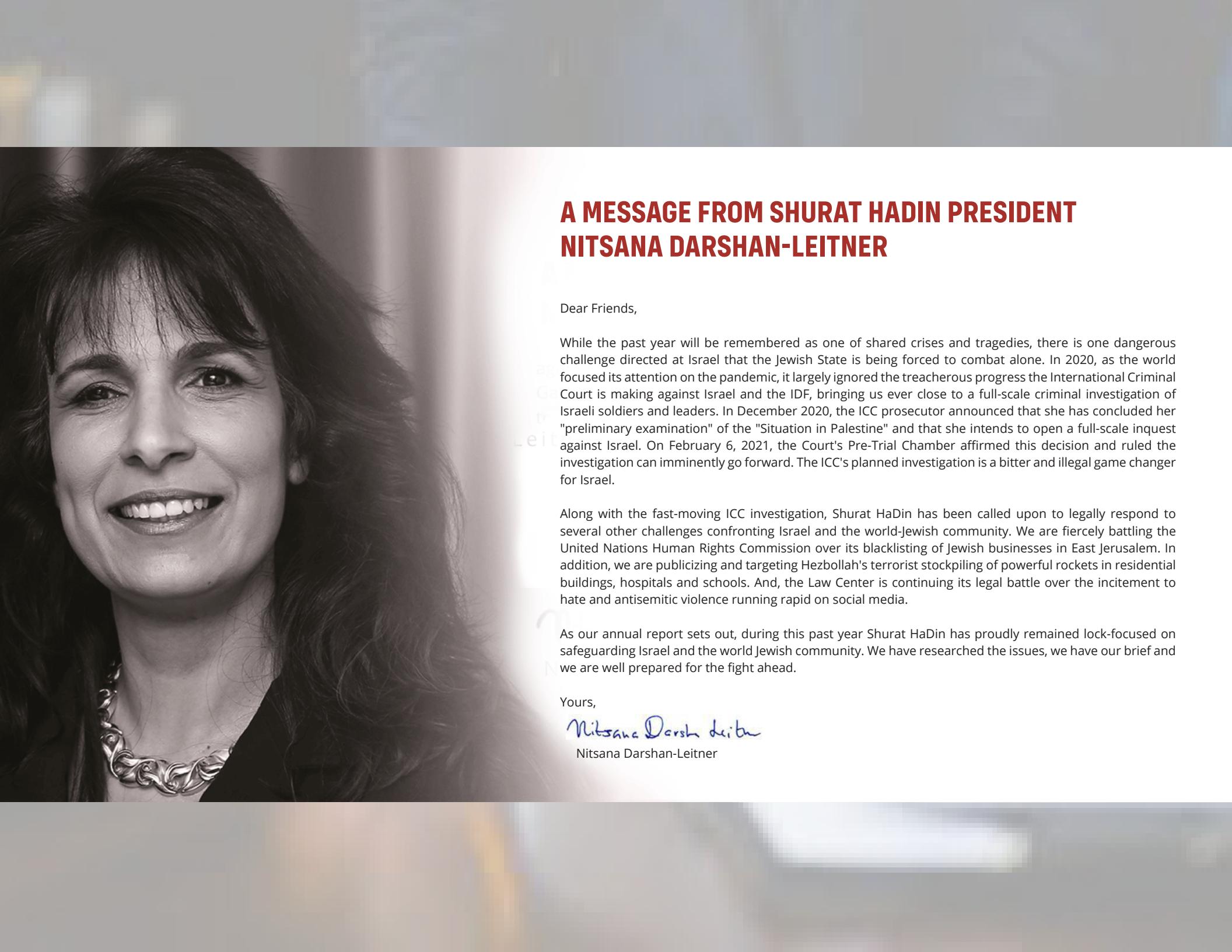


2020 ANNUAL REPORT

FIGHTING FOR ISRAEL WORLDWIDE



SHURAT HADIN
ISRAEL LAW CENTER



A MESSAGE FROM SHURAT HADIN PRESIDENT NITSANA DARSHAN-LEITNER

Dear Friends,

While the past year will be remembered as one of shared crises and tragedies, there is one dangerous challenge directed at Israel that the Jewish State is being forced to combat alone. In 2020, as the world focused its attention on the pandemic, it largely ignored the treacherous progress the International Criminal Court is making against Israel and the IDF, bringing us ever close to a full-scale criminal investigation of Israeli soldiers and leaders. In December 2020, the ICC prosecutor announced that she has concluded her "preliminary examination" of the "Situation in Palestine" and that she intends to open a full-scale inquest against Israel. On February 6, 2021, the Court's Pre-Trial Chamber affirmed this decision and ruled the investigation can imminently go forward. The ICC's planned investigation is a bitter and illegal game changer for Israel.

Along with the fast-moving ICC investigation, Shurat HaDin has been called upon to legally respond to several other challenges confronting Israel and the world-Jewish community. We are fiercely battling the United Nations Human Rights Commission over its blacklisting of Jewish businesses in East Jerusalem. In addition, we are publicizing and targeting Hezbollah's terrorist stockpiling of powerful rockets in residential buildings, hospitals and schools. And, the Law Center is continuing its legal battle over the incitement to hate and antisemitic violence running rapid on social media.

As our annual report sets out, during this past year Shurat HaDin has proudly remained lock-focused on safeguarding Israel and the world Jewish community. We have researched the issues, we have our brief and we are well prepared for the fight ahead.

Yours,



Nitsana Darshan-Leitner

SHURAT HADIN ACHIEVEMENTS IN 2020

SHURAT HADIN'S ACHIEVEMENTS IN 2020

LAWSUIT ON BEHALF OF THE KIDNAPPED AND MURDERED THREE TEENS

On June 12, 2014, three Israeli teenagers—Naftali Frenkel, Gilad Shaer, and Eyal Yifrach—were abducted by Hamas terrorists while hitchhiking near the community of Alon Shvut in Gush Etzion. Two of the boys were only sixteen years old; the third was nineteen. The kidnapping sent shockwaves throughout Israel and across much of the world, especially since one of the teenagers had managed to call the police and a tape of his anguished plea for help was released to the media. The Shin Bet, Israel's security service, the Israel Defense Forces (IDF), and the Israel National Police (INP) launched one of the largest manhunts in Israeli history looking for the three boys and the terror cell responsible for kidnapping them. Tragically, the bodies of the three boys were found near Hebron eighteen days after they had vanished—they had been executed shortly after being seized. Days after the heartbreak discovery, Prime Minister Benjamin Netanyahu ordered a decisive Israeli response and launched Operation Protective Edge, a full-scale military incursion into the Gaza Strip.

The cold-blooded killing of the three teenagers was abhorrent, and Shurat HaDin was determined that crime wouldn't pay for the perpetrators, their masterminds, and their families. In August 2020, Shurat HaDin filed a lawsuit against Hamas seeking NIS 520 million, roughly U.S. \$155 million) in damages on behalf of the bereaved families of the three slain teenagers. The objective of the lawsuit is to prevent the Palestinian Authority (PA) from transferring money to the Gaza-based terrorist faction.

According to a study by a former advisor on Palestinian Affairs for the Coordinator of Government Activities in the Territories, the PA discreetly transfers between \$50-100 million per month to Hamas officials and various organizations that are run by Hamas in the Gaza Strip. Those funds become part of the Hamas coffers that finances terror operations and monies paid to the families of dead terrorists and operatives incarcerated inside Israeli prisons. Hamas finances—even those allegedly earmarked for humanitarian purposes—are dedicated to terror operations. The commander of the Hamas cell that kidnapped the three teenagers received money for the operation from the Hamas leadership in Gaza—that money bought the murder weapons, purchased the vehicles, and paid for safe houses where the suspects while they attempted to evade Israeli forces.

