

TIP Call with the Israel Law Center

Omri Ceren: Thank you everybody for joining us this afternoon. I know that it's relatively late, you know in D.C. time, and of course it's very late here in Israel, where we have with us our speakers today. We nonetheless wanted to hold this conference call as quickly as we could at the beginning of the week. The, as you may have heard, there were developments late last week and the organization, with the Israel Law Center publishing a series of revelations about funding activities that Oxfam has been engaged in. We wanted to put those on your radar as quickly as possible. The Israel Law Center, of course, is a Tel Aviv-based civil rights NGO, it focuses on representing terror victims, and the constellation of issues around that has grown in recent years; most recently, in the context of networks of NGOs that seems to be coordinating activities both within their networks and across some other networks that seem to be much, much less legitimate and much less oriented towards human rights. We have with us today the founder and director of the Israel Law Center, Nitsana Darshan-Leitner, as well as Avi Leitner, who will be discussing some of these issues. We'll do this call the way we usually do these TIP calls, which is to say they will give an intro, and then we will shift to questions and answers. And on that note, I will turn the call over to our speakers, and we'll jump in at the end for questions and answers. Nitsana, if you would.

Nitsana Darshan-Leitner: Yea, thank you, thank you very much for all of that. The, just briefly, Shurat HaDin is a civilized organization that in the past decade was fighting on behalf of the Jewish state against Israel enemies. Main part of our activities is fighting terrorism, filing cases against terror organizations, state-sponsored terrorism, and banks that help terror financing. And, in addition, in recent years, since the courts shifted to lawfare and boycott, sanctions, and divestment against the Israeli state, we moved as well and we're using the court system to fight those who try to delegitimize the Jewish state.

Recently, we found out about Oxfam, which is the humanitarian aid international organization, and its ties with terror financing. We all know that Oxfam went into the headlines recently because of the SodaStream case. Scarlett Johansson, who was the presenter of SodaStream in their ads, was asked by Oxfam to withdraw. She refused; she actually quit from Oxfam. She was serving as an ambassador, and Oxfam criticized these laws and called to boycott and sanctions against Israel. We saw that and we started investigating Oxfam, and we found out that the partners of Oxfam in Gaza are actually the Popular Front for the Liberation of Palestine organization. This is a terror organization; it's a section of the PLO. It's a designated terror organization in Europe, Israel, United States, and Canada, and Australia. It's been very active in recent years. It actually was one who took in the beginning of decades ago massive terror attacks against Israelis and against Jews, mainly. Planes, a hijacking, the Lod airport attack in 1972. The Pan Am hijacking; the, in recent years, the murder of Rehavam Ze'evi, he's an active minister in the Israeli government. And during the Intifada they carried out a lot of terror attacks. The infamous one was the one of the family from Itamar, the Fogel family, where they went into their house and massacred the children in their sleep.

The PFLP, Popular Front for the Liberation of Palestine, has twelve agencies in Gaza. Two of them are the Union for Agricultural Committees and the other is Union for Health Workers Committees. Both were very active in Gaza, and they are serving as affiliates and agencies and instrumentalities of the PFLP. A research that we did found out that the members of these unions are actually PFLP terrorist activists or the ones who stand in the head of the PFLP. They do conferences together, the unions allow the PFLP to use their buildings for ceremonies for shahids, for martyrs, those who even were killed more than twenty or thirty years ago. They are using these instrumentalities, the PFLP is using the unions to serve the people. They give them free medical service [inaudible] from time to time in Gaza to recruit the loyalty of the people, and give them in return free services. They are doing it through the union

committees. And Oxfam, in their website, lists the unions, UAWC and UHWH – I'm sorry, UHWC -- as their partners in Gaza. Last month, January, they signed a contract with UHWC, this is the health committee, to continue their cooperation with providing emergency services to the population in Gaza, and they don't seem to be connecting any ties to this organization any day soon.

We sent a warning letter to Oxfam, warning them that by continuing their relationship with these two unions, they're aiding and abetting a terror organization, because they are both instrumentalities of the PFLP, and by doing that are violating the Anti-Terrorism Act of the United States and other European anti-terrorism acts, also Australian but we didn't get into Australia yet. We emphasized that this violation may carry, may impose civil liability and criminal liability, and they open themselves to, expose themselves to lawsuits on behalf of terror victims for hundreds of millions of dollars. And we called them immediately to disconnect from these unions. Oxfam, as far as the, I mean up to date, did not respond to the warning letters.

