

Zionism Hates the Truth:

**Big Reveal following Duo Claims and Signals to the ICJ
by Retired Canadian Supreme Court Justice Rosalie Abella
and Former Canadian Minister of Justice Irwin Cotler
that the State of Israel is Above International Law**



By Will Koop

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(www.bctwa.org/PlanetOnFire)

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Volume 3 of 3

Extracts from “Zionism Hates the Truth”

Parts 10 through 17

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Part 10. Operations Hypocrisy: The Raoul Wallenberg Centre for Human Rights

“As my father would tell me when I was too young to understand the profundity of this message, he said that the pursuit of justice is equal to all the other [Judaic] Commandments combined, and this must be your life’s credo. ... **South Africa is the only post-World War II government that has institutionalized racism as a matter of law. Apartheid is not just a racist philosophy, it’s a racist legal regime. And for so long as it is necessary, from wherever I am, I will fight against this racist legal regime.**”

(Statement by Irwin Cotler (shown to the right), address at the 6th Annual Geneva Summit for Human Rights and Democracy, Feb. 25, 2014)



Our newest Canadian dances for joy

Toronto Star
Nov. 20, 2001



NEW CANADIAN: Former South African president Nelson Mandela shows some moves for Prime Minister Jean Chrétien yesterday.

Mandela’s vision an inspiration to all

JAMES TRAVERS

National Affairs



OTTAWA
IT IS the fate of secular saints to walk among the rest of us in difficult times.
By strength of will, character and metaphor, Nelson Mandela somehow did just that for 27 years from behind the bars of Robben Island prison. Now he is doing it here in a visit that is as richly nostalgic as it is curiously fortuitous.

■ Citizen Mandela, A17
■ The Star’s view, A26

At 83, even Mandela’s marvellous mix of serenity and engaging childish exuberance can’t hide the damage done by too many years in an intentionally cold, cruelly inhospitable place. His intelligence and smile are undiminished but there is no shaking the intrusive sense

that this is a farewell tour.
As always, Mandela’s timing is impeccable. Just his presence here adds a prism through which events from the profane to the profound can be viewed with new clarity.
First, there is the emotional matter of citizenship. Yesterday, Mandela became the first living recipient of honorary Canadian citizenship. He joins Raoul

Wallenberg, the Swedish diplomat who saved thousands of Hungarian Jews from the Nazis before dying in a Soviet prison camp, on a list of two genuine heroes.
In a fittingly simple ceremony at the Museum of Civilization, Prime Minister Jean Chrétien praised Mandela for triumphing over the suffering of Africa by

■ Please see Timely, A16

There was a dual purpose for Irwin Cotler publishing his special opinion piece on September 12, 2006, in the National Post about the September 2001 Durban, South Africa United Nations conference on racism (discussed in Part 7). The first had to do with looking back, taking stock, summing things up on a new variation of anti-Semitism, linking to it the 1975 U.N. ‘Zionism as Racism’ resolution. The second purpose had to do with looking forward, preparing the public relations way, as it were, for an upcoming second United Nations event, preliminary Durban II, the planning of which began in June 2006 by the U.N.

These preparations were being studiously assisted by another pro-Israeli participant, Anne Bayefsky. Bayefsky, a professor of law at York University, who migrated to teach at Columbia University’s Law School in New York, where she would be stationed nearer to the United Nations centre, was a noted figure in the media press during the 2001 Durban conference. In November 2000, she authored a primer opinion article in the Canadian press critical of the United Nations, scolding the role of Canada in not properly defending the state of Israel.²⁵¹ At the Durban conference, Bayefsky represented the International Association of Jewish Lawyers and Jurists. On Thursday, August 30, 2001:

Bayefsky and members of the Canadian Jewish Congress met a length with the Canadian delegation [which included MP Cotler]. “This conference against racism is turning into a forum for racism,” she said. “The UN was founded on the ashes of World War Two and six million Jews and here we are allowing the Holocaust to be doubted. We are counting on Canada to take a very strong stance.”²⁵²



For more than 50 years, Jewish lawyers and jurists from all over the world have been working together to advance human rights everywhere. We are committed to combating antisemitism, racism, xenophobia, Holocaust denial and the delegitimization of the state of Israel.

February 2024 snaps taken from the *International Association of Jewish Lawyers and Jurists* website. Irwin Cotler is a lifetime honorary member of the Association.

PURSUING HUMAN RIGHTS

The International Association of Jewish Lawyers and Jurists strives to advance human rights everywhere, including the prevention of war crimes, the punishment of war criminals, the prohibition of weapons of mass destruction, and international co-operation based on the rule of law and the fair implementation of international covenants and conventions.

The Association is especially committed to issues that are on the agenda of the Jewish people and works to combat racism, xenophobia, antisemitism, Holocaust denial and negation of the State of Israel.

IJL was founded in 1969. Among its founders were Supreme Court Justices Haim Cohn of Israel, Arthur Goldberg of the United States and Nobel Prize laureate René Cassin of France. Our membership comprises lawyers, judges, judicial officers and academic jurists in more than 30 countries who are active locally and internationally as the need arises. Membership is open to lawyers and jurists of all creeds who share our aims.

The IJL has an ECOSOC Special Consultative status as a non-governmental organization (NGO) at the United Nations, enabling it to participate in the deliberations of various UN bodies. In this capacity, the representatives of the IJL have been especially involved in the work of the Human Rights Committee in Geneva and of related bodies.

The Association also publishes Justice Magazine which examines a variety of relevant issues and current topics and is mailed to thousands of lawyers and jurists throughout the world.

²⁵¹ *UN vote on Israel part of a pattern*, National Post, November 3, 2000.

²⁵² *‘Zionism is Racism’ claim threatens UN conference*, Vancouver Sun, August 31, 2001.

Described in the press as a ‘leading human rights lawyer,’ Bayefsky was on assignment to monitor and critique the United Nations, her role as an academic and a specialized media point person. For this, an apparatus was created when Bayefsky, on leave from York University, joined the Hudson Institute think tank as a fellow, and with the implementation of a website boutique, the *eyeontheun.com*, “Eye on the U.N.” The Hudson Institute was later involved in a promotional political campaign for the Texas-based company Noble Energy and the development of offshore petroleum assets in the eastern Mediterranean Sea area in Israel’s, Gaza’s, and Lebanon’s jurisdictional territories.

Ford Foundation makes 1999 grant of \$1.4 million to English professor Anne Bayefsky, director of university Centre for Refugee Studies. She will conduct review of United Nations Human Rights Treaty System for U.N.
Toronto Star
March 25, 1999

In 2003, Bayefsky initiated a now defunct website, **Bayefsky.com**, concerning an examination of all “The United Nations Human Rights Treaties,” for which she received financial support from the Ford Foundation, and research funds from the Andrew W. Mellon Foundation. Funding for a part of the website came from the Consultative Council of Jewish Organizations in London, U.K, from the Jacob Blaustein Institute in New York, and from the Canadian Department of Foreign Affairs and International Trade.



On the *About* page from her Bayefsky website, were her qualifications:

A Professor at York University, Toronto, Canada, and a Barrister and Solicitor, Ontario Bar. She is also an Adjunct Professor at Touro College in New York. Professor Bayefsky is the recipient of Canada’s preeminent human rights research fellowship, the Bora Laskin National Fellowship in Human Rights Research. She is currently a member of the International Law Association Committee on International Human Rights Law and Practice, and Editor-in-Chief of the Series “Refugees and Human Rights”, published by Martinus Nijhoff, The Hague.

Professor Bayefsky has published extensively in the field of human rights. Her books include: *The UN Human Rights Treaty System: Universality at the Crossroads*, Transnational Publishers, (softbound), c. 2001; *Kluwer Law International* (hardbound), c. 2001; *The UN Human Rights Treaty System in the Twenty-First Century*, Kluwer Law International, c. 2000; (co-ed.) *Human Rights and Forced Displacement*, Martinus Nijhoff Publishers, c. 2000; (ed.) *Self-Determination in International Law: Quebec and Lessons Learned*, Kluwer Law International, c. 2000; *International Human Rights Law: Use in Canadian Charter of Rights and Freedoms Litigation*, Butterworths, c. 1992; *Canada's Constitution Act 1982 and Amendments: A Documentary History, Volume I and II*, McGraw-Hill Ryerson, c. 1989; (ed.) *Legal Theory Meets Legal Practice*, Academic Printing and Publishing, c. 1988; (co-ed.) *Equality Rights and the Canadian Charter of Rights and Freedoms*, Carswell Co. Ltd., c. 1985.



In the now defunct Hudson Institute website “EYE on the UN,” was website editor Bayefsky’s background:

Anne Bayefsky is a Senior Fellow with the Hudson Institute and Visiting Professor at Touro College Law Center. From 2001 to 2004 she was a visitor at Columbia University Law School. From 2004 to 2005 she was a visitor at Metropolitan College of New York. She is on leave from York University, Toronto, Canada. In January 2003 she launched www.bayefsky.com, a major human rights website dedicated to enhancing the implementation of international human rights legal standards in every

state. Professor Bayefsky served with the Canadian delegation to the UN General Assembly in 1984 and 1989, and the Commission on Human Rights from 1993 to 1997. She also served on a number of delegations to the 1993 Vienna World Conference on Human Rights, the 1995 Beijing World Conference on Women and the 2001 Durban Racism Conference. She was a member of the External Research Advisory Committee of the UN High Commissioner for Refugees from 1996-1998, and a member of the Advisory Panel of UNDP on the UN Development Report for 2000. From 1998 to 2001 she worked in collaboration with the Office of the UN High Commissioner for Human Rights on a review of the UN human rights treaty system, authoring a major report on the reform of the treaty system in 2001. She is a member of the International Law Association Committee on Human Rights Law and Practice, and Editor-in-Chief of the series “Refugees and Human Rights”, published by Brill.

Bayefsky’s EYE on the UN website was populated with numerous categories of issues and development critiques of the United Nations from 2005 to 2012. The thematic thrust of both her websites was to garner political support for the State of Israel. Not mentioned in her bio, from 2002 to 2004 Bayefsky was a visiting professor and Lady Davis Fellow at the Hebrew University in Jerusalem.

ProPublica, the American investigative journal, published an on-line collection of all annual copies of U.S. federal annual ‘Form 990’ tax filings by the **Committee for Accuracy in Middle East Reporting in America Inc. (CAMERA)**. In the 2018 filing, it states that Bayefsky received a payment of \$280,000 for consultant work from the Israeli NGO, CAMERA, established in 1982, which had “55,000 paying members and thousands of active letter writers” in 2005,²⁵³ a number which increased to 65,000 by 2019. In the 2005 interview with director Andrea Levin, CAMERA conducts “systematic monitoring,” with “professional staff” that “review major print and electronic media in the United States,” which includes “television, radio, newspapers, and magazines, professional journals, websites, encyclopedias, travel guides, and so forth.” Levin was particularly critical of the Israel paper, Haaretz: “Our aim is to counteract the paper’s negative impact on how Israel is perceived in the world.”

The on-line [Mapping Project](#) reports that CAMERA, was “founded in 1982” in response to media coverage of “Israel’s Lebanon incursion,” is “a member organization of the Jewish Community Relations Council of Greater Boston,” “functions as an attack organization for the Zionist right wing, targeting journalists, academics, students, politicians, and community organizers who make even mild criticism of Israel,” and that “the Boston chapter of CAMERA was founded in 1988 by Andrea Levin, with Charles Jacobs as its deputy director,” and that by 1991 the Boston chapter “became the organization’s national headquarters.”

The [SourceWatch website](#) states that before the formation of Boston headquarters, CAMERA “had chapters in Washington, D.C. New York, Chicago, Fort Lauderdale, Los Angeles, Miami, San Francisco, Philadelphia, and Boston,” and that CAMERA was founded by Winifred Meiselman. “CAMERA is widely regarded as a pro-Israeli lobby group that as put by journalist and author Robert I. Friedman – “CAMERA, the A.D.L., AIPAC and the rest of the lobby don’t want fairness, but bias in their favor. And they are prepared to use McCarthyite tactics, as well as the power and money of pro-Israel PACs, to get whatever Israel wants.””



²⁵³ [CAMERA: Fighting Distorted Media Coverage of Israel and the Middle East](#), An Interview with Andrea Levin, Jerusalem Center for Public Affairs, June 1, 2005.

The UN is profoundly bigoted against Jews

CONFERENCE ON ANTI-SEMITISM

The driving force is the undemocratic and despotic leadership of Arab world

JOEL MOWBRAY
KNIGHT-RIDDER NEWS SERVICE

“The United Nations has become the leading global purveyor of anti-Semitism, intolerance, and inequality against the Jewish people and its state.”

Those words were uttered by tenacious law professor Anne Bayefsky this month at, of all

places, the United Nations. No, it wasn't outside the New York building as traffic whizzed by, but rather inside one of the auditoriums that more often plays host to anti-Semitic rants from UN member nations.

Six decades after its founding, the United Nations apparently decided that anti-Semitism was an issue worth addressing. The irony, though, was not lost on those painfully aware of the United Nations' disturbing legacy.

The Gazette
July 4, 2004



FABRICE COFFRINI / AFP / GETTY IMAGES

The second session of the UN Human Rights Commission in 2006 after Secretary General Kofi Annan urged the forum to cast its spotlight on the worsening situation in Sudan.

The UN's human-rights farce

ANNE BAYEFSKY National Post, June 21, 2011

The UN won't let Israel fight back

National
Post
Apr. 20, 2004

ANNE BAYEFSKY
in Geneva

The United Nations' response to the death of Abdel Aziz Rantisi, and Sheik Ahmad Yassin before him, exposes a very disturbing fault line in the war against terror.

being that of Rantisi and two Hamas accomplices, one a bodyguard, the other his 27-year-old son), the Israeli action could not have been more precise, and hence, proportionate.

The UN response to the legality of the killing of Rantisi (and Yassin) is therefore enormously revealing.

UN Secretary-General Kofi Annan led the way:

The intifada is hurting Palestinians

DANIEL PIPES

A day after Israeli troops killed Hamas's second leader within a single month, the Islamist terrorist organization put on a

Israel's second-class status at the UN

National Post
February 18, 2003

ANNE BAYEFSKY
in New York

National Post
Anne Bayefsky is an international
lawyer and professor of political
science at York University.

UN-speakable hypocrisy

Daily News
June 2, 2008

By Anne Bayefsky

Bayefsky is a senior fellow with
the Hudson Institute and editor of
eyeontheun.org.

*UN vote
on Israel
part of
a pattern*

ANNE BAYEFSKY

The UN: Turned into a nightmare

By DOUGLAS WERTHEIMER
EDITOR

IN WRITING ABOUT THE United Nations, where does one begin? And what does one say?

•That the UN is an institution not worth saving — “let it sink”? (Charles Krauthammer, 1987).

•That the UN is “The leading global purveyor of anti-Semitism”? (Anne Bayefsky, 2004).

Chicago Jewish Star
May 18, 2007

Dr. Grobman establishes a chronology: from 1945 to June 4, 1967, Israel was largely left alone.

From the Six Day War to 1991, Israel was under incessant attack at the UN. A focus of the book is on UN Resolution 3373, the infamous “Zionist equals racism” statement of 1975 (which is infelicitously referred to in the book as “Z=R”).

The UN’s record from 1991 to the present day was encapsulated in the powerful March 23 speech before the Human Rights Council of Hillel Neuer, of UN Watch.

“What has become of the founders’ dream?” Neuer asked. “With terrible lies and moral inversion, it is being turned into a nightmare.”

UN has bias against Jews, Canadian says

Israel disproportionately singled out
for criticism, scholar argues

Ottawa Citizen, December 10, 2003

There was, for the longest time, serious U.N. publicity bashing going on by the Israeli lobby collective, which took on a new focus after the Durban conference in 2001.

NGO MONITOR

Promoting critical debate and accountability of
human rights NGOs in the Arab-Israeli conflict

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August 16, 2007

Submission to the UN Preparatory Committee for the Durban Review Conference

NGO Monitor hereby presents this submission to the [UN Preparatory Committee for the Durban Review Conference](#) (“Prepcom”) in advance of its organizational review session on 27-31 August 2007. Our submission presents a detailed analysis of the distortions and conflict-enhancing impacts that result from the involvement of politicized NGOs in such activities. Although these NGOs claim to promote universal human rights, the record shows that in reality, they advance biased agendas based on a highly distorted narrative that exploit and undermine international law. Several of these NGOs, including [PNGO](#), [Miftah](#), [Ittijah](#), [Human Rights Watch](#), and [Amnesty International](#) played an active role in the NGO Forum of the [2001 Durban Conference](#) and preparatory meeting in Iran. Rather than provide objective information to address the crucial issue of eliminating discrimination in all its forms, and through universal standards, many statements of these NGOs and their activities during the 2001 NGO Forum included highly inflammatory rhetoric and even anti-Semitic material, such as comparing the State of Israel to Nazi Germany. The Final Declaration of the NGO Forum endorsed the singling-out of Israel through a campaign that called for sanctions and boycotts against Israel through the abuse of the principles of human rights and international law.

In June 2006, the United Nations created a new operational wing, the **Human Rights Council**, which soon came under fire by Israeli lobby organizations, primarily by its two propaganda flagships **U.N. Watch** and **NGO Monitor**. The UN Human Rights Council resolved to organize a Preparatory Committee for a Durban Review conference, the first meeting of which was held in Geneva from August 27 to 31, 2007. After this preparatory meeting, the pro-Israel lobby began to develop strategies to politically counter the Durban Review conference to be held in 2009.

A week after the August 2007 first Preparatory Committee planning meeting, the National Post newspaper featured a full-page U.N.-bashing article by Craig Offman and an accompanying photo equating the Israeli Star state flag to the Nazi symbol, *Flawed Record on Rights*, which featured opening salvo attack comments by Bayefsky:

“The question is, what will Canada do about it?” asked Anne Bayefsky, a Canadian, who is a fellow at the Hudson Institute, a prominent New York think tank. Also a leading human-rights advocate and lawyer, Dr. Bayefsky edits the Web site eyeontheun.com, which monitors the world body. “Canada should register disgust that Durban is a vehicle for the enemies of human rights and democracy and should refuse to participate. It hands a platform to the worst kinds of extremists.”

Bayefsky’s question, “what will Canada do about it,” was a message aimed at the new Stephen Harper federal Conservative Party administration which took office in early 2006, a message which provoked a quick and ready supportive response.

Canada will distance itself from anti-racism conference

FOREIGN AFFAIRS | Durban II is being viewed as anti-West and anti-Israel

BY STEVEN EDWARDS

UNITED NATIONS— Canada is poised to become the first country to significantly distance itself from a major anti-racism conference that the United Nations is planning for next year.

Foreign Affairs Minister Maxime Bernier is expected to announce as early as today that Canada is dropping out of planning for the UN’s Durban II Conference — which the international organization is billing as a follow-up to its controversial 2001 World Conference Against Racism in Durban, South Africa.

Vancouver Sun
January 23, 2008

Insiders say the government feels the new conference is shaping up to be a copy of the anti-West and anti-Israel free-for-all critics said the initial gathering turned into.

“At the moment, much of the planning for the conference suggests it will focus little on denouncing racism wherever it occurs, and a lot on advancing some countries’ agendas against Israel and the West,” said one insider familiar with the new policy.

The UN routinely launches “review” conferences of big meetings, and member states decided late in 2006 there should be a follow-up to Durban I.

Hopes in the West this one might be different were soon dashed.

The UN gave planning oversight to its Human Rights Council which, since its launch less than two years ago, has targeted Israel in 14 of its 15 resolutions charging human rights violations.

“Make no mistake, Durban II is on track to be even worse than Durban I,” said Anne Bayefsky, a Canadian academic who edits the New York-based monitoring website EyeontheUN.org.

“Canada, if it drops out, would be exhibiting moral clarity and courage after making the mistake at Durban I of staying despite serious reservations.”

Four months after the first Preparatory Durban II Committee meeting, the Canadian government announced it would be boycotting the United Nations Preliminary Durban II Geneva conference on global Racism.

Prime Minister Stephen Harper embarked on a new, stronger alliance policy with the State of Israel, unlike any previous federal policy, and this move by Canada was a convincing commitment. The headlines in the Canadian press were already calling Durban II “anti-racism.” The executive vice-president of B’nai B’rith Canada, Toronto Chapter, stated in the Toronto Star on January 25, 2008, “the federal government has demonstrated its leadership on the world stage by refusing to engage in the Durban II conference – a process that pays lip service to anti-racism, but in fact is a platform for promoting bigotry and hatred.”

In columnist David Frum’s January 26 opinion article in the National Post, *What’s at Stake at Durban II*, he wrote, “In December, 41 Western countries voted to shut off funding for Durban II. These countries pay the bills – but the non-paying majority has the votes. This week, Canada gallantly announced it will not attend the Durban II “circus of intolerance,” in the scornful words of **Jason Kenney**, Secretary of State for Multiculturalism.” In John Robson’s column in the February 1, 2008, edition of the Ottawa Citizen, *How the United Nations Enables Hatemongers*, “The UN High Commissioner for Human Rights has effectively endorsed the destruction of Israel. Which tells you all you really need to know.”

The Canadian pro-Israel lobby was shaping the nation through the media, which in turn caused a chain reaction on the international front. In early February 2008 came headlines that the United States was following suit to also boycott Durban II. And two weeks later came the headlines announcing Israel’s boycott. By framing the anti-racism narrative against non-western nations, and therefore against the United Nations, the Israeli lobby was diverting attention away from the atrocities committed against Palestinians in the ghetto of Gaza and the evolving crises in the Westbank, a continuation of deflecting arguments that Israel was an Apartheid State.

Statements and identifications of Israel as an Apartheid state were ongoing since the 1960s. But the framing of that issue came into relevant focus in the early 1990s after the dismantling of the South Africa Apartheid regime, when Nelson Mandela, who acknowledged the plight of the Palestinians, equated that regime to Israel. In January 2024, Andrew Feinstein, a former South Africa politician, and “former colleague of South African human rights icons Nelson Mandela and Archbishop Desmond Tutu,” [stated that “Israeli apartheid” is “far more brutal than anything we saw in South Africa:”](#)

While acknowledging differences between the situations in South Africa and Israel, Feinstein underscored the shared elements of racial discrimination, the creation of separate territories, and the use of brutal force against oppressed populations. Feinstein began by highlighting the discrimination faced by the Palestinian population in Israel, drawing a parallel with the decades of mistreatment of black Africans in South Africa. He argued that even Palestinian citizens of Israel are relegated to lesser rights than

Israel follows Canada’s summit boycott

UN racism conference shaping up to be anti-West, anti-Semitic

BY STEVEN EDWARDS

UNITED NATIONS · Israeli Foreign Affairs Minister Tzipi Livni spoke yesterday of “Canada’s courage” as she announced Israel will follow the federal government’s lead in boycotting a major anti-racism conference the United Nations is planning for next year.

“I expect other countries to make the same decision, and I believe that, if anything, Canada’s withdrawal has given more leverage to those who are combating the voices of intolerance — voices that once more seem to have hijacked the Durban process,” Mr. Kenney said in an interview.

Insiders say Britain and Germany could also pull out if planning, taking place at several key meetings this year, doesn’t start to produce a more balanced agenda.

“We’re particularly pleased with the fact that Canada is leading what I suspect will be a growing trend,” Mr. Kenney said.

Ms. Livni announced Israel’s boycott as she opened a two-day international gathering in Jerusalem focused on battling anti-Semitism.

“The Canadian decision, at this early stage, undoubtedly will shake the entire foundation of those wishing to repeat the 2001 Durban Conference once again,” she told the Global Forum for Combatting Anti-Semitism, whose 350 delegates include former Canadian justice minister Irwin Cotler among world parliamentarians and representatives of major Jewish organizations and moderate Muslim groups.



HRVOJE POLAN/AFP/GETTY IMAGES

Israeli Foreign Affairs Minister Tzipi Livni called the controversial 2001 World Conference Against Racism, a ‘travesty that cannot be repeated.’

Ottawa Citizen
Feb. 25, 2008



even their Jewish counterparts – a stark violation of principles of equality under the law based on race, ethnicity, or religion.

On the apartheid-era strategy of creating “little homelands,” or Bantustans, in South Africa, he compared it to Israel’s insertion of settlements and separation of territories in Gaza, the West Bank, Hebron, and Ramallah. Feinstein said the deliberate division hinders the possibility of a two-state solution, echoing oppressive tactics seen in the apartheid system.

“And then most importantly, both Israel and South Africa have used brutal military force to oppress those populations that they see as somehow inferior to themselves, which is a system of racism. So, by all of those similarities, Israel is an apartheid system, according to the Rome statute of international law,” he said.

“My former boss, Nelson Mandela, and my friend and political mentor Archbishop Desmond Tutu, they knew better than anyone I’ve ever met what an apartheid state is. And they were very critical of apartheid because apartheid Israel was a very close ally of apartheid South Africa –they helped each other become nuclear powers, to develop nuclear weapons,” said Feinstein. Israel has never acknowledged its status as a nuclear power, while South Africa officially abandoned its nuclear arms development program in 1989.

While recognizing the significant similarities in the two situations, Feinstein did underscore one crucial difference. Unlike South Africa, which heavily relied on the black African community for its economy and workforce, Israel is less dependent on Palestinians for its economic stability, he said. “And that is one of the reasons why Israel has killed tens of thousands of innocent Palestinian civilians. They don’t want them. They don’t need them. And that has made Israeli apartheid far more brutal than anything we saw or experienced in South Africa,” he said.



Prime Minister Stephen Harper touches the Western Wall, Judaism's holiest site in Jerusalem's old city on January 21, 2014. PHOTO BY AHMAD GHARABLI /GETTY

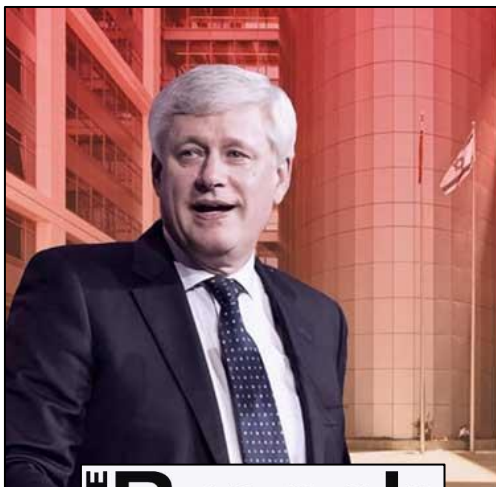
Mark Kennedy • Ottawa Citizen
Politics / National

OTTAWA CITIZEN

The Harper Doctrine: Why Canada's prime minister supports Israel

On April 25, 2003, Stephen Harper appeared at a gathering of conservatives in Toronto brought together by the Civitas group. He was leader of the Canadian Alliance party, and his speech that day revealed how he would one day turn Canadian foreign policy on its head and, perhaps most notably, make this country the world's most fervent ally of Israel.

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THE Breach
journalism for transformation

Stephen Harper's firm pours \$350M into developing military tech for Israel

by Tim Groves Investigations | Dec 6 2023

Canadian money helped develop high-tech tools like “behaviour recognition” then used in Israel

Harper is a leading partner at the firm and president of its advisory committee. The former prime minister, who was a hard-line supporter of Israel while in office, has promoted the company in Israeli media outlets and has said that **Awz Ventures is a chance to “continue what I did in government.”**

In 2021, Awz launched a start-up accelerator in Tel Aviv that partners with the Israeli Ministry of Defense's research and development wing and other Israeli agencies, including intelligence agency Mossad, security agency Shin Bet, and the Israel Defense Force's (IDF) elite cyber intelligence unit.

That partnership has never before been reported in the Canadian media. The Breach can also reveal new details about three companies funded by Awz that are helping Israel's post-Oct. 7 actions, as well as six more that have done business with Israeli governments in recent years.

The National Post newspaper was a favorite outlet and supporter of the Israeli lobby in Canada. Leading up to the Durban II event in 2009, the Post published two large page features, both recycling the photo taken in 2001 at the Durban UN racism event. Bayefsky, quoted in the October 25, 2008, piece, said there was a “new dimension” in Durban 2. She categorized Durban 1 as “an assault on Israel, a demonization of Israel as racist and analogous to Apartheid South Africa,” and Durban 2 as “an assault on freedom of expression and other essential democratic rights and freedoms.”

‘An assault on freedom of expression’: professor

National Post
Oct. 25, 2008

BY KEVIN LIBIN

The irony, she says, is that Asian and Middle Eastern countries pushing for tougher restrictions are often the world’s worst rights abusers. Even Mr. Farber, a vocal supporter of Canada’s own hate-speech laws, calls the draft’s speech codes “hugely troubling” as they appear to severely tilt the balance of rights; an “attempt to criminalize anything seen to be offensive.”

“This is the new dimension of Durban 2, which in many ways makes it a greater threat than Durban 1,” says Anne Bayefsky, a York University professor and human rights lawyer who attended last week’s Geneva conference.

“It’s really setting up a war of ideas, that has rough implications, between Islamic states and everybody else.... Durban 1 was called an assault on Israel; a demonization of Israel as racist and analogous to Apartheid South Africa.” Durban 2 looks as if it will have all that, too, she says. “But in addition, Durban 2 is an assault on freedom of expression and other essential democratic rights and freedoms.”



The first UN conference on racism — held in August, 2001, in Durban, South Africa, attracted anti-Israel demonstrators MIKE HUTCHINGS / REUTERS FILE PHOTO

Boycott Durban II

*Canada is doing the right thing.
What about everyone else?*

BERNIE M. FARBER
AND ERIC VERNON

National Post
Feb. 5, 2009

10.1. The April 19, 2009, Geneva Summit on Human Rights and Democracy Side Show

There was, apparently, very little advertisement about a new ‘human rights’ coalition that was to meet the day before the Durban II, April 20-24 event in Geneva, on April 19th. Hillel Neuer had contacted the National Post with the ‘scoop,’ and reporter Barbara Kay ran a piece about it on April 15, 2009, *Seeing the Durban II farce for what it is*. Neuer most likely reminded Kay in her private interview with him that the first day of the UN conference was Adolf Hitler’s birthday, which she then used as an opener of her opinion article, a reference obviously meant to demonize the United Nations and the Durban II Review Conference event.

Few jobs can be more depressing than Hillel Neuer’s. Neuer is director of UN Watch, and NGO that monitors the HRC [Human Rights Council]. It is Neuer’s muckraking task to wheel out the council’s daily groaning barrow load of hypocrisy, so the world glimpses it before it is disseminated as anti-Western and anti-Semitic agitprop under UN letterhead.

I spoke with Neuer recently in Montreal, his hometown. A McGill law school graduate with a specialty in human rights, Neuer has intervened on behalf of victims in Sudan, and is all too familiar with the shortcomings of the Human Rights Council.

Naming and shaming is a frustrating job, but the payoff is access to the media: Neuer’s appearances on CNN, Fox News, in online magazines and even Al Jazeera keep the flame of truth alive.

Neuer – **and other human-rights activists like him** – will not be observers at Durban II. On April 19, the day before the Review Conference, a coalition of human rights, anti-racism and pro-democracy activists will assemble at the International Conference Centre Geneva (CICG) to place the world’s most pressing situations on the agenda.

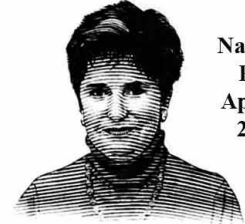
This worthy counter-conference will feature true human rights heroes, the very people the oppressive countries that have co-opted the HRC are shamed by: Bo Kyi, Burmese dissident; Egypt’s Saad Eddin Ibrahim; Esther Mujawayo, Rwanda genocide survivor; Nazanin Afshin-Jam, founder of Stop Child Executions; and many more courageous survivors of brutal oppression.

You can read all about it at www.genevasummit.org. This, not the farce at Durban II, is the true face of the struggle for human rights.

Scott Barber’s full-page feature in the March 2, 2013, edition of the National Post, *A Tale of Two Summits*, stated that it was the “Geneva-based UN Watch,” the Israeli ‘human rights’ NGO watchdog, “that has the job of holding the United Nations to account,” through its newly created organization called the **Geneva Summit on Human Rights and Democracy (GSHRD)**. UN Watch, an affiliate of the World Jewish Congress, was a major sponsor and most likely the founder of the GSHRD flagship, with its annual conference series inaugurated on April 19, 2009, in Geneva.

The GSHRD’s website *About* page credits Hillel Neuer, the executive director of UN Watch since 2004, as the man who “headed” the GSHRD coalition. The *About* page states that the GSHRD “provides a global platform to courageous pro-democracy dissidents from around the world who put their lives on the line to demand fundamental freedoms in oppressive regimes.” The *About* page, in fact the entire GSHRD coalition operation history from 2009 onwards, avoids and omits mentioning or identifying Israel as an oppressor state, a similar mechanism to the defensive political function of UN Watch.

Naming and shaming
is a frustrating job,
but Neuer’s payoff is
access to the media



National
Post
Apr. 15,
2009

BARBARA KAY

From its name – the UN Durban Review Conference, which begins April 20 (Hitler’s birthday, appropriately enough) – one might assume the conference is being held in Durban, South Africa. It isn’t. It’s in Geneva. From its most eager participants’ pious public statements, it would seem to be about countering racism. It isn’t. It’s about perpetuating the same vendettas we saw at Durban I (grandiosely known, for official purposes, as “the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance”) in 2001.

At the UN, the problem is always Israel

INSTEAD OF FIGHTING TERROR, THE WORLD BODY IS PASSING RESOLUTIONS AGAINST ... WHO ELSE?

HILLEL C. NEUER

The National Post, August 11, 2006

In his role of heading the GSHRD, the *About* page states “Concordia University Magazine said Neuer is “helping to shape history”.”

Originally from Montreal, Neuer served as a law clerk for Justice Itzhak Zamir at the Supreme Court of Israel. He holds a B.A. in Political Science and Western Society and Culture from Concordia University, a B.C.L. and LL.B. from the McGill University Faculty of Law, a LL.M. in comparative constitutional law from the Hebrew University in Jerusalem, and a Doctor of Laws, honoris causa, from McGill University. Neuer is a member of the New York Bar and the author of several legal publications.

According to the April 17, 2016, article in the Jerusalem Post, *A Zionist at the United Nations*, Neuer identified that the man who founded UN Watch in 1993 was “**Morris Abram**, the Jewish legendary civil rights attorney who worked closely with Rev. Martin Luther King Jr.” Neuer stated in the article, that in the late 1960s, Abram “represented the United States on human rights committees in the U.N., and eventually became the US ambassador to the U.N. in Geneva,” and “voted against the anti-Israel, biased resolutions in the 1960s-1970s.” Neuer, when asked why Israel was “singled out for condemnations and resolutions in the U.N.,” said “the U.N. onslaught against Israel has been entrenched since 1975, when the U.N. adopted the “Zionism as Racism” resolution.” Neuer said, “demonizing Israel is the new anti-Semitism.”

The UN Watch’s archived website *About* page “notes that the disproportionate attention and unfair treatment applied by the UN toward Israel over the years offers an object lesson (though not the only one) in how due process, equal treatment, and other fundamental principles of the UN Charter are often ignored or selectively upheld.” It also states that “**Professor Irwin Cotler**” sat [and still sits] on its International Advisory Board, along with Per Ahlmark (former Swedish Deputy Prime Minister), Katrina Lantos Swett (president of the Lantos Foundation for Human Rights and Justice), Garry Kasparov, Lord David Trimble (member of the British House of Lords, former first Minister of Northern Ireland). The archived website states that “UN Watch is chaired by Ambassador **Alfred H. Moses**, former U.S. Ambassador to Romania and Special Presidential Emissary for the Cyprus Conflict.”

MP chairs body to fight anti-Semitism

MONTREAL (CP) — MP Irwin Cotler is leading an effort to attract prominent non-Jews to a new international body that will “sound the alarm” over what he describes as “an exploding new anti-Jewishness” in the world, reports the Canadian Jewish News.

The International Commission to Combat Anti-Semitism held its founding meeting in early January in Jerusalem with Cotler, a longtime human rights lawyer, and Per Ahlmark, a former deputy prime minister of Sweden, agreeing to serve as its interim co-chairs. Ahlmark is also European co-chair of UN Watch, a group promoting the fair application of the UN Charter.

Nanaimo Daily, February 9, 2002

At a news conference announcing the commission’s formation, Cotler said the new anti-Semitism hides behind denunciations of Israel and Zionism and is best defined as “the discrimination against, or denial of, the national particularity and peoplehood” of Jews.

“In other words, the singling out of Israel and the Jewish people for differential and discriminatory treatment in the international arena.”

He told the commission’s founding meeting that this latest form of “the world’s longest enduring hatred” is not confined to Israel’s enemies, but is increasingly finding legitimacy in international forums, including the UN. Plans are for the commission to be based in Switzerland, with offices in Jerusalem and New York.

In a recent February 20, 2024, article published by the National Post, [Meet Hillel Neuer, the Montrealer Exposing Anti-Israel UN Agencies like UNRWA](#), Neuer said that “when [he] went on to McGill Law School” he “worked closely with Irwin Cotler, the activist director of the school’s human rights program.”

Cotler, who was famously involved in campaigns to free Nelson Mandela and Natan Sharansky, served as Neuer’s mentor and helped shape his worldview. “I very much wanted to follow in his path

and be a defender of human rights and advocate for the Jewish people, the State of Israel, and to defend their rights,” Neuer told the Post.

Neuer’s team officially registered the domain of their new website, genevasummit.org, on October 10, 2008, six months before the Durban II Review Conference, which means, assumably, that planning for the new coalition group, the GSHRD, was underway before that date. The Canadian Jewish News reported on February 14, 2008, *Durban II counter-conference a go, Grafstein says*, that eight months previous, and a month after Canada announced it was boycotting Durban II, Canadian Senator Jerry Grafstein revealed that he was already planning a Durban II counter-conference to be held in New York City (see below).

About the same time Hillel Neuer registered his new website, the Palestinian BDS (Boycott, Divestments, and Sanctions) National Committee released its 29-page October 2008 final *Strategic Position Paper draft* report for the April 2009 Durban Review Conference. Adri Nieuwhof’s November 23, 2008, article published on the Electronic Intifada website, *A Palestinian action plan to combat Israeli racism*, wrote that the National Committee “has developed a well-documented position paper that is firmly rooted in the language of international law.”

Building on the analysis of these UN bodies, the BNC position paper states that Israel has established and developed a regime of institutionalized racial discrimination that caters to the interest and advantage of the dominant group, the Jews, and maintains the inferior status of the indigenous Palestinian people and oppresses them systematically. This enables Israel to assert control over a maximum amount of Palestinian land with a minimum number of Palestinians through colonization, denial of refugee rights, and forced population transfer. The BNC suggests feasible, practical recommendations for civil society, NGOs, and the private sector to counter this regime and play a constructive role in realizing the rights of the Palestinian people.

In advance of the April 2009 U.N. Conference, BDS’ November 29, 2008, press release, concerning its new strategic paper, stated:

Palestinian and international civil society appreciates and affirms the recent statement of the President of the UN General Assembly, who courageously and unambiguously condemned Israeli apartheid saying: “it is important that we in the United Nations use this term [...]. It is the United Nations, after all, that passed the International Convention against the Crime of Apartheid, making clear to all the world that such practices ... must be outlawed wherever they occur... More than twenty years ago we in the United Nations took the lead from civil society when we agreed that sanctions were required to provide nonviolent means of pressuring South Africa to end its violations. Today, perhaps we in the United Nations should consider following the lead of a new generation of civil society, who are calling for a similar non-violent campaign of boycott, divestment and sanctions to pressure Israel to end its violations.”

On the same and preceding day that UN Watch’s Geneva Summit on Human Rights and Democracy coalition held its mini parallel summit conference, another parallel forum was also held at a Geneva Hotel. BDS’s website news archives from April 20, 2009, *Israel Review Conference comes to a Close as Durban Review Conference Begins*, states that the “Israel Review Conference was organized by the Palestinian

**UNITED AGAINST Apartheid, Colonialism and Occupation
DIGNITY & JUSTICE for the Palestinian People**
(Final Draft, October 2008)
Palestinian Civil Society’s Strategic Position Paper
for the
Durban Review Conference, Geneva, 20 – 24 April 2009



BDS
Formation 9 July 2005
Purpose [Boycotts, political activism](#)
Main organ [Palestinian BDS National Committee](#)
Website bdsmovement.net

BDS National Committee (BNC) in coordination the European Coordinating Committee on Palestine, the International Jewish Anti-Zionist Network, and the International Coordinating Network on Palestine.”

The Israel Review Conference brought together over three hundred people from five continents, including human rights activists and experts from South Africa, Malaysia and several European and Middle Eastern countries. The first day of the conference included two main panels that dealt with the applicability of the crime of apartheid to the state of Israel, and the development of legal strategies for obtaining the accountability of Israel and other states for their obligations under international law to respect the rights of the Palestinian people.

Practical recommendations were developed on the second day of the conference in workshops about the joint struggle of victimized communities for justice and equality; a global campaign against the Jewish National Fund as a major agency of Israel’s racial discrimination; popular initiatives for promoting prosecution of war crimes and crimes against humanity; and the growing global movement for Boycotts, Divestment, and Sanctions (BDS) against Israel pending compliance with international law.

“Boycott, Divestment and Sanctions (BDS) is a nonviolent Palestinian-led movement promoting boycotts, divestments, and economic sanctions against Israel. ... BDS is modeled after the Anti-Apartheid Movement. Its proponents compare the Palestinians’ plight to that of apartheid-era black South Africans.

Many authors trace BDS’s origins to the NGO Forum at the 2001 World Conference Against Racism in South Africa (Durban I). *At the forum, Palestinian activists met with anti-apartheid veterans who identified parallels between Israel and apartheid South Africa and recommended campaigns like those they had used to defeat apartheid.*

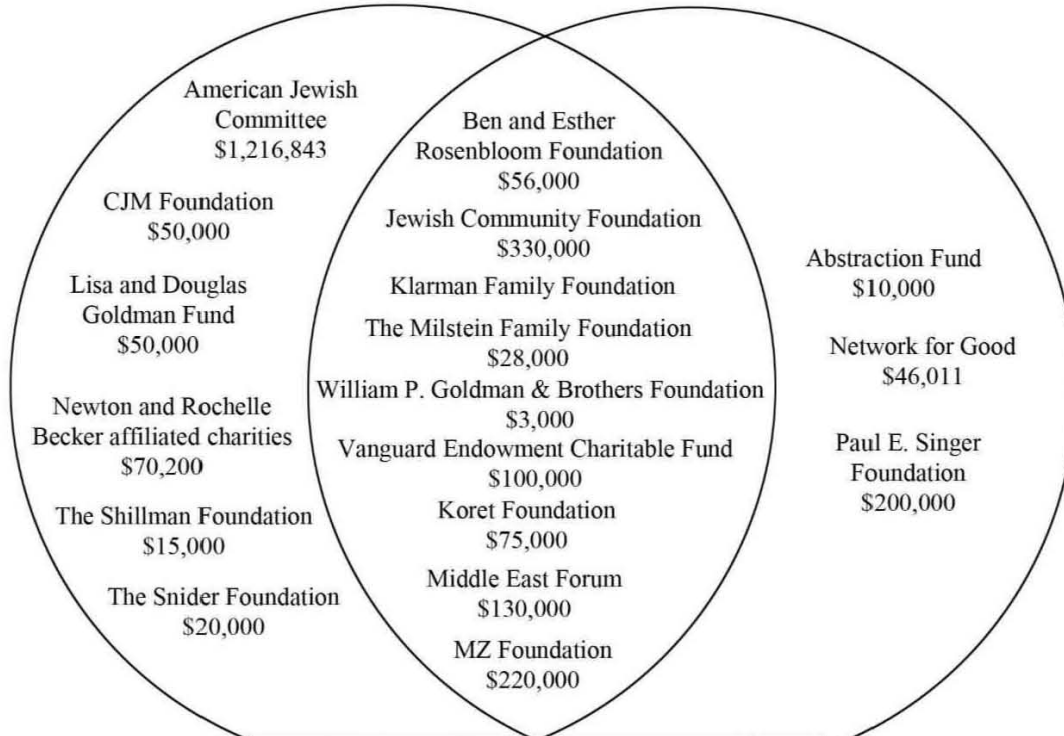
BDS believes that Israel is an apartheid state *as defined by two international treaties, the 1973 [The International Convention on the Suppression and Punishment of the Crime of Apartheid](#) and the 1998 [Rome Statute of the International Criminal Court](#). It says that while there are differences between Israel and apartheid-era South Africa, such as Israel’s lack of explicit [racial segregation](#) laws, the systems are fundamentally similar.*

One of the main differences between South African and Israeli apartheid, BDS argues, is that in the former a white minority dominated a black minority, but in Israel, a Jewish majority discriminates against a Palestinian minority in Israel and also keeps Palestinians under military occupation. It further contends that South African apartheid depended on black labor while Israeli apartheid is grounded in efforts to expel Palestinians from “[Greater Israel](#)”.

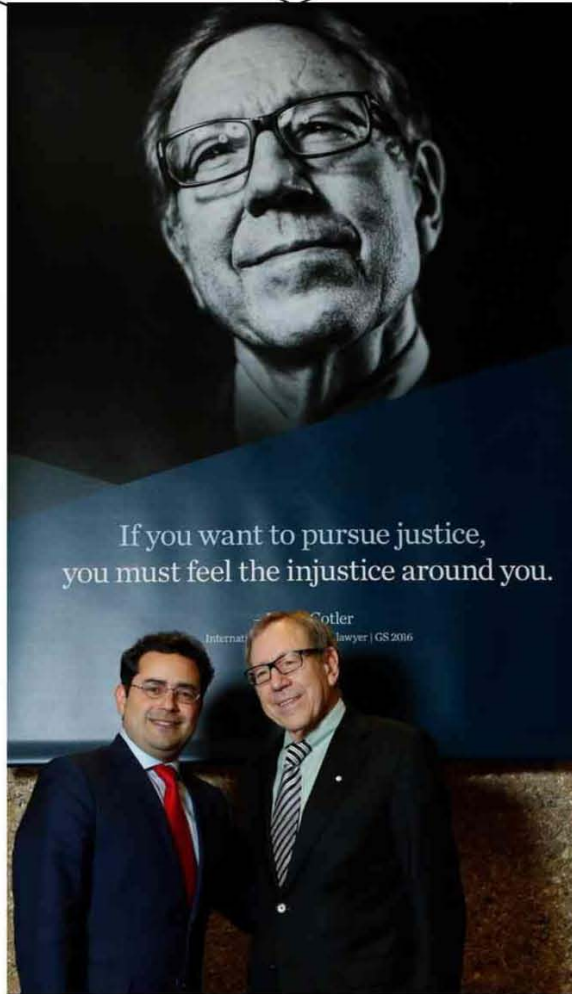
BDS sees the Israeli legal definition of itself as a “[Jewish and democratic state](#)” as contradictory. *According to BDS, Israel upholds a facade of democracy but is not and cannot be a democracy because it is, in Omar Barghouti’s words, “a settler-colonial state”.*

The South African archbishop [Desmond Tutu](#) (1931–2021), known for his anti-apartheid and human rights activism, endorsed BDS during his lifetime. He came to this conclusion after visiting the Palestinian territories, comparing the conditions there to conditions in apartheid-era South Africa, and suggesting that Palestinian goals should be achieved by the same means used in South Africa.”

Funding overlap between American Jewish Committee / UN Watch and NGO Monitor (2009-2013)



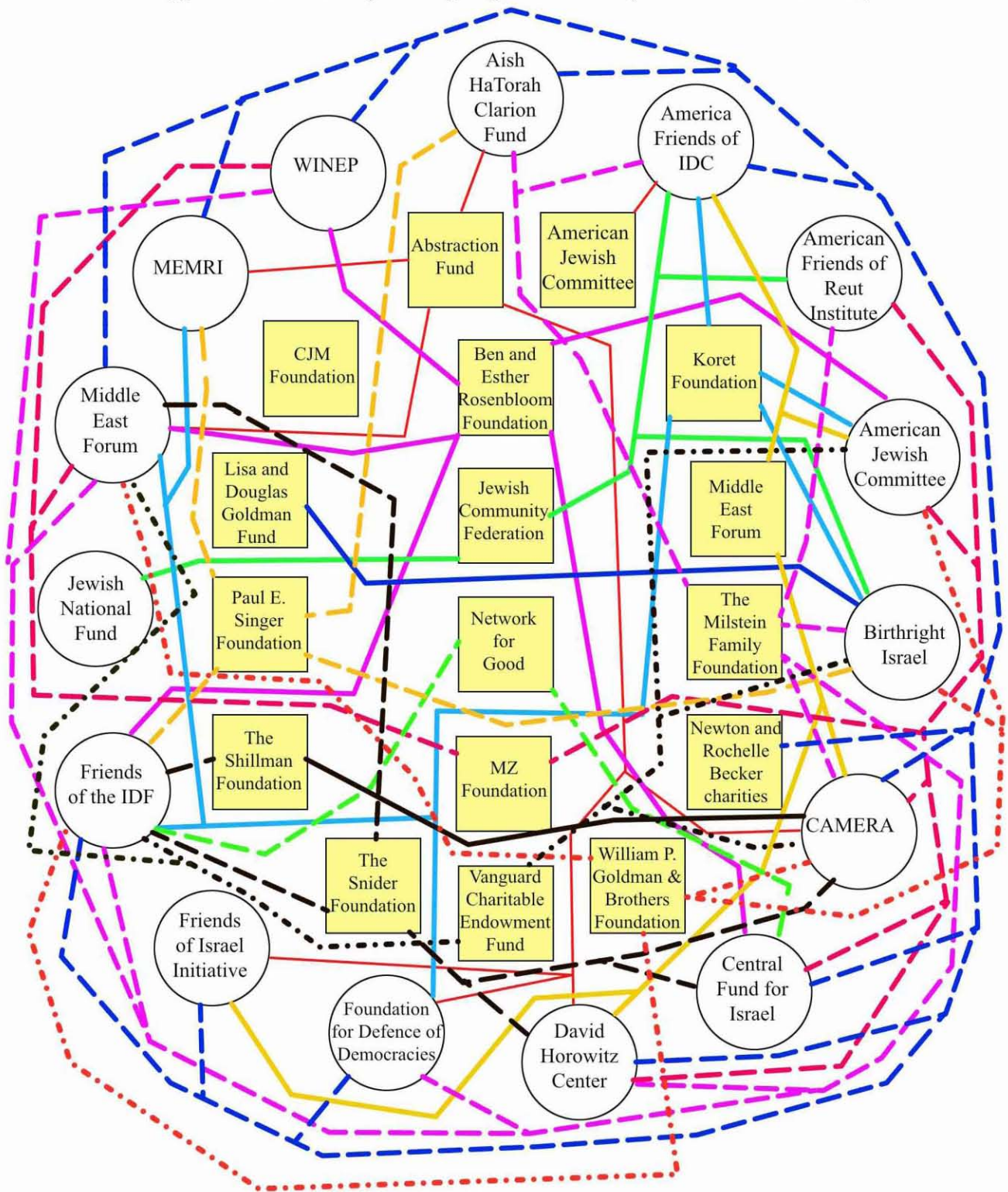
Information from the July 2015 Spinwatch report, “How Israel attempts to mislead the United Nations,” by Sarah Marusek and David Miller. It examines the complex sources of funding for Geneva-based NGO, UN Watch, and the Israeli-based NGO Monitor. Since the AJC (American Jewish Committee) “assumed full control of” UN Watch in 2001, the report found \$1,844,083 in funding from the AJC in the years 2003-2007, and then “changed the way it reported its grantmaking.” Neither UN Watch nor NGO Monitor “publishes a list of donors.” The report was “able to uncover 18 registered charities that have supported UN Watch and/or NGO Monitor,” shown above.



“Although our research into the funders of UN Watch and NGO Monitor was limited due to their non-transparent nature, we were nevertheless able to create a broader picture of their larger funding network by factoring in the donations to AJC as well.”

The UN Watch executive director is Hillel Neuer, seen here standing next to Irwin Cotler, still one of its international advisory board members, a photo shared by Neuer on his “X” feed from November 18, 2024. The motto on the commemorative poster of Cotler, “If you want to pursue justice ...” was taken from Cotler’s March 8, 2010 address at the second Geneva Summit on Human Rights conference (see Part 10 for the story on the Summit).

Diagram based on information from Table 1 in the July 2015 Spinwatch report “How Israel attempts to mislead the United Nations.” It shows the report’s limited finding of complex linkages for the funding sources and relationships of UN Watch and NGO Monitor, between the Foundation funders (yellow squares) and their “support for similar right-wing organizations” (black-outlined circles).



Note: Readers will have to research the names and acronyms of the foundations and organizations named in this diagram.

It is not known if Hiller Neuer and his lobby network formed the Geneva Summit for Human Rights, and Democracy (GSHRD) coalition in answer to plans for other parallel summit meetings that were being planned for Geneva, whether that was, or was not, the basis for its strategy.

As Canadian Liberal Senator Jerry Grafstein stated in February 2008, the GSHRD event was not the only counter measure the lobby organized for the 2009 Geneva Durban II conference. It had another parallel event up it's sleeve, which was to be held in New York City, a major hub of American media and home to the largest concentration of American Jewry (summarized below). And advanced plans had been arranged for Irwin Cotler to make presentations at the Geneva and New York forums during the same week.

A proposed counter-conference that would run parallel to Durban II continues to gather support from parliamentarians around the world, says Senator Jerry Grafstein, the Canadian lawmaker behind the alternative event.

Grafstein has been calling on his contacts among parliamentarians around the world for their support for an anti-Durban conference that would run in the same city as Durban II – the follow-up to the 2001 United Nations anti-racism conference in Durban, South Africa – but would focus on anti-racism and anti-Semitism.

The parallel conference would serve as a corrective to the UN-sponsored gathering, which is likely to reprise the anti-Semitism and anti-Zionism that characterized the original Durban conference, Grafstein said.

U.S. Congressman Alcee Hastings has agreed to join Grafstein as head of an organizing committee.

MPs from a number of western democracies and other states have given verbal support to the parallel conference. “I’ve discussed it with parliamentarians in Europe, Africa, the United States, Australia and Canada, and so far the response has been positive,” Grafstein said. “They like the idea in principle.”

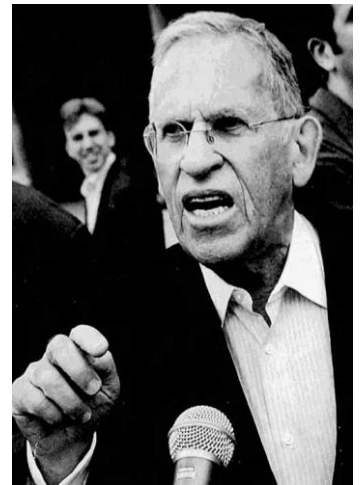
Grafstein said he expects many will sign on to assist in assembling a program “of outstanding international speakers” and to offer suggestions that would help in organizing the event.

The UN has shown repeatedly that it’s tilted against Israel, Grafstein continued.

Louise Arbour, the UN’s High Commissioner for Human Rights, at first supported an Arab League human rights charter that equated Zionism with racism. Arbour reversed herself and criticized that aspect of the charter only after she was pressured to moderate her position, he said.

In proposing an alternative conference, **Grafstein said he was inspired by the 1936 “People’s Olympiad,” which was organized as a protest to the official Olympic Games being in Nazi Germany. That alternative competition, which was to have been held in Barcelona, was cancelled after Spain plunged into civil war.**

Grafstein said an alternative to the Durban II conference would permit human rights advocates to meet at a “balanced conference” and take advantage of the media presence and “so we can act as a restraint on UN officials. This time, they won’t get a free ride.”²⁵⁴



Senator Jerry Grafstein

After two or so years of the Israeli government implementing military measures converting Gaza into an open-air prison – identified in 2003 as a “concentration camp” in Baruch Kimmerling’s book *Politicide* – on the Sunday morning of April 19, 2009, GSHRD conference chair Nazanin Afshin Jam, an ‘Iranian activist,’ introduced Irwin Cotler who chaired the first panel discussion, *Racism, Genocide, and Crimes Against Humanity, assessing the Genocide Convention after 60 years.*

²⁵⁴ Canadian Jewish News, Feb 14, 2008, *Durban II counter-conference a go, Grafstein says.*

“He is Canada’s former Minister of Justice and Attorney General and a distinguished professor of international human rights law. As a lawyer for dissidents around the world, including Nelson Mandela and Andre Sakharov, he is known as counsel for the oppressed.”

In his short address, available at the website, genevasummit.org, Cotler never mentioned the plight of the Palestinians. There was no panel discussion on the day’s proceedings devoted to the Palestinians. Cotler spoke about the Rwandan genocide, framing the context in “the aftermath of the 60th anniversary of the Genocide Convention.” “on this anniversary of anniversaries, of the obligation to remember, and the duty, the responsibility to act, we should ask ourselves, what have we learned and what we must do.” Introducing the theme of genocide, he equated Iran’s threats against Israel as anti-Semitism and of inciting genocide: “Nazanin’s words reminded me of the fact that we are witnessing, yet again as we meet, a state-sanctioned incitement to genocide, whose epicenter is Ahmadinejad’s Iran.”



“And that’s why I’m delighted at some 40 international legal scholars, genocide experts, survivors of genocides, who have come together to endorse, in the spirit of the genocide convention and international law generally, a responsibility to prevent petition. To warn of the dangers of a genocidal, rights violating, nuclear Iran and the collective responsibility of the international community under international law to prevent it.

The sixth and final lesson I would say here is the importance of remembering the heroic rescuers like Raoul Wallenberg, **who demonstrated the possibilities of human resistance. That one person can stand up to confront evil, prevail and thereby transform history.** We are meeting in Geneva, where Raoul Wallenberg’s brother Giban Dardel resides, and I want to make this comment to pay tribute to this Swedish non-Jew who saved almost more Jews in the Second World War than almost any single government.”



Sunday, April 19, 2009

09h30 **Opening Address by the Conference Chair**
Nazanin Afshin-Jam, Iranian Activist

Session I: Racism, Genocide, and Crimes Against Humanity: Assessing the Genocide Convention After 60 Years **09h45**
 Moderator: **Irwin Cotler**, Canadian MP, human rights advocate
Gibreil Hamid, Darfur Activist
Dominique Sopo, President of SOS Racisme
Esther Mujawayo, Survivor of the Tutsi Genocide in Rwanda

Session II: Resisting Authoritarianism: Human Rights, Democracy and the Dissident Movement **11h15**
 Moderator: **Ellen Bork**, Freedom House
Gonzalo Himiob Santome, Venezuelan Activist
José Gabriel Ramón Castillo, Cuban Dissident
Saad Eddin Ibrahim, Egyptian Dissident
Marlon Zakeyo, Zimbabwean Activist

Session III: Torture and Cruel and Inhuman Treatment **14h30**
 Moderator: **Maran Turner**, Freedom Now
Ashraf El Hajouj, Victim of Torture in Libya
Kristyana Valcheva, Bulgarian victim of Libyan torture
Liesbeth Zegveld, Human Rights Lawyer
Ahmad Batebi, Iranian Activist
Parvez Sharma, LGBT Activist

Session IV: Bloggers for Freedom and the Internet’s New Frontiers: Defending Democracy in Cyberspace **15h30**
 Moderator: **Bart Woord**, Former President IFLRY
Pavel Marozau, Belorussian Activist
Esra’a Al Shafei, Bahrain Human Rights Activist

Session IV: Freedom of Expression and “Defamation of Religion” **16h30**
 Moderator: **Angela C. Wu**, Becket Fund for Religious Liberty
Floyd Abrams, Lawyer
Mohamed Sifaoui, Journalist
Patrick Gaubert, Former President of LICRA
Caroline Fourest, French Journalist

Closing Remarks **18h00**
Francois Zimeray, French Human Rights Ambassador

UN Watch (Excerpt from Spinwatch report, "How Israel attempts to mislead the United Nations," pages 13-14)

The Geneva-based UN Watch, an accredited NGO that was granted special consultative status at the UN's Economic and Social Council, was established in 1993 by Morris Abram, former permanent US Representative to the UN in Geneva and honorary president of the American Jewish Committee. On 1 January 2001, AJC (EIN no. 13-5563393) assumed full control of the organisation through an agreement with the World Jewish Congress.⁷⁵

At the time, AJC noted that UN Watch's main focus was 'on monitoring the continuing discriminatory treatment of Israel in the UN system and attitudes toward Jews in the world body, as well as those matters which concern American interests'.⁷⁶ However, it has since obscured this mission among several others. Indeed, according to its website, 'UN Watch is foremost concerned with the just application of UN Charter principles.'⁷⁷

Since its acquisition by AJC, UN Watch has waged several campaigns against UN officials critical of Israel. It lobbied against UNRWA Commissioner-General Peter Hansen for his perceived bias towards Palestinians, accusing him of unprofessionalism for his 2003 statement that Jenin refugee camp 'residents lived through a human catastrophe that has few parallels in recent history'.⁷⁸ Human Rights Watch had issued a report in 2002 charging that: 'during their incursion into the Jenin refugee camp, Israeli forces committed serious violations of international humanitarian law, some amounting *prima facie* to war crimes.'⁷⁹

The NGO also took a hostile stance towards Jean Ziegler, who served as the UN's Special Rapporteur on the Right to Food from 2000 to 2008. In October 2005, it published a report on what it called Ziegler's 'Anti-American Bias', including his criticisms of Israel.⁸⁰

UN Watch's own biases are clear: its Executive Director Hillel Neuer tweeted in 2014, during Israel's military campaign in Gaza, that the people of Gaza and Israel were suffering because the 'radical Islamist ruler Hamas is turning Gaza into a giant suicide bomb'.⁸¹

UN Watch's international advisory board includes several members who have expressed hostile attitudes towards Muslims and Islam.⁸² For example, Swiss journalist Jean-Claude Buhner responded to a controversial Swiss Muslim convert's support of Neo-Nazis by writing: 'This is tantamount to a marriage between the swastika and the (Islamic) crescent'.⁸³ He also once suggested that using the concept of Islamophobia was an affront to freedom of speech.⁸⁴

Former Chess champion Garry Kasparov, also a board member, recently penned an editorial in the *Wall Street Journal* arguing that Islamists were waging a 'global war on modernity,' setting 'the time machine to the Dark Ages'.⁸⁵ In a much earlier op-ed, he said that Palestinians refugees do not deserve the right to return because they willingly left in 1948 'as a result of the Arabs' own enmity for Israel'.⁸⁶ He then went on to compare their plight with that of German occupation forces in Eastern Europe after World War II.

Other advisory board members are linked to anti-Muslim groups, like Lord David Trimble, former First Minister of Northern Ireland, who is one of the founding signatories of the Henry Jackson Society,⁸⁷ as well as the Friends of Israel Initiative.⁸⁸

It was the chairman of the Israeli UN Watch, **Alfred Moses**, who made the closing remarks for the GSHRD conference. Nazanin Afshin-Jam introduced Moses as “a former partner and now senior counsel at the Washington law firm of Covington and Burling,” who “served as US Ambassador to Romania [Dec. 1994 to Sept. 1997],” who was “President Clinton’s special emissary for the Cyprus conflict” [1999-2001], “and is an honorary National President of the American Jewish Committee.”

“Let’s remember it was in the flesh of the Allies’ victory in World War II that human rights was reborn. It was a time of liberation, emotionally and politically. With the defeat of the Axis powers, once again, everything was possible. ... The yearn for freedom continued. The creation of the Human Rights Commission in 1946 expressed that very yearning. The leaders, giants in their days, and persons who remained giants in our memories, were the heroes six decades ago, Eleanor Roosevelt, Rene Cassin, Reinhold Niebuhr. Later Rosa Parks, Martin Luther King, followed by Nelson Mandela, and yes, Aung Bo Chi and Bo Ti. Those who died at Tiananmen square and those who are with us in Geneva and will be with us; the Elie Wiesels, the Bernard-Henri Lévy. But in recent decades, the cause of human rights has been hijacked in many places by oppressors who profess support for human rights for others, where it suits their political purposes, but not for their own citizens, whose freedom they fear. ... For too many, dreams of freedom have become nightmares of oppression.



Our own indifference is an equal or perhaps even greater threat. Silence is not an option. Nor is inaction. We need to reemphasize the universality of human rights, that knows no borders, and is not faith or culture-based, but exists for all humanity. Humanity viewed as a family, without political borders, drawing on almost 4,000 years of human experience, giving meaning to human rights, that incorporates the rights of women not to be mutilated, that respects freedom of conscience and expression, that condemns torture and physical oppression, and bars discrimination based on ethnicity, religion, or gender.

To be heard, we need to speak out. To avail, we need to engage. Let’s go forward — from this convocation, from the inspiring words you’ve heard today — renewed in our commitment, not in the future, to be indifferent to those who oppress others, to be more than vigilant, to have the courage to say, “No,” and to walk away. Only then will we be heard. Only then will we see a change in conduct here in the United Nations. I thank you.”

As the honorary national president of the American Jewish Committee and former president of the American Jewish Committee (1991-1994), Alfred Moses was disinclined to provide acknowledgement or recognition of Israel as a colonial, oppressor state subjecting Palestinians to less than second class citizens, committing on-going crimes of land theft, among other crimes and violations of international law.



10.2. The UN Durban II Review Geneva Conference Spectacle

Monday April 20, 2009 – the day after the GSHRD parallel conference, and the first day of the U.N. Durban Review conference – opened with an organized spectacle. Near the beginning of Iranian president Mahmoud Ahmadinejad’s speech, shouting Israeli protesters, dispersed throughout the seated hall, were escorted out of the auditorium. That was followed by dozens of state delegates walking out through the front exit doors, just in front of the Iranian president. The spectacle was featured by international media. The protest concept was based on a reversal of the August – September 2001 Durban I conference in South Africa, with now pro-Israel demonstrators labelling Iran as a racist state and demonizing the United Nations for allowing the Iranian president to speak.



Some of the Nation States boycotting the Durban Review conference.



Conference delegates leaving the auditorium as Iranian president Mahmoud Ahmadinejad’s speaks. Most chose to exit not through the back doors, but through the two front exits, in front of the Iranian president. This was a pre-planned walkout event. Photographers and videographers were at hand to record the many moments of the spectacle which continued for about six minutes.

According to Michel Warshawski’s April 27, 2009, article in the *Alternatives International* website, *Israel won the Battle, Anti-Racism Lost*, Warshawski was the “only Israeli Jew participating” at the UN conference in Geneva.

Though Israel boycotted the Conference, it was nevertheless omnipresent: 1,500 young Jews organized by UN Watch, the Israeli Ministry of Foreign Affairs, the French Union of Jewish Students and B’nai-B’rith were sent to Geneva and literally conquered the place. Their aggressive presence and the omnipresence of Israeli Security guards created a climate of occupied territory, both in the UN venue and its close vicinity and in the city of Geneva, where several mass rallies were held, with the participation of prominent figures like Elie Wiesel, Nathan Sharansky and Alan Dershowitz, repeating the lying mantra on an “anti-Semite Conference”.

10.3. April 22, 2009 – Zionist Love Fest: The Second UN Watch Conference

Israel’s UN Watch held a second event on Wednesday April 22, 2009. After praising the state of Israel, Roz Rothstein, the founder and ceo of **StandWithUs**, formed after the 2001 Durban I conference event in South Africa, introduced keynote speaker, American lawyer, Alan Dershowitz:

Each one of you are here today because we and the world should be celebrating Israel. Out of the ashes of two millennia of statelessness and persecution the Jewish people rose up and restored their homeland. Against all odds they created modern Israel with the international community’s endorsement. Jews did not restore the land for the purpose of seeking revenge against their enemies. They sought life and hope and the right to live as a democratic nation at peace with her neighbors.

Israel inspires the world. In just 60 years it created a robust democracy and a flourishing culture and economy. It is on the cutting edge of scientific achievements that help all people, including citizens from enemy countries. It is a world leader in humanitarian missions. It has upheld humanitarian values even as it fights bitter wars against the terrorists and nations that threaten it. The world should be celebrating this nation, not obsessively singling it out for condemnation. The fact that this is happening is a symptom of a sickness that we must continue to fight, unfortunately, together. Today we have the honour of welcoming one of the world's champions of fulfilling the promise of 'never again.' He is a champion of human rights and one of the most passionate and fearless defenders of Israel and the Jews. World-renowned, Alan Dershowitz, the Felix Frankfurter professor of law at Harvard Law School. ... He speaks on Israel's behalf and on behalf of real peace regularly on college campuses, on television and in debates. ... In standing up for Israel Alan Dershowitz knows that he is standing up for human rights for all people. Professor Dershowitz, by example and by deed, continues to galvanize all of us.

