legal and advocacy strategies**."¹ PCHR members are of the opinion that the Israeli legal system is blocked to Palestinian complaints and that **the only venue in which such complaints can be pursued is in the ICC in The Hague**, which, they claim **is accessible to the Palestinians following the UN recognition of Palestine as an observer state**.

4. Based on that concept, **Raji Suriani**, head of the PCHR, **has been urging the PA leadership to sign the Rome Convention² as quickly as possible, which would enable the PA to appeal to the ICC in The Hague**. According to Suriani, joining the Convention would allow the PA to take action and attack Israel in the ICC (Qudsnet website, April 9, 2013).

¹ <http://reliefweb.int/report/occupied-palestinian-territory/pchr-opens-international-legal-conference-malaga>

² The Rome Convention is the source of the ICC's authority. It went into effect on July 1, 2002, and 139 states are signatories, and 67 states ratified it. Israel signed it on December 31, 2000, but did not ratify it.



The PCHR's campaign: The "issues" the Palestinians would take before the ICC (PCHR website, April 24, 2013).

Exploiting the Deaths of the Al-Dalou Family during Operation Pillar of Defense

5. After Operation Pillar of Defense the PCHR and other such organizations, with the support of the de-facto Hamas administration in the Gaza Strip, deployed to take legal action against Israel. One of the issues the organization is trying to exploit is the deaths of members of the al-Dalou family, which occurred on November 18, 2012.³

6. On **April 11, 2013**, the Israeli Military Advocate General issued an update of an examination held of various incidents that occurred during Operation Pillar of Defense. One of them was the al-Dalou deaths. The results of the examination indicated that **they died in an attack targeting a senior terrorist operative and other terrorist operatives** responsible for firing scores of rockets at Israeli civilian population centers.

7. The Military Advocate examination of the incidents also showed that **various precautionary measures had been taken to reduce collateral damage to innocent bystanders during attacks on the military target**. That was done through the use of appropriate ordnance. It also showed that operational sources did not expect the attack

³ On the fifth day of Operation Pillar of Defense, Israeli Air Force aircraft attacked a four-story building in the Al-Nasser quarter of Gaza City; the building collapsed. Eleven members of the al-Dalou family were inadvertently killed in the attack. Also killed was Muhammad Jamal al-Dalou, a senior commander in the artillery network of the Izz al-Din al-Qassam Brigades, Hamas' military-terrorist wing.

to result in collateral non-combatant civilian damage to the extent it did. In view of the above findings the Chief Military Advocate determined that **the incident did not raise a suspicion of criminal activity and that the unfortunate result occurred despite the efforts made to prevent collateral non-combatant civilian damage.** The Chief Military Advocate determined that **a criminal investigation was unnecessary and that no other steps should be taken** (IDF Chief Military Advocate website, April 11, 2013).

8. In response to the decision handed down by the Israeli Military Advocate General, Raji Suriani said that his organization had complete files and was prepared to appeal to the ICC and that **the PA leadership should want to join the Rome Convention.** He said that once that step had been completed, **"we will inundate the [Israeli] occupation with hundreds and thousands of legal suits that will incriminate and convict it"** (Palestinian TV, April 15, 2013).

9. In addition, **Samir Zakout**, director of the field research unit at the **Al-Mezan Center for Human Rights**,⁴ said that the Military Advocate General's decision was not surprising. He claimed that the Israeli legal system collaborated with "the war crimes committed by the occupation forces" and gave immunity to those who had carried out "war crimes." He also said that the Military Advocate had decided to close the files of the four claims lodged by the Al-Mezan Center dealing with torture (Palestinian TV, April 15, 2013).

Conclusions

10. The conference in Málaga and the activity of the PCHR and other Palestinian NGOs in suing Israel for events occurring during Operation Pillar of Defense are part of the lawfare currently being waged against Israel. **They are aspects of the campaign**

⁴ The **Al-Mezan Center for Human Rights** is a Palestinian NGO based in the Gaza Strip. Its main office is in the Rimal quarter of Gaza City; it has branch offices in Jabaliya and Rafah. According to its website its goal is to promote human rights in the Gaza Strip through research, legal defense and raising awareness. Its director is **Issam Younis**, who holds an MA in human rights studies from Essex University, London. Many senior figures in the organization studied in various London universities. During Operation Cast Lead the organization joined Hamas' propaganda campaign and issued strong accusations against Israel for its so-called "slaughter," "torture," "war crimes" and "despicable lack of respect for civilian life." The Center supported and aided the work of the Goldstone Commission, although to a minor degree. The Center collaborates with other organizations in bringing lawsuits against senior Israeli figures, and was involved (with the Al-Haq organization) in bringing criminal charges against Israeli Defense Minister Ehud Barak in Britain in 2009.

to delegitimize Israeli waged by various groups, organizations and networks around the globe. The PCHR and similar organizations regard the **ICC in The Hague** as an important arena for anti-Israeli lawfare and **they are urging the PA to take the initiative in the enterprise.**

11. It is expected that anti-Israeli lawfare will continue in many ways: by **bringing civil and criminal complaints against senior political and military Israeli figures around the world**, based on the universal jurisdiction principle; **appealing to international legal instances such as the ICC**; and encouraging the **establishment of international committees** (such as the Goldstone Commission) to investigate Israeli counterterrorism activities in the PA territories.

