

Secret Mission Rescues Yemen's Jews

By Miriam Jordan The Wall Street Journal October 31, 2009

Under Siege The State Department has resettled about 60 Yemeni Jews in the U.S. since July amid rising violence; more are expected to arrive.

In his new suburban American home, Shaker Yakub, a Yemeni Jew, folded a large scarf in half, wrapped it around his head and tucked in his spiraling side curls. "This is how I passed for a Muslim," said the 59-year-old father of seven, improvising a turban that hid his black skullcap.

The ploy enabled Mr. Yakub and half a dozen members of his family to slip undetected out of their native town of Raida, Yemen, and travel to the capital 50 miles to the south. There, they met U.S. State Department officials conducting a clandestine operation to bring some of Yemen's last remaining Jews to America to escape rising anti-Semitic violence in his country.

In all, about 60 Yemeni Jews have resettled in the U.S. since July; officials say another 100 could still come. There were an estimated 350 in Yemen before the operation began. Some of the remainder may go to Israel and some will stay behind, most in a government enclave.

Clandestine Resettlement The secret evacuation of the Yemeni Jews -- considered by historians to be one of the oldest of the Jewish diaspora communities -- is a sign of America's growing concern about this Arabian Peninsula land of 23 million.

The operation followed a year of mounting harassment, and was plotted with Jewish relief groups while Washington was signaling alarm about Yemen. In July, Gen. David Petraeus was dispatched to Yemen to encourage President Ali Abdullah Saleh to be more aggressive against al-Qaeda terrorists in the country. Last month, President Barack Obama wrote in a letter to President Saleh that Yemen's security is vital to the region and the U.S.

Yemen was overshadowed in recent years by bigger trouble spots such as Afghanistan. But it has re-emerged on Washington's radar as a potential source of regional instability and a haven for terrorists.

The impoverished nation is struggling with a Shi'ite revolt in the north, a secessionist movement in the south, and growing militancy among al-Qaeda sympathizers, raising concern about the government's ability to control its territory. Analysts believe al-Qaeda operatives are making alliances with local tribes that could enable it to establish a

stronghold in Yemen, as it did in Afghanistan prior to the Sept. 11, 2001 attacks.

The State Department took something of a risk in removing the Yemenis to the U.S., as it might be criticized for favoritism at a time when refugees elsewhere are clamoring for haven. The U.S. calculated the operation would serve both a humanitarian and a geopolitical purpose. In addition to rescuing a group threatened because of its religion, Washington was seeking to prevent an international embarrassment for an embattled Arab ally.

President Saleh has been trying to protect the Jews, but his inability to quell the rebellion in the country's north made it less likely he could do so, prompting the U.S. to step in. The alternative -- risking broader attacks on the Jews -- could well have undermined the Obama administration's efforts to rally support for President Saleh in the U.S. and abroad.

"If we had not done anything, we feared there would be bloodshed," says Gregg Rickman, former State Department Special Envoy to Monitor and Combat Anti-Semitism.

Mr. Yakub says the operation saved his family from intimidation that had made life in Yemen unbearable. Violence toward the country's small remaining Jewish community began to intensify last year, when one of its most prominent members was gunned down outside his house. But the mission also hastens the demise of one of the oldest remaining Jewish communities in the Arab world.

Jews are believed to have reached what is now Yemen more than 2,500 years ago as traders for King Solomon. They survived -- and at times thrived -- over centuries of change, including the spread of Islam across the Arabian Peninsula.

"They were one of the oldest exiled groups out of Israel," says Hayim Tawil, a Yeshiva University professor who is an expert on Yemeni Jewry. "This is the end of the Jewish Diaspora of Yemen. That's it."

Centuries of near total isolation make Yemeni Jews a living link with the ancient world.

Many can recite passages of the Torah by heart and read Hebrew, but can't read their native tongue of Arabic. They live in stone houses, often without running water or electricity. One Yemeni woman showed up at the airport expecting to board her flight with a live chicken.

Through the centuries, the Jews earned a living as merchants, craftsmen and silversmiths known for designing *djanbias*, traditional daggers that only Muslims are allowed to carry. Jewish musical compositions became part of Yemeni culture, played at Muslim weddings and festivals.

"Yemeni Jews have always been a part of Yemeni society and have lived side by side in peace with their Muslim brothers and sisters," said a spokeswoman for the Embassy of Yemen in Washington.

In 1947, on the eve of the birth of the state of Israel, protests in the port city of Aden resulted in the death of dozens of Jews and the destruction of their homes and shops. In 1949 and 1950 about 49,000 people -- the majority of Yemen's Jewish community -- were airlifted to Israel in "Operation Magic Carpet."

About 2,000 Jews stayed in Yemen. Some trickled out until 1962, when civil war erupted. After that, they were stuck there. "For three decades, there were no telephone calls, no letters, no traveling overseas. The fact there were Jews in Yemen was barely known outside Israel," says Prof. Tawil.

After alienating the West by backing Iraq during the first Gulf War, Yemen sought a rapprochement with Washington. In 1991, it declared freedom of travel for Jews. An effort led by Prof. Tawil and brokered by the U.S. government culminated in the departure of about 1,200 Jews, mainly to Israel, in the early 1990s. Arthur Hughes, American ambassador to Yemen at the time, recalls that those who chose to remain insisted: "This is where we have been for centuries, we are okay; we're not going anywhere."

