



Shurat HaDin Israel Law Center

ANNUAL REPORT 2014



A Message from Our President

Dear Friends,

This past year will be remembered as one of the Jewish State's most challenging. Indeed, we found ourselves facing perilous attacks from every quarter. The terrorists in Gaza launched thousands of rockets into our civilian centers and tried to carry out murderous operations via their terror tunnels, the Palestinian leadership continues to incite brutal violence across the country on an almost daily basis and the anti-Semitic extremists worldwide relentlessly continue their BDS campaigns to delegitimize and isolate Israel diplomatically. Most troubling, the Iranian effort to secure a nuclear weapon continues unimpeded.



The escalating threat to our survival requires an active and vigilant response from us all. **Now more than ever the need to go on the legal offensive against Israel's enemies is readily apparent and desperately required.**

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. Our activist attorneys are uniquely qualified and have the experience to lead these struggles which can frequently be best fought utilizing legal actions.

In the past year we have continued to employ innovative and forward thinking legal campaigns as a means of preventive strategies to head off many potential threats before they can occur.

We are proud of our progress in 2014, and we are grateful to the many generous supporters who continue to assist us in our work. It is through your dedication that we are enabled to continue our crucial activities and to provide advocacy and legal representation on behalf of Israel and the international Jewish community.

We could not do it without you. Thank you for all your support.

Yours,

A handwritten signature in black ink that reads "Nitsana Darshan-Leitner". The signature is fluid and cursive, with the first name "Nitsana" being more prominent.

Nitsana Darshan-Leitner

Shurat HaDin-Israel Law Center

Shurat HaDin is at the forefront of fighting terrorism and safeguarding Jewish rights worldwide. We are dedicated to the protection of the State of Israel. From defending against lawfare suits, fighting academic and economic boycotts and challenging those who seek to delegitimize the Jewish State, Shurat HaDin is utilizing court systems around the world to go on the legal offensive against Israel's enemies.

Based in Tel Aviv, and directed by Attorney Nitsana Darshan-Leitner, Shurat HaDin works with Western intelligence agencies, law enforcement branches and a network of volunteer lawyers across the globe to file legal actions on behalf of world Jewry.

Bankrupting Terrorism – One Law Suit at a Time

Shurat HaDin is a world leader in the fight to stop terrorist funding. By using legal action and civil lawsuits, Shurat HaDin assists in bankrupting terror groups and grinding their activity to a halt. Through its innovative lawsuits on behalf of terror victims, Shurat HaDin has succeeded in obstructing terror groups from operating within global financial and commercial systems. Unlike the terrorists who resort to deadly weapons and violence to spread their message of destruction, our goal is to cripple the terrorist infrastructure and secure compensation for the terror victims. We have modeled ourselves on the Southern Poverty Law Center, a non-profit organization that for decades has effectively confronted and shut down racist groups across the United States.



Today, Shurat HaDin represents hundreds of terror victims in tens of different legal actions against Hamas, Islamic Jihad, Hezbollah, North Korea, the Palestinian Authority, Iran, Syria, the Lebanese-Canadian Bank, Central Bank of Iran and the Bank of China. It has successfully disrupted the terrorist groups and helped their victims to strike back at those responsible for devastating their lives.

Record of Achievements

- Obtained over \$150 million in actual recoveries that went to the victims and their families.
- Obtained over \$1.5 billion in court judgments against terror organizations and state sponsors of terrorism.
- Obtained over \$600 million in terror assets frozen (compared to the roughly \$140 million frozen through U.S. governmental action) — money which would otherwise have made its way to Hamas, Hezbollah, Islamic Jihad, Fatah, and other terror groups.
- Assisted in achieving a 60% reduction in terror activity in the Gaza Strip by putting a stop to international wire transfers to Palestinian terrorists, driving Hamas and other extremist groups to resort to underground smuggling.
- Forced banks to sever business ties with terror-financing entities and to thoroughly investigate current account holders by filing unprecedented lawsuits against them.
- Assisted in obstructing Iran's access to hard currency used to support Palestinian terrorist groups.