The Palestinian Center for Human Rights



The PCHR logo

1. Among the Palestinian organizations specializing in anti-Israeli lawfare, **the PCHR is particularly prominent.**⁵ It is an anti-Israeli Palestinian NGO based in the Gaza Strip. It was established in 1995 by a group of Palestinian lawyers and human rights activists. Its stated goal is to protect the Palestinians' rights and promote the rule of law among Palestinians in accordance with international standards. The organization declares that it seeks to develop democratic institutions and a democratic culture in Palestinian society and to promote efforts and enterprises whose objective is the Palestinians' right to self-determination as part of a comprehensive and viable peace in the region.

2. The organization claims to deal with the investigation and documentation of human rights violations, to provide aid in law-making proceedings and to promote laws according to international standards for human rights and democratic principles. The PCHR enjoys special consultative status in the UN's Economic and Social Council (ECOSO). The organization has contacts with international human rights organizations and legal bodies around the globe, and in the past received a number of awards for its human rights activities.

⁵ Other organizations are the **Al-Mezan Center** in the Gaza Strip and the **Al-Haq** organization in Ramallah.

3. In fact, in spite of its distinguished image, and despite its declared commitment to human rights and democracy, the **PCHR is an important player in the campaign to delegitimize Israel, at whose core the ambition to destroy the State of Israel as the national home of the Jewish People.** Its basic worldview, which it details on its homepage, makes no mention of the right of the State of Israel to exist or to the two-state solution for resolving the Israeli-Palestinian conflict through negotiation. What it does post is strong criticism for the Oslo Accords and support for the so-called "right of return" of the Palestinian refugees, which in effect would mean the destruction of the Jewish nature of the State of Israel.

4. **The PCHR makes frequent use of terms which defame Israel**, describing it as an "apartheid" state which carries out "ethnic cleansing" and "war crimes," **while it makes no mention whatsoever, to say nothing of condemnation, of the terrorist campaign carried out by the Palestinian organizations** (for example, it does not condemn the firing of rockets at Israeli civilian population centers, which is, in fact, a war crime). **The PCHR regards the universal jurisdiction law as a means of defame Israel, legally harassing its senior figures and damaging the capabilities of its security forces to wage an effective struggle against the Palestinian and other terrorist organizations, especially Hamas.**

5. The PCHR's director is **Rami Khader Musa Suriani**, a lawyer. He was born in the Rimal quarter of Gaza City in 1953. In 1977 he received a law degree from the University of Alexandria, Egypt. In 1979 and throughout the 1980s and 1990s he was detained a number of times by the Israeli security forces. Since he finished his studies he has engaged in many anti-Israeli activities, representing them as "promoting human rights." He heads the board of trustees of the Arab Organization for Human Rights (AOHR). The legal and propaganda war he wages against Israel is represented by Palestinians and Arabs alike as promoting "human rights," for which he has won international respect.

6. Some of the PCHR's activities are the following:

1) **Lodging complaints against senior Israeli figures in Britain, based on the universal jurisdiction law:** The PCHR was party to the arrest warrants issued in Britain for former Israeli Minister of Defense **Shaul Mofaz** (2002) and Gen (Ret.) **Doron Almog** (2005). To lodge the complaints in Britain the PCHR **used the services of a well-known firm of British lawyers.**

2) Lodging legal complaints against senior Israeli figures around the globe:

A document the organization issued in 2010 entitled "Principles and application of the universal jurisdiction law" lists various complaints against Israeli figures lodged in countries around the world: **against Shaul Mofaz, Doron and Avi Dichter in Bern, Switzerland, 2003; against Avi Dichter in the United States, 2005; against Moshe Yaalon in New Zealand, 2006; against Ami Ayalon in Holland, 2008; against Benyamin Ben Eliezer and other senior Israelis in Spain, 2008.**⁶ The complaints did not lead to the arrests of senior Israeli figures, however they were well-covered by the media and caused political "noise" between Israeli and friendly nations.

3) Monitoring IDF activity in the Palestinian territories:

A. The organization's website frequently issues reports on the activities of the Israeli security forces in the Gaza Strip, Judea and Samaria. An analysis of the reports and other PCHR postings reveals them to be **one-sided, inaccurate, biased in favor of Hamas and the other terrorist organizations and serving the political agenda of the anti-Israel delegitimization campaign.** For example, the PCHR sent "field reports" to members of the Goldstone Commission, providing them, among other things, with the numbers of Palestinians killed in Operation Cast Lead. Their "statistics" misrepresented the number of civilians killed by the IDF and reduced the number of terrorist operatives killed, with the objective of establishing the narrative that Israel had "committed war crimes."