The few hundred Jews who stayed behind were concentrated in two enclaves: Saada, a remote area in Yemen's northern highlands, and Raida to the south.

In 2004, unrest erupted in Saada. The government says at least 50,000 people have been displaced by fighting between its troops and the Houthis, a Shiite rebel group.

Animosity against Jews intensified. Notes nailed to the homes of Jews accused them of working for Israel and corrupting Muslim morals. "Jews were specifically targeted by Houthi rebels," says a spokeswoman for the Yemeni embassy in Washington.

In January 2007, Houthi leaders threatened Jewish families in Saada. "We warn you to leave the area immediately... [W]e give you a period of 10 days, or you will regret it," read a letter signed by a Houthi representative cited in a Reuters article.

Virtually the entire Jewish community in the area, about 60 people, fled to the capital. Since then, they have been receiving food stipends and cash assistance from the government while living in state-

owned apartments in a guarded enclave, says the Yemeni embassy in Washington.

President Saleh, a Shiite, has been eager to demonstrate goodwill toward the Jews. On the Passover holiday, he invited TV crews to videotape families in the government complex as they feasted on lamb he had ordered.

Raida became the last redoubt of Yemeni Jews, who continued to lead a simple life there alongside Muslims.

Ancient stone homes dot the town. Electricity is erratic; oil lamps are common. Water arrives via truck. Most homes lack a TV or a refrigerator. The cell phone is the only common modern device. Some families receive financial aid from Hasidic Jewish groups in Brooklyn and London, which has enabled them to buy cars.

Typically, the Jewish men are blacksmiths, shoe repairmen or carpenters. They sometimes barter, trading milk and cow dung for grass to feed their livestock. In public, the men stand out for their long side curls, customarily worn by observant Jewish men. Jewish women, who often marry by 16, rarely leave home. When they do, like Muslim women, only their eyes are exposed.

For fun, children play with pebbles and chase family chickens around the house. At Jewish religious schools, they sit at wooden tables to study Torah and Hebrew. They aren't taught subjects like science, or to read and write in Arabic, Yemen's official language.

"I showed them a multiplication table and I don't think they had ever seen one," says Stefan Kirschner, a New York University graduate student who visited Raida in August 2008 and says he sat in a few classes.

In September 2008, militants detonated a car bomb outside the U.S. Embassy in Yemen's capital of Sanaa, killing 16 people. The attack raised fresh concern about Muslim extremism and the government's stability.

Then, on Dec. 11, a lone gunman shot dead Moshe Nahari, a father of nine and well-known figure in Raida's Jewish community. Abdul-Aziz al-Abdi, a retired Air Force pilot, pumped several bullets into Mr. Nahari after the Hebrew teacher dismissed his demands that he convert to Islam. In June, the shooter was sentenced to death.

Israel's offensive against Hamas militants in the Gaza Strip later in December sparked protests in Yemen. Jewish men and children in Raida were heckled, beaten and pelted with rocks. A grenade was hurled at the house of Said Ben Yisrael, who led one of three makeshift synagogues in Raida, and landed in the courtyard of his two-story home.

From the safety of his new home in suburban New York, Mr. Yakub recounted his last months in Yemen. Rocks shattered the windows of his house

and car. Except for emergencies and provisions, Jews began to avoid leaving home. When they did, Mr. Yakub and other Jews took to disguising themselves as Muslims.

"This was no way to live," he said, seated at the head of a long table surrounded by his wife and children.

Salem Suleiman, who also arrived recently in New York, bears scars from rocks that hit his head. "They throw stones at us. They curse us. They want to kill us," he said. "I didn't leave my house for two months."

New York had a community of about 2,000 Yemeni Jews. Yair Yaish, who heads the Yemenite Jewish Federation of America, says he was barraged with "desperate calls from the community here saying we have to do something to get our families out."

The U.S. Ambassador to Yemen urged Yemeni ministers to facilitate the departure. After initial reluctance -- the government preferred to give the Jews safe haven in the capital city -- Yemen agreed to issue exit permits and passports.

"It was the embassy's view, and the Department concurred, that because of their vulnerability, we should consider them for resettlement," says a spokeswoman for the State Department's Bureau of Population, Refugees and Migration.

Jewish Federations of North America raised \$750,000 to help the effort. Orthodox groups also pledged to pitch in. The Hebrew Immigrant Aid Society was tasked with their resettlement.

Word reached Jews in Raida that there was an American plan afoot to rescue them.

The first applicants signed up at the U.S. Embassy in January. To avoid attracting attention, families convoyed to Sanaa in taxis at dawn.

Later they traveled to a hotel for interviews with U.S. officials. To establish a case for refugee status, they had to demonstrate a well-founded fear of persecution. For many of the women, it was the first time speaking with anyone outside the home.

As news spread of their imminent departure, many families reported trouble selling property.

Potential buyers offered low prices or refused to bid, thinking they could get the property free after it was deserted.

"All they have is this little house worth \$15,000," says Yochi Sabari, a Jew from Raida who lives in New York and has relatives in Yemen. "They can't leave until they sell it."

About three weeks before their travel date, the U.S. embassy contacted the first four families cleared for travel. On July 7, their 17 members traveled to the airport in Sanaa and boarded a Frankfurt-bound flight.

When the Yemenis landed in New York the next day, Jewish organization officials there to greet them spotted several women cloaked in black robes, only their eyes exposed.