In these difficult times when the lessons of the Holocaust are being forgotten, denied or ignored, and Israel is once again facing serious threats to its survival, the world must be shown that the blood of Israelis is no longer cheap, and there is a price to pay for the murder of innocent Jews.

Fighting BDS and Lawfare

Shurat HaDin is leading the fight against those calling for boycotts and sanctions against Israel, and those engaged in the perilous international campaign to delegitimize the Jewish State and challenge its right to exist.

Record of Achievements:

- Successfully blocked a hostile flotilla intent on breaching the Israeli coastal blockade of Gaza by warning maritime insurance carriers and a satellite communication company that providing services to the ships could subject them to legal liability for aiding terrorists.
- Using the legal system to counter boycotts against Israeli companies and academics by seeking to remove the tax exempt status of organizations that promote boycotts.
- Monitoring the anti-Semitism and anti-Zionism rampant in academic institutions by informing these institutions of their potential civil and criminal liability for tolerating an environment of intimidation and hostility towards Jewish and Israeli students.
- Filing *amicus curiae* petitions in Israel's High Court of Justice on behalf of the IDF and intelligence branches.



Defending Israel from War Crimes

In their effort to 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 membership in the International Criminal Court (ICC). Joining the ICC allows the Palestinians to file war crimes complaints in The Hague against IDF officers and soldiers. ICC membership for the Palestinians is going to be a devastating game changer and one that Israel cannot simply ignore. Nor can Israel rely on the State Department’s dwindling influence with the Palestinians to fend off this effort. Shurat HaDin has launched a preemptive strategy to combat these attacks.

- Shurat HaDin initiated a public campaign focusing on an innovative strategy to deter the Palestinians by letting them know that the ICC’s jurisdiction reaches in all directions and would similarly apply 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. This counter- threat can serve as a powerful deterrent against the Palestinians moving to file war crimes complaints in the ICC.
- Shurat HaDin filed a war crimes complaint in The Hague against Hamas chief Khaled Mashaal over the issue of Hamas executing 38 Palestinians in Gaza during the summer’s fighting, and against Mahoumd Abbas, over the missiles attacks on Israeli civilians during the summer war. We challenged the ICC to start an immediate investigation of these Palestinian leaders, noting that the both are Jordanian citizens, and the ICC already has jurisdiction over them.
- We are filing war crimes complaints with the prosecutors in the ICC concerning the actions of other nations who are accused of “settling” in disputed regions of the world. These include Turkish settlements in Northern Cyprus, Russian settlements in Georgia and Moroccan settlements in the Western Sahara. By filing these preventive criminal investigation requests we will seek to compel the ICC to rule on its willingness and availability to investigate these extremely sensitive international controversies. By forcing the ICC judges to formally decline to investigate these international disputes and officially declare its inability to delve into conflicts concerning settlements and its lack of jurisdiction over non-member states, we will create footholds and legal precedents that Israel will be enabled to rely upon when and if the Palestinians seek to follow a similar path and file criminal complaints. We believe that this strategy of filing deterrent/preventive communications in the ICC over allegations of settlements in other politically sensitive conflicts can force the ICC and the international community’s hand

and create a powerful *estoppel* against action being eventually taken by the ICC on behalf of the Palestinians. We hope to create court rulings that will box the ICC and Palestinians in.



DEFENDING ISRAELI
SOLDIERS IN THE ICC

JOIN SHURAT HADIN IN DEFENDING ISRAEL AGAINST WAR CRIMES ALLEGATIONS IN THE HAGUE

The Palestinians are planning a game changer. They are moving forward on their threat to join the International Criminal Court (ICC) and file war crimes allegations against Israeli leaders and IDF officers in the Hague.