Omri Ceren: Okay, on that note, operator, can we give instructions to queue it up? [Operator instructions] Nitsana, thank you for that presentation, and I apologize in advance for this question, it's going to come off as wonky but we got it in via email. The, you mentioned that Oxfam's [inaudible] criminal and potentially civil, that it has exposure on both of those grounds. Could you explain the jurisprudence behind that? The thing that you published about this cites specific court cases that create the basis for the exposure, and I was wondering if you could get into where those come from and what they are at least a little bit.

Nitsana Darshan-Leitner: The case law in the United States says that funding a terror organization, even if you give it to their benevolent wing, there is no distinction between the benevolent wing to the military wing of a terror organization, and if you give money or any type of support, you are actually aiding and abetting a terror organization. That begins with the Anti-Terrorism Act from '92, that allows American citizens to file lawsuits in the United States against those who are aiding and abetting terror organizations. There are plenty of cases like that pending in the United States and some that even ended with judgment against the organization. And we mentioned some of these cases, even the recent case against the Bank of China, which allowed money to go through his bank account to Hamas and Islamic Jihad in Gaza. This is type of financial services that the bank provided to the terror organization, and in the [inaudible] the court found that there is a liability, a civil liability against the bank. We also quoted the Holder v. Humanitarian Law Project, which is actually a criminal case. It's a case that was brought by the Attorney General of the United States, Eric Holder, against the professor from Harvard University, who provided legal advice to the Tamil Tigers. This is a terror organization in Sri Lanka. And it was free advice, and that was the defense of the professor, they said 'all we did is gave them advice; we didn't give any money, we didn't give any material support. And this is, this should be also protected by the First Amendment.' And the court found them guilty. The court found them aiding and abetting a terror organization and said, 'first of all we are talking about all types of support, not necessarily material support. Even an advice is considered aiding and abetting a terror organization. There is no defense of freedom of speech, and even if you did it for free, that means that the other man who is free is freed to go and carry out their violent activities.' So if you take all this, you can assert that anyone who gives any type of support to a terror organization, from all different kind of support, is aiding and abetting a terror organization, as such carries out civil liability.

Omri Ceren: That actually leads directly into our second question, which is the nature of that liability. The statement that UPI cited when they wrote about this was that the Israel Law Center would "seek all available relief and remedies against Oxfam and its officers in all relevant jurisdictions." You guys have experience with these kinds of measures, plus a number of different organizations in context, and

without getting into anything that might be privileged, I was wondering if you could discuss what the available relief and remedies might look like, both in the general sense and perhaps if you already have some ideas in a specific sense.

Avi Leitner: Let me just start off, I mean, by saying that, just as an example, I mean, we have a case that we, was filed by Shurat HaDin, our organization, in Australia against a professor at the University of Sydney who was engaged in trying to, you know, discriminate and not allow a Israeli professor from Hebrew University to teach on the campus. He specifically would not agree for the professor to teach, [inaudible] he was Israeli. And we sued him under anti-discrimination laws in Australia. That case is going on now, it's a very, very high-profile case in Australia and it's one of the first instances, of you know, of going after the BDS people by using, you know, civil lawsuits or criminal lawsuits by trying to pursue them, you know, in the courtroom.

Similarly, we're looking now at, you know, the situation with Oxfam and the bottom line basically is that, just to clarify, it's actually, we sent the warning letters to Oxfam their world headquarters in the U.K. It seems that the main organization, branch of Oxfam that's involved with funding in Gaza and in the Palestinian territories is Oxfam in the Netherlands, Holland, you know, which is called Oxfam Novib (N-O-V-I-B), and basically they're the ones that channel most of the support for Oxfam, you know, into the Gaza and into the Palestinian territories. So we're looking at, you know, what can be done right now in the Netherlands, what can be done in terms of the U.K., because that's the main Oxfam. It's interesting to see that the Oxfam in the United States, OxfamUSA, stays very far away from Gaza and from the West Bank. They mostly are involved in, it seems, in projects in Africa and other sort of third-world countries, but they stay far, far away from Oxfam's activities in Gaza and in the Palestinian territories because I, it's very possible that they know that Oxfam's activities there are being channeled through the designated terrorist organization, the Popular Front for Liberation of Palestine.

So just to get back to your question, we're looking at the Netherlands, looking at other locations, where a either civil suit can be brought against Oxfam as well as to, you know, to possibly file criminal complaints in those countries for – against Oxfam for its aiding and abetting of Palestinian terrorism.

Omri Ceren: The third question that we have gets into, it actually hooks much more into the first question that we had than what we just discussed. And it's a relatively technical question, I imagine there's a precise answer to it. What is, and Nitsana actually referenced this in her overview, what does it mean to be an instrumentality of a terrorist organization? Is that a term of art? And if so, what significance under either U.S. or U.K. law?