Alan Dershowitz: "I am thrilled to be here with the real champion of human rights, the person from whom I take my lessons every day. Irwin Cotler, who not only spoke here [in Geneva on April 19], but he took a plane yesterday. He flew to the place of the murders, the sites of the killings, to Auschwitz. Spoke to young people there, got on the plane there and came back home here. I am pleased to be here with Natan Sharansky [also seated in the audience, who would also speak], one of the great heroes of the human rights movement, who not only like Irwin and I, talked the talk, but walked the walk. ... These are my two friends, my two soul mates, the people that I work so closely with on human rights matters and have for so many years.

U.S. joins boycott of conference on racism

CONCERN RISES OVER ANTI-ISRAEL VIEWS



Harvard law professor Alan Dershowitz is led away Sunday after declaring that he planned to challenge Iranian President Mahmoud Ahmadinejad on the eve of the U.N. conference on global racism in Geneva.

ANJA NIEDRINGHAUS
AFP

Sacramento Bee, April 20, 2009

Now, it's too early to declare victory. But I think we can say with complete confidence that the enemies of Israel, and the enemies of human rights, have lost at Durban this time. Yes, Ahmadinejad's message of hate was applauded by other bigots who sat in that room. Some were just diplomats. Diplomats who don't like not to clap, because they have to show their diplomacy. Others were villains. Others who clapped because they supported this horrible message, this incitement to genocide. As my friend Irwin said, a man like Ahmadinejad shouldn't be speaking at the UN. He should be brought by the UN in front of a court, indicted for incitement of genocide, and sentenced to spend the rest of his life in a prison. We just want the world to understand that when you come face-to-face with evil you cannot do what the president of Switzerland did. How dare he extend a hand of warmth to this evil terrible man. and he went too far this time because he has said that he did it in the name of the United States. ... Switzerland has disqualified itself. It has shown it does not know how to confront evil. It treats Ahmadinejad the way it would treat a reasonable and legitimate head of state

UN Watch Alternate Forum, Wednesday, April 22, 2009



Pierre Poilievre, Prime Minister Stephen Harper's Parliamentary Secretary

National Post, April 30, 2009

Misspending tax dollars in Geneva

Re: Lessons From Durban II, Pierre Poilievre, April 28.

I wonder: Did Pierre Poilievre participate in this alternative conference in Geneva in his capacity as Parliamentary Secretary to the Prime Minister of Canada?

It is one thing for the government of Canada to pull out of an official UN conference and cut off funds for NGO participation. One can debate the merits of constructive engagement versus boycott.

But to then spend our tax dollars, lend our country's official support and provide a speaker to a parallel conference organized by an NGO — and one with an explicitly anti-UN agenda at that — is inexcusable.

Fellow speakers Alan Dershowitz and Natan Sharansky both have notorious blind spots when it comes to Israel's own human rights record. Both advocate democracy — except when Palestinians elect the wrong party.

Mr. Poilievre can do whatever he likes as a private citizen, but it is an outrage for Canada to participate officially in such a conference.

Grafton Ross, Ottawa.

Pierre Poilievre: "For the U.N. to live up to its full potential and be a positive force in the world, its actions must reflect its stated ideals. For this reason, it is painful for me to find myself speaking here OUTSIDE of the UN conference, a UN conference that should have had so much promise, but which has degenerated into a soapbox for those who would demonize the democratic state of Israel, the BEACON of liberty and freedom in the Middle East. And, as Natan Sharansky has so rightly highlighted [before Poilievre's speech], the only country in the region that actually respects the rights of Arabs, women, and other minorities. Furthermore, there is a growing concern and increasing evidence that Israel is being used by some as a thin cover for a new burgeoning form of anti-Semitism. Our Prime Minister, Stephen Harper, has been a global leader in the fight against this modern anti-Semitism. ... fueled by lies and paranoia, it is an evil so profound that it is ultimately a threat to us all. ... Durban II perversely ignores actual racism and human rights abuses that happen all around the world. ... We [Canada] were one of the leading nations in fighting Apartheid in the 1980s, and we stand strong against racism in all of its ugly forms."

Lessons from Durban II

PIERRE POILIEVRE

We Canadians are often too polite to say "I told you so." But 16 months after we told the world that the UN's follow-up Durban "anti-racism" conference would be a sham, we have been vindicated.

As Ahmadinejad was speaking in Geneva, I too was giving a speech in the same city — at an alternative anti-racism conference organized to protest the Iranian President and Durban II in general. UN Watch, an invaluable NGO whose mission is to educate the world about the perversion of logical and morality emanating from the UN's various bodies, helped to host the event, which included presentations by Harvard legal scholar Alan Dershowitz and legendary soviet prison camp survivor Natan Sharansky. Everyone at the meeting praised Canada and Prime Minister Stephen Harper for leading the world in staying away from Durban II.

In the lead-up to the conference, I joined the International March of the Living Mission in Poland, where we visited the remains of the Auschwitz and Birkenau death camps. Thousands of students marched through the camps, commemorating victims of the Holocaust and celebrating its survivors.

As the tyrant from Tehran took to the stage at the United Nations, I was reminded of the importance of reading history so as not to repeat it. Our experience with Durban II can teach Canadians two lessons.

First, the best way to support the UN is to insist that it live up to its own ideals. The world body's Universal Declaration of Human Rights offers basic standards of liberty that all its member states should and must live up to — basic standards that many of Durban II's organizers, including Iran and Libya, openly flout.

As Professor Dershowitz told me in Geneva, millions have died because the obsession with Israel has distracted the world from real atrocities — Cambodia, Rwanda and Darfur all come to mind. Imagine the lives we might have saved if the world had applied as much energy to these and other catastrophes as it has devoted to bashing Israel.

The second lesson is that leading can be lonely. When Canada first pulled out of Durban II, we were alone. When Canada first cut off aid to Hamas, we were alone. But others later followed, because we were right. Now would be the worst time for Canada to return to the mushy middle, as we did all too often in the past.

"You have enemies? Good," said Winston Churchill. "That means you've stood up for something in your life." We should continue to march in the right direction, at the front of a growing parade.

National Post

■ Pierre Poilievre is the Parliamentary Secretary to the Prime Minister of Canada.

National Post,
April 28, 2009

they cannot represent the interests of real democracies and real believers and human rights if they take that kind of a conciliatory attitude. Because of you ladies and gentlemen, because of you Durban 2 has not been a repeat of Durban 1. Now you can't cleanse Durban 1. It would be like having

[Alan Dershowitz, *continued*]

Nuremberg Two after Nuremberg One. ... The name Durban, unfortunately for the good people of Durban, has become a dirty word and has become a concept that cannot be cleansed by having a few words changed here and there, and a few sentences changed here and there. **The right approach was**



Toronto Star
May 29, 2009

CHRIS WATTIE/REUTERS

Stephen Harper was presented with a hockey jersey after a speech at the Canadian Council for Israel and Jewish Advocacy in 2007. On Sunday, he will be given the Saul Hayes Award by the Canadian Jewish Congress.

the approach taken by Canada. We have a representative of Canada here today of the Harper government [**Pierre Poilievre**], and a representative of the opposition government, the former attorney general and minister of justice [Irwin Cotler], because in Canada, as in the United States, Israel is a bipartisan issue. It makes no difference whether you're conservative or liberal, whether you're a Democrat or Republican. If you're a person of decency you support Israel.

We are being heard at this conference our case is being made we are having an impact and the reason we have made a difference is you. You have made that difference. The case for Israel can be made simply if people only accept the facts if people engage in nuance. No, Israel's not a perfect country. The United States is not a perfect country. Canada is not a perfect country. There's no such thing as a perfect country. **But Israel is a democracy struggling to do the right thing. In 60 years, Israel has accomplished more for the world than almost any nation of Europe.**

Compare Israel and Switzerland. Comparable population. Switzerland has seven million. Israel has six million. Consider the number of lives saved by Israel's medical technology. Consider the number of patents, the number of Nasdaq listings, the number of environmental innovations done by Israel in its 60 years and compare it to what other European nations have done in a hundred years. And imagine what the peace dividend would bring. Imagine if Israel could literally turn its peers into plowshares. Imagine

what a dividend it would produce for world peace, for World Health, for world environmental concerns. **If only the entire world had Israel's human rights record.** ... If every other country in the world had Israel's freedom of speech, Israel's freedom of dissent, Israel's Supreme Court which is open to all without restrictions, without standing case in controversy, just disability barriers. If only, if only the Human Rights Council had countries like Israel sitting on it. Instead, Israel can't serve on that or other counsel. If only nations of the world had representatives like Natan Sharansky, representing it in being the face of goodness and freedom and liberty. ... And when the best is called the worst, one has two turns one's eyes to the accuser. ...

Why is the world so obsessed with Israel? ... When you talk about human rights you can't have special human rights for Jews. You know, they're conducting an investigation now of Israel, of Israel's war crime. Israel conducted itself better than any other nation in the world faced with comparable threats. Don't believe me, listen to people like one of the leading experts on military law and military justice, Richard Kemp, a major colonel in the British Army. Israel, he said, "had very little choice other than to carry on with its military operation until it reaches the conclusion it needs which is to stop Hamas from firing rockets," etc. Then he says, "from my knowledge of the IDF and the extent to which I've been following the operation, I don't think there has ever been a time in the history of warfare when any army has made more effort to reduce civilian casualties and deaths of innocent people than the IDF is doing today in Gaza." ... You don't judge a democracy by how an

18-year-old kid drafted in the Army deals with crisis during the fog of war, you judge a democracy by the way the senior people deal with the soldier after reports have been made. And the Israeli government and the Israeli army is well known for looking hard at reasons for failure.

At the April 22, 2009, UN Watch forum, Irwin Cotler gave a 24-minute presentation before introducing a human rights panel. Most of his presentation is transcribed below. The reason it is included is because, in the context of the international Geneva conference Zionist ‘victory’ political moment, it reveals Cotler’s essential thinking and strategy about his defence of the state of Israel. And, secondly, his presentation includes one of the rare instances where he mentions the name of Palestinians. As Cotler ‘speaks the truth’ about human rights, we are confronted with his double standards as they relate to his avoidance of acknowledging the cumulative conducts by Israel as an occupying, colonial state, in its ongoing ethnical cleansing²⁵⁵ of Palestinians. Considering the plenitude of documents filed by UN special rapporteurs and related documents at the United Nations, and the vast literature on the subject of Israel’s oppression of Palestinians up to April 2009, Cotler chose to limit his impartation on this wealth of informative literature.

Irwin Cotler: “I am delighted to be here and to participate in the common cause which brings us together, which is the struggle against racism, against hate, against discrimination, against intolerance from any kind, from any quarter, or for whatever purpose. Against anti-Semitism, spoken of as a paradigm of radical evil. And against the crime whose name we should even shudder to mention, genocide. The fact that we even need to speak of it in the 21st century. ... Shocking, scandalous, that in the 21st century we should not only be talking about but having to witness a genocide by attrition in Darfur. And, just as with respect to Rwanda, nobody can say that we do not know. We knew with respect to Rwanda but did not act. We know with respect to Darfur, but we are not acting.



I’m referring in terms of the four implications. The implications with regard to the overall struggle against racism. The implications for the integrity of the United Nations. And here I want to join in my words with Dennis McShane, that if we did not have the U.N., we would have to invent it. And so whenever I speak in critique of what is happening at the U.N., I do so as a proponent of the U.N. that seeks its reform, not certainly it’s dismantling.

The implications for the under-represented voices, the voices of the victims that we do not hear enough or listen to enough, let alone act upon, that we will hear immediately following my remarks. And the implications, perhaps most importantly, for the need for moral leadership in our time, particularly by governments, by intergovernmental institutions, by NGOs, by those who purport to speak on behalf of victims of inhumanity, and who are designated and delegated to speak on behalf of humanity.

Let me turn now to those four manifestations. I’ll speak briefly to each. And bear in mind their larger implications for those four considerations that I mentioned.

First. There is the state sanctioned culture of hate. I use expressly the word state sanctioned, because **a culture of hate that is orchestrated by the state, that is planned by the state, that is sanctioned by the state, is much more pernicious and dangerous than hate that is carried out within a democracy by groups that can be held accountable and the like.**

I’m referring to, as I said, to state sanction cultures of hate, whose epicenter is Ahmadinejad’s Iran in a word denying the holocaust as it incites to a new one while engaged in the massive repression of the rights of its own citizens. That is why I always use the term Ahmadinejad’s Iran, to distinguish it from the people and publics of Iran, who are otherwise themselves the targets of Ahmadinejad’s

²⁵⁵ I.e., the words and title of Israel/Palestine historian and author Ilan Pappé.

domestic repression and who are the targets of that selective discrimination and targeting of those victims.”

“Let there be no mistake about it. Ahmadinejad’s Iran has been repeatedly violating the prohibition in the genocide convention against the direct and public incitement to genocide. Simply put, it has already committed the crime of incitement to genocide. And state parties, be it my country [Canada], or other state parties to the genocide convention, are obliged by law – this is not a question of a policy option – to prevent such incitement and to hold Iran accountable. Yet, as I meet and speak with you today, there is not one state party, I repeat, not one state party to the genocide convention that has taken the modest step in terms of holding Iran accountable. The modest step of simply referring this culture of hate to any agency of the United Nations to hold Iran to account. ... Ahmadinejad belongs, not because I say so, but because international law so obliges, Ahmadinejad belongs in the docket of the accused, not at the podium of the United Nations.

The second encouraging development is that a group of international legal scholars, genocide experts, survivors of the genocide ... have come together and have endorsed a petition called the Responsibility to Prevent Petition. This says precisely that state parties to the genocide convention have the

responsibility under international law. And Louise Arbour, the former United Nations commissioner of human rights, was one of the signatories to this petition, has said that the responsibility to prevent this state-sanctioned incitement is of the highest legal order. It’s an overriding legal obligation. And I

THE ELECTRONIC INTIFADA

Genocide in Gaza

by Ilan Pappé
September 2, 2006

The inhuman living conditions in the most dense area in the world, and one of the poorest human spaces in the northern hemisphere, disables the people who live it to reconcile with the imprisonment Israel had imposed on them ever since 1967.

Ironically, most Israelis, according to recent polls, look at Gaza as an independent Palestinian state that Israel has graciously allowed to emerge. The leadership, and particularly the army, see it as a prison with the most dangerous community of inmates, which has to be eliminated one way or another.

As with the ethnic cleansing operations, the genocidal policy is not formulated in a vacuum. Ever since 1948, the Israeli army and government needed a pretext to commence such policies. The takeover of Palestine in 1948 produced the inevitable local resistance that in turn allowed the implementation of an ethnic cleansing policy, preplanned already in the 1930s.

A daily business of slaying Palestinians, mainly children is now reported in the internal pages of the local press, quite often in microscopic fonts.

There are no politicians who are able or willing to stop the generals. A daily killing of up to 10 civilians is going to leave few thousands dead each year. This is of course different from genociding a million people in one campaign – the only inhibition Israel is willing to undertake in the name of the Holocaust memory. But if you double the killing you raise the number to horrific proportions and more importantly you may force a mass eviction in the end of the day outside the Strip – either in the name of human aid, international intervention or the people’s own desire to escape the inferno.

Much depends on the international reaction. When Israel was absolved from any responsibility or accountability for the ethnic cleansing in 1948, it turned this policy into a legitimate tool for its national security agenda.

If the present escalation and adaptation of genocidal policies would be tolerated by the world, it would expand and used even more drastically.

Nothing apart from pressure in the form of sanctions, boycott and divestment will stop the murdering of innocent civilians in the Gaza Strip. In the name of the Holocaust memory, let us hope the world will not allow the genocide of Gaza to continue.

Ilan Pappé is senior lecturer in the University of Haifa Department of political Science and Chair of the Emil Touma Institute for Palestinian Studies in Haifa. His books include among others The Making of the Arab-Israeli Conflict (London and New York 1992), The Israel/Palestine Question (London and New York 1999), A History of Modern Palestine (Cambridge 2003), The Modern Middle East (London and New York 2005) and forthcoming, Ethnic Cleansing of Palestine (2006)

[Irwin Cotler, continued]

trust people will associate themselves with this petition, so that we hold Ahmadinejad's Iran to account by law, under international law, and there will be no more podiums at the United Nations for Ahmadinejad."

"This brings me to the second reason for Elle Wiesel's concern and anguish. And that is what he has otherwise called, and I'm perhaps paraphrasing by way of abbreviation, **the laundering of anti-Semitism under the cover of the struggle against racism. This adds to bigotry the hypocrisy of masking a legitimate concern with anti-Semitism and racism by indicting Israel with the two twin evils of the 20th century – Apartheid and Nazism – and saying that Israel embodies these two twin evils, and to do so as prologue and justification for the dismantling of the Jewish State.** But let there be no mistake about it. **If a state is an apartheid Nazi state, you don't want to have a state like that in your midst.** So, these indictments of Israel as an apartheid Nazi state are not simply idle rhetoric. They carry with them, in effect, an obligation on the part of all of us to do something against this Nazi apartheid state, and in effect to silence its supporters, because its supporters are deemed to be co-conspirators in the support of a crime against humanity, e.g. Israel, because that's what apartheid is defined as in international law. **And if you call it also a Nazi state, that means that the dismantling of this state becomes morally obligatory.** Because certainly we could not have a state embodying such evil as part of the international community. Now, notice I am not speaking about critiques of Israel. Israel, like any other state, is responsible for any violations of human rights and humanitarian law, and **the Jewish people are not entitled to any privilege or preference before the law because of the Holocaust or Jewish suffering.** The problem is not, however, that anyone should seek to put Israel above the law, **the problem is that Israel's being systematically denied equality before the law in the international arena.** Not that human rights standards are applied to Israel – which they must be – **but that these standards are not applied equally to everyone else, thereby creating a situation of discrimination in the international arena.** In the same way that we would say in any of the countries that we live in, you should not have any minority, any visible minority, any Aboriginal people, any group singled out for differential or discriminatory treatment in any of our societies. And in fact, by domestic law, it would be prohibited. Similarly, in the international arena. You cannot have any state – in this instance state X, Israel – that is singled out for differential and discriminatory treatment. What applies domestically applies also internationally. But it is gone even beyond simply, although that would be bad enough, the singling out of Israel for discriminatory and differential treatment.

Occupation, Colonialism, Apartheid?

A re-assessment of Israel's practices in the occupied
Palestinian territories under international law



May 2009
Cape Town,
South Africa

A study coordinated by
the Middle East Project of the
Democracy and Governance Programme,
Human Sciences Research Council of South Africa

A. Introduction

Executive Summary

300 pages

The Human Sciences Research Council of South Africa commissioned this study to test the hypothesis posed by Professor John Dugard in the report he presented to the UN Human Rights Council in January 2007, in his capacity as UN Special Rapporteur on the human rights situation in the Palestinian territories occupied by Israel (namely, the West Bank, including East Jerusalem, and Gaza, hereafter OPT). Professor Dugard posed the question:

Israel is clearly in military occupation of the OPT. At the same time, elements of the occupation constitute forms of colonialism and of apartheid, which are contrary to international law. What are the legal consequences of a regime of prolonged occupation with features of colonialism and apartheid for the occupied people, the Occupying Power and third States?

[Irwin Cotler, continued]

I want to at this point make reference to a phenomenon that occurred recently in the Israel-Gaza conflict. And that is the inflammatory misuse of Holocaust comparisons to describe the conflict in Gaza – and I’m going to abbreviate my remarks here on this point for reasons of time. But to describe it in a dual, demonizing indictment. And notice the nature of this dual, demonizing indictment. I saw it again here and outside the Palais de Nation. We’ve seen it in marches and demonstrations in different countries. ... On the one hand Jews are blamed for perpetrating a holocaust on the Palestinians as in the appalling statement – and just in order to protect her, I won’t mention her name – but the appalling statement recently of a Norwegian diplomat who said, and I quote, “the grandchildren of Holocaust survivors from World War Two are doing to the Palestinians exactly what was done to them by Nazi Germany.” And on the other hand, and many of you have perhaps

been witness to this. I certainly have, and even in my own country, crowds are incited to another holocaust against the Jews, as in the chance of protesters who scream, quote, “ Hamas, Hamas. Jews to the Gas.” The point is, that whatever one’s perspective on the Gaza conflict, and as I said critiques of Israeli policy and practice, like critiques of any other state, are legitimate. The comparison between Israel’s action against Hamas, a terrorist group, sworn by its own covenant and in its own words to the destruction of Israel, the comparison between that group and its intention to destroy Israel, and the comparison between Israel perpetrating a Nazi holocaust against the Palestinians, is as false as it is obscene. I say this not as a proponent for Israel but in the immediate aftermath of Holocaust commemoration that we commemorated here in Geneva, I say this as a voice for Holocaust Remembrance. Drawing false parallels – and this needs to be said because there are too many of these false parallels that are being drawn – drawing false parallels between the Gaza conflict and Nazi Germany is an affront not only to the living Holocaust survivors and their children and grandchildren, but to the six million deceased. These men, women and children did not die in

South African study concludes Israel is an apartheid state



Source: OCHA

RHETORIC or REALITY?

Do Israel's Practices in the West Bank, East Jerusalem and Gaza Amount to Crimes of Apartheid under International Law?

*Summary of an International Legal Study
Funded and Coordinated by the Government of South Africa*

any war or conflict. They perished in a deliberate eliminationist horror which is, Elie Wiesel put it, not all victims were Jews, but all Jews were victims.

And so, I move on now to the third manifestation ... **the singling out of one member state in the international arena for discrimination and indictment.** But when this is done, and this is the disturbing phenomenon, as I say the singling out is disturbing enough, but when it is done under the protective cover of the United Nations, when it is done by invoking the imprimatur of international law, when it is done under the banner of the struggle for human rights, **it adds the idiom of bigotry to the idiom of false indictments.** I will give you one example ... The United Nations Council on Human Rights, to replace its, as Koffi Annan said, its discredited predecessor, United Nations Commission on Human Rights, which also engaged in this singling out of a member state. The

[Irwin Cotler, continued]

United Nations Council on Human Rights – and here I speak as a law professor, and which I take seriously – because this is the repository of international law standard setting. This is to speak about the promotion and protection of human rights on behalf of all of us. This UN Council on human rights since its inception in 2006 has adopted some 32 resolutions of condemnation. **26 of those resolutions singled out one member state in the international community. That one-member state happens to be Israel.** But the worst thing – and this leads me to the fourth and last manifestation – is that the major human rights violators have enjoyed exculpatory immunity. Not one resolution of condemnation against Iran. Not one resolution of condemnation against Darfur. And I can go on. And so, what should disturb us, those of us, and I suspect that includes almost everyone in this room that care about the integrity of the UN, that care about the authority of international law, that care about the struggle for human rights and the struggle against discrimination, should be concerned about what is being done in our name and what is not being done in our name.



INTERNATIONAL COMMISSION OF JURISTS

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LEGAL CONSEQUENCES OF THE CONSTRUCTION OF A WALL IN THE OCCUPIED PALESTINIAN TERRITORY (REQUEST FOR ADVISORY OPINION)

*Position paper presented by
the International Federation for Human Rights (FIDH) and
the International Commission of Jurists*

In June 2002, Israeli authorities began constructing what they call a “security fence”. The structure itself, planned to stretch to 687 kilometres in length, varies in different areas. In rural areas, it consists of layers of razor wire, military patrol roads, sand paths to trace footprints, ditches, surveillance cameras and a three-metre high electric fence. This barrier is 60-100 metres wide. An additional buffer zone exists 30-100 metres on each side of the barrier/wall. Palestinians are prohibited from entering this zone, which contains electric fences, trenches, cameras and sensors, and is patrolled by the Israeli military. There are also reported plans for “depth barriers” 150 metres in length, to be erected a few kilometres east of the barrier/wall itself. In urban areas, such as Qalqiliya and East Jerusalem, the barrier/wall is constructed of eight-metre high concrete walls with concrete watchtowers. It is also planned to extend into the Jordan Valley, and will join with the Western section to form two distinct enclosed Palestinian areas to the North and South of Jerusalem. Jericho will be encircled, while East Jerusalem will be isolated from the rest of the West Bank on the one hand and cut in two parts in some areas. A restrictive system of permits and passages through a limited number of gates complements the building of the barrier/wall and applies solely to the Palestinians.

Israel has justified construction of the barrier/wall by claiming it is necessary to ensure the security of Israelis.¹ Israel has the right and the duty to protect the security of its citizens and to defend its territory. However, any security measures must be in strict conformity with Israel's obligations under international law, including international human rights and humanitarian law. It is evident from numerous reports of United Nations agencies, the Special Rapporteur for Human Rights in the Occupied Palestinian Territories and leading international and local human rights NGOs that the construction of such a wall seriously hinders the enjoyment of the most fundamental human rights by the Palestinian population and is in violation of international law.

¹ See: Summary legal position of the Government of Israel in the Report of the Secretary-General prepared pursuant to General Assembly resolution ES-10/13, UN Doc. A/ES-10/248, 24 November 2003, pp 8-9.

What I'd like to do at this point is close and lead into the panel now and the voices of the victims by giving you a case study of an encounter that I had as Minister of Justice and Attorney General of Canada with perhaps the most disenfranchised, or let us say, discriminated against a minority and in Canada. I'm referring to the Aboriginal people. Shortly after I was appointed Minister of Justice and Attorney General of Canada, I believe this encounter not only may tell us something about the last implication that I said of what is going on today, the need for moral leadership, it may lead us naturally into the next panel, and to listening to the voices of the victims. I was asked shortly after I was appointed if I would meet with a group of Aboriginal law students that came from Akitsiraq Law School, the first ever aboriginal law school in Canada, in Nunavut in the north. And I said I would

be delighted to meet with them. And we met, and the encounter went as follows. I'm abbreviating from a longer discussion. They said, Professor Cotler, we're not just law students, we're Aboriginal law students. We come with a past, with a history, with a heritage, with a language, with a culture, with an identity, their own spirituality, with our own indigenous legal system. And we've been dispossessed from all that. We've been dislocated from our history, and our heritage, and our culture, and our language, and our own indigenous legal system. It's not that we go to court because we want to nurture a grievance, we go to court to reconnect to who we are. We go to court to reaffirm our identity. We go to court to give expression to our own indigenous legal system. But tragically, in whatever we do we are accompanied by a great deal of pain, because we believe that the Canadian

[Irwin Cotler, continued]

people and the Canadian government do not understand who we are, do not understand where we've come from, do not understand where what we aspire to be, and we do not understand or are hearing our voices.

And I told them I would share with them a paradigm which comes out of my tradition but could come out of other traditions as well. And as I say, connects to the voices of victims that we're now going to hear. And the need for moral leadership. And I said, it's where a group of students come to their Rabbi, and they say, "Rabbi, we love you." And the Rabbi says, "do you know what hurts me?" (You can substitute here, if you will, Imam priest, whatever.) The Rabbi says, "do you know what hurts me?" And the students say, "Rabbi, why do you ask if we know what hurts you, if we tell you we love you?" And the Rabbi says, "because if you don't know what hurts me, you can't tell me you love me." That, in my view, is a married paradigm or model for human relationships. It's also a model as to how a government should relate to voices of victims, how a government should relate to the disadvantaged amongst them, domestically and internationally.

And I just want to close at this point by saying that in the end of the day we will be judged. As Martin Luther King put it, he said what concerns me is not so much the actions of my enemies, though clearly that would be of concern, but the silence of my friends. And so and so it's our responsibility to break down these conspiracies of silence, these crimes of indifference, and to act to act on behalf of justice and to act on behalf of these voices and give voice to these victims of inhumanity."

10.4. The New York City Counter-Conference

The acclaimed international human rights lawyer / advocate, Irwin Cotler, was in high demand for the Zionist pro-Israel Geneva counter-conference planning events, international, preparational events constituting heavy donor funding dollars. After numerous engagements in Geneva and in Germany over a span of four days, Cotler promptly flew back across the Atlantic Ocean to the continent of North America, to New York City, to attend another Geneva counter-conference event. In 2009, Cotler, at 69 years of age, was still a sitting Liberal Member of Parliament, and as such, attention to his constituents and to his country, his sworn and paid duties, was again temporarily diverted and switched to defending a foreign government, a settler-colonial government that was responsible for putting world Jewry in jeopardy. Cotler would argue that, on behalf of Canadians, he was representing their interests as it related to defending human rights. However, the problem with framing that argument is that the pro-Israel lobby network had planned and sponsored the events he was attending. Cotler, of course, did not attend the United Nations events in Geneva, because Canada was officially boycotting the event.

It was reported on January 13, 2015, in the Ottawa Citizen, *MP attends just 6% of votes*, that "Liberal MP Cotler," ranked among a handful of "Independent and former Bloc Quebecois MPs" who "were absent the most" from attending "votes in the House of Commons in 2014:"

A handful of prominent MPs, such as Liberal Irwin Cotler and New Democrat Peter Stoffer, missed more than half the votes in the House of Commons in 2014; they said it was largely due to international and domestic parliamentary missions as part of their official critic roles. ... But the House of Commons does not keep formal attendance records, so the [Ottawa] Citizen used MPs' presence for votes as a very rough proxy. ... Liberal MP Cotler, who missed slightly more than half the votes in the Commons [134 out of 269 votes], was absent mostly because of foreign conferences and other parliamentary duties as party critic for rights and freedoms, and international justice, said Michael Milech, who works in his office. Cotler, who isn't running in the next election, usually travels to three or four events a month outside Ottawa.

New York Counter-Conference Summary, by Ellen Sloame

Monday, April 20 (Conference Overview)

1. **Malcolm Hoenlein**, Exec Director of COP. Geneva has become a “hall of shame”. Most participants are leading violators of human rights.
2. **Congresswoman Carolyn Maloney**. A champion of women’s’ issues. Durban I witnessed the worst anti-Semitism since the Holocaust – and at a U.N. sponsored conference on racism! Instead of learning from history, Durban II denies it.
3. **Ambassador Richard Schifter**, former U.S. representative to the U.N. Human Rights Commission. In Geneva, the anti-Israel rhetoric of Durban I was reaffirmed. Israel is the “canary in the coal mine”. We are all in danger. Until 1970, the Soviet bloc was outvoted by others. Then, Castro built a network of countries that would work against the U.S., linking up with the Arab League and the Organization of Islamic States. In 1973, the Burundi initiative brought sub-Saharan African states against Israel to the U.N. China have become increasingly powerful in the antidemocratic movement. Paradoxically, China has a pro Jewish culture. (For the Ambassador’s complete speech, see Jewish Week)
4. **Hon. Jerry Grafstein**, Canada Senate. Silence is not an option. It translates into acquiescence at the U.N.
5. **Eric Fusfield**, B’nai B’rith International. There has been a distinct rise in anti-Semitism in Europe during the past 8 years.
 - a. increasingly radicalized Muslim and Arab community that has easy access to Arabic stations for propaganda, as well as increase in sales of Mein Kampf and Protocols of Elders of Zion.
 - b. political gains of the far right.
 - c. traditional anti-Semitic culture.
 - d. anti- Israel political left. Israelis are portrayed as overly aggressive. In the immediate post WW2 era, sentiment worked in Israel’s favor – no more.
 - e. generational shift. Holocaust is merely an “historical anecdote”. The main center of gravity is in the Muslim world. They believe that Zionism is more egregious than Nazism, yet they claim that A-S does not exist there.

Tuesday, April 21 (gender discrimination in the workplace and political arena)

Panelists:

1. **Shifra Bronznick**. We have not closed the gap yet. Issues – parental leave, job shares, flex time
2. **Dr. Sharon Rabin-Margialoth**, Professor of Labor and Employment Discrimination Law, Herzliya Center. In Israel, there is a disparity in pay of women and men. Yet, often women did not negotiate after the starting offer and men did. In U.S. 1963, Equal Pay Act – need to demonstrate that they are doing the same work.
3. **Marie Wilson**, The White House Project. How many women participate in public life? What do they bring to the project? What keeps women out of leadership? The perception of “woman” and “leader” has not always meshed. There remains ambivalence. Generally, women are in charge of household and child-rearing. It should be equal.
4. **Phyllis Chesler**, Professor of Psychology and Women’s’ Studies CUNY, author.
 - a. Israel is not an apartheid state, but Islam is the largest perpetrator of religious and gender apartheid. Historically, Muslim countries have persecuted non-Muslims – Christians, Baha’is, etc., who live in terror in Muslim countries that are now almost Juden-free. In Israel there are many skin colors and religions, absorbed at great expense there.
 - b. Muslim countries are inherently misogynistic.
 - c. Honor killings: How is it different from western style domestic violence?
Action – we need to work with Muslim feminists, some of whom are secular; we need to prosecute; we need to start funding shelters The Saudi lobby is much stronger than the Israeli lobby. Their money is paying for madrassas, suicide bombers, education in the U.S.

The five-day, Durban II Counter-Conference in New York City, April 20-24, was held at Fordham University Law School, “under the **auspices of the American Association of Jewish Lawyers and Jurists**,”²⁵⁶ the American branch of the International Association of Jewish Lawyers and Jurists, of which Cotler was / is an honorary member. As stated earlier, the brainchild for this pro-Israel parallel event, planned since January 2008, was Canadian Senator Jerry Grafstein, who spoke on the first day of the conference, Monday April 20, under the theme “silence is not an option.” The New York counter-conference was not well attended. It was reported that “less than 40 people were in the Fordham Law School auditorium for Monday’s session.”²⁵⁷

According to a summary of the conference by Ellen Sloame Fawer,²⁵⁸ a member of Jewish Women International, the New York Counter-Conference was “co-sponsored by more than 20 organizations,” which included **Scholars for Peace in the Middle East (SPME)** and the World Council of Conservative Synagogues (Masorti Olami). Fawer wrote that the conference was chaired by Ken Marcus, representing the SPME Legal Task Force, with chief coordinators Andrew Apostolou (Foundation for the Defense of Democracies) and Samuel Edelman (SPME Executive Director). Fawer also stated that Cotler was an “SPME contributor.” SPME’s website lists 12 contributory articles by Cotler from 2004 – 2011.

In a January 2, 2005, article published on-line by the Jerusalem Center for Public Affairs, “*Fighting Anti-Israelism and Anti-Semitism on the American University Campus: Faculty Grassroots Efforts*,” Manfred Gerstenfeld interviewed **Dr. Edward S. Beck**, the co-founder and president of the non-profit organization, SPME. Beck said that SPME was:

“... modeled after the defunct body of American Professors for Peace in the Middle East. Some of its veterans are among the more than 500 SPME members at over 200 campuses world-wide. These are mainly, but not exclusively, Jewish and non-Jewish academics from the United States. SPME has 17 chapters at institutions such as MIT, Cal Poly, Columbia University, and Louisiana State University.”

Described earlier, SPME’s model predecessor, American Professors for Peace in the Middle East, was a Zionist project and platform created in 1967, including its 1973 offspring, Canadian Professors for Peace in the Middle East, which Cotler had formerly chaired. SPME was Zionist, but different, more focussed. It was on steroids. Alongside a group of newly born Israeli lobby platforms in 2002, it and they were created in the wake of, a political outcome of, the September 2001 U.N. Durban I conference in South Africa.

Although anti-Israeli activity on campus was evident in the 1980s and 1990s, the resolutions at the notorious World Conference against Racism in Durban in August 2001 led to an upsurge in such efforts and also to the founding of three academic watch organizations in 2002. The **largest of these** organizations is the U.S.-based **Scholars for Peace in the Middle East**, which is run by the academic community itself. **Campus Watch**, also U.S.-based, is part of the well-established Middle East Forum and focuses on the anti-Israeli biases of Middle East courses and the academics who teach them. **In the UK, Academic Friends of Israel** has dealt with counteracting academic boycott attempts, particularly by the staff unions. Subsequently established organizations include Engage, also in the UK, which has concentrated on the anti-Israeli attitudes of left-wing academics; and in Israel, Israel Academia Monitor and IsraCampus, which highlight the anti-Israeli biases and actions of Israeli academics. The continuing growth of anti-Israeli activity on campus since 2002 has given

²⁵⁶ *SPME Co-Sponsor and Participant in Fordham University Durban II Counter-Conference*, April 28, 2009, by Ellen Sloame Fawer, Samuel Edelman and Kenneth Marcus. Source: Scholars for Peace in the Middle East website, www.spme.org.

²⁵⁷ Jewish Telegraphic Agency, April 24, 2009, *How the UN was ‘hijacked’ by anti-western countries*.

²⁵⁸ *SPME Co-Sponsor and Participant in Fordham University Durban II Counter-Conference*, April 28, 2009, by Ellen Sloame Fawer, Samuel Edelman and Kenneth Marcus. Source: Scholars for Peace in the Middle East website, www.spme.org.

all these watch organizations much to do. In this new environment, watching and monitoring may no longer be enough, and a more explicit and central campaigning role may now be necessary.²⁵⁹

Ad to that 2002 list, the birth of Roz Rothstein's **StandWithUs** platform in the United States, **CAMERA**, The David Project, and later **Students for Peace in the Middle East** platforms. The opening sentence in Leslie Wagner's 2010 essay, "watching academics for evidence of anti-Israeli bias is largely a twenty-first century phenomenon," forgets to name the Israeli Zionist lobby network as responsible for the phenomenon. Wagner sources the international university campuses "anti-Israeli hostility" ills to the 1975 United Nations 'Zionism is Racism' resolution.

New York Counter-Conference Summary by Ellen Sloame

Wednesday, April 22 (religious intolerance and discrimination)

1. **Michael Salberg**, Anti-Defamation League. "The rising threat of anti-Semitism (A-S) worldwide." Recalled Durban I when Israel was equated with South African apartheid, which the High Commissioner of Human Rights, Mary Robinson ignored, the total absence of support. Problems now – Mearsheimer and Walt [their book, "The Israeli Lobby and U.S. Foreign Policy"], Jimmy Carter, rise of the position that A-S is related to the Middle East conflict, Gaza escalated repugnant expressions of A-S, political use of state-sponsored A-S writ large in Venezuela by Hugo Chavez which led to a synagogue being vandalized. Durban II is illegitimate in its inception and execution. We need to educate our own community. There are generations who don't have a sense of the danger.
2. **Kenneth Marcus**, "Anti-Semitism on the Campus."
Universities should be centers of tolerance but are the sites of some of the worst expressions of A-S. Blood libels and other accusations are issued under the guise of opposition to Israel but are often really aimed at "Jewish" students. There have been numerous disturbing incidents across the United States since 2001, including particularly significant incidents at the University of California at Irvine, Columbia and San Francisco State. This semester, the problem has been particularly severe at several North American universities. The U.S. Department of Education's Office for Civil Rights announced a new policy to address this problem in 2004, but it has not appropriately addressed the policy over the last few years.
3. **Samuel Edelman**, Ph.D, executive director, Scholars for Peace in the Middle East. "Durban I has set the agenda for Anti-Israel, Anti-Semitic activities on college campuses."
Prior to Durban I, A-S was primarily a right-wing situation. After, it was another world – like Germany in the 1920s and 1930s when college professors started it. Israel has been called a racist country and a lie repeated over and over becomes truth. Although "Zionism = Racism" was withdrawn in the 1990s, its legacy continues. "Israel is racist" – is easy to grasp and=2 that is where propaganda begins. Impact was first on European campuses, then Canada and Latin America. Ford Foundation and Saudis supported Durban I. NGOs had the largest impact on campuses "Apartheid Israel" was the most important piece of propaganda that came out of Durban I. Impact on Durban II attempt to get the International Court to take on Israel. Conclusion – we did not respond effectively to Durban I.
4. **Ali Alyami**, Ph.D, Center for Democracy and Human Rights in Saudi Arabia. "Religious intolerance and human rights violations in Saudi Arabia." America is the last hope for humanity, but we are a target. Saudis support A-S. Wahabiism is the biggest threat to democracy, Jews, and Muslim women. It has no civil society, no human rights. Women cannot deliver babies without a man's permission; they cannot drive. There are no elections, no free press, no freedom of worship, although they are forced to pray 5 times a day. There is no rule of law- only sharia, no free flow of information. How can the U.S. have SA as an ally? They are enemies of democracies. Israel should reach out to Arab moderates and intellectuals.
5. **Andrew Apostolou**, Freedom House. "Discrimination against religious minorities in Iran and Iraq." Outlined all of the violations of human rights against religious and cultural minorities in Iran which have been ignored by the UN at Durban II.

²⁵⁹ Abstract, *At Issue: Watching the Pro-Israel Academic Watchers*, by Leslie Wagner, in *Jewish Political Studies Review*, 22:3-4 (Fall 2010).

New York Counter-Conference Summary by Ellen Sloame

Thursday, April 23 (racism and genocide)

1. **Dr. David Luchins**, Touro College “The origin of, and the successful struggle to repeal “Zionism = Racism.”

1975 – We ignored the warning signs, Moynihan was told that it was much ado about nothing, He and Chaim Herzog pleaded with the Jewish community and were told it did not matter. 1991 – Moynihan said that “Israel was chosen as a metaphor for western civilization; that those who could not defeat her on the battlefield chose to delegitimize her”. The effort to repeal Z=R says more about the U.S. than about the U.N. Supporters included Gerald Ford, Hubert Humphrey, George Schultz, Jeane Kirkpatrick. Most of the world holds U.N. in higher regard than we do. In most of the third world, there is a shared struggle against colonialism and racism. – Which is what the world thinks of Israel.

2. **Rabbi Richard Jacobs**, Westchester Reform Temple, American Jewish World Service.

Genocides – Rwanda – 100 days in 1994. 800,000 Tutsis murdered in the fastest, most efficient killing spree.

Cambodia – 1970s – over 2 million murdered.

Bosnia – 200,000 Muslims killed or tortured in concentration camps.

Darfur – people who share a religion, a culture, a country. How did it get to this? Not just guns and machetes are killing, also lack of food and water. What can we do? Educate, donate, advocate, instigate, divest. U.S. has now sent a special envoy. Ambassador Susan Rice is a strong advocate for military action there. 2008, International Criminal Court issued a warrant for arrest of Pres. Al-Bashir’s arrest. He then expelled humanitarian aid groups, yet the Arab League welcomed him as a brother!

Friday, April 24 (“a look at Durban II and freedom of speech”)

1. **Daniel Carmon**, Deputy Ambassador of Israel to U.N. Israel/U.N. relations. Many countries are good bilateral friends of Israel, but in the U.N. they have conflicting interests. Ahmadinejad should be a wake-up call for all democracies.

2. **Irwin Cotler**, Former Minister of Justice in Canada. We need to struggle against all injustices. we knew what was happening in Rwanda but didn’t act. 4 generic themes need to be affirmed.

1. Danger of state sanctioned genocide, a culture of hate. Remember that the Holocaust began with words.

2. Danger of indifference and inaction. those who are indifferent are on the side of the perpetrators.

3. Danger of immunity

4. U.N. is supposed to be for human rights, yet 26 of 36 resolutions singled out Israel. There were none against Iraq, Sudan, China, etc.

The road to Durban I was viewed with great anticipation. It was supposed to be against racism, but it turned against Israel, a festival of hate.

1. Government forum – scurrilous document which described Israel as apartheid.

2. NGO forum became the centerpiece of a culture of hate.

3. Public square – 100’s marched, calling for the dismantling of Israel.

The road to Durban II

1. Governmental level – even more reprehensible

2. NGOs marginalized. Survivors’ voices were heard, but there were calls for boycotts, divestments, sanctions against Israel.

3. Yom Hashoah became an antidote to racism. There were 3,000 at a remembrance ceremony and their voices resonated.

3. **Charles Small**, Ph.D, “Yale Initiative for Interdisciplinary Study of Anti-Semitism.” Assault on world Jewry by Islamicism, not Islam which contributed to humanity, science and culture. Iran, Hamas, Hezbollah – are honest and clear about their intentions. An unholy alliance gaining strength.

4. **Michael Meyers**, NY Civil Rights Coalition. Mainstream black leaders became marginalized by “black power” and Black militants.

Leslie Wagner states in her essay that by 2010 almost forty American campuses had their own SPME chapters, an international organization boasting “a mailing list of nearly twenty-eight thousand across 3,500 campuses worldwide.”

SPME prides itself in being run by academics for academics, and its strength is that it is inside the campus rather than outside. While it cannot claim to be a fully democratic body, it is more open and participative than other watch organizations. It has an impressive Board of Directors of over twenty members (though the board itself seems to be responsible for appointing new members).

In a 2007 book edited by Manfred Gerstenfeld, *Academics Against Israel and the Jews*, is a chapter by Edward Beck, “Scholars for Peace in the Middle East (SPME): Fighting Anti-Israelism and Anti-Semitism on the University Campuses Worldwide.” Beck states that by 2007 SPME was pursuing chapters in western European campuses of Germany, Italy, France, Austria, and the U.K., and in Australia.

Following the printing of the investigative book by academics John Mearsheimer and Stephen Walt, *The Israeli Lobby and U.S. Foreign Policy*, Beck comments that SPME was applying its organized muscle to attack and counter-challenge the two authors. SPME was also weighing in against academics such as: Norman Finkelstein, who had written the fascinating book, *The Holocaust Industry*, which “put to use Jewish suffering for political and financial gain;” Joseph Levine of Ohio State University; Marc Ellis of Baylor University; Hellen Cullen of University of Massachusetts; Joshua Schreier of Vassar College; Nicholas De Genova of Columbia University; and Edward Said of Columbia University.

One of SPME’s goals was to counter the Boycott, Divestment and Sanctions movement launched in 2005 against the State of Israel. SPME’s website Mission statement: “This movement, now widespread on university campuses around the world, constitutes a threat not only to Israel, but to the very integrity of academia as a forum of free and responsible scholarly inquiry and research.”

The Canadian Institute for Jewish Research, along with the Asper Foundation, the David Project Center for Jewish Leadership, the Dym Family Foundation, Federation CJA, the Gerald Schwartz & Heather Reisman Foundation, the Jewish Federation of Metropolitan Chicago, Middle East Forum, Scholars for Peace in the Middle East, the Simon Wiesenthal Center, and the Yale Initiative for the Interdisciplinary Study of Antisemitism, present...

**ISRAEL ON CAMPUS:
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10.5. 2014: The Sixth Annual Geneva Summit for Human Rights and Democracy

Because the first parallel human rights counter event on April 19, 2009, was deemed ‘successful,’ UN Watch and its sponsors decided to continue convening UN parallel events in Geneva through its Geneva Summit for Human Rights and Democracy (GSHRD) coalition. The stated public relations strategy of its GSHRD backers was to provide a continual “balance,” a counter measure, to the United Nations otherwise ‘biased’ and ‘limited’ perspectives on human rights, thereby offering a ‘controlled’ balance that side-stepped attention from, discussion and debate about the State of Israel, a topic which the UN Watch accused the UN for needlessly obsessing over. UN Watch would provide a ‘rational’ approach to the international subject of human rights, which the UN and its ‘stacked Arab league state members’ were incapable of providing. Their spins were, and continued to be, sown.

A year before Irwin Cotler’s political decision step down as MP in his Mount Royal riding in Montreal, a seat he held since 1999, he was on the speaker’s list for the sixth annual GSHRD meeting in Geneva, on February 25, 2014.

Weeks earlier, Prime Minister Stephen Harper and a large delegation of Canadian politicians and other parties paid a special solidarity commemoration visit to Israel, an expensive visit covered by Canadian tax dollars.

Seven or more years had passed since Gaza became a concentration camp / open-air prison, bounded on all terrestrial sides by a continuous armed wall / fence, and on the Mediterranean side by navy patrol within a restricted sea border.

Human Rights in the Occupied Territories
» 2008 Annual Report

» Accountability

Since 2000, Israeli security forces in the Occupied Territories have killed more than 2,200 Palestinians who were not taking part in the hostilities and have wounded thousands more. Also, policemen and soldiers have beaten and abused many Palestinians and have extensively damaged Palestinian property.

The siege on the Gaza Strip

In 2008, Israel continued its closure on the Gaza Strip, placing extreme restrictions on the Strip's foreign trade. The closure began in June 2007, following Hamas' takeover of the area. At the time, Israel closed the crossings into Gaza and placed major restrictions on the entry of goods into it, including fuel, medical equipment, and replacement parts. Israel allowed only import of goods it deemed "humanitarian," such as flour, sugar, cooking oil, rice, and salt. In November 2007, the government of Israel declared Gaza a "hostile entity" and intensified its siege policy. Israel prevented all exports throughout 2008.

The siege has had horrendous effects on Gazans, who are totally dependent on basic commodities and services from outside the area. During the year, Rafah Crossing, the residents' sole option for exiting Gaza, was open for only 30 days, so that the ill, pilgrims, members of Hamas, and others could enter and leave.

Unemployment in the Gaza Strip continued to rise in 2008. In the second quarter of the year, it reached 50 percent. 79 percent of Gazan households live under the poverty line and 70 percent live in deep poverty. 34,000 workers were dismissed from work as a result of factory closings, and 40,000 lost their jobs in the fishing and agricultural sectors.

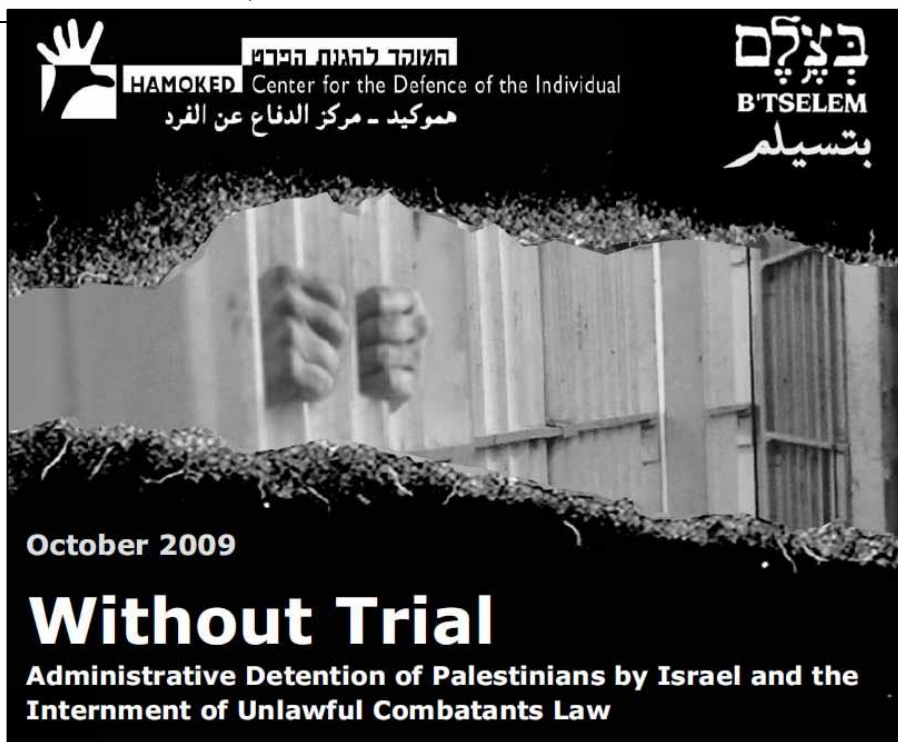
The following is much of Cotler’s oral presentation at the sixth annual GSHRD meeting in Geneva (copied from the GSHRD website):

Irwin Cotler: “I’m delighted to be here, to join, as Hillel [Neuer] said, to join the moral heroes of our time, and barring the Olympic metaphor — the “gold medalists of moral courage” — and to participate in the common cause which brings us together: the struggle against hate, against racism, against atrocity, against false imprisonment, against impunity, against injustice. And this, as part of the larger struggle for human rights and human dignity, for international justice in our time.”

Palestinians imprisoned in Israel, December 2008

Date of statistics	Prison facility of:	Total nr. of individuals held	Serving sentence	Detainees	Detained until the conclusion of legal proceedings	Admin. detainees
28 Dec.	Military	48	6	40	2	0
31 Dec.	Prison Service	7,904	5,204	223	1,931	546

* The figures include Palestinians from the West Bank, East Jerusalem and the Gaza Strip, without criminal detainees and prisoners. They were provided to B'Tselem by the military and the Israeli Prison Service, which are responsible for their accuracy. For the figures for the entire year, see: http://www.btselem.org/English/Statistics/Detainees_and_Prisoners.asp



Detention without trial is the most extreme measure that an occupying state may use against residents of the occupied territory. It is solely intended for the most extreme cases, and only where the detainee poses a personal threat, and no measure causing lesser harm to the person is available to prevent that threat. Yet Israel makes extensive use of this measure, in breach of international humanitarian law. Israel holds hundreds of Palestinians in prolonged detention based on undisclosed suspicions, without informing them what these suspicions are, without giving them an opportunity to defend themselves, and without notifying them when they will be released.

“In 1981, I was invited to be a guest of the anti-apartheid movement in South Africa; invited to give a lecture at the University of Witwatersrand on the topic “If Sharansky,” (who was then in prison), “Why Not Mandela?” The problem was that Mandela was a banned person. The mere mention of his name could subject you to a criminal offense. But the courageous Union of South African students nonetheless wanted to go ahead with that topic.

And I was asked to meet with the then-foreign minister of South Africa, “Pik” Botha. When I entered his room — and I had no idea why I would be invited to meet with him. When I entered his office, he pointed to a picture on the wall, and he said, “You know who that is?” and I said “Yes, that’s Anatoly Sharansky.” He said “Right. I could not

understand how someone could represent this great defender of human rights, Anatoly Sharansky, against our enemy, the communist Soviet Union, and speak in the same breath about the communist Nelson Mandela”.

THE GAZA STRIP: ISOLATED AND IMPOVERISHED

DESPITE WITHDRAWAL, ISRAEL MAINTAINS CONTROL IN THE GAZA STRIP

In September 2005, Israel withdrew its forces from the Gaza Strip, which increased Palestinians' control over their lives, primarily with respect to their ability to move freely throughout most of Gaza. However, Israel continues to hold decisive control over major aspects of people's lives there. Israel maintains full control of Gaza's airspace and territorial waters, and most of the land crossings to and from Gaza. Gazans who want to go to the West Bank must pass through Israel, for which they require a permit which Israeli authorities only grant in very rare humanitarian cases. In addition, Israel still controls the Palestinian population registry and taxation under the customs union, both of which cover the West Bank as well as the Gaza Strip.

THE SIEGE ON THE GAZA STRIP

In June 2007, after Hamas seized control of the Gaza Strip, Israel imposed a siege on the area, in which it enforced harsh restrictions on imports and exports. According to Israeli officials, the objective of the siege was to bring down the Hamas government and bring about the release of the soldier Gilad Shalit (who was ultimately released in October 2011). The siege thus constitutes a kind of collective punishment of the civilian population and is, therefore, unlawful.

CAN'T FISH, CAN'T FARM

Agriculture has been hit hard by the siege, resulting in thousands of persons losing their source of livelihood. This is due, in part, to the prohibition on the entry of basic items such as pesticides and spare parts for irrigation systems, as well as the prohibition on exports.

THE RESULT: ECONOMIC COLLAPSE AND SEVERE POVERTY

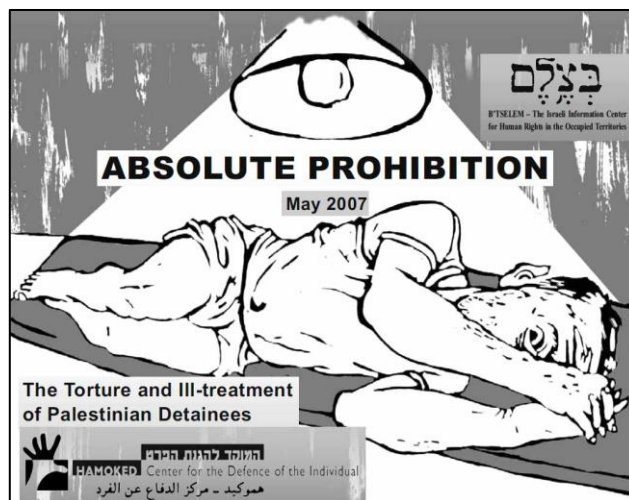
Israel's policies have led to economic collapse in Gaza. The prohibition on importing raw materials and on exports led to the closing of 95 percent of the factories and workshops. As a result, tens of thousands of people lost their jobs. In December 2011, unemployment stood at 28 percent, compared to 18.7 percent in 2000. More than 70 percent of the population depends on food aid from international organizations.

“I said “well both Sharansky and Mandela are fighting for the same thing. They’re both fighting for freedom. They’re both fighting for human dignity.” Pik Botha tried to give me a lecture in how apartheid was an exercise in pluralism, the separate but equal, etc. And at the end of the discussion, I said to him, because he kept pressing how the Soviet Union was a human rights violator, I said “You’re right, the Soviet Union is a human rights violator. But South Africa is the only post-World War II government that has institutionalized racism as a matter of law. **Apartheid is not just a racist philosophy, it’s a racist legal regime. And for so long as it is necessary, from wherever I am, I will fight against this racist legal regime.**”



HUMAN RIGHTS IN THE OCCUPIED TERRITORIES

2011 ANNUAL REPORT



“In 1990, Nelson Mandela emerged after 27 years in a South African prison, much of it in solitary confinement and the like. Emerged to not only preside over the dismantling of apartheid, but to become the president of a democratic, egalitarian, non-racial South Africa. As I said at the time of the conferral of honorary Canadian citizenship on Nelson Mandela — he visited Canada in 1990, one of the first countries he visited after his release, addressed the Canadian parliament in 1998, made an honorary citizen in 2001 — that Nelson Mandela embodied the three great struggles of the 20th century.”



Settlers attack Palestinian farmers in the Southern Hebron Hills. Filmed by Muna a-Nawaj'ah, a participant in B'Tselem's video project.

“The struggle for freedom, the struggle for equality, the struggle for democracy, symbolized and anchored in his personal struggle and in the anti-apartheid struggle. He represented tolerance, healing, reconciliation, and spoke of the importance of education as the most important transformative of agent for a culture of peace. His emergence after 27 years in prison, not only to dismantle an unjust regime, but to build and govern a renewed nation, a rainbow nation, is the ultimate expression of hope and antidote to cynicism.”



» Security

Israel justifies many of its actions in the Occupied Territories on grounds of security. Over the years, the army has demolished hundreds of houses "for imperative military needs," held thousands of Palestinians in administrative detention for allegedly "endangering the security of the region," and declared thousands of acres "special security areas" to which Palestinian entry is forbidden, claiming the measure is necessary to protect settlements.

“I returned to South Africa two years ago and was asked to meet with Botha again. I found something that was astonishing. Botha revealed to me that he had become the first South African minister to call for Mandela’s release. That he had become a minister in Mandela’s government. That he had become a member of the African National Congress. This to me was yet another profound example of

Mandela’s capacity to convert adversaries into allies; to convert prison wardens into the struggle against apartheid; an amazing capacity to build bridges. And, as his lawyers in South Africa would say to me, without any hate, without any rancor, without any sense of revenge, after being 27

The Israeli Information Center for Human Rights in the Occupied Territories

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Statistics on administrative detention in the Occupied Territories

Administrative Detention Updated: 20 November 2023 Share:

At the end of September 2023, the Israel Prison Service (IPS) was holding 1,310 Palestinians in administrative detention. Also, in some cases, the military holds administrative detainees, usually for short periods of time, until there is room for them in an IPS facility.

At the end of 2020, the IPS adopted a new policy and stopped providing B'Tselem with the requested figures. Instead, it has since published some data on the IPS website every three months. The first year this occurred (July 2020 through September 2021), the figures published were partial and therefore are not included here. The figures from the military are received with a significant time delay and provide no details regarding inmates' legal standing.

The following figures were provided or published by the military and the IPS, so responsibility for their accuracy lies with them.

[For more information click here](#)

- Updates
- Video
- Fatalities Database
- House Demolitions Database
- More Statistics
- Publications
- Maps
- Campaigns
- Press Releases

years in a South African prison. And he bequeathed a great legacy of how to stand up against injustice, of how to confront state sanctioned cultures of hate, but not to hate, yourself. Of how to unify a rainbow nation, of how to institutionalize a post-apartheid South Africa as a model of constitutionalism. **If you want to see a model bill of rights, go to South Africa. If you want to see a model independent constitutional court, go to South Africa.** This is part of the Mandela legacy.”



COMMITTEE ON THE EXERCISE OF
THE INALIENABLE RIGHTS
OF THE PALESTINIAN PEOPLE

2023
STUDY

THE LEGALITY OF THE ISRAELI OCCUPATION

OF THE OCCUPIED PALESTINIAN
TERRITORY, INCLUDING EAST JERUSALEM

“The United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP) was established in 1975 by General Assembly resolution 3376. The General Assembly requested that the Committee recommend a programme of implementation to enable the Palestinian people to exercise their inalienable rights to self-determination without external interference, national independence and sovereignty; and to return to their homes and property from which they had been displaced. At the beginning of each calendar year, the Committee elects its Bureau and adopts a Programme of Work. Assisted by the Division for Palestinian Rights, the Committee organizes international meetings and conferences, conducts an annual training programme at United Nations Headquarters and several other capacity-building activities, cooperates with civil society organizations worldwide, maintains publications and an information programme, and holds each year, on or around 29 November, a special meeting in observance of the International Day of Solidarity with the Palestinian People. The Committee reports to the General Assembly on the implementation of its Mandate through its Annual Report.”

Program Tuesday, February 25, 2014

Welcome

Hillel Neuer, UN Watch Executive Director

09h00

Opening Speech: Political Prisoners and The Legacy of Nelson Mandela

Irwin Cotler, Canadian MP, human rights advocate

09h10

Women's Rights, Human Dignity and Equality

09h30

Moderator: **Daniel Schwammthal**, Director of the Transatlantic Institute, journalist

Annick Cojean, Journalist and author

Dalia Ziada, Egyptian human rights activist

Rakhshinda Perveen, Pakistani human rights activist

Tenzin Dhardon Sharling, Tibetan MP, women's rights activist

24-Hour Reality or Propaganda? Russia Today, Iran's Press TV and The Battle for Objectivity

11h00

Moderator: **Guy Mettan**, Executive Director and Secretary of the Swiss Press Club

James Kirchick, Journalist

Potkin Azarmehr, Iranian Activist and Journalist

The 2014 Geneva Summit Courage Award

12h00

Moderator: **Madeleine Brot**, Journalist at the TSR

Chen Guangcheng, Chinese Blind Activist

Message from Julietta Lopez

Julietta Lopez, Aunt of Venezuelan Activist Leopoldo Lopez

13h00

The Fight for Fundamental Freedoms

14h30

Moderator: **Philippe Robinet**, CEO Kero editions

Naghme Abedini, Iranian Activist

Dang Xuong Hung, Vietnamese Diplomat who defected

Biram Dah Abeid, Mauritanian Anti Slavery Activist

William Browder, Human Rights activist on Russia

Resisting Authoritarianism

16h00

Ali Al Ahmed, Saudi Activist

Moayad Iskafé, Syrian activist and journalist

Damaris Moya Portieles, Cuban Activist

Ahn Myeong Chul, North Korean Defector

Program of Action: How Diplomats, MPs and Activists Can Make A Difference

17h00

Watch the video: [Concluding remarks: Hillel Neuer, UN Watch, Q&A;](#)

[Program of Action: How Diplomats, MPs and Activists Can Make A](#)

[Difference](#), [Jacob Mchangama, Cepos](#), [Chinese Activist Yang Jianli](#)

[Cambodian MP, Mu Sochua](#), [Taha Bawa - Goodwall.org](#)

Moderator: **Hillel Neuer**, UN Watch Executive Director

Jacob Mchangama, co-founder of The Freedom Rights Project

Taha Bawa, Goodwall co-founder

Mu Sochua, Cambodian MP, Liberal International representative

Yang Jianli, Chinese Political Dissident

Signing of Outcome Declaration

18h00



“But his most important legacy may be the importance of defending political prisoners. Think about it. If Mandela had not been freed, the whole history of South Africa would have been different. The whole inspiration that we take from Mandela for us today would have been different.

Because the political prisoners symbolize and bring about the larger struggle for human rights in our time, and in the cases of Sharansky and Mandela, not only were they the soul and substance of those struggles, but they transformed human history by their involvement in those struggles.

And so, since then I’ve devoted the last 25 years to working with the great political prisoners of our day, whether it be Professor Saad Eddin Ibrahim in Egypt; whether it be some of the great Iranian political prisoners, like Nasreen Sotoudeh; whether it be political prisoners still in Africa, such as Isaac Dawit in Eritrea — and Eritrea is one of the places where prisoners are not only suffering, but have in fact disappeared. It has been called a prisoner state.”

2008 Annual Report



Human Rights in the Occupied Territories

Some 228,000 Palestinians in the West Bank live in villages that are not connected to a water network. Another 190,000 Palestinians live in villages that are supplied with enough water to meet only a small

Israel controls the water resources it shares with the Palestinians, and its unequal distribution of water creates a permanent shortage of water for Palestinians in the West Bank. In drought years, such as 2008, the shortage becomes more acute.

portion of their needs. Even in communities that are connected to a water network, supply is not regular, and in summer months, water runs in the pipes only for short and irregular periods of time. As a result, hundreds of thousands of Palestinians need to buy water from private water vendors at a price 3 to 6 times higher than the cost of water supplied by a water network.

The siege on the Gaza Strip

In 2008, Israel continued its closure on the Gaza Strip, placing extreme restrictions on the Strip’s foreign trade. The closure began in June 2007, following Hamas’ takeover of the area. At the time, Israel closed the crossings into Gaza and placed major restrictions on the entry of goods into it, including fuel, medical equipment, and replacement parts. Israel allowed only import of goods it deemed “humanitarian,” such as flour, sugar, cooking oil, rice, and salt. In November 2007, the government of Israel declared Gaza a “hostile entity” and intensified its siege policy. Israel prevented all exports throughout 2008.

The siege has had horrendous effects on Gazans, who are totally dependent on basic commodities and services from outside the area. During the year, Rafah Crossing, the residents’ sole option for exiting Gaza, was open for only 30 days, so that the ill, pilgrims, members of Hamas, and others could enter and leave.

Unemployment in the Gaza Strip continued to rise in 2008. In the second quarter of the year, it reached 50 percent. 79 percent of Gazan households live under the poverty line and 70 percent live in deep poverty. 34,000 workers were dismissed from work as a result of factory closings, and 40,000 lost their jobs in the fishing and agricultural sectors.

Unemployment in the Gaza Strip continued to rise in 2008. In the second quarter of the year, it reached 50 percent. 79 percent of Gazan families live under the poverty line and 70 percent live in deep poverty. 34,000 workers were dismissed from work as a result of factory closings, and 40,000 lost their jobs in the fishing and agricultural sectors, in part because of the prohibition on exports and the shortage of raw materials.

Israel also continued to prohibit the entry of necessary quantities of industrial fuel intended solely for the power station in the Gaza Strip. As a result, the shortage of electricity, which stood at 8 percent prior to the imposition of the siege, almost doubled, reaching 15 percent in 2008. During the year, the power station was forced to cease operation a few times, causing prolonged power cuts throughout the Strip. Due to the constant shortage in electricity, 80 percent of the water wells were not fully operational; the others ceased operation completely. 80 percent of the water supplied to Gazans this year did not meet the drinking-water standard of the World Health Organization. The shortage of chlorine, a result of Israel’s refusal to allow importation of necessary quantities, increases the risk of outbreak of diseases. Gaza’s sewage-purification facilities, which operate on electricity, deteriorated, and interruption in the operations of some of the facilities led to 50–60 million liters of sewage running into the sea daily. The severe damage that the siege caused to infrastructure in Gaza could not be repaired because Israel prohibits entry of construction materials and replacement parts. Hospital and medical-clinic services suffered greatly too. Most medical institutions relied on generators because of the power cuts, and the shortage of replacement parts and raw materials led to poor maintenance of medical equipment and physical infrastructure. Also, the closure created a shortage in personnel and in medical specialists, since Israel prevented medical staff from going abroad for in-service training and for improving their expertise.