The Palestinians allege that the IDF used a disproportionate use of force during the summer's war against the Hamas terrorists and that building communities beyond the 1967 borders constitute an illegal "population transfer" in violation of the Geneva Convention.

Shurat HaDin's legal staff is organizing a tsunami of its own war crimes complaints against Palestinian leaders including the senior ranks of Hamas and the PLO, as well as against Mahmoud Abbas himself.

Achievements in 2014

- **Winning the court battle to seize a \$700 million NYC office tower linked to Iran**

Shurat HaDin-Israel Law Center obtained a concrete victory from a New York federal court concerning the ownership rights to a skyscraper located at 650 Fifth Avenue in Manhattan, estimated to be worth more than \$700 million. The court ruled that the Iranian companies who own the building must forfeit the building to the victims of terrorism. In March 2014, the court ruled that victims who had obtained judgments against Iran and moved to execute against the building were entitled to be awarded control and share the proceeds from its forced sale. Shurat HaDin was the earliest to serve a claim against the building on behalf of victims of a double suicide attack in Jerusalem in 1997. Many other victims followed our lead. The families represented by Shurat HaDin will receive a sizable sum from the proceeds of the sale. The ruling will likely be appealed by the building's owners, but we are confident that the terror victims will ultimately prevail.



- **Holding North Korea and Iran accountable for supporting Hezbollah**

Following a lengthy legal battle, a Washington D.C. federal court has found that Iran and North Korea provided material support and assistance to Hezbollah terrorists, and are liable for damages incurred by victims during the Second Lebanon War in 2006. The court documents presented new details about how closely these outlaw regimes cooperate when it comes to promoting global terrorism. As a result of Shurat HaDin's long campaign, the American victims and their families are now legally permitted to pursue a damages award from both countries as recompense for the murders of their family members.



- **Pursuing the domain names and Internet licenses of Iran, Syria, and North Korea to satisfy victims' judgments**

The battle of Shurat HaDin-Israel Law Center and the families of victims it represents who hold unsatisfied US federal court judgments against Iran, Syria, and North Korea has kicked into high gear after Shurat HaDin filed a motion to seize Internet assets used by these state supporters of terrorism this past June 2014. The move to seize the Internet assets is unprecedented and could have great consequences, marking the first time that terror victims have moved to seize the domain names, IPs and Internet licenses of terrorism-sponsoring states to satisfy their court judgments. The assets that Shurat HaDin is seeking include all the “top-level domain” names provided by those countries, including the .ir TLD, the Farsi-letter version of the .ir TLD and all Internet Protocol addresses being utilized by the Iranian government and its agencies, as well as those being used by Syria and North Korea. Shurat HaDin has squared off in this litigation against the Internet Corporation for Assigned Names and Numbers (ICANN), an agency of the US Department of Commerce, which is the administrator of the World Wide Web. Although ICANN filed a motion to quash this action, Shurat HaDin is confident that the Internet licenses and country codes are property that can be seized and has financial value that can be utilized to satisfy the Iranian, Syrian and North Korean judgments.



- **Taking action against Turkey's blatant human rights abuses and illegal occupation of Cyprus at the International Criminal Court**

As a human rights organization, Shurat HaDin-Israel Law Center has begun reporting egregious international human rights violations to the attention to the International Criminal Court (ICC). The ICC permits non-governmental organizations to present its Chief Prosecutor with information alleging violations of human rights committed in the territory of its member states. In July 2014, Shurat HaDin assisted a Cypriot group to draft a war crimes complaint against Turkey, a country that flagrantly violates international law by its illegal occupation and settlement of north Cyprus. Cyprus was divided into a Turkish-speaking north and an internationally recognized Greek-speaking south in 1974, when Turkey invaded the island. A Turkish Cypriot declaration of independence is recognized solely by Istanbul, which maintains 35,000 troops there. Cypriot European Parliament member Costas Mavrides, who filed the complaint jointly with the Cypriot



organization, said settlement activity contravenes international law and has significantly altered the demographics of northern Cyprus. Turkey has not yet responded to the complaint.