Shurat HaDin president Nitsana Darshan-Leitner, who is one of the attorneys spearheading the landmark case against Hamas, was emphatically clear in describing the importance of the legal action against the PA. For the first time, PA funds will be confis-



STERN WARNING TO THE INTERNATIONAL MONETARY FUND

The August 4, 2020, massive explosion that devastated much of the area near the port of Beirut killed hundreds and destroyed a good part of the Lebanese capital. The blast was caused by the improper storage of tons of ammonium-nitrate, identical to the fertilizer used to build the Oklahoma City, and was a disaster that exposed two glaring crisis facing the Lebanese government: a financial meltdown caused by corruption and mismanagement that was exacerbated and accelerated by the COVID-19 pandemic, and that the government had allowed Hezbollah, recognized by most western governments as a terrorist organization and Iranian proxy, had been allowed to use the country as its private weapons storage facility and terror staging ground.

The international community responded to the financial crisis in Lebanon and the International Monetary Fund, or IMF, pledged to assist in the country's recovery, even promising to consider \$10 billion in emergency aid. But Shurat HaDin issued a stern warning to the IMF that the NGO would go after any aid destined to Lebanon unless it could guarantee that the money would not be embezzled by Hezbollah, the Shiite Party of God. Shurat HaDin's letter warned that "the IMF must demand an end to the dangers posed by Hezbollah's position in the Lebanese government." Shurat HaDin has also demanded that Hezbollah's control of the Lebanese banking system and the Lebanese Treasury must be terminated." Hezbollah launders its finances through numerous straw companies and illegal activities, ranging from the global trafficking of narcotics to stolen cars and tobacco tax scams in the United States; numerous Lebanese banks have been sanctioned by the U.S. Department of the Treasury as aiding and abetting Hezbollah's terrorist and criminal enterprises around the world.

Shurat HaDin has assisted numerous terrorist victims in Israel and the United States who were harmed either directly by Hezbollah, such as from rocket attacks during the 2006 Second Lebanon War, or by suicide bombing attacks in Israel perpetrated by Hamas and the Palestine Islamic Jihad, two clients of Iran and their Lebanese proxies.

The Shurat HaDin warning put the IMF on notice that "any funds it provides to Lebanon will be targeted by the victims of Hezbollah's terrorists to enforce their court-ordered judgments. Any banking institution in Lebanon or abroad that transfers IMF funds to Hezbollah will be sued in relevant jurisdictions for aiding and abetting terrorism."

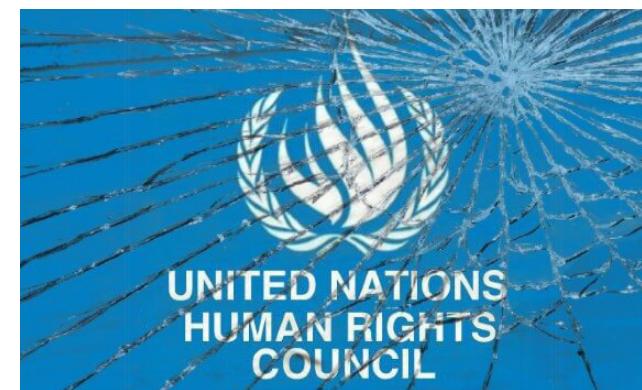


LAWSUIT AGAINST THE UNHRC

In August 2020, Shurat HaDin filed a defamation lawsuit against the United Nations Human Rights Committee (UNHRC) on behalf of Rami Levy, an Israeli telecom and supermarket magnate. The UNHRC, claimed that Rami Levy's establishments in the West Bank violated international law by operating in Judea and Samaria. The UNHRC blacklists 112 companies—virtually all of them in Israel—for their commercial activities inside the West Bank.

The lawsuit, filed in a Jerusalem Magistrate Court, has become a landmark case because the United Nations is usually immune from legal action. However, as a result of the specifically racist antisemitic and anti-Israel nature of the UNHRC blacklist and its unmistakable targeting of Israeli and Jewish businesses, the United Nations is in clear violation of its founding charter by practicing overt racism based on nationality and religion. The UNHRC list is deemed as nothing more as a politicized extension of the antisemitic and anti-Israel BDS (Boycott, Divest, and Sanction) movement that routinely employs blood libel in its efforts to ostracize and dehumanize Israeli and Jewish interests. All the companies on the United Nations list, even those outside of Israel, are Jewish-owned.

The objective of the UN blacklist is to initiate an international boycott of Rami Levy's supermarket chains and his communications company. Levy and Shurat HaDin are suing the UNHRC because the mere insinuation that he is violating international law or that he is practicing any form of racism or discrimination is libelous and contrary to reality. According to the PA's own Central Bureau of Statistics, Palestinians employed by Rami Levy's companies earn three times what the average Palestinian worker takes home in salary. Additionally, Rami Levy was outraged by the accusation that his company was doing anything that infringed on the rights of anyone. "All of the workers in our market chains are employed regardless of differences in religion, race, or nationality, and [they] are equally entitled," Levy commented.



SHURAT HADIN'S ACHIEVEMENTS IN 2020

DEFAMATION SUIT AGAINST A BDS ACTIVIST FOR FALSELY ACCUSING AN IDF SOLDIER FOR KILLING A PALESTINIAN

Character assassination on social media has become a form of virtual murder. It is calculating and unforgiving; the consequences of such actions have destructive repercussions. This crime is even more insidious when the perpetrators are members of organized hate groups hiding behind a keyboard to spew fictitious narratives that destroy lives and pursue a despicable agenda. California-born Rebecca Ram was one such victim. And, with Shurat HaDin's help, she's determined to fight back.

Rebecca Ram made Aliyah to Israel in 2012 at the age of eighteen, and volunteered into the ranks of the Israel Defense Forces, serving with distinction as an instructor in the Education Corps. During her military stint, a photo taken of her in basic training while she was in full combat kit and holding a weapon was published on the IDF's official website for recruitment purposes. Ram was an exemplary soldier and a role model.

In 2018, though, three years after Ram was discharged from military service, a Palestinian-Christian and senior BDS activist in California named Suhair Nafal went on her personal Facebook and posted Ram's basic training photograph alongside one of Razan Najjar, a Palestinian nurse from Gaza killed by IDF gunfire in June 2018 during a "March of Return" protests on the Gaza border. The juxtaposition of the imagery was designed to insinuate that Ram was responsible for Najjar's death, even though Ram had already been out of the army for three years at the time of the incident.

Nafal's post ultimately reached over a million people, going viral and spreading quickly across the anti-Israel corners of the asymmetrical cyberspace battlefield. Overnight and without an iota of truth behind the propaganda, Rebecca Ram was connected to Najjar's death. For two years, Ram and her family faced incessant harassment as a result of the post; there were even death threats. In 2020, she turned to Shurat HaDin to refute the lie and make those who fabricate the truth in their war against Israel pay the price for the premeditated transgression.