“And so, it’s our responsibility at this point, as I’ve learned from the work with political prisoners, and as Mandela’s life has taught us, to speak on behalf of those who cannot be heard. To testify on behalf of those who themselves are unable to bear witness. To act and advocate on behalf of those who are putting not only their livelihood, but who have put their lives on the line, as Mandela did again and again. As each of the moral heroes with us today have been putting their lives on the line, again and again. And as Martin Luther King Jr. so eloquently said, and as the political prisoners in their struggles have proven, and I quote, “At the end of the day the arc of the universe will bend towards justice.” And we can come out of the shadows of darkness into the torch of freedom inspired by these great moral heroes of our time. Thank you.”

Discussed in Part 17, Cotler’s repeated ‘claims to fame’ in his written and oral presentations, and those repeated in the media, about his participatory role in liberating South Africa from Apartheid and legal representation of Nelson Mandela had already come under question and investigation.

10.6. The Raoul Wallenberg Centre for Human Rights

The Israeli lobby’s creation of the Geneva Summit for Human Rights and Democracy (GSHRD) coalition as a political Zionist parallel offensive strategy against the United Nations Durban II Review Conference in 2009, with succeeding annual conference events, would ultimately lead Irwin Cotler in founding a parallel Canadian-based organization in about 2015, the Raoul Wallenberg Centre for Human Rights (RWCHR).

Irwin Cotler reflects on 15 years in politics

LEE BERTHIAUME
POSTMEDIA NEWS

MONTREAL GAZETTE
TUESDAY, DECEMBER 23, 2014

ON HIS FUTURE PLANS

Cotler’s long history of serving as legal counsel for political prisoners, including Nelson Mandela, will continue. “We know the power of releasing political prisoners,” he says. His current caseload includes six political prisoners: three in China, including Nobel Peace Prize winner Liu Xiaobo; one in Iran; one in Mauritania; and one in Venezuela.

Cotler also plans to get to work on his long-standing dream of establishing a “centre of justice” named after Raoul Wallenberg, the Swedish diplomat who saved tens of thousands of Jews from the Holocaust. The centre will bring together international human rights lawyers, professors and others to find ways to prevent mass atrocities such as genocides, as well as combat intolerance and defend political prisoners. “The real problem is fundraising,” he says. “I abhor fundraising.”

Wallenberg hailed as ‘hero for our time’

The Gazette, January 21, 2002

Conference honours spirit of Holocaust humanitarian

MONTREAL — A conference on the legacy of Holocaust hero Raoul Wallenberg was told yesterday his fighting spirit and humanitarian outlook should be applied to more recent atrocities.

Liberal MP Irwin Cotler said 1990s bloodbaths like the “ethnic cleansing” in Bosnia or the genocide in Rwanda prove there’s a crying need for individuals to stand up against killing machines.

Mr. Cotler said those catastrophes showed the failure of large-scale international organizations such as the United Nations. He said Wallenberg, a Swedish diplomat who foiled Nazi murderers, demonstrated what a lone individual could do.

“One person can confront evil,” said Mr. Cotler in the tribute to Wallenberg, who used diplomatic passports and other means to save more than 100,000 Jews and other people singled out for Nazi extermination.

“He is a hero for our time.”

Wallenberg has been accorded the singular honour of being granted posthumous Canadian citizenship.

Last year, Parliament declared Jan. 17 as Raoul Wallenberg Commemorative Day. The date matches the 1945 day when Wallenberg, who had been placed under military arrest, disappeared on his way to Soviet army barracks outside Budapest, Hungary.

Heritage Minister Sheila Copps, Senator Sheila Finestone, Liberal MP Clifford Lincoln, and Mr. Cotler were recognized with the Raoul Wallenberg Award for their role in promoting his legacy.

Cotler initiated the RWCHR, which he would head, to dovetail with his departure from political life in late 2015, the surrendering of his Liberal Party MP seat of Mount Royal. He was now free to focus all his attention on the business of supporting the state of Israel within his human rights advocacy platform, including his linked devotion to refining the legal definition of the ‘New Anti-Semitism.’

The Raoul Centre announced in a September 8, 2023, media release “that Irwin Cotler, our Founder and International Chair, was just awarded the Israeli Presidential Medal of Honor, one the country’s highest civilian awards. It recognizes those who “have made an outstanding contribution to the State of Israel or to humanity.”



In the Raoul Centre’s 2020 annual report, there is no reference to Palestinians, but there is mention of political prisoners in Saudi Arabia. In the introduction of the annual report, Cotler writes:

After retiring as an Emeritus Professor of Law at McGill University and long-time Member of Parliament, I founded the Montreal based Raoul Wallenberg Centre for Human Rights (RWCHR), with Nobel Peace Laureate Elie Wiesel, which, in the past five years, has become one of the global leaders in the pursuit of justice.

In particular, this includes the struggle for the preventing and combating of mass atrocity and genocide; the struggle against the resurgent global authoritarianism and need for democratic renewal; advocacy for the global empowerment of women; indigenous people and racialized minorities; and for its work on behalf of political prisoners worldwide, which has already achieved notable achievements and international resonance in the release of political prisoners, including Biram Dah Abeid, the imprisoned leader of the anti-slavery movement in Mauritania, now recently elected to the Mauritanian Parliament after his release, though still subjected to threat, harassment and intimidation.

The Centre also established ... the inaugural Elie Wiesel Lectureship in Human Rights, with distinguished guest lecturer, the Honourable Justice Rosalie Abella of the Supreme Court of Canada; and a recent initiative for the promotion and protection of democratic freedom established in partnership with the Parliamentarians for Global Action.

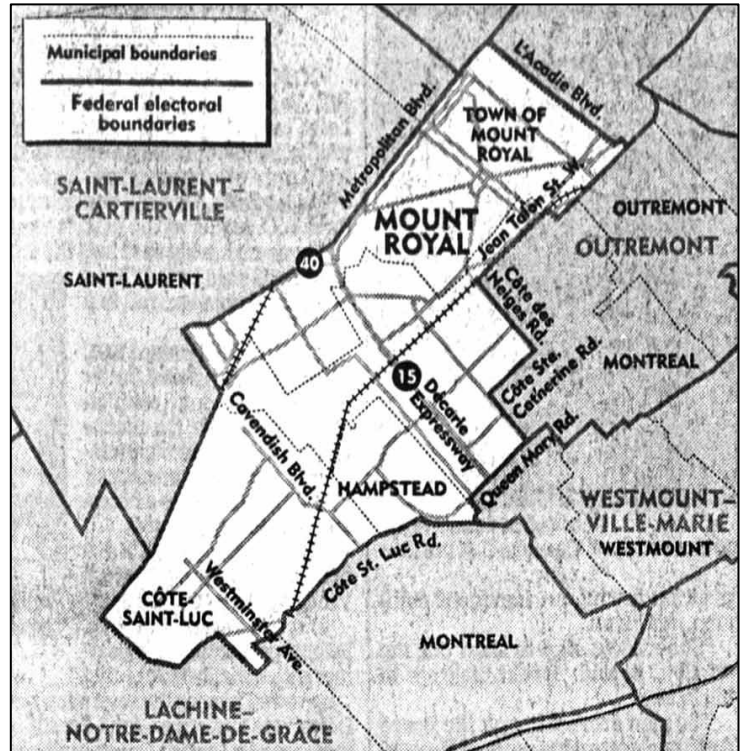
The RWCHR is a unique international consortium of parliamentarians, scholars, jurists, human rights defenders, NGOs, and students united in the pursuit of justice, inspired by and anchored in Raoul Wallenberg’s humanitarian legacy – how one person with the compassion to care and the courage to act can confront evil, prevail, and transform history.

Raoul Wallenberg arrived as a Swedish diplomat in the Swedish legation in Budapest in July 1944 and in six months saved 100,000 Jews. ... The Wallenberg Centre is organized around five pillars of pursuing justice, each of which reflects and represents Wallenberg’s humanitarian legacy.

Part 11. The Federal Riding of Mount Royal

Irwin Cotler was often asked what led him to run for federal politics in 1999. He always answered that it was never his intention, that it was through the insistence and encouragement of others. There may be clues that he had possible motive or was preparing to do so.

The English language Montreal Gazette newspaper began running 'special' features by Cotler following the November 4, 1995, assassination of Israeli prime minister Yitzhak Rabin. "Rabin was assassinated on Saturday by a Jewish extremist angry that he was giving land to the Palestinians as part of the Middle East process," wrote reporter Katherine Wilton on November 7, 1995, in "*Leaders Hail Rabin's Dream.*" Wilton, however, was uncritical of Israel's wrongdoings: i.e., Rabin wasn't "giving" land, he was 'returning' what was stolen. A 17-year-old Karen Iny said to the reporter on the evening of November 6 at the crowded Rabin memorial held at Montreal's Shaar Hashomayim Congregation synagogue: "This has torn me apart. Jews have always been taught never to kill." During the memorial, tensions arose, some visibly angry that Rabin's 'peace process' was returning stolen lands to Palestinians. A young 18-year-old Aaron Stevens from Vanier College said, "it's not right to give up land for peace."



McGill University professor Irwin Cotler, a personal friend of Rabin, **pleaded with the audience** not to let Rabin's death start a "war between Jews." "When I visited Israel this summer, I found a nation simmering with groundless hatred," Cotler said. "Let his legacy be one of peace, a peace for which he fought so hard. We can discuss and debate, but no war between Jews." ... After several tributes and some Hebrew prayers, the audience broke into a stirring rendition of Hatikvah, the Israeli national anthem. As the song echoed throughout the synagogue, mourners hugged their loved ones and wiped tears from their eyes. When they filed out into the cool night air, the crowd began singing *The Song of Peace*, which Rabin had sung before being gunned down after a peace rally.

The first feature article by Cotler ran on May 25, 1996, *Secret memo to Peres shows Israeli race too close to call*. Cotler had been self-trained as a reporter and editor of the McGill University student newspaper some thirty years prior. The discourse was drifting away from Cotler's periodic opinion contributions and recognition as human rights defender. As stated in the opinion article bio: "Irwin Cotler is a professor of law at McGill University, where he has written and lectured extensively on Middle East affairs; this year he co-taught with Jordanian diplomat Waleed Sadi a course on the legal aspects of the peace process." He was now a Montreal law professor morphed into a political reporter on the state of Israel. This was a new and unusual turn. Cotler was tailoring political commentary for the large Jewish Canadian audience in Montreal, who would later vote for him in 1999, and as an advertising platform for the State of Israel. The May 25 article was on the emergence of far-right governance in a race between Prime Minister Shimon Peres and "Likud challenger Benjamin

LIKUD CANADA Expresses its sincere condolences and heartfelt sympathy to	Thomas O. Hecht President Likud Canada
ARIELLA COTLER on the tragic loss of her niece	Rabbi Reuben J. Poupko Chairman Likud Quebec
HAGIT ZAVITZKY who died at the hands of terrorists	Gazette April 29, 1997

(Bibi) Netanyahu.” Cotler’s wife, Ariela Cotler, was “a former parliamentary adviser to Israel’s Likud party.”²⁶⁰

*Muslim and Jew
teach course
that aims at
culture of peace*

JOHN KALBFLEISCH
THE GAZETTE

April 9,
1995

Brothers in law



PIERRE OBENDRAUF, GAZETTE

Waleed Sadi, Jordanian diplomat and lawyer, and law professor Irwin Cotler taught course on Arab-Israeli conflict.

Irwin Cotler paused, searching for just the words he wanted. “It’s as if we’re brothers,” he finally said.

Yes, but brothers with an unlikely difference. Cotler, a well known professor of international law at McGill University, is Jewish. Waleed Sadi, a distinguished Jordanian lawyer, diplomat and journalist, scion of an old Hashemite family, is a Muslim.

Together, they’ve been giving a one-term research seminar at McGill titled *The Arab-Israeli Conflict: a Case Study in the International Legal Process*.

In passing, they’ve given their students – and anyone else who cares to take notice – an object lesson in cooperation and mutual respect, in the good that can come out of different points of view and, yes, in brotherhood itself.

Sadi, 56, has been Jordan’s ambassador to Turkey and to the United Nations human rights commission in Geneva. He is a former editor of the English-language *Jordan Times*, and still contributes a regular column focusing on human rights.

About a dozen McGill law students, half of them Jewish, enrolled in their three-month seminar, which has just concluded. Several other students sat in as auditors.

Cotler described how the students’ research papers focused on legal aspects of the peace process like water rights, Jewish settlements in the occupied lands and the juridical status of Jerusalem.

“Every issue that is addressed by international law – the use of force,

the legal consequences of illegal force, claims to land, to name a few – you’ll find in the Middle East,” Cotler said.

As the seminar developed, it quickly became clear to everyone that legitimacy lies at the heart of the Arab-Israeli imbroglio.

“It’s not just a juridical but an existential thing,” Cotler said. “There’s the inability of the Arab states to accept the idea of a Jewish state, not simply a state called Israel. For their part, Israelis have had trouble accepting the legitimacy of a distinct Palestinian people.”

Cotler’s next ‘special’ article was printed four days later, May 29, *‘Sleepy’ Israel election campaign comes to life*.

For weeks, politicians and pundits alike had described Israeli electoral politics as “post-ideological” between the Peres-Labor slogan of “peace with security and the Netanyahu-Likud slogan of “security with peace.”

Likud posters and pamphlets warned of the “mortal danger” of a Peres-Labor victory – a victory that would see Jerusalem divided, the Golan returned to Syria, an independent “PLO-Hamas” state created alongside a shrunken Israel and the emergence of a “post-Zionist, part Judaism” Israel that would mortgage its heritage and destiny. For their part, Labor warned of the “mortal danger” of a

²⁶⁰ “*Israel forces honored*,” in *Montreal Gazette*, April 20, 1988.

Likud victory – a victory that would sabotage the peace process, jeopardize Israel’s security, undermine Jewish and democratic values and betray the Rabin legacy.

Some 700,000 Russian Jews, the “wild card” in this election, were confronted with a newspaper advertisement in Russian-language newspapers in Israel calling upon them to vote for Peres, and seemingly endorsed by Natan Sharansky and his Russian-immigrant party. The advertisement has not been exposed as a fraud and it is unclear what effect this “duplicity,” as Sharansky put it, would have.

That opinion article was followed by yet another, and much longer article two days later, on May 31, *The Israeli Revolution: Probable election of Netanyahu, increase in small parties’ influence will bring huge changes to Israel’s politics*. Cotler’s title reference “revolution,” referred to a “new Israeli election law, involving separate ballots for the direct election of prime minister and for party representatives in the [120-seat] Knesset,” which was “designed to enhance the power of the two main political parties, Labor and Likud.” Likud got 31 seats, and Labor 33 seats, making up just over half of Knesset seats. This meant that the remaining parties would have to form a coalition government. Cotler revealed his preference for a Zionist Israeli state:

The Russian Immigrants’ Rights party (Yisrael Ba’aliya) led by former Russian dissident Natan Sharansky, accomplished something that no Israeli party ever achieved. It won seven seats, even though it wasn’t even registered as a political party until January this year.

The election results provided a **sharp rejoinder to the political voices** speaking of a “Post Zionist” or “Post Judaism” Israel, and which appeared to threaten the very *raison d’être* of a Jewish state; indeed, **the “Jewish-Zionist” motif – the commitment to a Jewish national renaissance** – was an organizing theme of each of the religious parties that dramatically increased their representation in the Knesset, or that won election for the Knesset for the first time, such as Sharansky’s party and the “Third Way.”

Six weeks later, June 18, 1996, the Gazette gave Cotler a full-page opinion article, “*Ten Tribes: recent election helped draw battle lines in struggle for Israel’s soul*.” Cotler’s choice of the word “soul” in his title – a ‘soul’ degenerating for decades – came from his narrative of the “largely Ashkenazic national-religious Zionist party named Mafdal,” with its “electoral slogan – “Zionism with a soul.”” He wrote that the nine seats Mafdal recently obtained in the Knesset was “held out as a rebuke to the “post-Zionist, post-Jewish” ideology of “post-modern secularists.” He said that “it is believed that this sensibility also attracted non-religious adherents concerned with the Jewish-Zionist character of the state.” He also commented upon an “unprecedented and dramatic transformation” of “the “Israelization” or “Zionization” [note that he equates the two as the same] of the ultra-orthodox (Haredi) vote:”

Historically, the Haredim had only an introverted, narrow, religious agenda. They had largely been anti-state and anti-Zionist and regarded the state of Israel – and its leadership – as “usurpers” of divine authority and the messianic dream. This election, however marked a dramatic turning point. That 90 percent of this ultra-orthodox community would even vote for – let alone fervently support – a secular Zionist like Benjamin Netanyahu – thrice married with a publicized extra-marital affair – is nothing short of revolutionary. It marks the emergence of the ultra-orthodox as a potent new Zionist tribe.

In a July 15, 1996, Gazette article by Irwin Block, *Carrying the Torch: Nazi land seizure is focal point of rights’ campaign*, is the ultimate irony of Cotler’s role as advocate for the state of Israel. Cotler was representing “Polish citizens Ewa Szpieberg and her brother Marek” in their pursuit to obtain compensation after the Nazis confiscated their property “before World War II on the basis of racist laws depriving Jews of most rights.” Ewa’s husband, Michel Brochetain, “enlisted the help of Irwin Cotler ... **who sees the denial of ownership of the land to Brochetain as a gross human-rights violation.**” “This is more than the question of just compensation,” Cotler said ... “What is involved here is the exploitation of, and

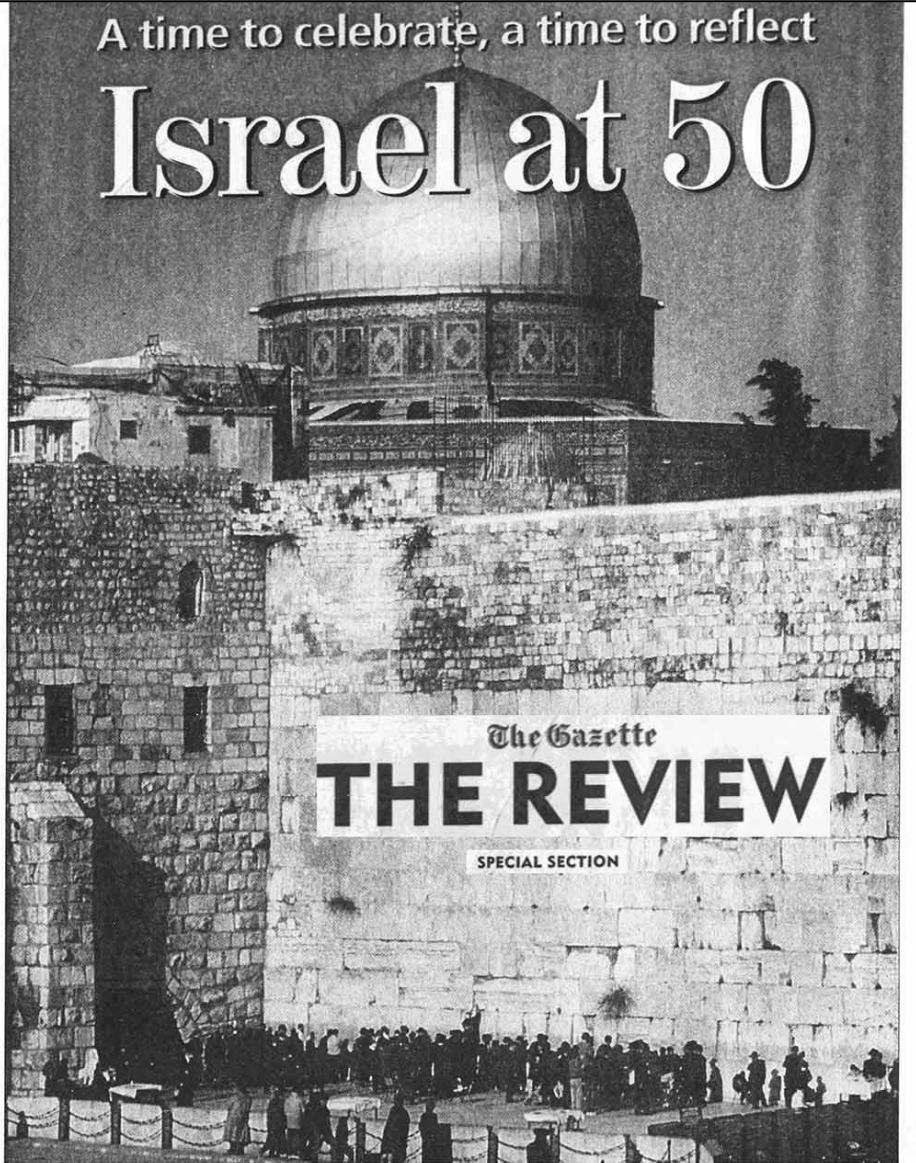
enrichment from, stolen property belonging to victims and survivors of the Holocaust.” What Cotler said, as a strategy to achieve justice in the end:

“If you engage in a critical mass of advocacy involving the mobilization of shame against a human rights violator, my experience has been that it may be a little drop at a time, but in the end it works.” With the help of students and faculty at the McGill law school, as well as local and international human rights groups, Cotler says he hopes to “make it unpalatable for the human rights violators to continue to engage in those violations. It will be a good learning experience to appreciate how you make representations with respect to the restitution of stolen property. The violators will find themselves the object of continued exposure and scrutiny on the Internet. We also plan to challenge advertisements inviting foreign investment in Poland. Finally, if this doesn’t work, we are going to explore the possibility of legal action.”

Substitute the Polish victims with the Palestinians’ stolen lands and there is your “human rights violator.”

The Gazette resumed Cotler’s contributory role on April 25, 1998, tucked within a special 7-page celebratory feature on the state of Israel 50th Anniversary. Cotler’s article, *Israel and Human Rights*, highlighted a quote of his in bold large font: “Israel was to be, in the words of its founders, “a light unto the nation.”” The article could very well be Cotler’s attempt at a mini magna carta, a primarily myth-making defense for the Zionist state of Israel. It constructs a bizarre idea, that the birth of the state of Israel is conflated with the birth of human rights, that the two are somehow intertwined.

Israel’s 50th anniversary takes place at a historic juncture in the world of human rights; for 1998 is also the 50th anniversary of both the Universal Declaration of Human Rights and the Genocide Convention. While Israel and world Jewry appear to be commemorating Israel’s anniversary in seeming indifference to – if not ambivalence about – the commemorative human-



A time to celebrate, a time to reflect

Israel at 50

The Gazette
THE REVIEW
SPECIAL SECTION

Israel celebrates the 50th anniversary of its founding on Thursday. Not surprisingly, like any middle-aged state, it finds its 50th birthday is a time to celebrate, and a time to mourn. Its tragedy is, of course, the continuing conflict with its neighbours. But behind the headlines is a modern, successful nation, a land of tranquility and beauty. In this special expanded section to mark the anniversary, we present essays on topics from Zionism to human rights to the plight of the Palestinians.

rights celebrations, and the human rights community is seemingly indifferent to – if not ambivalent about – Israel’s 50th anniversary, there is a clear symbolic, if not symbiotic, relationship between Israel and human rights.

For if the commitment underpinning the Genocide Convention is “Never Again,” then Israel is a state born of that commitment; and if the Universal Declaration of Human Rights was designed to be the Magna Carta of humankind, Israel was to be, in the words of its founders, “a light unto the nation.” The Jewish revolution – symbolized by the state of Israel – and the human rights revolution – symbolized by the Universal Declaration of Human Rights, were as one in 1948. Fifty years later, we find ourselves at a critical moment in this historic juncture – a Dickensian moment of the best of times and the worst of times, of revolution and counterrevolution.


Zionism: the ‘God’ that did not fail

ISRAEL AT 50
If it succeeded, it did so not least because it was not a God.
It was a morality, and a politics, of worldliness

MARTIN PERETZ
Special to The Gazette

THEODOR Herzl was prepared for ridicule. Already, in 1896, on the publication of his book *Der Judenstaat*, or *The Jewish State*, in a first edition of 3,000 copies, he had several times been derided as “the Jewish Jules Verne.” Some Jews, especially the highly placed but socially insecure, thought him more dangerous than a mere phantasm, and many would not even see him. His radical Jewish politics put into question their loyalty to the states in which they lived. Newly (and precariously) accepted as citizens, they were alarmed by his assumptions: that they belonged to an old nation about to be revived; that the hostility toward them in Europe was essentially ineradicable. From their standpoint, Herzl was preaching pessimism. Would all their striving for acceptance be for naught? And what would the gentiles think? Herzl discomfited the old-fashioned no less than the new-fashioned: many religious Jews also were threatened by his ideas. They saw in him the peril of politics, of a worldly activism that amounted to a heresy, an intrusion on God’s will.

At the very time that Herzl and the Zionists were mounting their first Congress in Basel, two Jewish intellectuals were launching very different careers. In 1897, Rosa Luxemburg was on her



strut and to demythologize the old narrative of Zionism and its success. In their rage to modernize, didn’t the Zionists offend the sensibilities of the Jews of the East? Didn’t Jewish soldiers sometimes beat up on innocent Arab town-dwellers and even drive some of them into another part of historic Palestine? The answer to these questions, and to others, is “yes.” Israel is a strong state, and it has fought wars, and it bears the responsibility of power – which is to say, Israel is not innocent.

The Jewish state has committed acts that it should not have committed, just like every other country. But Zionism permits us to admit this without flinching. Indeed, post-Zionism is a great tribute to Zionism, for it is the natural consequence of the open, wakeful, contrarian spirit that characterized Jewish nationalism from the start. Israel is not an evil state, and the post-Zionists are not prophets without honour: what we are witnessing is the continued “normalization of the Jewish people,” to use the old Zionist slogan. Israel must feel pride where pride is right and regret where regret is right; but it must feel a tinge of pride also about its regret.

Now the revisionists are embarked on a campaign to change the national anthem. Its words – and its melancholy key of C-minor – appeal, they say only to Jews.

*Within their hearts,
Jews’ souls yearn
Looking eastward*

Theodor Herzl: ridiculed after the publication of his 1896 book, *The Jewish State*.

On the one hand, we are witnessing an explosion in human rights, where human rights has emerged as a secular religion of our time; where things thought impossible – the withering away of the Soviet Union, **the dismantling of apartheid**, the march of democracy from Central Asia to Central America – have not only happened, but have sometimes been forgotten, or are in danger of being forgotten.

Soviet totalitarianism has withered away, and Zionism, the object of that totalitarianism, has prevailed, the exodus of former Soviet, Syrian and Ethiopian Jews resonates not only as humanitarian metaphor, but as a human miracle; the “Zionism as Racism” [U.N. 1975] resolution is repealed, and Israel returns to diplomatic history;

Israel and the PLO agree on a “historic breakthrough” – a joint Declaration of Principles followed by the Oslo Accords – a framework for an Israeli-Palestinian peace; and Israel enters into a historic peace treaty with Jordan, and diplomatic exchanges develop with much of the Arab world.

I suspect many readers at this point might well be thinking: If things are so good, why do they appear to be so bad? And indeed, we are witnessing a counterrevolution in human rights, where the violation of human rights have not only not abated, but have intensified. ... the UN, founded as an alliance against racism and anti-Semitism, becomes a forum for the dissemination of hatred against Israel and the Jewish people; Iran decrees an international “fatwa” against Israel, and Israel emerges not only as the “Jew among the nations,” but as the “Salman Rishdie” of the nations for radical Islamic fundamentalism; Holocaust denial – 50 years after the Holocaust – emerges as the cutting edge of anti-Semitism, old and new; Israel itself is divided and tribalized in an increasingly balkanized and adversarial society.

And so it is then, on the eve of Israel’s 50th anniversary, **a state founded as a metaphor for human rights is increasingly characterized as a human-rights violator**; a state whose birthright was anchored in the UN is not singled out by this very organization for differential and discriminatory indictment. ... But I want to suggest that we ignore human rights at our peril, and the peril of our case and cause. For a Jewish commitment to human rights is not only a statement of what we must do, but who we are; and that the belief in the justice of one’s cause is a people’s strongest strategic asset. Indeed, I perceive a growing ambivalence – a moral confusion – a sense of moral ambiguity about

Israel's case and cause. In the diaspora, many North American Jews are increasingly distancing themselves from Israel; while in Israel, the society is becoming increasingly polarized between those who, on the one hand, believe that Jews can trust only in themselves and work for themselves, that "human rights" is the enemy and only Jewish rights are important. And those, on the other hand, who speak only in terms of human rights, and then, in terms of Palestinian rights; who believe that the Jew is the "oppressor" and the Palestinian the "victim." That, in a word, everything is wrong, and that "our enemies might be right in what they say about us."

A Palestinian youth, clasping stones to throw at passing Israeli vehicles, stands by a clump of burning trees in Ramallah recently.

The international community fails to celebrate Israel because the Arab states have organized their politics in opposition to a Jewish country, and waged against Israel the most lopsided war in modern history



ISRAEL AT 50

Attacking Israel is the way many Arabs have learned to express their national identity.

War against Jews

RUTH WISSE
Special to The Gazette

NOV 23, 1997, should have been celebrated as an international milestone. On that date a half century ago, the General Assembly of the newly founded United Nations, upon the recommendation of a UN special committee, voted for the partition of Palestine (33 for, 13 against, 10 abstentions), relieving Britain of its troublesome protectorate and dividing part of the disputed territory between Jews and Arabs. More than three-fourths of Palestine had already been given to the Arabs in 1921 to form the Hashemite kingdom of Jordan.

voluntarily in Jewish Palestine. Well-suited to the pioneering needs of young Jews who left their homes to cultivate a desolate land, the socialist collectives of Israel realigned their priorities as conditions in the country improved. For example, kibbutzim began to function economically as capitalist units; personal ambitions were sanctioned, and increasing levels of privacy allowed.

Finally, a people without military experience learned to protect their children. Following their defeat to Rome by 70 and 135 BC, Jews pursued their national existence without a unified territory, central political authority, or means of self-defense. For almost 20 centuries, wherever they settled, Jews subordinated military prowess to economic what was once an historic milestone had

Arab countries attributed to the Jews their own (racist) refusal to tolerate a non-Arab state through Resolution 3379, which equated Zionism with racism, and then fought for the establishment of various UN committees to prosecute this charge around the world. Exactly 100 years after the first League for Anti-Semitism had been founded in Germany, the UN was turned into an anti-Zionist association. Until that time, the UN could be charged only with sins of omission – for its inability to protect constituent members according to its own charter. When Arab governments conscripted the UN to disseminate hate propaganda, it became the active persecutor of a member state. The UN could not celebrate Nov. 23

Cotler then compiled six "lessons and perspectives for the 50th anniversary of both Israel and the human rights revolution," ending with a summary of "the famous three-pronged dictum of the great sage Hillel."

1. Israel is not simply a snapshot at age 50 ... Israel ... is the first nation of humankind. In a word, the Jewish people are a prototypical aboriginal people, just as the Jewish religion is the prototypical aboriginal religion, the first of the Abrahamic religions.
2. Israel then is the homeland – the aboriginal homeland – of the Jewish people, across space and time. ... its birth certificate originates in its inception as a first nation, and not simply, however important, in the ratification by the United Nations and the international community.
3. The state of Israel – as a political/juridical entity – overlaps with the "aboriginal Jewish homeland;" it is, in international legal terms, a successor state to the biblical or aboriginal Jewish kingdoms. But that aboriginal homeland is also claimed by another people – the Palestinian Arab people – who see it as their place and patrimony. ... the equities of claim mandate the logic of Israeli-Palestinian partition – a logic which in moral and juridical terms requires that a just solution be organized around "the principle of least injustice," and that it includes recognition of the legitimate rights of the Palestinian people.
4. The internal existential divides besetting Israel at 50 should not mask the existential *raison d'être* – and moral imperative – of Israel itself. In a word, Nazism also succeeded, not only because of its pathology of hate and industry of death, but because of the powerlessness of the Jew, and the vulnerability of the powerless. **Israel, then, is an antidote to Jewish powerlessness, the *raison d'être* in the most powerful existential sense, for Jewish self-determination.** In the words of Professor Uriel Simon – and Israeli dove – "Jewish morality has only been respected when it has an army behind it."
5. This is not to say that Israel **should be above the law**, or that Israel should not be **accountable for any violations of human-rights law**. On the contrary, Israel, like any other state, is responsible for any violations of international law, and **the Jewish people are not entitled to any privilege or preference because of the Holocaust or the sufferings in Jewish history**. But the problem is not that Israel seeks to be, or that any should seek on Israel's behalf that it be, above the law, but that Israel has been systematically denied equality before the law in the international arena; not that Israel

should respect human rights – which she must – but that the human rights of Israel are also deserving of respect.

6. Nazism almost succeeded not only because of the ideology of hate and the technology of terror, but because of the crime of indifference, the conspiracy of silence. Indeed, **we have witnessed an appalling indifference in our day to the unthinkable – ethnic cleansing – to the unspeakable – genocide – and worst of all – the preventable genocide in Rwanda.** ... Let there be no mistake about it: **to avert one's eyes from evil – to be indifferent – is to be an accomplice to evil.** For indifference begets acquiescence, and acquiescence becomes complicity.

The ethnic state

Experience has taught us that when you break up empires, what you tend to get is ethnically based successor states – and a lot of bloodshed

The birth of a Palestinian refugee village in 1950: most of the 850,000 Palestinians living in pre-1967 Israel borders fled during the 1948 war – and have never been allowed to return.



GWYNNE DYER
Special to *The Gazette*

THE COMING into being of a Jewish state in Palestine," Winston Churchill told the British House of Commons in 1948. "is an event in world history to be viewed in the perspective not of a generation or a century, but in the perspective of a thousand, two thousand or even three thousand years."

By 1948, the ominous side of Churchill's char-

been allowed to return.

For decades, Israeli propagandists insisted that the Palestinians fled of their own accord, in some irrational mass movement. Even if that had been true, it wouldn't justify refusing to let them return. But it wasn't true. They were deliberately driven out by an Israeli leadership that understood that a state with a big Palestinian minority could not be the explicitly Jewish homeland they sought.

Assassinated prime minister Yitzhak Rabin was one of the first to admit it, recalling 20 years

Israel today automatically grants citizenship to any Jew who wants to settle there, while refusing almost all other immigration and denying equal rights to the descendants of the Palestinians who stayed in 1948 and ended up as Israeli citizens. These are the hallmarks of an ethnically based state – and 50 years after the deed was done, Israel is still haunted by the unpurged legacy of the ethnic cleansing that happened at the start.

Meir Pail is a long-time gadfly of Israeli politics, a former staff officer who quit the army over Israel's secret decision to start a nuclear-weapons

Cotler's point number 6 about ethnic cleansing and genocide was already in the making before and after the 50th anniversary. He ends with the following paragraph:

For whatever 1998 may be, it is not 1938. There is a Jewish state as an antidote to Jewish powerlessness and a vehicle for Jewish self-determination; there is a Jewish people with untold resources, moral and material; there are men and women of good will – non-Jews – prepared to join in standing up and being counted for common cause of Israel and human rights at 50.

About a year later, Cotler made comments on the tragedy of genocide during a March 23, 1999, presentation at the McGill Armenian Students Association's third annual symposium on 20th century genocides. Cotler said:

"Fifty years later, the lessons [following the adoption of the Genocide Convention] not only remain unlearned, but the tragedy is being repeated."

Cotler said tremendous human rights victories over the last decade, like the dismantling of apartheid in South Africa and the dissolution of the former Soviet empire, have had their impact dulled by the continued flouting of international law by various governments around the globe.

"What we are witnessing today is a contradiction between the elaboration of human rights principles on the one hand, and the violation of those same rights on the other. A host of states are now seeking exemption from the application of human-rights norms on the grounds of particularity in their culture, region, religion or ideology."

Almost as insidious, Cotler said, is the attempt by countries like Canada and the United States to maintain a neutrality over the issue of human rights, especially when it comes to dealing with economically important nations. Besides finding western governments at fault for coying up to

states that have trampled on human rights, Cotler also criticized other governments around the world for seeming to be genuinely uninterested in the continuing atrocities.

“We are witnessing and appalling indifference to the unthinkable ethnic cleansing and unspeakable genocides happening today,” Cotler said. “It is their silence, their indifference, and indeed their complicity that made these genocides possible. This teaching of contempt, this demonizing of the other, this is where it all begins. What is needed to combat this is a human rights sensibility, one that is anchored across cultural respect and diversity.”²⁶¹

On July 4, 1998, the Gazette published another Cotler commentary, *Wake-up call on human rights*. He lists 10 features from the annual report of the International Helsinki Federation of Human Rights, with its affiliate the Canadian Helsinki Watch Group. There were six case studies from the United States, Russia, Slovakia, Belarus, Turkey and Kyrgyzstan “on state non-compliance with Helsinki standards and international human rights norms.” These included “discrimination against minorities”, “xenophobic and exclusionary attitudes and policies against refugees and immigrants”, “systematic racial discrimination in the criminal justice system”, “trafficking in hate speech”, “institutionalized violence in public institutions”, “torture in detention”, “violence against women”, “treason of the intellectuals” (crime of indifference, conspiracy of silence), impunity of perpetrators, “atrocities against the most vulnerable among us – children.”

On December 21, 1998, Cotler’s commentary, *Texas justice and Stanley Faulder*. The bio description at the end of the article states that Cotler was vice-chairman of the federal body, **International Centre for Human Rights and Democratic Development**. The Gazette reported on May 3, 1997, that he had recently been appointed to the Centre as a board member. He was later promoted to vice chair. Cotler presents a summary defense case against the execution, through lethal injection, of Canadian Joseph Stanley Faulder.

The denial of Faulder’s right, as a Canadian and non-U.S. national, to consult, and avail himself, of the support of Canadian consular services, the whole in breach of the Vienna Convention on Consular Relations and international treaty law. ... The Faulder case might have an impact on more than 70 foreign nationals who are now on death row in



INTERNATIONAL CENTRE FOR HUMAN RIGHTS
AND DEMOCRATIC DEVELOPMENT

DECLARING DEFENDERS’ RIGHTS

Allan McChesney, a Canadian lawyer, represents the International Commission of Jurists in meetings of the UN Working Group on Human Rights Defenders.

(Prepared November 1992 to complement a monograph by Laurie Wiseberg on the role of NGOs in promoting human rights)

(Updated July 1993)

Introduction

International standards proclaiming the rights of human rights defenders are found in documents of the Conference on Security and Cooperation in Europe (CSCE) and in a new draft Declaration of the United Nations.

The “right of the individual to know and act upon” human rights is found in Principle VII of the 1975 Helsinki Final Act. The “right to know and act” was often referred to by Western governments who sought to protect the rights of East bloc political dissidents and human rights activists during the Cold War. This right was later amplified in the “concluding documents” of CSCE meetings, especially after 1988.

Efforts within the UN to develop a declaration on the right to know and promote human rights were initially inspired by the CSCE experience. The main early proponents were Canada, Norway and the International League for Human Rights. The UN body with the mandate to formulate a declaration permits independent participation by NGO observers, the most active of which are Amnesty International and the International Commission of Jurists. The full mandate is indicated by the title, Working Group on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

²⁶¹ *Genocide. Sins of Silence*, by Basem Boshra, The Gazette, March 24, 1999.

the U.S., most of whom were denied their consular – and counsel – rights under the treaty.

On April 27, 1999, the Gazette published Cotler’s *Reverse Strategy: NATO should try to achieve its objectives by suspending the bombing*. Cotler’s proposed intervention strategies on NATO bombing of Yugoslavia (which continued from March 24 to June 10, 1999), as a remedy to bring President Slobodan Milosevic to the bargaining table to prevent further ethnic cleansing of Albanians. On June 25, U.S. president Clinton stated that “NATO stopped deliberate, systematic efforts at ethnic cleansing and genocide,” and “compared the events of Kosovo to the genocide of Jews in World War II.”²⁶² Cotler wrote:

In the continuing debate about the wisdom of the NATO bombing campaign, one underlying question continues to assert itself: is the NATO action legal to begin with? Indeed, in a country where international law has emerged as an organizing idiom of foreign policy – and **inhabits the Canadia psyche** – the debate about the bombing’s legality may well influence the debate about its wisdom. ... Today the now-refined doctrine [“of humanitarian intervention”] authorizes – and some would argue even requires – intervention if the following conditions are met:

- * There is evidence of widespread and systematic war crimes and crimes against humanity, such as ethnic cleansing involving mass expulsions, murders, rape and forced detentions.
- * The United Nations Security Council has determined that this international criminality constitutes a threat to international peace and security.
- * All appeals to the human-rights-violator state to cease and desist from its criminal conduct have been unavailing.
- * All remedies – economic, political, diplomatic – have been tried and found wanting.
- * The use of force is proportionate to the objectives sought to be secured.

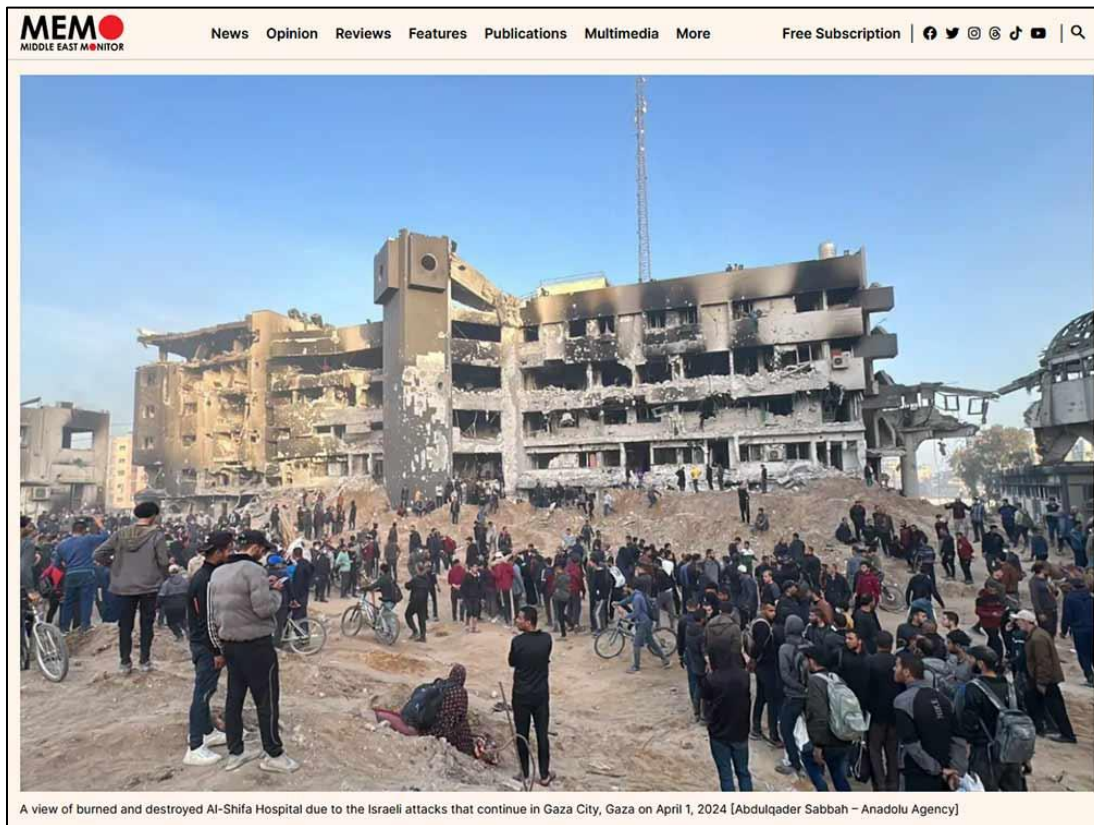


Photo from Middle East Monitor, in the on-line April 4, 2024, article, “*Dismantle Israel’s ‘Anatomy of Genocide: bring back UN Special Committee Against Apartheid.*” “A view of burned and destroyed Al-Shifa Hospital due to Israeli attacks...”

²⁶² Source, Wikipedia, “NATO bombing of Yugoslavia,” accessed on April 6, 2024.

Cotler recommended that NATO discontinue its bombing campaign under the auspices of a temporary and five-point conditional ceasefire. Those five conditions were as follows:

1. The immediate cessation of acts of violence and repression.
2. The withdrawal of Serbian military, paramilitary, and police forces from Kosovo.
3. The entry and deployment in Kosovo of an international protection and peacekeeping force.
4. The safe return of all refugees and displaced persons, and unhindered access to them by humanitarian aid organizations.
5. The establishment of a political agreement on Kosovo in conformity with international law and the UN Charter.

Cotler's sensible recommendation for an intervention peacekeeping force is the mirror image of a recent recommendation by U.N. Special Rapporteur Francesca Albanese, in her March 25, 2024 "*Anatomy of a Genocide*" document. She recommends that a UN peacekeeping force be sent to Israel, the 'blue helmets,' to intervene in Israel's genocide: **"In the short term and as a temporary measure, in consultation with the State of Palestine, deploy an international protective presence to constrain the violence routinely used against Palestinians in the occupied Palestinian territory."**

The editor of the Gazette agreed with Irwin Cotler's appraisal in a May 5, 1999, editorial, *Try Another Strategy*. "NATO should make it clear that the choice is Mr. Milosevic's: either agree to put an end to the human-rights nightmare in Kosovo or face the consequences."

The Gazette published another Cotler commentary about Yugoslavia on May 8, 1999, *Laws of War apply to all sides*. His analysis is similar to atrocities presently occurring in Israel.

The systematic and widespread policy and practice of ethnic cleansing in Kosovo – forcible confinement, disappearances, torching of villages, mass deportations, murder, rape – constitute not only standing violations of the laws and customs of war, but crimes against the civilian Kosovar population. The perpetrators of these international crimes, including Serbian leader Slobodan Milosevic, are personally liable for these "Nuremberg" offences.

The Gazette would publish four more commentaries by Cotler in May 1999, all of which were about politics in Israel concerning the May 17 state election. These were the last of his contributions before his public notice to run in the by-election for the federal riding of Mount Royal a few months later.

The first commentary, *Irony in Israel*, was published on May 15. Cotler summarized that many prominent people were disenchanted with Prime Minister Benjamin Netanyahu. "Yossi Peled, a decorated war hero with strong grass-roots support, left to join [Ehud] Barak, saying "Netanyahu cannot be trusted," while Yasha Kedmi, described as a legendary figure among Russian Jewry – a pivotal constituency – also joined Barak, while characterizing Netanyahu as "a danger to Israel"." In Cotler's bio, which appears at the end of the article, it states that "he serves as **international legal counsel** to both Israeli **and Palestinian** human-rights organizations."

As evidenced in the last three articles by Cotler, most likely due to his relationship as legal counsel with the Palestinian organization, 1999 may have been the only period when he was giving some contextual mention and some public recognition to Palestinians in the occupied colonial state of Israel. Were his concerns merely contractual, or were there fragments that stemmed from his heart? That honeymoon would appear to soon change and diminish when Cotler became a Member of Parliament, and particularly, following the events of the international U.N. Durban I racism conference in South Africa in September 2001.

The second commentary came the following day, May 16, *Whose Jerusalem? Israeli politicians say they will keep the city undivided and under Israeli sovereignty, while Palestinians assert their own claim.* Within days of the state election, One Israel party leader Ehud Barak used the occasion to politicize a 1996 campaign slogan, “Jerusalem as soul of the Jewish people.”

The celebration Thursday [May 13] of Jerusalem Day – the annual Israeli commemoration of the city’s unification following the Six-Day War ... Barak ... spoke of Jerusalem as the “historical embodiment of the Jewish people” that “sustained the Jewish people throughout the ages” and emphasized that an indivisible Jerusalem under Israel’s sovereignty was a “red line” of his policy of “peace with security” (Netanyahu’s slogan in the 1996 election). ... Netanyahu’s election ad Thursday ... spoke of Jerusalem “as the soul of the Jewish people.”

Only a half a kilometre from the Jerusalem remembrance ceremony, the Palestinian occupants of Orient House in East Jerusalem were celebrating a victory Thursday. Netanyahu had vowed to close Orient House, but his attempt to do so last week was rebuffed by the Israeli Supreme Court. And Palestinians had their own ceremony inaugurating Orient House in East Jerusalem as the de facto Foreign Ministry of the Palestinian Authority in its incipient Palestinian state. ... Indeed, in what appears to have been an unprecedented claim, Palestinian media spoke of the Palestinian right to all of Jerusalem, while adding that any Israeli claim to any part of Jerusalem was “null and void and illegal under international law.”

The third article appeared on May 19, “Israel’s political earthquake.”

The election truly was an earthquake in the Israeli political culture. [It was] the first time an election was a referendum on the character of the political leader. It had the quality of a political impeachment. As Ha’Aretz newspaper correspondent Yoel Marcus put it, “The vote was not about an issue, but rather about the man.” Indeed, the announcement that Benjamin Netanyahu was engaged in electioneering on a private radio station on election day – in violation of Israel’s election laws prohibiting election propaganda on the day of the vote and in defiance of a cease-and-desist order by the judicial elections chief – was regarded as the latest act contemptuous of the public trust.

Three Israeli-Arab parties not only won an unprecedented 10 seats, but the Palestinization of the Israeli-Arab identity and political agenda represents yet another cultural revolution. The “Palestinians of Israeli citizenship” have not only intensified their demands for individual rights, but they have sought recognition of their “national rights” – recognition as a national political minority and not just as individual Israeli Arabs. And they have demanded that Israel cease to be a Jewish state and become a “state of all its citizens” – a demand joined by the post-Zionist or post-Jewish Israelis. Once again, the battle lines are being drawn in the tribalized political culture. Behind the political earthquake is a struggle for the soul and substance of Israel.

The fourth and final article, *Two sets of ‘red lines’*, appeared on May 29.

Israel’s May 17 election has been called the most non-ideological, non-issue-oriented one in the country’s history. Existential peace-and-security issues have dominated virtually every Israeli election. But this one emerged largely as a referendum on the character of Prime Minister Benjamin Netanyahu. “Few Israelis voted over who will divide Jerusalem, or where the border with Syria will be drawn,” wrote Dan Margalit, one of Israel’s foremost political commentators. “This election was about (Netanyahu’s) personality, not about his policy.” ... Polls have shown that a majority of Israelis regard these “wars of all against all” as the greatest existential threat confronting Israel today. For the first time, existential threats of internal hatreds appear to trump the existential threats of external dangers.

... The organizing theme of Prime Minister-elect Ehud Barak's first public speech to celebrate his victory was the theme – and imperative – of national unity. As Barak put it, symbolically invoking Jewish sages, “the Jewish temple was destroyed by internal Jewish division and hate.” His mission, then, is to be “prime minister of all people – religious, secular, Sephardic and Ashkenazi, Jewish and Arab, native and immigrant.” But the speech also included a reference to the “four red lines” of Barak's peace-and-security doctrine, something that did not go unremarked in the Palestinian and Arab world. What emerges is a serious, if not threatening, disparity between threshold Israeli and Palestinian “red lines” as follows:

1. There could be no Israeli return to the 1967 borders, which he called “indefensible.” ... Palestinians have been invoking the 1947 United Nations Resolution 181 and have called for an Israeli retreat not only to the borders of 1967, but to the borders of 1947. For the Israelis, Resolution 181 – which in 1947 envisaged both Jewish and Arab states – is now a “dead letter,” in Barak's words. ... But the memories of 1948 – and 1967 – still haunt the Oslo peace process. For Israelis, 1948 was their War of Independence; for the Arabs, the 1948 war was their Neqba (Arab for destruction), and the beginning of the “occupation.” For Israelis, the Six-Day War in 1967 was their War of Survival against an Arab world that had publicly proclaimed its intention to destroy Israel; for the Arabs, the 1967 war was an Israeli act of aggression, resulting in a continuing – and enlarged – occupation.
2. “A united Jerusalem must remain under Israeli sovereignty – period.” Palestinians, on the other hand, have ratcheted up their “red line” on Jerusalem – and not just East Jerusalem – as the capital of their incipient Palestinian state.
3. “Most of the Israeli settlements in the West Bank would come under Israeli sovereignty.” Palestinians counter with the claim that the settlements must “either be dismantled or come under Palestinian sovereignty,” again, in direct counterpoint to the Israeli position.
4. “There can be no foreign army west of the Jordan River.” The Jordan River, then, must be Israel's security border, even if the political border would be different. Palestinians have countered that their independent state must be able to have an army to protect itself, and therefore the Israeli “security border” is unacceptable.

While Netanyahu rejected the idea of an independent Palestinian state as a “mortal danger” to Israel, Barak acknowledges that such a state is “inevitable,” the only question being the circumstances under which it is created and the borders to be negotiated.

Gazette columnist Jennifer Robinson wrote a brief response on June 11, 1999, to Cotler's May 29th article, *Barak imitates Netanyahu*. She inferred that Cotler was downplaying the seriousness of the issue, failing to pinpoint the nature of Israel's treatment of the Palestinian people, namely the resemblance to South African apartheid:

It is strange that in the same issue of your paper there was news about Israel's continuing to expand Jewish settlements on more seized Arab land. ... **Many respected observers of the Middle East find in this formulation a remarkable resemblance to Bantustans in apartheid-era South Africa.** It is the mindset that has resulted in the collapse of the Oslo Accord. The euphoria over Ehud Barak's victory is beginning to face with each passing day. It may not be politically correct to say that there is only a change in style, not substance, between the newly elected Mr. Barak and the outgoing Netanyahu regime.

11.1. The By-Election

For over three years running the Montreal Gazette newspaper had been featuring Irwin Cotler's opinion pieces, many of which had to do with human rights topics. This was the same profile the newspaper, and other newspapers, used in its headlines and commentary for his candidacy in the Mount Royal riding by-election.

**Cotler
running
in Mount
Royal**
PHILIP AUTHIER
The Gazette

THE GAZETTE, MONTREAL, WEDNESDAY, SEPTEMBER 22, 1999

The Gazette

Fighter for rights

COTLER

Cotler also campaigned tirelessly for other prisoners of conscience, including Andrei Sakharov and South Africa's Mandela. As a constitutional and comparative-law scholar, Cotler has litigated every section of the Canadian Charter of Human Rights and Freedoms, including areas of free speech, religion, women's and minority rights and prisoners' rights.

He acquired political experience in 1968-72, serving as principal adviser to John Turner, then federal justice minister and attorney-general.

Once described by a magazine as a "counsel for the oppressed," Cotler made his international name when he campaigned for the liberation of Jewish dissident Scharansky in 1978. Scharansky was serving a 13-year sentence in a Soviet jail for treason and anti-Soviet agitation. In 1979, Cotler's aggressive efforts earned him expulsion from the country.

In 1992, he was appointed an Officer of the Order of Canada, cited for his extraordinary contribution to the cause of human rights. This month, Cotler became the first academic to receive the medal of the Bar of Montreal, in recognition of his "outstanding contribution to the cause of justice."

Human rights expert enters federal politics

Gazette, September 22, 1999

Irwin Cotler says he was drafted by voters in Mount-Royal

BY SARAH BINDER

MONTREAL • After more than 30 years of defending political prisoners abroad, Irwin Cotler wants to bring his fight home.

Mr. Cotler, who has advised dissidents such as Andrei Sakharov and Nelson Mandela, says he now wants to represent Canadians.

The 59-year-old lawyer is running for the Liberals in one of four byelections called over the weekend for Nov. 15.

Mr. Cotler was named to the Order of Canada in 1992. His move into politics to run for the Liberals surprised many.

He has criticized the Liberals on human rights issues such as the ineffective prosecution of war criminals living in Canada and Ottawa's refusal to stop trading with countries where serious rights violations are a problem.

Mr. Cotler refused to say if he has been a card-carrying Liberal for long, but allowed that his views as a small-l liberal dovetail with the party's on many issues.

He said he is a supporter of "creative federalism — not cheque-book federalism — which would allow Quebecers to feel both Québécois and a part of Canada."



JOHN MAHONEY, GAZETTE
Irwin Cotler speaks last night at Mount Royal Liberal association meeting that acclaimed him its candidate in federal by-election.

THE SUNDAY OBSERVER

THE OTTAWA CITIZEN, SUNDAY, DECEMBER 5, 1999, PAGE A14

To right human wrongs

Newly elected MP Irwin Cotler has championed human rights worldwide, but it may be tougher for him to do so in the Liberal caucus, Mike Trickey surmises.

Mr. Cotler has attained international stature after 30 years of fighting for the release of political prisoners and taking up the struggle for human rights around the world.

He has represented famous Soviet dissidents Nathan Shcharansky and Andrei Sakharov and South Africa's Nelson Mandela. He has been arrested on the steps of Moscow's Lenin Library for publicizing the plight of hundreds of Jewish *refuseniks* and he has taken on the authoritarian regimes of Suharto's Indonesia and Peronist Argentina. Currently, he is representing jailed Russian environmentalist Alexander Nikitin, whom the Russians have charged with treason for divulging state secrets after his work with a Norwegian organization studying the ecological disaster created by Russia's decaying nuclear Northern fleet.

Through it all, the 59-year-old McGill University law professor has been famous for speaking out when he saw injustice and human rights abuse. Observers wonder if the voice that could not be silenced by Soviet power might be shushed by Prime Minister Jean Chrétien, who runs a tight Liberal ship.

"Our system is such that they try to squelch or silence ordinary members who want to oppose certain policies," says Warren Allmand, a Liberal MP for 22 years before he left politics in 1997.

"Irwin is a very principled guy but he is going to be faced with some situations that will cause him problems and he's going to have to decide whether to go along or stand up against it. It's not going to be easy. They used to put me through the wringer."

Mr. Cotler points out that he had to take out party membership before he could be nominated and says he has not talked with Mr. Chrétien or anybody else about becoming a cabinet minister.

In many ways he's not interested. He plans to continue to teach once a week at McGill and says he has an obligation to his constituents.

He is interested in committee work, particularly Justice and Foreign Affairs, and plans to bring his broad-based "social rights basket" to caucus discussions every chance he gets.

On the day's major overseas conflagrations, he is critical of Canada's reticence in criticizing human rights offenders and the government's predilection for talking ahead of acting.

He proposes formation of a Distant Early Warning system that provides government with information about where the next killing fields will be. He is on record as long as a decade ago warning about the coming conflicts in Kosovo and Rwanda — conflicts that seemed to catch the Canadian governments of the day by surprise.

He says being inside government might provide him with a better chance to get his message heard.

"That was a factor in my decision to run. Here, I can see Lloyd Axworthy every day in Parliament and in caucus and can make representations."

He supports Mr. Axworthy's human security agenda, but the Foreign Affairs minister can expect to hear criticism from Mr. Cotler if he perceives double standards.

Mr. Cotler has been critical of NATO's bombing campaign in Serbia, saying that while the organization was justified in its intervention to stop the slaughter of Kosovars, it was also guilty of crimes against humanity when its bombs struck hospitals and schools in Serbia. As well, he is annoyed that Canada has not been more outspoken in its criticism of Russia's military campaign in Chechnya.

Mr. Cotler will face his most intense scrutiny in his comments and actions regarding Israel.

A hero to Soviet Jews resettled in Israel, including Mr. Shcharansky, who is now Interior minister in Ehud Barak's government, Mr. Cotler is viewed with less enthusiasm by Arabs.

Ian Watson, another former Liberal MP and senior adviser to the National Council on Canada-Arab Relations, says he hopes Mr. Cotler will use his high profile to help the government push Israel to implement a series of UN resolutions on repatriating occupied territory to the Palestinians.



HE PLANS TO BRING HIS 'SOCIAL RIGHTS BASKET' TO CAUCUS DISCUSSIONS.

"Mr. Cotler was a leader in getting Shcharansky out of Russia and as soon as he got into Israel he started saying the Palestinians had no place there. Mr. Cotler can congratulate himself that in getting Shcharansky to Israel he has helped to create an additional problem in the Middle East.

"He is, however, an intelligent and competent person. I hope he publicly positions himself in favour of true balance."

Mr. Cotler says he has told Mr. Shcharansky that Palestinians cannot be deprived of their rights in Israel and notes that he has represented Palestinian political prisoners and is the international legal counsel for the Palestinian Human Rights Monitoring Group.

But he understands that everything he says and does now is going to be viewed through the prism of partisan politics instead of it being seen as his own personal view.

"I think the government might underestimate the concerns that exist among the citizenry with respect to the struggle for human rights and human dignity.

"I think this is something I can use to give amplification to that voice and, I hope, to modestly make a difference. We'll know down the line whether I'm right."

Make the world better, students told

Gazette, November 12, 1999

KAREN SEIDMAN
Gazette Education Reporter

What could a high-ranking politician, a highly touted political candidate and a roomful of kids have in common?

A desire to make the world a better place.

At least, that was the message that came screaming through the gymnasium of Jewish People's and Peretz schools yesterday morning as Grade 5 and 6 students celebrated Remembrance Day in the company of federal Intergovernmental Affairs Minister Stéphane Dion and McGill University law professor and human-rights activist Irwin Cotler, who is also the Liber-

al candidate in Monday's federal by-election in the riding of Mount Royal.

Cotler and Dion, who stood with the children for a minute of silence at 11 a.m., offered enough inspiration to the students to carry them well through their coming high-school years.

Cotler reminded the kids of an old children's rhyme: sticks and stones can break my bones, but names can never hurt me. As an adult, he said, he came to realize that wasn't true at all.

"The Nazi evil didn't begin with guns or tanks," he said. "It began with the teaching of hatred, discrimination and excluding others who are different."

Remembrance Day, he said, offers three lessons: don't treat people with

less respect simply because they are a different race, colour or religion; don't be silent or indifferent in the face of evil or injustice; and always remember you have the opportunity to make this world good, decent and respectful.

Dion had a similar message for the children. "When you see something wrong, get involved," he said.

Dion told a story of a man in Germany in the 1930s, when Hitler was in power. When the Gestapo came to take the Jews away, the man said it wasn't his business. When they came to take the socialists, he said it wasn't his business. When they took the communists, he said it wasn't his business. And when they came to take him, nobody

else said a word - it wasn't their business, either. "If another person is the victim of an injustice, it is your business," Dion said.

When question period came, nothing could have prepared Cotler for the grilling he got from the well-informed 10- and 11-year-olds.

Shouldn't the government lower taxes rather than spend so much? Why did you decide to run? Will you have trouble getting elected?

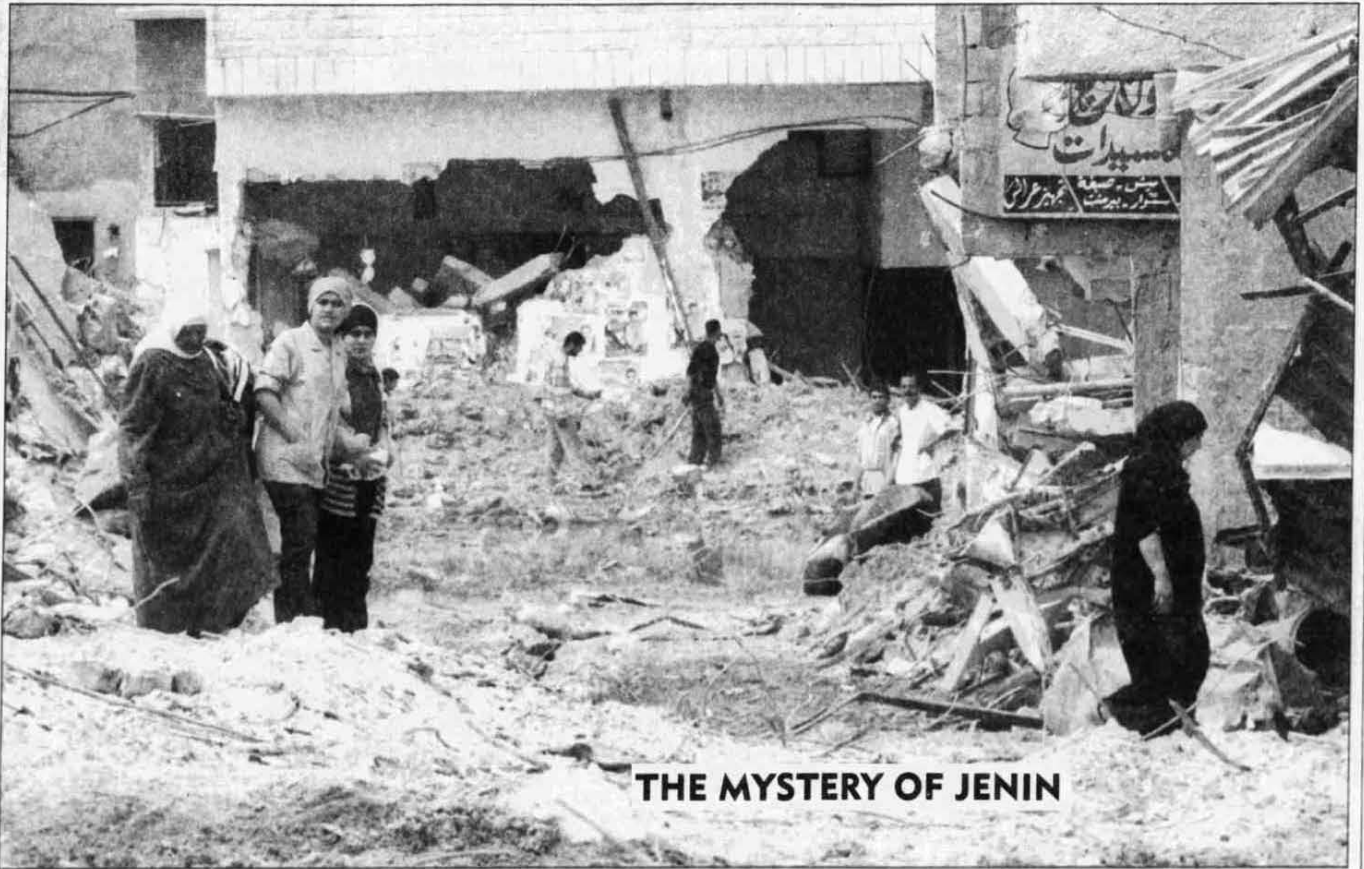
Cotler said he hopes the people in the riding are as aware of the election as the students are. He said his goal is to fight for social justice and to try to advance the struggle for human rights and dignity.



The Gazette
November 30,
1999

TOM HANSON, CP

Prime Minister Jean Chrétien (left) takes a break from his national-unity crusade to introduce newly elected Liberal MP Irwin Cotler, from Mount Royal riding, to the House of Commons yesterday.



THE MYSTERY OF JENIN

THOMAS COEK, AP POOL

Palestinians walk through rubble in the Jenin refugee camp during a tour of the camp organized by the Israeli army yesterday. Palestinians say there was a massacre here and Israel says no such thing occurred. Neither side can substantiate its claims. The Gazette, April 17, 2002

Search for bodies, answers

Truth at Jenin camp lies in rubble trefying remains of at least four corpses could be seen in the camp's centre, including a twisted, burned eventually were brought or made their way to hospitals for treatment, and many women and children took shelter

A12

M I D E A S T C R I S I S

A NATIONAL POST, TUESDAY, APRIL 2, 2002

'Israel became the first country to be the object of a country-specific indictment while all the other major human rights violators have enjoyed exculpatory immunity.' — MP Irwin Cotler



ANTI-SEMITISM

UN PROMOTES SYSTEMIC HATRED OF JEWS, MP SAYS

"We are witnessing a new anti-Jewishness, one that is a dramatic transformation, grounded in the classical anti-Semitism, but distinguishable from it," Mr. Cotler said. "It is a global phenomenon, and that is the singling out of Israel and the Jewish people for differential and discriminatory treatment in the international arena."

Traditional anti-Semitism denied Jews the right to live as equal members of society, but the new anti-Jewishness denies the right of the Jewish people to live as an equal member of the family of nations.

Mr. Cotler is particularly concerned by the systemic discrimination against Israel at the United Nations and other international bodies, where the Jewish state is singled out for different treatment.

On Thursday April 18, 2002, a group of “seven students,” “four men and three women,” “Jews and Palestinians,” entered and occupied Irwin Cotler’s Cote de Neiges constituency office in Montreal City. They were arrested two hours later after “locking themselves in a room” during their “sit-in.”²⁶³

Montreal police eventually broke down the door with a battering ram and arrested the seven, who had arrived with sleeping bags and food, apparently anticipating a long stay. ... The seven ... are to face charges of trespassing. ... The group did manage to hang a banner from Cotler’s office window for a few hours. It read: “Canada supports Israel’s violation of human rights.” The group ... said they wanted Cotler to explain Canada’s attitude toward the treatment of Palestinians by Israel. ... Cotler, an internationally known human-rights activist, was in Ottawa at the time.