- **The Oxfam Report**

In January 2014, an international scandal arose when the non-governmental humanitarian aid organization (NGO) Oxfam publicly objected to actress Scarlett Johansson's decision to become a spokesperson for the Israeli company SodaStream. Johansson, an Oxfam goodwill ambassador, was targeted by Oxfam because SodaStream operates a factory in the Israeli settlement of Maaleh Adumim. Further, Oxfam went on to publicly declare its support for boycotting all Israeli companies based in the West Bank. A Shurat



HaDin investigation has revealed that even as Oxfam attacked Scarlett Johansson and Israel for violating international law, the organization itself was violating both international law and the laws of many sovereign nations. Specifically, Oxfam's involvement with two Palestinian NGOs — the Union of Health Workers Committees (UHC) and the Union of Agricultural Workers Committees (UAWC) — violates numerous laws against giving material and financial aid to terrorist organizations. Both the UHC and the UAWC are well-known for their close connections to the Popular Front for the Liberation of Palestine (PFLP), one of the oldest and most violent Palestinian terrorist organizations in the world. The PFLP is responsible for numerous suicide bombings, airplane hijackings, and assassinations, including some of the most notorious international terror attacks of the 1970s. Our investigation has revealed that the UHC and UAWC are not merely close to the PFLP, but they are branches of the PFLP, founded, staffed, and operated by the terrorist group. It is a crime under international law, as well as US, UK, Israeli, and EU law, to provide material and financial support to terrorist groups, including ostensibly benign subsidiary organizations and branches of terrorist groups. It is our conclusion that Oxfam is currently in direct violation of these laws, and is liable for both criminal and civil penalties as a result.

- **Filing a war crime complaint in the International Criminal Court against the president of the Palestinian Authority, Mahmoud Abbas, for launching missile attacks against Israeli civilians during the Gaza war**

In October 2014, Shurat HaDin also filed a war crimes complaint in the ICC against Palestinian President and PLO Commander Mahmoud Abbas over his Fatah terrorist organization's firing of missiles into Israeli civilian centers during this summer's war with Gaza. Again we noted to the

ICC that Abbas is a Jordanian citizen and can be immediately investigated and prosecuted by the ICC. This complaint received front page media attention in the Palestinian and Arabic media.

- **Indicting Hamas terror chief Khaled Mashaal for war crimes against Palestinian civilians at the International Criminal Court**

Shurat HaDin has formally requested that International Criminal Court (ICC) prosecutors open an investigation into alleged war crimes committed by Hamas leader Khaled Mashaal during Operation Protective Edge. In the course of the summer conflict, 38 Palestinians were summarily executed by Hamas in the Gaza Strip. Under international law, non-judicial murder of civilians is a war crime. Our complaint alleges that Mashaal himself is criminally liable for Hamas's war crime of executions without due process because he formulated, directed and approved the murders and directly oversees Hamas's governance of Gaza. Thus, Mashaal enabled the murder of 38 Palestinian civilians who were executed without trial and is criminally culpable. Even though the Palestinians have not yet formally joined

the ICC, the ICC has jurisdiction over Mashaal, who holds Jordanian citizenship. Jordan, unlike Israel and "Palestine," has been a member of the ICC since April 11, 2002 and the ICC recognizes its jurisdiction over Jordanian citizens. Recently, Mashaal added his signature on behalf of Hamas to the Palestinian Authority's request to join as a member of the ICC. Accordingly, Shurat HaDin is demanding that the Chief Prosecutor open an investigation against Mashaal for these war crimes and not wait until the Palestinians join the court.