On September 22, 2020, Shurat HaDin filed a \$6 million lawsuit against Nafal in a California court. After being served with papers, Nafal is reported to have blocked her Facebook page and made it private to conceal any incriminating evidence. The case against Nafal and the tactics used to destroy lives on social media personified Shurat HaDin's efforts against BDS and the supporters of terrorism. Shurat HaDin president Nitsana Darshan-Leitner stated, "It seems like we're going back to The Protocols of the Elders of Zion and to the antisemitic blood libels that belong to the past. Rebecca and her family have received death threats, only because she decided to join the IDF. Rebecca's lawsuit is the spearhead of our struggle against the global boycott movement against Israel. This is a message to all BDS activists, who should know that they too may be held responsible for their anti-Zionist activity and may even need to pay a heavy price."



PALESTINIAN AUTHORITY SUED OVER THE MURDER OF A THIRTEEN-YEAR-OLD ISRAELI CHILD

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

Following the murder, Hallel's parents—Rina and Amichai Ariel—have been involved in legal battles against the Palestinian Authority that have stretched across multiple jurisdictions. The damages sought, NIS 100 million, is the same amount the Palestinian Authority is paying the terrorist's family, in the form of monthly payments, for having carried out the attacks.

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

The Palestinian Authority pays Tarayrah's family a monthly amount of NIS 12,000 as a reward for their son carrying out the horrific crime. "If the lawsuit is accepted [by the International Court], all victims of terrorism can sue the Palestinian Authority based on the payments the PA pays to the terrorists and their families," Shurat HaDin added after the court papers were filed.



U.S. FEDERAL COURT RULES THAT IRAN AND SYRIA CAN BE FOUND LIABLE FOR LONE-WOLF TERROR ATTACKS

In June 2020, the United States district court in Washington D.C. set a new precedent by issuing a default judgment that Iran, Syria, Hamas, and Islamic Jihad can be held liable for wrongful death damages as a result of what security officials refer to as "lone-wolf attacks." The decision is a game-changer, finding that the state-sponsors of terrorism, and the organizations that they fund, can be subject to million and even billion-dollar judgments.

The decision came as a result of the tireless efforts of Shurat HaDin to link the state-sponsored financing and support of terrorist groups to the use of incitement on social media to prompt Palestinians to carry out lone-wolf attacks against Israeli civilians by stabbing innocent people or driving vehicles directly into crowded areas. These attacks typified the so-called "Knife Intifada" when young Palestinians were grabbing kitchen knives from their homes and randomly attacking innocent Israelis in the street.

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



BLOCKING TERRORISTS ON SOCIAL MEDIA

The global health crisis caused by the COVID-19 pandemic has altered life as we knew it, but it has not impeded Shurat HaDin's fight for justice. And at a time when much of the world is told to shelter in place, forcing hundreds of millions across the globe to rely on social media for news and entertainment, Shurat HaDin's fight against terrorist incitement on social media proceeds unabated. In the US Supreme Court briefings on the petition brought by the family of Taylor Force against Facebook are continuing. Most recently, the Ninth Circuit Court of Appeals in San Francisco heard oral arguments in our lawsuit on behalf of victims of the ISIS terrorist attack in Paris on November 13, 2015. The attack involved active shooters and suicide bombers and was the bloodiest in European history. The multipronged assault resulted in the murder of 130 innocent civilians, including U.S. citizen Nohemi Gonzalez, an energetic college student from a Los Angeles suburb who was in France as an exchange student.

The civil action was brought against Google, which owns the YouTube platform, alleging that the social media giant provided video streaming services to the ISIS terrorist organization in violation of America's Anti-Terrorism Act. Google has defended itself by arguing that the Communication Decency Act's §230 (CDA §230) provides blanket immunity to internet platforms for the content posted on their sites. They contend that anyone, including designated terrorist groups, can post an extremist video and the company is not responsible for providing this material support nor liable for the message.

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

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

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

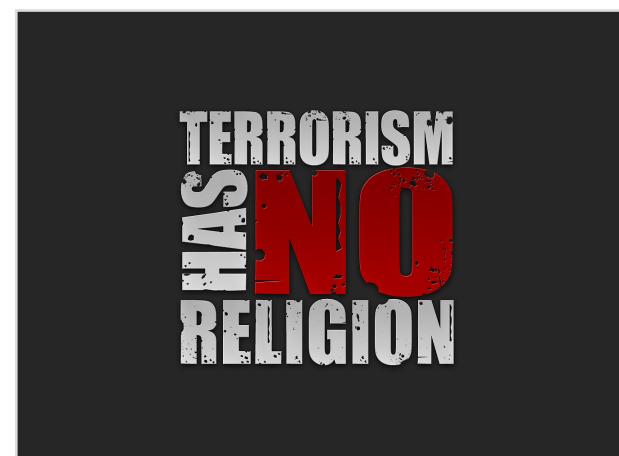


STOPPING PALESTINIAN TERRORISM PAY FOR SLAY

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

The letter sent to Citibank headquarters came as a result of efforts by Shurat HaDin to stop the "Pay for Slay" phenomenon, a system of financial rewards offered by the terrorist factions to those who kill Jews and Israelis. The perpetrators of cold-blooded killings rewarded for their crimes by receiving hefty salaries while they are incarcerated; in cases where terrorists have been killed by Israeli security forces, the terrorist's family receives a lucrative stipend in honor of the crimes their loved ones have committed. "The PA incentivizes killing Jews and Israelis by regularly providing such financial rewards to all imprisoned Palestinian terrorists, including those from Hamas, which has been a designated Foreign Terrorist Organization (FTO) in the United States since 1997," Shurat HaDin President Nitsana Darshan-Leitner wrote to Citibank's CEO. Citibank serves as a correspondent bank for the Bank of Palestine, enabling the Ramallah-based financial institution to connect to the international banking system. The "Pay for Slay" funds pass through Citibank accounts, exposing the bank to both civil and criminal liability under the US Anti-Terrorism Act (ATA).

Darshan-Leitner warned Citibank they cannot plead ignorance since "A cursory investigation would have revealed the PA and PLO's 'pay to slay' program and the PA's use of the banking system," and that, "sanctions compliance protocols certainly placed Citibank on clear notice Hamas is a designated FTO under the ATA and sanctioned by the United States."



SHURAT HADIN WINS HALF-A-BILLION SHEKELS IN DAMAGES JUDGEMENT AGAINST THE PALESTINIAN AUTHORITY

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

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

"Convicting the terrorists does not end with their imprisonment, as long as the Palestinian Authority [continues to fund them] and encourages acts of terrorism. The Palestinian Authority will know that there is a price for the blood on its hands, a very expensive price, and now it will need to pay," Shurat HaDin President Nitsana Darshan-Leitner commented following the court's decision.