"The Jewish women were the ones in burqas," says Gideon Aronoff, president of the Hebrew Immigrant Aid Society. He says he was "initially shocked."

Several families missed the two flights offered to them by the U.S. and, therefore, forfeited their chance to move here. Family members say they are having trouble disposing of assets. An undisclosed number of people have reached Israel, including the family of Mr. Ben Yisrael, whose home was the target of a grenade, and the family of Mr. Nahari, who was slain in December 2008. In the U.S., the Yemeni refugees are being settled in Monsey, a suburban enclave of ultraorthodox Jews, lined with strip malls that sell black coats and wide-rimmed hats worn by Hasidic men.

The Hebrew Immigrant Aid Society's network established a Monsey office, where case managers arrange housing and disburse food stamps, cash and other refugee benefits to the Yemeni arrivals. Many of the adults, caseworkers say, aren't yet capable of budgeting, following a schedule or sitting still in a structured classroom to learn English.

On a recent morning, Mr. Suleiman, a 36-year-old father of three, retrieved an alarm clock that he received with his furnished apartment.

"I still don't know how to use this," he said. "The children have been playing with it."

Please join Suburban Orthodox, Ner Tamid and the Baltimore Zionist District in welcoming Dr. Daniel Gordis of the Shalem Center in Jerusalem to Baltimore on November 13 – 14. His topic is “Not a Moment’s regret: Reflections of an Unabashed Zionist” on Saturday night November 14 at 7:00 pm at Suburban Orthodox Synagogue, 7504 Seven Mile Lane, Pikesville – Free, sponsored the Berman family!

Come join a weekly gathering studying *The Garden of Emuna* at the Perlman home, 3501 Pinkney Rd on Motzai Shabbat November 7 at 8:00 pm. Women and girls welcome. Copies of the book are available at a special price. For questions call (410) 358-3550.

Blame-Israel-First mindset

By Joel Mowbray *The Washington Times*

"They hate us. They want to kill us. So what are we going to do about it?"

These are not the words one would expect to hear about Palestinians at the Oct. 25-28 first annual conference of the left-tilting J-Street, let alone from a left-wing rabbi who has worked extensively for Palestinian human rights.

Rabbis for Human Rights Executive Director Arik Ascherman, though, believes that delusion serves no one's interests, least of all those who genuinely want peace. His love for his adopted homeland of Israel was unmistakable, and he admits that his criticisms of Israel are because he's a "Jewish racist" who's "going to expect more of Jews."

While he was careful to clarify that he wasn't necessarily speaking of most Palestinians and adding that Israel's own failures have played a role in fostering this hatred, Rabbi Ascherman was adamant that excuses should not be made for Palestinian terrorism.

Unfortunately, he was mostly alone - both in his passion for Israel and his willingness to assign some blame to the Palestinians.

Excuses abounded at the J-Street conference for Palestinian terrorism and the popular support it enjoys.

In all, the event's notion of "pro-peace" meant an almost exclusive focus on Israel's misdeeds and the steps the Jewish state should take. This, presumably, is the "pro-peace" part of the slogan of J-Street, which was established early last year as "pro-Israel, pro-peace," seemingly to act as an alternative to "pro-Israel" groups that support the democratic will of Israel.

One panel, featuring left-wing Israel politicians Ami Ayalon and Haim Ramon, carried the basic message that the path to peace was paved with the removal of settlements.

"Palestinians want something very simple: The end of the occupation," said Mr. Ayalon, a Labor Party member of Knesset. Ending the "occupation," he explained, would magically transform a Palestinian society that has long tolerated and even embraced attacks on Israeli civilians through rockets and suicide bombings. "If they [the Palestinians] see the peace process is working, they will reject terrorism."

Nowhere on the official program was anyone who gave more than lip service to the problems created by Palestinians' continued force-feeding of anti-Jewish, anti-peace propaganda. Children learn from textbooks that might make Nazis blush. Jews are "pigs" who have "raped" the "land of Palestine."

One could make the case that poisoning children's minds hurts the prospects for peace. But

November 3, 2009

not at J-Street. Asked about the implications of Palestinian propaganda, J-Street's Israel-based consultant Colette Avital, herself a former Israeli legislator, responded, "That doesn't matter. You can go to Israeli schools and not see some very nice things. It's not easy on either side."

If anything, the J-Street consultant appears to believe Israel is primarily responsible for Palestinians' radicalized society. "If you would live under occupation, you wake up and see Israeli soldiers everywhere, you have to go through checkpoints to go to school or to the hospital, would you love Israelis?" she rhetorically asked.

What Ms. Avital couldn't answer, though, is how exactly her reasoning applied in practice given that a non-occupied Gaza population is far more radical than their brethren in the West Bank. Nor would her logic answer why much of the Islamic world hates Israel even more than most Palestinians do.

Her comments, though, were in keeping with the overall theme that it's all about Israel. Very little seems to be expected of Palestinians, who are either seen by conference attendees as either tragic victims of Israel's stubborn rejection of "peace" or mere bystanders who happen to be neighbors.

Many, perhaps most, of the 1,500 J-Streeters in attendance firmly oppose pushing around the Iranian leadership, yet have no qualms about strong-arming Israel's democratically elected leaders.

Missing from this conference was the palpable affection so common among Jewish and Christian Zionists alike, who speak of Israel the way Francophiles discuss Parisian culture or cuisine. The love, in short, was not in great supply.