⁶ According to a study done by the Israeli group "Im Tirzu" in 2008 the PCHR lodged complaints in Spain against Avi Dichter, Moshe Yaalon, Dan Halutz, Doron Almog, Giora Eiland and Michael Herzog.



PCHR members meet with Goldstone and members of his commission (From a 2010 PCHR document)

B. The PCHR's "factual reports" about events in the territories are rife with unsubstantiated claims about human rights violations committed by the IDF, **actions taken out of the context of Israeli security responses to terrorist activity**. According to PCHR reports, neither terrorist organizations nor terrorist attacks exist, while IDF responses are represented as violations of human rights and international law. The PCHR's terminology is consistently hostile to Israel (the IDF is referred to as the "Israeli Occupation Force" and the Palestinian terrorist activities are called "Palestinian resistance activities").

4) Maintaining contact with legal bodies in Israel and throughout the world:

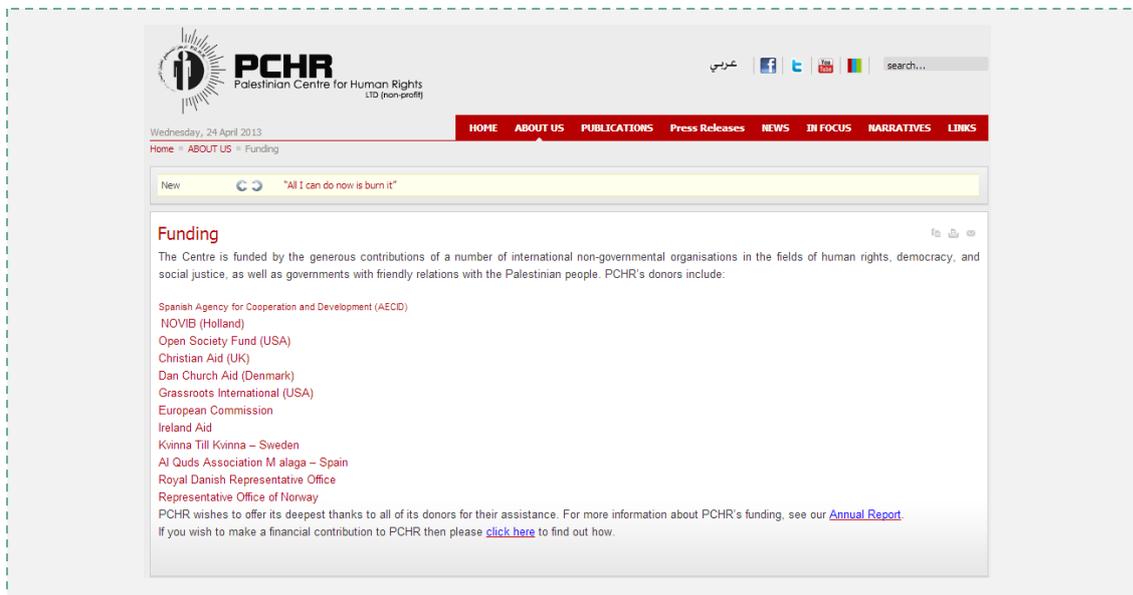
The PCHR maintains contacts with lawyers and legal experts throughout the world. Their collaboration has various aspects, among them the transmission of biased information from the Gaza Strip about events on the ground and tactical legal consultations. The PCHR also maintains contact with NGOs in Israel such as the Public Committee against Torture, Physicians for Human Rights and Adalah, all of which are involved in lodging legal complaints against the Israeli security establishment.

5) Conducting political and propaganda activities as part of the campaign to delegitimize Israel:

The PCHR conducts political, propaganda and legal activities to negate the legitimacy of the Israeli closure of the Gaza Strip (which they refer to as a "siege," despite the international community's recognition of closure). It supports the dispatching of ships to the Gaza Strip by anti-Israeli

networks around the world. It bases its claims on fabricated "data" about the so-called Israeli "siege" of the Gaza Strip , and on claims of "drastic humanitarian situation" exists there.

7. Sources of PCHR financing: The PCHR's activities are financed by various funds, foundations, bodies and organizations around the globe which donate money in the belief that they are promoting the protection of the Palestinians' human rights. In the past the organization received financing from the EU, the governments of Ireland, Denmark, Holland, Switzerland and Norway. In the past it also received financing from the Ford Foundation.⁷ **Those countries and some of the funds and foundations do not necessarily identify with the campaign to delegitimize Israel and the organization's lawfare against it.**



The list of PCHR contributors (PCHR website, April 24, 2013)

⁷ According to the PCHR's website, the Ford Foundation was formerly a contributor. **Today its name does not appear on the list.**