SHURAT HADIN'S ACHIEVEMENTS IN 2020

ISRAELI JUSTICE MINISTER LAUDS JERUSALEM DISTRICT COURT DECISION

DEFINING A LANDMARK judgment by a Jerusalem District Court against the Palestinian Authority and their liability for acts of terror committed inside Israel against Israeli citizens, acting Israeli Justice Minister Amir Ohana proclaimed that, "Our judges are not from the UN!" Justice Minister Ohana was speaking at the Shurat HaDin conference in Jerusalem. He was referring to a case that was brought to the courts by Shurat HaDin and that had been in litigation for years, demanding that the Palestinian Authority be held accountable for terrorist attacks it mounted against Israel from 1996 to the present, though the majority of the seventeen-complaints filed pertained to the period of 2000 to 2006 during the suicide bombing campaign that is known as the Second Intifada. Ohana explained to the attendees from around the world at the standing-room-only event, "Israeli judges are not from the UN or the International Criminal Court but are rather "part of the foundation of the idea" that Israel "is not just another democracy, but the democracy that is the only national home of the Jewish people." Shurat HaDin's case is likely to lead to damages as high as NIS 1 billion (roughly equivalent to U.S. \$280 million). Although some of the victims were from attacks perpetrated by Hamas and the Palestinian Islamic Jihad, the Jerusalem Court ruling cited Palestinian Authority culpability because not only did Arafat and his security services take credit for all terror attacks during the Second Intifada, but they had also provided logistical or material support to other groups to carry out terror attacks; additionally, the Palestinian Authority continues to pay terror prisoners and the families of dead terrorists from its Martyrs Fund. Drori held the PA responsible for these attacks because of the logistical and material direct support to terrorists but also based on the continued financial support of terrorist prisoners and their families. In his ruling, Judge Moshe Drori maintained, "Judges do not need to be like robots... when there is blood, there are evildoers." Securing Palestinian Authority responsibility—and accountability—for their total war against Israel's population has been a pillar of Shurat HaDin's fight for justice. Speaking at the conference, Darshan-Leitner said, "A persistent struggle that lasted twenty years culminated with the unprecedented judgment in favor of terror victims. Carrying out justice does not end with sending terrorists to jail. As long as the PA makes sure to pay them for their time served, which then funds and encourages terror. The PA should know that it will pay a price for the blood that was spilled by its hand. A grave price."

The court case now moves to the stage where the victims will need to prove damages, along with pain and suffering.



CONFRONTING UNICEF OVER ITS FAILURE TO CONDEMN HAMAS TERROR BALLOON ATTACKS TARGETING ISRAELI CHILDREN

RECENTLY, IN THE WAKE of Palestinian terrorist actions from Gaza, Shurat HaDin confronted UNICEF on the issue of Hamas balloon bomb attacks targeting Israeli children. In a letter sent on February 5, 2020, we demanded that UNICEF issue a public condemnation of these attacks, as "in the past months, hundreds of balloon bombs, explosive and incendiary devices attached to brightly colored helium balloons, have been released by Hamas into Israel from the Gaza Strip. Some of the balloons have children's toys attached as well, with the clear intention of targeting Israeli children".

In its rather disgraceful response on March 2nd, not only did UNICEF refuse to issue the required condemnation, but it has once again equated the effects of these illegal and deliberate attacks against Israeli children with the "effects of the armed conflict" on Palestinians! The letter coldly claimed that the international organization, mandated to safeguard all children, "shared our concerns". UNICEF's boilerplate response drafted by its local representative Genevieve Boutin did not promise that it would act in any way.

This unacceptable response has been met with our reply letter from March 24, 2020, where we once again demanded UNICEF to act, and attacked the unjust and biased comparison between the deliberate and illegal balloon attacks in which "death lures in the most appealing and tightly associated objects with the innocence of childhood" and the children casualties on the Palestinian side, which are the direct result of the Palestinian terrorist groups' deliberate use of these children as human shields and their encouragement to participate in armed clashes, writing that "your effort to group the deliberate violence perpetrated by Hamas and the actions of the Israeli side is completely baseless and unacceptable to us". We will continue our efforts to bring this important organization to live up to its own mandate. For an article on YNET.



SHURAT HADIN CONTINUES TO DEFEND ISRAEL AND THE IDF IN THE HAGUE

FOR YEARS SHURAT HADIN has been active in the International Criminal Court (ICC) employing strategic proceedings in anticipation of the day when the ICC would target Israel and the IDF on war crime allegations. This past December 2019, unfortunately, that day arrived with the Chief Prosecutor announcing she was launching an investigation. Shurat HaDin along with several other NGOs, the Israeli government and a number of sovereign nations, have filed briefs with the ICC, insisting that the Palestinians are not a state and that the Court does not have the jurisdiction to investigate nor prosecute the Jewish State.

Lining up against Israel on the Palestinian side were a host of anti-democratic regimes, the Arab League and the so-called "human rights organizations." At stake is whether the Palestinian Authority can charge Israel with war crimes over the IDF's operations against the terror groups in Gaza and the legitimate right of Jews to settle in the West Bank. In an earlier ruling, the ICC declared that "Palestine" is a state and that there was sufficient evidence that Israeli officials and IDF officers have committed crimes against humanity.

Israel has repeatedly made it clear that it will not accept ICC jurisdiction since it is not a signatory of the Rome Statute. Regardless, several member nations—including the Czech Republic, Austria, Germany, Australia, Hungary, Brazil, along with others, filed briefs supporting Israel. The Czech Republic's argument was the most voracious, quoting a 2004 International Court of Justice decision to prove that there is no state of Palestine. The Arab League and the Organization of the Islamic Conference, which represent dozens of countries, as well as former diplomats from the United Nations support the Palestinian position. Under international law an entity can only be defined as a sovereign state if it has a permanent population, a defined territory, government, and the capacity to enter into relations with other states. Clearly, the Palestinians satisfy none of these criteria.



2020 VIRTUAL ROUNDTABLES

CAN CHINA BE SUED FOR THE SPREAD OF COVID-19?

VIRTUAL ROUNDTABLE



MARSHA BLACKBURN
UNITED STATES SENATOR
FROM TENNESSEE



JOHN BOLTON
FORMER UNITED STATES PERMANENT
REPRESENTATIVE TO THE UNITED NATIONS



MR. GORDON CHANG
ATTORNEY-AT-LAW



THE HONORABLE JOHN B. BELLINGER III
PARTNER, OF ARNOLD & PORTER, WASHINGTON, DC, FORMERLY,
THE LEGAL ADVISOR TO THE U.S. DEPARTMENT OF STATE



NITSANA DARSHAN-LEITNER
ATTORNEY AT-LAW, PRESIDENT OF SHURAT HADIN



SHURAT HADIN
ISRAEL LAW CENTER

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

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

Issues and questions raised included: Will Beijing face legal liability for its role in the global pandemic, or as a sovereign state, can it merely assert immunity and avoid litigation? Was the failure to sound the alarm and contain the virus a breach of its duty under international law? As the international health crisis spreads, many around the world are pointing an accusing finger at China's leadership and demanding they be held accountable before the law.

PULLING THE ANNEXATION TRIGGER

LEGAL VIRTUAL ROUNDTABLE



DAN SHAPIRO
FORMER AMBASSADOR OF THE
UNITED STATES TO ISRAEL



JASON GREENBLATT
FORMER UNITED STATES SPECIAL
REPRESENTATIVE FOR
INTERNATIONAL NEGOTIATIONS



ALAN DERSHOWITZ
FELIX FRANKFURTER
PROFESSOR OF LAW,
HARVARD UNIVERSITY (RETIRED)



VIVIAN BERCOVICI
FORMER AMBASSADOR OF CANADA TO ISRAEL



NITSANA DARSHAN-LEITNER
ATTORNEY AT-LAW, PRESIDENT OF SHURAT HADIN



SHURAT HADIN
ISRAEL LAW CENTER

Undeterred by the international travel restrictions brought on by the COVID-19 pandemic, Shurat HaDin hosted a virtual roundtable discussion to review President Donald Trump's peace plan and the implications of the annexation and installment of Israeli sovereignty to parts of Judea and Samaria.

The roundtable featured Jason Greenblatt, former U.S. special envoy to the Middle East; noted legal scholar Professor Alan Dershowitz; Felix Frankfurter, former Harvard University Professor of Law; Vivian Bercovici, the former ambassador of Canada to Israel; and, Dan Shapiro, a former United States ambassador to Israel. These veteran diplomats and subject matter experts provided their own personal, political, and professional perspectives on the issues. The back and forth was spirited and informative.