Applause and passion were on display, however, whenever a speaker spoke of the dignity of Palestinians or of Israeli "oppression" or "occupation." The love was also shown to speakers who talked about uprooting settlements.

One of the chilliest receptions was given to left-leaning Rabbi Eric H. Yoffie, president of the Union for Reform Judaism, who condemned the United Nations' Goldstone Report on the conflict in Gaza for assigning most of the blame to the Jewish state. Attendees gave little indication that they agreed with his call "to reject the trap of false moral equivalence."

Minutes later, J-Street founder Jeremy Ben-Ami dished out the very type of moral equivalence Rabbi Yoffie warned against: "Actually believing that one has that monopoly [over morality and what is right and wrong] is what leads to the endless wars and the conflict, the sadness and the bloodshed."

One should wonder how to apply Mr. Ben-Ami's logic to rather major tenets of the platforms of Israel's enemies, such as driving Jews into the sea or "wiping Israel off the map." Does it actually inspire "endless wars," "conflict," and "bloodshed" to

believe yourself morally superior for rejecting those ideas as wrong?

Joel Mowbray is an investigative journalist living in New York City.

'Goldstone report – the terrorists' Magna Carta'

By Daniel Friedmann The Jerusalem Post October 30, 2009

"I don't think there has ever been a time in the history of warfare when any army has made more efforts to reduce civilian casualties and deaths of innocent people than the IDF is doing today in Gaza," Col. Richard Kemp, former commander of the British forces in Afghanistan, said during an interview with the BBC during Operation Cast Lead in Gaza in January.

Kemp later appeared before the UN Human Rights Council on October 2009 and reiterated: "[T]he Israeli Defense Forces did more to safeguard the rights of civilians in a combat zone than any other army in the history of warfare. Israel did so while facing an enemy that deliberately positioned its military capability behind the human shield of the civilian population.

"The [...] IDF took extraordinary measures to give Gaza civilians notice of targeted areas, dropping over 2 million leaflets, and making over 100,000 phone calls. Many missions that could have taken out Hamas military capability were aborted to prevent civilian casualties. During the conflict, the IDF allowed huge amounts of humanitarian aid into Gaza [...] the civilian casualties were a consequence of Hamas' way of fighting. Hamas deliberately tried to sacrifice their own civilians..."

This is a fair description of what happened. But to see how white is turned into black, how truth is twisted, justice perverted and falseness prevails, take a good look at the Human Rights Council and its Goldstone report.

A commission created in sin gives birth to an aberration Israel has suffered from terrorism since its establishment, long before it was blamed for having conquered territories from which attacks against it were launched. The war of terror changed phases, becoming more and more sinister. From "simple" murder of women and children, it turned into airplane hijackings, murdering hostages, suicide bombers and global terror - including the mass murder of members of the Israeli team during the Olympic Games in Munich. During the past eight years a new mode of terror has developed - that of firing rockets on civilian targets from the Gaza Strip. Some 12,000 rockets have been fired, terrorizing hundreds of thousands of Israelis and causing tremendous damage to the economy.

None of these actions triggered UN intervention. Moreover, other countries involved in the war against terror elsewhere in the world - such

as in Iraq, Sri Lanka, Chechnya, Afghanistan, Pakistan, and Turkey - have remained immune to fact-finding missions by the Human Rights Council, despite the thousands of civilians killed or wounded in these conflicts, and the hundreds of thousands who have been displaced. Israel, the victim of incessant rocket attacks and endless acts of terror, has been singled out for special treatment.

The Human Rights Council's obsession with targeting Israel is common knowledge. Since its establishment in 2006, five out of its 11 special sessions have been devoted to matters involving the Jewish state. Yet in its resolution to establish the fact-finding mission in Gaza, the council outdid itself. Employing extremely biased wording, the council's charge directed its mission "to investigate all violations of international human rights law and international humanitarian law by the occupying power, Israel, against the Palestinian people... particularly in the occupied Gaza Strip, due to the current aggression..."

Israel is thus declared culpable even before the investigation begins.

Many states on the council refused to support this one-sided resolution, including the member states of the European Union, Switzerland, Canada, Korea and Japan.

The council never changed its outrageous mandate, but its president stated the mission's mandate in more moderate terms: "To investigate all violations of international human rights and international human rights law that might have been committed [...] in the context of the military operation in Gaza..."

Despite the reworded resolution, it seems that the mission acted in the spirit of its original mandate.

The composition of the mission The prejudicial nature of the mission led several distinguished individuals, including former high commissioner for human rights Mary Robinson, to refuse invitations to chair it. Justice Richard Goldstone was, however, happy to comply. Other members of the mission included Hina Jilani of Pakistan, a country that has no diplomatic relations with Israel, and Prof. Christine Chinkin, who was one of the signatories of a letter, published in the Sunday Times on January 11, 2009, and entitled, "Israel's bombardment of Gaza is not self-defense - it's a war crime."

The amazement at Chinkin's appointment is dwarfed by the way Goldstone justified the refusal to disqualify her. In an interview on Israel TV, he was asked about Chinkin serving on the mission. He had no qualms explaining that "it is not a judicial inquiry. It's a fact-finding mission." Further, he said that he found Chinkin "to be an intelligent, sensible, even-handed person," and he was "satisfied that she's got a completely open mind."

"She is one of four people on the committee," he continued, adding that he did not "believe that any prima facie views she might have held at an earlier stage is going to [...] affect [...] the report."