- **Calling on the US Department of Justice to extradite Hamas terrorist Al-Aroui over the murder of the 3 Israeli teenagers**

Shurat HaDin has called on the United States Department of Justice to demand that the government of Turkey extradite Palestinian terrorist leader Saleh al-Aroui. There is compelling evidence that al-Aroui, who currently resides in Turkey, initiated the Hamas terrorist operation to kidnap and brutally murder 16-year-old Naftali Frenkel, an American citizen, along with two other Israeli teenagers, Eyal Yifrah and Gilad Sha'ar in June 2014. In addition, Al-Aroui publicly boasted responsibility for the murders of Frenkel, Yifrah and Sha'ar on behalf of Hamas at an Islamic conference in Turkey. Since Turkey maintains an extradition agreement with the United States, it is obligated to grant the extradition request of criminal suspects located in its



territorial jurisdiction. Shurat HaDin has notified the Justice Department that it is incumbent upon the United States to demand al-Arouri's extradition as America has a clear moral obligation to investigate and prosecute the terrorist leader for the murder of Naftali Frenkel, an American citizen.

- **Winning a court victory against the Bank of China on behalf of 150 terror victims**

The New York State Appellate Division affirmed the civil action brought in 2008 by Israeli victims of Palestinian rocket attacks and suicide bombings can proceed against the Bank of China (BOC) in the United States. Significantly, the Appellate Division also held that the trial court should apply Israeli law in hearing the case. The decision to use Israeli instead of Chinese law allows 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 terror organizations. In addition, this holding makes it easier to establish that the BOC violated banking regulations and US criminal statutes by carrying out the money transfers.



- **Demanding the IRS to revoke the tax-free status of the Presbyterian Church USA (PCUSA) for its call to boycott Israel**

In June 2014, culminating a decade of activism supporting the BDS movement, the Presbyterian Church U.S.A. (PCUSA) passed an anti-Israel resolution calling for divestment from companies doing business in Israel. This led to divestiture of around \$21 million of PCUSA's shares in Caterpillar, Hewlett-Packard and Motorola Solutions. In addition, documentary and video evidence reveals PCUSA delegates meeting with members of Hezbollah, a US-designated terrorist organization, as well as publishing anti-Semitic materials and passing around political advocacy materials in violation of its status. In response, Shurat HaDin filed a complaint with the IRS to revoke the tax-free status of the church, alleging that PCUSA violated its own mission statement by engaging in political advocacy and taking positions on the geo-political dispute between Palestinian Arabs and Israelis. Specifically, PCUSA breached its tax-exempt status as a religious organization by violating of the United States tax code through its unlawful political lobbying



and contact with Hezbollah, a US-designated terrorist organization. PCUSA's status with the IRS is based upon its 1964 representation to the government that it functions as a religious body, engaging in peaceful relationships with individuals of all faiths and wholly un-engaged in political activities. PCUSA's actions clearly indicate that they are in fact highly engaged in political activities, and it thus follows that their tax-free status should be revoked.

- **Pushing litigation against the Palestinian Authority and the Palestinian Liberation Organization into high gear**

Fifteen lawsuits against the Palestinian Authority (PA) are going to trial this year in the Jerusalem District Court. Among them is the infamous case of the lynching of two IDF soldiers in a Ramallah police station by Palestinian policemen in 2000. In recent months, international terror experts testified before the court concerning the PA's direct responsibility for terror attacks perpetrated against Israeli citizens and soldiers in the past two decades. In the next litigation stage, the PA will put on its defense to these cases. In addition, 4 cases against the PLO and the PA are scheduled to go to summary judgment in the federal district courts of NY and Washington, D.C. In addition, in December 2014 the federal court in Manhattan has ordered a lawsuit on behalf of 10 American families against the PLO to go to trial in January 2015. This is the first time an action under the Anti-Terrorism Act against the Palestinians will be heard by an American jury.