Moderator Nitsana Darshan-Leitner explained that Shurat HaDin's practical interest in the proposed annexation stemmed from the work it does in the International Court of Justice in The Hague, the Netherlands, to combat Palestinian allegations that the building of Israeli homes on "disputed" territory constituted war crimes. Darshan-Leitner explained that the application of Israeli sovereignty over the areas would resolve many legal issues since the areas would no longer be considered disputed territories. Jason Greenblatt, President Trump's envoy, noted that Israel was well within its rights to extend Israeli sovereignty to Jewish communities in Judea and Samaria, while former Ambassador Bercovici expressed her concern that annexation would create an apartheid-like reality where Jewish and Arab residents would not have the same rights. Darshan-Leitner preempted this argument, emphatically stating that Israel would ultimately grant citizenship to the 160,000 people in question so that they would not be deemed as second-class citizens.

Professor Alan Dershowitz's statement, perhaps, was most resounding. "Ben-Gurion wanted a state at any cost," Dershowitz explained. "If the Palestinians want a state so badly, they should at least sit down and negotiate. They will get more with land swaps, and they will get an opportunity in the future. I reject the notion that it doesn't permit for a viable state."

THE ICC VS ISRAEL: THE FALLOUT OF A WAR CRIMES INVESTIGATION

LIVE WEBINAR



JOSEPH LIEBERMAN
FORMER U.S. SENATOR
FOR CONNECTICUT



LUIS MORENO OCAMPO
FORMER CHIEF PROSECUTOR
OF THE ICC



SHURAT HADIN
ISRAEL LAW CENTER



NITSANA DARSHAN-LEITNER
ATTORNEY AT-LAW, PRESIDENT OF SHURAT HADIN



DANNY DANON
FORMER ISRAELI PERMANENT
REPRESENTATIVE TO THE UN

On October 18, 2020, Shurat HaDin, the Israel Law Center, hosted a web forum to examine the effort underway to have the International Criminal Court (ICC) in The Hague investigate the State of Israel for alleged war crimes violations.

Urged on by the international BDS campaign and Palestinian terrorist factions, the ICC's chief prosecutor, Fatou Bensouda, has opened investigations targeting Israel and the United States, even though both countries are not members of the ICC and each boasts independent judicial systems that are respected globally. The effort to have the international court investigate Jerusalem is part of a larger and an insidious campaign to undermine how Israel defends itself from state and terrorist enemies. This campaign has become a threat to Israeli national security.

Shurat HaDin assembled a top-tier team of international political, legal, and investigative experts to discuss these all-important issues that included Joseph Lieberman, former U.S. Senator (D-Connecticut) and vice-presidential candidate; Luis Moreno-Ocampo, former Chief Prosecutor of the ICC; and, Danny Danon, Israeli Ambassador to Australia and Former Israeli Permanent Representative to the United Nations. Shurat HaDin President and founder Nitsana Darshan-Leitner moderated the event, which was held live on Facebook and viewed by a vast international audience.

The in-depth discussions explored the history of how Palestinian groups have tried to corrupt the ICC and use it as a tool against Israel. "Almost as soon as the ICC opened its doors in 2003, the enemies of Israel and the United States used the court as a tool for political confrontation and settling disputes through prosecution while harassing political and military leaders," Nitsana Darshan-Leitner told the Jerusalem Post. Darshan-Leitner engaged the subject matter experts to offer their perspective on the ominous political ramifications of the ICC launching criminal investigations into Israeli—and American—acts of self-defense, as well as what legal strategies can be used to thwart this and future efforts by Israel's adversaries to delegitimize the Jewish State.

Shurat HaDin has vowed to continue this fight, and additional actions—as well as informative seminars, either in person or online depending on the pandemic circumstances, are scheduled for the future.

Settling Accounts: Bold exploits in the halls of justice

Mossad agents are accustomed to planting agents in faraway countries in order to strike directly at the enemy. When they were told that terror can be fought by means of paperwork, they were skeptical — but cooperation between the secret "Harpoon" unit and "Shurat HaDin - Israel Law Center" brought about the withholding of millions of dollars from Hamas, the confiscation of terrorist funds, and the halting of a Gaza-bound flotilla.

By Hodaya Karish Hazony
20 December 2020

מקרה ראשוני

Dressed in a black leather jacket, sitting on the curb or perhaps on a low concrete bollard, his face expressing obvious impatience and hinting toward smothered fury — that was Isma'il Haniyah as photographed 14 years ago, in December 2006 at the Rafah Crossing. The head of the Hamas Political Bureau, also Prime Minister of the Palestinian Authority at that time, he had returned from a trip around the Middle East. His travels were carefully watched from Israel as, among other things, he stood on the rostrum at the University of Tehran and vowed, in a fiery speech, not to abandon the path of Jihad (holy war). Haniyah returned to Gaza with 25 suitcases holding 40 million dollars in cash, donated by Iran. The State of Israel, which had evicted the residents of Gush Katif from their homes a year before, decided that the enormous stash of bills must not reach the hands of Hamas. Rafah Crossing was closed to Haniyah, and the Palestinian leader — unwilling to cross the threshold of Gaza without the suitcases of dollars — was left fuming on the pavement.

As time passed, the atmosphere gathered heat. The trouble thickened when Hamas terrorists arrived from the Gaza side and opened fire on Egyptian security forces. When Haniyah had waited some hours further at the roadside, an agreement was reached: The offices of Prime Minister Ehud Olmert and Egyptian President Hosni Mubarak would allow Haniyah into Gaza without the money, which would be entrusted to an Egyptian bank for the time being. Haniyah and his companions stuffed 5 million dollars into their pockets, and 35 million went into an account of the Arab League at the Cairo Amman Bank. But from Israel's standpoint the story wasn't over. It was for such eventualities that Meir Dagan, the Director of the Mossad, had set up the Harpoon unit with the financial infrastructure of the terror organizations as its target.

The Harpoon officials decided to turn to Nitsana Darshan-Leitner, who heads the Shurat HaDin organization, to ask whether she had a suggestion for using the courts to prevent the money from coming into the hands of Hamas terrorists. And, she did. "The bank in Egypt was beyond our reach," she explains, "but we saw that the Arab League has a branch in Washington. There, we had already obtained a verdict against Hamas." No long before, an American court had ruled in a case where Darshan-Leitner and other attorneys represented the families of the late Efi and Yaron Ungar, a couple murdered in 1996 by Hamas terrorists.

The court awarded the plaintiffs damages of 116 million dollars, but the Ungar family found no way for the verdict to be enforced. Now, with the incident of the multimillion-dollar suitcases still echoing, Darshan-Leitner approached the court in Washington and demanded that the Arab League transfer 35 million dollars to the Ungar family from the terror organization's money held in the Cairo account.

"To our surprise, the Arab League didn't hunker in silence," Darshan-Leitner relates. "Their attorney told the court that the money didn't belong to Hamas at all but was still the property of the Iranians who had donated it. We had to prove they were lying, and we asked the Harpoon agents to send a witness to testify in court, on their behalf, that the money was given to Hamas. There was a great dilemma involved. Was the benefit worth such an exposure of a Mossad agent? We did want to halt that funding. In the end, we came to a kind of compromise with the court. The witness would present an affidavit, and that would suffice to take us past the initial stage and avoid a dismissal. We told ourselves that, once we reached the evidentiary stage, we could manage. An affidavit was presented to the court over Meir Dagan's signature. We saw the effect afterward, in a letter where the head of the Arab League explained to Haniyah that the money couldn't be transferred any time soon."