Goldstone thus justified an appointment that militates against basic rules of fairness, due process and natural justice. His untenable reasoning, which would have failed a first-year law student, casts grave doubts about the justice himself.

Moreover, Goldstone's claim that he was leading "a fact-finding mission" is refuted by the report, which is highly judicial, replete with purported legal analysis of international law, detailed legal findings and reaching judicial determinations on "war crimes."

The inescapable conclusion is that the whole report is invalid and cannot form a basis for any decision or action.

It is also not surprising that Goldstone's report became what it is - a complete aberration.

The mission's general approach The report makes every effort to downplay Hamas crimes. Hamas and other terrorist entities are described by the benign term "Palestinian armed groups." In some cases, the mission simply declines to examine Hamas misdeeds. One example of this inaction regards Shifa Hospital in Gaza. Despite ample grounds indicating that a Hamas command center was located in the hospital, the report states that it did "not investigate the case of Al-Shifa hospital and is not in a position to make any finding with regard to these allegations" (p. 466).

Clear evidence unfavorable to Hamas is either discarded or "reinterpreted." For instance, during the operation, Islam Shahwan, spokesman for the Hamas police force, stated that "police officers received clear orders from the leadership to face the [Israeli] enemy." However, this clear admission as to the role of the Hamas police takes on new meaning when the mission uncritically accepts Shahwan's explanation that his intention was that in the event of an invasion, the police would continue to uphold public order and ensure the movement of essential supplies (p. 414). A statement by the commander of Hamas's Executive Force (p. 410) that his group acted as "resistance fighters" received similar benign interpretation (p. 416).

Reliable evidence supporting the Israeli position received completely different treatment.

In an effort to explain its targeting of sensitive locations, Israel submitted to the mission photographic evidence showing the launching of rockets from within or near residential buildings, schools, mosques and hospitals. However, the mission had no qualms in discounting them on the grounds that it could not determine whether the photos showed what is alleged, and that many photos related to firing of rockets from Gaza before the operation (p. 449).

The mission even denied requests to invite witnesses such as Col. Kemp, who was likely to support the Israeli position. The explanations offered by Goldstone for this unbalanced treatment are not much stronger than those he provided for keeping Chinkin on the mission.

Much of the evidence gathered by the mission was most likely tainted. Members of the mission were accompanied during their visit to Gaza by Hamas officials, a group which deliberately and consistently pursues a policy of disinformation. It is highly improbable that the mission could get a true picture of Hamas's misdeeds and of what really happened. Indeed, the report admits that the witnesses interviewed appeared "reluctant to speak about the presence or conduct of hostilities by the Palestinian armed groups" - a reluctance which "may have stemmed from a fear of reprisals" (p. 438).

This behavior by the Islamic group has been aptly described by Kemp: "Hamas, like Hizbullah, are expert at driving the media agenda. Both will always have people ready to give interviews condemning Israeli forces for war crimes. They are adept at staging and distorting incidents."

The scope of this article does not allow for a full exposition of all the falsenesses and distortions included in the report. However two examples will be briefly discussed - that of the civilian casualties and that of the use of human shields by Hamas. In addition, a few words will be devoted to the damage suffered by the Gazan infrastructure.

The civilian casualties According to the IDF 1,166 Palestinians were killed in the operation, and the great majority, 709 of them, were members of the Hamas and other terrorist groups. An additional 295 were civilians. It is unclear whether the remaining 162 (all male) fatalities were involved in the fighting. It is also not clear how many of the noncombatants were killed by Hamas fire, a possibility which was even raised by the mission (p. 361).

The mission did not bother to inquire about the number of civilian casualties, nor about the ratio between civilian and combatant casualties in recent wars, which could indicate the degree of care taken by the IDF to avoid civilian casualties as compared to other armies in the world.

One of the most vicious, false accusations leveled by the report against Israel is that civilians were deliberately targeted. This falseness is based on the fact that the IDF receives legal advice and possesses advanced technology, and that its operations are carefully planned. In addition, the misinterpretation of statements made by Israeli officials (p. 61 and p. 1182-1188) further twisted the mission's conclusion, which runs contrary to a large body of available evidence.

It is well known that a number of Israeli soldiers were killed in the operation by friendly fire. According to the reasoning of the mission, these casualties must have been killed on purpose. Moreover, the mission's reasoning applies to all other armies engaged in the war against terror, in which thousands of noncombatants have been killed. The Americans, the British, NATO, the Russians and the Turks all employ sophisticated weapons, and their operations are all carefully planned. Does this mean that the civilians killed in their operations were intentionally targeted, as well?

The mission disregarded the fact that Israel has a clear policy of protecting civilians. It also disregarded the myriad of statements made by the IDF regarding this policy and its implementation in the Gaza operation. Kemp, whose evidence the mission declined to hear, also described this.

Israel made great efforts to issue warnings to the civilian population through thousands of telephone calls, leaflets and radio broadcasts. While the mission acknowledged these facts (p. 37), it immediately attempted to show that the actions were insufficient. Regardless, these warnings clearly refute the unfounded allegation that there was a purposeful intention to target civilians.

The use by Hamas of human shields It is common knowledge that Hamas uses civilians as human shields. Even the mission could not escape the facts that Hamas fires rockets from urban areas (p. 446-447), that its gunmen mingle with the civil population and that "members of Palestinian armed groups were not always dressed in a way that distinguished them from civilians" (p. 481). The use of human shields is openly admitted by a Hamas member who states that:

"[Hamas] created a human shield of women, children, the elderly and the mujahideen, against the Zionist bombing machines" (p. 475).