Only two names of the seven students were identified in the Montreal Gazette newspaper. In fact, it was only the Gazette that covered the story, with no photographs showing the inside or outside of the constituency office. There were two photos of women being taken away by Quebec City police.

Aaron Mate, of Jewish ethnicity, a then 23-year-old Concordia University student, a later journalist and pundit with the on-line Grayzone, son of Canadian physician and trauma specialist Gabor Mate:

Pro-Palestinians target MP Cotler

The Gazette, Friday, April 19, 2002

Office occupied in push for tougher line on Israel

PHILIP AUTHIER
The Gazette

Seven students were arrested yesterday after staging a sit-in at MP Irwin Cotler’s local office to protest against Israel’s treatment of Palestinians.

The group, which organizers said included Jews and Palestinians, walked into Cotler’s Côte des Neiges office shortly before noon and locked themselves in a room. They said they wanted Cotler to explain Canada’s attitude toward the treatment of Palestinians by Israel.

The occupation lasted about two hours. Montreal police eventually broke down the door with a battering ram and arrested the seven, who had arrived with sleeping bags and food, apparently anticipating a long stay.

Police Constable Robert Mansueto said the protesters, all in their 20s, did not resist arrest and were escorted out to police vans with their hands manacled behind their backs.

The seven, four men and three women, are to face charges of trespassing. Mansueto said there were no injuries and there was only minor damage to the premises.

Cotler, an internationally known human-rights activist, was in Ottawa at the time.

The group did manage to hang a banner from Cotler’s office window for a few hours. It read: “Canada supports Israel’s violation of human rights.”

DEBATE ENSUED

“We are a group of Canadian citizens of Jewish origin and Palestinian origin who are opposed to what our government is supporting in Israel,” said Aaron Mate, 23, a spokesman for protesters who remained outside the office.

“While our government has taken some important stands in condemning Israeli atrocities in Israel, I feel as a citizen and constituent of Irwin Cotler that our country has not done enough to oppose what’s going on.”



PHIL CARPENTER, GAZETTE

A Montreal police officer removes one of seven protesters who occupied Liberal MP Irwin Cotler’s office yesterday. The four men and three women, all in their 20s, are to face charges of trespassing.



PHIL CARPENTER, MONTREAL GAZETTE

ILLEGAL OCCUPATION: A woman is arrested in Montreal after refusing to leave the office of MP Irwin Cotler, a human-rights lawyer.

²⁶³ *Pro-Palestinians target MP Cotler*, The Gazette, April 19, 2002.

We are a group of Canadian citizens of Jewish origin and Palestinian origin who are opposed to what our government is supporting in Israel. While our government has taken some important stands in condemning Israeli atrocities in Israel, I feel as a citizen and constituent of Irwin Cotler that our country has not done enough to oppose what's going on. We want Cotler to answer some of our demands and to either say "Yes, you are right, I will uphold those standards of human rights that I held in the past," or "I will not"."

Gazette reporters Philip Authier and Elizabeth Thompson, assigned to the story, contacted Cotler on April 19 at the Parliament buildings in Ottawa. Cotler, who was in Ottawa on the day of the occupation, and had the night to contemplate and rehearse a call from the press, stated the following:

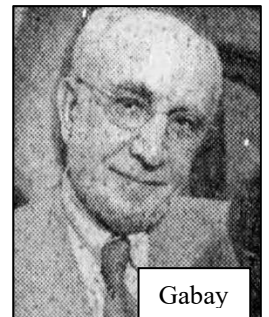


Aaron Mate, September 2002
(photo from The Gazette)

"It was ironic that the sit-in was held on the anniversary of the adoption of the Canadian Charter of Rights and Freedoms." "He said the demonstrators "chose not to engage in the exercise of their right to free speech but sought rather to illegally occupy the offices of a member of Parliament, to effectively undermine and assault the principles of the democratic process, to seek, if you will, to intimidate our freedom of speech as parliamentarians and the underlying values of a free and democratic society". "Cotler said it was also ironic the demonstration took place the day he delivered a statement in the House of Commons, calling on both sides to take action to end the conflict. Cotler called on Israel forces to withdraw from Palestinian towns and on the Palestinian side to end incitement, terror and the glorification of suicide bombers." ²⁶⁴

Two and a half months later, MP Cotler would present a paper on July 1, 2002, at the Institute for Contemporary Affairs in Jerusalem about the "emergence of a new wave of anti-Semitism masquerading as anti-racism." ²⁶⁵

Canadian Zionist Joseph Gabay, the "president of Quebec division of the Canadian Jewish Congress," who was tipped off about the incident and arrived at the scene on the day of the arrest outside Cotler's constituency office, "described their sit-in as "another sort of terrorism, not as damaging as the one Israel is living today, but



Gabay

Hate, lies and videotape

The Gazette, April 24, 2003

KEITH M. LANDY
AND JOSEPH GABAY

The CRTC should ban Al-Jazeera from Canada because it offers programming that is virulently anti-Semitic and racist and is likely to contravene Canadian law

Canadian cable companies have applied to the Canadian Radio-television and Telecommunications Commission (CRTC) for a licence to broadcast Al-Jazeera, the Qatar-based Arabic-language TV net-

work. The Canadian Jewish Congress strongly opposes these applications, because Al-Jazeera offers programming that is virulently anti-Semitic and racist, and likely to contravene Canadian law.

The Criminal Code also prohibits advocating genocide. In fact, provisions of the recent Anti-terrorism Act might well be contravened by Al-Jazeera coverage (when news reporting and analysis give way to support and unfiltered messaging) of Al

Qa'ida, Hezbollah, Hamas and Islamic Jihad - all organizations that the government of Canada has placed on its list of banned terrorist entities. Allowing Al-Jazeera on Canadian airwaves will ensure regular breaches of these statutes.

Keith M. Landy is national president of the Canadian Jewish Congress and Joseph Gabay is chair of the Canadian Jewish Congress, Quebec Region.

²⁶⁴ *Pro-Palestinians target MP Cotler*, The Gazette, April 19, 2002.

²⁶⁵ Described in Part 7 of this report.

another way to do things, to do things with force”.” “These (demonstrators) are people who contest Israel’s right to defend itself.”²⁶⁶

QUEBEC

Labour leader calls Sharon ‘gruesome’

Accusing Israel of acting like “a terrorist state,” a top Quebec labour leader issued a stinging denunciation yesterday of Prime Minister Ariel Sharon and Israel’s

Kingston Whig Standard
March 14, 2002

“Israel is acting like a terrorist state,” Lavolette, president of the Confederation of National Trade Unions, said in a speech to the group’s convention. He said Palestinians have been deprived of democratic rights for decades and some of them “don’t see any way out except to attach their belts to a hand grenade that will explode in the midst of a group of enemies.”

Joseph Gabay, head of the Quebec section of the Canadian Jewish Congress, dismissed the charge that Israel is behaving like a terrorist.



קאנאדער יידישער קאנגרעס הקונגרס יהודי הקנדי
CANADIAN JEWISH CONGRESS, QUEBEC REGION
CONGRÈS JUIF CANADIEN, RÉGION DU QUÉBEC

Le porte-parole officiel de la communauté juive du Québec
The official voice of the Jewish community of Quebec

CJC, QR extends its warmest congratulations to the **Jewish National Fund** and to this year’s honouree,

THE RIGHT HONOURABLE The Gazette June 11, 2003
BRIAN MULRONEY, P.C., C.C., LL.D.

Joseph Gabay President	Dr. Victor Goldbloom Executive Committee Chair	David Birnbaum Executive Director
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Harel rapped for attending rally

The Gazette, June 14, 2002

Speaker of assembly should have stayed away from ‘pro-Palestinian’ march: CJC, Liberals

KEVIN DOUGHERTY
Gazette Quebec Bureau

QUEBEC - Louise Harel, speaker of the National Assembly, said yesterday she was acting “as a citizen concerned about peace and justice” when she participated in a Montreal demonstration organized by “a vast coalition for peace and justice in Palestine.”

But Joseph Gabay, Quebec president of the Canadian Jewish Congress, contends Harel violated her neutrality as speaker by taking part in Saturday’s “pro-Palestinian” march.

“She is a public person,” Gabay said. “She must explain why she was there.” Harel made a brief declaration in the legislature yesterday in response to a statement by the CJC “about my presence at an outdoor event organized last Saturday in Montreal.”

The march by about 3,000 people, from St. Louis Square to Fletcher’s Field, was to mark the 35th anniversary of the Six-Day War, when Israel began its occupation of Palestinian lands.

Palestinians, dissident Jews and members of labour unions and human-rights groups took part in the march.

“There is no way this can be described as an anti-Semitic grouping of people,” said lawyer William Sloan, an organizer of the event.

The theme of demonstration was “there must be negotiated solutions,” he said, adding that Harel should not be condemned for her presence.

But the CJC said the event “focused exclusively on criticism of Israel. ... One of the organizers suggested publicly that Israel’s actions are actually responsible for Palestinian suicide bombings of Israeli citizens.”

In the assembly, Quebec Liberal House leader Pierre Paradis wondered whether Harel’s impartiality as speaker had been compromised by her participation in the event.

Harel replied that her obligation to be impartial covers only her activities as speaker.

Harel’s status as speaker is similar to that of a judge, Paradis argued: “It would not be acceptable for a judge to participate in a demonstration.”

Paradis added that this one incident is not serious enough to call for Harel’s removal as speaker “but it is sufficient to warn her not to do it again.”

He noted that the assembly recently marked the 170th anniversary of a law allowing Ezekiel Hart, a Jewish merchant from Trois-Rivières, to take his seat in the legislature – a first for a Jew in the British Empire.

Harel, whose husband, Edmond Ornam, is president of Medical Aid for Palestine, was a speaker at a Palestinian Red Crescent meeting in 2000 when she was municipal-affairs minister.

Paradis said it was up to the government to judge her actions when she was a minister, but now that she is speaker “she is not (just) a Péquiste.”

Gabay said he is not concerned by Harel’s personal life, but she has a duty as speaker to explain to Quebecers what she was doing at the demonstration. “Now that she is speaker of the National Assembly, she is in a conflict of interest,” he said.

✦ Kevin Dougherty’s E-mail address is kdougherty@thegazette.southam.ca.



Harel: speaker under fire.



Gabay: wants explanation.

April 16, two days before the sit-in, the Montreal Gazette published MP Cotler’s opinion article, *Arafat – terrorist or partner for Peace?*, strongly criticizing Yassar Arafat’s Fatah Party’s methods of terrorism. “Is he a participant in terror as Israeli government leaders and former prime ministers Benjamin Netanyahu and Ehud Barak all claim? Statements made by Yasser Arafat, as he has done before, condemning acts of terror by both sides do not suffice. They belong in the “wink, wink” category.” Cotler provided a list of seven questions that Arafat needed to answer for his actions, “to finally determine whether he can be considered a partner for peace or repudiated as a participant in terror.” Cotler ignored criticizing the state of Israel.

Four days before the sit-in, Cotler attended the Jewish National Fund of Canada’s (JNF’s) annual Negev glamorous dinner event at the Four Seasons Hotel in Vancouver, British Columbia. The event was captured in Vancouver Sun Malcolm Parry’s April 16, 2002, gossip column, *Mourning Wosk family misses banquet honour*:

²⁶⁶ *Pro-Palestinians target MP Cotler*, The Gazette, April 19, 2002.

JNF Pacific Region president Bonnie Belzberg opened and closed the event, which was chaired by Susan Hector. At its conclusion, former Israeli paratrooper Ran Bagg, who is now Jerusalem's emissary to B.C., said the night's net take was \$300,000. That sum will help develop the Ne'ot Tamarim reservoir and impound fresh water that would otherwise be lost by running into Israel's undrinkable Dead Sea.

The late father [Morris Wosk] and living son [Rabbi Yosef Wosk, "who directs interdisciplinary studies in Simon Fraser university's continuing education department"] would no doubt have listened intently to a keynote speech by Mount Royal MP and McGill university law professor Irwin Cotler. His pacing further accelerated by the need to catch a "red-eye" flight home, **Cotler electrified listeners by enumerating the "culture of hate" that surrounds Israel's legal rights to existence.** Saying "the year 2002 is not 1492," Cotler told listeners that "classical" anti-Semitism against Jewish individuals has declined worldwide. However, he warned, its successor – anti-Semitism directed by other states at a Jewish state – means **Israel has become the Salman Rushdie of nations" and subject to "regular Sept. 11s."** He concluded: "**Ultimately, this is not a Jewish cause but a just cause.**"

On April 20, two days after the sit-in, the Ottawa Citizen and the Montreal Gazette published Cotler's lengthy opinion article about the sit-in. Instead of answering the big question which Aaron Mate posed in the media two days prior, on whether Cotler would finally state and apply standards of human rights upon the state of Israel, Cotler deflected and equated the incident as a promotion for anti-Semitism.

Racism and hate have no place in Canada
BY IRWIN COTLER
On Thursday, a group occupied my constituency office after entering on the pretext that they were constituents looking for assistance. It turned out that they wanted to protest Canadian foreign policy in the Middle East.
Irwin Cotler is Liberal member of Parliament for Mount Royal. He is on leave as professor of human-rights law at McGill University.
Ottawa Citizen, April 20, 2002

Those who occupied my office did not appear to care about my statements [made in the House of Commons the day of the occupation], or to peacefully discuss and protest against Canadian foreign policy in the Middle East, which in yet another irony has been characterized by many Jews as being too critical of Israel. Rather, this incident in my constituency office raises larger issues that go beyond even the very serious matter of protesting a grievance by occupying an MP's office and intimidating its employees. The larger issue here is the concern raised by, and the danger of, the importation of hatred from the Middle East conflict into Canada. And so, after Sept. 11 [2001] many of us spoke out against the singling out of any visible minority – particularly Muslims – for differential and discriminatory treatment.

Many of my colleagues and I are increasingly witnessing, and receiving reports about, a growing number of anti-Semitic acts and innuendo, but nonetheless, disturbing and hurtful, anti-Semitic assaults on Jews and Jewish institutions ... Most disturbing, however, is the silence that has accompanied these anti-Semitic manifestations and outbursts, which have Canadian Jews feeling as if they are back in the eerie atmospherics of the 1930s. ... As Edmund Burke put it, "the surest way to ensure that evil will triumph in the world, is for enough good people to do nothing." It is time for the good people of Canada to speak up and make it clear racism and hate have no place in our society.²⁶⁷

On April 24, the Gazette published Aaron Mate's pointed and salient letter, "*Cotler has no moral ground to condemn protest.*" Aaron identified himself as a member of the Jewish Alliance Against the Occupation.

I was disappointed by Irwin Cotler's reaction to the occupation of his office, in which I was involved. The seven people who peacefully occupied his office and the rest of us who supported them outside,

²⁶⁷ *Importing Hatred: Tensions in the Middle East are Boiling over in Canada*, The Gazette, April 20, 2002.

a group of people that included Canadian citizens of all backgrounds, including Jews like myself, **did so to call attention to Mr. Cotler's systematic support for Israel's gross violations of Palestinian human rights. We went there simply to ask him why the elementary principles of human rights that he has admirably supported in the past in other places do not apply to Israel's illegal occupation of Palestinians territory.**

His attempt to portray himself, in the pages of the Gazette, as "balanced, fair and sensitive" on the Israel-Palestinian conflict is contradicted by his own record. One notable example is his October 2000 condemnation of our government's support for a UN resolution condemning Israel for unlawful and excessive use of force against Palestinians.

Mr. Cotler has also stated – in opposition to the opinion of virtually the entire international community – **that the provisos of the Fourth Geneva Convention, a staple of international law, do not apply to Israel's illegal occupation and settlement-building in the occupied territories.** Mr. Cotler's condemnation of our act as an assault on the democratic principles of our society raises an important point. The fact that we live with such a level of privilege and freedom that we are able to publicly express our opinions does not preclude us from the moral responsibility to call attention to injustice, for example, by occupying, for a few hours, **the office of one who has consistently supported a real occupation that has endured, with devastating consequences, for the past 34 years.**

Until elected politicians like Mr. Cotler stop supporting the abuses and apartheid-like conditions that are being imposed upon Palestinians, they have no moral ground to condemn those of us who cannot sit idly by and let injustice persist.

Cotler has no moral ground to condemn protest

I was disappointed by Irwin Cotler's reaction to the occupation of his office, in which I was involved (Comment, April 20, "Importing hatred"). The seven people who peacefully occupied his office and the rest of us who supported them outside, a group of people that included Canadian citizens of all backgrounds, including Jews like myself, did so to call attention to Mr. Cotler's systematic support for Israel's gross violations of Palestinian human rights. We went there simply to ask him why the elementary principles of human rights that he has admirably supported in the past in other places do not apply to Israel's illegal occupation of Palestinians territory.

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and freedom that we are able to publicly express our opinions does not preclude us from the moral responsibility to call attention to injustice, for example, by occupying, for a few hours, the office of one who has consistently supported a real occupation that has endured, with devastating consequences, for the past 34 years.

Until elected politicians like Mr. Cotler stop supporting the abuses and apartheid-like conditions that are being imposed upon Palestinians, they have no moral ground to condemn those of us who cannot sit idly by and let injustice persist.

AARON MATÉ
Member, Jewish Alliance Against
the Occupation
The Gazette
Montreal
April 24, 2002

In the context of Cotler's pro-Israeli apologetics made and recorded since the late 1960s to 2002, numerous of which are discussed and presented in this report, Aaron Mate's letter is one of the rare instances found in the media for calling Cotler out, which properly addresses his double standards and hypocrisy as a human rights lawyer and advocate. Equally significant, it was someone from his own ethnicity, part of a Jewish movement committed to oppose Zionist Israel's occupations legacy.

The day before, April 23, the Gazette published Zev Tiefenbach's opinion article, "Why I occupied Cotler's office." Zev identified himself as the "co-ordinator of a soup kitchen." Zev was the second member of the seven who were identified in the Cotler constituency office occupation, "to address and raise awareness of the brutality of the Israeli occupation and Canada's complicity in it."

Joseph Gabay, a high-ranking official in the Canadian Jewish Congress, typified the occupation of Cotler's office as "another sort of terrorism." In the post-Sept. 11 lexicon, "terrorism" has become part of an over-simplified, emotionally reactive vocabulary. ... if our peaceful act of occupying a boardroom is "another sort of terrorism," how would Gabay characterize the violent Israeli occupation of towns and villages that have left a twisted carnage of bodies and buildings? Perhaps,

Gabay should expand his vocabulary to include the term “state terrorism.” Our occupation was meant to address this state terrorism.

I was taught by my grandparents that “never again” should not be applied only to the Jews but to all of humanity. I was taught that the terrible lessons they learned in the Holocaust were lessons that needed to be passed from country to country, so that, indeed, the entire world could speak out and prevent future massacres.

Cotler, in his comment piece, said that our actions “effectively assault the very values that underlie this free and democratic society. ... I am sad that the pro-Israeli pundits, who work for the Canadian Jewish Congress and the B’nai B’rith, characterize our peaceful actions follow in the tradition of Ghandi and others, as “forms of terrorism” and yet sit by as Israeli troops conduct “round-ups” of Palestinian males and continue their program of destroying Palestinian towns, villages and culture. This time around, I hope that the simple rhetoric of the Canadian Jewish Congress and Irwin Cotler do not cause us to lose sight of the “state terrorism” that Israel is now engaged in against a civilian Palestinian population. Further, I call upon other citizens to rise up against the silence of their governments, so that “never again” can really mean “never again.”

On Wednesday April 17, the day before the sit-in in MP Cotler’s constituency office, supporters of Israel marched “from Phillips Square to Place du Canada” in Montreal, to “celebrate Israel’s 54th year.”



LETERIS PITARAKIS, AP

A dove flies yesterday over the rubble of houses demolished during the Israeli offensive in the centre of the Jenin refugee camp in the West Bank.

Rally to mark Israeli statehood

The Gazette, April 17, 2002

MONIQUE BEAUDIN
The Gazette

Thousands of people are expected to crowd into downtown Montreal at lunchtime today for a rally to mark the creation of Israel and to show their support for the Jewish state in its current conflict with the Palestinians.

But another group, the Jewish Al-

liance Against the Occupation, plans to hold a counter-demonstration to show there are dissenting opinions in Montreal’s Jewish community.

The rally will begin at Phillips Square and be followed by a march west along René Lévesque Blvd. to Place du Canada.

Several downtown streets will be closed while the marchers make their

way to Place du Canada.

Organizers said they expect tens of thousands of people to show up today to mark the 54th anniversary of Israeli Independence Day.

“Every Jew is concerned about what is happening in Israel today,” said Joseph Gabay, president of the Quebec region of the Canadian Jewish Congress. “The unadmitted - and some-

times admitted - objective of the intifada is to get rid of the Israeli state.”

That’s why it is more important than ever for Jews around the world to publicly support the Israeli people and their government, he said.

Please see **RALLY**, Page A2

Birth of a nation. Page B3



Thousands of Montrealers marched from Phillips Square to Place du Canada yesterday, to take part in a rally and an emotional outpouring to celebrate Israel's 54th Independence Day. ORDON BECK, GAZETTE

Marchers celebrate Israel's 54th year

LEVON SEVUNTS
The Gazette

THURSDAY, APRIL 18, 2002

Celebrations of Israel's Independence Day turned into a display of raw emotions as thousands of Montreal Jews marched through downtown streets yesterday to show their support for Israel and celebrate its 54th anniversary.

Phillips Square, where the crowds gathered for a march toward Place du Canada, was a sea of white-and-blue Israeli flags dotted with posters denouncing terrorism, the Palestinian Authority and its chairman, Yasser Arafat.

At the eastern edge of Phillips Square, the sea of blue-striped Magen David stars was flanked by few Palestinian flags and a row of about three dozen black-robed ultra-Orthodox Hasidic Jews holding signs denouncing Zionism and the state of Israel. Metal barricades arranged into a rough square separated the two crowds, with riot police in the middle.

While the majority of participants sang and danced to Jewish folk music blasted from loudspeakers or listened to passionate speeches by leaders of the Montreal Jewish community, there was a nasty sideshow on the sidelines.

The sight of Hasidic Jews standing side by side with Palestinian activists sporting trademark checkered scarves touched a raw nerve in some people.



The Gazette, April 18, 2002

JOHN MAMONEY, GAZETTE

Pro-Palestinian demonstrators form protective cordon around a group of anti-Zionist Hasidic Jews at rally.

Factions trade insults

Jewish dissidents to protest

'Values we believe in are being destroyed by occupation'

RALLY

Continued from Page A1

"Israel is involved in a combat that, unfortunately, is not very popular in the eyes of the world," Gabay said, adding he believes Israeli Prime Minister Ariel Sharon had no choice but to go into Palestinian areas to search for terrorists who have been acting against the Israeli population.

But people like Edeet Ravel, of the dissenting Jewish Alliance Against the Occupation, say supporting Sharon means supporting policies that are devastating to both Israelis and Palestinians.

"We are Jews and we feel that all the Jewish values that we believe in are just being destroyed by the occupation," said Ravel, who will be at today's counter-demonstration.



"The past two weeks, we've been hearing horrors upon horrors."

The group, which has about 40 members, says the current violence in the Middle East could be ended if Israel moved out of the occupied territories.

Ravel said it's important for dissenting views in the Jewish community to

be made public. But every time her group holds an event, they encounter angry Jews who "don't understand that we are pro-Israel," she said.

"They say we're self-hating Jews, but that's not it," Ravel said. "They don't understand that we are pro-Israel, and they wish we would just go away."

She said her group has invited Jews to join them at today's rally, but said she couldn't say if other people will join them also.

Gabay dismissed the group as marginal and said they represent an infinitesimal segment of Montreal's Jewish population. "We are in a democratic society and they have the right to express themselves," he said.

The CJC has also taken steps to provide security at the rally. Montreal police will also be present, a spokesman said yesterday.

◆ *Monique Beaudin's E-mail address is mbeaudin@thegazette.southam.ca.*

On Monday, April 22, four days after the sit-in, there were two rallies held outside of the Parliament buildings in Ottawa, the first one in support of Israel and Israeli Jews, and the next in support of Palestine and Palestinians.

12.1. Five Months Later – Netanyahu and the 9/11 First Anniversary Tour Events

The Montreal Gazette newspaper, acquired from Conrad Black's Hollinger Inc. in 2000 by former staunch Zionist media mogul Izzy Asper (along with an accompanying list of over 60 Canadian newspapers) – who sponsored and accompanied Netanyahu's Canadian tour – reported on September 3, 2002, that the Coalition for Just Peace in the Middle East was organizing “a peaceful protest in opposition to his [Israeli Benjamin Netanyahu's] speech,” and that Concordia University students’ “intention of this demonstration is to stop Netanyahu from speaking.” The article also reported that similar protests were organized for at least two other (in Winnipeg and Toronto) of Netanyahu's four Canadian speaking engagements.

THE GAZETTE, MONTREAL, MONDAY, SEPTEMBER 9, 2002

MONTREAL

Protesters threaten to stifle Netanyahu

Critics of former Israeli PM aim to block his speech at Concordia today

JEFF HEINRICH
The Gazette

Reporting on the first day of the Concordia University incident on the derailment of Netanyahu's speaking engagement, the newspaper media stated that Montreal City's Concordia University's Jewish student's group, Concordia Hillel, was responsible for inviting former Israeli Prime Minister Benjamin Netanyahu to come and present a speech at noon at Concordia on Monday September 9, 2002. In subsequent, detached paragraphs the Gazette reported that it was also the “**Canada-Israel Committee** and the Winnipeg-based [Izzy] **Asper Foundation**” which sponsored the event. Later accounts included other sponsorships of the four Canadian speaking events “to promote an anti-terror campaign”: **State of Israel Bonds** and the **Canadian Friends of Hebrew University**. Given the prominence of the speaking engagements, it was most likely not the Jewish student's idea to invite the hawkish, power-hungry right-wing Israeli Zionist warmonger and murderer.



Netanyahu's four speaking engagements in Canada were to drum up his political supporter base and to bolster media attention, and for him to earn about \$250,000 in American currency. The Chicago Jewish Star reported on February 8, 2002, that Netanyahu was charging as high as “\$60,000 per talk,” and was “represented by the Washington Speakers Bureau in Alexandria, Virginia, which does not list a fee for him.”²⁶⁸ The Canadian events were a mere prelude, a warming-up, a staging ground, for his real purpose, which was to make an international splash in Washington, D.C. on September 12th, the day after the 9/11 anniversary, and three days after Concordia, where he brazenly advocated the U.S. invasion of Iraq.

Before narrating on the events of September 9th, is the consideration, the real possibility, that Netanyahu's decision, or that of his handlers, to come to Concordia, the first of his four speaking events, was to create a scene. Under this scenario, the subsequent Concordia protests gave him what he craved: the ability for his colonial Zionism and for his supporters the political opportunity to once again call out his critics as terrorists and antisemites, and to bring the hammer down on dissident Concordia University. If this was his intention, it most certainly succeeded.

Israel aid inches ahead

Chicago Jewish Star, September 13, 2002

By JAMES D. BESSER

POLITICAL AFFAIRS CORRESPONDENT

WASHINGTON, D.C., Sept. 10 — Last week a House panel cleared Israel's regular \$2.7 billion foreign aid appropriation for Fiscal Year 2003, along with an extra \$200 million passed by Congress earlier this year but cut by President Bush as part of a symbolic slap at Congress for overspending.

²⁶⁸ *Terrorism Talk at NU Cancelled.*



Segments from the
National Filmboard
2004 documentary,
"Discordia."

"Okay, Netanyahu is coming.
We were, like, we are going
to shut him down. He can't
come on our campus."
(Samer Elatrash)



Upon entering Concordia University, with special security in tow, Netanyahu, eyeing the emotion of the crowd ahead, whispers into the ear of one of his security men, and is then re-routed to a waiting van, and whisked away.

"You know damn well
they are not going to
stop me, or any one
else, from speaking!"



Benjamin Netanyahu

There had been at least one other similar event in recent years that torpedoed a Netanyahu delivery. It occurred in Berkeley, California on November 29, 2000, weeks after the U.S. federal election and the controversial rigged Florida voting results which allowed George Bush Jr. to take the presidency helm, where and when “Netanyahu cancelled both of his remaining speeches in the Bay Area on Wednesday, a day after hundreds of rowdy protesters forced him to cancel a lecture Tuesday night:”

More than 2,000 people with tickets waited in vain to enter the Berkeley Community Theatre on Tuesday as the noisy mob waved signs and howled



Protesters forced Berkeley police to retreat behind the gates of Berkeley High School, where former Israeli Prime Minister Benjamin Netanyahu was to speak Tuesday night in the Berkeley Community Theater.

Protesters halt Netanyahu speech

Netanyahu forced to cancel speech

BERKELEY (AP) — Former Israeli Prime Minister Benjamin Netanyahu was forced to cancel a speech Tuesday night when hundreds of rowdy protesters blocked the entrance to the Berkeley Community Theater.

More than 2,000 people with tickets waited in vain to enter the theater as the noisy mob waved signs and howled slogans through bullhorns.

The address was finally canceled at about 8:15 p.m. with organizers saying Netanyahu's safety could not be guaranteed.

While Berkeley is known as

“
I don't believe in free speech for war criminals.”

LORI BERLIN
RESIDENT

the home of the Free Speech Movement, one person in the crowd said she didn't care.

“I don't believe in free speech for war criminals,” Lori Berlin said.

Netanyahu, a conservative

and a hawk, became Israel's youngest prime minister in 1996. Critics say he was an impediment to peace and he lost his post last year to Ehud Barak.

There's no word yet on whether Netanyahu will keep two other Bay Area dates, one in San Rafael and the other in San Mateo.

The Lompoc Record
November 29, 2000

slogans through bullhorns. The Tuesday address was cancelled about 8:15 p.m., with organizers saying Netanyahu's safety could not be guaranteed.

Netanyahu was to have spoken tonight in San Mateo and Thursday in San Rafael. Although Berkeley is known as the home of the Free Speech Movement, one person in the crowd said she didn't care. “I don't believe in free speech for war criminals,” Lori Berlin said.

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About 1,000 protesters shut down a planned lecture by former Israeli Prime Minister Benjamin Netanyahu Tuesday evening, forcing police to retreat behind the gates of the Berkeley Community Theatre.

Laurie Polster of Berkeley said she was there to protest against the Israelis occupying the Palestinian homelands. Netanyahu, she pointed out, could once again be Israel's Prime Minister. Polster, with the Coalition of Jews for Justice, held up a sign that stated: “Jews for justice in Israel and Palestine.”

One woman, who asked not to be identified, said the Israeli-Palestinian situation is similar to the early days of the Vietnam War. “You can't just sit at home and watch young boys throwing rocks and being met by helicopters,” she said.



Sashir Ali protests in front of the Berkeley Community Theatre in Berkeley. Former Israeli Prime Minister Benjamin Netanyahu was scheduled to speak in Berkeley but ended up cancelling after protesters blocked the entrance to the facility.

AP

²⁶⁹ Netanyahu forced to cancel speech, The Lompoc Record, November 29, 2000.

About a dozen different organizations showed up, carrying signs saying “Peace and justice for Palestinians” and “Israeli repression made in the USA.”²⁷⁰

The Canadian Zionist organizations tasked to comprehensively monitor media and politics, especially university and college campuses, concerning Israel – such as Honest Reporting Canada, on which Rosalie Abella’s husband, professor Irving Abella, was a director²⁷¹ – had decades of collected files on everything and anyone.²⁷² These Zionists well understood, and would have reported to Mossad headquarters in Tel Aviv, that Concordia University campus was a political ‘hotspot.’

On the day after Netanyahu’s Concordia speech was cancelled, The Gazette quoted Netanyahu’s criticism of the students protest as “anti-Canada, anti-freedom and anti-free society,” and they were “supporting Saddam Hussein, they’re supporting (Yasser) Arafat, they’re supporting (Osama) Bin Laden.”

On page 2 of The Toronto Star newspaper, it combined two stories, one headlined “Arafat condemns terror aimed at Israelis,” next to “Protesters, police battle before Netanyahu visit,” providing the Canadian reader the impression that terrorism was at work at Concordia.

Concordia to tighten Netanyahu security

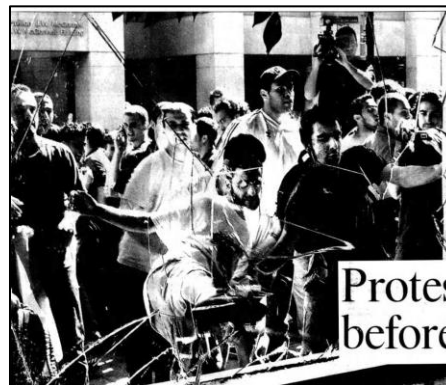
The Gazette, September 3, 2002

Concordia University is bracing for more anti-Israeli demonstrations next Monday when former Israeli Prime Minister Benjamin Netanyahu gives a speech under tight security at the university’s downtown campus.

“It’s to be expected that there will be demonstrations,” Concordia spokesman Chris Mota said after being told that protesters plan to prevent the noontime speech.

“But our security department has assessed the situation and is working with the RCMP and Montreal police to make sure it’s a nice positive event.”

Concordia has traditionally been a hotbed of acrimonious debate between pro-Zionist and pro-Palestinian activists, especially since the start of the the second Palestinian uprising in Sept. 2000.



Arafat condemns terror aimed at Israelis

A12 THE TORONTO STAR Tuesday, September 10, 2002

Protesters, police battle before Netanyahu visit

²⁷⁰ *Protesters halt Netanyahu speech*, Oakland Tribune, November 29, 2000.

²⁷¹ Stated in Part 1 of this report.

²⁷² Refer to Part 5, where Toronto Zionist John Devor tells United Church Reverend A.C. Forrest: “We have a file on you, and it goes back twenty years.”

'Bad day for democracy': Tremblay

Middle East protests nothing new for students at Concordia

Speech derailed by riot

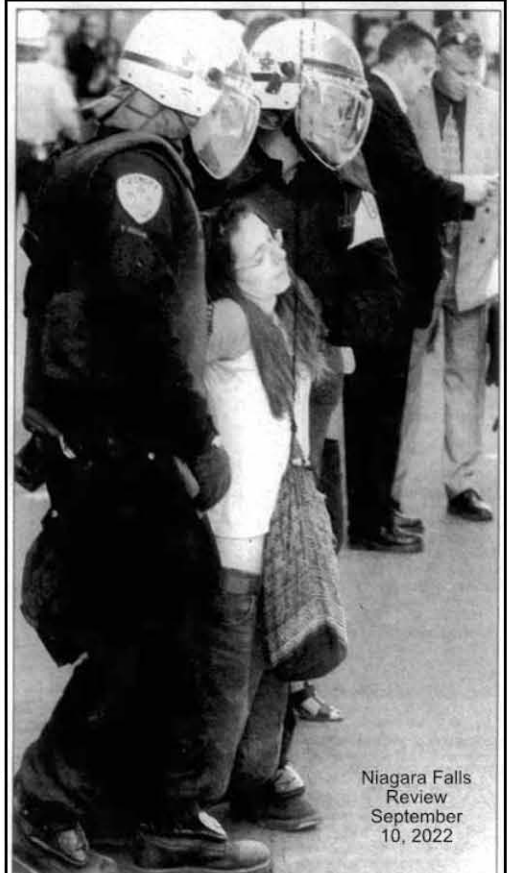
Israel's former prime minister angered by 'thugs'

"These people are an example of the worst kind of militancy in the world today."



former Israeli prime minister Benjamin Netanyahu

Edmonton Journal
September 10, 2002



Niagara Falls Review
September 10, 2002

A protester is arrested by police at Concordia University as they try to stop a speech by former Israeli Prime Minister Benjamin Netanyahu in Montreal, Monday. Netanyahu cancelled the speech because of security concerns.
Photo: Ryan Remiorz / CP

Netanyahu speech cancelled after protesters storm university

Kingston Whig Standard, September 10, 2002



NETANYAHU: Called a war criminal



Netanyahu is the victim

National Post, September 10, 2002

JONATHAN KAY
in Montreal

Protesters had 'same glint' as terrorists: Netanyahu

On four-city Canadian tour, former Israeli PM cancels Montreal visit

By STEPHEN THORNE
The Canadian Press

OTTAWA - Former Israeli prime minister Benjamin Netanyahu said he saw "the same glint" in the eyes of Montreal rioters on Monday as he's seen in those of Middle East terrorists.

The Review, Niagara Falls, Ontario
WEDNESDAY, September 11, 2002

Finger-pointing starts after clash

The Gazette, September 11, 2002

Concordia administration blames protesters; student organizers criticize police planning

Concordia curbs campus activity

Vancouver Sun, September 10, 2002

A campus on edge

The Gazette, September 11, 2001

Students voice dismay about violence and worry about their safety at vigil

Events ban sparks Concordia outrage

The moratorium at Concordia bans public speeches, rallies, exhibits and information tables related to Middle East issues. The moratorium will remain in

place until a permanent policy is drafted to ease tensions between pro-Israeli and pro-Palestinian advocates at Concordia, a university with a long history of student activism.

Vancouver Sun
September 11, 2002

The Tuesday, September 10th edition of The Montreal Gazette provided a "Timeline: How the Protest Turned ugly."

- At 9:35 am, September 9th, Montreal police "film protesters from the roof of Concordia's McConnell building," and "about 50 police cars and vans are lined up on Mackay, de Maisonneuve and Bishop" streets.

- **At 10:30 am**, “in his fifth-floor suite at the Ritz Carleton Hotel, former prime minister Benjamin Netanyahu sits down” for a private meeting “to talk to the editorial board of The Gazette,” the paper

GAZETTE EDITORIALS REFLECT THE CONSENSUS VIEW OF THE EDITORIAL BOARD.
The members of the board are Larry Smith, Peter Stockland, Brian Kappler, Janet Bagnall, David Johnston, Wayne Lourie, Kazi Stasna and Paul Waters.

of which Israel [Izzy] H. Asper owns through his Canwest Global corporation, and who most likely helped organize the private editorial meeting with Netanyahu. Don MacDonald of The Gazette authored an article the next day on Netanyahu’s take on invading Iraq: “take preventative action against Iraq before it acquires a nuclear bomb:”

“We’ve been given a wake-up call by Sept 11,” he told the Gazette editorial board. “We can quash the Taliban regime and Al-Qa’ida and then press a collective snooze button while the other parts of this network – Saddam, Iran and others – are arming themselves with these weapons of mass death and then we’ll get another wake-up call – or we can take action.” “Netanyahu said toppling the Iraqi regime and introducing democratic reforms would send shock waves through the Arab world. It could lead, notably, to the collapse of the regime in neighbouring Iran and make it more difficult for terrorist organizations to attract recruits, he predicted.” “This part of the world doesn’t respect power; it worships it. And the most important thing in winning this war on terror is winning,” he said. “The more you win, the easier the next victory comes.”²⁷³



Those last sentences are the exact sentiments of Netanyahu’s warmongering, murderous ambitions.

- **At 11:10 am**, “behind heavy security, Netanyahu meets the media for a press conference in a second-floor meeting room at the Ritz. He says he will not be cowed by the protesters and that he plans to speak.”
- **At 11:50 am**, “after his press conference, Netanyahu prepares to leave the Ritz.”

The timing of Netanyahu’s private interview with The Gazette’s editorial board coincided with Prime Minister Chretien’s meeting in Chicago with U.S. President Bush the same day, where the topic of the U.S. possible invasion of Iraq was one of the main talking points. At the meeting, Chretien asked the Bush for

Canadians support war on Iraq — poll

By **MIKE BLANCHFIELD**
 Southam Newspapers

The Sault Star
 September 9, 2002

DETROIT — As Prime Minister Jean Chretien prepares to hear U.S. President George W. Bush’s case for attacking Iraq here today, a major international poll released Sunday indicates Canadian support for a U.S.-led ground invasion of the Persian Gulf state.

A Gallup poll shows Canada supporting an invasion to topple the regime of Iraqi President Saddam Hussein, by a 52 to 43 per cent margin, the highest level of support among the four U.S. allies polled.

Canada also gives Bush the highest approval ratings for how it has conducted its war on terrorism, ahead of its NATO partners Britain, Spain and Italy.

Canada’s pro-American sentiments come as the world’s only superpower heads into a week of emotional reflection to mark the first anniversary of the Sept. 11 terrorist attacks on New York’s World Trade Center and the Pentagon.

evidence of Iraq’s possession of nuclear weapons, which the Bush failed to provide. As seen here in these two news articles, some of the print media, such as the Southam newspaper chain, owned by Izzy Asper, was manipulating polling information to seduce Canadians to support the invasion of Iraq. Contrarily, a poll conducted by Leger Marketing had arrived at the opposite conclusion, with many Canadians now agreeing with that poll, and then asking questions about the ‘other’ poll.

Most Canadians against attack on Iraq: poll

MONTREAL
 (CP)

More than one-half of Canadians believed recently that U.S. President George W. Bush’s arguments didn’t provide enough justification for a military attack on Iraq, suggests an opinion poll.

Leger Marketing’s Aug. 20-25 poll revealed that only 22 per cent of respondents thought Bush’s reasons for attacking Iraq were convincing, compared with 54 per cent who found his arguments insufficient.

Standard Freeholder
 September 9, 2002

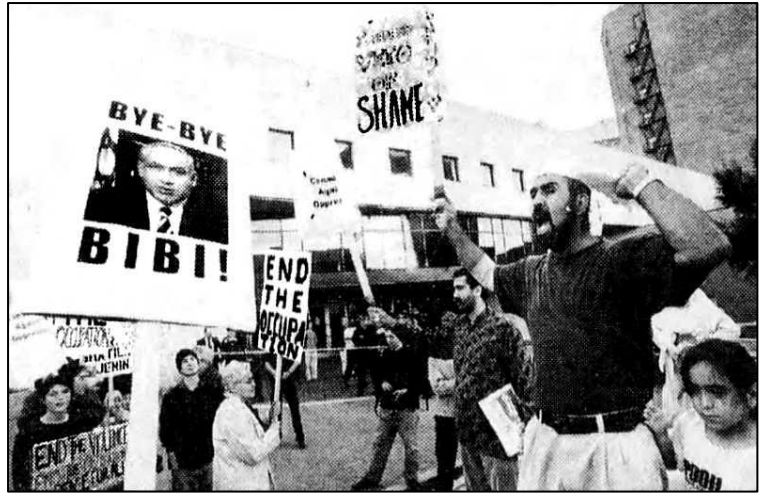
The remaining 24 per cent refused to answer or said they didn’t know.

The results of the survey of 1,500 people came out just ahead of today’s meeting in Detroit between Bush and Prime Minister Jean Chretien when the two men are likely to discuss the tense situation.

²⁷³ Act now, ex-Israeli PM urges.

After being whisked away in a bullet-proof, security surrounded, limousine around noon September 9th, Netanyahu, via Izzy Asper, arranged “a hastily called news conference”²⁷⁴ to cash in on the Concordia demonstration, to get as much influenced media mileage as possible by feeding reporters with misleading narratives: “Its mad zealotry run amok. They’re supporting Saddam Hussain, they’re supporting (Yasser) Arafat, they’re supporting (Osama) bin Laden.”

The bullet-proof limousine then dashed off to the Montreal airport where Netanyahu boarded a private jet (Was it Izzy’s jet? With Izzy on board?) that shot off westward to Manitoba’s capital Winnipeg City, for his next planned speaking engagement scheduled for 8 p.m. at the Pantages Playhouse Theatre. The event was hosted by the [Izzy] Asper Foundation, the Jewish Federation of Winnipeg, and the Jewish Appeal. The September 9th edition of the Winnipeg Sun reported that “members of the Canadian Palestinian Support Network, Jews for a Just Peace, and the Structured Movement Against Capitalism” planned to “demonstrate against the former Prime Minister’s visit.”



On September 10, the Winnipeg Sun newspaper, *Noisy protesters greet Netanyahu*, failed to report on what Netanyahu said in his speech, or what others stated, at the private ticket-only Theatre event, nor on the ‘who’s who’ in attendance, such as if Izzy Asper had been there. Outside, about “100 protesters, many of them pro-Palestinian,” and “Jews for Just Peace.” The Calgary Herald, referenced above, did report that host Izzy Asper had attended the Winnipeg event, where both he and Netanyahu “**likened the protesters in Montreal to Nazi thugs intent on destroying human rights.**” The Herald article also included a brief quote from Netanyahu’s speech: “Understand that you have to uproot totalitarianism and replace it with something else ... We must introduce democracy into the Arab world.”

Both Netanyahu and Izzy Asper hurled themselves back to Ottawa the next morning for a pre-arranged, private meeting with Prime Minister Jean Chretien, that is, before the two scheming Zionist figures went on to two more events.



²⁷⁴ *Violent protest mars Netanyahu's visit*, Calgary Herald, September 10, 2002.

PM apologizes to Netanyahu for riot

Edmonton Journal, September 11, 2002

After the Asper / Netanyahu private meeting with Prime Minister Chretien on the morning of September 10, a subsequent private meeting was arranged, via Asper, with the editorial board of the Ottawa Citizen newspaper, highlights of which Southam Newspapers reporter Mike Trickey featured for the next day's Canadian syndication. That narrative, leading with the title, "PM apologizes to Netanyahu for riot."

"Netanyahu told the editorial board ... he believes the riot Monday [at Concordia] was more than student activism. "What you saw in Montreal was not merely the presence of homegrown, irresponsible radicalism that is centred in that university," he said, adding that he saw the same "glint of hate" in the eyes of the demonstrators that he sees in the eyes of Islamic extremists".

"... the former Israeli prime minister said there was no doubt about whether Canada was a friend of Israel. "Yes, decidedly. Without a doubt. There's obviously a different diplomatic and political tradition in Canada, but I think Canada has definitely been a friendly country. It has been subjected to a barrage of Palestinian propaganda of slanders, of vilification, by a slick PR campaign by (Palestinian leader Yasser) Arafat who is no more than (terrorist leader Osama) bin Laden with good PR. But there are other voices in Canada because it is an open society, so **it is possible for the truth to come forward**. Even if there are attempts such as at Concordia University by Palestinian supporters to prevent it from coming out, **the truth does eventually come out in a free society like Canada.**"

On the contrary, it was the long history of racism, apartheid, forceable displacement of Palestinians, military occupation and attacks, murders, incarcerations, land, water and resource thievery by Israeli Zionism, under unified policy support by American politicians and institutions, that were responsible for fueling Middle East tensions and divisions.

In contrast to the Montreal Gazette, the Ottawa Citizen – also previously owned by the Southam chain which in 2002 was under Izzy Asper's ownership – did not provide a list of its editorial board members. Scanning the issues of a few months of the Citizen in 2002 (July – Sept.), nowhere are all the board members' names mentioned as a group, nor mentioned in their meetings with numerous parties. And, in questions posed by the editorial board to parties being interviewed, the name "The Citizen" is only mentioned, not the individual editorial board member asking the question. Over those three months, I did find the individual names of board members Kate Heartfield, Leonard Stern, Scott Anderson, Gordon Fisher, Robert Sibley, and Adam Radwanski (who is a contributor to the editorial board). Even though it has been a long custom in the print media to keep editorial staff contributions anonymous, I think it is a disservice to the public, to journalism profession, that the names of editorial board members are primarily never identified with their statements and questions.

THE CITIZEN: How important do you think it is for the United States to get an international coalition for action against Iraq, as it did in the Gulf War?

MR. NETANYAHU: It is desirable but not crucial. The crucial thing is to defang the terrorist network. If any constituent part of the half a dozen or so terrorist regimes and two dozen terrorist organizations around them acquire nuclear weapons, the danger posed to our societies would grow immeasurably. If Iraq, or any other part of the terror network acquires atomic bombs, they will be used against western targets.

OTTAWA CITIZEN

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Publisher

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Editor-in-chief

Lynn McAuley,
Managing Editor

Don Butler,
Executive Editor

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On September 12, the Citizen's editorial board featured a full-page interview from that private meeting, "Netanyahu's plan for peace." Not once in that long interview did the board publish a single criticism of Israel's contraventions of international law, listed at nauseum for decades by the United Nations, academics, and human rights groups. Nor did they include any questions directed toward Netanyahu about Israel's secret nuclear arsenal and related international contraventions. It's as though the editorial board was blind to the nefarious history of Israel's leadership and military incursions since its inception in 1948, and of its prior ambitions. It certainly wasn't independent journalism. That control of 'the narrative' published in the feature editorial article wrecks of an uncanny sounding board influence of Zionism over the Citizen's 'investigative' editorial staff.

With the daily horrible imagery and accounts of the recent, ongoing Israeli genocide inside Palestine, and the chilling statements and lies by Israeli leadership and soldiers on the merciless targeting and slaughter of thousands of children, in 2002 Netanyahu sought to steal the world's sympathy when he stated the following in his interview with the editorial board:

"If you hold any baby, a Jewish baby, a Muslim baby, a black baby, a white baby, in your arms, the immediate feeling that you have is to protect it, not to blow it up. You have to achieve a certain transformation in the hearts and minds of people to make them gleefully and wilfully obliterate these human beings."

Netanyahu's plan for peace

Ottawa Citizen, September 12, 2002

VERBATIM • THE MIDDLE EAST

Reconciliation won't occur without Arab democratization

THE CITIZEN:

You were stopped from speaking at Concordia University in Montreal this week by a small group of people. Given that kind of a reaction in a liberal democracy like Canada, do you honestly believe there is a possibility of making peace in the Middle East in, say, the next generation or two generations?

A: What you saw (at Concordia) was a microcosm of the problems that face us in the Middle East, an intolerant zealotry that will not allow other voices to be heard, that uses violence to try to coerce and intimidate.

This, on a small scale of course, is representative of the larger problem in the Middle East: coercive militancy, Islamic militancy, and its various offshoots including the Palestinian militancy that seeks to destroy its enemies and not engage them in any kind of dialogue or genuine process for peace.

'The only chance of moving towards a genuine reconciliation ... is to remove the pivotal regimes that make up the terror network.'

It is not merely replacing one dictator with another. It is replacing dictatorship with democracy or, more precisely, dictatorship with democratization because I don't deceive myself that you can have western-style democracies in Iraq or in the Palestinian areas or anywhere else in the Arab world for the moment.

Q: You used the metaphor "defang." Is the head of the snake in Saudi Arabia?

A: Saudi Arabia has been a principal supplier of funds and ideology for the terror network.

Q: There is an argument that if you act in Iraq, you will cause massive instability in all these other countries ...

A: Really? What about the massive instability in New York, in Manhattan? What about the massive instability of the zealotry gone mad that will acquire nuclear weapons if unstoppable? The greater risk is not acting. It would eventually lead to catastrophe.

The United States has vigorously pushed and promoted democratization. It has promoted it in the former Soviet Union; it is promoting it now in China in its quest for human rights; it has promoted it in

South Africa; promoted it in all of Latin America. It has been a spectacular success. The whole world is democratizing. Yet here you have a portion of the world where children are taught or inculcated in the culture of death and mass suicide. Eventually this poison will meet up with nuclear weapons — with catastrophic consequences.

Q: Is that the nexus of terrorism — the confluence of religion and politics?

A: No. The real cause of terrorism is not necessarily linked to religion. It's linked to the suspension of the natural impulses of pity and sympathy.

For example, if you hold any baby, a Jewish baby, a Muslim baby, a black baby, a white baby, in your arms, the immediate feeling that you have is to protect it, not to blow it up. You have to achieve a certain transformation in the hearts and minds of people to make them gleefully and wilfully obliterate these human beings.

In the 19th century, the Poles, the Czechs, the Greeks and so many other peoples fought for their liberation. They never used terrorism. They fought valiantly, courageously, heroically, sometimes under desperate odds, but they never slaughtered innocent men, women and children.

Terrorists do not believe that. All terrorists believe, all of them, that they have a higher cause, a cause that is so comprehensive, that is so total, that it allows them — indeed, it calls them — to suspend all moral inhibitions, in fact, to trample them.

It's not the branding of people as terrorists that makes them terrorists, it's the nature of the act, and the nature of the act is a systematic attack on civilians for political or ideological ends or religious ends.

'All terrorists believe that they have a higher cause, a cause that is so comprehensive, that is so total, that it allows them to suspend all moral inhibitions.'

There remained two final speaking engagements that day on September 10 in eastern Canada before Netanyahu's flight to Washington D.C., where he propagandized the invasion of Iraq. First was a luncheon event in Ottawa City before a sold-out crowd of some 600 people. The second, was an evening event at the Toronto Centre for the Performing Arts, where "over 1,800" people convened at the sold-out reception. Both Izzy Asper's and Netanyahu's stirring statements were featured in numerous media articles.

Asper compares protesters to Nazis

BY ALLAN THOMPSON
OTTAWA BUREAU

OTTAWA — Media mogul Izzy Asper says Montreal demonstrators who prevented Benjamin Netanyahu from speaking Monday were just like the Nazi brownshirts who trampled freedom in Hitler's Germany.

"The minority of a rabble, a rioting group of essentially thugs, lawbreakers, deployed a technique known only, introduced really, 70 years ago by Adolf Hitler and his brownshirts," Asper said yesterday at a luncheon in a downtown hotel, where he introduced former Israeli prime minister Netanyahu. The brownshirts were an early Nazi militia.

Asper, the executive chairman of CanWest Global Communications, which owns the National Post, Global television network and the Southam newspaper chain in Canada, said the protesters were an example of "the naked face of hatred, the ugly side of, in



Toronto Star
September 11, 2002

effect, the dictatorial practices."

Asper's personal charitable organization, The Asper Foundation, is one of the key sponsors of Netanyahu's four-city Canadian speaking tour. Asper attended a private meeting earlier yesterday at 24 Sussex Drive between Netanyahu and Prime Minister Jean Chrétien.

Asper heaped scorn on the pro-Palestinian demonstrators at Concordia University who forced the cancellation of Netanyahu's speech Monday when they overran campus security and occupied the building where the former prime minister was scheduled to address several hundred students.

Netanyahu told his Ottawa audience of 500 yesterday such "militant zealotry" has been exported to Canada from the Middle East and said he urged Chrétien to try to stamp it out.

Less than two dozen pro-Palestinian demonstrators gathered peacefully outside yesterday's luncheon.



Vancouver Sun, September 11, 2002 FRED CHARTRAND/CANADIAN PRESS
A group of anti-Israeli protesters stands across the street from the Ottawa hotel where former Israeli prime minister Benjamin Netanyahu speaks to a Canada-Israeli fund-raising luncheon.



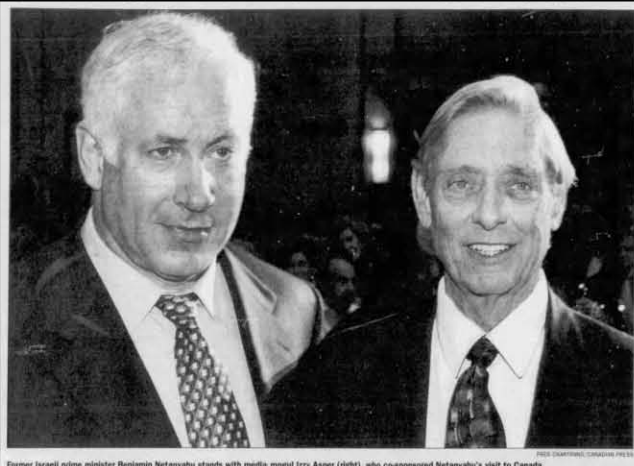
Toronto Star
September 11, 2002

JIM WILKES/TORONTO STAR

Israel Asper, chairman of CanWest Global and head of the Asper Foundation, which has contributed \$103-million in recent years to projects in Israel and Canada, addressed the audience before Mr. Netanyahu spoke.

He compared Monday's protesters to Nazi Brownshirts.

"In Montreal, you saw the face of hatred," he said.



Former Israeli prime minister Benjamin Netanyahu stands with media mogul Izzy Asper (right), who co-sponsored Netanyahu's visit to Canada.

Protester David Battistuzzi, a Palestinian activist, said Netanyahu had no right to speak at Concordia.

"There's no free speech for hate speech," said Battistuzzi, 24, a former Concordia student.

"This man said in 1989 Israel 'should have taken advantage of the Tiananmen Square massacre to expel the Palestinians from Israel.'

"He's a violent man ... this man is a war criminal."

12.2. Super Salesmen Selling Zionism: “Soldiers for Truth”

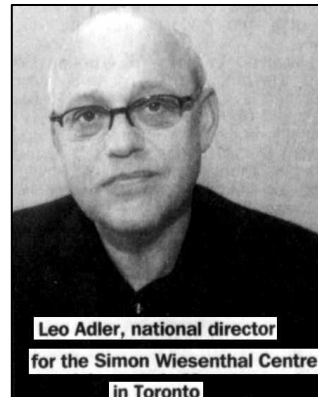
The Zionism salesmen duo took to the stages on September 10, fomenting fallacies extraordinaire. They whipped up a special dish of frenzies for the two audiences that day, creating soundbite snippet fodder for Izzy’s and non-Izzy’s media outlets. The shameless, opportunistic salesmen held nothing back.

In Ottawa Bureau’s Allen Thompson’s syndication, *Asper compares protesters to Nazis*, he reported while introducing Netanyahu to the luncheon event of some 600 members from the Ottawa Jewish community “media mogul Izzy Asper” said “Montreal demonstrators who prevented Benjamin Netanyahu from speaking Monday were just like the Nazi brownshirts who trampled freedom in Hitler’s Germany:” “The minority of rabble, a rioting group of essentially thugs, lawbreakers, deployed a technique known only, introduced really, 70 years ago by Adolf Hitler and his brownshirts.” Asper went on to say, “the protesters were an example of “the naked face of hatred, the ugly side of, in effect, the dictatorial practises”.”

Keeping up with the theme, “Leo Adler, director of national affairs for Friends of Simon Wiesenthal Center,” said “Concordia University has, to put it bluntly, been turned into a terror site.”²⁷⁵

The National Post reported on September 11 at the Ottawa luncheon, *Netanyahu warns Ottawa of ‘Zealotry’*, that Netanyahu was “surprised to hear that he was the cause of Monday’s violence” at Concordia University’s Henry F. Hall Building. “How can I provoke it, when I didn’t even speak? This is the microcosm of what we are facing every day in Israel.” After seeing the “fewer than 20 protesters” outside the Ottawa luncheon, Netanyahu reflected, “That glint of hate, that mad zealotry, is the same that I saw in the eyes of those rioters in Montreal yesterday. It is something that once it begins to infect democratic societies, it spreads, it grows.”²⁷⁶ Contrarily, his criticism is an accurate commentary on the wayward pitfalls of Zionism. On September 14, National Post columnist Gillian Cosgrove, in her political gossip piece, railed against “the neo-Nazi behaviour of those pro-Palestinian rioters,” referring to the “eloquent” former Prime Minister of Israel:

“Netanyahu quoted Mark Twain to show that, some 150 years ago, Jewish settlers had begun to plant green pastures in **unoccupied desert scrub land** that is **now a garden claimed by the Palestinians**. ... Netanyahu went even further back in history. Those skeptics who fear that modern Israel will go the way of the Masada – where Jews were slaughtered fighting the Romans – did not realize that this time around, **“Rome is with us.”** (Rome, of course, is the United States.)



TORONTO (CP) — Sept. 11 was a “wakeup call from hell” Benjamin Netanyahu, the former Israeli prime minister, told a crowd of more than 1,800 people Tuesday night.

“But the hell that was visited on New York and Washington was nothing compared to the hell that could be visited on all of us if these mad zealots who know no limits on the use of force ... aren’t vanquished entirely.”

In his Ottawa speech, later repeated in Toronto, Netanyahu said the war against terror attacks on innocent people requires moral clarity, strategic clarity, and courage.

“Nothing, absolutely nothing, justifies terrorism,” he said. “It is always evil. Like the evil of Naziism, it has to be fought uniformly. . . . This is a crime against humanity.”



²⁷⁵ *No Peace under current Mid-East mindset*, opinion, by George Jonas, The Province, September 12, 2002.

²⁷⁶ *Netanyahu speaks as Toronto rallies clash*, Vancouver Sun, September 11, 2002.

The only prominent non-Jewish guests were Joe Volpe, a Liberal MP, and Norman Gardiner, chairman of the Toronto Police Services Board (whose presence was loudly applauded. Others seen in the crowd included George Cohon, CEO of McDonalds; Lawrence Bloomberg, co-chairman of National Bank Financial; Brent Belzberg, president and CEO of Harrowston Corp., Michael Bergman, chairman of Second Cup Ltd., Stanley Hartt, chairman of Saloman Smith Barney Canada; Mayor Mel Lastman; Larry Tanenbaum, president of Kilmer Van Nostrand Co.; and Lawrence Waller, executive vice-president of Israel Bonds (Canada).”



2002

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Because of the national headlines and intense criticism of the September 9 Concordia University incident, the University decided to “suspend all student activities related to the Middle East, including an appearance by a controversial, anti-Israel writer,” stated reporters Dan Rowe and Mike Trickley of the National Post.²⁷⁷ The reporters go on to say, “The administration has asked the student union to call off a lecture tomorrow [September 12] by author **Norman Finkelstein**, a U.S. professor who is **known for his anti-Israeli views.**” Allison Lampert of the Gazette, in her September 12, 2002, column, *Concordia forum focuses on tolerance*, wrote that “U.S. professor Norman Finkelstein” had “antagonized Jews with his anti-Zionist writings.”

THE ARAB STUDENT ASSOCIATION @ OU
PRESENTS A LECTURE BY


Daily Oklahoman, October 18, 2002

NORMAN FINKELSTEIN
www.normanfinkelstein.com

Whither the “Peace Process”?

AN ANALYSIS OF THE INTIFADA AND THE PROSPECTS OF PEACE IN THE MIDDLE EAST

TUESDAY, OCTOBER 22, 7:00 PM
MEACHAM AUDITORIUM
MEMORIAL UNION



In stark contrast to the inflammatory language of other news journalists, the September 13 Gazette editorial by Janet Bagnall, *Stifling free speech at Concordia*, was congenial, conciliatory, and informative:

Norman Finkelstein, U.S. academic and author of *Image and Reality of the Israel-Palestine Conflict*, had been invited by the Concordia Student Union to speak as part of the

UI schedules activities for Middle East Awareness Week

Middle East Awareness Week will be held Wednesday through Oct. 13 at the University of Iowa with a variety of events designed to shed light on that troubled part of the world.

Sponsored by numerous UI student, community groups and local businesses, the week features speakers, poetry readings and art exhibits. All events are free and open to the public.

- Wednesday — Jennifer Loewenstein discusses “Palestinian Tragedy, Jewish Tragedy: Reflections on the New Intifadah,” at 7:30 p.m. in 101 Biology Building East. Loewenstein is a resident of Madison, Wis., and a human-rights activist. She recently returned from the Gaza Strip after volunteering at the Mezan Center for Human Rights. The event is sponsored by Iowa Jews for Justice, Iowans for Peace with Iraq, General Union of Palestine Students and People for Justice in Palestine.
- Oct. 2 — Norman Finkelstein will read from his books “The Holocaust Industry” and “Image and Reality of the Israel-Palestine Conflict” at 8 p.m. in Shambaugh Auditorium in the Main Library. Finkelstein is a New York City author and the son of Holocaust survivors. The event is sponsored by Iowans for Peace with Iraq, the General Union of Palestine Students and Prairie Lights Books.
- Oct. 3 — Palestinian poet Taha Muhammad Ali and Jewish poet Aharon Shabtai, both residents of Israel, will read from their work at 8 p.m. in Prairie Lights Books, 15 S. Dubuque St. Their poems will be translated into English by Peter Cole. The event is sponsored by the International Writers Program and Prairie Lights Books.
- Oct. 6 — Rania Masri, a human-rights activist and environmental scientist, will discuss the humanitarian crisis in the Middle East at 7 p.m. at St. Thomas More Catholic Church, 405 N. Riverside Drive.
- Oct. 8 — Masri will lead a variety of discussions through the day. She will discuss “Women’s Struggles in the Middle East,” and a brown bag lunch and discussion at noon at 130 N. Madison St. At 5 p.m., she will lead a workshop, “Ending U.S. Support of Israeli Human Rights Abuses: Divestment and Other Activist Tools,” in Room A of the Iowa City Public Library, 123 S. Linn St. A meal will be provided at the event.
- Oct. 12 — Rally for Peace and Justice in the Middle East will start at 1 p.m. in Black Hawk Mini-Park, pedestrian mall. This event is sponsored by People for Justice in Palestine, Iowans for Peace with Iraq, General Union of Palestine Students, Iowa Jews for Justice, Iowa International Socialist Organization and National Lawyers Guild.

The Des Moines Register, September 22, 2002

²⁷⁷ *Netanyahu Warns Ottawa of Zealotry*, National Post, September 11, 2002.

student's orientation festival. ... The administration's decision on Monday to impose an open-ended moratorium on anything to do with the Middle East is cowardly, short-sighted and counterproductive. Students have been criticized for inviting the two controversial speakers to Concordia, given its history of clashes over Middle East issues. But there was nothing stupid about inviting Netanyahu, the hawk who vows a "no-Palestinian-state-ever" policy, and Finkelstein, the son of Holocaust survivors who supports the Palestinian cause, to speak the same week.

Would Finkelstein have attracted an equal number of protesters last night? We won't know. Certainly, he has angered a number of Jews with his 2000 book, *The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering*.

On the thorny theme of invading Iraq, at the two speaking events Netanyahu bridged the Concordia protests together with 'Islamic terrorism' in west Asia, the Middle East.

"The root cause of terrorism is totalitarianism. You have to replace terrorism with democracy. You have to replace the regime." Netanyahu said the forces of democracy sunk Afghanistan – a "carrier of terrorism" – and they will "sink another carrier very soon," and that "(Yasser) Arafat and his colleagues, they will all have to go." Netanyahu said Israel and the West are confronted by "an attack on our very civilization by people who seek to reverse the last 1,000 years of history. In their particular twisted view of Islam, they think that Islam should have been resurgent and the West submissive. It is a crazed ideology."²⁷⁸

Southam reporter Mike Trickey's syndication stated that "[Prime Minister] Chretien and a series of foreign affairs ministers have been at pains not to take sides in the Israel-Palestinian conflict and have expressed reluctance to give the U.S. the support Netanyahu says it deserves for a war against Iraq."

After meeting with Chretien and hearing again of Canada's desire that the U.S. should go to the United Nations to get approval for military action against Iraq, Netanyahu said international support is not necessary. "It's desirable, but not crucial. The crucial thing is to defang the poisoned fangs of the terrorist network." ... To be successful, he said, the West must demonstrate "moral clarity" and not fall into the "terrorist trap" of believing that because of military accidents that western states and armies are also terrorists.

Hezbollah angry with terrorist label

Vancouver Sun, December 13, 2002

Canada made 'grave mistake,' group says

BEIRUT — The Canadian government's decision to label Hezbollah a terrorist organization is a "grave mistake" and an "injustice" that will affect Canada's relations with Arabs and Muslims, the Lebanon-based group said Thursday.

"What the Canadian government did, the Canadian government will be responsible for," said Sheik Hassan Izzedine, a Hezbollah spokesman in Beirut.

Speaking through a translator in a telephone interview with Broadcast News, Izzedine said Canada's decision "carries within it injustice against Hezbollah and this injustice will influence Canada among the Arab and Islamic peoples."

Earlier Thursday, Hezbollah said in a statement faxed to The Associated Press that Canada made a "grave mistake" in adding the social wing of the group to Ottawa's list of banned organizations.

In Ottawa, Foreign Affairs Minister Bill Graham appeared unmoved by the comments from Beirut.

"It's clear that every act we do will have political consequences," Graham said.

"We listed Hezbollah's military wing over a year ago. That didn't destroy our

relations with the Arab world. This won't destroy our relations with the Arab world any more than the earlier listing did."

Hezbollah, which led a guerrilla war against nearly two decades of Israeli occupation of southern Lebanon, holds seats in the Lebanese legislature and has a charitable wing that does humanitarian work. After the group's military wing was banned in Canada, its charitable arm was still permitted to continue operating.

The Canadian Jewish community and the Opposition Canadian Alliance increased pressure on the government to ban all Hezbollah activities after the group's leader, Sheik Hassan Nasrallah, was recently reported to have said that "martyrdom operations — suicide bombings — should be exported outside Palestine."

Izzedine said Ottawa had erred because of "distortion of the words" spoken by Nasrallah.