Former senior Mossad official Uzi Shaya and Adv. Nitsana Darshan-Leitner Photo: Arik Sultan



"You have to understand that there were military options under consideration too," reveals Uzi Shaya, formerly a senior figure in Harpoon. "We knew that Haniyah was about to bring the money with him, and the question was how to prevent it from entering Gaza. The idea was raised of stopping the convoy before it reached the Gaza Strip, or causing a breakdown in the vehicle that was carrying the suitcases. Any such operation requires sending trained personnel, and they could be exposed. But sometimes there's another way and it's simpler."

The State's limited power

Nitsana Darshan-Leitner began her battle against terror when she was still a law student at Bar-Ilan University. Uzi Shaya had been active in the security services since 1984. Initially he was recruited into the Israel Security Agency, and after two decades of operational service there, he joined the Mossad. The two were interviewed at the Shurat HaDin offices, overlooking Ramat Gan and Bnei Brak from a 13th-floor office in the BSR Towers.

The name of the late Meir Dagan, for nine years Director of the Mossad, comes up repeatedly, as does Darshan-Leitner's book Harpoon: Inside the Covert War Against Terrorism's Money Masters. The book appeared in English some three years ago; and now it has been published in Hebrew, by Yedioth Books. "It's not a book in Dagan's memory, but he is certainly an important figure, and he was interviewed for it," says the author. "As the head of the Counter-Terrorism Unit, and then Director of the Mossad, he decided to go all-out in the financial war against terror." One of Harpoon's first operations, according to the book, sounds like a flashy Hollywood script. A Palestinian businessman living in Latin America approached Muhammad Rashid — Arafat's personal financial officer — to suggest a very promising investment. Rashid was invited to South America, visited the splendid offices of the investment company, and was convinced there of the investment's profitability. He in turn convinced Arafat, and over some time the arch-murderer invested larger and larger sums in the initiative. From time to time, he received a report that showed gratifying profits accumulating in his account. And then, it all disappeared one day: The offices were closed, the employees seemed to vanish into thin air, and all the money invested turned to nothing. "It is believed [...] that Arafat lost more than 100 million dollars in the scheme," the book says.

It was Dagan who asked Darshan-Leitner in the summer of 2004, two years or so before the episode of Haniyah's suitcases, to assist him as a sort of legal arm for Harpoon's operations. "I started my campaign of lawsuits against terror in the year 2000, with a complaint representing the families of victims from the Ramallah lynching and other terror attacks," she adds. "We contended in the Israeli courts that the Palestinian Authority bears responsibility for the terrorist deeds. At the same time, suits were filed in the USA against Iran and Syria for supporting terrorism. I obtained precedent-setting verdicts and decisions in favor of the plaintiffs, with millions of dollars confiscated, and the news went public. That's apparently how they heard of us at the Mossad, and they contacted us."

She stresses that she never received a salary from the Mossad and never worked there. What exactly was the relationship between you? Shaya answered: "A Special Relationship. That's the Mossad's particular term for it. There are fighters, there are agents, there are collaborators, and there are people with whom the organization has a Special Relationship."

How many Special Relationships does the Mossad have?

"More than a few."



He was the source of power. The late Meir Dagan, former Director of the Mossad. Photo: Yossi Zamir, Flash90

And are they all based on free will? On cooperation driven by values, such as the desire to put the brakes on terror in this case?

"A Special Relationship is formed for defined purposes, against the background of overlapping interests — ideological interests or others. In this case, it all started with Dagan's outlook. He understood that the financial arena is a battleground where the fight must be waged. He also understood where the state's power is limited. A state can't grapple on the same ground as civil organizations and groups. It needs to find someone else who will do so for the state."

In that preliminary phone call, Darshan-Leitner was told that officers of the National Security Council would like to speak with her. "They asked me not to make a note of the meeting and not to reveal or record any details. When I arrived for the talk, I assumed it was with representatives of the NSC and I explained to them what it is that I do. She remembers that she sensed skepticism on the part of her interlocutors. "I told them that it is possible to sue a terrorist organization and seize money from it. Even those organizations are subject to the court's authority, and if their representatives fail to appear for trial, a verdict can be obtained in their absence. Then their bank accounts, real estate, and vehicles can be confiscated. When I stopped speaking, there was silence. Someone there said to me, a little mockingly, 'So you mean we'll damage Hezbollah's credit rating?'"

But the first meeting led to another, and quickly a close relationship formed between Darshan-Leitner and Harpoon. "They're the ones who suggested suing the banks. Until then, we'd been targeting terrorist organizations and terror-supporting countries; the idea of going after the bank was a novel one. But how exactly could I sue the bank? I'd need proof that it had transferred funds, as a private attorney, I had no access to that kind of information. The operations of Harpoon were what made the information available to me."

Uzi Shaya: "We went to the banks, we explained to them what the money passing through their hands was being used for, and we tried to persuade them to stop. But financial institutions were less aware of the risks then, and the legislation against money-laundering wasn't as strong as it is today. Consequently we needed to be armed with some kind of stick against them, and lawsuits are a big stick."

The project of suing the banks, as proposed to Darshan-Leitner, was too wide-ranging for a single attorney. For that reason, she started the Shurat HaDin organization together with her husband Aviel and attorney Mordechai Heller. Today the Shurat HaDin attorneys number around ten. "The model we were thinking of is the Southern Poverty Law Center, an American organization founded in Alabama in the seventies to fight racism. In the beginning, we asked Harpoon if we would be receiving funding. The answer was no, because the state couldn't officially support us. So we set up an NGO and we raised funds ourselves."

She met Shaya in 2005, when he joined the unit. He remembers that at their first meeting he too was rather doubtful about the effectiveness of legal measures. "At the time, I knew how to mount operations but not how to file a lawsuit," Shaya says. Darshan-Leitner laughs. "Really? Then you were wearing a poker face. You're someone I didn't feel skepticism from."

"The objective, in the end, was to reach a point where no one would be risking their lives but the banks would stop passing money to terrorist elements," Shaya continues. "Usually we resorted to this channel only after we'd already contacted the banks in other ways, explained to them the significance of their activities and the use being made of the money being transferred through them, and tried to persuade them to stop. But back then, a decade ago and more, the financial institutions were less conscious of the risks at their doorstep. Legislation against money-laundering wasn't as strong yet as today. So we needed some kind of stick to wield against them, and lawsuits are a big stick."

The information that was passed to Shurat HaDin, Shaya explains, provided the basis for a lawsuit. Darshan-Leitner: "Dagan understood that in order for this to succeed, they would need to share information with us. Initially the Mossad shrank from passing classified information to a civilian office, but here too Dagan's boldness is part of the story. Documents are necessary in order to prove that a bank transferred money to terrorist elements, and in Operation Green Lantern many documents were captured that showed that kind of financial transaction."