Nevertheless the mission incredibly states that it has not been able to obtain any direct evidence that the firing of rockets from urban areas "was done with the specific intent of shielding the rocket launchers from counterstrikes by the Israeli armed forces" (p. 480). Similarly "the mission found no evidence that Palestinian combatants mingled with the civilian population with the intention of shielding themselves from attack" (p. 481).

A more blatant example of a double standard can hardly be imagined. False accusations against Israel are made in the absence of evidence or even contrary to the evidence, while the innocence of the terrorists is presumed even in the face of convincing evidence of guilt.

Damage to Infrastructure The mission also discusses the destruction of infrastructure in Gaza, notably a flour mill, a wall of one of the raw sewage lagoons, and chicken farms that "reportedly supplied over 10 percent of the Gaza egg market." (p. 51) The discussion is replete with harshly-worded language denouncing Israel, and ends with a malicious conclusion as to Israel's culpability. Apparently, the mission did not even bother to hide its prejudice against Israel. The destruction of the flour mill was "wanton," and the mission has no scruples in jumping to the conclusion that this was done "for the purposes of denying sustenance to the civilian population" (sic.) which "may constitute a war crime" (p. 50). Such a conclusion, of course, is contrary to the clear evidence available to the mission that during the operation, as well as before and after, Israel allowed ample supply of food to be brought into Gaza, and that Israel did and continues to do its best to prevent a shortage of essential supplies in the Strip.

In this respect, the report seems to be in line with the propaganda of Hamas, which created the false impression of total destruction in the area.

Such findings may be contrasted with a report by British journalist, Tim Butcher, which was published in the Telegraph, on January 20, 2009. Mr. Butcher who arrived in Gaza shortly after the end of the operation, says: "I knew Gaza well before the attacks [E] One thing was clear. Gaza City 2009 is not Stalingrad 1944. There had been no carpet bombing of large areas, no firebombing of complete suburbs. Targets had been selected and then hit, often several times, but almost always with precision munitions [...] for the most part, I was struck by how cosmetically unchanged Gaza appeared to be."

No less important is the fact that the great majority of infrastructure installations in Gaza were not hit and remained unscathed. A conspicuous example is the power plant in Gaza. It is obvious that had Israel intended to destroy infrastructure, the plant would have been targeted. It was not. Even in the case of the flour mill, the mission concedes that "no other buildings in the industrial compound belonging to the Hamadas (owners of the mill) were damaged at the time of the strikes" (p. 924). This is in line with the clear policy of Israel to avoid damaging civilian property. To the extent that the mill and few other installations were destroyed, it was presumably either a result of a mistake or because they were suspected as being used for military purposes. The mission clearly could not get reliable evidence clarifying this matter, as the

reluctance of a witness to give evidence detrimental to Hamas which "may have stemmed from a fear of reprisals" (p. 438) already demonstrated. In any event the evidence clearly suggests the absence of any intention by Israel to destroy civilian infrastructure.

Iran and the failure to investigate The mission failed to examine highly relevant topics such as the use of Shifa Hospital in Gaza as a Hamas command center, and the use of mosques to store weapons. The mission also failed to investigate the major role played by Iran in supporting and instigating terror, such as by training gunmen and supplying weapons and rockets intended to be used against civilians. Is Iran's involvement in line with international law? Such an investigation would have enabled the mission to better understand what it terms "the blockade" - the closure imposed by Israel on the Gaza Strip which attempts to prevent illegal arms smuggling while simultaneously allowing for the influx of food and other essential supplies.

The recommendations I shall not elaborate upon the mission's biased recommendations which are not devoid of a ludicrous aspect. "The mission recommends that Palestinian armed groups undertake forthwith to respect international humanitarian law, in particular by renouncing attacks on Israeli civilians" (p. 1770). This recommendation is a plea to fundamentalist terrorists for whom terror against civilians is their *raison d'être*, who regard suicide bombers and murderers as heroes. Is this

recommendation, which seems like recommending to the Mafia to respect the law, a lip service to objectivity, naivete, or evidence of complete detachment from reality?

One wonders whether this kind of recommendation should not also be sent to the Taliban and al-Qaida. Why should they be deprived of Goldstone's learned advice?

The aftermath Goldstone's report is well on its way to becoming the Magna Carta of the terrorists, who will regard it as their guardian angel. But the world community cannot allow international law to be hijacked by terrorists, nor appropriated by biased scholars or naive jurists who are detached from reality. International law must be interpreted, implemented and developed to deal with terror launched from populated areas behind human shields.

The report is likely to damage the cause of peace and increase violence in the area, while the operation in Gaza brought a lull in rockets attacks against civilians. But the terrorists may now feel that they can renew the terror since the report gives them immunity. The report also strengthens extremism, thus hindering efforts by the Palestinian Authority - whom the extremists strive to topple - to make peace with Israel.

The author is a professor of law (emeritus) and a former justice minister of Israel.