Speaking outside the House of Commons in Ottawa, Graham said Nasrallah's reported comments weren't the determining factor. "We get all sorts of intelligence confirmations and ... the decision to list Hezbollah in its entirety was made on a whole range of intelligence factors."

Associated Press and Canadian Press

²⁷⁸ Netanyahu pitches plan to defeat terrorism, calls for Arafat's ouster, Toronto Star, September 11, 2002.

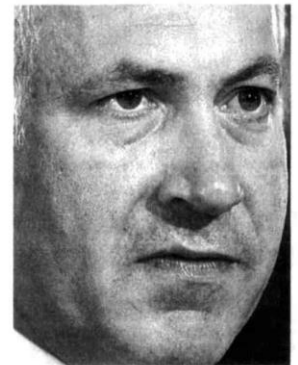
At the North York Centre of the Arts that evening, Netanyahu:

“... said peace can only be achieved if two sides come together.” “I think we will have to strike a compromise,” he said. And that compromise cannot include the “truth” of Israel’s claim to its lands, he said. “We are not in a strange land. This is our land,” he said to thunderous applause. “The most important thing I can ask you to do is become a soldier for truth.” 279

Ex-Israeli PM condemns Montreal protesters

The Times, September 11, 2002

Canadian protesters had “same glint” as terrorists, says Netanyahu



Former Israeli prime minister Benjamin Netanyahu compared protesters in Montreal to Palestinian terrorists.

Netanyahu says U.S. should topple Saddam; warns terror states will soon get nuclear weapons

‘Just a question of time’

Pittsburgh Post-Gazette

WEDNESDAY, OCTOBER 2, 2002

Former Israeli Prime Minister Benjamin Netanyahu last night called on the United States to strike Iraq, topple Saddam Hussein and install what he said would be the first democratic government in the Arab world.

With 200 protesters chanting across the street from Heinz Hall, Netanyahu said the United States should act against terrorist organizations and roughly one dozen states he says have sponsored and harbored them.

Netanyahu said it was “just a question of time” before a terrorist state acquires nuclear weapons “and they will use them because they have no limits.”

“I think the United States should act,” he said. “If the U.N. wants to join, that’s fine. I happen to think most of the

world will join — later.”

Netanyahu’s talk, the first of a speaker series sponsored by Robert Morris University, took place without incident. During his 50-minute talk and the half-hour question-and-answer session that followed, Netanyahu abandoned the lectern and paced the stage, speaking extemporaneously

SEE **NETANYAHU**, PAGE A-9

This story was written and reported by Post-Gazette staff writers Steve Levin, Dennis B. Roddy, Bill Schackner and Nate Guidry.



Steve Mellor/Post-Gazette

Benjamin Netanyahu at Robert Morris University Sept. 11 was “a wake-up call from hell”

Israel capable of firing nukes if pushed to war

By Eric Rosenberg
Hearst Newspapers

WASHINGTON — Although the Bush administration decries Baghdad’s development of mass-killing weapons, Iraq isn’t the only Middle East nation perfecting weapons of mass destruction. Israel has been developing nuclear weapons since the 1950s and now is believed to maintain

an arsenal estimated at up to 400 atomic bombs.

The existence of Israeli nuclear weapons, which Jerusalem refuses to confirm or deny, has provided the Jewish state a deterrence against its Muslim neighbors — most of which still do not recognize the legitimacy of the country and several of which have called for destroying it and its inhabitants.

Abilene Reporter News, September 15, 2002

Whatever it takes, Saddam has got to go

Winnipeg Sun, September 10, 2002

Got an interesting phone message from a lady concerned about the U.S. and its allies possibly attacking Iraq.

She is not the least bit happy about the idea.

“Laurie, haven’t the citizens of the U.S. and Canada been hurt enough already? Why does that warmonger George W. Bush think it’s necessary to start the Third World War? What’s your opinion on this?”

Oddly enough, I just happen to have one.

I don’t believe outlaws like Saddam and bin Laden could EVER reach a point where they believe that Americans, and those who support them, could ever be hurt enough.

Accepting that, what should be done about it?

OK, OK ... just for the sake of insanity,

let’s pretend Saddam is innocent of the charges that he is building and hiding weapons of mass destruction. Faced with annihilation, and loving his people as he does, why wouldn’t he let weapons inspectors back in to snoop unopposed absolute-ly everywhere?

If he’s got nothing to hide, what’s the big deal?

Why wouldn’t he be eager to prove his innocence?

Hitler wasn’t building any secret weapons, either. And if we hadn’t provoked him, he’d never have deployed those armies and weapons he didn’t have. Right?

On the other hand, just for the sake of argument, let’s consider the possibility that ol’ Saddam is plotting to poison and bomb just about everyone but himself? What should happen then?

Well, in a perfect world, the UN should ask him to please surrender all his weaponry, step down and hand the reins over to some “nice” leader, or face discipline by a

coalition of good-guy forces.

He’d do that rather than put his people at risk, wouldn’t he?

Mmmm, nope.

Let’s get real here. Based on his history, and current evidence, there is every reason to believe Saddistic Hussein is as dangerous as accused.

Free World versus terrorism

Do you turn your back on someone like this, hoping if you bury your head in the sand he’ll leave you alone? Hardly. The second thing he’d do would be to blow up your butt.

Sad to say, but any way you look at it, it’s now Free World versus terrorism.

And while I don’t personally know anyone who wants war, neither do I know anyone who five years from now, or maybe two, wants to get nuked when a semi-trailer explodes in downtown Washington, or Toronto, or Winnipeg. Or be exposed to deadly chemicals.

Whatever it takes, he has to go.

I just wish they could find a way to retire Saddam without endangering the people of Iraq, even though it appears most of them cheer when they see us getting blown to smithereens. Who knows what they may think once freed from oppression and lies? Who knows what might happen to them if they didn’t cheer?

I’m being generous, I know, but I’ll take that over cheap hatred any day.

Neutralizing the threat of Iraq is but one step in assuring the safety of those in the free world, including all who would protest against their own protectors.

I always find it ironic when members of a free society, use that freedom to defend an enemy ... who would remove that very freedom.

How many lessons does history have to give us, before we finally learn?

Laurie Mustard can be reached by phone at 632-2749, by fax at 632-4250, or e-mail at lmustard@wpgsun.com.



laurie Mustard
lmustard@wpgsun.com

279 Netanyahu Warns Ottawa of ‘Zealotry,’ National Post, September 11, 2002.

Bush puts Iraq case to the U.N.

BY KAREN DEYOUNG
WASHINGTON POST

President says the world body must stand up to Iraq.

Fresno Bee
September 13, 2002

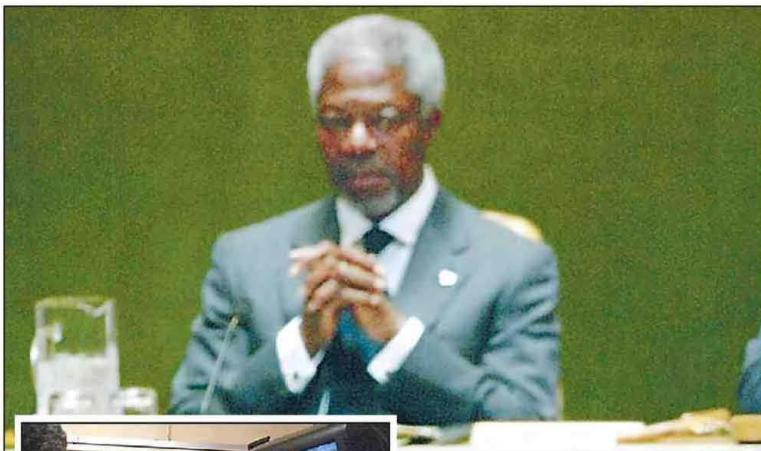
UNITED NATIONS — President Bush challenged the United Nations Thursday to stand up to Saddam Hussein, warning the world body that the United States is prepared to act alone if the Iraqi president fails to comply with U.N. resolutions demanding an end to his weapons development program.

Experts see attack on Iraq as inevitable

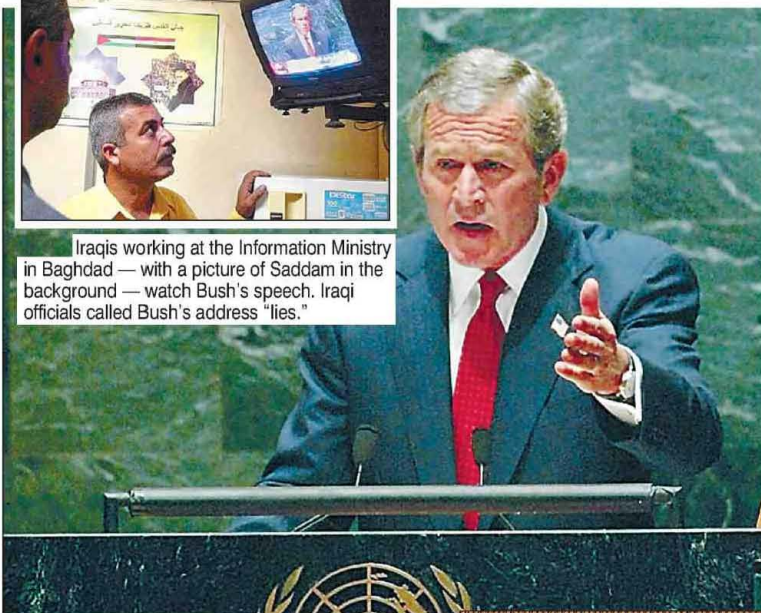
BY JOHN DONNELLY
THE BOSTON GLOBE

WASHINGTON — By laying out an array of impossible conditions for Saddam Hussein, President Bush Thursday all but eliminated every course of action but war in the U.S. campaign against Iraq.

Bush called on the U.N. Security Council to tell the Iraqi leader that his government must destroy or remove all weapons of mass destruction; stop persecuting its citizens; end illicit trade; end support for terrorism; release or account for all Persian Gulf War prisoners; and finish paying reparations from the war.



Iraqis working at the Information Ministry in Baghdad — with a picture of Saddam in the background — watch Bush's speech. Iraqi officials called Bush's address "lies."



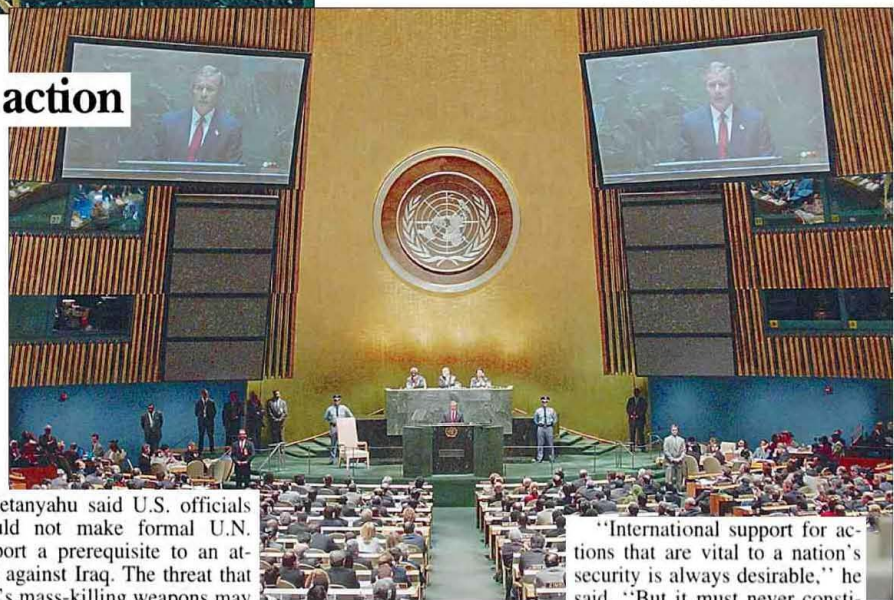
The Post Standard
September 13, 2002

Netanyahu urges U.S. action

Washington — Accusing Saddam Hussein of "feverishly" working to develop nuclear weapons and expanding his chemical and biological weapons arsenal, former Israeli Prime Minister Benjamin Netanyahu urged Congress on Thursday to approve a U.S. military attack against Iraq even without the support of the United Nations.

Netanyahu, a member of the conservative Likud Party who served as prime minister from 1996 to 1999, told members of the House Government Reform Committee that Baghdad's lethal weapons would eventually be used against the United States and its allies if the United States doesn't attack soon.

"I think America is about to do the right thing," Netanyahu said.



Netanyahu said U.S. officials should not make formal U.N. support a prerequisite to an attack against Iraq. The threat that Iraq's mass-killing weapons may come into the hands of terrorists trumps the need for gaining U.N. approval, he said.

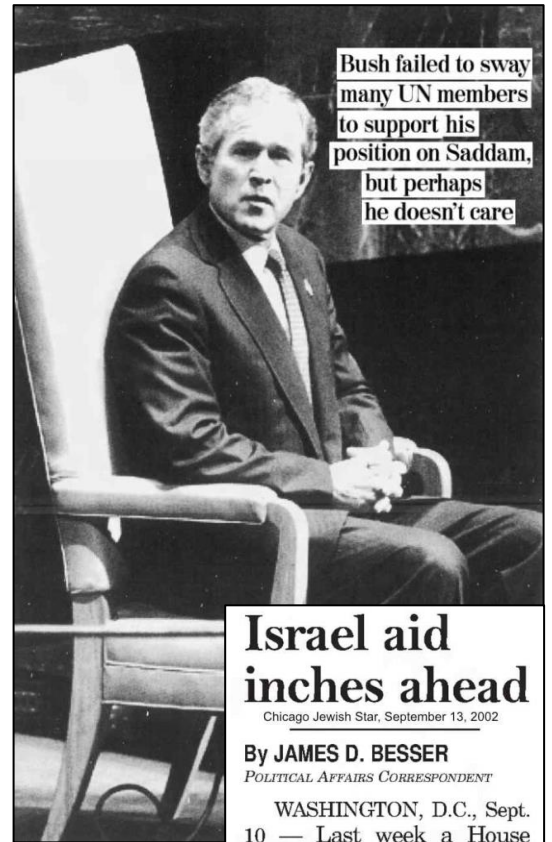
"International support for actions that are vital to a nation's security is always desirable," he said. "But it must never constitute a precondition. If you can get it, fine. If not, act without it."



On September 12, 2002, Benjamin Netanyahu appeared before the House Government Reform Committee hearing in Washington D.C., the very day U.S. president George Bush Jr. appeared before the United Nations. The two politicians were aggressively arguing, harmoniously pushing the same prepared narrative, for the invasion of Iraq.

Netanyahu's approach was for America to invade Iraq, no matter what: "... it must never constitute a precondition. If you can get it, fine. If not, act without it." 280

**A course of action is set,
and it points in the direction of war**



US could strike in 3 weeks, some analysts say

FRIDAY, SEPTEMBER 13, 2002

THE BOSTON GLOBE

Command staff and arms move into position

By Robert Schlesinger
GLOBE STAFF

WASHINGTON — US forces in the Persian Gulf could be ready to attack Iraq in as little as three weeks, armed with a pre-positioned arsenal bolstered in recent weeks by a stealthy series of logistical movements, according to military analysts.

Those analysts point to shipments of tanks and other weaponry to supplement US equipment already in the region, a recent air-strike against a critical radar post in Iraq, and the disclosure Wednesday that the US Central Command, which directs military operations in the region, plans to move command personnel to an air base in the Persian Gulf nation of Qatar.

Analysts see the temporary transfer as significant because it will put hundreds of command staff in the potential theater of war.



Responding to the president's warning to "be ready," sailors on the USS Abraham Lincoln spelled out an answer as the carrier steamed at an undisclosed location. US NAVY PHOTO

280 Netanyahu: U.S. 'doing the right thing,' Philadelphia Daily News, September 13, 2002.



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**Israel's Strategic Challenges
in a Stormy Regional and
International Environment**

Wednesday, September 25, 2002

8:00 – 10:00 P.M.

Casa Bacardi at the University of Miami
1531 Brescia Avenue
Coral Gables, Florida



Netanyahu and Uzi Arad, former Mossad director of Intelligence



Bush "chooses to deceive the world and his own people by the longest series of fabrications that have ever been told by a leader of a nation."

– Iraq's ambassador to the United Nations, Mohamed al-Douri

Bush's speech was "a powerful indictment, by the United Nations' own standards, of Saddam Hussein's contempt for the world."

– Sen. Joe Biden, D-Del., chairman of the Senate Foreign Relations Committee

Don't attack Iraq, Muslim leaders warn U.S.



Associated Press/Scott Tufankjian
A protester is carried away by police Thursday at the site of an anti-war protest outside the United Nations as President Bush addressed the General Assembly.

Netanyahu's visit in Washington failed to generate the print media attention as did in Canada. Israel, Netanyahu, didn't require that attention this round in America, because foreign, Middle East, policy was not an obstacle.

As the theme of 'terrorism' was promoted and pitched, Israel Prime Minister Sharon began to oust Yasser Arafat.

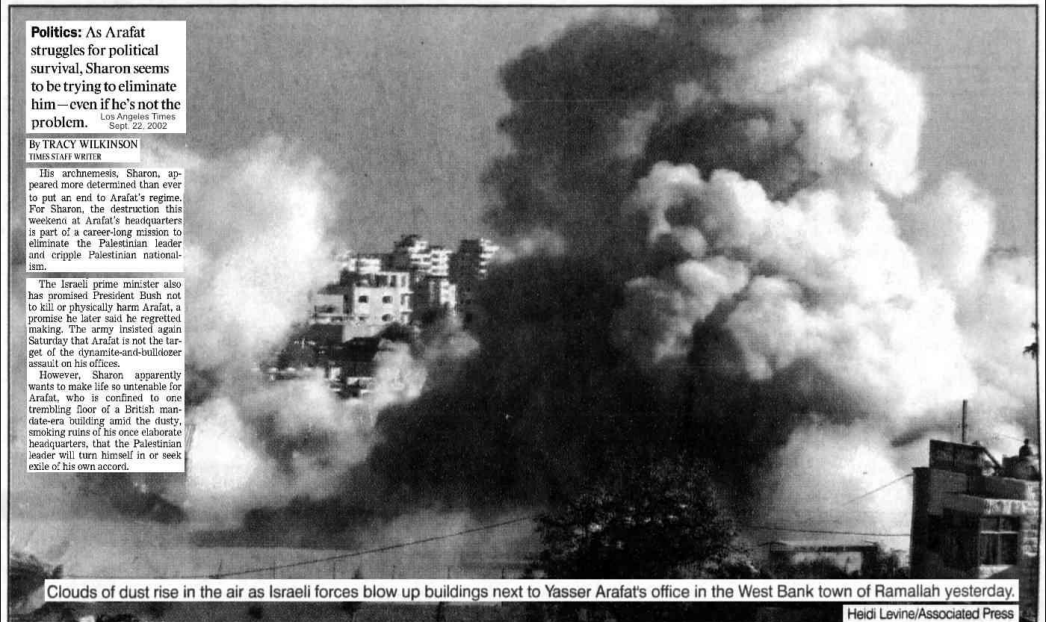
Politics: As Arafat struggles for political survival, Sharon seems to be trying to eliminate him—even if he's not the problem. Los Angeles Times Sept. 22, 2002

By TRACY WILKINSON
TIMES STAFF WRITER

His archnemesis, Sharon, appeared more determined than ever to put an end to Arafat's regime. For Sharon, the destruction this weekend at Arafat's headquarters is part of a career-long mission to eliminate the Palestinian leader and cripple Palestinian nationalism.

The Israeli prime minister also has promised President Bush not to kill or physically harm Arafat, a promise he later said he regretted making. The army insisted again Saturday that Arafat is not the target of the dynamic-and-bulldozer assault on his offices.

However, Sharon apparently wants to make life so untenable for Arafat, who is confined to one trembling floor of a British-made building amid the dusty, smoking ruins of his once elaborate headquarters, that the Palestinian leader will turn himself in or seek exile on his own accord.



Heidi Levine/Associated Press
Clouds of dust rise in the air as Israeli forces blow up buildings next to Yasser Arafat's office in the West Bank town of Ramallah yesterday.

Israel flattens Arafat's compound

Pittsburg Post Gazette, September 21, 2002



Oct. 2, 2002

BENJAMIN NETANYAHU
Former Prime Minister of Israel

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Open Seating - \$239

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Three weeks after his presentation at the House Government Reform Committee in Washington D.C., on October 2 Netanyahu gave a speech in St. Louis, receiving another handsome financial reward. The night before, he spoke in Pittsburgh at Robert Morris University's Heinz Hall. Unlike Canada, under the tutelage of partial media empire influence, America's journalists were sharper, under more diverse and less media-manageable circumstances.

A conservative Israeli will speak in Pittsburgh

Pittsburg Gazette, September 30, 2002

Mr. Netanyahu, 52, was prime minister of Israel, representing the Likud party, from 1996 to 1999. He remains an active politician and the principal rival to current Likud Prime Minister Ariel Sharon.

In terms of Israeli politics, the challenge Mr. Netanyahu presents to Mr. Sharon within the Likud party is from the right. Mr. Netanyahu favors an even harder-line in dealing with the Palestinians than Mr. Sharon does — difficult as that may be to imagine. If prospects for the Israelis and the Palestinians reaching a deal under Mr. Sharon's

leadership are poor, they would be even worse under Mr. Netanyahu.

As prime minister, Mr. Netanyahu talked a good game but could not follow through. He signed the Wye River peace accords with Palestinian Authority Chairman Yasser Arafat in 1998 under President Bill Clinton's eye, but then did not implement the Israeli side of them.

That said, he is a prominent political figure in his country with a message that Americans should be prepared to hear, even if they find it unconvincing.

Israeli agents in D.C. to aid terror fight

By DEBORAH BLACHOR Daily News
SPECIAL TO THE NEWS Oct. 25, 2002

JERUSALEM — Israel has discreetly sent a team of Mossad intelligence agents to Washington to assist the U.S. in its war on terrorism, intelligence sources in Israel told the Daily News.

More than two dozen agents flew in three weeks ago and joined the new Mossad bureau chief, who is permanently stationed in Washington. The team includes the previous Mossad Washington chief, who finished her tenure about a month before the Sept. 11 attacks.

The precise nature of their assistance remains secret, but experts said they could help the U.S. in its investigation into Al Qaeda cells, tracking of Islamic suicide bombers and efforts to combat bioterrorism.

Intelligence sources said Israel's experience in combating Islamic terrorism is unparalleled. The agents can help the U.S. learn about the motivation and methods of terrorists, possibly enabling the government to track down militants before they strike — a preventive strategy Israel has used for decades.

"Until now, the highest number of suicide attacks has been in Israel," said Uzi Arad, a former senior Mossad official and now director of the Institute of Policy and Strategy at the Herzliya Interdisciplinary Center. "It is a sad, cumulative experience that could potentially help an ally in need."

Intelligence sources here said the team includes a small group of covert-operation experts that has battled terrorists in Israel.

FORUM

the BENJAMIN NETANYAHU show

PITTSBURGH POST-GAZETTE
SUNDAY, SEPTEMBER 29, 2002

THE FORMER ISRAELI PRIME MINISTER'S SPEECH HERE ON TUESDAY WILL PUT THE MIDEAST CONFLICT IN SHARP FOCUS

"Israel should have exploited the repression of the demonstrations in China, when world attention focused on that country, to carry out mass expulsions among the Arabs of the territories." — Benjamin Netanyahu to students at Bar Ilan University (from the Israeli journal Hotam, Nov. 24, 1989).

Two days before Netanyahu's presentation at Heinz Hall, the Pittsburgh Post-Gazette devoted a full page, *The Benjamin Netanyahu Show*, with a meme showing the Israeli flag star with an image of Netanyahu in its centre, surrounded by six images of Israel's star showing Palestinian resistance. The page featured two competing half-page narratives, one by David Shtulman, "Pittsburgh area director of the American Jewish Committee," under the subtitle, "The intifada has come

to America, and the anti-Israeli and anti-Jewish rhetoric is becoming too shrill." The other by Susan Abulhawa, "human rights activist and founder of Playgrounds for Palestine, a children's charity," under the subtitle, "In defiance of all tenets of democracy, law and human decency, Israel acts with impunity, always justifying its crimes for security." The following is a lengthy quote from Abulhawa's statement which began with a quote from Netanyahu which he made on November 24, 1989 to students at Bar Ilan

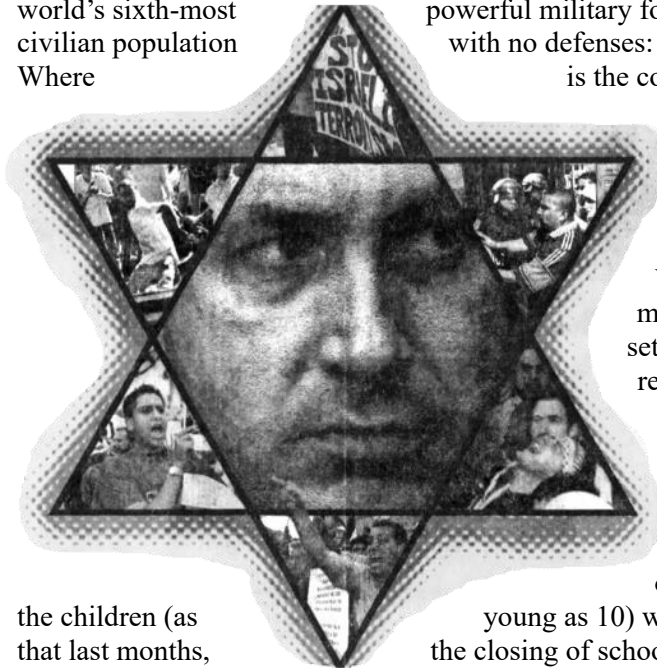
University: "Israel should have exploited the repression of the demonstrations in China, when world attention focussed on that country, to carry out mass expulsions among the Arabs of the territories."

"Benjamin Netanyahu, a former Prime Minister of Israel, has been busy appealing to American audiences for support of Israel's "war on terror" by equating merciless colonial designs with the U.S. war against al-Qaida. Ostensibly, the aim is to appeal to American sensitivities, post 9/11.

In some ways, Netanyahu exemplifies the imperialism of his assertions. He is the son of immigrants to Palestine, turned imperious master with nefarious solutions to "deal" with the "problem" of the natives, who have lived on, cultivated and loved the land for centuries.

He speaks of "cleaning out" the occupied territories, "attacking terrorist nests," destroying "terrorist dens," (or any other choice zoological habitat). So efficient is the Israeli propaganda machine that a whole nation of human beings is reduced to little more than a "den" of "terrorists" such that no matter what sheer wanton killing and destruction Israel inflicts, it is done without so much as a peep of compassion from our absurdly pro-Israel government.

An armada of apologists, Netanyahu among them, hold up the exhausted and fantastic claim that Israel, the world's sixth-most powerful military force, is "fighting for its survival" against a besieged civilian population with no defenses: no army, no navy, no air force and no refuge. Where is the context of the occupation? Where is the context of an entire nation forced to teeter on the margins of humanity without basic human rights, subjected daily to the humiliation, grinding oppression and arbitrary thievery of land and water by the Jewish state for 35 years?



Where is the context of broken agreements, the ever-metastasizing Jewish-only settlements (35 brand new settlements in the past two years alone!), or Israel's repeated flouting of international law and defiance of over 65 U.N. Resolutions? Where is the memory of 500 Palestinian villages wiped out in 1948 and their inhabitants dumped like garbage into refugee camps?

Our country has so blindly accepted Israel's claims of self defense that few pause to consider the overwhelming devastation, the unimaginable brutality, the children (as young as 10) who languish in hideous "detention centers," the curfews that last months, the closing of schools, the cutting off of water and electricity, the prevention of medical treatment, the unrelenting attacks on medical personnel and facilities, or the systematic destruction of civil institutions, like the Ministry of Education or the Ministry of Statistics.

By what ruthless standard is it self-defense when Israel pounds a refugee camp, home to 13,000 souls, for 10 days with helicopter gunships, unremitting tank fire and missile strikes by the hundreds each day? Only by the most racist logic is it self-defense when Israel drops a one-ton bomb in a civilian neighborhood of Gaza, the most densely populated spot on Earth, killing and injuring scores of human beings in their sleep. It is only by the bigoted standards of the Netanyahu sort that placing a booby trap in a refugee camp (which killed five schoolboys, 8 to 12 years old, on their way to school), is "self-defense."

In defiance of all tenets of democracy, of law, and human decency, Israel acts with impunity, always justifying its crimes for "security." International law and morality are subdued before Israel's "security needs." Why? Why must Israel's self-perpetuated security concerns undermine the rule of law and international sense of justice?

Israel's security problems arise not from some inherent bestiality of Palestinians, but from its own ideology, of religious superiority and entitlement. It arises from its continual denial of Palestine's right to exist; from its colonial aspirations and notions of a divine real estate agent; from its brutality and utter disregard for Palestinian life. Its plans for walled-in Palestinian "entities" (which Netanyahu advocates as a "necessary security measure") are no more than blueprints of glorified concentration camps, a source of subjugated cheap labor."

12.3. Undermining Democracy, Truth: Asper's Sting

Eleven months before his departure from planet earth, Izzy Asper launched a vicious, scathing attack, accusing various global 'left' media of conspiratorial bias reporting against the colonial state of Israel.

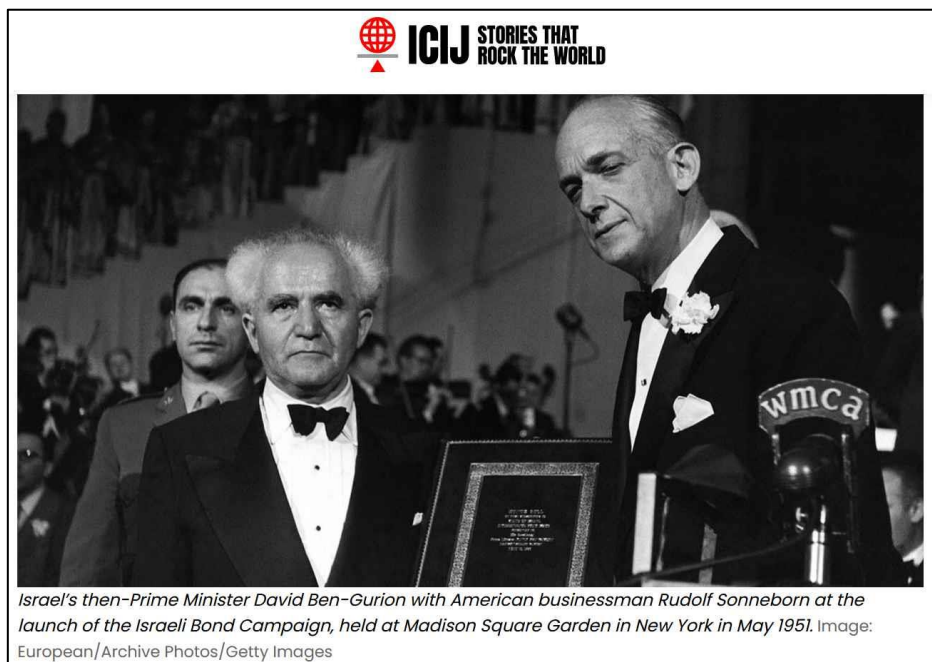
Media mogul Asper's accusations took place on a Wednesday evening, October 30, 2002, at an annual **Israel Bonds** gala event held in Montreal City. His stinging accusations caused an international splash. The stunt was typical of Zionists' often brazen behaviours, the likes of which are routinely characteristic of Netanyahu's misleading and sometimes vile public statements. Asper's attack had been carefully written and planned, coinciding with Zionist strategies to: continue countering the protest events at the international human rights conference in Durban, South Africa of September 2001; launching intelligence gathering of North American university and college campuses; taking advantage of the 9/11 – 2001 terrorism theme and Netanyahu's associated narratives to attack Iraq; counter the fallout of Israel's transgressions of the Oslo peace accords resulting in the 2nd Intifada; to rationalize the creation of the Zionist's recently created organization, **Honest Reporting Canada**; to bolster Netanyahu's ambitions for returning as Israel's Prime Minister under an aggressive upswing of Israel's right-wing Likud party. Contrary to Asper's narratives, Zionism is not about democracy. It never was.

He challenged his audience to be "more aggressive and vigilant" in acting against "media bias" by protesting, cancelling subscriptions and boycotting advertisers of media "guilty of dishonest reporting."

He also called for the establishment of "**honest reporting response groups**" in local communities to "call to account dishonest media."



On July 25, 2024, the International Consortium of Investigative Journalists published their investigation "from thousands of pages of email records" of 'Israel Bonds' controversy in the United States, [*Inside the Sophisticated Sales Operation Funneling Billions from US State and Local Governments to Israel*](#). In the open sections of the story, was the revelation that since Israel's genocide began on October 8, 2023, "U.S. states and municipalities have bought more than \$1.7 billion in Israeli bonds, with Democratic and Republican officials around the country boasting of their investments as a show of support for an Israel at war." The investments of the bonds were made from U.S. taxpayers. ... given the historic scale of its operations, which have raised \$52 billion over more than seven decades, Israel Bonds' performance could have real consequences for Israel's future:"



For decades after its launch in 1951, Israel Bonds, formally known as the Development Corporation for Israel, primarily focused on customers from the Jewish diaspora in the U.S. to bolster the

fledgling Middle Eastern state. Israeli bonds have long been pitched as gifts for birthdays and bar and bat mitzvahs. But the bond seller — and its marketing strategy — has evolved, becoming an important source of government financing as it courted banks and other institutional investors, more recently including U.S. states and municipalities.

“In some ways, the Israel Bonds program is one of the — if not the — most successful sovereign debt issuance programs in the history of the world,” said Mitu Gulati, a law professor specializing in international debt finance at the University of Virginia Law School. “They’ve never defaulted. And they have managed to tap retail investors,” Gulati said, referring to individual investors, who generally deal in smaller quantities.

Amidst the grievous turmoil and suffering of over one million forcibly displaced Palestinians — which Israeli leaders lied about and ignored in the press, and which caring, compassionate people such as Fayez Sayegh who exposed those truths to North Americans and the world (refer to Part 8) — in May 1951 Israel’s prime leader flew to America in the “maiden flight” of “the Israel National Airline’s big Constellation”²⁸¹ begging for money in his three-week “goodwill visit,” to finance the murderous thievery of Palestine with the creation of Israel Bonds.

In the opening years of Israel’s advertised promotion of Israel Bonds, it featured big stage events in Canada and America, with appearances by statesmen and stateswomen, Hollywood stars, musicians, comedians, celebrities, famous academics. Why, there was even a “Miss Israel Bond” contest held in Montreal City in 1953 of “various Jewish women’s organizations of Montreal.” By 1954, the Israel Bonds “drive” across Canada “by Canada-Israeli Securities Ltd.” came to Vancouver City. By early 1954, Israeli Prime Minister Moshe Sheratt’s administration extended the confined sale of Israel Bonds in Canada and America to Europe and Latin America. In three years, the American Financial and Development Corporation for Israel had “realized \$161,000,000.”²⁸²

Israel Floats Bond Issue in United States

NEW YORK, May 2—(Star Special)—Government of Israel bonds went on sale yesterday throughout the United States in an effort to obtain \$500,000,000 in the next three years to enable that country to carry on its economic development.

The bond sale is being conducted by the American Financial and Development Corporation for Israel, which described the bond sale as the largest foreign offering ever placed before the American public.

Sale of bonds is one aspect of the Israel Government’s program to get \$1,500,000,000 it estimates it will need to absorb 600,000 immigrants and carry on industrial and agricultural development in the three year period. The Government of Israel will make available \$500,000,000, with the remaining \$1,000,000,000 to come from bond sales, continued contributions to the United Jewish Appeal and private investment in Israel.

Montreal Star, May 2, 1951

Israel Prosperity ‘Can Be Speeded’ By Canada Jewry

Montreal Gazette, February 2, 1953

Canadian Jewry has it in its power to speed Israel on the path to full economic independence, Henry Montor, vice-president of the American Financial and Development Corporation for Israel, said here yesterday.

Addressing a meeting which inaugurated the Israel bond drive in Montreal and Canada, Mr. Montor declared: “By establishing the mechanism through which citizens of Canada can purchase State of Israel Bonds, you are opening a new and important channel of assistance for the development of Israel’s industry and agriculture.”

Hyman Grover, chairman of the Montreal section of the Israel Bond Drive, declared: “It is critically important for the people of Israel to be backed by our investment dollars if they are to be enabled to carry forward their exciting and heroic beginnings into the realm of solid achievement.”

At noon a luncheon meeting of key workers presided over by Samuel Bronfman, national co-chairman of the bond drive in Canada, was addressed by Rudolf G. Sonneborn, president of the American Financial and Development Corporation for Israel, who asserted that funds invested in Israel through Israel bonds sold in the United States had wrought a transformation in the life of that country.

Delegates Gather For Discussion Of Israel’s Future

Five hundred leaders of the Canadian Jewish community will attend the Planning Conference for Israel which will take place tonight and all day tomorrow at the King Edward Hotel in Toronto.

Montreal Gazette, September 18, 1954

The conference was called to formulate plans to step up sales of State of Israel Bonds during the rest of the year to provide capital for the economical strengthening of Israel.

The opening session will hear addresses by Israeli Ambassador Michael S. Comay; Sen. Wayne Morse of the United States, Samuel Bronfman of Montreal, co-chairman of the State of Israel Bond Drive in Canada, and D. Lou Harris of Toronto, conference chairman.

Other speakers will include Edward E. Gelber, national president of the Zionist Organization of Canada; Mrs. Anne Raginsky, chairman of the drive’s Montreal women’s division; David Horowitz, governor of the newly-created Bank of Israel; Economist Leon Keyserling; and Henry Montor, chief executive officer of the drive.

²⁸¹ Ben-Gurion lands in U.S. for Parley, Montreal Gazette, May 4, 1951.

²⁸² Israel Bonds to be sold in Europe, The Kingston Whig Standard, February 11, 1954.



MONTREAL
B'NAI B'RITH
WELCOMES

MRS. ELEANOR ROOSEVELT who will be guest speaker at a mass rally for Israel Bonds under the auspices of Montreal B'nai B'rith Coordinating Committee, on Thursday, Sept. 9, at 8:30 p.m. at the Mount Royal Hotel. Having visited Israel, Mrs. Roosevelt will provide a first-hand picture from her observations there.

**MASS RALLY FOR
ISRAEL BONDS**
Thursday, September 9th, at 8:30 p.m.
Sheraton Hall — Mount Royal Hotel

Admission by Advance reservation only
— for information telephone BEair 4445.

Montreal Star, September 8, 1954

and
Jan Bart
America's Foremost
Entertainer



**Strengthen the
Forces of Freedom
Guarantee the
Future of Israel on**



Toronto Star, December 5, 1953

SUNDAY, DEC. 6

Still Time to Volunteer — Phone EMpire 8-1733 NOW!

Fifty Thrilling Prizes for BIG Day Workers

STATE OF ISRAEL BONDS
203 Bay Street, Toronto

Toronto will be honored
by the first visit of
the Chief Rabbi of Israel

TORONTO COMMITTEE
FOR ISRAEL BONDS



Chief Rabbi
Isaac Halevi Herzog



One of the great spiritual leaders of the world will honor Toronto by his first visit — on MONDAY, DECEMBER 13, 1954.

He is Chief Rabbi Isaac Halevi Herzog of Israel.

Even as the establishment of the State of Israel marked the dawn of an era of spiritual fulfilment, so the unprecedented visit of the Chief Rabbi of Israel marks a milestone in the spiritual life of Toronto.

On this historic occasion, as the people of Toronto honor the Chief Rabbi of Israel, they will be honoring, through him, the modern Maccabees of Israel who are striving to bring to fruition the dream of Israel reborn and reconstructed.

The people of Toronto are reminded, through the momentous visit of the Chief Rabbi of Israel, of their profound responsibility of kinship and partnership with the people of Israel in their noble efforts to preserve and strengthen democracy and to achieve economic stability.

There is a most appropriate and meaningful way of welcoming and honoring the Chief Rabbi of Israel — and that is by purchasing an Israel Development Bond now, so that the rebuilding of Israel can go forward.

Toronto will be proud to honor this outstanding leader at the RABBI HERZOG RALLY FOR ISRAEL BONDS on MONDAY, EVENING, DECEMBER 13TH at MASSEY HALL

Special selections by the renowned Cantor Moshe Kusevitsky. For information about tickets, please contact the

9 RICHMOND STREET EAST, ROOM 206 EMPIRE 8-1733

**ARE YOU
WEARING
HALF A HALO?**

Montreal Star
November 25, 1954

Moved by a great tragedy of persecution, inspired by a historic opportunity for the building of a new democracy and a new home for large sections of the Jewish people, many Montrealers have had a decisive role in the development of Israel.

Very few civic-minded citizens have equalled the standard of generosity set by their contribution to Israel. These men and women have been truly driven by a greatness of heart, by a divine sense of destiny.

But today a new situation confronts the State of Israel. Having strained every resource to take in an unlimited flow of immigration, it is now engaged in a critical battle for economic survival. Its industries are growing but they must have much more capital to expand. Its farms are producing more than ever before, but they must be enlarged to care for a much larger population. Its mining areas are yielding new minerals, but larger resources are needed to exploit them fully.

As laudable as is your effort for Israel through philanthropic channels, this only represents half the job. The other half is quick and substantial investment in Israel Bonds.

Only by doing the whole job, by buying Israel Bonds, in addition to your gift dollars, will you hasten the day of full independence, happiness, and peace for the people of Israel.

We cordially invite you and your family to participate in this historic development and to join us at Luncheon with

Senator Wayne Morse

LUNCHEON

Sunday, November 28th, at 12:30 noon
at the Ritz Carlton Hotel Ballroom

Make your Reservations NOW by telephoning
BEair 4445

MONTREAL CHAPTER OF GUARDIANS AND SPONSORS
OF ISRAEL

DO YOU SLEEP WELL AT NIGHT?

Most of us do not take our worries to bed. We sleep the quiet sleep that is free of fret and fear.

But in Israel there are men and women who do not sleep well. The inhabitants of the border settlements do not sleep well. Would you sleep well if you were faced with night raids, shootings, the killing of innocent people seeking to make a home for themselves?

How can you sleep well when the Arab leaders are making inflammatory statements that they are still in a state of war with the small young democracy of Israel, that no peace can exist in the Middle East unless Israel is destroyed?

How can you sleep well when a new treaty has been signed with Egypt giving her complete control of the Suez Canal, the same Egypt which refuses to permit any ships of trade to use the canal in going to or from the State of Israel?

You will sleep well if you help remove the fears and anxieties of the people of Israel. The time and crisis call for action — action to reaffirm our devotion to Israel and its aspirations for freedom and peace — to strengthen its security by strengthening its economic defence.

Montreal will be fortunate in having as its special guest at a stirring Chanukah Festival for Israel on Monday evening, December 20, at the Montreal Forum, one of the founders of the State of Israel, its distinguished Minister of Finance, Mr. Levi Eshkol, and a dazzling array of artistic talent, including tenor Jan Peerce, movie star George Jessel, Israeli violin virtuoso Zvi Zeitlin, and soprano Emma Schaver.

Free reserved tickets to this extraordinary occasion will be issued to those who buy and sell Israel Bonds. There is no other way to get in. Montreal Star, Dec. 1, 1954

CHANUKAH FESTIVAL FOR ISRAEL

Guest of Honour

THE HONOURABLE LEVI ESHKOL

Israel's Minister of Finance

**MONDAY, DECEMBER 20th, 8:30 P.M.
MONTREAL FORUM**

You can do something truly big to safeguard Israel, first by making Sunday, December 12th, a day of historic action for Montreal — the **BIG ACTION DAY** that will determine your admission to the Chanukah Festival.

BUY ISRAEL BONDS

BECOME A VOLUNTEER

ENROLL NOW FOR BIG ACTION DAY

MONTREAL ISRAEL BOND COMMITTEE

2025 UNIVERSITY STREET — BE. 4445

DRINK THIS COFFEE AND GET ALL THE SLEEP YOU NEED!

INSTANT SANKA COFFEE

Deliciously rich... 97% CAFFEIN-FREE!

It's real coffee-lovers' coffee

Delicious Instant Sanka is 100% pure coffee — as rich, flavorful and full-bodied as only the finest coffee can be.



Drink all you want ... and **SLEEP**

It's nothing but the caffeine in coffee that spoils sleep and jangles nerves. It's taken right out of Instant Sanka.



Made so quickly — easily.

A spoonful of Instant Sanka to each cup ... add piping hot water ... coffee's ready! No pot. No grounds. No waste.



Don't stop drinking **COFFEE**... Just stop drinking **CAFFEIN!**

If coffee keeps you awake, wouldn't it be wise to try Instant Sanka? It can't disturb sleep or upset nerves. Enjoy this delicious coffee ... and sleep tonight!



A Product of General Foods

INSTANT SANKA COFFEE



Also obtainable and equally delicious in regular form

97% CAFFEIN-FREE



THE VANCOUVER SUN: Sat., May 30, 1953

—Joseph
FIRST BOND of the State of Israel to be bought in Vancouver was delivered to Acting Mayor R. K. Gervin Friday by Harold Freeman (left), chairman of the Vancouver State of Israel Bonds Committee. Ald. Gervin promised to buy a bond at a recent dinner meeting here.



MISS "ISRAEL BOND" CONTEST

MISS ISRAEL BOND: Competing for the title of "Miss Israel Bond", to be crowned at the Big Show for Israel Bonds Monday evening at the Forum, these semi-finalists represented various Jewish women's organizations of Montreal at the judging ceremonies. Left to right are: **Judy Greenblatt, Frances Rapoport, Gertie Novick, Ann Rottermund, Shirley Kraft, Dina Barg, Elaine Welik, Rachelle Kehela, Brenda Hyatt, Judy Hershfield, Irene Mangel and Rifka Kastner.**

Raps Criticism Of Sunday for Israel Bond Drive

The Sun Times, Dec. 04, 1953

TORONTO (CP) — Mayor Allan Lamport said Thursday that criticism of using Sunday to promote the sale of state of Israel bonds is "ridiculous."

He was replying to a letter from A. S. McGrath, general manager of the Lord's Day Alliance who said buying and selling bonds on Sunday is "injurious and a danger to the Sunday privileges of all Canadians."

Officials of the Israel bond drive said no sales will be made on Sunday, named Big Day of Jerusalem Week by civic proclamation to promote sales of the bonds. The bond officials said canvassers will go from house to house Sunday giving information only.

Attend Montreal Convention



Left to right: **Leonard Kaplansky, Mitchell S. Bernstein, Mort Bernstein, Milton Zides.**

Among the seven hundred delegates who attended the 32nd national convention of the Zionist Organization of Canada held in Montreal over the week-end were the four men above, the three younger men being the youngest delegates present. Both Bernsteins participated in the sessions dealing with techniques for fund-raising and for selling of Israel Bonds in Canada.

Telegraph Journal, January 26, 1954

Synagogues rally behind Israel bonds

HARVEY SHEPHERD

The Gazette, May 11, 2002

Rabbis Sidney Shoham of Beth Zion Congregation in Côte St. Luc and Mordecai Zeitz of Beth Tikvah Congregation in Dollard des Ormeaux have added two psalms to their regular daily minyan prayers as an expression of support for Israel.

And the two rabbis said many other synagogues have probably made similar gestures in response to the current crisis in Israel and the occupied territories.

Shoham and Zeitz, both founding rabbis of their synagogues, have probably been in their present pulpits longer than any other active Montreal rabbis: 47 years for Shoham and 39 for Zeitz.

They are longstanding supporters of Israel bonds. Their current initiative grew out of a trip they took to Israel last January with a group of rabbinical supporters of the bonds.

During the trip, they found Israelis fearful and discouraged, and were horrified by evidence of atrocities perpetrated by those on the Palestinian side.

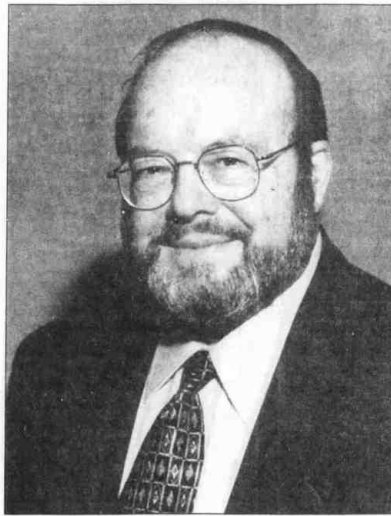
Our conversation, in the Queen Mary Rd. office of Linda Israel, executive director for Quebec of "State of Israel Bonds Canada" (more formally, Canada-Israel Securities Ltd.), included much give-and-take on the merits of the Israeli and Palestinian causes.

Israel and the rabbis said this is first time there has been a specifically synagogue-based Israel-bonds campaign in Montreal.

In the face of the pressures it is facing now, Israel hopes to sell \$1.25 billion of the bonds this year, up about one-quarter from the usual total. About 10 per cent are usually sold in Canada.

Linda Israel said the state of Israel relies on bond sales for half its foreign-currency needs.

Proceeds are used for capital projects like roads, aqueducts, power stations and water-desalination research and plants.



Rabbi Sidney Shoham (left) and Mordecai Zeitz have added two psalms to the regular daily minyan prayers at their synagogues as an expression of support for Israel.

I made the point that the bond campaign, on behalf of a government seen by some critics as terrorist in its own way, could be seen as provocative. Canadian and U.S. governments have been freezing the North American funds and assets of some groups seeking aid opponents of the Israeli government (or purporting to freeze them; I don't know about the real effectiveness of these measures).

These groups are, of course, alleged to be terrorist or pro-terrorist - but their supporters do not agree with the description, any more than do supporters of Ariel Sharon's government in Israel.

The rabbis' response focused, understandably, on arguments in favour of the Israeli side in the conflict.

Shoham, however, also made the point that none of proceeds of the bond campaign is used for military purposes.

He cheerfully agreed with me, though, that receipts from the bonds make it easier for Israel to devote other funds to arms.

"You can't expect a state like Israel to shoulder such a huge responsibility as it does," Zeitz said. "The terror has taken such a toll."



THE GAZETTE

Israel Asper calls anti-Israel bias in the press a "cancer."

CanWest boss rips media bias

Background: The Palestinians launched an intifada against Israel in September 2000.

New: CanWest Global founder Israel Asper says pervasive anti-Israel bias in the media is a "cancer" that is destroying much of the media's credibility and eroding support for the Jewish state.

Next: Asper calls for protests, including canceling subscriptions to media "guilty of dishonest reporting." Page A25

Excerpts from speech, Page A31

The Canadian print media failed to report on what media were invited to attend the Israel Bonds gala event in Montreal City on October 30, 2002. The following day, in a busy line-up of Canadian and international print media articles, the Montreal Gazette reported that it had acquired a copy of Asper's "prepared text" (later revealed with the title, "Dishonest Reporting: Media Bias Against Israel"), and featured "edited excerpts" from it, with the headline "Media have abandoned honesty in the Middle East." The piece included a bold inset comment from Asper's text in larger font, which read, "We must demand that journalism schools do a better job of teaching integrity more forcefully."



State of Israel Bonds
salutes
Jewish National Fund
and Stanley Plotnick

Linda Israel
Executive Director, Quebec Region

Ora Stolowitz and Murray Dalfen
Co-chairmen, Quebec Region

The Gazette, May 23, 2002

www.israelbonds.net

Media have abandoned honesty on the Middle East

Many journalists have simply adopted Palestinian propaganda as their context

The Gazette included a syndication analysis of Asper's speech by reporter Irwin Block on a separate page, "CanWest chief attacks 'cancer' in the media," which was fitted amongst three other articles in a full page on Israel themes, two of which were on Palestinian gunmen and a Canadian Palestinian terrorist. The other article was on the collapse of the Ariel Sharron's national-unity coalition.

From a scan of newspaper articles covering Asper’s Israel Bonds gala speech, it seems that the Montreal Gazette was responsible for leading the circuit, for running the content and messaging for Canadian print media on this story. This turns out to be an important clue to a media corporate controversy discussed below.

Media have abandoned honesty on the Middle East

Many journalists have simply adopted Palestinian propaganda as their context

ISRAEL H. ASPER

"We must demand that journalism schools do a better job of teaching integrity more forcefully!"

In a Montreal speech last night, Israel H. Asper, executive chairman of CanWest Global Communications Corp. (which owns The Gazette), denounced dishonesty and bias in U.S., British, and Canadian journalism, especially on the Mideast. Here are edited excerpts from his prepared text:
The Gazette, October 31, 2002

CanWest chief attacks 'cancer' in the media

IRWIN BLOK THE GAZETTE, MONTREAL, THURSDAY, OCTOBER 31, 2002
THE GAZETTE
ANTI-ISRAEL BIAS 'DESTROYING CREDIBILITY'

Fundamental precepts of honest reporting have been abandoned, Israel! Asper says

We must end media bias against Israel

I.H. ASPER, O.C., O.M., Q.C.

National Post
October 31, 2002

I.H. Asper is President of the Asper Foundation and Executive Chairman of CanWest Global Communications Corp. This an excerpt of Mr. Asper's speech to the Israel Bonds Gala in Montreal last night.

On the day after Asper’s evening speech, came two versions of Asper’s ‘text.’ One shorter version was printed in The Gazette, “Media have abandoned honesty on the Middle East,” the other, longer version, in the National Post, “We must end media bias against Israel.” The Gazette stated that its piece was “edited excerpts from his prepared text,” and the National Post said the same, “this is an excerpt of Mr. Asper’s speech.” Both the National Post’s and Gazette’s versions were not “an excerpt,” but doctored, or altered, texts, probably authored by Asper himself, or with guided permission for alteration. The Gazette piece is a weird mishmash of the two, with the main difference that it ends with long excerpts from the end of Asper’s speech, which the National Post excludes. This same doctored text in the National Post appeared two days later in The Windsor Star. It would seem as though Asper had prepared at least two versions: one for his speech and the auditorium crowd, the other (one or two) for the print media public. Asper’s originating speech, “Dishonest Reporting: Media Bias Against Israel,” was later posted on the Israel Bonds website (can it be trustworthy?).

Due to the significance of Izzy Asper’s public utterances, which may have been the first instance of its kind by a Canadian media mogul, I have provided a table which compares the ‘original’ with the National Post version, and with the odd version from the Gazette in red highlighted font.

Asper’s Speech Text at the Israel Bonds Gala October 30, 2002	Asper’s Signatory Text in the National Post October 31, 2002
<p>Throughout my lifetime I have had an unshakeable commitment to two cornerstones of my personal value system: Perhaps three, if you include Canada. My first commitment is to this great nation, Canada. My second is to Israel as a symbol and teacher of excellence for all of humankind, and the media as the most honorable and steadfast advocate, defender and distributor of truth, honesty, fairness, freedom, democracy and human rights.</p> <p>Tonight, with a combination of sadness, fear and anger, I must tell you that [Israel and the media] are under grievous assault.</p> <p>And, even more painful for me, even though at first glance those two pillars should be separate, I regret to say, they are both threatened by the same cancer and have thus become</p>	<p>Throughout my lifetime I have had an unshakable commitment to three cornerstones of my personal value system: my first commitment is to this great nation, Canada. My second is to Israel as a symbol and teacher of excellence for all of humankind, and the third is to the media as the most honourable and steadfast advocate, defender and distributor of truth, honesty, fairness, freedom, democracy and human rights.</p> <p>With a combination of sadness, fear and anger, I must now tell you that both Israel and the honour of the news media are under grievous assault. And, even more painful for me, even though at first glance those two pillars should be separate, I regret to say, they are both threatened by the same cancer and have thus become inextricably linked. This is because</p>

<p style="text-align: center;">Asper’s Speech Text at the Israel Bonds Gala October 30, 2002</p>	<p style="text-align: center;">Asper’s Signatory Text in the National Post October 31, 2002</p>
<p>inextricably linked. This is because dishonest reporting is destroying the trust in and credibility of the media and the journalists, and the same dishonest reporting is biased against Israel, thus destroying the world's favorable disposition toward it.</p> <p>[Tonight] I make the charge that much of the world media who are covering the Arab-Israeli conflict have abandoned the fundamental precepts of honest reporting. They have been taken captive by their own biases, or victimized by their own ignorance. They have adopted Palestinian propaganda as the context for their stories. Thus dishonest reporting has made truth a casualty of the war, causing grievous damage to both Israel and the integrity of the journalistic profession.</p> <p>Dishonest reporting occurs in several forms. One is through the selection of terminology which promote a presumed set of facts. [Many] biased media describe the Palestinian perpetrators of clear acts of terror against Israel, merely as “militants,” “resistance fighters,” “gunmen,” “extremists.” The terms “cycle of violence,” “moderate Arab states,” “peace process,” “occupied territories,” and “illegal settlements” have also become tools and weapons used by the journalistic propagandists. The war proves there is no peace process, there are no moderate Arab states, the term “cycle of violence” is an insult to the truth, and under the Oslo agreements there is no prohibition against Israel establishing new settlements in the territory it captured from Jordan.</p> <p>Some examples of profound media bias against Israel which result in this dishonest reporting, are found in the world's leading media. Some of the worst in Britain are the London Independent, the Guardian, BBC, Sky News, Reuters, Evening Standard, Britain's television network ITV and the Daily Mirror. In the U.S., the worst offenders are CNN, ABC, CBS and NBC, the Washington Post, the New York Times, the L.A. Times, and Associated Press. In Canada, although not alone, the CBC provides the most slanted and biased information, and routinely practices dishonest reporting.</p> <p>The first and worst lie is what this war is all about. Dishonest reporting tells you that it's about territory, and Jerusalem, and Palestinian statehood, and alleged refugees. Honest reporting would tell you that it is a war to destroy Israel and kill or expel or subjugate all the Jews. But the media has bought and reported dishonestly and relentlessly the big lie that this war could be ended by Israeli land concessions.</p> <p>The second fundamental big lie is what gave rise to the current version of the Arab war of extermination of Israel and the Jewish people -- the so-called al-Aqsa uprising or intifada. The truth is that when Palestinian leader Yasser Arafat could not get the extravagant concessions he demanded from the Clinton's Camp David meetings, he planned the uprising of terrorism as a means of intimidating the U.S. and Israel into giving into his maniacal demands.</p>	<p>dishonest reporting is destroying the trust in and credibility of the media and the journalists, and the same dishonest reporting is biased against Israel, thus destroying the world’s favourable disposition toward it.</p> <p>I want to make it clear that I am not here speaking for our own media company, CanWest Global Communications, but only as a concerned Canadian and a long-time journalist myself. As well, because my company competes with most Canadian media, I will not make specific reference to our competitors’ record, with one exception. That exception is the CBC – because all Canadians own it and the governments we elect are responsible to us and it for its quality and integrity.</p> <p>Before turning to specific examples and analyzing the causes of this outrage, we should touch on some fundamental lies on which many reporters and analysts base their view of the war.</p> <p>The first and worst lie is what this war is all about. Dishonest reporting tells you that it 's about territory, and Jerusalem, and Palestinian statehood, and alleged refugees. Honest reporting would tell you that it is a war to destroy Israel and kill or expel or subjugate all the Jews. That is proved by the words and deeds of all the key Arab Palestinian leaders. But the media has bought and reported dishonestly and relentlessly the big lie. That big lie is that this war could be ended by Israeli land concessions.</p> <p>The second fundamental big lie disseminated by world media, including those in Canada, is what gave rise to the current version of the Arab war of extermination of Israel and the Jewish people-the so-called Al-Aqsa uprising or intifada.</p> <p>The truth is that when Palestinian leader Yasser Arafat, one of the world's most cruel and vicious terrorists for the past 30 years, that corrupt dictator and thief of billions of dollars of</p>

Asper's Speech Text at the Israel Bonds Gala October 30, 2002	Asper's Signatory Text in the National Post October 31, 2002
<p>But he needed an excuse, an appealing argument in which to clothe his new latest war.</p> <p>And so, in early September 2000, when Parliamentary opposition leader Ariel Sharon told both Israelis and Palestinian officials he intended to visit the Temple Mount in Jerusalem, legally part of Israel which is co-sited with the Muslim al-Aqsa mosque, they agreed and both Palestinian and Israeli security detachments accompanied him on his brief tour. This was the opportunity Arafat sought. He immediately unleashed the rioting, stone-throwing and armed attacks allegedly as a "spontaneous" uprising against Israel allegedly in response to Sharon's provocation! Then most of the world media bought the propaganda that launched the second big lie of the current warfare: "Sharon's visit provokes Palestinian rebellion." They didn't even ask the fundamental question: Is this true?</p> <p>The third big lie is that the current conflict arises from Palestinian frustration over the slowness of the alleged "peace process." What utter nonsense. The central, and conveniently ignored, fact is that the current warfare is merely the latest chapter in a war against the Jewish people. That war began in earnest 85 years ago, when in 1917, Britain and the League of Nations declared, with world approval, that a Jewish state would be established in Palestine.</p> <p>The region's Arabs have engaged in terrorist slaughter, riots and multi-Muslim states' military invasion against the Jewish nation ever since. The only periodic lulls in this savage and often barbaric assault, specializing in seeking women, children and elderly victims, has occurred when the Arabs have been resoundingly defeated. Then, they sue for peace, issue poor-me hand-wringing pleas for international help, and use the lull in the battle to regroup, re-arm and plot their next assault.</p> <p>Any reportage or commentary that is not clothed in this context is, at best, misleading, or ignorant and plain dishonest at worst. I offer a handful of examples extracted from the hundreds available:</p> <p>Recently a nationally syndicated American columnist, Georgie Ann Geyer, wrote a column laced with pure fabrications, such as "Prime Minister Sharon told his cabinet recently 'don't worry about American objections to our</p>	<p>world-intended aid for his people, could not get the extravagant concessions he demanded from the Clinton Camp David meetings. he planned the uprising of terrorism as a means of intimidating the U.S. and Israel into giving in to his maniacal demands.</p> <p>But he needed an excuse. an appealing argument in which to clothe his new latest war.</p> <p>And so, in early September 2000, when parliamentary opposition leader Ariel Sharon (he wasn't even prime minister) told both Israelis and Palestinian officials he intended to visit the Temple Mount in Jerusalem, legally part of Israel which is co-sited with the Muslim aa-Aqsa mosque, they agreed and both Palestinian and Israeli Security detachments accompanied him on his brief tour.</p> <p>This was the opportunity Ararat sought. He immediately unleashed the rioting, stone-throwing and armed attacks allegedly as a "spontaneous" uprising against Israel allegedly in response to Sharon's provocation!</p> <p>It was then that most of the world media bought the propaganda that launched the second big lie of the current warfare: "Sharon's visit provokes Palestinian rebellion." They didn't even ask the fundamental question: Is this true?</p> <p>The third big lie is that the current conflict arises from Palestinian frustration over the slowness of the so-called "peace process."</p> <p>The central, and conveniently ignored, fact is that the current warfare is merely the latest chapter in a war against the Jewish people. That war began in earnest 85 years ago, when in 1917, Britain and the League of Nations declared, with world approval, that a Jewish state would be established in Palestine.</p> <p>The region's Arabs have engaged in terrorist slaughter, riots and multi-Muslim states military invasion against the Jewish nation ever since. The only periodic lulls in this savage and often barbaric assault, specializing in seeking women, children and elderly victims, has occurred when the Arabs have been resoundingly defeated.</p> <p>Then, they sue for peace, issue poor-me hand-wringing pleas for international help, and use the lull in the battle to regroup, re-arm and plot their next assault - and it is routinely launched.</p> <p>Any reportage or commentary that is not clothed in this context is, at best, misleading, or ignorant and plain dishonest at worst.</p>

<p align="center">Asper's Speech Text at the Israel Bonds Gala October 30, 2002</p>	<p align="center">Asper's Signatory Text in the National Post October 31, 2002</p>
<p>actions, I control America'." When challenged, she admitted that the statement originated from an October 3, 2001 press release from the pro-Hamas American group, Islamic Association for Palestine. They claimed that it had originated with an official Israeli government radio broadcast. On checking, it turned out that no such broadcast had ever occurred.</p> <p>When confronted with this information, Geyer cowered ignobly behind the standard liar's shield: her sources, she whined, "were two anonymous Israeli individuals." Naturally, she refused to identify them.</p> <p>As we all know, pictures can tell a story much better than words. So when 100,000 supporters of Israel marched down Manhattan's 5th Avenue to celebrate Israel's 54th birthday this May, the New York Times photograph was of a placard "end Israeli occupation." The same bias was repeated in the coverage of the huge Toronto rally in support of Israel where thousands of pro-Israel supporters marched. A few hundred anti-Israel protestors dogged the parade. But they got more media attention. The separate fact was that an innocent bystander, a Toronto Jewish doctor, was standing on the street watching the parade and called out his support for Israel, Palestinian supporter thugs beat him, and broke his shoulder. This was not reported.</p> <p>A great deal of the dishonesty arises from the failure to report and the failure to opine on many factors which must be considered in judging the Middle East war. Such as: Failure to report on the depths of Arafat's corruption.</p> <p>Failure to report the truth of an incident in March 2001 when a Palestinian sniper looked through the crosshairs of his scope and murdered Shalhevet Pass, a 10-month-old Jewish baby in Hebron. Associated Press' headline writers declared: "Jewish toddler dies in West Bank". AP made no mention of who perpetrated the murder, and gave no indication of the ghastly nature of the crime.</p> <p>CNN has reported that 30 Palestinian women have died in labor while being held up at Israeli checkpoints. The story is a complete fabrication, generated from Palestinian spokesperson Nabil Sha'att. To this day, CNN has neither published a categorical withdrawal nor the main proven fact that not a single woman had died.</p> <p>In stark relief, two incidents from last March stand out. Two separate acts of terrorism occurred on the same day -- an IRA car bombing in London, and the Palestinian suicide bombing in Netanya. On the BBC, the word "terror" was used to describe the IRA bomber, but they described the Palestinian's suicide by a far milder term "militant." BBC has admitted that it practices a double standard.</p> <p>But if nothing else in this entire sad and sordid story irrefutably demonstrates the inherent media bias against Israel, it is the Jenin massacre myth on which the herd of ravenous reporters descended with vulture-like hysteria. Hysterical, hyperbolic Palestinian propagandists shrieked "Massacre --5000 innocents slaughtered". Finally, when the UN commission declared that only 54 Palestinians had died, and over half of them were armed combatants, the myth exploded. However, few media apologized or retracted the</p>	<p>A great deal of the dishonesty arises from the failure to report and the failure to opine on many factors which must be considered in judging the Middle East war. Such as:</p> <ul style="list-style-type: none"> • Failure to report honestly an incident in February 2002. CNN reported "Israeli police shot and killed a Palestinian in a gun battle Sunday near an army base in northern Israel and another Palestinian died nearby when a car exploded." <p>CNN failed to report that the two Palestinians were in the process of attempted double suicide bombings. They were strapped with explosive belts.</p> <ul style="list-style-type: none"> • Failure to report that money granted to the Palestinian Authority by Canada has gone to produce anti-Israel propaganda distributed to Palestinian children. • Failure to report how the Saudi, Syrian and Egyptian media continue to write and propagate the myth that Jews use human blood for their holiday celebrations. If the omissions don't adequately make the case of planned and engineered media bias, then the commissions of misleading reporting certainly cement a bulletproof case against the media. <p>And now let me turn to by far the worst offender in Canada.</p> <ul style="list-style-type: none"> • The CBC, along with The New York Times and other left-wing media, will still not label the Palestinian murderers as terrorists. By any world recognized definition of terrorism, they are terrorists, but the CBC, particularly in the person of Neil Macdonald, simply refers to them as "militants." <p>CBC Middle East correspondent Neil MacDonald refers to Israeli troops as "assassins" when they pursue terrorists.</p> <ul style="list-style-type: none"> • CNN has reported that 30 Palestinian women have died in labour while being held up at Israeli check points. The story is a complete fabrication, generated from Palestinian spokesperson, Nabil Sha'att. To this day, CNN has neither published a categorical withdrawal nor the main proven fact, that not a single woman had died. • To prove that many journalists have been enlisted in the propaganda army of the Palestinians, in May last year, Fayad Abu Shamala, the BBC correspondent in Gaza for the past 10 years, spoke at a Hamas rally and declared: "Journalist and media organizations are waging the campaign soldier-to-soldier together with the Palestinian people." <p>BBC countered outraged complaints against his journalistic ethics, by saying that his remarks were made in a "private</p>

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<p>charges of “genocide,” “war crimes” and “heinous Israeli atrocities.”</p> <p>Contrast that with a true war crime that occurred shortly after. It is an offense, under the Geneva war conventions, for armed persons to occupy any church. Yet, the whole world sat silently and did not condemn the crime that occurred when Palestinians terrorists in Bethlehem occupied the Christian Church of the Nativity, took its occupants hostage, and refused to surrender to surrounding Israeli soldiers. Rather, the so-called world community, aided by a silent media, brought huge international pressure against Israel to give up its barricade and let the alleged terrorists go. When Israel bowed to the pressure, there was no United Nations intervention, no Christian church intervention, and no condemnation of the war crimes committed by the terrorists.</p> <p>Too many of the journalists are lazy, or sloppy, or stupid. Others are, plain and simple, biased, or anti-Semitic.</p> <p>It is timely, then, that we ask why is this happening? The answer is plain to see. Firstly, too many of the journalists are lazy, or sloppy, or stupid. They are ignorant of the history of the subject on which they are writing. Others are, plain and simple, biased, or anti-Semitic. The result is that the biggest casualties of the Palestinian-Israeli war are truth, and the integrity of the media.</p> <p>Every one of us must do what we can to correct this travesty. It is time to say “Enough!”</p> <p>The solution starts on the campus, in the journalism schools, then goes to the boardrooms of the media owners, and finally, and most importantly, with you, the public. We must demand that the journalism schools do a better job of teaching integrity more forcibly. Then, we must demand that our media owners invest more money in educating their journalists and media operators. On the university campuses, we must demand that the administrators of higher education re-take control of the teaching process, to ensure that hate is not taught, propaganda is not preached and that the revered term “academic freedom” is never used as a license to libel, a podium for propaganda, and an advocacy of hate. And we should withhold our financial support for those institutions that fail this obligation of educational integrity.</p> <p>And you, the public, must take action against the media wrongdoers. The issue here is not the media bias against Israel. The issue is the media bias, period. If we cannot trust the media in its reporting on Israel, how can we trust it on anything else? And if we cannot trust our media, democracy and our freedom are profoundly threatened. You, the public, must be more vigilant and aggressive by your e-mails,</p>	<p>capacity.” But if nothing else in this entire sad and sordid story irrefutably demonstrates the dishonest reporting and inherent media bias against Israel, it is the Jenin massacre myth on which the herd of ravenous reporters descended with vulture-like hysteria.</p> <p>Hysterical, hyperbolic Palestinian propagandists shrieked “massacre – 5,000 innocents slaughtered,” and the United Nations, the Third World pawns, dutifully closed ranks to condemn Israel, as is routine for that corrupt organization. Soon the Palestinians reduced their alleged deaths claimed mysteriously to 3,000. Then the number of alleged deaths claimed mysteriously dropped to a mere 500, but the media still sang the massacre melody.</p> <p>Finally, when the UN Commission declared that only 54 Palestinians had died, and over half of them were armed combatants, the myth exploded. However, few media apologized or retracted the charges of falsely trumpeted to the world.</p> <p>Why Is this happening? The answer is plain to see.</p> <p>Firstly, too many of the journalists are lazy, or sloppy, or stupid. They are ignorant of the history of the subject on which they are writing.</p> <p>Others are, plain and simple biased, or anti-Semitic, or are taken captive by a simplistic ideology.</p> <p>The result is that the biggest casualties of the Palestinian-Israeli war are truth and the integrity of the media. Everyone of us must do what we can to correct this travesty. It is time to say “enough!”</p> <p>The solution starts on the campus, and in the journalism schools, then it goes to the board rooms of the media owners, and finally, and most importantly, with the public.</p> <p>At this time, the appropriate position for all Canadians should be to stand tall in support of honesty in reporting, as well as for the right of Israel to exist and to take whatever actions it needs to battle its savage attackers, and to demand that our media and our politicians act with honour in this quest.</p>

Asper's Speech Text at the Israel Bonds Gala October 30, 2002	Asper's Signatory Text in the National Post October 31, 2002
<p>your letters to the editor, your phone calls, your cancellation of subscriptions, your refusal to patronize advertisers. You should establish, in each of your communities, honest reporting response groups to call to account offending dishonest media. And you must become politically active to demand government policy consistent with fairness to, and support of the only beacon of democracy in a swamp of hate, and violence and terrorism, the state of Israel.</p> <p>Don't think that you are powerless. Always remember, as it has been truly said, that all it takes for evil to triumph is for a few good men -- and women -- to remain silent. We are witnessing the most virulent, vitriolic and vicious explosion of anti-Semitism, rivaled only by the rise of Nazism and its anti-Semitism in Europe in the middle 1930's. Left unchecked, it will consume all freedoms, for every attack of anti-Semitism in the history of mankind has always been a forerunner to the destruction of liberty in other sectors of human endeavor, not just for Jews. Therefore, I appeal to you, do not repeat the errors of your parents and grandparents who passively and complacently witnessed Canadian government indifference to the rise of genocide in Europe during the 1930's. It is time to vigorously and vigilantly become activists.</p> <p>As for me, I do not intend to be silent. I have carried on a love affair with media all my adult life, and I have also been a staunch supporter of Israel. At the same time, I am an unashamed and unrelenting Canadian patriot. I am not going to stand idly back to watch any of the democratic ideals that made Canada the envy of nations be injured, sullied or disgraced. At this time, the appropriate position for all Canadians should be to stand tall in support of honesty in reporting, as well as for the right of Israel to exist and to take whatever actions it needs to battle its savage attackers, and to demand that our media and our politicians act with honor in this quest. But, the question for you, my friends, is, what are you personally going to do about it?</p>	<p>I've told you what I'm doing. The question is for you, my friends, is what are you personally going to do about it?</p>

Assuming the above text from Asper's October 30th speech was the real text, then that is the one I will rely upon.

