

January 30, 2009

Analysis: EU-Funded Palestinian NGO Leading the 'Spanish Inquisition'

Gerald M. Steinberg

The case in Spain against Israeli officials, which stems from the 2002 air force attack that destroyed the home of a senior Hamas terrorist and killed several of his children, is based on the universal jurisdiction provisions in the legal systems of a number of democratic countries.

While designed to bring heinous dictators to justice, "lawfare" - as this tactic has been dubbed - is exploited by non-governmental organizations that use the façade of universal human rights to promote their political goals.

The pattern emerged in 2001 when Human Rights Watch, Amnesty International, Badil (which focuses on refugee claims) and other NGOs used Belgium as the venue for allegations of war crimes against then-prime minister Ariel Sharon. The case was eventually dismissed and the law changed after Belgian officials linked to African dictators realized that they, too, were vulnerable to prosecution.

In 2005, Maj.-Gen. (res.) Doron Almog, who had retired from the IDF and was traveling to London to raise funds for the treatment of autism, stayed on an El Al plane at Heathrow Airport after NGOs targeted him with legal proceedings. This case, too, was later dropped, but the damage had been done.

The Spanish example of "lawfare" was initiated by the Palestinian Center for Human Rights (PCHR). With a large budget provided by the European Commission, Norway, Ireland, Sweden, Switzerland and other European governments, PCHR is among the leaders of the anti-Israel demonization strategy.

The strategy was developed in the NGO Forum of the 2001 Durban Conference, the goal being to use boycotts and legal processes to brand Israel an "apartheid" state, while legitimizing terrorism. During the recent Gaza operation, PCHR issued over 50 statements, most of which included allegations of "war crimes."

In contrast, top Israeli government figures have been very slow to recognize these threats and devise a counter-strategy. While "lawfare" has been around for a number of years and PCHR filed its request with Spanish authorities in June, it has failed to register in the IDF and elsewhere.

After the Gaza operation, Prime Minister Ehud Olmert pledged to provide legal support for officials caught up in the harassment - a belated and irrelevant approach. In response to the developments in Spain, Defense Minister Ehud Barak reacted angrily and Public Security Minister Avi Dichter expressed hope "that common sense will prevail" among Europeans.

Somewhat more concretely, the Foreign Ministry has pressed European governments to amend their legal codes to prevent NGOs from bringing such cases to court, but scant attention has been paid in Israel to EU and government funding for PCHR. There has been no cost to European officials, such as the Spanish prime minister, who are still welcomed by Israel as peace mediators.

After the surprise attack delivered by the Spanish court, the Israeli government will have to give much higher priority to preventing "lawfare" cases before ministers and IDF officers are met by police in the arrivals hall and taken for interrogation.

Prof. Gerald M. Steinberg is executive director of NGO Monitor and chairs the Political Science Department at Bar-Ilan University