Avi Leitner: I mean so the law in the United States and in other codes talk about something being an instrumentality, but just very simple, you know, it is a legal term. Agency or instrumentality is a, you know, is a body that has a formal relationship with the, you know, with the parent, you know, the parent body. So basically, if you look in the instance of Hezbollah, Hezbollah's, you know, satellite television station, Al-Manar, has been deemed to be a, an instrumentality of Hezbollah, and therefore, you know, the actions of the instrumentality or the actions of the agency are, you know, attributed to the, you know, to the overall organization. So in this instance if, for instance, someone and there have been cases in the United States where people have been prosecuted for having dealings with or, you know, providing satellite television of Al-Manar is illegal in the United States. Why? Because Hezbollah itself is outlawed and the United States looks at Al-Manar television as the same as you know as Hezbollah itself. So if you look at the Holy Land Foundation that was deemed to be a front organization for Hamas. It was considered to be an instrumentality of Hamas. It was basically Hamas' fundraising arm in the United States. So by the same token, the UAWC and the UHWC are formal instrumentalities, formal agencies of the terrorist Popular Front for Liberation of Palestine. And therefore providing aid or funding

or any type of material support to the UHWC or the UAWC is no different than providing material support or resources to the Popular Front for Liberation of Palestine itself.

Omri Ceren: And then the final question that we have also came in by email. And it gets to something that Nitsana quotes the overview with, which is Oxfam has not yet replied to you, so you obviously can't answer what they're thinking yet. But I was wondering if you could discuss, for lack of a better way of putting it, how these things usually go? Do you usually find that groups are not receptive and then become receptive once they find out more of the contours of the controversy, or is it something where, in your experience, if a group is not answering, they're not going to answer and they tend to be less responsive rather than more responsive. How do these things usually go in these kinds of contexts?

Avi Leitner: Well, if I can, I mean basically, we don't know what they're going to do. I mean, you know, it isn't just a matter of them stopping their, you know, their funding or their activities with the UHWC or the UAWC. What they did was criminal activity so it's not gonna go away and, you know, they possibly incurred civil, you know, liability up till now. So to come out and to, you know, if they consulted their attorneys, and they probably did, probably their attorneys told them not to answer or to just do some sort of blanket denial about getting into it with an eye towards the fact that there could be future criminal prosecutions or criminal civil cases. So, I mean, you know, there's good chance that their attorneys told them to just ignore us, 'maybe we'll go away' and, you know, and that, you know, answering us could maybe, you know, could possibly wind up as an issue in a future criminal prosecution or in a future civil law, you know, civil litigation. But the bottom line is that there's no usual pattern.

If they were actually concerned about, you know, who they're doing business with in Gaza and in the Palestine area, you know, the Palestinian territories, then they would, you know, if they had done due diligence, they would know that they're in bed with the Popular Front for Liberation of Palestine. But they either know about it and they're just, that's what they're doing, they've just somehow convinced themselves or want to believe that they're involved with the good part of, you know, the terrorist organization and they're not involved, you know, with terror activities, and therefore it's OK for them to work with the UAWC and the UHWC, which is not true, which is illegal, and, you know, exposing them to civil liability. Or they don't and they didn't do any due diligence, which is almost impossible to believe and they don't know who they're working with.

But the bottom line is they've had a very very long term relationship with this organization. They must have vetted the organization, they must have looked at the board. The local workers for Oxfam know that, it's almost impossible to believe that they don't know that they're working with the Popular Front for Liberation of Palestine in Gaza and in the West Bank. And the bottom line is is that they know it, everybody knows it. I just would ask you to do one thing, just simply type in 'PFLP' and 'UAWC' and see what comes up and then do another Google search, type in 'PFLP' and 'UHWC' and see what comes up. Anybody who does the most preliminary search will see that there are Wikipedia entries that just basically say that these organizations, both of them were founded in, I think it's, 1985 and they were both founded by the Popular Front for Liberation of Palestine. So out of all the aid organizations and all the health organizations and all the agricultural organizations that operate in Gaza and are operating in the Palestinian territories, they decided, Oxfam decided it's going to work with the terrorist Popular Front for Liberation of Palestine, an organization, a terror organization which is actively engaged in trying murder Jewish children, trying to murder Jewish families, and targeting civilians for going over three decades of specifically, specifically trying to target Jewish civilians.

Omri Ceren: And on that note, I think that we're both out of time and the question queue is empty. Thank you again for joining this evening, I know it's already 10:30 in Israel. Thank you to everybody who hopped on the call. As always, you can follow up with us at press@theisraelproject.org,

press@theisraelproject.org if you have more questions or if you want to follow up on the interview specifically and we'll talk about what we can do to help out. Thank you everybody.