The Return of Israel's Existential Dread

By Yossi Klein Halevi The Wall Street Journal October 30, 2009

In tabloid cartoons and dinner conversations, Israelis brace themselves for war with Iran. The postcard from the Home Front Command that recently arrived in my mailbox looks like an ad from the Ministry of Tourism. A map of Israel is divided by color into six regions, each symbolized by an upbeat drawing: a smiling camel in the Negev desert, a skier in the Golan Heights. In fact, each region signifies the amount of time residents will have to seek shelter from an impending missile attack. If you live along the Gaza border, you have 15 seconds after the siren sounds. Jerusalemites get a full three minutes. But as the regions move farther north, the time drops again, until finally, along the Lebanese and Syrian borders, the color red designates "immediate entry into a shelter." In other words, if you're not already inside a shelter don't bother looking for one.

The invisible but all-pervasive presence on that cheerful map of existential dread is Iran. If Israel were to launch a pre-emptive strike against Iranian nuclear facilities, Tehran's two terrorist allies on our borders—Hezbollah and Hamas—would almost certainly renew attacks against the Israeli home

front. And Tel Aviv would be hit by Iranian long-range missiles.

On the other hand, if Israel refrains from attacking Iran and international efforts to stop its nuclearization fail, the results along our border would likely be even more catastrophic. Hezbollah and Hamas would be emboldened politically and psychologically. The threat of a nuclear attack on Tel Aviv would become a permanent part of Israeli reality. This would do incalculable damage to Israel's sense of security.

Given these dreadful options, one might assume that the Israeli public would respond with relief to reports that Iran is now considering the International Atomic Energy Agency's proposal to transfer 70% of its known, low-enriched uranium to Russia for treatment that would seriously reduce its potential for military application. In fact, Israelis from the right and the left have reacted with heightened anxiety. "Kosher Uranium," read the mocking headline of Israel's largest daily, Yediot Aharonot. Media commentators noted that easing world pressure on Iran will simply enable it to cheat more easily. If Iranian leaders are prepared to sign an

agreement, Israelis argue, that's because they know something the rest of us don't.

In the last few years, Israelis have been asking themselves two questions with increasing urgency: Should we attack Iran if all other options fail? And can we inflict sufficient damage to justify the consequences?

As sanctions efforts faltered, most Israelis came to answer the first question affirmatively. A key moment in coalescing that resolve occurred in December 2006, when the Iranian regime sponsored an "International Conference to Review the Global Vision of the Holocaust," a two day meeting of Holocaust deniers. For Israelis, that event ended the debate over whether a nuclear Iran could be deterred by the threat of counter-force. A regime that assembles the world's crackpots to deny the most documented atrocity in history—at the very moment it is trying to fend off sanctions and convince the international community of its sanity—may well be immune to rational self-interest.

Opinion here has been divided about the ability of an Israeli strike to significantly delay Iran's nuclear program. But Israelis have dealt with their doubts by resurrecting a phrase from the country's early years: *Ein breira*, there's no choice. Besides, as one leading Israeli security official who has been involved in the Iranian issue for many years put it to me, "Technical problems have technical solutions." Israelis tend to trust their strategic planners to find those solutions.

In the past few months, Israelis have begun asking themselves a new question: Has the Obama administration's engagement with Iran effectively ended the possibility of a military strike?

Few Israelis took seriously the recent call by former U.S. National Security Adviser Zbigniew Brzezinski to shoot down Israeli planes if they take off for Iran. But American attempts to reassure the Israeli public of its commitment to Israel's security have largely backfired. Secretary of State Hillary Clinton's recent threat to "obliterate" Iran if it

launched a nuclear attack against Israel only reinforced Israeli fears that the U.S. would prefer to contain a nuclear Iran rather than pre-empt it militarily.

On the face of it, this is not May 1967. There is not the same sense of impending catastrophe that held the Israeli public in the weeks before the Six Day War. Israelis are preoccupied with the fate of Gilad Shalit (the kidnapped Israeli soldier held by Hamas), with the country's faltering relations with Turkey, with the U.N.'s denial of Israel's right to defend itself, and with an unprecedented rise in violent crime.

But the Iranian threat has seeped into daily life as a constant, if barely conscious anxiety. It emerges at unexpected moments, as black humor or an incongruous aside in casual conversation. "I think we're going to attack soon," a friend said to me over Sabbath dinner, as we talked about our children going off to the army and to India.

Now, with the possibility of a deal with Iran, Israelis realize that a military confrontation will almost certainly be deferred. Still, the threat remains.

A recent cartoon in the newspaper *Ma'ariv* showed a drawing of a *sukkah*, the booth covered with palm branches that Jews build for the autumn festival of Tabernacles. A voice from inside the booth asked, "Will these palm branches protect us from Iranian missiles?"

Israelis still believe in their ability to protect themselves—and many believe too in the divine protection that is said to hover over the fragile booths. Both are expressions of faith from a people that fear they may once again face the unthinkable alone.

Mr. Klein Halevi is a senior fellow at the Adelson Institute for Strategic Studies at the Shalem Center in Jerusalem, and a contributing editor to the New Republic.

No fix soon on Palestine question

By Arnaud de Borchgrave The Washington Times October 26, 2009

Unless former Sen. George J. Mitchell, President Obama's special Middle Eastern envoy, is prepared to commute by government executive jet for the next five to 10 years, this isn't a bad time to turn in his badge.

Israel's vice prime minister and minister for strategic affairs in Israel's 32nd government Moshe Ya'alon talked his way through Washington's corridors of power this week, spelling out the Jewish state's refurbished negotiating posture for a Palestinian state. Bottom line: The Nobel Peace Prize will not help Mr. Obama's quest for an independent homeland for the Palestinians by the end of his first term. Even if re-elected, the

geopolitical prize would most probably elude him again.