In his first paragraph, Mr. Asper confesses his three "cornerstones:" Canada, Israel, and the Media. Of those two he provides no attributes to Canada, which, oddly, he describes as his "first commitment." For Mr. Asper, "Israel is a symbol and teacher of excellence for all of humankind," but not Canada. For Mr. Asper, "the media is the most honorable and steadfast advocate," the "defender and distributor of truth," of "honesty," of "fairness," of "freedom," of "democracy," and of "human rights." If Mr. Asper believes in Zionist Israel as "symbol and teacher of excellence for all of humankind," and given all of the horrors perpetrated, all the cumulative lies to "humankind," what are we to make of Mr. Asper through his media empire pulpit?

Mr. Asper then states that both Israel and the Media, but not Canada, are "under grievous assault," "threatened by the same cancer," both now "inextricably linked." That killer cancer is from "dishonest journalism," one which is "biased against Israel," which is responsible for "destroying the world's favorable disposition" to the settler colonial state. He goes on to "make the charge" that "much of the world

media “have abandoned the fundamental principles of honest reporting,” because that world media “have adopted Palestinian propaganda.” Thus, “truth has been made a casualty of war,” the armaments of which have “damaged” “both Israel and the integrity of the journalistic profession.” If Mr. Asper believes in “the truth,” what of Israeli propaganda, the likes of which the world has never before witnessed, unless one considers, in tandem, the propaganda of big tobacco, big oil, and big Coca-Cola?

These are the words from Canada’s then new ‘media mogul,’ a secular Jewish Zionist corporate commander of dozens of newspapers, of television broadcast stations, none under his ownership which he accuses of the same offense to “truth.” Who were these media offenders of the “truth?” Well, CBC, the Canadian Broadcasting Company, his competition, owned by Canadians since November 1936, is “the most slanted and biased” of the media bunch, which “routinely practices dishonest reporting.” Once one understands the underpinnings of Zionism, which always is aimed at ‘a turning of the table,’ to accuse others of what it is itself guilty of, to accuse others of bias, then one can understand Mr. Asper’s meaning here. In the other “excerpt” versions of Asper’s text published in the National Post and The Gazette, Asper makes further clarification of CBC’s misdeeds, and in fact names one of its television anchors in his offenders list of the truth:

The CBC, along with The New York Times and other left-wing media, will still not label the Palestinian murderers as terrorists. By any world recognized definition of terrorism, they are terrorists, but the CBC, particularly in the person of Neil Macdonald, simply refers to them as “militants.”

CBC Middle East correspondent Neil Macdonald refers to Israeli troops as “assassins” when they pursue terrorists.

Due to all the political flack from Asper’s media chain, by 2003 Neil Macdonald was reassigned from CBC’s Middle East office to its Washington, D.C. office.

As we know, when Prime Minister Stephen Harper’s Conservatives ruled over Canada, Harper began the serious undoing of the CBC network, deregulating and abolishing many other bodies and government institutions dear to Canadians. And, as we know, Harper’s close appointee, Pierre Poilievre, who was molded by Harper into a staunch supporter of Israel, has recently publicly vowed to eliminate the CBC if and when elected as Prime Minister.

Asper provides “some examples of profound media bias against Israel,” naming: in the United States, CNN, ABC, CBS and NBC the Washington Post, the New York Times, the L.A. Times, the Associated Press; in the United Kingdom, “some of the worst,” being the London Independent, the Guardian, BBC (the UK’s CBC), Sky News, Reuters, Evening Standard, television network ITV, the Daily Mirror.

Where did Mr. Asper base his partial accusatory intelligence manifesto from? Most likely from Zionist Israel’s media watchers, set up throughout the world for decades, who disseminate their collected monitored findings to those appointed by Israel’s political leadership. Those media watchers, scrutinizing much more than just the media, have always been focussed on defending international media’s take on Israel’s theft of Palestine through military force and means. Israel’s influence upon the world’s media counter narratives, which it had assiduously conducted after 1948, had nevertheless become a significant problem, as the new political extremism in Israel under development in the late 1990s was flexing its muscles to further oppress homeland Palestinians.

Mr. Asper ends with this statement: “I am not going to stand idly back to watch any of the democratic ideals that made Canada the envy of nations be injured, sullied or disgraced.”

The Toronto Star's columnist Antonia Zerbisias, amongst other journalists, revealed the "truth" about Izzy Asper on November 10, 2002, in "One man's take on truth, politics." She notes that "despite the owner's (CanWest's) interest in the Middle East, the company doesn't even maintain a full-time correspondent in the region," also noting that "CanWest, Canada's largest media organization, with its newspapers and networks, didn't make [Asper's] list" of "Media Bias Against Israel." Similarly, in Tony Burman's article in the November 9, 2002, edition of the Globe and Mail (Burman was the editor-in-chief of CBC News, Current Affairs, and Newsworld), *Asper Should Cover Israel, Not Lecture*, said that "Mr. Asper's company is the only one that doesn't have a full-time journalist in Israel."

Turns out Asper, a lawyer, had 'gagged' some of his news staff from talking to the public about what was going on inside news headquarters at The Gazette in Montreal. Zerbisias reported that "last year," 2001, the year following Asper's takeover of Conrad Black's media empire, journalists in The Gazette newsroom "took a stand" against "CanWest's national editorial policy," being "the only journalists in the chain to do so." "In turn they got hit with a gag order, which bars them from discussing newspaper doings with outsiders." And that "only five months ago," "another CanWest executive, Russ Mills, publisher of the Ottawa Citizen, was axed, claiming he was not terminated because he didn't toe the Asper political line."

What is most interesting about the context of Asper's 2001 gag order with the Gazette, is that someone from The Gazette had sent Zerbisias the unedited text of Sue Montgomery's November 4, 2002, opinion article, "Whatever terms you use, a free press is vital for democracy."

"Late last week, Montgomery's original column was sent to me via the electronic equivalent of the plain brown envelope. Her words had been edited – and many were excised, including the following: "What is so disturbing about what Israel Asper says is the chill it sends through newsrooms he owns ... What journalist in the Southam chain isn't going to second-guess a story or an opinion piece that may not reflect the world according to our boss?"

So how many stories or columns about Israel – or about anything else for that matter – are not making it into Can-West papers? How many times do less courageous editors and columnists back off for fear of offending the proprietor? There's no way to know. (For the record, Montgomery couldn't talk to me because of that gag order. And [Gazette editor Peter] Stockland did not return my call.) Which is why I don't know whether to laugh or cry at Asper's words: "If we cannot trust the media in its reporting on Israel, how can we trust it on anything else? And if we cannot trust our media, democracy is profoundly threatened." And so it is, Mr. Asper. And so it is.

What did Sue Montgomery state in the edited version of her Gazette article?

I agree whole-heartedly with the owner of this newspaper when he says that if we cannot trust our media, democracy is profoundly threatened. And I share his fears that there is already a great deal of mistrust out there. What I don't agree with are the reasons he cites for that mistrust. He thinks it's because of "dishonest reporting." I think it's because of media concentration in this country, which severely limits the number of points of view available in our news outlets.



*Whatever terms
you use,
a free press
is vital
for democracy*
The Gazette, November 4, 2002

**SUE
MONTGOMERY**
OPINION ON REPORTING

"Is it now 'sloppy'
journalism to refer ...
to UN Security
Council decisions?"

Look at the language that Asper himself used in his speech. He made clear, for example, his disapproval of the terms "occupied territories" and "illegal settlements" in stories about the Middle

East. Those terms, he asserted, are among the “tools and weapons used by the journalistic propagandists in their desire to create undeserved sympathy for the Palestinians and opprobrium for Israel.”

Is it now “sloppy” journalism to refer in our articles to decisions of the UN Security Council? Resolution 465, for example, was passed unanimously on March 1, 1960. It said settlements have no legal validity and that Israel's policies constitute a “flagrant violation of the Fourth Geneva Convention” and are a “serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.” Is this version of the truth no longer welcome? And if not, how can Canadians be sure they are being provided with a complete picture of events in the Middle East or on other issues on which Asper has strong convictions? Isn't it the role of journalists to ask the tough questions and present different points of view, then let readers make up their own minds?

He singled out the CBC and its Middle East correspondent, Neil Macdonald, claiming they “routinely practice dishonest reporting.” Macdonald is an outstanding reporter, but I don't envy him his job. In a speech to Canadian journalists last spring, he described how he has had to wade through the hatred and killing by both sides, and contend with ferocious lobbies here at home, to try to do what any journalist does - report on what he sees and hears. Macdonald has been called a Nazi, an anti-Semite and a hater of Israel. He has also been called a member of the international Zionist conspiracy and a pro-Israeli puppet. It seems to me that being called names by both warring parties is a pretty good indication he's doing his job. There is dehumanization and violence on both sides, Macdonald says, yet both will only see and hear what they want.

But when Israel Asper, the owner of 14 major metropolitan dailies, 120 community papers and the country's second-largest private English-language television network has this reaction, one has to wonder how the Canadian public is served by so much media concentration in the hands of one person.

In February 2024, within the context of Israel's then four-month long genocide of Palestinians, Marc Edge authored an on-line article with Canadian Dimension, “[Asper's legacy of media control lives on in HonestReporting Canada.](#)” In explaining why he wrote his 2007 book, *Asper Nation: Canada's Most Dangerous Media Company* (which he generously provides a free downloadable copy of in an internet link in his piece), he brings the reader's attention to “David Mastracci's [remarkable two-part exposé](#) in *The Maple* of HonestReporting Canada, which Asper was a driving force behind.” (Mastracci's exposé was featured in Part 1 of this report.) Edge, in referencing “Israel's digital army,” writes: “Mastracci's report shows how it [HonestReporting Canada] is backed by wealthy Canadian Jewish organizations in an attempt to “control the narrative” on Israel in our media.”

By Marc Edge **Canadian DIMENSION** February 8, 2024
FOR PEOPLE WHO WANT TO CHANGE THE WORLD

Asper's legacy of media control lives on in HonestReporting Canada

Marc Edge
February 8, 2024

The billionaire-funded organization was founded to “control the narrative” on Israel



Israel "Izzy" Asper and his son Leonard Asper in the early-2000s. Photo courtesy La Presse.

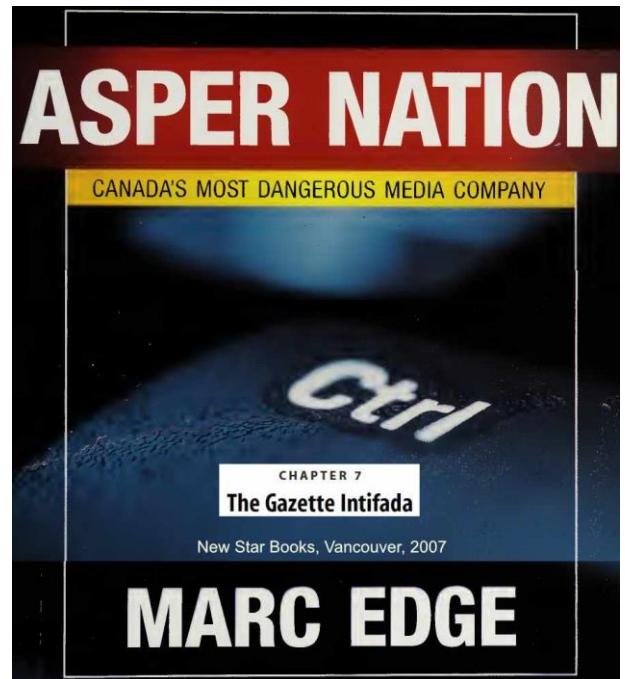
In Edge's 2007 fascinating and revelatory investigative book, he devotes an entire chapter to Izzy Asper's authoritarian control intrigue over his newspaper empire's publishers, editors and reporters, called "The Gazette Intifada." In that chapter, Edge turns to rubbish, demolishes Asper's October 30, 2002, claims as the "defender and distributor of truth," unravelling the history behind Toronto Star Antonia Zerbisias' November 4, 2002, reference to Asper gagging his journalism staff because of his pro-Israelism.

In a separate Chapter 9, "Dishonest Reporting," where Edge describes the context of Asper's October 30, 2002, speech, he quotes a Toronto Star newspaper interview with Asper in 2000, where Asper states, though being "a secular Jew," he was nevertheless "quite Jewish in cultural terms," and "very early on, I became a Zionist," a "life-long pursuit of mine."

"After the 1973 Yom Kippur War, Asper had been instrumental in raising money and political support for Israel. He helped found an informal organization that eventually evolved into the Winnipeg Jewish community's lobbying arm, the Canada-Israel Committee. Over the years, he had been a sharp critic of Canada's foreign policy toward Israel. After CanWest acquired the Southam newspapers he often made his views known in print. In a June 2001 speech in Jerusalem, Asper described Canada's UN record of voting to condemn Israel's actions against the Palestinians as "shameful"."

In Chapter 10, "Like Father, Like Children," Asper's son Leonard – now at Asper's media company's helm, and exactly one week before his father's sudden passing from this earth – gave a lengthy speech from a prepared text at Winnipeg's Sharrey Zedek Synagogue. His speech which, imitating his father's a year previous by attacking the media for bias against Israel, was printed under inflammatory headlines, carried across Canada by Asper's and other news publishers. Edge notes, that while Leonard Asper replicated his father's attack a year earlier, Leonard "went one step further," and "attributed the [media] bias to racism:" "The racism of news media was instead an "institutionalized bias against Israel, according to Asper." Edge also noted that "Leonard Asper also saved his harshest criticism of the CBC for its coverage in the Middle East, in particular that by correspondent Neil Macdonald:"

"Many reporters sent to the Middle East are unqualified for complex war coverage," he [Asper] said. "They know nothing about the history but worse, they do not bother to make their own inquiries." Most journalists, he said, did not know that "the terrorist and weapons-infested Jenin refugee camp is run by the United Nations and has been for



more than 50 years.” Sympathy for Palestinian refugees seemed to Asper undeserved and due mostly to the ignorance of journalists. “Most do not have any clue that the so-called Arab refugees became refugees because they were urged to leave by Arab leaders when they were attacking Israel in 1948.”

Edge goes on to state that “Asper singled out only one media outlet and one journalist by name in charging “hints of anti-Semitism” in the Canadian media,” namely Neil Macdonald, and includes a quote from his speech published in the National Post on October 1, 2003, “Media Bias and the Middle East:”

“But hints of anti-Semitism are there in the Canada media too. When Hezbollah, the well-known terrorist group, was finally banned in Canada, Neil Macdonald of the CBC pompously, but dangerously, suggested Hezbollah was a “national liberation movement victimized by unfair smears cast around by supporters of the Jewish state.” No reference to Israel, just “the Jewish state”.”

The renewed public attack on the CBC by the Asper media group president and chief executive was a two-pronged attack, the second of which was of the preparing the way for the next federal election and its right-wing agendas. Though the Asper media group had publicly supported the federal Liberal party, it was now in switch mode, openly supported the ‘Conservative’ Stephen Harper gang determined to rip Canada to pieces. This agenda had been on the books, planned well in advance by Conrad Black when he designed and launched the National Post in 1998.

Media bias and the Middle East

LEONARD ASPER

National Post
October 1, 2003

National Post

This is excerpted from a speech by Leonard Asper, president and chief executive of CanWest Global Communications Corp., at the Gray Academy of Jewish Education's 'Another Great Debate' evening in Winnipeg last night.

Toronto Star
October 5, 2003

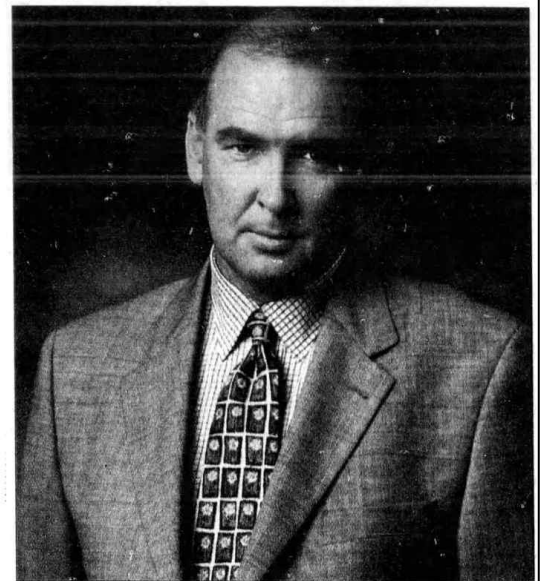


Antonia Zerbisias

There is no Canadian journalist more controversial than CBC's Neil Macdonald who, during a federal election campaign 20 years ago, busted out of the pack by reporting what all else treated as an “off the record” derogatory comment about a Liberal opponent by a pre-prime ministerial Brian Mulroney.

Macdonald, then at the Ottawa Citizen, printed the remark — not only making Mulroney look bad but also showing up other journalists as political butt-kissers. Macdonald, who recently left the CBC's Middle East bureau for its Washington office, is still making news as well as reporting it. Speaking as somebody who respects his unflinching journalism, I suspect he enjoys the attention. But not when that attention is, as he put it to me, “defamatory.”

CBC man wants Asper apology



CP FILE PHOTO

Veteran CBC reporter Neil Macdonald has been singled out by CanWest boss Leonard Asper for his Middle East reporting.

Harper had been personally endorsed by David Asper, and CanWest's relationship with the new ruling party in Ottawa was uncomfortably close for some critics. Bev Oda, a former CanWest executive, was named Heritage Minister with responsibility for media regulation. Derek Burney, a longtime Tory who headed Harper's transition team to power, was named chairman of CanWest's board of directors. A senior Global Television executive even ran as a Conservative candidate in Toronto. The Harper government and the Aspers engaged in an unseemly honeymoon of mutual back scratching. When the Senate inquiry into Canada's news media issued a report with only mild proposals for reform, even those were rejected out of hand by Oda. A new round of corporate media consolidation saw CanWest acquire Alliance Atlantis, one of Canada's largest media companies. The takeover was accomplished only with massive American investment, disregarding the country's limits on foreign ownership. Most expected federal regulators to look the other way, however, under a CanWest-friendly Conservative government. Meanwhile, CanWest beefed up its own news service

with dozens of new hires in advance of its promised pullout from the Canadian Press news co-operative in mid-2007.²⁸³

There is an intriguing account in Edge's book about the relationship between Conrad Black and Izzy Asper, told during a June 1-3, 2000, Bilderberg Group meeting in Belgium. It's akin to a scene out of a Jean Le Carre post 'cold war' international spy novel.

[Conrad] Black was an active member of the Bilderberg Group, a secretive trans-Atlantic society thought by some to actually run the world as a kind of private government. Its annual meetings of industrialists and politicians began in 1954 and were held at five-star resorts in Europe and North America. The invitation-only gatherings were conducted under tight security and participants were sworn not to reveal what transpired.

In 1996, just after his takeover of Southam, Black co-hosted the annual Bilderberg meetings at a \$60-million resort outside Toronto. As limousines pulled up to the former King City Ranch beauty and fitness spa, protesters were kept well back by security.

As Black and Asper were negotiating the sale of Southam, the annual Bilderberg meetings were set for the luxurious Chateau du Lac Hotel just outside Brussels. Black added Asper to the guest list. Also there were [Henry] Kissinger and Richard Perle, a former assistant US secretary of defense who

"Selected List" 2000 Bilderberg Meeting Participant List		
BILDERBERG MEETINGS Brussels, Belgium 1-3 June 2000		
LIST OF PARTICIPANTS		
Honorary Chairman: B Etienne Davignon Chairman, Société Générale de Belgique		
Honorary Secretary General: GB J. Martin Taylor Chairman, WH Smith Group PLC, International Adviser, Goldman Sachs International		
I	Agnelli, Giovanni	Honorary Chairman, Fiat S.p.A.
I	Agnelli, Umberto	Chairman, IFIL - Finanziaria di Partecipazioni S.p.A.
E	Aguirre y Gil de Biedma, Esperanza	President, The Spanish Senate
USA	Allaire, Paul	Chairman of the Board of Directors and CEO, Xerox Corporation
I	Ambrosetti, Alfredo	Ambrosetti Group
DK	Andersen, Bodil Nyboe	Governor, Central Bank of Denmark
CDN	Asper, Israel	Chairman, CanWest Capital Group Inc.
INT	Avery, Graham	Chief Adviser for Enlargement, European Community
P	Balsemao, Francisco Pinto	Professor of Communication Science, New University, Lisbon; Chairman, IMPRESA, S.G.P.S.
NL	Benschop, Dick	State Secretary for European Affairs
D	Betz, Hans-Georg	Visiting Professor, European Studies, Centre for European Studies, Columbia and New York Universities
CDN	Black, Conrad	Chair, Telegraph Group Ltd.
GB	Clarke, Kenneth	Member of Parliament (Conservative)
TR	Colakoglu, Nuri	Chairman and CEO, NTV
F	Collomb, Bertrand	Chairman and CEO, Lafarge
USA	Deutch, John M.	Institute Professor, MIT; Former Director of the Central Intelligence Agency (C.I.A.)
CDN	Frum, David	Columnist, National Post Newspaper
USA	Graham, Donald E.	Publisher, The Washington Post
USA	Hagel, Chuck	Senator (Republican, Nebraska)
NL	Halberstadt, Victor	Professor of Economics, Leiden University; Former Honorary Secretary-General of Bilderberg Meetings
USA	Kissinger, Henry A.	Chairman, Kissinger Associates Inc.
D	Kopper, Hilmar	Chairman of the Supervisory Board, Deutsche Bank AG
USA	Kravis, Marie-Josée	Senior Fellow, Hudson Institute Inc.
INT	Moore, Mike	Director-General, WTO
D	Nass, Matthias	Deputy Editor, Die Zeit
USA	Richardson, Bill	Secretary of Energy
USA	Rockefeller, David	Chairman, Chase Manhattan Bank International Advisory Council
DK	Seidenfaden, Toger	Editor-in-Chief, Politiken
INT	Solana Madariaga, Javier	Secretary General, Council of the European Union
USA	Soros, George	Chairman, Soros Fund Management
IRL	Sutherland, Peter D.	Chairman, Goldman Sachs International; Chairman, BP Amoco PLC
USA	Tarullo, Daniel K.	Visiting Professor of Law, Georgetown University Law Centre
USA	Thornton, John L.	President and CEO, Goldman Sachs Group Inc.
NL	Veer, Jeroen van der	Group managing director, Royal Dutch/Shell group of companies; designate President of Royal Dutch Petroleum Company
USA	Vink, Lodewijk J. R. de	Chairman, President and CEO, Warner-Lambert Company
INT/USA	Wolfensohn, James D.	President, The World Bank
D	Wolff von Amerongen, Otto	Chairman and CEO of Otto Wolff GmbH
USA	Wolfowitz, Paul	Dean, Nitze School of Advanced International Studies, The John Hopkins University

²⁸³ Marc Edge, pages 7-8.



WAYNE CUDDINGTON, THE OTTAWA CITIZEN

Babs Asper, left, widow of CanWest Global Communications Corp. founder Israel Asper, and daughter Gail, admire the charcoal drawing of Mr. Asper by Ottawa artist Eli Benzaquen. The drawing was presented to them yesterday. *Ottawa Citizen* April 1, 2004

Canadians must learn more about history of human rights, Asper daughter tells students

BY RICHARD STARNES

A group of Ottawa high school students heard yesterday that the decision to build a Canadian Museum for Human Rights was taken because the subject is ignored by institutions across this country.

"They don't touch any of this," Gail Asper told the 41 students at a special ceremony at Yitzhak Rabin High School on Woodroffe Avenue.

"Students should learn about the Holocaust, about human rights from a Canadian perspective. But this doesn't exist."

Ms. Asper and her mother, Babs, were at the school to present certificates to Grade 9 students who had completed a Holocaust and Human Rights studies program, and to unveil a charcoal drawing of the late Israel Asper by Ottawa artist Eli Benzaquen.

The school presented the

drawing to the family to honour the memory of Mr. Asper, founder of CanWest Global Communications Corp.

The studies program, completed so far by 3,000 Canadian students and supported by the Asper Foundation, includes a field trip to Washington.

"In Washington, you go to the Holocaust Museum and to the Smithsonian," said Ms. Asper, who is managing director of the foundation.

"You learn about the march in the U.S. for women's rights, about black American rights and Hispanic labour rights. And you go to the Jefferson Memorial and think about the Declaration of Independence.

"But what about Canadian stories? The Museum of Civilization is a wonderful organization, but it talks about totem poles and the history of the aboriginal people. But you're not going to hear about residential schools,

about the Canadian story of the First Nations, about Nellie McClung.

"You are certainly not going to hear about the Holocaust and you're not going to hear about the Charter of Rights.

"When Minister of Justice Irwin Cotler talks about the Charter of Rights, he is passionate that this is one of the most important, well respected, studied documents around the world. Yet Canada doesn't celebrate that Charter anywhere."

It was this hole in our history that spurred Mr. Asper, to launch plans for the human rights museum in Winnipeg. He intended it to be the largest human rights institution in the world and the largest Holocaust exhibit in Canada.

"We want to help teach Canadians about our history and help eliminate intolerance through the recognition of human rights as the foundation of human

equality," Ms. Asper said.

The Aspers and Mr. Cotler later attended a luncheon at the National Arts Centre to celebrate the Israel Museum's Dead Sea Scrolls exhibit at the Canadian Museum of Civilization.

Mr. Cotler said: "what we are seeing today is the emergence of a kind of new, escalating, global, virulent and even lethal anti-Jewishness that is grounded in classical anti-Semitism. It is the discrimination against, denial of, assault upon the right of Israel and the Jewish people to live as an equal member of the family of nations."

Last night, at a black-tie gala at the museum, the Community Rules Scroll was dedicated to Mr. Asper. Daniel Ben Natan, vice-president of the Israel Museum in Jerusalem, made a presentation to Mrs. Asper.

WITH FILES FROM DAVE ROGERS AND JENNIFER CAMPBELL

headed Hollinger's online arm. **So was National Post columnist David Frum**, who would soon leave to work as a speech writer for U.S. President George W. Bush. **Asper, who was vacationing in Israel**, flew to Brussels. Late at night, after hours at the Bilderberg meetings, he and Black put the finishing touches on the deal to pass the Southam chain to CanWest. To acquire such a newspaper empire in one move was almost too good to be true. Building a similar television network had taken Asper a quarter of a century. Southam would command a steep price, however – \$3.5 billion. The total included \$2.2 billion in cash, \$700 million in debt, and \$600 million worth of stock, which would give Hollinger 15 percent ownership of CanWest. In return, CanWest Global became the first major television network in the world to own a large national newspaper chain. It included a dozen major dailies, 126 smaller newspapers, 85 other publications (mostly trade magazines), and even half-ownership of Black's National Post.

It was a deal that would not have been legal in Canada in the early 1980s, when cross-media ownership was prohibited, as it was still in many countries. The sheer magnitude of CanWest's convergence move stunned many in Canada. They began questioning anew the wisdom of allowing such a monolithic force to dominate the media landscape.

12.4. The Gazette Intifada

In Edge's book, Chapter 7, "The Gazette Intifada," he exposes the accounts and incidents of Zionist Izzy's bender breaching manipulations of journalism standards and journalist muzzling's, revealing the Asper's cumulative hypocrisy as defender of "the truth." (These new versions, piled on top of the manipulative harms previously committed by former media chain mogul owner Conrad Black.)

In August 2001 came the resignation of Montreal Gazette publisher Michael Goldbloom, a position he held since 1994, even before Conrad Black and Asper took ownerships. Reporters at the Globe and Mail investigated the mysterious departure and discovered that it was it because of Asper's insistence on publishing "**a strongly worded, pro-Israel editorial**," an editorial Asper "ordered to run in newspapers across the Southam chain." In a separate investigation by The Columbia Journalism Review publication, it reported that "the editorial was accompanied by a no-rebuttal order from the CanWest [headquarters] office" in Winnipeg. Edge goes on to quote from the "British magazine The Economist" that "editors of CanWest newspapers had already been given strict instructions in March 2001," to "**provide pro-Israeli coverage of the Middle East**." It was also stated that "criticism of the broadcasting regulator was also said to be off-limits." Asper replaced Goldbloom with "former Canadian Football League commissioner Larry Smith, who had no experience in the newspaper business," who, of course, "pledged his full support for CanWest's editorial policies."

In midst of escalating objections by Montreal Gazette news reporters that would precipitate into a unified opposition group to the Asper clampdowns in December 2001, who named themselves the Gazette Intifada, the theme of "any criticism of Israel" is dominant in Edge's summaries. I.e., as in what "Gazette reporter William Marsden" said on "CBC Radio's *As it Happens*" on December 7, 2001:

They do not want to see any criticism of Israel. We do not run in our newspaper op-ed pieces that express criticism of Israel and what it is doing in the Middle East et cetera. We do not have that free-wheeling debate that there should be about all these issues. We even had an incident where a fellow, a professor at . . . the University of Waterloo, wrote an op-ed piece for us in which he was criticizing the anti-terrorism law and criticizing elements of civil rights etcetera. Now that professor happens to be a Muslim and happens to have an Arab name. We got a call from headquarters demanding to know why we had printed this.

When journalist Stephen Kimber “quit CanWest’s Halifax Daily News” in January 2002, he stated that one of his columns “on the Middle East conflict had been radically altered:” “I cited the failure of Israel’s policy of escalating revenge in response to acts of terror as an example of why George W. Bush’s single-minded war on terror was also doomed.” Kimber, who also “taught journalism at the University of King’s College, would later author a chapter, “*In the Wonderful World of Iz, It’s 1984 All Over Again,*” in the 2005 book, “*Silenced: International Journalists Expose Media Censorship.*” Edge got great insights from Kimber’s chapter. In his censored January 2002 column, Kimber wrote (quoted from his chapter in the 2005 book) that the Aspers were “pro-Israel.”

Montreal Gazette reporters protest David Asper's one-size-fits-all editorial policy

From gazreporters.tripod.com (Unfortunately when you click the URL you won't find the material -- just a statement saying material was removed Dec. 14, 2001)

Gazette Newsroom

Injusticebusters.org

Welcome to a site put together by some Montreal Gazette reporters and editors on their own time. It is part of a protest against the decision by Southam News to force 12 of its major metropolitan newspapers to run "national editorials" written at the corporate headquarters of parent company CanWest Global Communications Corp.

Media Giant Silences Local Voices: Canadian Journalism Under Attack

DECEMBER 10, 2001

An open letter by journalists at The Gazette

The Gazette

For two days last week, many reporters at **The Gazette** in Montreal removed their names from the articles they wrote. It was a protest against the decision by Southam News to force all of its 12** major metropolitan newspapers to run "national editorials" written at the Winnipeg corporate headquarters of parent company **CanWest Global Communications Corp.** The first was published last week. Another is to run Thursday (Dec. 13).

We believe this is an attempt to centralize opinion to serve the corporate interests of CanWest. Far from offering additional content to Canadians, this will practically vacate the power of the editorial boards of Southam newspapers and thereby reduce the diversity of opinions and the breadth of debate that to date has been offered readers across Canada.

CanWest's intention is initially to publish one national editorial a week in all major Southam newspapers. This will eventually become three a week.

More important, each editorial will set the policy for that topic in such a way as to constrain the editorial boards of each newspaper to follow this policy. Essentially, CanWest will be imposing editorial policy on its papers on all issues of national significance. Without question, this decision will undermine the independence and diversity of each newspaper's editorial board and thereby give Canadians a greatly reduced variety of opinion, debate and editorial discussion.

Editorial boards at each newspaper exist to debate public policy issues, reach a consensus and then present the reasoning to the public. They are designed to be largely free of corporate interests. This crucial process of journalistic debate is undermined by editorials dictated by corporate headquarters.

We believe this centralizing process will weaken the credibility of every Southam paper. Last week's first editorial, for example, calls on the federal government to reduce and eventually to abolish capital-gains taxes for private foundations. Who would blame a reader for thinking the editorial simply serves the interests of the foundation run by the Asper family, owners of CanWest and Southam? Credibility is the most precious asset a newspaper possesses. When the power of the press is abused, that credibility dies.

Journalists have a duty to be faithful to the interests of their readers. Our responsibility is to seek the truth and encourage freewheeling debate on a full range of issues and present stories and ideas in as dynamic a way as possible. Blatant pressures applied to editors by CanWest have damaged this process at major newspapers across Canada. The company is narrowing debate and corrupting both news coverage and commentary to suit corporate interests.

A free press is no longer free when competing voices disappear, yet the federal government has recently permitted two large corporations, CanWest and BCE Inc., to secure a stranglehold on Canada's major privately operated television and newspaper outlets. It is time for a thorough inquiry into this dangerous situation.

** Halifax Daily News, St. John's Telegram, Montreal Gazette, Ottawa Citizen, Windsor Star, St. Catharines Standard, Regina Leader Post, Saskatoon Star Phoenix, Calgary Herald, Edmonton Journal, Vancouver Sun, Victoria Times-Colonist

This site is in no way affiliated with the newspaper, The Gazette

Seventy Gazette journalists had signed the letter as of 4 p.m., Wednesday, Dec. 12. An updated list will be published here soon

1. Bernard Perusse 2. Jay Bryan 3. Lynn Moore 4. Mike Boone 5. Sheila McGovern 6. Irwin Block 7. Alexander Norris 8. Kevin Dougherty 9. Monique Beaudin 10. Charlie Shannon 11. Andy Riga 12. George Kalogerakis 13. Peggy Curran 14. Julian Armstrong 15. Basem Boshra 16. Nick Van Praet 17. Eva Friede 18. Sheila Scott 19. Sue Montgomery 20. Mark Abley 21. Leigh Edwards 22. Paul Delean 23. Michelle Sarrazin 24. Richard Arless 25. Lisa Fitterman 26. Linda Gyulai 27. William Marsden 28. Jan Ravensbergen 29. Matt Radz 30. Jeff Heinrich 31. Jane Davenport 32. Mike King 33. Kazi Stastna 34. Marilyn Mill 35. Marie Cuffaro 36. Philip Authier 37. Paul Cherry 38. John Kenney 39. Francois Shalom 40. Ani Cioffi 41. Mary Lamey 42. Michelle Lalonde 43. Don Macdonald 44. Levon Sevunts 45. Terry Mosher 46. Alan Hustak 47. T'cha Dunley 48. Jeanine Lee 49. Susan Schwartz 50. John Griffin 51. Lynn Farrell 52. Aaron Derfel 53. Doug Sweet 54. Harvey Shepherd 55. Hubert Bauch 56. Janet Bagnall 57. Eric Sibling 58. Susan Semenak 59. Anne Sutherland 60. Alycia Ambroziak 61. Allison Lampert 62. Elizabeth Thompson 63. Hazel Porter 64. Allison Hanes 65. Bill Brownstein 66. Mark Lepage 67. Sean Gordon 68. Andrea Shepherd 69. John MacFarlane 70. John Mahoney

Kimber wrote in his 2005 chapter:

I was far from alone [restrictions on publishing material on Israel] even at the Daily News. But, because I was a freelancer, I didn't know much of what was really happening inside the paper. I knew the paper had suddenly stopped carrying Peter March, a Saint Mary's University philosophy professor who'd been writing a weekly column for the paper for ten years, for example. But I didn't know he'd been dropped because of a column he'd written that criticized Israel. I also didn't know that staff columnist David Swick had been informed he was “no longer allowed to write

anything to do with the Middle East,” he said much later. “I was not perceived to be adamantly pro-Israel.”

But I was inundated with messages of support from journalists inside other CanWest papers, including one from **Doug Cuthand, an aboriginal columnist** for CanWest’s Regina Leader-Post, who’d just had one of his own columns spiked for **daring to compare the plight of Canada’s aboriginals with that of the Palestinians**. Readers called and emailed, too, telling me they were canceling their subscriptions to CanWest papers in protest.

Kimber also noted that after Israel Asper’s passing, his “sons, Leonard and David, and daughter Gail, CanWest’s corporate secretary, pledged to continue in their father’s corporate and editorial footsteps:”

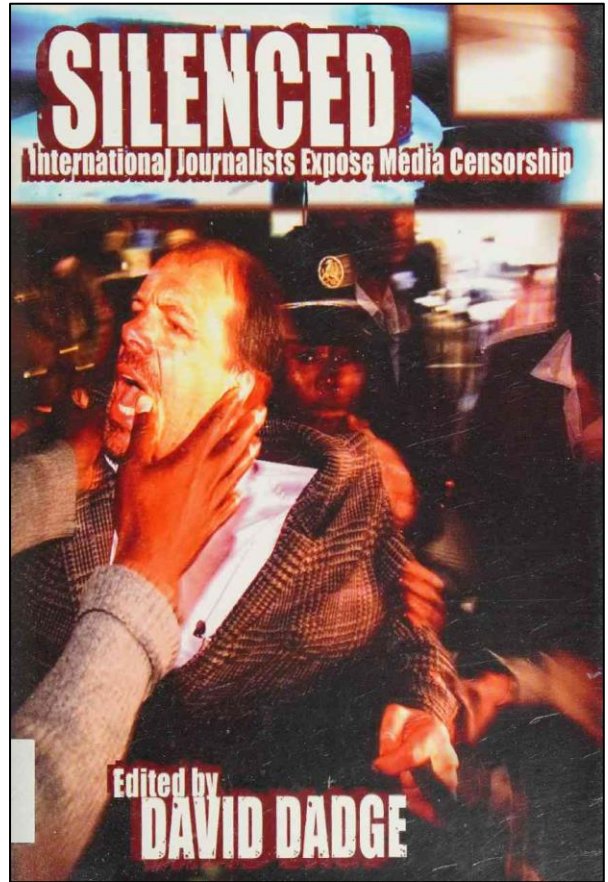
On September 17, 2004, for example, an intrepid Ottawa Citizen reader pointed out in a letter to the editor that the paper had changed a number of words in an Associated Press dispatch from Iraq. The original words were “insurgents” and “fighters.” In the Citizen version, both words became “terrorists.” The word terrorist was inserted into the story seven different times. It turned out that editing wire copy from the Associated Press (AP), Reuters, and other international news agencies to conform to the Aspers’ narrow worldview was part of a recently instituted CanWest policy for all its papers.

The same day as it published the letter, in fact, the Citizen carried another AP dispatch, this one from Jerusalem under the byline of Mark Lavie. The Citizen version began, “An Israeli helicopter fired a missile at a car in the West Bank town of Jenin yesterday, killing three terrorists. ... The three were members of the Al Aqsa Martyrs’ Brigades, a violent terror group linked to Yasser Arafat’s Fatah movement.”²⁸⁴

The original story used “people” where the Citizen had inserted “terrorists,” and while it confirmed that one of those killed was from the Brigades, which the AP’s reporter on the scene called an “armed resistance group,” the story added that “two others killed with him were not identified.”

Despite protests from the AP and Reuters – “Terrorist is an emotive term that we don’t use in the way that they used it,” explained a Reuters spokesperson²⁸⁵ – and calls from the National Council on Canada-Arab Relations and the Canadian Arab Federation for a provincial press council to investigate CanWest’s “biased reporting against Muslims and Arabs,” CanWest was defiant. And as Orwellian as ever.

Kimber became an international beacon, able to “speak publicly ... unlike CanWest’s muzzled employees.”



²⁸⁴ *Terror Group Threatens to Retaliate after Israel Kills Three Followers*, Ottawa Citizen, September 14, 2004.

²⁸⁵ Nicolaus van Rijn, “Report Biased, Arabs Argue; CanWest Inserts Word ‘Terrorist,’ Groups Asking for an Inquiry,” Toronto Star, September 18, 2004.

Journalists' association wants diversity of opinions protected in wake of CanWest's editorial decisions

Vancouver Sun, February 7, 2002

CanWest Global Communications Corporation executives, including Israel Asper and Murdoch Davis, are vehemently criticizing journalists for their strong opposition to some of the company's policies and actions.

At issue is CanWest's decision to run "national editorials" in its major dailies, limiting the diversity of viewpoints available to readers.

CanWest has further decreed that on issues of "overarching national importance," local newspapers are forbidden from publishing local editorials that contradict the CanWest line. When journalists publicly complained at the *Montreal Gazette* (a CanWest newspaper) in December, a letter was circulated warning that public criticism of management was a potential firing offence.

Canada's largest professional associations for journalists, the Canadian Association of Journalists and the Quebec Federation of Professional Journalists (FPJQ), have condemned those policies and actions by CanWest Global, the most powerful media proprietor in the country, as detrimental to democracy.

Bent on convergence, CanWest has amassed a media empire in television, radio, Internet and print, with more than 100 newspapers from coast to coast, including 14 major dailies. Limited viewpoints to readers and viewers may have repercussions of a magnitude that should concern all Canadians.

Thus, the CAJ and FPJQ have called for a full parliamentary inquiry into the effects of media concentration in Canada. We encourage the public to follow our lead.

Neither association makes this recommendation frivolously.

Southam News editor-in-chief Murdoch Davis, in an extensive essay run in CanWest papers nationally [and in

The Vancouver Sun on Jan. 30], claimed CAJ directors "debased themselves by calling on the government to take action against us for expressing ideas in ways they don't like." He said the action of the journalists "reflects a profound ignorance of journalistic tradition and values."

His words had the effect of mischaracterizing our position. His words show he missed the point.

We are not calling for government control over the editorial process.

We agree that politicians have no role in deciding what journalists publish.

We do believe, however, that when the marketplace of ideas is threatened by corporate concentration, there is a role for government to protect the diversity of voices so essential to public debate.

Serious questions need to be asked about the future of newspapers and the impact of media convergence in Canada.

Last week, CanWest executive chairman Israel Asper told the company's shareholders in Vancouver that "this is not a matter for government to become involved in because that truly would be interference in and odious state censorship of a free press. Rather, it is an issue between the publisher/owner and its employees, who can freely choose and work for or withdraw from the newspapers who pay their salaries."

Asper emphasized that readers and advertisers must decide whether or not they are being well served.

On the last point, the CAJ wholeheartedly agrees. If readers or viewers are concerned, now is the time to speak up. They should call or write their local papers, television stations and parliamentary representatives.

Does the public really want the exact same story or editorial in all its

newspapers, radio stations and TV channels?

Journalists do not work in a vacuum. They serve their news outlets, but more importantly, they serve the public. Well-informed citizens are essential in a strong democracy. Journalists are concerned about the quality, independence and credibility of the information reaching the public.

Fourteen CanWest-owned newspapers are running the same editorials at least once a week and apparently there are plans to increase that frequency. And, as a Jan. 29 editorial explained, "in order to be consistent within the publisher's space on editorial pages, local editorials won't contradict our core positions. However, local editorials will expand on the topics addressed and add regional perspectives."

Asper has said, "We firmly believe that on some major issues, our readers deserve and will welcome a national point of view and not merely a local or parochial perspective."

This is an insult to local newspaper editorial boards and newspaper readers.

The main editorial in a newspaper is a powerful medium. It influences public opinion, politicians and public policy. National editorials may constrain local papers from taking strong stands on issues of importance and relevance to their specific areas.

For all these reasons, the CAJ urges the public and elected officials to demand a parliamentary inquiry into the effects of media concentration in this country.

ROBERT CRIBB
President, Canadian Association
of Journalists
Ottawa

Edge described how Halifax Daily News David Swick confessed "after the Daily News was sold" by CanWest "in 2002," that "he had been instructed on what topics were off-limits and had been practising self-censorship:"

"Following the Sept. 11 terrorist attacks, I wrote a few columns about that event. I was soon informed I was no longer allowed to write anything to do with the Middle East. The reason: I was not perceived to be adamantly pro-Israel. The Aspers are adamantly pro-Israel, and their papers must reflect this sentiment."

Haroon Siddiqui, the “retired editorial pages editor for the Toronto Star,” and recipient of the Order of Canada, “gave the annual Minifie Lecture at the University of Regina’s journalism school in early March” 2002, said the “recent clampdown on dissenting opinion at CanWest newspapers ... had been chilling:”

“CanWest media are often critical, rightly so, of undemocratic Arabs who practise censorship against democratic Israel. Yet here we are in Canada witnessing creeping censorship against the Arabs. The Aspers have argued they have a right to their views. But that was never the real issue. Rather, it was their censorship of other views.”

As the Southam chain journalists rose to action from December 2001 to mid 2002, some would resign, or be fired. They include:

- Halifax Daily News columnist Stephanie Domet, resigned;
- Halifax Daily News columnist and St. Mary’s University philosophy professor Peter March, resigned;
- Peter Worthington, Toronto Sun founding editor and columnist, fired;
- Michael Johansen, St. John’s Telegram, quit;
- Lyle Steward, Montreal Gazette, quit, blaming “the two local thought police in the CanWest Ministry of Truth;”

Janice Kennedy, Ottawa Citizen, Dec. 11, 2001

As an Ottawa Citizen staffer, all I can say is: way to go. Your protest is appreciated by a lot of us here. Maybe it will even inspire us. It's a good fight. Keep fighting it.

Stuart Laidlaw, Toronto Star Editorial Board, Dec. 12, 2001.

Thanks from a colleague for taking a stand against the national editorials being pushed on Southam papers by head office. As a member of The Star's editorial board, I was especially disturbed by the move. I hope, however, that more than just journalists will be disturbed.

Mark McGuire, TV/radio writer, Albany Times Union, Dec. 12, 2001 The corporatization of the media knows no national boundary. It's unfortunate the fight you're in is emblematic of the growing homogenization of news worldwide. Please keep up the good fight.

John Turner, Producer, CBC News/Current Affairs, Toronto, Dec. 13, 2001 I am still shocked that this kind of Kremlin-styled directive is coming down from Southam and CanWest. I fully support one and all and have already sent out emails and letters to others. All the best.

Defying Southam 'a career disaster'

Editors urged to get head office advice on columns, letter says

Toronto Star, March 16, 2002

BY NICOLAAS VAN RIJN
STAFF REPORTER

The editor of Southam's Halifax Daily News is contradicting claims by a senior Southam representative that local editors have full autonomy in deciding whether to run or spike opinion pieces, and says he was told it would be a "career disaster" to defy head office.

Bill Turpin, in a letter written for publication in Southam's Regina Leader-Post, said he and other editors have been "urged repeatedly" to check with the chain's Winnipeg head office before publishing opinion pieces that might run counter to Southam's national editorial policy.

Southam Publications is owned by CanWest Global Communications, which is controlled by Winnipeg's Asper family.

Turpin's remarks contradict claims by Murdoch Davis, editor-in-chief of Southam News, that such head-office interference doesn't occur.

"It is factual that I and other editors have been urged repeatedly by Mr. Davis to get his advice on any prospective commentary that might run contrary to Southam Publications' rapidly changing editorial policies," Turpin wrote in his letter, which was posted in the Leader-Post's newsroom last Wednesday.

Turpin says he was told by Davis that publishing a piece against head-office wishes would be "a career disaster — at least as far as Southam was concerned."

CanWest has been battling allegations of censorship at its 14 Canadian newspapers since it bought Southam and the National Post from newspaper magnate Conrad Black, and ordered editors of all the papers to begin running weekly national editorials written at Winnipeg head office.

■ In December, reporters at the Asper-owned Montreal Gazette gained national attention when they withheld bylines for two days to protest the national editorials policy.

■ Turpin spiked a column by Stephen Kimber, a Daily News columnist and director of journalism at King's College in Halifax, because it criticized the national editorial policy. Kimber promptly quit.

■ Earlier this month, editors at the Leader-Post rewrote a story on a Regina speech delivered by Haroon Siddiqui, The Star's editorial page editor emeritus, in which he discussed CanWest and censorship. A subsequent one-day byline strike by reporters resulted in suspensions and letters of reprimand.

The management rewrite has been criticized by several outside groups. Yesterday, the International Federation of Journalists, headquartered in Brussels, condemned the disciplinary action as "ugly and intolerant."

Gazette Newsroom Letters of Support

Paul Wells, National Post columnist, Dec. 13, 2001

Please count me among the supporters of your campaign against Southam's centralized editorials. I've been away on assignment and only became aware of your efforts in the last two days -- the byline strike, the petition, the open letters to selected competitors, the website. This willingness to differ with the bosses on a point of principle made me proud, as I so often am, to have started at The Gazette -- and surprised that yours is the only newsroom to have spoken out so publicly so far. I can only hope you will soon have imitators.

It is depressing to see Southam employees having to remind yet another generation of Southam proprietors of the virtues of letting the locals think for themselves. In our line of work, it seems, history repeats itself first as tragedy (Bill Ardell crusading for chain-wide food pages); then as farce (Lord Black of Crossharbour, who despite his fondness for ermine is indeed starting to look like the best friend we've had for a while); then as something extraordinarily disturbing: an attempt to dictate editorial stances, not only for the duration of the latest fax from Winnipeg, but for all future editorials on the same subject, across the chain. I have never in my life heard a reader complain that there is too much variety in Southam papers, yet we are constantly blessed with proprietors working overtime to keep the amount of variety down to manageable levels.

In a letter to the Winnipeg Free Press, one of our proprietors claims he is only asking for the same right of free expression that any other Canadian citizen enjoys, and exercising it the way any proprietor would. Wrong, twice. Conrad Black restricted his exercise of the proprietor's prerogative to signed letters on rare occasions (well, and the odd judicious hiring choice, let's be honest). So you could see him coming. The only way to do the same with the new policy would be to hold simultaneous subscriptions to two or more major-market Southam papers, and compare the editorial pages. The new way is a wee bit sneakier than the old.

As for rights to free expression, that one's a bit of a red herring, isn't it? There is, or should be, at least an occasional difference between rights and wisdom. Of course the owner can do what he likes; one simply likes to hope the owner will be judicious in deciding what he likes to do.

And, with Israel Asper's passing on October 7, 2003, and two months prior to his position as Canada's Attorney General and Minister of Justice, Liberal MP Irwin Cotler would rise in the House of Commons and pass along his condolences.

Mr. Speaker, I rise to remember a great Canadian and renaissance man, Izzy Asper, who loved life and was larger than life, who not only transformed the communications face of this country but was a top lawyer, distinguished parliamentarian, mover of the first Manitoba Bill of Rights, and a civic benefactor sans pareil, whose contribution to the arts, education, culture, health, sports and the prospective Canadian Human Rights Museum in Winnipeg will be an enduring legacy for all Canadians and beyond.

It is not only his public achievements that bear recall, but his private virtues: a loving husband and devoted father and grandfather, whose family love of him will be his most everlasting legacy; a loyal friend; a courageous advocate; an abiding commitment to the sister democracies of Canada and Israel and to his most beloved Winnipeg; and a jazz enthusiast as repose for the soul.

He will be greatly missed and is much loved. We will not see the likes of him again.

By 2010, after the Asper's giant media network ultimately fell prey to bankruptcy filings, and after hacking away and hollowing out 'balanced' reporting and promoting Conservative right-wing agendas and policies, it was bought out by Postmedia, which David Olive would later call a "cancer" in his January 30, 2016, Toronto Star article, "The problem with Postmedia: Olive:"

The malignancy is Postmedia Network Canada Corp., a foreign-controlled, debt-burdened contrivance flirting with insolvency that nonetheless is relied upon by about 21 million Canadian readers. Postmedia's 200-plus media outlets, mostly newspapers, including some of the biggest dailies in the country, represent a far greater concentration of news media ownership than exists in any other major economy. And a degree of foreign ownership of the free press that would not be tolerated in the U.S., France, Japan or Germany.

Postmedia is controlled by quick-buck hedge funds in the U.S. Leading this group is New York-based GoldenTree Asset Management, which alone controls 35 per cent of Postmedia. Indeed, it was GoldenTree that created Postmedia, just five years ago, by salvaging proud, venerable newspapers like the Vancouver Sun, The Calgary Herald, the Ottawa Citizen and the Montreal Gazette from the ruins of the Asper family's bankrupt Canwest empire.

In Marc Edge's 2023 book, *The Postmedia Effect: How Vulture Capitalism is Wrecking Our News*, he states the following in a subchapter called "Turning hard right:"

The Sun newspapers, which [Paul] Godfrey had headed for a decade and then added to Postmedia, had always been conservative, but the former Southam dailies like Ottawa Citizen, Montreal Gazette, and Vancouver Sun, had traditionally been more liberal. Even more importantly, they had been fiercely independent under the chain's policy of granting local autonomy to publishers. In order to allow the newspapers to better reflect their communities, the Southams had always been hands-off

owners. That was why the Aspers encountered so much resistance at the millenium when thy tried to centralize editorial control in order to push their agenda of free-market economies, eliminating the CBC, and supporting Israel. Where the Aspers failed in moving the Southam dailies to the right, however, Godfrey and [Andrew] MacLeod would succeed.

Postmedia's partisanship for the Conservative Party became blatant during the 2015 federal election when it ordered its editors to endorse for re-election the decade-old government of Stephen Harper.

Media chain to be called Postmedia Network

The Gazette, July 3, 2010

'Very exciting time,'
top executive says

JAMIE STURGEON
CANWEST NEWS SERVICE

The media company that will include The Gazette and 10 other major metropolitan newspapers and their websites across the country once the sale is completed this month will be called **Postmedia Network Inc.**

"Postmedia Network reflects both where we have been and where we are going," Paul Godfrey, the current chief of the Toronto-based National Post and the executive who will head up the new organization, said in an interview yesterday.



AARON LYNETT CANWEST NEWS SERVICE

Paul Godfrey solicits donations for special literacy editions of the National Post in Toronto's Union Station last fall.

Part 13. The Making of a Supreme

*Cotler says the people he really admires are those who are willing to confront evil and injustice, and ultimately triumph. His heroes include Raoul Wallenberg, the Swedish non-Jew credited with saving 100,000 Jews during World War II, and more recently, Said Ibrahim, a professor jailed for human rights advocacy in Egypt. ... [Alan Dershowitz said] "Irwin is interested in everything. If you ask him, he will tell you, "The Bible says you do not delay justice". "*²⁸⁶

Irwin Cotler and Alan Dershowitz, two prominent Zionist / Israel advocates, became buddies sometime back in the mid-to-late 1960s when Cotler, a Law graduate from McGill University, attended Yale Law School and when Dershowitz taught at Harvard Law School. Their 'friendship,' recognized by Dershowitz in his writings and media interviews, continued ever since. For instance, the Toronto Star newspaper reported in April 2004 that the first human Cotler contacted about his appointment as Minister of Justice, outside of his immediate family, was Alan Dershowitz, his "close friend."²⁸⁷

Both celebrities became and are, in essence, key political advocates and legally trained gatekeepers for Zionist Israel: one within the realm of Canada, the other within the empire of America. In praise of their roles, the Jerusalem Post article of September 29, 2016, *Jerusalem Post 50 Most Influential Jews: Number 38 – Alan M. Dershowitz and Irwin Cotler*, stated that the duo "are, perhaps, the most eloquent international advocates for Israel and," and yes, "human rights:"

"As jurists, political liberals, brilliant public speakers and prolific writers who care about civil rights everywhere, they are respected not only in their home countries – the US and Canada – but throughout the world. ... **They are often the first to jump to the defense of not only Israel, but of political prisoners and oppressed people around the world.**"

13.1. The New Minister

Liberal Party Prime Minister Paul Martin appointed Irwin Cotler as federal Minister of Justice and Attorney General on Friday, December 12, 2003. Of 39 ministers in Martin's new Cabinet, Cotler was one of nine from the Province of Quebec, including Martin himself.

He was sworn into Prime Minister Paul Martin's new cabinet wearing a kipa, a reflection Cotler is an observant Jew and Zionist since his teenage days at Herzliah High School here. Yesterday, friends and colleagues were full of praise for his lifelong commitment to human rights and predicted he will be an activist minister.

Ronald Sklar, a McGill law professor who met Cotler in 1965 while both were graduate students at Yale University, describes him as "one of the brightest people I've ever

Vancouver Sun SATURDAY, DECEMBER 13, 2003

Martin unveils his cabinet

Building a cabinet is no easy job, and on Friday days of rumour and tension on Parliament Hill ended as Prime Minister Paul Martin announced his handpicked group of insiders. Faces both fresh and familiar were among the ministers.



Vancouver Sun December 13, 2003

IRWIN COTLER

Justice, attorney-general
Distinguished career as an international human rights lawyer and professor; counsel to prisoners of conscience like Nelson Mandela.



²⁸⁶ *Life and Crimes of Irwin Cotler*, Toronto Star, April 18, 2004.

²⁸⁷ *Life and Crimes of Irwin Cotler*, Toronto Star, April 18, 2004.

known. His ability to analyze a situation and get to the heart of an issue is unsurpassed as far as anyone I've known within the academic world."

Cotler's passion includes his well-known fight to get the former Soviet Union to release prisoners of conscience, for which he was asked to leave that country, Sklar recalled. It is less well known he has fought for the release of Palestinians within Israel and worked with Palestinian human rights activists **in conflict with the Palestinian Authority.**

Julius Gray, who also teaches law at McGill, said he is comforted Cotler will be responsible for justice at a time when security measures threaten to encroach human rights. Whatever will be proposed, "you will have at every step of the process a voice for freedom and the human rights side of the Cabinet," Gray said.²⁸⁸

It was merely a week after his appointment that Cotler responded to the media's questions about his mandate for re-examination of the "thorny process of appointing Supreme Court of Canada judges."²⁸⁹ Hounding the new Minister was an ongoing review of the Supreme Court system by a House of Commons Justice Committee that began its proceedings in early November 2003. Janice Tibbetts' syndicated news report for CanWest, which ran on December 29, 2003, interviewed Minister Cotler "about the secretive process of appointing Supreme Court of Canada judges."

The system is widely maligned for its secrecy, in which the justice minister and prime minister consult privately with undisclosed senior members of the legal community before the PM makes the final decision. There is no public list of candidates or public vetting of nominees, so Canadians have no opportunity to learn beforehand anything about the person who will be shaping Canadian law for perhaps decades to come.

[Paul] Martin has already said he favours some sort of parliamentary vetting of potential appointees, a prospect Chretien rejected because he said subjecting candidates to U.S.-style confirmation hearings would inject too much politics into the process and therefore discourage the top contenders from coming forward.

Cotler said one possible option is a system similar to Britain's, where a new independent commission vets nominees to the House of Lords.²⁹⁰

Under Cotler's general mandate or task of appointing Supreme Court justices, in mid January 2004 he even "travelled to law schools in Winnipeg, Edmonton, Toronto, Ottawa and Halifax to find out what young people believe should be on the justice agenda." In an interview with Cristin Schmitz with the CanWest News Service, Cotler said that "he has been "inspired" by the *Cri de Coeur*" of Inuit law students from Nunavut's Akitsiraq Law School," and "argued that a strong grasp of the First Nations' legal tradition would be helpful on the top court which is required to decide many aboriginal claims with huge social and financial ramifications." Cotler coined the question and its answer: "What about the tradition of the First Nations? This is something that we need to think about," and "stressed that the Supreme Court has a "distinguished record" in dealing with claims of systemic discrimination and historic oppression." Reporter Schmitz framed the issue:

The former McGill University law professor and internationally respected human rights advocate is the first federal justice minister in the court's 129-year history to publicly suggest that the time may be ripe for appointing an aboriginal jurist to the high court.

About 700 aboriginal people hold law degrees in Canada, according to the Indigenous Bar Association. There are just 20 aboriginal judges across the country, most at the lowest provincial

²⁸⁸ *Cotler named new minister of justice*, The Gazette, December 13, 2003.

²⁸⁹ *Review planned for Supreme Court selection*, Edmonton Journal, December 20, 2003.

²⁹⁰ *Court appointments to be more transparent*, Vancouver Sun, December 29, 2003.

court level. No aboriginals have been appointed to a provincial court of appeal – the usual stepping stone to the Supreme Court of Canada.²⁹¹

With two Ontario spots opening in June, the province's largest aboriginal group has written Prime Minister Paul Martin urging him to appoint [Harry] LaForme because of a growing number of landmark legal battles involving aboriginal issues. The Association of Iroquois and Allied Indians was prompted by comments two months ago by Justice Irwin Cotler that the time is ripe to consider putting an aboriginal judge on the Supreme Court of Canada.

Cotler's "lofty and imaginative ideas" have inspired hope among aboriginals, who feel they have been shut out of the legal system, Grand Chief Chris McCormick wrote in his letter to Martin, in which LaForme's resume was enclosed. Cotler made his comment before two positions unexpectedly opened up on the top court ... Cotler would not say Monday whether he thinks one of the immediate vacancies should go to an aboriginal. But he said **"merit" and "diversity" are two criteria that must be balanced.**

New Democrat MP Pat Martin also wrote the Prime Minister asking him to appoint an aboriginal. But the Manitoba MP said the pool should not be limited to Ontario.²⁹²

After really rousing the interests of Canada's indigenous communities to have one of their own to join the ranks of Canada's Supremes, those hopes were soon abandoned, to be dashed upon the rocks.

13.2. Sharanky's Visit

"MP Irwin Cotler is seated in the midst of the Liberal caucus, his glasses perched atop a messy lick of hair, his head buried in his papers. When MP Wayne Easter noisily questions the Prime Minister's commitment to democracy, his Liberal colleagues erupt in a bout of righteous applause. Not Cotler. Rather, the man who helped free the likes of Nelson Mandela, Russian dissident Natan Sharansky and Egyptian blogger Maikel Nabil from various tyrannical regimes around the world puts on his glasses and looks around to see what all the fuss is about. Then he smiles and goes back to his notes.

Ahead of last year's election, the Conservatives mounted a campaign focused almost entirely on the question of Israel in Cotler's riding. Cotler says it essentially implied he was anti-Semitic. ... "Some of the texts I read before the election on Irwin Cotler were really ridiculous, because you can't have a better champion of Israel or Jewish causes, a better champion of the deep connection between the connection of human rights, freedom and the state of Israel than Irwin Cotler," Sharansky says."²⁹³

Within three months of his new Cabinet position, Natan Anatoly Sharansky, Cotler's 'refusenik' prisoner of conscience whom he assiduously helped liberate from Russia, came for a special visit to Canada. Both Cotler and Israel Minister for Jerusalem Affairs Sharansky attended an evening event at the Gelber Centre in Montreal (were they seated together?). It was the opening banquet of a three-day international anti-Semitism conference in Montreal (March 14 - 16, 2004), the "daytime conference sessions" of which were "closed to the public,"²⁹⁴ a conference sponsored by the Canadian Council for Israel and Jewish Advocacy, which had just been formed in January, two months previous.²⁹⁵

²⁹¹ *Cotler pushing for new thinking*, The Windsor Star, January 24, 2004.

²⁹² *PM urged to name aboriginal to Supreme Court*, Edmonton Journal, March 30, 2004.

²⁹³ *Irwin Cotler's secret: calm amid the chaos*, McLean's magazine, May 2, 2012.

²⁹⁴ *Anti-Semitism conference under tight security*, The Gazette, March 14, 2004.