Operation Green Lantern, in 2004, preceded the contacts between the Mossad and Darshan-Leitner. The IDF penetrated into bank branches in Ramallah, including the central branch of the Arab Bank. The operation was launched after long months of bloody terror attacks inside Israel,

ניצנה דרשות ליטנור
סמליאל מ.כ

הARPON

המלחמה החשאית בכספי הטרוור

ברישומות
רבי המכר
באלה"ב

"מורתן, היספור הלא מדווק של כוח המשימה הסודי
שפתח חיזית חדשה וחזקה במלחמה בטרור."
- תמי פרדר, לשעבר ראש המוסד

and after unsuccessful attempts to explain the importance of halting transfers of money through legitimate banks to terrorist elements. In the operation, 40 million shekels were confiscated that had been intended for terrorism, and huge quantities of information were collected in the form of papers and computer files. That information, Shaya says, was a kind of ammunition that had to be put to use; otherwise the effort would have been wasted. And that's how the documents reached Shurat HaDin?

Darshan-Leitner: "Harpoon was in a position to show us the material, but we weren't in a position to use the actual documents. In the complaints, I'd write that I was aware the bank had transferred such-and-such a sum to such-and-such a person, and I'd provide exact dates, but I didn't attach documents. Later, the stage of document disclosure comes and at that point if the court instructs the bank to show its documentation, the bank is required to cooperate. Ostensibly, document disclosure is an unimportant preliminary stage; but a bank can take a fall at that stage if it fails to comply with the court's instructions. That's what happened to the Arab Bank: It claimed that because it was a Jordanian bank, subject to Jordanian law, it was not obliged to reveal customer

information. But the court can respond by imposing limitations, saying to the bank: Without document disclosure, you are not permitted to claim that you did not transfer money to terrorist elements. And in that way, the Arab Bank did indeed lose the case."

Targeting the legitimate foot

A similar thing happened when the Lebanese Canadian Bank was sued for its cooperation in channeling money to Hezbollah. The claim against it, by Shurat HaDin, was based on testimony from victims of the Second Lebanon War. "There, too, documents existed but at first we couldn't use them. Incidentally, these proceedings have been under way since 2008 but to this point what's been discussed is the bank's petition to dismiss the suit peremptorily on the grounds that an American court has no jurisdiction. Only now have we made our way past that stage. Certainly you can't set up a campaign like this one without a nod of approval and without assistance. Until the information reached me, I didn't even know that something called the Lebanese Canadian Bank existed."

Nitsana Darshan-Leitner: "There was a flotilla to Gaza planned, with 15 vessels carrying 1,500 activists. We sent out letters to the insurance companies and demanded that they decline to insure vessels that were aiding Hamas. We warned them that they could be sued by the victims of the terror organization." In response to the warning, Lloyd's announced that it would not insure the vessels of the flotilla.

At the peak of their joint activity, Darshan-Leitner was meeting with Harpoon representatives once a week or so. "Matters were very dynamic," says Shaya. "Besides filing lawsuits, Shurat HaDin took other steps that were helpful to us. For example, they could send out letters in advance of any legal proceedings."

Darshan-Leitner: "A terror organization has an Achilles heel. It has one foot inside the realm of terrorism, but the other foot is standing in legitimate territory. It can't pay its operatives without using banks. It can't communicate with them except by using e-mail, postal mail, air travel, and public transportation. It can't operate without accountants. While shelling ammunition depots and wiping them out, Israel sometimes forgets the option of targeting the legitimate foot, which may be a more accessible objective. Attorneys are easier to locate than ammunition depots. And, it's a very effective option, because when you choke off the organization, it can't survive."

"People don't realize how much money the terror organizations turn over. They recruit operatives, train them, instruct them, and pay the operatives' families afterward. They work on establishing trust among the neighboring population, and the cost is in the millions."

One case where change was generated by mere letters was the halting of the flotilla to Gaza in 2011. The Mavi Marmara incident had occurred a year before: Israeli commandos managed to take control of the ship, which had set out from Turkey, and prevent it from reaching the Gaza Strip, but that operation unleashed a severe wave of international condemnation and criticism against Israel because ten operatives from Islamic organizations died. From the standpoint of the anti-Israeli organizations behind the flotilla, it was a success story worth replicating. Darshan-Leitner: "In the Marmara flotilla, there were only six vessels. In the next flotilla there were supposed to be fifteen. And 1,500 activists,

including celebrities and European legislators, were supposed to be on board. In order to stop the flotilla, we issued letters to the insurance companies. The letters demanded that they comply with the law and refrain from insuring vessels that were assisting Hamas because it is a recognized terror organization. We warned them that they could be sued by the victims of Hamas."

In response to the warning, Lloyd's announced that it would not insure vessels that participated in the flotilla. "That made some of the vessels cancel their departure. We asked the navy how the rest could be stopped. The navy suggested that we take action against the companies that provided the vessels with satellite communication services. We went to court and got the service from those companies halted."

"A short time later, the Mossad notified me that there was a way to stop the vessels from leaving Greece. They told me to wait for a report on it, but to be ready — if no report arrived — to ask for an immediate restraining order. That was on Friday, and when the contact man from Harpoon told me to, "wait for a call," I answered that I can't take a phone call on the Sabbath. He said that he observed the Sabbath too but in this case the activity was expressly to save IDF soldiers and prevent harm to the State of Israel. In the end, the information did come through and so we asked the port authority in Greece to examine the passage plan that each vessel must fill out. The Greeks made the examination, and they found that the destination was written down as Alexandria, Egypt. That was an act of fraud against the port authority, and therefore the vessel could be stopped from departing. Once more an ostensibly trivial procedure was exploited, and this time it took the place of a complicated operation including commandos lowered by ropes from helicopters. The second flotilla was prevented. The pro-Palestinian activists held a press conference, and they said there that 'the Shurat HaDin lawfare organization' had thwarted the flotilla." Shaya: "There were also malfunctions on the boats."

Has Shurat HaDin ever asked the Mossad for information that would help it in legal proceedings?

Darshan-Leitner hesitates, and then Shaya answers: "Yes, we'd help them within the limits imposed by the intelligence services and the law."

Has she ever said no to a request of yours?

"Never. There have been attempts that came to nothing, but our common objective was clear to us all."

common objective was clear to us all."

Citizens expect the State to fight in the financial arena against terrorism. From the book, it emerges that until Harpoon was set up, the fight wasn't waged in any organized fashion. The revelation is surprising, even a little frightening.

"It was being done, but piecemeal. At the tactical level. Each security service worked on it within the service's own small territory. There was no systemwide effort, and there was no overall strategic concept taking into account the great strength of this weapon against terror, and even against Iran."

Darshan-Leitner: "Today it's gone back to the tactical level. Harpoon no longer exists, and when you hear of funds being confiscated, it's done at a low level. Someone with suitcases is arrested, or the money that a family receives in recognition of a son's prison time is confiscated. There is no overall plan of action for monitoring the money channels."



The Flotilla Bound for Gaza.

Photo: AP

Pranking Hezbollah by phone

The halting of the flotilla was the last large-scale joint operation of Harpoon and Shurat HaDin. According to Shaya, no one bears direct responsibility for disbanding the unit. "Meir Dagan's retirement dealt a major blow. Tamir Pardo, his successor, continued the cooperation but later on the effort came apart and returned to the level of the individual organization. Against funding where Hezbollah and Iran are concerned, the Mossad is in charge; where the Palestinians are concerned, other agencies carry the responsibility. The job was transferred to the Ministry of Defense during Avigdor Lieberman's tenure as minister, and although a "National Bureau for Counter Terror Financing" was created there, essentially replicating Harpoon, the unit's strength had derived from the strength of Meir Dagan because in order to set a policy and focus other Israeli intelligence agencies on it, you need really exceptional ability."