Israel wants to slow down the whole process of negotiations with the Palestinians. Mr. Obama wants both parties to accelerate. But Congress seldom allows any daylight between Israeli and U.S. positions.

Israel has scuttled its from-the-top-down negotiating strategy that had Mr. Mitchell meeting with Israeli and Palestinian leaders who then mouthed platitudes until their next meeting. The new posture is what Israeli topsiders call from-the-bottom-up. In other words, you start with itemized minutia, for which Mr. Mitchell's good offices would

be a waste of his manifold talents. Key topics like final borders, the return of refugees, the dismantling of Israeli settlements, the status of East Jerusalem, a security fence along the Jordan River against terrorist infiltrators from Jordan - all would be postponed sine die.

The ostensible reason for the change is the refusal of Palestinian interlocutors to recognize Israel as a Jewish state, a national home for Jews from anywhere (there are about 15 million in the world, including 5.5 million in Israel, 6 million in North America, 2.5 million in Europe and Russia).

Instead, the Israelis want to talk about the details of a truly demilitarized Palestinian entity. Haggling over the number of guns and ammo depots allowed for a non-army military with non-army uniforms would keep negotiators busy for months. Air rights would be disallowed by Israel. But Palestinians want small commuter aircraft that would fly to Amman, Jordan and Damascus, Syria. Israeli settlements now sit astride the West Bank's water aquifer. Palestinians want their share. This would entail dismantling part of the \$2.5 billion wall-fence-razor wire that snakes 420 miles in and out of the West Bank. That, too, could stretch months into years.

The more Prime Minister Benjamin Netanyahu and his Likud hard-liners think about the strategic dimension of an independent state, the more they conclude it would be a victory for Muslim radicals. Hamas, the radical Palestinian organization that now rules Gaza, is entirely dependent on Iran's Revolutionary Guard-cum-Mullah regime. It also has a strong underground in the West Bank.

As Gen. Ya'alon adjusts his geopolitical specs, he sees nothing but 360-degree trouble for Israel. A revanchist Palestinian state on its borders, staring wistfully at Israel's Mediterranean border, which was once Palestine's, could quickly morph into a hostile entity. Israel's strategic thinkers also see the Sunni-Shia conflict rearing its ugly face in Iraq, Iran, Saudi Arabia, Lebanon and Yemen. On the mental map, the laser pointer traces an axis of trouble from Afghanistan to Pakistan to Iran, to Iraq, to Egypt, Sudan, Somalia.

The ruling Likud Party sees the entire region divided between "Jihadis and moderates," with radical Islam aligned against the West, a struggle that started with Islamist revolutionaries seizing power in Iran in 1979. Western civilization, say Israel's leaders, is the jihadis' "main enemy." So further territorial concessions in the West Bank, they now conclude, merely empowers jihadis. This alone should

convince Mr. Mitchell that he is embarked on mission impossible.

As proof of their latest arguments, Likud leaders say moderate Arab leaders' recognize the main threat to their region is Iran, not Israel. So the core of the Mideast problem is Iran and its nuclear ambitions, not the Arab-Israeli dispute. They hope for tougher sanctions between now and the end of the year. They see the Iranian regime a shambles with the Revolutionary Guards struggling to keep control against the "twitter" revolutionaries. And if Tehran hangs tough into 2010, Mr. Netanyahu plans to reassess the military option - with or without the United States.

For the first time, Israeli leaders concede privately Iran does indeed possess formidable asymmetrical retaliatory capabilities that go from mining the Strait of Hormuz, interrupting 25 percent of the world's oil flow, to mayhem up and down the Gulf, all of which could shoot oil up to \$300 or more and plunge Western economies into an outright depression. But they also believe the U.S. Navy would quickly demine Hormuz and silence Iranian missile batteries firing at U.S. warships.

This, of course, would bring the United States into open conflict with Iran. And while Mr. Obama might hesitate to be cast as Israel's only ally in a regional war, Congress would quickly lend support to Israel.

Israel's leaders were stunned by the Goldstone report, commissioned by the U.N., on the Jewish state's 2008 assault on Gaza in which almost 1,400 Palestinians, including 900 civilians, and only 13 Israeli soldiers were killed. Richard Goldstone, the South African Jewish jurist who led the investigation and authored the U.N. report, accused Israel of war crimes and crimes against humanity. Predictably, he was quickly tagged as a "self-hating Jew." But he is one of his country's most respected personalities, at the forefront of the struggle against apartheid and a key legal architect of the new South Africa.

All of which has led some to speculate the two-state solution for the Palestinians and Israel has gone the way of the dodo. Former U.N. Secretary-General Boutros Boutros-Ghali told this reporter in Cairo last week, "This is now headed for a one-state solution. But it's probably 10 years away."

Does all this mean that Israel has a historically short "shelf life"? Said one ranking Likud official, "We've had 100 years of Zionism, 62 years as a Jewish state, and we're now 6 million. With what we've achieved in science, agriculture, the military, we're not about to disappear."

SEE AD on PAGE 3 - Please welcome Dr. Daniel Gordis on November 14 at 7:00 pm at Suburban Orthodox, 7504 Seven Mile Lane. His topic is "Not a Moment's regret: Reflections of an Unabashed Zionist" - Free and open to the community, sponsored the Berman family!