²⁹⁵ "Canada's top communal organisation, the 91-year-old Canadian Jewish Congress (CJC), looks set to be dismantled to make way for what organisers say will be a more streamlined yet more widely representative body. Rumours of a consolidation of some Jewish advocacy agencies have circulated for years. They first took form in 2004 with the creation of the Canadian Council for Israel and Jewish Advocacy (CIJA), which many saw as a hostile takeover of the community's leadership by about a dozen of the country's top donor families. As its website states, CIJA is "the advocacy agent of United Israel Appeal Federations Canada



“Israel Cabinet Minister Natan Sharansky fields questions from the media during a visit to the city yesterday. Sharansky stressed the importance for democratic countries to be united against terrorism.”

Montreal Gazette
March 15, 2004

Since 2002, the Zionist Israel lobby began setting up, and was thenceforth deeply entrenched in, an ‘anti-Semitic’ propaganda campaign following the September 2001 Durban anti-racism conference in South Africa, and Sharansky’s visit was part of that elaborate, unfolding endeavour.²⁹⁶

The first event – a speech by Sharansky tonight at a synagogue in Westmount – requires a reservation. Because of the threat of anti-Israel terrorism, and because of Sharansky’s presence, security for the conference is being handled by the RCMP.

The more than 2,000 people expected to attend his speech will have to pass through metal detectors first. “We’re being very careful about security, obviously,” said organizer Sara Saber-Freedman, executive director of the Quebec Israel Committee. “We’re taking every security precaution recommended by the RCMP, which is responsible for Mr. Sharansky.” She declined to give details. “I don’t think it’s bad for people to know there’s security, but they don’t need to know what it is.”

According to the conference program, **the closed sessions include discussions of “Islamist anti-Semitism,” and well as anti-Semitism and “anti-Israelism” in the global media, at the United Nations and on university campuses.** ... “It is certainly not the purpose of the conference organizers to imply that any criticism of Israel is anti-Semitic,” she emphasized. “If that were the case, 40 per cent of the population of Israel would have to be deemed anti-Semites.”²⁹⁷

According to Sharansky [on Sunday night, March 14] it’s a new and more subtle anti-Semitism that is aimed at the Jewish state rather than the Jewish religion or Jewish people. [He] broke down the new anti-Semitism into three categories:

(UIAFC). It oversees and co-ordinates the advocacy work of the CJC, the Canada-Israel Committee, the Quebec-Israel Committee, National Jewish Campus Life and the University Outreach Committee.” Source: *‘Politics’ destroying top leadership body*, published by the online Jewish Chronicle.

²⁹⁶ I.e., the Philadelphia City centre for Middle East Forum, an Israeli think tank, launched *Campus Watch* in September 2002. In its first media release of September 17, 2002, it states that it will “monitor the attitudes of American professors and universities toward Islamic fundamentalism and the Arab-Israeli conflict,” to “maintain what it calls “dossiers” on professors and academic institutions and collect information from students regarding their teachers’ political opinions.”

²⁹⁷ *Anti-Semitism conference begins*, Calgary Herald, March 14, 2004.

- Demonization: Demonstrated through comparisons of Israelis to Nazis and of Palestinian refugee camps to Auschwitz.
- Double standard: Occurs when Israel is singled out for human-rights abuses by the United Nations or advocacy groups while countries like China and Syria are ignored.
- Legitimacy: Where anti-Semites try to deny the legitimacy of the Jewish state.

Known as a tireless human-rights campaigner, Sharansky stressed the importance for democratic countries “to be united” ... Israel “expects sympathy or at least understanding” from nations like Canada and the U.S. Uprisings by Jewish students on Canadian and American campuses are key as well, Sharansky added. **“Battles on campuses are extremely important for the Jewish people,”** he said.²⁹⁸

B'nai Brith sees prejudice

The Gazette November 5, 2004

To accuse universities – including Concordia – of not preventing discrimination against Jews

JEFF HEINRICH
THE GAZETTE

Accusing several universities of failing to protect their Jewish students from discrimination by classmates and even teachers, B'nai Brith Canada is to announce today the start of a nationwide human rights campaign against the institutions.

First on B'nai Brith's attack list: Concordia University.

School will open campus to Barak

Concordia University says it will ask ex-Israeli leader Ehud Barak to speak on campus, **Page A4**

Ont., and the University of Western Ontario in London.

The Jewish advocacy group plans to file complaints against the universities to human rights commissions in Quebec, Ontario and other provinces.

But the plan has angered some in Canada's Jewish communities, who say the universities should be lauded, not condemned, because they're trying to stem, not encourage, anti-Semitic and anti-Zionist behaviour on campus.

After that, it's looking at pursuing York University and Ryerson University in Toronto, McMaster University in Hamilton,

Please see PREJUDICE, Page A4

Sharansky, who would become an Israeli politician,²⁹⁹ was released from Soviet prison on February 11, 1986, one of the early Russian Jewish immigrants, about a half million of whom arrived in Israel in the early 1990s. In 1996 he formed “a centrist right-wing party,” called Yisrael Ba Aliyah.

The immigrants reacted against the forceful Soviet political indoctrination they had experienced in the USSR. Many of these expatriates despised parties and ideologies that reminded them of the Communist Party. In Israel, this resulted in animosity toward the Labor and Meretz parties. Finally, in 1996 the newcomers had a particularly strong incentive to go to the ballots. Natan (Anatoly) Sharansky, who had spent eleven years in Soviet jails for his Zionist activity and was a hero for both newcomers and veteran Israelis, formed a new party ... The party's goal was to represent the particular interests of the immigrants. The new electoral system that allowed Israelis to split their vote between their preferred prime ministerial candidate and favorite party, presented the immigrants, as well as other groups, with an opportunity to advance their particular interests by giving their votes to a sectarian party while expressing their preferences with regard to broader national issues through the premiership ballot.”³⁰⁰

²⁹⁸ *Anti-Semitism changes*, Windsor Star, March 15, 2004.

²⁹⁹ In Ami Pedahzur's book, *The Triumph of Israel's Radical Right*, in the appendix *List of Individuals*, he summarizes the “affiliation and most significant positions held” by Sharansky: “Yisrael BaAliyah. Likud. Minister of the interior, industry, trade and labor, housing and construction, Jerusalem affairs information and diaspora, deputy prime minister. Head of the Jewish Agency. Knesset member.”

³⁰⁰ *Ibid.*, page 125.

Jewish organizations in Canada who they are, what they spend

These groups invariably support Israel, oppose anti-semitism, remember the Holocaust and raise money for Jewish and Israeli causes. But the roles of Jewish organizations in Canada vary in degree and modus operandi.

THE LOBBY GROUPS

Canadian Jewish Congress (CJC)

www.cjc.ca
Founded: 1919

Self-styled "Jewish parliament" that calls itself the prime voice of Canadian Jews. Activities include assisting Jewish immigrants and Holocaust survivors.

Spent in 2003: \$3.9 million

B'nai Brith Canada

www.bnaibrith.ca
Founded: 1875

Feisty human rights organization that fights anti-Semitism, is advocate for Israel, educates about the Holocaust, runs summer camps and subsidizes housing for low-income elderly Jews.

Spent in 2002: \$8.5 million

Friends of Simon Wiesenthal Centre for Holocaust Studies

www.wiesenthal.com/about
/office_canada.cfm
Founded: 1979

Canadian arm of Los-Angeles-

based Simon Wiesenthal Centre. Monitors anti-semitism, hate crimes and Nazi war criminals in Canada.

Spent in 2003: \$1.7 million

Canadian Council for Israel and Jewish Advocacy (CIJA)

www.cija.ca
Founded: Jan. 2004

A new group that co-ordinates the pro-Israel advocacy work of the CJC and the Canada-Israel Committee, another longstanding organization.

THE FUNDRAISERS

UIA Federations Canada (UIAFC)

www.jewishcanada.org
Founded: 1998

National fundraising organization for Jews in Israel, formed after the reorganization of the United Israel Appeal of Canada and the Council of Jewish Federations of Canada.

Spent in 2003: \$44 million

Federation CJA (Combined Jewish Appeal)

www.federationcja.org
Founded: 1992

Montreal philanthropic organization for Canada and Israel, raising money for a number of Jewish causes. Originated in 1916 as the Federation of Jewish Philanthropies.

Spent in 2003: \$56.4 million

THE BRIDGEBUILDERS

Canadian Friends of Peace Now

www.peacenowcanada.org
Founded: Jan. 2004

Affiliated with Shalom Achshav (Peace Now) in Israel (founded in 1978) and the CJC, it's a Zionist organization trying to bridge Jews and Arabs over the issue of Israeli occupation of the West Bank and Gaza. Other groups with that goal include Shalom Salam and Montreal Dialogue Group.

The Gazette Nov. 14, 2004

JEFF HEINRICH

SOURCES: ORGANIZATIONS' OFFICIAL WEB SITES; CANADA REVENUE AGENCY

The formation of Sharansky's party aided in a new shift to the political right, represented in large part by the Likud party, and by 2003, a year before his visit to Canada, that party, Yisrael Ba Aliyah, "merged with Likud." As Ami Pedahzur notes in his 2012 book (page 186), *The Triumph of Israel's Radical Right*, Sharansky "shared Binyamin Netanyahu's worldview and was a known inspiration for him (as well as for President George W. Bush)," and that Sharansky "was already an avid supporter of the settlers' network," namely the extremely shady takeover processes of Palestinian properties and private lands in East Jerusalem. Cotler's emancipated prisoner from Russia and celebrated international hero was now an integral political player with the Zionist ethnic cleansing project, transformed into another ideologue monster.

'Anti-Semitic' can also describe words and actions against Arabs

The Record April 24, 2004

The phrase anti-Semitism was coined in Germany by Wilhelm Marr, an unemployed journalist who in 1879 founded a political movement called the League of Anti-Semites, which advocated the forced removal of Jews from the country.

Although "anti-Semitism" is used almost exclusively today to describe attitudes and actions against Jews, Arabs are also Semites.

The word Semite, by definition, includes all peoples supposed to be descended from Shem, son of Noah, including Jews, Arabs, Assyrians and Phoenicians.

So, technically, the arson of a mosque east of Toronto last month was an anti-Semitic act, says Mohamed Elmasry, a University of Waterloo engineering professor and national president of the Waterloo-based Canadian Islamic Congress.

Arabs are the majority of Semites, he explains, so the congress is trying to persuade academics and journalists to use the term anti-Jewish.

Rabbi Joseph Bloch of the Beth Jacob Congregation in Kitchener agreed that "anti-Jewish" or "Judeophobia" would be a more accurate term than anti-Semitism.

13.3. The Question and Problem of ‘Merit’

On Tuesday, March 30, 2004, Minister Cotler appeared before the Commons Justice Committee, where he advised that Prime Minister Martin would be naming two Supreme Court judges in June, about three months time, when the resignations of two Supreme Court justices would come into effect. One of the two Supreme Court sitting judges, Louise Arbour, was moving on to an assignment as United Nations High Commissioner for Human Rights, and the other, Frank Iacobucci (who would later serve as legal advisor for Cotler’s Wallenberg Centre), was retiring from the federal bench. And because of the timing of the June 28 federal election, when Martin’s Liberal government would forfeit its electoral majority, Martin would defer Cotler’s nominations of the two replacements until August.

Harper to crack down on anti-Semitism

Ottawa Citizen June 25, 2004

Tory leader says criminal charges, not more education, the way to tackle problem

The Canadian Zionist Israel lobby forced the issue of anti-Semitism as political party campaigns platforms during the lead up to the June 2004 federal election.

As Janice Tibbetts with CanWest News reported, Cotler put several suggestions to the Justice Committee in March 2004 on how the appointments could be vetted. One suggestion was that he, Cotler, “could be confined to him[self] appearing before a committee to explain his choice, rather than subjecting contenders to public scrutiny.” Another possibility might “include an often-cited idea of calling the judicial committee for vetting or setting up a panel of experts, including a couple of MPs, to screen the nominee.” During his presentation to the committee “he cautioned against a new system in which candidates would be forced to undergo reputation-damaging scrutiny,”³⁰¹ disfavoring the Supreme Court review system by American lawmakers.

Tibbetts later reported that on Saturday, August 14, 2004, Chief Justice Beverley McLachlin spoke before “lawyers at the Canadian Bar Association annual gathering in Winnipeg,” stating she “had wanted the vacancies filled by the end of July [and] stressed that time is running out if the court is going to be operating at its full strength of nine when it reconvenes in October.”

The new judges, who by tradition will be from Ontario, need time to wind up their personal and

Politicians split on anti-Semitism

Calgary Herald June 25, 2004

Conservative Leader Stephen Harper has promised Canada’s Jewish community that a Conservative government would use the full force of the law to crack down on anti-Semitism, while Prime Minister Paul Martin and New Democrat Leader Jack Layton called for prevention measures to educate people against anti-Jewish bigotry.

The leaders made the comments in separate interviews during the election campaign.

Harper told the Canadian Council for Israel and Jewish Advocacy this week that he

disagrees with the Liberal approach of spending money on educational campaigns to fight anti-Semitism.

In a recent interview with the Canadian Jewish News, Martin said the “real answer” to anti-Semitism “lies in education and it has to lie in education at the earliest years.”

And Layton, who spoke to the Canadian Council for Israel and Jewish Advocacy last week, advocated tracking anti-Semitic behaviour and finding preventive measures to deal with such behaviour in schools and elsewhere.



³⁰¹ *MPs hear Supreme Court proposals*, The Windsor Star, March 31, 2004.

Behind Canada's United Nations Mideast shift

Analysis

Lynda Hurst

Has 'even-handed' Canada swung to Israel's side?

Surprise No vote at U.N. signals marked change

Every year at the United Nations, a predictable series of anti-Israel, pro-Palestine resolutions are placed before the General Assembly.

And every year, in an attempt to appear unbiased, Canada joins Europe in abstaining on the more ferociously worded of them. The United States, colours permanently nailed to the pro-Israel mast, routinely opposes them.

But this year, the script changed.

On Dec. 1, Canada joined the U.S. in voting No to a resolution extending the mandate of the Committee on the Inalienable Rights of the Palestinian People. Why? Because it had "reservations about its work and objectives."

That explanation was lost, however, in the frenzy of speculation ignited by the surprise No vote: Had "even-handed" Canada just quietly swung over to Israel's side?

No one seemed to notice that on the same day, it voted in favour of or abstained from five other, less inflammatory pro-Palestinian resolutions.

A few days after, Foreign Affairs Minister Pierre Pettigrew belatedly explained that the contentious vote signalled the start of a new "principled" approach at the U.N.

From now on, Canada would not automatically align with any one, but judge each of the 20 or so annual resolutions on its own merit, weighing the content and language against its Middle East policy.

And that policy is not changing, stressed Pettigrew.

Ottawa still advocates a two-state solution in the Middle East. It still supports the Palestinian right to self-determination, but not the use of terrorist attacks. It still defends Israel's right to live in peace and security, but not its settlement expansion. Only now, Canada truly will be the balanced, honest broker it claims to be.

On the face of it, how could there be a problem?

But there is.

One long-time consultant to the foreign affairs department says many officials there and at the Canadian International Development Agency were caught by surprise and are infuriated by the sudden shift:

"There are layers of tension there right now," he says. "It's a mess. I've never seen things quite as nasty."

Many in Ottawa continue to favour the status quo, saying that no matter how distasteful the rhetoric, the General Assembly is the only place Palestinians feel they get a fair hearing, if only a symbolic one. Everyone knows that the binding votes occur at the Security Council, which has passed 70 of them in Israel's favour.

Many officials also feel that hiving off from the European majority is a high risk.

"We're asking for trouble," says career diplomat Steve Hibbard, until this summer Canada's representative in Ramallah. "We're not in a position to part from the herd. The Palestinians will think our Mideast policy is being dominated by the U.S. That's what we've been trying to get away from."

To Canada's pro-Israel lobby, the shift is simply a "small and welcome readjustment," says Paul Michaels of the Canadian Council for Israel and Jewish Advocacy, an umbrella group formed earlier this year.

"We'd like to think our arguments had some effect on this happening, but there were a number of factors, it wasn't uncausal. This isn't an earth-shattering change," he says.

For a true policy shift, says Shimon Fogel, chief executive of the Canada-Israel Committee, the senior lobbying group, "Canada would have to say: 'The U.N. treats Israel so disgracefully that we will vote for it across the board.'"

"They haven't done that, nor did we expect it."

The switch didn't come out of the blue, he says. The "different stakeholders" knew it was coming because Martin had promised to do it during his election campaign this spring. Even though many foreign affairs staff are "not comfortable with switching from the status quo," says Fogel, serious discussions have been happening for months about a more activist international role for Canada.

He pauses, and sardonically adds: "But, of course, it's the all-powerful Jewish lobby."

Fogel is well aware that some pin the voting change to years of relentless pro-Israel lobbying that finally paid off.

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professional affairs, move to Ottawa and start cramming for the fall term, which begins with a hearing on same-sex marriage.

The prime minister and justice minister consult informally with members of the legal community; however, the process takes place in private. The final decision rests with the prime minister, and Martin has said he intends to retain that power.

But the Liberal government is expected to announce, as early as next week, that MPs will have a role in vetting the two candidates he selects. However, it is unclear whether it would happen in public or behind closed doors.

Lead contenders for the coveted spots include several judges on the distinguished Ontario Court of Appeal, the traditional drawing pool for Ontario appointees to the high court. It is expected that one of the nominees will be a woman, because Arbour's departure has reduced the female bench strength to two.

Justice Louise Charron, a Franco-Ontarian from Ottawa, leads virtually every short list. Other potential candidates include justices John Laskin, the son of former chief justice Bora Laskin; David Doherty, Marc Rosenberg, James McPherson, Robert Sharpe, Rosalie Abella, Eleanore Cronk and Michael Moldaver. There are also a handful of outside candidates, such as criminal lawyer Marlys Edwardh and Peter Hogg, the former dean of Osgoode Hall Law School.

Meanwhile, **lawyers have shelved a divisive proposal urging Ottawa to install permanent aboriginal representation on the Supreme Court of Canada.** The Canadian Bar Association had planned to vote on the issue at their annual meeting Saturday, but **decided at the last minute to postpone the debate until next year amid complaints the resolution was doomed.** The proposal called for at least one of the nine Supreme Court judges to be aboriginal in recognition of the fact that they're one of Canada's three "founding partners" along with the French and the English.³⁰²

Through the support of his Justice Minister, Prime Minister Martin nevertheless retained the discretionary power to appoint an aboriginal judge to the Supreme Court despite the Canadian Bar Association's resolution. But he, and his Justice Minister, chose not to exercise the discretionary power to do so. Rather than choosing a First Nations, Canadian-born candidate, Cotler chose a German born immigrant.

There was something else brewing in the Supreme pot. **Exactly one week before Justice Minister Cotler's sudden announcement on August 23, 2004, of her appointment to the Supreme Court,** Rosalie Abella, who had served on the Ontario Court of Appeal, was presented "the prestigious Walter S. Tarnopolsky Human Rights Award by the Canadian branch of the International Commission of Jurists." Cotler himself had been the first recipient of the award ten years previous in 1994, and departing Supreme Court Justice Louise Arbour would be later honoured with the same in 2015. Abella's award was presented on Monday, August 16th, at the Canadian Bar Association's annual gathering in Winnipeg.



The above photo of Rosalie Abella and Lloyd Axworthy was included in the International Commission of Jurists' website presentation list of Tarnopolsky Awards. Axworthy was the former Liberal government's Foreign Affairs Minister. In Yves Engler's 2010 book, *Canada and Israel: Building Apartheid*, he reveals in chapter 7, *Political Parties*, that Axworthy was a great friend of Israel who in 1998 "tried to dissuade Yasir Arafat from unilaterally declaring a Palestinian state in the West Bank and Gaza as per the initial Oslo Accords." "To celebrate Israel's 50th birthday, in 1998 the Canadian International Development Agency and its Israeli counterpart, Mashav, financed a project ["a joint project of assistance" via Axworthy] in post-war Guatemala." Guatemala would become an ally of Israel in United Nations' voting record resolutions.

"Also an Ontario appellate judge, Tarnopolsky is known among Canadian lawyers and law students as a scholar and human-rights advocate who fought passionately for the enshrinement of human rights. In presenting the award yesterday, **Mr. Justice Ian Binnie of the Supreme Court of Canada** said there is no more deserving recipient than "Rosie," whose name is synonymous in our own time with human rights."³⁰³

One of the newspapers included a short commentary on Abella's acceptance speech:

Until September 11, 2001, Abella said, North Americans assumed the rule of law was the basis for a safe and orderly society, but today that's not true at home or abroad where, despite international

³⁰² *Justice wants appointments free of politics*, Edmonton Journal, August 15, 2004.

³⁰³ *Abella gets Tarnopolsky rights award*, The Toronto Star, August 17, 2004.

conventions and treaties, “the most important lesson of all” – trying to prevent human rights abuses in the first place – has not been learned.

From Rwanda to Bosnia and Chechnya, thousands have been terrorized or murdered “with impunity” because the international community has no mechanism or “overriding sense of moral responsibility” to spur consensus on when military action is needed to protect people’s rights, she said.³⁰⁴

The hyperlink to Abella’s eight-page acceptance speech, *Justice and Rights: Looking Back at the Future*, on the Canadian branch of the International Commission of Jurists’ website, listing all Walter S. Tarnopolsky award recipients, **was non-functional** when accessed in late May 2024. Through diligence, it was fortunately retrieved elsewhere in an archival repository. Sections of Abella’s speech reveal her double standard, the same fatal flaw that Judy Haiven described in her blogpost on January 10, 2024, described in Part 4 of this report, “The Big Reveal.”

For the prestigious award, in her acceptance speech Abella laid out the history of justice and her own vision of it, both from the perspective of Canada and internationally. She probably knew of or sensed her nomination as imminent. Over the first half of her speech, she stated the following:

“Human rights are hard work. People have strong views about them and tend to think their own views are the right ones. But if people are divided in what they think the right human rights are, they are united in believing in justice. To me, there is no justice without human rights. In that, Canada has every reason to be proud. In fact, I consider this to be the Canadian justice system’s finest hour. It is difficult to imagine a better or more respected legal system than the one we are lucky enough to have in Canada. Our unique approaches to law, justice, and judging have become some of Canada’s newest and most sought-after exports.

It happened because over the years, there were committed lawyers and advocates, one of whom this prize is named for, who spent their careers trying to narrow the gap between the ideals of justice and the reality. So we got, for example, a **Charter of Rights and Freedoms**; five women on the Supreme Court of Canada, one of whom became Chief Justice [Beverley McLaughlin]; a non-partisan, independent judiciary; and overwhelming numbers of women and increasing numbers of racial, religious and linguistic minorities, aboriginal people and persons with disabilities becoming lawyers and judges, converting the profession from its monolithic homogeneity a generation ago into something closer to the exquisite diversity that is the true Canada.

And, politics aside, I think there was one and it seemed to me to be this – we were tethering our rhetoric about human rights to the principles of civil liberties, creating an intellectual anchor for human rights that was making its progress difficult. While I believe fervently that civil liberties are bedrock rights in a healthy democracy, I also believe, no less fervently, that human rights, which protect against different injustices from those cured by civil liberties, are equally important for the maintenance of our justice balance. We need both.

Yet, as the century closed, human rights seemed to find itself having to defer to the primacy of civil libertarian rights principles, rather than sharing equal billing. And that is the first part of what I’d like to talk to you about this afternoon, focusing on human rights in a national context. The second part, also inspired by events in recent years, is human rights in an international context, and whether there too we ought to think about how we are focusing our intellectual energies.

Civil liberties is a concept of rights that requires the state not to interfere with our liberties; human rights, on the other hand, cannot be realized without the state’s intervention. Civil liberties is about

³⁰⁴ *Rights efforts stalling: Abella*, The Toronto Star, August 23, 2004.

treating everyone the same regardless of differences; human rights is about acknowledging and accommodating people's differences so they can be treated as equals. Civil liberties is only about the individual; human rights is about how individuals are treated because they are part of a group. Civil liberties seeks to assimilate; human rights seeks to integrate.

Concern for the rights of the individual monopolized the remedial endeavours of the pursuers of justice all over the world. It was not until 1945 that we came to the realization that having chained ourselves to the pedestal of the individual, we had been ignoring rights abuses of a fundamentally different, and at least equally intolerable kind, namely, the rights of individuals in different groups to retain their different identities – without fear of the loss of life, liberty or the pursuit of happiness.

It was the Second World War which jolted us permanently from our complacent belief that the only way to protect rights was to keep government at a distance and protect each individual individually. What jolted us was the horrifying spectacle of group destruction, a spectacle so far removed from what we thought were the limits of rights violations in civilized societies, that we found our entire vocabulary and remedial arsenal inadequate. We were left with no moral alternative but to acknowledge that individuals could be denied rights not in spite of, but because of their differences, and started to formulate ways to protect the rights of the group.

We had, in short, come to see the brutal role of discrimination, a word we had never and could never use with a concept like civil liberties that permitted no differences. So we invented the term “human rights” to confront the abuses discrimination generated and developed remedies for arbitrary exclusion based on difference. We clothed governments with the authority to devise remedies to prevent arbitrary harm based on race, religion, colour, gender, or ethnicity, and we respected government's new right to treat us differently to redress the abuses our differences attracted.

It was as if we had awoken from a 300-year sleep, looked around us, realized how limited our rights vision had become, and, with stunning energy and enthusiasm, acknowledged more rights and remedies in one generation than we had in all the centuries since the Glorious Revolution in England in 1688-9, starting with the remarkable consensus found in the Universal Declaration of Human Rights.

What we appear to have done, having watched the dazzling success of so many individuals in so many of the groups we had previously excluded, is conclude that the battle with discrimination had been won and that we could, as victors, remove our human rights weapons from the social battlefield. Having seen women elected, appointed, promoted and educated in droves; **having seen the winds of progress blow away segregation and apartheid**; having permitted parades to demonstrate gay and lesbian pride; having acknowledged the legitimacy of the grievances of aboriginal people; and having retrofitted hundreds of buildings for persons with disabilities, many were no longer persuaded that the diversity theory of rights was any longer relevant, and sought to return to the simpler rights theory in which everyone was treated the same.”

In the first half of her speech, Abella states that the “winds of progress” have blown “away segregation and apartheid,” a carefully placed statement that blatantly overlooks the Zionist project of apartheid in Israel, ignoring the ethnic cleansing plight of Palestinians since the 1920s. In the first half, Abella prepares us for the second half, beginning with “The crash of the four planes changed everything,” referring to the September 11, 2001 ‘attack’ on New York's twin towers.

“We realized to our horror that while we were riveted on hanging chads and butterfly ballots, terrorists were next door learning how to fly commercial airplanes into buildings. In less than two

hours on the morning of September 11, 2001, we went from being a Western world luxuriating in conceptual moral conflicts, to being a Western world terrorized into grappling with fatal ones.

I think that what irrevocably shocked us about the horror of September 11, was how massively it violated our assumptions that our expectations about the rule of law were universally shared, at least to the extent that they would be respected in North America. Whether these expectations were reasonable is not the issue. They were genuine. We felt safe. We no longer do.”

“The Rule of law?” What is Abella referring to? How for instance, did that Rule apply to the cumulative actions of the United States military since the Second World War, a nation state that would refuse to be a signatory to the International Criminal Court which began its activities in 2002, a nation with its United Kingdom ally that would commit murderous crimes in Iraq from 2003 following? Outside of “North America,” how did the Rule of Law apply to Israel since its inception in 1948, etc.?

“Which brings me to the second part of my talk, the international justice scene, a topic the shame of Darfur compels us to consider – again.

As the last few years have dramatically shown, just like our globalizing geopolitical and economic links, the global state of rights – civil and human – has an indisputable impact on the welfare of the world. As a corollary, I would argue that we have been far too timid as an international community about insisting on the centrality of human rights enforcement as a civilizing, global requirement. **It is not just about having the right laws, it is about having and enforcing them. It is not just what you stand for, it is what you stand up for.**

This generation of international human rights had its genesis in the 1940s with **the triangular triumph of the Universal Declaration of Human Rights, the Genocide Convention, and the Nuremberg trials**. These were the responsive forms of justice which reared their heads from the atrocities of World War II and roared their outrage. **But consider what events have unfolded internationally since then**, events the world was largely inclined to neglect notwithstanding the most sophisticated development of international laws, treaties, and conventions the world has ever known, all stating that rights abuses will not be tolerated. We had the genocide in Rwanda; the massacres in Bosnia and the Congo; the violent expropriations and judicial constructive dismissals in Zimbabwe; the assassinations of law enforcers in Columbia and Indonesia; the slavery and child soldiers in Sudan; the repression in Chechnya; the cultural annihilation of women, Hindus and ancient Buddhist temples by the Taliban; the attempted genocide of the Kurds in Iraq; the rampant racism tolerated at the U.N. World Congress Against Racism and Intolerance in Durban, South Africa; and the world’s shocking lassitude in confronting AIDS in Africa, a lassitude interrupted only when Stephen Lewis donated his iconic passion and indefatigable compassion to the issue.”

The last paragraph, above, is Abella’s ‘schtick,’ as noted in Part 4 of this report. Abella has consistently ignored Israel as an occupier, colonial State, which is clearly at work here in her 2004 presentation.

“How come with all our international laws to protect rights, we ignored this evidence? Notwithstanding what should have been the indelible lesson of the Holocaust, namely, that indifference is injustice’s incubator, we felt entitled somehow to defer consideration of our international moral obligations and hide behind contraceptive terminology like ‘domestic sovereignty’ or ‘cultural relativism’.

And now we add a disgraceful new chapter in global insensitivity, as the world formulates a strategy of astonishingly anaemic proportions in Darfur, a strategy one could characterize as “Let’s keep our fingers crossed”, while tens of thousands are raped, mutilated and murdered.

As lawyers, I think we may have a tendency to take some comfort, properly, in the possibility of subsequent judicial reckoning in a war crimes tribunal, like Nuremberg or The Hague. But courtrooms offer a last resort, and are no excuse for avoiding the requisite strategic intervention. In short, they come too late in the human rights piece.

I am the child of survivors. My parents spent four years in concentration camps. Their 2-1/2 year old son, my brother, and my father's parents and three younger brothers, were all killed at Treblinka.

After the war, my parents went to Germany, where the Americans hired my father, a lawyer, as a defence counsel for Displaced Persons in the Allied Zone in southwest Germany. In an act that seems to me to be almost incomprehensible in its breathtaking optimism, my parents transcended the inhumanity they had experienced and decided to have more children. I was born in Stuttgart in 1946, and my sister two years later."

The day following Abella's nomination, Norma Greenway of the Ottawa Citizen reported that "court watchers ... note ... she's very conscious of the rights of victims, and not just the rights of the accused."

Judge Marvin Catzman of the Ontario Court of Appeal has vivid memories of Judge Abella as one of his law students more than 30 years ago. ... He says she has a well-deserved reputation as an outspoken defender of the Supreme Court of Canada as an institution, the Charter of Human Rights and Freedoms Frank Marrocco, treasurer of the Law Society of Upper Canada, says Judge Abella is a leader in her commitment to public service and human rights. "She has a strong streak of independence," he said in an interview. "She will do what she considers to be the right thing. I don't think she'll be too concerned about what the majority think of her judgements because the majority isn't what the Charter of Rights and Freedoms was created for. **It's been created to protect those who are often in a minority.**"

Judge Abella is married to Irving Abella, a Canadian history professor. The couple has two sons, Jacob and Zachary, both lawyers.

She has taught university courses on the judicial role in a democracy, human rights and civil liberties, and comparative jurisprudence.³⁰⁵

At the time of Rosalie Abella's nomination, the print media failed to probe into and investigate the association with and common ties between the Abellas and Cotler. Both Cotler (1980 – 1982) and Irving Abella (1992 – 1995) each served terms as president of the Canadian Jewish Congress, and in 1986 Cotler served as the Congress' chief counsel "at the Deschenes Commission of Inquiry on Nazi war criminals."³⁰⁶ Both Cotler (early 1970s) and Irving Abella (early 1980s) served as chairmen of the Canadian Professors for Peace in the Middle East, an offshoot of the Zionist American entity formed in 1967, American Professors for Peace in the Middle East. Both shared appearances as conference speakers, such as the February 19, 1989, conference at McGill University, *Anti-Semitism in the World Today*, sponsored by the Hebrew University of Jerusalem, the Montreal Chapter of Canadian Friends of the Hebrew University, the Vidal Sassoon International Centre for the Study of Antisemitism, and the Institute of Contemporary Jewry.

On one occasion, all three (including Rosalie Abella) were speakers at the May 7 – 9, 1989 Canadian Jewish Congress Plenary Assembly held in Montreal, where both Abellas spoke on *Paradigm: Problems in the Jewish Community*, and Cotler on *Confronting the Past Towards a Civilized Future*.

³⁰⁵ *The women who will rule*, Ottawa Citizen, August 25, 2004.

³⁰⁶ *Irwin Cotler*, Wikipedia, accessed February 22, 2024.

Considering his ties to the Abellas, there remain nagging questions about Cotler's nomination of Rosalie Abella as prejudicial or non-prejudicial.

Part 14. The Rise of Cotler-Criticism

Ever since the April 2002 Concordia University student occupation of Irwin Cotler's constituency office (see Part 12), a small group of human justice and Palestinian advocates were keeping track of Cotler and, off and on, were calling him out as a hypocrite.

One of the more interesting of these Cotler-criticism moments occurred on Monday evening, June 3, 2019, at Montreal's Concordia University's Sir George Williams Campus, at McConnell Building's De Seve Cinema. It was at a day-long event called #RightsCity 2019, organized by: Concordia's Genocide and Human Rights Studies; the Raoul Wallenberg Centre for Human Rights; the Canadian International Council; the McGill Centre for International Peace and Security Studies; and Amnesty International Francophone Canada. The conference topics included: the global fight against mass atrocities; human rights in China; democracy under threat; silencing journalists, the case of Jamal Khashoggi; political prisoners; Canada as a human rights leader; and Cameroon's unfolding catastrophe, a call to action.

Speakers: **3:40 pm-4:25 pm** **Canada as a Human Rights leader**

- Hon. Irwin Cotler, Chair of the Raoul Wallenberg Centre for Human Rights, former MP, former Minister of Justice and Attorney General of Canada.
- Rob Oliphant, Parliamentary Secretary to the Minister of Foreign Affairs.

Moderator: Joanne Vrakas, Journalist at Breakfast Television Montreal.

Reported on June 5, 2019, by Ali Abunimah with the on-line The Electronic Intifada, *Video: Canada activists disrupt top supporter of Israeli war crimes*, three members of Quebec Movement for Peace, Dimitri Lascaris, Yves Engler and Malcolm Guy, made a public demonstration, the latter two of which walked up onto the conference stage holding up "Free Palestine" signs behind two sitting presenters, Irwin Cotler and Joanne Vrakas (journalist, Breakfast Television, Montreal).



Dimitri Lascaris walked on to the stage alone, standing in front of the large Raoul Wallenberg Centre for Human Rights sign, and said to Cotler, the founder and chairman of the Raoul Centre:

"You spoke at the [1991] event where I was admitted to the bar in Ontario. I remember that very clearly. And, at the time I remember you were a true defender of human rights, sir. But I've learned since then that you've refused to criticize a regime which is running roughshod over the human rights of the Palestinian people. And I find that disgraceful. And I would like you to answer: are you prepared to criticize Israel for anything? And if so, what?"

CJN News: "muscular Lascaris" "looming" over Cotler.

After his statement, some in the audience began chanting over and over: "Cotler, Cotler, you will see, Palestine will be free."



“Lascaris told The Electronic Intifada on Wednesday why he thought it was important to protest Cotler, a high-profile member of Prime Minister Justin Trudeau’s Liberal Party.

“Wittingly or unwittingly, Cotler has assumed the function of legitimizing the support for the Zionist entity among liberals and moderate progressives in Canada, and **he does this effectively because in matters unrelated to Palestine he has engaged in advocacy promoting human rights around the world,**” Lascaris said. “But he behaves as if historic Palestine is a human rights-free zone and as if the laws that apply to other actors are inapplicable there.” Cotler’s support for Israel is so unconditional that he publicly rebuked Trudeau’s government for not being pro-Israel enough, and blamed Hamas for Israel’s deliberate shooting of unarmed protesters in Gaza.”



“Support for Venezuela Coup Effort

During his protest on stage, Engler also mentions how Cotler has been a key supporter of the Canadian government’s joint effort with the Trump administration to [overthrow](#) Venezuelan President Nicolas Maduro, and Guy holds up a sign reading, “Hands off Venezuela.”

Cotler was part of a panel of so-called independent experts appointed by the Organization of American States that called for the prosecution of Maduro at the International Criminal Court for [supposed](#) crimes against humanity.

During a press conference presenting their findings a year ago, journalist Max Blumenthal also [challenged Cotler](#) both about the panel’s biases – Cotler, for instance, was a [lawyer](#) for Leopoldo Lopez, leader of the [US-backed opposition](#) – and for his silence about [Israel’s crimes in Gaza.](#)”



Following the brief demonstration, the Israeli Canadian lobby began mounting public attention. The Canadian Jewish News published an on-line article on June 5 by Janice Arnold, *Cotler speech disrupted by pro-Palestinian activists*. In it, was a commentary on Cotler’s presentation after the demonstration.

Cotler then returned to the Israeli-Palestinian issue, saying that, having “fought against a real apartheid regime, South Africa, it is demeaning to make a comparison (with Israel). I’m not saying that Israel is not guilty of certain human rights violations, and it must be held accountable like any democracy, but to single out it out” is wrong.



Cotler said he has appeared in Israeli courts on behalf of both Israelis and Palestinians and noted the independence of its judiciary. “I support the free and democratic State of Israel and will continue to defend it against any false and prejudicial allegations,” he said. “We do have to act on the Palestinian tragedy, but you can’t say it has gone unaddressed in the court of public opinion. The problem is Israel is the only party held accountable; Hamas and the like have impunity,” most glaringly at the United Nations. “We do not protect the Palestinian people when their leadership is not held accountable for the atrocities perpetrated against them,” he added.

On the afternoon of June 6, 2019, Michael Levitt, then York Centre MP, an ardent Zionist, tweeted out to fellow MPs to come to Cotler’s rescue. Hillel Neuer, the point man behind Israel’s UN Watch, went to the tweet horn, calling Lascaris “a notorious apologist for Assad & Maduro war crimes.”



The Canadian Jewish News “staff” published a second on-line article on June 7, *MPs defend Irwin Cotler, after pro-Palestinian protesters disrupt speech*. CJN wrote, “Brandon Silver,” the Raoul Centre’s “director of policy and projects, said that” the Canadian Jewish News article of June 5 “**was shared far and wide:**” “Messages of support emanated from around the world, including from top human rights lawyers like Tamara Suju, who helped initiate the International Criminal Court’s investigation into crimes against humanity in Venezuela, and even a note of support from Santiago Canton, who chaired the United Nation’s Commission of Inquiry into Gaza.”



Human Rights

Mr. David Sweet (Flamborough—Glanbrook, CPC):

Mr. Speaker, Irwin Cotler is a vocal defender of minorities around the world against tyrannical dictatorships. He has represented the likes of Nelson Mandela, Jacobo Timerman and Natan Sharansky. He serves several human rights organizations.

On Monday, Mr. Cotler was interrupted and berated during a speech at Concordia University in an attempt by a protestor to shut him down. Will the government condemn this attack on the free speech of one of Canada’s top human rights defenders?

Mr. Robert Oliphant (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.):

Mr. Speaker, it is a privilege. Everyone in this House by their presence and by their applause represents the idea that we stand with Irwin Cotler, who has been a defender of human rights, civil rights and justice around the world. We send our support from this side of the House to Mr. Cotler and convey it from the other side of the House as well.

asked “the government” if it would “**condemn this attack on the free speech of one of Canada’s top human rights defenders.**” After applause from the House, Robert Oliphant, Prime Minister Trudeau’s Parliamentary Secretary to Chrystia Freeland, the Minister of Foreign Affairs, said “we stand with Irwin Cotler.” In the CJN article, underneath the photo of MP David Sweet, the caption read, “Sweet discusses an attempt by pro-Palestinian protesters “to shut down” Irwin Cotler’s speech.” The three ‘accused’ did not “shut down” Cotler’s presentation, as MP David Sweet stated to the House, but temporarily interrupted it.



by *Algemeiner Staff* JUNE 7, 2019 4:24 PM the *algemeiner*

Canadian Lawmakers Give Standing Ovation to Irwin Cotler After Pro-Palestinian Protesters Disrupt His Talk



Lawmakers in the House of Commons in Ottawa give a standing ovation on June 6, 2019. Photo: Screenshot.

David Sweet was elected as an MP in 2006, when Stephen Harper’s Conservative Party won the federal election. When Sweet gave his address to the House on June 3, 2019, to support Irwin Cotler, he served as chair of the Conservative Party’s parliamentary national caucus. In April 2006, Sweet was appointed as member of the **Canada-Israel Interparliamentary Group (CIIG)**, which he continued to serve in 2007, and from 2009 to 2020. From 2011 to 2015, he chaired the CIIG. In 2016, he was CIIG Association vice-chair, and vice-chair from 2017-2019. From 2008 to 2011, in 2013, 2014, 2016, and 2020, Sweet was an appointed member of the **subcommittee on International Human Rights**, of the Standing Committee on Foreign Affairs and International Development.



Oliphant was a speaker at the June 3 Concordia conference.

Amongst a list of many other Interparliamentary Committee appointments, Irwin Cotler became a member of the CIIG in 2004, 2006, 2007, 2009-2014. He was appointed to the Justice and Human Rights Committee from 2000 to 2002, and from 2011 to 2012 he became vice-chair. In 2003 he was a member and then chair of the Subcommittee on Human Rights and International Development of the Standing

Left to right: Conservative MP David Sweet; former Liberal MP Irwin Cotler; Israeli Ambassador Nimrod Barkan; Liberal MP David Levitt; NDP MP Murray Rankin. (Photo source: Dimitri Lascaris website, June 7, 2019, article, “Yet another Pro-Israel Circus in Canada’s Parliament.”) MPs Levitt and Sweet, both who served as chairman of the Canada-Israel Interparliamentary Group, came to ‘the rescue’ of Cotler. In 2022, MP Murray Rankin would become a member of Cotler’s Raoul Wallenberg Human Rights Centre.



Committee on Foreign Affairs and International Trade, which he relinquished upon his appointment as Minister of Justice. He resumed his member appointment of this Subcommittee in 2006 when in opposition until 2010, and from 2011 to 2014 he was this Subcommittee’s vice-chair.

Michael Levitt, the Yorke Centre, Liberal Party MP (2015-2020) was a member of the CIIG from 2015 to 2016 when he became Association Chair. He became CIIG chair from 2017–2019. In 2016, Levitt chaired the Subcommittee on International Human Rights. Wikipedia biography of Levitt states (as of April 9, 2024): “On April 4, 2020, Levitt announced he would resign as an MP, effective September 1, 2020, to become the President and CEO of the Canadian regional office of the Friends of Simon Wiesenthal Center for Holocaust Studies.”

In Dmitri Lascaris’s June 7, 2019, website article, “Yet Another Pro-Israel Circus in Canada’s Parliament,” he comments that both MP David Sweet and MP Robert Oliphant had recently been “lobbied” by the Centre for Israel and Jewish Affairs (CIJA). Lascaris said that “within hours of this Parliamentary spectacle, [Avi Benlolo](#), the CEO of the Friends of Simon Wiesenthal Center for Holocaust Studies (see Part 4.3 for more on Benlolo), asked that “**our ministers also file a police complaint** and ensure all measures are taken to enforce the law”.”



Avi Benlolo
@AviBenlolo

Follow

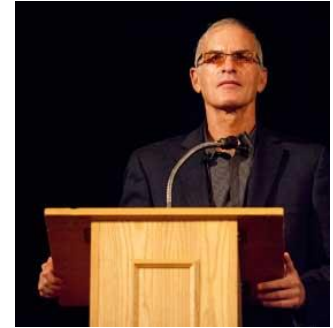
Thank you for condemning the attack on [@IrwinCotler](#) . I hope that our ministers also file a police complaint and ensure all measures are taken to enforce the law. No one should be subjected to harassment and intimidation. [@AHousefather](#)
[@DavidSweetMP](#) [@Rob_Oliphant](#)

Anthony Housefather [@AHousefather](#)
Absolutely delighted that on behalf of the Government [@Rob_Oliphant](#) just condemned what happened to [@IrwinCotler](#) at Concordia University. Thanks to [@DavidSweetMP](#) for the question. Glad to see the Government and opposition united in defence of this great man.

4:15 PM - 6 Jun 2019

Conservative MP David Sweet’s attempt to obstruct Norman Finkelstein lecture on campus

“Information received through a **freedom of information request** has revealed that Conservative MP David Sweet intervened to help obstruct a lecture by Israel-Palestine expert **Dr. Norman Finkelstein**.



The FOI, initiated independently by David Cohen, a member of Independent Jewish Voices Hamilton, revealed that Sweet had helped to arrange a meeting between Mohawk College President Rob MacIsaac and representatives of an unincorporated Hamilton group - the **Never Again Group (NAG)** - opposing Finkelstein’s lecture. In an email obtained under the FOI, a NAG representative wrote, “**Thanks to David Sweet, MP, for helping to arrange the meeting and for doing battle on our side.**” From 2009 until present, Sweet has served on the Steering Committee for the “Canadian Parliamentary Coalition to Combat Antisemitism” (CPCCA), **a group that recently recommended that there be greater restrictions on political discourse relating to Israel on Canadian campuses.**

Although Mohawk College refrained from outright cancelling CJPME’s room booking for Dr. Finkelstein’s lecture in February, the security fees it imposed made proceeding prohibitively expensive. Ultimately, CJPME moved its event to a Hamilton-area church, where 300 people attended without incident — indicating that the security services Mohawk stipulated were unnecessary.”



(Source: excerpts from the December 13, 2011, on-line article by Canadians for Justice and Peace in the Middle East.)

In his article, Lascaris linked to a recent on-line website post written by Yves Engler, *Canadian apologist for Israeli war crimes nominated for Peace Prize*:

“This supposed promoter of peace and former Liberal justice minister has devoted much of his life to defending Israeli violence and has recently promoted war on Iran and regime change in Venezuela.

In a story titled “[Irwin Cotler’s](#) daughter running with Ya’alon, Gantz” the *Jerusalem Post* recently reported that Michal Cotler-Wunsh was part of the Israel Resilience and Telem joint election list. The story revealed that **Irwin Cotler has been an unofficial adviser to Moshe Ya’alon for years.** Former Chief of Staff of the Israeli military and defence minister between 2013 and 2016, Ya’alon recently boasted about his role in setting up the West Bank colony of Leshem and said Israel “has a right to every part of the Land of Israel.” In 2002 Ya’alon told *Haaretz*, “[the Palestinian](#) threat harbors cancer-like attributes that have to be severed. There are all kinds of solutions to cancer. Some say it’s necessary to amputate organs but at the moment I am applying chemotherapy.”

Cotler has described illegal Israeli colonies in the West Bank as “[disputed territories](#)” and the Canadian lawyer [justified](#) Israel’s 2006 war on Lebanon that left 1,200 dead. He [savagely attacked](#) Richard Goldstone after the South African judge led a UN investigation of Israeli war crimes during operation Cast Lead, which left [1,400 dead](#) in Gaza in 2008–09. **Cotler called for the removal of Richard Falk as UN special rapporteur on human rights in the Palestinian territories and [William Schabas](#) from his position on the UN Human Rights Council’s International Commission of Inquiry into the killings in Gaza in 2014.** Alongside attacking these three (Jewish) lawyers tasked with investigating human rights violations, Cotler promotes the notion of the “[new](#) anti-Semitism” to attack critics of Israeli policy.

In an indication of the unquestioning depths of his support for Israeli crimes, Cotler has repeatedly criticized his own party and government’s (mild) expressions of support for Palestinian rights. In May Cotler tweeted his “[regret](#) [of a] Canadian Government statement” criticizing Israeli snipers for shooting thousands of peaceful protesters, including Canadian doctor Tarek Loubani, in Gaza. In 2000 Cotler complained when the government he was a part of voted for a UN Security Council resolution calling on Israel to respect the rights of Palestinian protesters. “[This kind](#) of resolution, which singled out Israel for discriminatory and differential treatment and appeared to exonerate the Palestinians for their violence,” Cotler said, “would tend to encourage those who violently oppose the peace process as well as those who still seek the destruction of Israel.”

In his post, Lascaris made an insightful analysis of Cotler’s human rights record, that “he does not ascribe to the principle that human rights are universal:”

At a 2006 conference held by Israel’s [International Institute for Counter-Terrorism](#), Cotler explained to members of the Israeli military-industrial complex that, in order to win a war, it was necessary, among other things, to win the ‘hearts and minds’ of members of the public by conducting a media war.

Let us recall that the Zionist entity to which Cotler has repeatedly given his advice and counsel is guilty of [committing apartheid](#), that it is implementing an [incremental genocide](#) in Gaza, that its security forces [torture Palestinian children](#), that its settlements in Occupied Palestinian Territory constitute a grave [violation of the Fourth Geneva Convention](#) and a [war crime](#), that it is engaged in [ethnic cleansing in East Jerusalem](#), and that its snipers have murdered and maimed unarmed protesters – including [children, medics and journalists](#) – in Gaza’s Great March of Return.

A true human rights champion understands that all peoples, regardless of their ethnicity, nationality or religion, are equally deserving of the protections of international humanitarian law and human rights law. **After a lifetime of proudly promoting Israel, Irwin Cotler has proven that he does not ascribe to the principle that human rights are universal.** Cotler therefore has no right to hold himself out as a human rights champion. None whatsoever.

The timing of the demonstration protest at the June 3 conference, and the following vitriol raised in Parliament and on Twitter (now ‘X’), happened to coincide with the release of recommendations from an interparliamentary committee for Canada to implement a definition of anti-Semitism included in an “anti-racism strategy.” On Tuesday June 25, 2019, MP Pablo Rodriguez, the Minister of Canadian Heritage and Multiculturalism, announced that his government was intent on adopting the International Holocaust Remembrance Alliance’s (IHRA’s) 2016 definition of Anti-Semitism within a new anti-racism secretariat in his Ministry. Irwin Cotler was present at the launch announcement. Nora Barrows-Friedman’s June 28, 2019, on-line post with the Electronic Intifada, *Canada adopts Israel lobby’s contested definition of anti-Semitism*, raised concerns that the legislation “could characterize Palestinian rights campaigning as anti-Jewish bigotry.” She quoted the British Columbia Civil Liberties Association’s fears that its definition “is extremely vague, open to misinterpretation and a threat to freedom of expression.”



MP Pablo Rodriguez, Quebec riding of Honore-Mercier. At the June 15, 2019, announcement.

Activists with Independent Jewish Voices Canada [warned](#) earlier this month that the adoption of IHRA “is a threat to free speech, academic freedom, and freedom of dissent.” The primary goal “is to ban or criminalize deep criticism of Israel and Zionism, and suppress support for Palestinian rights,” IJV stated, adding that their members and supporters “know that being Jewish and supporting Israel are two separate things.”

In a November 25, 2020, federal government news release, Prime Minister Trudeau appointed Irwin Cotler “as Canada’s Special Envoy on Preserving Holocaust Remembrance and Combatting Antisemitism:”



“With a longstanding record of leadership in the fight against racism, antisemitism, and hate, and extensive experience in human rights and justice including in cases related to mass atrocities, Mr. Cotler will lead the Government of Canada’s delegation to the International Holocaust Remembrance Alliance (IHRA). He will work with other member countries and both domestic and international partners to strengthen and promote Holocaust education, remembrance, and research in Canada and around the world.”

On the same day of the federal news release, the group Independent Jewish Voices (IJV) Canada issued a responding news release, *IJV Deeply Troubled by Irwin Cotler’s Appointment as Special Envoy on Combatting Antisemitism*:

In appointing Irwin Cotler to this position, the Canadian government further aligns itself with the [highly controversial IHRA definition of antisemitism](#), which is being **weaponized to portray supporters of Palestinian human rights as antisemitic, and to shield Israel from legitimate criticism.** Unfortunately, the IHRA definition already [has a long track record](#) of suppressing Palestinian voices and Palestinian human rights advocates around the world.

“Following Cotler’s appointment to this post, it is critical that provincial and municipal governments, university administrations, and other institutions take a firm stand against the IHRA definition now,” says Corey Balsam, IJV’s national coordinator. **“Antisemitism must be fought, but it cannot be done at the expense of legitimate criticism and protest of Israeli human rights violations.”** Irwin Cotler is one of the leading proponents of the “new antisemitism” movement, which seeks to label criticism of Israel as antisemitic. Justin Trudeau has [acknowledged](#) Cotler’s influence on the Canadian government’s position against the nonviolent BDS – Boycott, Divestment and Sanctions – movement for Palestinian rights.

“It is vital that the memory of the Holocaust be preserved and that antisemitism be taken on forcefully,” Balsam explains. “However, **the appointment of Cotler to such a post virtually guarantees that the Canadian government will go about this in the wrong way.** Cotler’s approach is likely to be counterproductive to the fight against antisemitism because it seeks to muddy the waters and will ultimately confuse people as to what is and is not antisemitic.”

IJV is promoting its own [more precise definition](#) of antisemitism, and is part of a growing network of Jewish, Palestinian, civil liberties and human rights organizations that are taking a stand against the weaponization of the IHRA definition. This network includes the BC Civil Liberties Association, the Canadian Federation of Students, the Canadian Labour Congress, the Ontario Confederation of University Faculty Associations and many others.

Part 15. Lest there be Any Doubt – Cotler’s Crew and the ICC

*“Israel has many friends around the world. Few are like Irwin Cotler. The former Canadian justice minister, attorney general, parliament member, McGill law professor and overall advocate of human rights is one of the staunchest defenders that Israel has around the world. Defame Israel? Demonize Israel? You’ll likely be hearing from Cotler.”*³⁰⁷

*“The prospect of justice should be a deterrent to those who would commit war crimes. This, after all, was a key commitment made in the drafting of the [Rome Statute](#), the ICC’s founding treaty, the [Preamble](#) of which asserts a “determin[ation] to put an end to impunity for the perpetrators of [grave] crimes and thus to contribute to the prevention of such crimes.” But the truth is that the appalling loss of civilian lives is the result of past and ongoing crimes and other unlawful actions for which virtually no one has yet been held to account.”*³⁰⁸

Lest there be any doubt about the claims of Canadians invoking Cotler-criticism (see Part 14), is the pro-Israeli state participatory role Irwin Cotler had as a Friend of the Court, an Amicus Curiae intervenor at the International Criminal Court (ICC) in 2020.

The ICC matter was briefly summarized in a February 21, 2021, on-line article filed by Cotler-critic Peter Larson with the Canada Talks Israel Palestine website, *Does famed Canadian human rights defender Irwin Cotler have a blind spot ... or a hidden agenda?*

On February 5th [2021], the International Criminal Court, of which Canada is one of the founding members, released a judicial decision in which it announced it would investigate potential war crimes committed by Israel and Hamas in the Occupied Palestinian Territories. One might have reasonably expected a committed human rights lawyer and advocate, as Irwin Cotler, to enthusiastically embrace the work of the International Criminal Court.

But alas, no. A google search for statements by Mr. Cotler on the ICC decision yields nothing, either from him or from the [Raoul Wallenberg Centre for Human Rights](#) which he heads.

But [it] doesn’t appear to be just an oversight on his part. In fact, **a year ago Mr. Cotler made a submission to the ICC claiming that it did not have the right to examine human rights in the Occupied Territories.** In what is legally called an “amicus curiae” submission, Cotler argued that [“The ICC does not have jurisdiction in relation to crimes allegedly committed in the West Bank, including East Jerusalem and the Gaza Strip”](#). He argued that Israel is off the hook because Palestine is not really a “state”, and therefore the ICC has no jurisdiction. (The Court subsequently rejected his argument, [finding that it does indeed have jurisdiction](#) noting that Palestine is recognized by 138 countries and is an observer state member of the UN.)

By way of background, Mrs. Fatou Bensouda, the former ICC prosecutor, issued a statement on May 22, 2018, *“on the referral submitted by Palestine.”* Bensouda stated that the Palestinian complaint was the “eighth referral” the ICC had received “from a State Party since the Rome Statute came into force” in 2002.

Today, 22 May 2018, I received a referral from the Government of the State of Palestine (“Palestine”), a State Party to the Rome Statute, regarding the situation in Palestine since 13 June 2014 with no end date.

³⁰⁷ Irwin Cotler: *The human rights defender*, The Jerusalem Post, January 18, 2019.

³⁰⁸ *Impartial International Justice Mechanisms – Together with International Support – Needed for Accountability for Crimes in Israel – Palestine Conflict*, February 22, 2024, Elizabeth Evenson, Human Rights Watch, published in “ICC Forum”.

Specifically, pursuant to articles 13(a) and 14 of the Rome Statute of the International Criminal Court (“ICC” or “Court”), the State of Palestine “requests the Prosecutor to investigate, in accordance with the temporal jurisdiction of the Court, past, ongoing and future crimes within the court’s jurisdiction, committed in all parts of the territory of the State of Palestine”. Pursuant to Regulation 45 of the Regulations of the Court, I have informed the ICC Presidency of this referral.

This is the eighth referral to be received from a State Party since the Rome Statute came into force on 1 July 2002. Previously, the Governments of Uganda (2004), the Democratic Republic of the Congo (2004), the Central African Republic (2004 and 2014), Mali (2012), the Comoros Islands (2013) and the Gabonese Republic (2016) each referred a situation to my Office in accordance with their prerogatives as a State Party.

Since 16 January 2015, the situation in Palestine has been subject to a **preliminary examination** in order to ascertain whether the criteria for opening an investigation are met. **This preliminary examination has seen important progress** and will continue to follow its normal course, strictly guided by the requirements of the Rome Statute.

An ICC press release of January 16, 2015, *The Prosecutor of the International Criminal Court, Fatou Bensouda, opens a preliminary examination of the situation in Palestine*, states that Bensouda’s Office:

“... previously conducted a preliminary examination of the situation in Palestine upon receipt of a purported article 12(3) declaration lodged by the Palestinian National Authority on **22 January 2009**. **The Office carefully considered all legal arguments submitted to it** and, after thorough analysis and public consultations, concluded in April 2012 that Palestine's status at the United Nations (UN) as an “observer entity” was determinative, since entry into the Rome Statute system is through the UN Secretary-General (UNSG), who acts as treaty depositary. The Palestinian Authority's “observer entity”, as opposed to “non-member State” status at the UN, **at the time meant that it could not sign or ratify the Statute**. As Palestine could not join the Rome Statute **at that time, the Office concluded that it could also not lodge an article 12(3) declaration bringing itself within the ambit of the treaty either**, as it had sought to do.

On 29 November 2012, the UN General Assembly (UNGA) adopted Resolution 67/19 granting Palestine “non-member observer State” status in the UN with a majority of 138 votes in favour, 9 votes against and 41 abstentions. The Office examined the legal implications of this development for its own purposes and concluded, on the basis of its previous extensive analysis of and consultations on the issues, that, while the change in status **did not retroactively validate the previously invalid 2009 declaration** lodged without the necessary standing, **Palestine would be able to accept the jurisdiction of the Court from 29 November 2012 onward**, pursuant to articles 12 and 125 of the Rome Statute. The Rome Statute is open to accession by “all States,” with the UNSG acting as depositary of instruments of accession.”

The Office considers that, since Palestine was granted observer State status in the UN by the UNGA, **it must be considered a “State” for the purposes of accession to the Rome Statute** (in accordance with the “all States” formula). Additionally, as the Office has previously stated publicly, the term “State” employed in article 12(3) of the Rome Statute should be interpreted in the same manner as the term “State” used in article 12(1). Thus, a State that may accede to the Rome Statute may also lodge a declaration validly under article 12(3).

For the Office, the focus of the inquiry into Palestine's ability to accede to the Rome Statute has consistently been the question of Palestine's *status* in the UN, given the UNSG's role as treaty depositary of the Statute. **The UNGA Resolution 67/19 is therefore determinative of Palestine's ability to accede to the Statute pursuant to article 125, and equally, its ability to lodge an article 12(3) declaration.**



**Prosecutor Luis Moreno-Ocampo and
Ministers Ali Khashan and Riad al-Malki**

Visit of the Palestinian National Authority Minister of Foreign Affairs, Mr. Riad al-Malki, and Minister of Justice, Mr. Ali Khashan, to the Prosecutor of the ICC (13 February 2009)

On 13 February 2009, Prosecutor Luis Moreno-Ocampo met with Palestinian Minister for Foreign Affairs, Mr. Riad al-Malki, and Minister of Justice, Mr. Ali Khashan, as well as with the Palestinian National Authority Ambassador to The Netherlands, Mrs. Somaia Albarghouti, in the ICC headquarters in The Hague. During the meeting, the Ministers submitted information and documents to the Prosecutor.

BACKGROUND

In accordance with the Rome Statute of the ICC (Statute), the Court's jurisdiction extends to war crimes, crimes against humanity and genocide committed on the territory of a State Party, or by a national of a State Party. In addition, alleged crimes can come under investigation and prosecution before the ICC if a relevant non-State Party or Parties voluntarily accept(s) the jurisdiction of the Court on an *ad hoc* basis (Article 12(3) of the Statute) or if the Security Council refers the situation to the Prosecutor (Article 13(b)).

On 22 January 2009, the Prosecutor received Dr. Ali Khashan, Minister of Justice of the Palestinian National Authority, who briefed the Prosecutor on the current situation. The same day, Dr. Khashan, on behalf of the Palestinian National Authority, lodged a declaration pursuant to Article 12(3) of the Statute with the Registrar of the Court, and the Registrar acknowledged receipt of the declaration.

Since 27 December 2008, the OTP has also received 326 communications under Article 15 by individuals and NGOs, related to the situation context of Israel and the Palestinian Territories; some of them were made public by the senders. As per normal practice, the Office is considering all information, including open sources.

The Office will carefully examine all relevant issues related to the jurisdiction of the Court, including whether the declaration by the Palestinian National Authority accepting the exercise of jurisdiction by the ICC meets statutory requirements; whether the alleged crimes fall within the category of crimes defined in the Statute, and whether there are national proceedings in relation to those crimes.

Baird says Palestinians made mistake pursuing Israel at ICC

Mike Blanchfield Published Monday, January 19, 2015 7:07AM EST
The Canadian Press Last Updated Monday, January 19, 2015 5:24PM EST



Israeli Foreign Minister Avidor Lieberman shakes hands with John Baird in Jerusalem, on January 18, 2015.

“Canada is reaffirming its unequivocal support of Israel’s bid to block a Palestinian attempt to pursue war-crimes charges against the Jewish state at the International Criminal Court. **The Palestinians “made a huge mistake”** by going to the ICC, a United Nations institution that Canada played a lead role in creating in the 1990s, Foreign Affairs Minister John Baird said Monday in Jerusalem.

Prior to meeting Israeli Defence Minister Moshe Yaalon as part of his five-day visit to the region, **Baird said the Palestinians crossed a “red line,”** and that he “communicated that in no uncertain terms” to Palestinian leaders a day earlier.

Baird’s spokesman Adam Hodge said Canada is “considering a number of options in response to ... the purported Palestinian accession to the ICC.” Canada has told the prosecutor that “the Palestinians are not a state” and should not be allowed to join the court. “We intend to communicate further views to the prosecutor in due course,” Hodge said.

Israeli Prime Minister Benjamin Netanyahu thanked Baird personally for the Canadian support. “You know that it’s a travesty of justice to haul Israel to the dock in The Hague, and you know that the entire system of international law could unravel because of this travesty,” Netanyahu said. “I thank you for your support and for your moral leadership, and I pledge this to you: Israel will not have its hand tied by a politicized ICC.”

On Sunday, when Baird met with Palestinian officials in Ramallah, demonstrators unhappy with Canada’s staunch pro-Israel stance pelted Baird’s motorcade with eggs and shoes - none of which hit the minister directly.”



Israel lobbies foreign powers to cut ICC funding

REUTERS By Thomas Escritt and Dan Williams January 18, 2015 8:43 AM PST

“**Israel is lobbying member-states** of the International Criminal Court to cut funding for the tribunal in response to its launch of an inquiry into possible war crimes in the Palestinian territories, the country’s foreign minister said on Sunday. Israel, which like the United States does not belong to the ICC, hopes to dent funding for the court that is drawn from the 122 member-states in accordance with the size of their economies, Foreign Minister Avigdor Lieberman said. “We will demand of **our friends in Canada, in Australia and in Germany** simply to stop funding it,” he told Israel Radio. Officials told Reuters the lobbying effort would also target Japan, whose Prime Minister Shinzo Abe is visiting Israel. “This body represents no one. It is a political body,” Lieberman said, adding that he would raise the matter with visiting Canadian counterpart John Baird on Sunday.”

Israeli foreign minister says disloyal Arabs should be beheaded

By Ishaan Tharoor
March 10, 2015 at 3:30 a.m. EDT

The Washington Post
Democracy Dies in Darkness

Among those that voted against the United Nations General Assembly's Resolution 67/19 declaring Palestinian state status, were **Canada, Israel**, the Czech Republic, Panama, and the **United States**. Of the 41 states which "abstained," they included the United Kingdom, Australia, Germany, Hungary, Poland, Netherlands, Romania, Rwanda, and Croatia.

There is an old saying that "the wheels of Justice turn slowly." In the case of this dispute before the ICC regarding Palestine's initial complaint of 2009, which it could finally launch in 2015 and then proceed some six years later after the ICC ruling in February 2021, still ongoing during the October 7, 2023 uprising and during the 2024 International Court of Justice's case of Israel committing genocide, the 'wheels', or the semblance of something attributed as wheels, were moving 'agonizingly' "slowly."

Registered in a December 4, 2017, document, *Report on Preliminary Examination Activities (2017)*, it took almost three years for the ICC to release its preliminary findings about Palestine's January 2015 complaint. The document began by stating, "The Office has received a total of 98 communications pursuant to article 15 in relation to the situation in Palestine since 13 June 2014." It then laid out a summary history since 1967 of the West Bank, Jerusalem and Gaza. With respect to Gaza:

On 7 July 2014, Israel launched 'Operation Protective Edge', which lasted 51 days. According to the Israeli authorities, the objective of the operation was to disable the military capabilities of Hamas and other groups operating in Gaza, neutralise their network of cross-border tunnels and halt their rocket and mortar attacks against Israel. The operation consisted of three phases: after an initial phase focussed on air strikes, Israel launched a ground operation on 17 July 2014; a third phase from on 5 August onwards was characterised by alternating ceasefires and aerial strikes. Several Palestinian armed groups participated in the hostilities, most notably the respective armed wings of Hamas and the Palestinian Islamic Jihad as well as the al-Nasser Salah al-deen Brigades. The hostilities ended on 26 August 2014 when both sides agreed to an unconditional ceasefire.

Under the December 2017 report section called "Alleged Crimes," were a list of instances for the West Bank and East Jerusalem. In the *Gaza Crimes* section:

The conflict in Gaza between 7 July and 26 August 2014 resulted in a high number of civilian casualties, significant damage to or destruction of civilian buildings and infrastructure, and massive displacement. According to multiple sources, over 2,000 Palestinians, including over 1,000 civilians, and over 70 Israelis, including 6 civilians, were reportedly killed, and over 11,000 Palestinians and up to 1,600 Israelis were reportedly injured as a result of the hostilities. Figures reported by various sources, however, differ on the number of overall casualties, the proportion of civilian-to-combatant casualties, and the proportion of civilian casualties that were incidental to the targeting of military objectives.

It has been reported that the conflict also had a significant impact on children. Reportedly, more than 500 Palestinian children and one Israeli child were killed, and more than 3,000 Palestinian children and around 270 Israeli children were wounded during the conflict. In addition, several instances of child recruitment by Palestinian armed groups have been reported.

All parties are alleged to have committed crimes during the 51-day conflict. It has been alleged that the Israel Defense Forces directed attacks affecting civilians and civilian objects, such as attacks on or affecting: residential areas and buildings; medical facilities, ambulances, and medical personnel; UN Relief and Works Agency for Palestine Refugees in the Near East ("UNRWA") schools serving as designated emergency shelters; and various other civilian objects and infrastructure. In addition, it has been alleged that members of Palestinian armed groups committed crimes in relation to, *inter*

alia, rocket and mortar attacks launched against Israel, the alleged use of protected persons as shields, and the alleged ill-treatment and execution of persons accused of collaborating with Israel.