A Climate of Change – Strategy for 2015

As the challenges confronting Israel continue to grow, we are increasing our activities, ensuring that our mission is vigorously carried-out in an ever-expanding scope. In 2015, Shurat HaDin is:

- **Organizing “Towards a New Law of War” Conference, May 4 - 5, 2015**

The IDF’s recent wars in Gaza in 2008 and 2014 against the Palestinian terrorist organizations and the 2006 War against Hezbollah, as well as the unfolding military campaign against ISIS has made it clear that Western democratic states can no longer effectively act to defend civilian populations against terrorist groups which have no regard for international law nor human rights. These recent and ongoing conflicts clearly evidence that the terrorists are intent on exploiting the restrictions, constraints and inequalities placed upon law abiding

armed forces when they are required to go to war against those who target their civilian populations while operating from and seeking sanctuary amongst civilian centers on the other side. Neither the old laws of war -- the Geneva Convention, the Hague Convention, customary international law nor the conventions governing armed conflicts are adequate or flexible enough to address the challenges presented by this new asymmetrical warfare. Democratic nations compelled to fight the terrorist have no choice but to carry out campaigns against these irregular combatants in the population centers where they operate that inflict heavy civilian casualties, which then tragically serves and advances the terrorists’ goals and support.

**TOWARDS
A NEW
LAW OF WAR
CONFERENCE**

As is clear in the case of the IDF, the inevitable resulting civilian losses, is then utilized by the enemy to draw international condemnation, media denunciations, political sanctions and war crimes allegations. Today, there are no adequate guidelines nor effective instructions to provide fighting armies caught in this terrorist war dilemma with any clear cut direction. In response to this dangerous development, Shurat HaDin-Israel Law Center, will host its first annual *New Law of War Conference* in Israel in May 2015 (This will be at the time the UNHRC report accusing Israel of war crimes during the summer’s Gaza War will be released). The *New Law of War Conference* will be an international gathering of military commanders, military attorneys, human rights lawyers and terrorism experts to present the argument that the old laws of war—the Geneva Convention and its progeny are no longer relevant in the age of asymmetrical terrorism warfare.

- **Launching The Activist Lawyers Training Seminar, June 29 – July 5, 2015**

Shurat HaDin is Offering week- long seminars 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 in the legal activist fields. Through this new program we anticipate being able to further broaden our network of legal activist attorneys and involve many more jurists worldwide in the legal effort to safeguard Israel. The Seminar offers participants a one of a kind learning experience:

- Learning how to Combat BDS and other Anti-Semitic Movements
- Training Seminars on Terror Victim Litigation
- Preparing to Defend Israeli Soldiers Against War Crimes Complaints
- Lectures and Intensive Workshops by Renowned Attorneys and Israeli Officials
- Field trips to IDF Bases, the Syrian Border and Military Courts
- Network with Pro-Israeli Attorneys from Around the World



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legal skills
to **DEFEND**
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June 29 – July 5, 2015

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- **Continuing our litigation of more than 40 cases** against the Palestinian Authority, Iran, North Korea, Syria, Lebanese banks, the Bank of China, the Central Bank of Iran, AMEX, Hamas, PLO, Islamic Jihad, and Hezbollah;
- **Working to enforce the victims' judgments against terror assets** around the world, and obstructing terror financing, including in Germany, Italy and Canada.
- **Enhancing our successful Student Internship Programs** where the students conduct hands- on research and writing involving the litigation activities of Shurat HaDin. In addition, the as IDF military courts and border crossings, lectures on relevant legal issues, discussions with governmental legal advisors and judges and meetings with members of parliament (Knesset), military and police officials, as well as other senior officials.
- **Promoting education and spreading the message through Missions and Public Speaking events** in communities and campuses worldwide. Participants of these now famous Ultimate Missions travel around the Jewish State, 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.
- **Increasing Media Exposure:** Shurat HaDin has received greatly increased media exposure over the past year, with many news stories making headlines on numerous local and international networks and wire agencies. Our Hebrew language and English language FACEBOOK pages are rapidly growing. In addition, those on our mailing lists continue 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.

Israeli group files war crimes claim against Hamas



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