When I asked Darshan-Leitner whether she was concerned that the new administration in the USA might mean weaker economic sanctions against terror organizations, she sounded optimistic. On the one hand, "Trump was very hawkish in his war against terror funding; apparently under Biden there will be a step backward." On the other hand, she added wistfully, that the very return to the nuclear agreement with the Ayatollahs could benefit Shurat HaDin in its legal battles, because with Iran freed from some of the sanctions against it and returning to international commerce, more opportunities would arise for confiscating the sums awarded in rulings against the Iranians.

As someone who has battled to block financial transfers to Hamas, what do you think of the suitcases full of Qatari dollars that are brought into Gaza with Israel's approval?

"I think the left hand doesn't know what the right hand is doing. Hamas appropriates some of those funds, beyond a doubt, and then suddenly a tunnel is discovered that was recently dug, or a cache of weapons. It's

absurd that Israel thinks it can buy peace and quiet for the communities near Gaza by paying bribes. It's not merely a loss of honor, it's a loss of sanity."

Shaya: "Anyone who has ever fought terrorism, including the Prime Minister, knows that you don't pass money to a terrorist organization. Overall, treating money as secondary, or only tactical in importance, is wrong."

What effect does it have that each of the Ministers of Defense, who are turning over rapidly, has a different financial warfare policy? "It's a disaster. Naftali Bennett comes in and makes a decision, then Benny Gantz decides differently. Financial warfare is relatively cheap compared to other kinds of warfare, but it requires a commander. There are no commanders these days. Hamas gets most of its funding through a Turkish bank, and the Americans have already shown that the same bank is complicit in bypassing sanctions on Iran. It could be targeted. Terror organizations learn lessons. You obstruct them in one place and they've learned how to respond from another. So we have to learn too, and make progress."

Uzi Shaya: "Finest of all was to be helping the victims of terrorism, giving them the opportunity to fight back. I gained that understanding when I came to a Shurat HaDin event. It's not the money — although the money certainly helps the widows and children — but it's the feeling that they have strength.

That there is a way to come full circle and hit back."

Darshan-Leitner is not enthusiastic about the law that reduces the Palestinian Authority's tax revenues by the amount transferred to terrorists and to their families. "We see that in practice, despite the law, the money is transferred. Ethically too, I think that the law is in error, because it targets money that belongs to the Palestinians. We've already proven that those transfers can be stopped in a simpler and more efficient way, without causing disruption between the Palestinian Authority and the State of Israel. The payments to terrorists are in shekels, and every such payment passes through an Israeli bank. If you instruct the Israeli banks to desist, that finishes it and there's no way to transfer money to the families of terrorists. But in order to accomplish that, you need someone with tunnel vision, who won't pay attention even to warnings that the Palestinian Authority will collapse. Meir Dagan was able to adopt that tunnel vision. When he wanted to filch a million dollars



"Treating money as secondary, or only tactical in importance, is wrong."

A resident of Gaza displays a banknote received from Qatar.

Photo: Getty Images

from Hezbollah, he did it cleverly and nobody's life was lost. During the Second Lebanon War, if he wanted some Lebanese banks bombed by the Air Force, they were bombed. There will always be opposition to such actions, because they don't look good diplomatically, but in the end you do block off the money and human lives are saved."

"Incidentally, Nitsana mounted a beautiful operation against Hezbollah too," Shaya says. "She located their bank accounts without any intelligence information from us."

How?

Darshan-Leitner: "Someone phoned Hezbollah for us and asked how to make a donation. They gave him a list of accounts in Lebanese banks."

Shaya: "Those banks weren't on any blacklist. They were continuing to operate as usual, so Hezbollah was on the gravy train while Lebanon was at the edge of collapse."

What's your biggest accomplishment together?

Darshan-Leitner: "It's one we can't talk about."

Shaya prefers to speak of the human angle: "Finest of all, and this is the truth, was to be helping the victims of terrorism, giving them the opportunity to fight back. Nitsana is in touch with them all the time, and she knows matters from up close, but I understood it only after she invited me to a Shurat HaDin event. It's not the money — although the money certainly helps the widows and children — but it's the feeling that they have strength. That there is a way to come full circle and hit back. I saw how much that empowers them."

The client resisted compromise

In 2013, Shaya was in the news as a witness intended to testify against the Bank of China. Israel had discovered that money was passing through that bank to terror operatives in Gaza, and Shurat HaDin filed suit against the bank on behalf of the terror victims. At the last minute, the Israeli government decided, for political reasons, to prevent the Mossad official from testifying. Those legal proceedings, which ended in a compromise, are not included among the many operations that the book describes. According to Shaya and Darshan-Leitner, the material published amounts to not much more than half of their joint efforts. Many other stories remained unpublished, mostly by order of the censor.

Why would an attorney who is not a Mossad employee be prevented from talking about legal proceedings that she pursued against terror organizations?

Darshan-Leitner: "Good question. There are all kinds of reasons, for example compromise agreements that are subject to secrecy. There are organizations that are unwilling ever to be known as having cooperated in making payments, or in transferring payments, for terror attacks. For that reason, the very existence of the compromise is not disclosed, let alone the sum."

And do the families, as plaintiffs, agree to all that?

"Yes, although it isn't always simple. For example, in one case a settlement was offered and the client said she refused to accept any compromise

whatsoever. She wanted to fight it out to the end. I reminded her that the money was for orphans, that they were her responsibility since the terror attack, and that as her attorney I was advising her to accept the sum offered. I promised her that I would continue battling against the same organization by means of other lawsuits."

Shaya retired from the security services a decade ago, and since then he has — among other things — served for a time as general manager of the Maccabi Tel Aviv soccer team. Darshan-Leitner continues to lead legal battles around the world. In recent years, she has been approached by non-Israelis who were injured or lost relatives in terror attacks, such as ISIS attacks in Istanbul and in France, and even attacks by the Tamil Tigers in Sri Lanka.

Nitsana Darshan-Leitner: "In the summer, we hold training programs for students from around the world, and some years ago suddenly we had a lot of interest from students in a specific country. We wondered whether something had been organized deliberately, but we invited them anyway. After they'd visited our offices,

we found that a worm had been introduced into one of the computers." Is there a personal price for being involved in the fight against terror, where the organizations on the other side are so powerful?

"Suing a bank may sound simple, when we say 'We sued this bank, we sued that bank,' but the time comes when you walk into an American courtroom and you're facing a battery of lawyers from the biggest law firms in the USA. And who are you by comparison? There are butterflies in your stomach then, and from the professional standpoint it's a risk that not every attorney would agree to accept. I'm there representing Shurat HaDin, but in many ways I'm also representing the State of Israel and I carry a heavy responsibility. We recruit the best experts and we do everything possible, but ultimately it's a duel between legal minds.

"On the personal level too, there's a price. The work is intensive, it's maddening, and it means leaving my six children for weeks at a time for the sake of legal proceedings around the world. Even when I'm in Israel, I'm not exactly at home. But the children understand what Mom is busy with."

Have you been threatened?

"There have been attempts at legal action against us by certain countries who feel threatened ("And apparently she wouldn't be welcomed there," Shaya interjects). And our computer was hacked. In the summer, we hold training programs for students from around the world, and some years ago suddenly we had a lot of interest from students in a specific country. They were graduates of an excellent university. We wondered whether something had been organized deliberately, but we invited them anyway. After they'd visited our offices, we found that a worm had been introduced into one of the computers. How it got there was obvious. From time to time we receive threatening e-mails in Arabic, but that doesn't deter us. We keep up the fight."

2020 SELECTED MEDIA APPEARANCES

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