The ICC made the following finding in its 2017 report:

With regard to the specific legal regime applicable to the situation in the West Bank, **Israel considers that the area should not be viewed as occupied territory but as a “disputed territory”**, subject to competing claims, whose status will ultimately be resolved in the course of peace process negotiations. For this reason, **Israel has taken the position to reject the *de jure* application of the Geneva Conventions to the territory** but to apply humanitarian provisions *de facto*. On the other hand, intergovernmental and international judicial bodies have periodically made determinations that the West Bank, including East Jerusalem, has been occupied by Israel since 1967. These include the International Court of Justice (“ICJ”) in its 2004 Israeli Wall advisory opinion and the UN Security Council and General Assembly in various resolutions adopted over the past 50 years. On 23 December 2016, the UN Security Council adopted resolution 2334 which reaffirmed the occupied status of the West Bank, and explicitly condemned the “construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians, in violation of international humanitarian law and relevant resolutions”.

In Irwin Cotler’s September 16, 2006, on-line article called *Irwin Cotler: the Disgrace of Durban – Five Years Later*, published on the Scholars for Peace in the Middle East (SPME) website, he comments on the outcomes of a UN Regional Conference on Racism held in Teheran in February 2001. Within the context of the six resolutions passed by the Conference regarding the state of Israel, Cotler described the West Bank and Gaza as “**disputed territories**,” the same stated claim held by the State of Israel in the 2017 ICC document quoted above.

Within a large set of documents received by the ICC on this matter, are documents from John Quigley, a professor of International Law at the Moritz College of Law, Ohio State University. In his February 4, 2020, application filing to the ICC, *Situation in the State of Palestine* (ICC-01/18), he states: “I have been a member of the faculty of the College since 1969. I teach international criminal law and international human rights law, as well as a seminar course titled Middle East Conflict. I have published extensively in these areas of the law.” He states that he “served as external legal consultant to the Negotiation Affairs Department of the Palestine Liberation Organization when Palestine submitted an article 12(3) declaration in 2009.”

In his May 20, 2010, Memorandum submission, *Re: Posted submissions in regard to Palestine declaration*, Quigley commented on four submissions registered with the ICC formally opposing “the validity of the Palestine declaration of January 21, 2009.”

These are the submissions sent to the Office by the **European Centre for Law and Justice**, by the **International Association of Jewish Lawyers and Jurists**, by Professors **Daniel Benoliel and Ronen Perry**,³⁰⁹ and by the **Hoover Institution**. The authors of the four submissions address a number of issues, but all of them address Palestine statehood and argue that Palestine is not a state.

Quigley made strong, credible arguments against each of the four submitters. In the letter from the International Association of Jewish Lawyers and Jurists, of which Irwin Cotler is still a distinguished

³⁰⁹ The Michigan Journal of International Law published a submission, *Israel, Palestine, and the ICC*, by Daniel Benoliel and Ronen Perry of Haifa University, in Volume 32, Issue 1, Fall 2010, pages 73-127. “The latest highly publicized moves in The Hague come amid mounting international pressure on Israel and a growing recognition in Israeli government circles that the country may eventually have to defend itself against war crimes allegations.”

member, which “asserts that Palestine is not a state, for failure to meet the accepted criteria for statehood, and for having ceded powers to Israel in the post-Oslo agreements,” Quigley states that the Association appended an “opinion letter by **Professor Malcolm Shaw QC**,” who “makes a number of points aimed at disputing Palestine statehood.”

He [Shaw] says that the powers held by the PNA [Palestinian National Association] are powers ceded to it by Israel. Shaw omits mention of the fact that Palestine territory is **under belligerent occupation**, a fact that limits Palestine’s ability to exercise control. **The powers ceded by Israel are powers emanating not from sovereignty, but from force of arms.** States whose territory is occupied are not able to exercise authority on issues on which the occupying power has imposed itself by force.

After a thorough analysis with counter arguments of the four submissions, Quigley concludes:

In their discussions of Palestine statehood, the authors of the four submissions seek in a variety of ways to negate Palestine statehood. But **they omit facts inconsistent with their opinion.** They also, in my view, **misconstrue the applicable law.** They provide no valid arguments against the proposition that Palestine is a state.

In his February 4, 2020, application submission to the ICC, Quigley writes:

I am author of the only book-length analysis of Palestine’s status under international law: *The Statehood of Palestine: International Law in the Middle East Conflict* (Cambridge University Press, 2010). That book traces Palestine’s status from the time of the Peace Treaty of Lausanne (1923) and recounts international practice confirming Palestine’s status as a state.

I intend to show how although Pre-Trial Chamber I (“Chamber”) does not need to determine a starting date for Palestine statehood, the longevity of Palestine’s status as a state reinforces the Prosecutor’s conclusion that it is presently a state. **Palestine statehood dates from the Peace Treaty of Lausanne of 1923**, which created states of Palestine, Syria, and Iraq out of the territory of the former Turkish Empire. During the ensuing period of a British mandate, **Palestine was accepted as a state in the international community.** Its status was considered comparable to that of a protectorate, namely, a state some of whose affairs are handled by an outside power. Palestine had its own citizenship and entered into its own treaties with other states. Palestine statehood was not extinguished by the events of 1948, nor by the events of 1967. **Palestine statehood was re-confirmed in 1988 with the declaration of the Palestine Liberation Organization as its government.**

A February 12, 2020, summary review filing by the ICC’s Registrar (ICC-01/18), stated that Prosecutor Fatou Bensouda was “satisfied that there is a reasonable basis to initiate an investigation into the Situation pursuant to article 53(1) of the Statute,¹⁶ and that she considers that the International Criminal Court (“Court” or “ICC”) has the necessary jurisdiction in this Situation.”

However, mindful of “the unique history and circumstances of the Occupied Palestinian Territory”, the Prosecutor deemed necessary to seek confirmation that “the ‘territory’ over which the Court may exercise its jurisdiction under article 12(2)(a) comprises the Occupied Palestinian Territory, that is the West Bank, including East Jerusalem, and Gaza.

On 28 January 2020, the Chamber issued an order setting the procedure and the schedule for the submission of observations with respect to the Request of 22 January 2020 (“Order of 28 January 2020”). The Chamber invited the States of Palestine and Israel, as well as victims in the Situation, to

submit written observations on the Request of 22 January 2020 by no later than 16 March 2020. In addition, the Chamber held that other States, organisations and/or persons may submit applications for leave to file written observations by no later than 14 February 2020 and, if authorised, to file their observations no later than 16 March 2020.

From February 12, 2020, onward, **there were 42 Amicus Curiae briefs** filed with the ICC on this matter. The Rule 103(1) of the ICC's Rules of Procedure and Evidence states, "At any stage of the proceedings, a Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organisation or person to submit, in writing or orally, any observation on any issue that the Chamber deems appropriate." In sections 51 and 52 of the February 5, 2021, ICC decision document, it lists the amicus curiae parties that oppose and agree that Palestine qualifies as a state under the ICC's "jurisdiction:"

- **Seven "State Representatives:"** (*Arguing against a Palestine State*) Czech Republic, Germany, Australia, Austria, Brazil, Hungary, and Uganda.
- **Thirty-four "Organizations:"**
(*Arguing for a Palestine State*): Al-Haq Law in the Service of Mankind; Al-Mezan Centre for Human Rights; Aldameer Association for Human Rights; Guernica 37 International Justice Chambers; Intellectum Scientific Society; International Association of Democratic Lawyers; International Commission of Jurists; International Federation for Human Rights; International-Lawyers.org; League of Arab States; MyAQSA Foundation; No Peace Without Justice; Organization of Islamic Cooperation; Palestinian Bar Association; Palestine Centre for Human Rights; Popular Conference for Palestinians Abroad; REDRESS; Women's Initiatives for Gender Justice.
(*Arguing against a Palestine State*): B'nai B'rith UK; European Centre for Law and Justice; International Association of Jewish Lawyers and Jurists; International Legal Forum; Israel Bar Association; Israel Forever Foundation; Institute for NGO Research; Jerusalem Centre for Public Affairs; Jerusalem Initiative; Lawfare Project; Office of Public Counsel for the Defence; Palestinian Media Watch; Simon Wiesenthal Centre; Shurat Hadin – Israel Law Centre; Touro Institute on Human Rights and the Holocaust (i.e., **Anne Bayefsky**); UK Lawyers for Israel.
- **Thirty-two "Individuals:"**
(*Arguing for a Palestine State*): Asem Khalil, Ata Hindi, David Pannick, Frank Romano, Giulia Pinzauti, Ms Halla Shoaibi, Hatem Bazian, John Quigley, Ralph Wilde, Richard Falk, Robert Heinsch, Uri Weiss.
(*Arguing against a Palestine State*): Andrew Tucker, Ms Daphne Richemond-Barak, David Crane, Ambassador Dennis Ross, Eyal Benvenisti, Geoffrey Corn, **Gil Troy**, Gregory Rose, Guglielmo Verdirame, **Irwin Cotler**, Jean-Francois Gaudreault-DesBiens, Laurie Blank, Malcolm N. Shaw, Matthijs de Blois, Robbie Sabel, Robert Badinter, William Shabas, Stephen J. Rapp, Todd F. Buchwald, and Yael Vias Gvirsman.

On February 14, 2020, McGill University professor **Irwin Cotler**, University of Paris professor **Robert Badinter**, United States Army Judge Advocate General's School professor **David Crane**, University of Montreal professor **Jean-Francois Gaudreault-DesBiens**, UK House of Lords **David Pannick**, and King's College London professor **Guglielmo Verdirame** filed a 12-page Amicus Curiae application to the ICC on the "Situation on the State of Palestine." The application included academic history biographies of each named party. "This is a request ... for leave to file written observations as amicus curiae on the question of jurisdiction in order to assist the Court in ruling on the "Prosecution Request pursuant to article 19(3) for a ruling on the Court's territorial jurisdiction in Palestine" of 22 January 2020." They summarized:

The ICC does not have jurisdiction in relation to crimes allegedly committed in the West Bank, including East Jerusalem and the Gaza Strip ("Gaza").

First, the term “State” under Article 12(2)(a) of the ICC Statute was intended to mean a sovereign State.

Second, Palestine is not a “State” for the purposes of Article 12(2)(a) of the ICC Statute merely because of its accession to the Rome Statute.

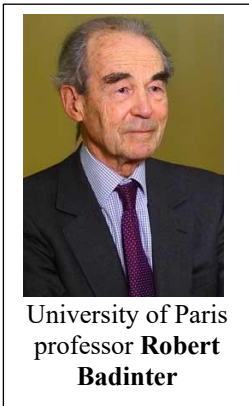
Third, it would not be appropriate for the ICC to determine whether or not Palestine is a sovereign State as a matter of general international law or whether the conduct in question occurred “on the territory of” Palestine when the parties are engaged in reaching a negotiated solution to statehood and boundaries.

Fourth, Palestine does not meet the criteria for statehood as a matter of general international law.

Fifth, the Oslo Accords bar the exercise of the Court’s jurisdiction.

Preventing impunity for international crimes which take place on the territory of entities which do not meet the legal test for a sovereign State does not require or permit the Court to improperly shoe-horn non-State entities within Article 12(2)(a) of the ICC Statute.

Cotler’s Crew

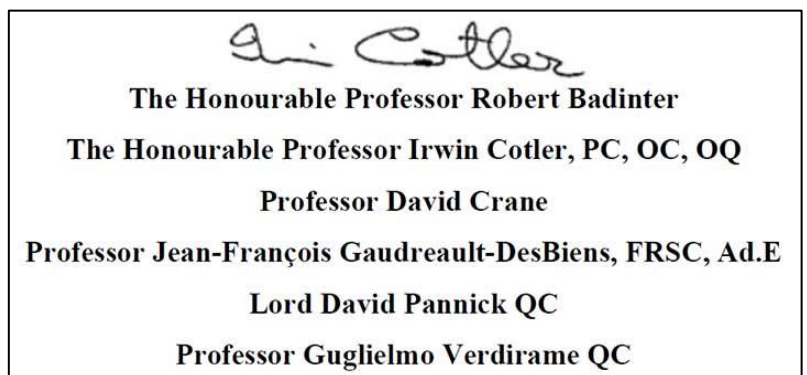


On March 16, 2020, Cotler’s Amicus Curiae crew filed their 29-page brief. In the crew’s collective legal arguments against Palestine as a state, they added three more summary points to the four points submitted in their original filing summary:

Five: Palestine is not a State for the purposes of Article 12(2)(a) of the ICC Statute as a result of UN General Assembly Resolution 67/19.

Six: Palestinian Authority does not possess the requisite criminal jurisdiction in order to delegate it to the ICC.

Seven: a finding that Palestine is not a State for the purposes of Article 12(2)(a) of the ICC Statute need not result in impunity.

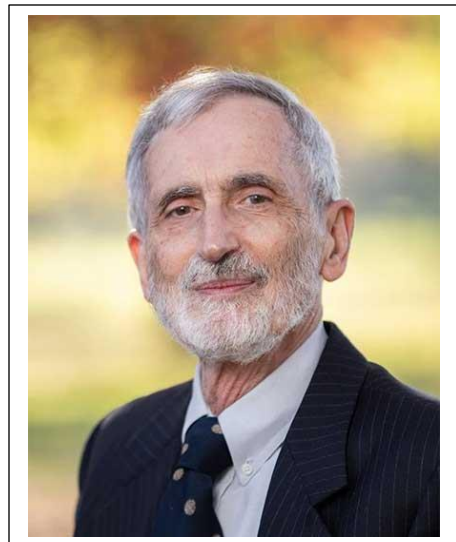


Presumably, Irwin Cotler had enlisted his five crew members. Upon this presumption, questions come to mind about how and why he chose them. Did he have a rolodex on his desk, and began contacting parties by the order on his list? Who funded the crew, or did they provide their services pro bono? However, they, and the other 21 Amicus Curiae pro-Israeli parties that similarly argued, through serious financial backing, against Palestine as a state, were soon to be sorely disappointed.

Professor John B. Quigley

March 3, 2020, Amicus Curiae submission to the ICC

1. The Prosecutor's Request correctly finds that Palestine is a state and that its territory encompasses the areas of Palestine occupied by Israel in 1967. This submission examines key issues relevant to Palestine's statehood and explains how state practice and determinations made by courts and other institutions confirm her conclusion. The submission traces Palestine statehood to its origin in 1923 and demonstrates that Palestine has been a state continuously since that time. The submission explains why arguments against Palestine's statehood are based on a misapprehension of how a court is to approach a question of statehood. It explains, in particular, why the Convention on the Rights and Duties of States (Montevideo, 1933) is not relevant in this regard. The Prosecutor correctly regards statehood as an issue of fact to be assessed by a court when required.



III. CONCLUSION

59. The issue of Palestine statehood is a legal matter unrelated to political considerations. To say that Palestine is a state is to take no position on the equities of the Israel-Palestine situation. It implies no position on how the two parties should resolve their differences. It implies no position on whether Palestine and Israel should merge into a single state, or whether they should remain as two separate states, or whether they should form a federation with each other. It implies no position on the controversies relating to Israel's settlements in Palestinian territory or other such issues. The issue of Palestine statehood needs to be analyzed based on the rules followed by the international community in accepting entities as states. The issue is not the domain of analysts who fetishize an article in an 85-year-old regional treaty to create requirements for statehood that international practice simply does not reflect.

After months of review, laid out in its 60-page February 5, 2021, Decision, two of the three ICC judges, Marc Perrin de Brichambaut and Reine Adelaide Sophie Alapini-Gansou, ruled in favor of Palestine, the "Majority Decision," as a state party to the ICC's Rome Statute, with the presiding justice, Peter Kovacs, having a "partly dissenting opinion" explained in his 163-page February 5th filing.

FOR THESE REASONS, THE CHAMBER HEREBY

FINDS that Palestine is a State Party to the Statute;

FINDS, by majority, Judge Kovács dissenting, that, as a consequence, Palestine qualifies as '[t]he State on the territory of which the conduct in question occurred' for the purposes of article 12(2)(a) of the Statute; and

FINDS, by majority, Judge Kovács dissenting, that the Court's territorial jurisdiction in the *Situation in Palestine* extends to the territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem.

Pearce Clancy, for Al-Haq, authored a May 2020 review paper, *Arguments Raised in Amici Curiae Submissions in the Situation in the State of Palestine Before the International Criminal Court*. He concluded, in part:

Al-Haq [a Palestinian rights organization], PCHR [Palestinian Centre for Human Rights], Al Mezan [Centre for Human Rights] and Al-Dameer [Association for Human Rights] reiterate our broad endorsement of the Prosecutor’s [Bensouda’s] analysis in her Request and call upon her to continue to take positive action, alongside her international partners, to end the pervasive culture of impunity for Israeli crimes in the Occupied Palestinian Territory.

Due to the ongoing occupation of Palestine, as well as the strategic fragmentation of the Palestinian people, imposed by the State of Israel, We stress that international law, including international criminal law and the *Rome Statute*, is capable of meeting such challenges; the current process before the ICC represents the final means by which criminal justice and accountability may be achieved for perpetrators of war crimes and crimes against humanity in Palestine. Palestinian victims have long suffered, without any meaningful avenues with which to pursue justice. It is imperative that an investigation is immediately opened, and that any attempts to frustrate such an important step is challenged and surmounted.

On February 7, 2021, two days after the ICC determination, Canada’s Minister of Foreign Affairs, Marc Garneau, issued a statement. Garneau stated: “Canada’s longstanding position remains that **it does not recognize a Palestinian state and therefore does not recognize its accession to international treaties**, including the Rome Statute of the International Criminal Court. Canada has communicated this position to the Court on various occasions.”

Similarly, UK Prime Minister Boris Johnson wrote the following to the Conservative Friends of Israel on April 9, 2021:

“We oppose the ICC’s investigation into war crimes in Palestine. We do not accept that the ICC has jurisdiction in this instance, given that Israel is not a party to the Statute of Rome and Palestine is not a sovereign state. This investigation gives the impression of being a partial and prejudicial attack on a friend and ally of the U.K.’s.”

In Germany’s and Australia’s March 16, 2020, Amicus Curiae filings with the ICC, they both also rejected the possibility of Palestine as a state.

The April 24, 2023, article by Insaf Rezagui and Mohammed Qawasma, *The ICC Palestinian Challenge*, published on the Juticeinfo.net website, states “there has been no progress in the investigation” by the ICC into the Palestine charges.

New Prosecutor Karim Khan, in office since June 2021, has never visited the Palestinian territories, only announcing last December his intention to [“visit”](#) Palestine. Since then, new operations and Israeli military raids have taken place [in the Old City of Jerusalem, on the Esplanade of the Mosques](#), in the



Gaza Strip and in many cities of the West Bank such as [Jenin](#) and [Nablus](#). There are several reasons for the paralysis of the Palestinian case at the ICC.

Firstly, **the Israeli authorities do not intend to cooperate with the Prosecutor and would refuse members of the Court entry to the Israeli and Palestinian territories to collect material evidence.** Secondly, the Prosecutor has a pragmatic policy in managing his investigations, partly due to the lack of resources at his disposal. The Russian invasion of Ukraine in February 2022 reinforces this need to [prioritize cases](#).

On October 13, 2023, a week after Hamas' breach of Israel's Gaza concentration camp wall, Stephen Cragg, the chair of the Bar Human Rights Committee of England & Wales, mailed a serious letter of concern to ICC prosecutor, **Karim A.A. Khan**, "urging" him "to resume the important and effective practice of the Office of the Prosecutor in issuing" a "formal preventative statement in relation to the ongoing conflict."

A formal statement would serve as an important reminder at this time that **your Office is undertaking an ongoing investigation into the "Situation in the State of Palestine"**, that you have jurisdiction over the current hostilities in relation to acts of genocide, war crimes and crimes against humanity committed by any person in Gaza or the West Bank, including East Jerusalem, and/or committed by nationals of State parties to the Rome Statute of the International Criminal Court, including the State of Palestine, within Israel or elsewhere. All persons who have committed, are committing, or plan to commit such serious crimes, or otherwise order, aid and abet or facilitate them or contribute to their commission, must be left with no doubt that they are individually accountable and at risk of prosecution by the Court.

We ask you to emphasise that all parties are required to abide by the fundamental international humanitarian law principle of distinction and to take all necessary measures to protect civilians and civilian infrastructure, including schools and hospitals, and United Nations and Red Cross / Red Crescent / Magen David Alom facilities, ambulances and personnel.

A formal statement by your Office would serve as an urgent reminder to third States and to the international community of their own obligations to prevent violations of international law. It would also send an unequivocal message to all those involved in committing such crimes, and to those involved in ordering them, aiding, abetting, facilitating them or otherwise contributing to their commission – including by providing the means for their commission – that they stand to be held personally accountable for their actions.

Moreover, the **urgent progression of your investigation into the Situation in the State of Palestine**, and the initiation of prosecutions would serve to end the impunity that has continued to prevail in the region, in the context of which these serious crimes are being committed.

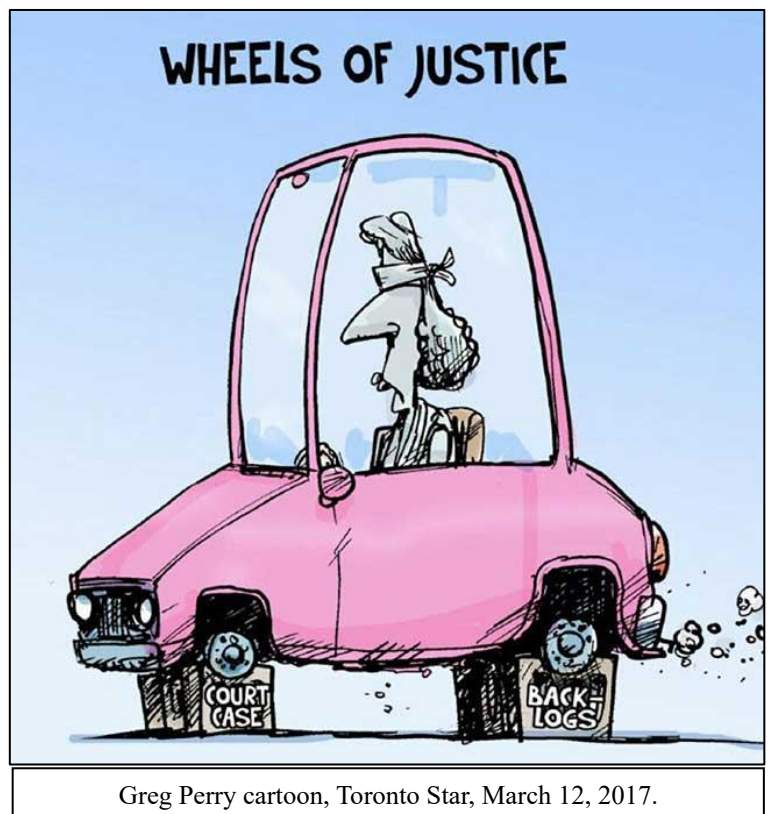
On November 17, 2023, a month prior to filing its application to the International Court of Justice (ICJ), South Africa filed a joint referral with Bangladesh, Bolivia, Venezuela, Comoros and Djibouti to the ICC's Office of the Prosecutor regarding 'the Situation in the State of Palestine.' Stated in a November 17 media statement by South Africa's Department of International Relations & Cooperation, South Africa's "ambassador in the Hague, His Excellency Mr. Visi Madonsela," delivered the joint referral "in person" to Prosecutor Darim A.A. Khan. The joint referral was meant "to ensure that the ICC pays urgent attention to the grave situation in Palestine and thereby, lending their support to the Prosecutor's investigation."

South Africa is further encouraging other States Parties to the Rome Statute to join the referral, or to submit separate referrals independently. South Africa remains committed to ending impunity for war crimes, crimes against humanity and genocide, and it is hoped that the situation in Palestine will be prioritised by the ICC in order to deliver justice to the victims of these grave crimes.

In her probing 2022 article, *Between False Messiah and Symbolic Politics: The International Criminal Court and the 'Situation in the State of Palestine*, published in the *Palestinian Yearbook of International Law* (2022-23, pages 156-177), Michelle Staggs Kelsall examines the quandary and irony in the ICC's role as international arbitrator and its February 2021 Decision about Palestine. The following is a lengthy quote from her introductory:

The ICC's Decision has been heralded as both a 'false messiah' and a 'victory in the domain of symbolic politics.' In the former characterisation, 'the majority ruling relies on a statutory fiction that the criminal jurisdiction of a state can be decoupled from its territorial sovereignty', rendering the proceedings as operating in a political vacuum which assumes they can be a panacea for much deeper historical conflicts. In the latter, the decision strengthens 'the Palestinian will to continue their struggle and win an important battle in the legitimacy war with Israel'.

This article argues that it is both. The Decision appeals to international law's 'spectre of technocracy' to mask what is, in effect, its side-lining of a much deeper, **centuries-old conflict about whose law is being spoken and on what terms**. In this sense, due to its 'missing the beginning' of the history of the Palestinian-Israeli conflict, the court's attempt at neutrality is shown to be what it is - a 'spectator at chasm's door.' The real jurisdictional question the Chamber astutely avoids considering is Palestine's denied statehood as a matter of general international law. In so doing, the Decision acknowledges, if only flickeringly, **the things international lawyers know 'but choose to unknow by hiding them in plain sight.'** Namely, that the 'Situation in the state of Palestine' under investigation is **an ongoing reminder of international law's denial of its own complicity in the Palestinian people's suffering and Palestine's existential crisis.**



Greg Perry cartoon, Toronto Star, March 12, 2017.

At the same time, however, **the Decision holds a mirror up to the Palestinian struggle for self-determination**, the 'obsidian edges' of statehood etched in and through the Chamber's acknowledgment of Palestine's 'non-member observer State status' at the United Nations under General Assembly Resolution 67/19. Resolution 67/19 is itself a precarious reminder that optimism regarding Palestine's statehood may yet be warranted. In this regard, Judge Kovács honest, doctrinal dissent, while providing little hope for that struggle, evidences with heart-breaking clarity international law's politics and **the ongoing failure of onlooking states to confront their own hypocrisies when abiding by the so-called international rule of law.**

Part 16. Ernst, “The Swing Judge”³¹⁰ and Violations of Public Interest

“If it turns out that administrative decision-makers cannot be held to account for *Charter* breaches except by way of judicial review ... then one will have to wonder whether they will bother thinking about their Charter obligations at all.” (*Why Bother about the Charter*, in Double Aspect blog, January 18, 2017)

“Over many parts of the world and in many periods the difficulty for poor and unimportant people has been not only to get their case fairly heard but to get it heard at all.”³¹¹

This report project sprouted as a Canadian citizen’s response to statements made on January 09, 2024, by former Canada Supreme Court Justice Rosalie Abella, namely her claims countering South Africa’s affidavit submitted to the International Court of Justice, a comprehensive fact-filing alleging the ‘State’ of Israel’s ongoing genocide of Gaza’s Palestinians, a filing which the ICJ would subsequently approve. The inference was made in this report that because Abella’s defense claims supported or defended the colony of Israel, claims which the ICJ countered and rejected, and because her claims were contrary to the rule of law, and contrary to the principles of human rights and its defenders, that Abella’s reputation as a beacon of Canadian and international judiciary and justice is, de facto, in jeopardy.

Over the intervening year,³¹² Abella has apparently made no further public statements or claims concerning South Africa’s genocide case before the ICJ. What does her silence signify? Can we deduce from this presumed silence that she has possibly realized her blunder, yet remains unrepentant? Or does she fully recognize that to come out of the closet for a second time, during the collective, ongoing atrocities committed since October 8, 2023, and for that matter, for over seventy years, would that seal her fate in the court of public opinion?

This report Part 16 discusses another significant, out-of-character controversy related to a legal statement and ruling made and enjoined by Abella, its resultant condemnatory outcome upon a Canadian citizen’s precedent-setting lawsuit, and to the undermining of Canada’s Charter.

16.1. Resuscitation?

Some eight months after the fact of Abella’s statements published in the Globe and Mail, Forbes magazine has come to her proverbial rescue, attempting to reconfirm and resuscitate Abella’s international reputation. Jeff Raikes’ August 29, 2024 article, [Canada’s Top Judge: Rosalie Abella is the Judicial Role Model we Need](#), who ignores Abella’s controversial statements made in January 2024, seeks to promote her image through Barry Avrich’s documentary, *Without Precedent: The Supreme Life of Rosalie Abella*, that was broadcast on PBS television in the United States.³¹³ In his attached biography, Raikes states:

“I am a co-founder of the Raikes Foundation with my wife, Tricia. Through this work, we noticed patterns in how systems treated people differently based on their identity – perpetuating unequal and unfair outcomes based on race. We want to do our part to make these systems work for everyone and ensure that in America, everyone matters and has an opportunity to thrive. I am the former CEO of the Bill & Melinda Gates Foundation, where I led the foundation’s efforts to promote equity for people around the world.”

³¹⁰ Title from a quote in *Die Another Day: The Supreme Court’s Decision in Ernst v Alberta Energy Regulator and the Future of Statutory Immunity Clauses for Charter Damages*, by Jennifer Koshan, January 16, 2017, ABlawg.ca.

³¹¹ *The Psalms*, by C.S. Lewis, published in *Christian Reflections*, a collection of Lewis’ essays, 1967.

³¹² At the time when this part of the report was drafted.

³¹³ Refer to Part 4 for a brief discussion on the documentary.

Raikes' argument presents a case that someone like Rosalie Abella is what 'America' desperately needs to redirect its wayward, pro-Republican, Supreme Court, made up of a "conservative [many Catholic] majority" which makes decisions "contrary to the fundamental principles of law, justice, and democracy," which have resulted in "Americans justifiably" losing "faith in the Court as a faithful arbiter of the law." Raikes relates that Abella's life story "is fascinating," equally so as it relates to her "role as judge and the appropriate relationship between law, justice, and society:"

"In today's turbulent times, where leadership often seems disconnected from the people it serves, Justice Rosalie Abella of Canada's Supreme Court offers a powerful example of how leaders across industries and sectors can bridge this gap.

... While our current justices contort law and history to pretend their preferences are rooted in the desires of the Founders, Judge Abella looks forward rather than backward. "Law sets the beginning of how society functions," she argues. "Lawyers and judges take those bones and they introduce humanity to the possibility of justice, using those laws as the basis. ... While our Court increasingly looks like a barrier to true justice in the United States, Rosalie Abella's exemplary career shows us a way forward. In a world where leadership often falls short, Justice Abella's approach to law reminds us that authentic leadership—whether on the bench or in the boardroom—must be grounded in empathy, adaptability, and a commitment to justice for all."

Is Abella's career, as Raikes believes, both "exemplary" and one which is showing "us a way forward?"

16.2. The Test Case

*8. Ms. Ernst's primary purpose in bringing this action is to defend water, and to protect the right to free speech for all Canadians, including those who speak out in defence of water. In Ms. Ernst's view, water is life and nothing is more in need of respect and protection.*³¹⁴

*There are laws against companies fracking into freshwater aquifers. Are you going to uphold these laws? And, in response, the regulator said, we are not going to uphold these laws, but you know what Jessica, we think that you are a security threat, and we are not going to communicate with you even though you've got explosive amounts of methane in your water. And so, they treated her, this well known, highly respected member of the oil patch, as some kind of security threat. And, it wasn't until a year, or nearly a year, later that one of the chief lawyers for the regulator [Richard McKee] in a conversation with Jessica Ernst, and this conversation was taped, admitted, 'Jessica you were never a security threat, but your actions and your public comments about the [ERCB] Board, and its negligence, had deeply humiliated the agency.' And, as a consequence, they had cut off communication with her.*³¹⁵

What if there was a questionable wrinkle found in the former Canadian Supreme Court justice Rosalie Abella's rulings? What if there was a test case that would indicate a contrary perspective on Abella's reportedly spotless reputation, an indication that what she purportedly stood for, and was publicly admired for, oddly demonstrates an opposite, out-of-character, disdain both for Canada's Charter and towards Canada's champion woman critic and outspoken opponent of the petroleum industry's insidious

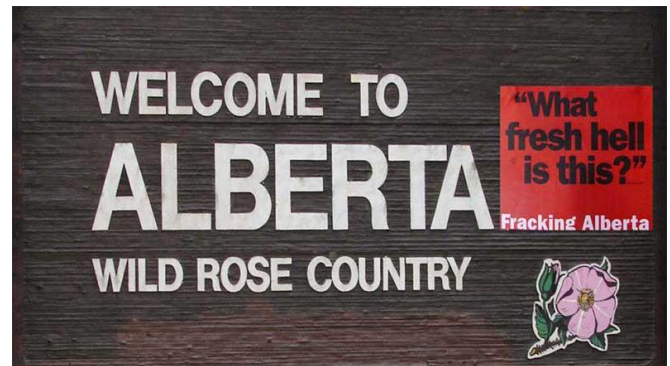
³¹⁴ *Factum of the Appellant, Jessica Ernst*, Supreme Court of Canada File No. 36167, September 11, 2015.

³¹⁵ Transcription of author Andrew Nikiforuk interviewed on October 27, 2015, on Morning Magazine, on Radio KGNU, an independent community radio station for Boulder (88.5 FM) and Denver (1390 AM), Colorado. Mr. Nikiforuk was interviewed, during his speaking tour there, to comment on his new book, *Slick Water*, concerning Ms. Ernst, the Appellant.

experimental practice of brute force hydraulic fracking? If such a test case was to be found, what could this also mean for Abella’s reputation as a stalwart defender of human rights and justice?

In Rosalie Abella’s portfolio as Supreme Court jurist (2004 – 2022) is such a nagging case. It involves her statement as a ‘swing judge’ published in a January 13, 2017, Supreme Court Appeal decision, *Jessica Ernst (Appellant), and Alberta Energy Regulator (Respondent), and Attorney General of Quebec, Canadian Civil Liberties Association, British Columbia Civil Liberties Association and David Asper Centre for Constitutional Rights (Intervenors)*, Docket 36167. Why would Abella, an internationally acclaimed defender of human rights and freedom of expression, and the only jurist out of nine Supremes, dare render a condemnatory label to the appellant, Jessica Ernst, the recipient of UNANIMA’s 2011 *International Woman of Courage Award*, as a “vexatious litigant,” an extreme condemnation levelled without contextual procedural evidence? Wrapped inside the lengthy Supreme Court Appeal ruling, and subsequent questions raised about its merits by a few forensic legal minds, are separate related questions: is it possible that Abella somehow wished to privately or collaboratively punish and forever condemn Ernst with that specific legal language? If so, what were her possible grounds for doing so? Did some one, or a group of people, of influence and standing perhaps, possibly, privately urge and prod her to do so?

This test case concerns the intriguing Canadian story of a woman, Jessica Ernst, an Alberta citizen’s precedent-setting lawsuit against a grandiose, ongoing, shameless cover-up collusion by Alberta’s energy regulator, its environment ministry, and the giant Canadian petroleum industry corporation, EnCana (now Oviniv), which, according to damning data obtained by Ernst from the Alberta government (which was never allowed to see the light of day in an Alberta court room), shallow toxic frack-contaminated her, and her community’s aquifer-fed well waters beginning some twenty years ago, a provincial / national legal case that would have challenged the petroleum industry internationally?



One and a half years before Abella and the Canadian Supreme Court ruled against Ernst’s appeal, Canadian author Andrew Nikiforuk published a book on the history of fracking and appellant Ernst in 2015, *Slick Water: Fracking and One Insider’s Stand Against the World’s Most Powerful Industry*. The book – which Abella may very well have examined, in addition to examining some of the contents of Ernst’s famous and frank website, www.ernstversusencana.ca – is a breakdown of Ernst’s forays and legal battles with the Province of Alberta and energy corporation EnCana, namely the regulatory and permitting agencies that shamelessly authorized her drinking water to be poisoned and combustible, and the international petroleum corporation that polluted both it and numerous other groundwater sources in western Canada and the United States.

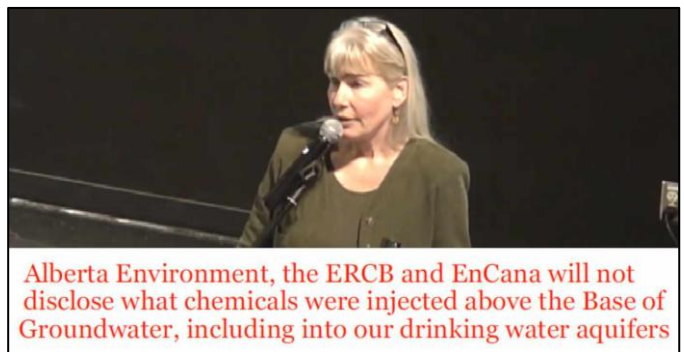
I filmed Nikiforuk’s September 12, 2015, inaugural book launch presentation in Rosebud, Alberta, where both he and Ernst made presentations. The jacket cover of the book states:

Years after Jessica Ernst’s well water turned into a flammable broth that even her dogs refused to drink, the biologist and long-time oil patch



consultant discovered that energy giant Encana [the corporation she had been under contract with] had secretly fracked hundreds of gas wells around her home, piercing freshwater zones including the community's drinking water aquifer. Since then, her ongoing lawsuit against Encana, a government ministry, and the Alberta Energy Regulator has made her a folk hero in many places worldwide where fracking is underway or is being contemplated. In this powerful work of investigative journalism, Andrew Nikiforuk interweaves Ernst's legal ordeal with the raw history of fracking and the technology's growing impact on people, land and water.

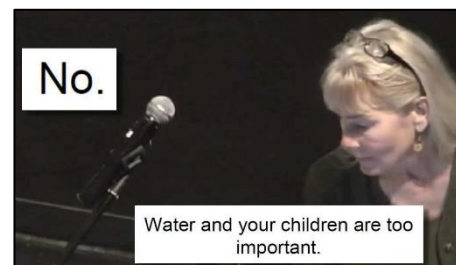
I also filmed [Ernst's important presentation in Cochrane, Alberta on September 10, 2011](#), "Frac'd in Alberta." It was at this event that Ernst, "an environmental scientist with 30 years of oil patch experience," who, ten days previous was presented with UNANIMA's annual Woman of Courage Award at the Church Center of the United Nations, and some five months after filing her amended Statement of Claim, **first stated publicly** that she would not settle out of court, she would not 'gag,' under any circumstances.

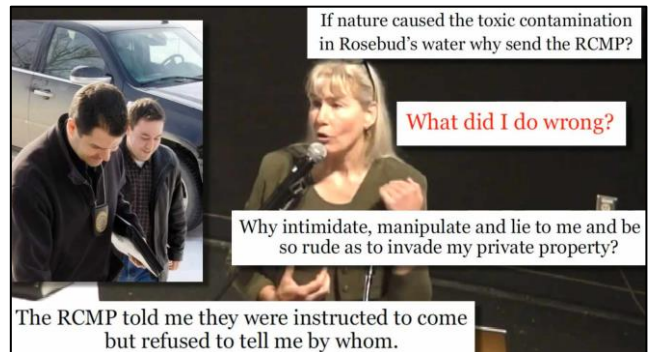
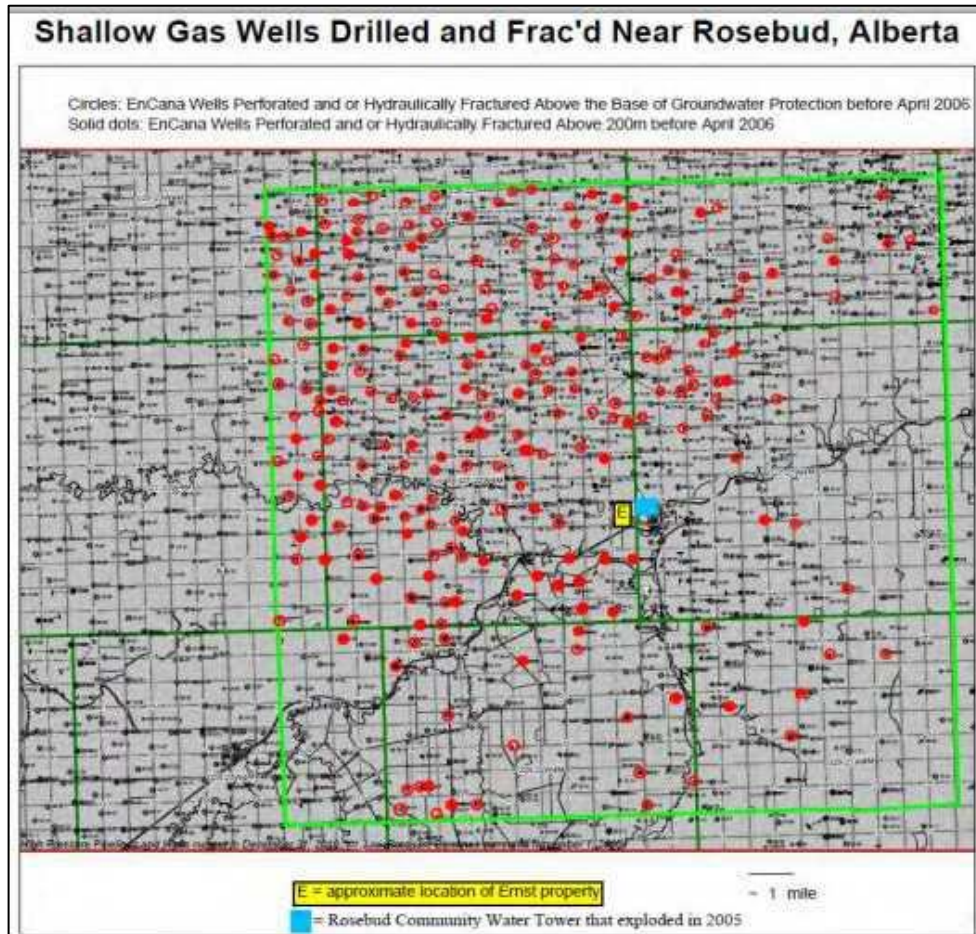


Confidentiality Agreements
Water moves!
Sealing water contamination cases is wrong
Must be made illegal

Will I sign a Non Disclosure Agreement and allow the Rosebud contamination data to be sealed?

No.
Water is too important





16.2.1. Breaking Through the International Gag Force Field

According to an account from an audience witness at the September 10, 2011, event, moments after Ernst revealed her 'never to be gagged' strategy to the public at the very end of her presentation – that she would never sign a confidentiality agreement – about four men seated at the back of the auditorium were seen racing off outside the auditorium, immediately contacting unknown parties on their cell phones about what Ernst had just proclaimed.

Why, one might ask, was this moment of any interest? What was its significance? It is of central, or supreme interest to defendants (the oppressors or guilty parties) and court justices and lawyers in litigation trials conducted within Canadian and American court rooms. Confidentiality agreements, or 'gag orders,' are, essentially, conditional bribes meant to protect defendants from litigants later 'spilling the beans,' forever sealing the truth ('evidence') from public disclosure. These settlements are understood by the courts and by the legal profession as an unwritten condition, despising those who would not bend the knee.

“[Murray] Klippenstein [Ernst’ lawyer] asked Ernst if she would settle out of court if Encana offered her millions of dollars. Ernst said no fucking way: “Murray, I’m not doing it for money. I’m doing it for truth and justice.” She explained that she wanted to expose what had happened, on the public record. There would be no cash settlement wrapped in gag orders and no sealing of court records.”³¹⁶

Ernst well-understood the significance of this matter. Largely because of her intent to seek legal remedies, as an experienced researcher, she had judiciously monitored, and continued to monitor, all legal cases involving drinking water contamination from fracking in both the United States and Canada. The common denominator outcome evident in each legal case ended in the silencing of harmed parties by way of intimidating gag orders. Payment for silence. The cases, which amounted to a collective, deafening silence, obviously allowed industry to continue in its wanton ways, sealing confidential corporate and state data and claims, thereby cumulatively quashing truth and justice, quashing those next in line to be harmed. This was also the finding in a 2011 significant investigation series launched by former New York Times journalist Ian Urbina (prompting his sudden departure from the NYT), with similar investigations undertaken by the on-line, American-based, ProPublica magazine. Ernst was intent on putting an end to a legal tool she correctly perceived as malicious and manipulative, a malpractice applied throughout a broken judiciary.

“By now, Ernst was following the protracted legal journeys of other North American groundwater contamination cases. Since the shale gas boom had begun in 2005, dozens of cases had popped up, in Pennsylvania, Texas, Colorado, Arkansas, and Louisiana. In 2011, the San Francisco-based Sedgwick law firm reported that hydraulic fracturing litigation had become a major legal trend. ... Ernst noticed a worrisome development in the lawsuits, something Texas blogger Sharon Wilson later described as “the cycle of fracking denial.” Regulators began by claiming there was no proof of groundwater contamination. When landowners provided proof of methane or hydrocarbon contamination, industry attempted to bury it by offering landowners cash in return for signing confidentiality agreements. Landowner Grace Mitchell, for example, had sued Encana in 2010 in Johnson County, Texas. After Encana fracked shales near her property, Mitchell could “no longer use the water from her own well for consumption, bathing, or washing clothes because in approximately May 2010, the well water started to feel slick to the touch and give off an oily, gasoline-like odor.” Mitchell settled out of court and went silent. Even court discovery materials in her case were subject to “a protective order.” Gag orders erased history, Ernst realized, and allowed regulators to claim there had been no proof of contamination in the first place. To her way of thinking, the courts were participating in “criminal activity’ by allowing the gag orders. She had compassion for families who signed to protect the health of their children but only contempt for the authorities that willfully covered up industry’s dangerous methane liabilities.”³¹⁷

I researched and examined some of these early related litigations by harmed American citizens who sought justice from America’s courts on American corporations polluting their groundwater sources since the 1980s when fracking began to be applied by the petroleum industry. In chapter 9, “Mr. Smith’s Mission: The Interstate Oil and Gas Compact Commission Comes to Europe,” in my 2012 report, *Frack EU: Unconventional Intrigue in Poland*, I summarize findings on the harms to residents in Alabama, Colorado and New Mexico, and traced the extensive litigation conducted by the Florida-based Legal Environmental Assistance Foundation (LEAF) since the late 1980s that ultimately led to the insidious American federal legislation adopted in 2005, the ‘Halliburton Loop Hole,’ which sought to exempt petroleum corporations from polluting America’s water sources formerly protected by way of the *Safe Drinking Water Act*. Wrapped inside this extensive and explosive litigious history was the bizarre and audacious claim, the repeated petroleum corporation mantra propaganda, upheld through gag orders and lawsuit defendant statements, that “fracking never caused contamination of groundwater!” In the following chapter 10,

³¹⁶ *Slick Water*, by Andrew Nikiforuk, page 200.

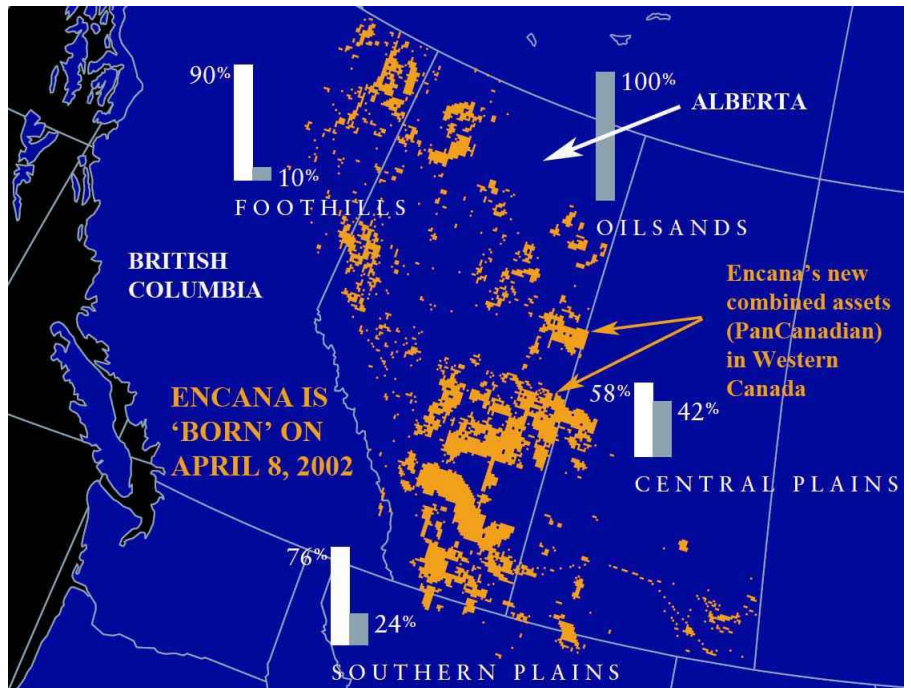
³¹⁷ *Ibid.*, pages 227 to 228.

“Harper’s Men in Poland,” in which I summarized some of Ernst’s litigation history with EnCana, I noted that the Stephen Harper federal Conservative government awarded EnCana’s former influential ceo, Gwyn Morgan, a great friend of the Conservatives, with the Order of Canada in November 2010!

“Since early 2006, Ernst, a trained oil-patch professional, demanded the proper scientific answers, records, and data from both the Alberta government and Encana about what happened to her fresh water aquifer. Her unswerving determination to discover the ugly truth, which still continues to this day, was filled to the brim with disappointments, particularly in Alberta’s regulator, the ERCB, which even attempted to banish Ernst! As a result, Ernst has gained a deep and bitter perspective on how the Alberta government actually behaves in “the public interest,” namely that the present administration acts to further the selfish and greedy interests of the petroleum sector over the rights and interests of its citizens. Indeed, Ernst is still standing in the sidelines with her skates on waiting to get onto the ice.”³¹⁸



Gwyn Morgan (seen left) receiving the Order of Canada (nominated for the award by an EnCana executive). Right, on the formation of EnCana in April 2002, the map shows EnCana’s newly acquired and conglomerated, vast assets in Alberta, British Columbia, Saskatchewan, and Montana. There are many more assets not shown on this map.



“In January 2012,” John O’Connor, an Irish-born doctor, “who worked in northern Alberta,” invited Ernst to give a presentation in Ireland, where an Australian corporation, Tamboran Resources, was advertising “fracking as a “100 per cent safe” activity with absolutely no risk.” In Ernst’s one-and-a-half hour presentations in the village of Belcoo and in Glenfarne, she said that:

“Laws and regulations do not protect us from the new brute force of hydraulic fracturing or the new ‘super fracking’ experiments. ... industry had a costly liability on its hands: leaking wells. The problem got worse as the cement aged and as industry punctured more pathways into the earth, providing more opportunities for gas to migrate. ... Ernst traced the history of fractures going out of zone into freshwater aquifers and warned the assembled group that fracks were unpredictable things: they didn’t stay in the target zone, and they followed the path of least resistance. No amount of industry denial could change that fact. Next, she showed her attentive audience the cover of the 1987 EPA report to Congress that had documented how “residual fracturing fluid migrated into a water well” in West Virginia in 1982. As the EPA later admitted, and the New York Times would report, **hundreds of other cases had been hidden by confidentiality agreements or gag orders. No one**

³¹⁸ *Frack EU*, page 10-14.

had the right to cover up contamination of lakes and rivers, said Ernst calmly, “because we share our water.” There was a groan of recognition.”³¹⁹

16.2.2. Enter Solomon

Of related significance, some two months after Ernst made public her promised determination to not settle out of court, Alberta’s new premier Alison Redford, a lawyer, and Alberta’s former Attorney General, abruptly punted the ERCB (Energy Resource Conservation Board, now, the Alberta Energy Regulator, or AER) energy regulator’s legal counsel.

In November 2011, the ERCB abandoned its in-house legal team and hired the high-profile Calgary law firm **Jensen Shawa Solomon Duguid Hawkes (JSS)** to direct its defense against Ernst’s lawsuit. The “civil litigation boutique” boasted impeccable ties to both the Conservative Party of Canada and the Alberta government. One of the firm’s principals, Robert Hawkes, was the former husband of then Alberta premier Alison Redford, and he remained one of Redford’s trusted political advisers and campaigners. While serving as Alberta’s justice minister in 2010, Redford had personally chosen her ex-husband’s law firm to handle a \$10 billion tobacco lawsuit on behalf of the government. (An ethics investigation later cleared Redford on a technicality.) JSS handled business for several energy firms, including a former Encana entity: Cenovus Energy. The firm also represented the Office of the Information and Privacy Commissioner, which Ernst had now been battling for four years. Most critically for Ernst’s lawsuit, JSS did work for the [Stephen] Harper [federal Conservative] government.

A month after Alison Redford became premier, JSS senior partner Glenn Solomon got the job of defending the ERCB. Solomon, **an energy litigation star in Alberta**, had known Redford for twenty years. He not only donated regularly to the Conservatives but had served as a director of several federal Conservative Party riding associations. JSS celebrated Solomon’s “political involvement” on its website, alongside many glowing peer reviews of his legal performance. To Ernst, Solomon’s involvement in her case was a “fitting” reminder of the threat her lawsuit posed to a brute-force technology and its advocates.³²⁰

Glenn Solomon was an ambitious lawyer, and according to gossip circles, he was a political prospect and candidate for the higher court, the Queens Bench of Alberta, on to the Appeals Court, and perhaps then on to the Supreme Court of Canada. As described in Nikiforuk’s book, Solomon set upon courses of urgent, strategic action on behalf of his new client to belittle and extinguish Ernst’s lawsuit. I distinctly remember his snarling face when he spun his head around in the downtown Calgary courtroom on January 18, 2013, surveying a “packed” courtroom of “as many as eighty Alberta landowners and citizens,” “an unprecedented number for an infant lawsuit.”³²¹ I had flown to Calgary to witness and attend the proceeding held by Justice Veldhuis. The Harper Conservatives would soon disrupt and interfere with Veldhuis’ oversight of the Ernst lawsuit, by promoting Veldhuis to Alberta’s Court of Appeal.

Some eight months later into the Ernst precedent-setting lawsuit, the ECRB’s defence lawyer made a monumental blunder that should have led to a severe reprimand or his disbarment, one which dearly cost him any remote hope of being politically appointed by his Conservative friends to higher provincial and Canadian courts. In September 2013, Solomon uttered confidential, insightful statements about the Ernst legal case to a prospective legal client, unaware that the ERCB’s lawyer was being audiotaped.³²² I

³¹⁹ Ibid., pages 235 – 238.

³²⁰ Ibid., pages 228 – 229.

³²¹ Ibid., page 252.

³²² Ibid., page 263 ff.

received a copy of the highly embarrassing audio recording, transcribed its contents, and over a year later published the recording, with subtitles, on December 1, 2014, as a YouTube. In the recording, Solomon revealed, in summary form, the sleazy strategic secrets of how the collective fracking industry (government and private industry) operates, everywhere. An insider corporate “energy litigation star” revealed the well-oiled template, how industry was routinely contaminating water sources, and then silencing the harmed. Ironically, it was this same lawyer, unpunished by legal authorities for breaking his professional oath, who would later appear, clean as a whistle, before Rosalie Abella and the Supreme Court in January 2016 to argue against Ernst!

As Nikiforuk stated during his book launch presentation in the Rosebud community hall on September 12, 2015, industry’s practice of gagging the harmed was akin to the Catholic Church’s routine practice of gagging the thousands of victims repeatedly harmed from sexual predation and violence by many shameless pedophilic clergy. It was a compelling comparison and persuasive parallel.

“Now, what makes this [Ernst’s lawsuit] really unusual is that in most cases there is no lawsuit. So, a company comes in, they frack into an aquifer, the landowner goes to the company, there’s some kind of battle that goes on for awhile, the company says, you know what, we can’t be bothered with this, here’s a cheque, sign the confidentiality agreement, and goodbye! And that is normally what happens. And, as a result, the cycle of abuse can carry on. And hundreds of these agreements have been signed in Alberta. And thousands of these agreements have been signed throughout the United States. The Catholic Church used exactly the same approach when they had pedophile priests on the loose in various parishes in Boston. It was the Boston Globe that tracked down how the Catholic Church covered up the gross and abusive behaviour of these men. And they found the legal firm that drafted the confidentiality agreements that essentially locked the evidence from public view. That unfortunately is exactly what happened with the impacts of fracking. So, Jessica said I am not going to be part of that process. I will not settle. My case will go where it goes until all the evidence is on the table. **I have never followed a legal case that has gone on eight years.** I can tell you, my faith in the Canadian legal system is, holy smokes, how can something like this go on for eight years. There have been other similar cases in the United States that have gone on for three years or four years. But not eight years.”³²³

“Jessica Ernst is exposing a system, the same sort of system that the Catholic Church used to cover up the tracks of pedophile priests in Boston. And, the Boston Globe did a very good investigative series around 2001, 2002, on how the system worked. And it worked the same way, how the Bishop covered up for these pedophile priests. Fracking abuses have worked. You find a law firm, the law firm goes to the abused parties, gives them some money. They sign a settlement. There is no record of what then took place. The Church is allowed to go on and then send this abusive priest to another parish, and the cycle of abuse goes on.”³²⁴

The shockwaves of Solomon’s statements made in the September 2013 audio recording, and made public in December 2014, reached the ears of global investors, now on notice that corporate directors were acting with immoral impunity with their investment portfolios. And the Canadian public learned how the Alberta government and petroleum corporations routinely mistreated and misled its citizenry:

[Solomon] “I told you on the phone, I act for ERCB when they’re sued on these types of things. There’s only one such case in Alberta that I’m aware of where they’re using outside counsel, which is me at the moment. And that’s an oil spill out in the Rosebud area, which has become more of a political grandstanding issue than a legal dispute.”

³²³ Quote from Andrew Nikiforuk’s September 12, 2015, inaugural book launch presentation in Rosebud, Alberta.

³²⁴ Segment from a interview of Andrew Nikiforuk, Radio CJSW, 90.0 FM, September 18, 2015.

“Over an oil spill?” asked O’Neil for clarification.

“This was a fracking case,” Solomon replied.

“Oh,” said O’Neil.

“It was alleged contamination of a water well. Doesn’t appear to be any personal injuries. And...”

“Just groundwater contamination?” interjected O’Neil.

“Groundwater contamination,” confirmed Solomon. He continued: “Encana is the oil company. They’ve said, ‘We deny that we’ve done anything, but we’ll give you a lifetime supply of potable water anyway, because we just don’t care, and we don’t want to fight with you.’ You know, it’s Encana, and they have all the money in the world. And Alberta Environment and ERCB have been sued in that one as well. I can tell you it’s a case that is seven years old. I haven’t yet filed a Statement of Defense because it’s been tied up in preliminary applications ... because that’s what happens when you start suing Alberta Environment and ERCB.”

Solomon went on: “We keep on telling the plaintiff’s lawyers, look, if you get rid of us [the dispute with the regulators], Encana is going to resolve this with you, ’cause they always do. That’s what they do. Encana has said, ‘Look, you know, we’re happy to pay for this, without admitting or denying liability... You know, it’s... this is a rounding error on our balance sheet, for God’s sakes. Would you stop being a nuisance?’ ”

“But the PR and the bad publicity that comes from it for everybody, is that even worth it?” asked O’Neil.

“Encana, ERCB, and Alberta Environment just don’t care about that either,” responded Solomon.

“They just don’t care about bad publicity because... what tends to happen is that the people who go yapping to the media are typically seen as nutcases.”

O’Neil then asked a direct question. “On your experience with fracking and stuff, where, what’s the success rate?” O’Neil noted that Quicksilver had had a claim filed against them by Dale Zimmerman, the Wetaskiwin farmer, involving fracking and groundwater contamination. “What’s the Canadian climate for that kind of stuff? Is it worth a fight?”

“I’m not aware of any cases that have gone to trial where fracking damage has been successfully proved,” Solomon replied. “But, again, most of these cases resolve. ‘Okay, we damaged your water well. We’ll just set you up with potable water through a tank system forever, because, you know, we just spent a million dollars drilling this well that we made a hundred million on. And it’s costing us an extra three hundred thousand. We’re okay.’” Solomon elaborated on the industry’s attitude: “You know, we don’t need to litigate with you, we don’t even need to know that it was our fault. We’re just happy to pay you. And by the way, by doing that you shut up, the regulators stay off our back, we get to do it again down the street.’ And so that’s the oil company approach on these [things]. The people who typically are suing are getting a lot of resistance, and it’s a knock-em-down, drag-em-out brawl, where the oil companies are not resolving it. If you drag in the regulators, I can tell you from experience... it’s World War 111. And Encana, Alberta Environment, and the ERCB, as it turns out, all have effectively unlimited resources. You know they have office towers full of experts. They have bank accounts full of cash. The cost of having even an army of lawyers is something that they wouldn’t even notice, and they don’t have to answer for it. So, anyone who wants to pick that fight literally is crazy.”

O’Neil interjected, “Yeah, it’s almost – it is, it’s terrifying as a landowner in Alberta, like, to see what my mom’s gone through, and as you say, what she has to fight, or potentially look forward to fighting, it’s – it’s so scary.”

“It is scary, and it’s expensive,” confirmed Solomon.³²⁵

³²⁵ Ibid., pages 264-266.

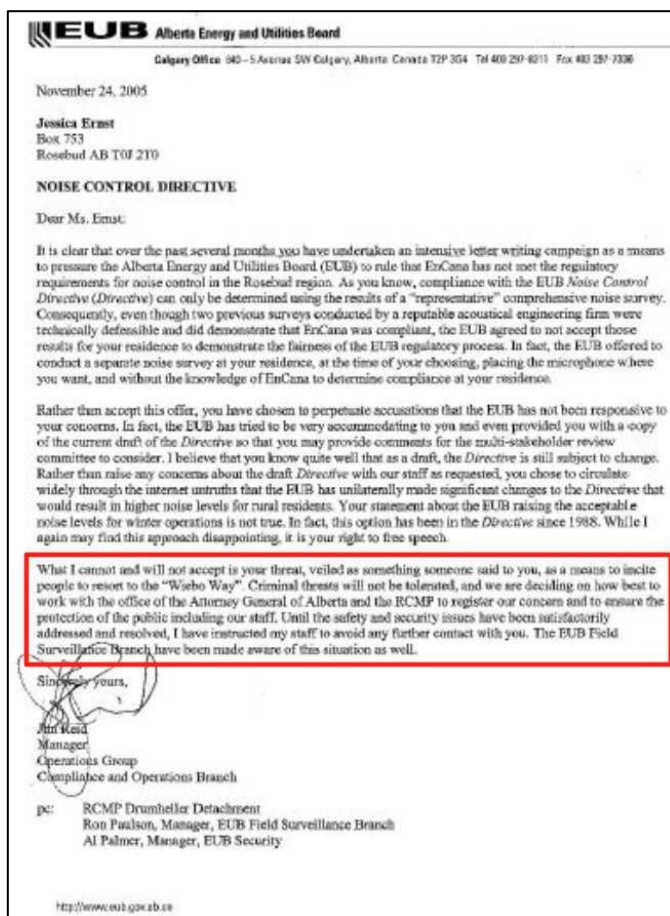
16.2.3. Victimized, Blaming the Innocent

It was already understood that the province of Alberta was a captured resource State, its recognition as Petro State, a fully integrated ‘Texas North.’ Ethical issues in the 1960s to the 1990s raged continuously in Albertan and Canadian newspapers about toxic, lethal clouds of sour gas (H₂S) leaks and eruptions, resulting in the launch and evolution of organized public resistance in this resource state, and how that government often hijacked or delayed public resistance. Then, in the 1990s, the brazen issuances of forest management licenses and pulp mill proposals tied to stock investments by Cabinet ministers (there was no conflict-of-interest legislation), and the sudden ramping up of the controversial Athabasca tar sands developments. By the turn of the century, hydraulic fracturing (fracking) of coalbed methane geological deposits and deeper shales began in earnest, accompanied by the onset of deeper political partnerships between industry and governments, within Canada and America. As the experimental, brute-force fracking era emerged in western Canada, and as EnCana, formed in 2002, carpet frack bombed its ‘royalty-free zone’ coalbed methane holdings in the Chinook Business Unit in southern Alberta, Ernst began to spoil the big party. Then, in 2006, the Stephen Harper federal Conservatives ran the country for the next ten years (when Ernst filed her lawsuit), a program of gutting and hacking to pieces environmental legislations and regulations, amidst selectively appointing, willy-nilly, new provincial and federal court justices.

In 2004 “Ernst and dozens of Rosebud residents flooded the regulator [the ERCB] with [written] complaints.”³²⁶ By 2005 Ernst had repeatedly contacted the regulator for information, being rebuffed and refused government data held by the regulator. In November 2005, the EUB officially banished Ernst from communication, and without evidence or cause blaming her as a “safety and security” threat, to prevent her from accessing public data.

Right: A copy of the Alberta Energy and Utilities Board’s November 24, 2005, banishment letter, sent to Jessical Ernst. The EUB copied the letter to the attention of the RCMP. The EUB also enlisted the Attorney General of Alberta.

On three separate occasions, Ernst had discovered that the oil patch industry’s noise consultants, which had conducted numerous noise tests on her property to monitor Encana’s newly installed, constantly loud and irritating compressor station noise levels, had broken the regulator’s Noise Directive: once for placing a microphone 1,000 metres from her home; for conducting noise monitoring while the compressor was inactive (turned off); another when insulation was temporarily placed in front of the compressor station to weaken the sound while the noise testing was conducted.



Not only is Ernst a scientist, with numerous clients operating in Alberta’s and British Columbia’s oil patch, but she had been a consultant for the very company, EnCana, that fracked her aquifer. She was now

³²⁶ Slick Water, page 100.

considered a danger by the regulator, because she understood how the companies and the regulators functioned. It was a rare moment for someone inside the industry to make the government accountable.

After Ernst reported the noise consultants' infractions to the regulator, a regulator employee had leaked to Ernst that her reporting had triggered the regulator's board to convene an embarrassing in-house, special meeting which involved discussion on the problems of widespread industry consultant abuse in Alberta of noise monitoring procedures. In turn, this resulted in the regulator issuing warnings to the industry's noise consultants to mind their peas. Ernst's reporting to the regulator was creating a greater problem both for the regulator and the oil patch, which ultimately led to an internal decision for the regulator's Manager of Operations, Jim Reid, to draft and finalize a banishment letter to Ernst on November 24, 2005:

It is clear that over the past several months you have undertaken an intensive letter writing campaign as a means to pressure the Alberta Energy and Utilities Board (EUB) to rule that EnCana has not met the regulatory requirements [under the EUB *Noise Control Directive*] for noise control in the Rosebud region. ... the EUB agreed not to accept those results for your residence.

... you chose to circulate widely through the internet [in an email] untruths that the EUB has unilaterally made significant changes to the *Directive* that would result in higher noise levels for rural residents. ... While I find this approach disappointing, it is your right to free speech.

What I cannot and will not accept is your threat, veiled as something someone said to you, as a means to incite people to resort to the "Wiebo Way." **Criminal threats** will not be tolerated, and we are deciding on how best to work with the Office of the Attorney General of Alberta and the RCMP to register our concern and to ensure the protection of the public including our staff. Until the **safety and security issues** have been satisfactorily addressed and resolved, I have instructed my staff to avoid any further contact with you. The EUB field Surveillance Branch have been made aware of this situation as well.

The EUB "somehow managed to obtain a copy"³²⁷ of Ernst's November 1, 2005, private email. The EUB, abusing its state powers to threaten and bully into silence a compliant citizen – who had only itself to blame for denying Ernst access to information and failing to conduct its public duties to monitor and restrict Encana's frack-drilling operations near the hamlet of Rosebud – intentionally used and singled out a sentence in that email – "someone said to me the other day: 'You know, I am beginning to think that the only way is the Wiebo Way'" – as "reference to [Wiebo] Ludwig's acts of violence and sabotage,"³²⁸ framing Ernst to the police as a security threat, triggering the machinery of recently implemented national and international terrorism legislation.

Ernst then sent a letter to the EUB "seeking clarification." The EUB "refused" to open the letter, and sent the unopened letter back to Ernst, never once "providing any opportunity for response or clarification." In Ernst's amended Statement of Claim, it noted that "Mr. Reid grossly overacted, and maliciously, recklessly or negligently" wrote the said letter.³²⁹ In failing to seek clarification about what Ernst meant by the "Wiebo Way," her Amended Statement of Claim later clarified to the Court that "'Wiebo Way' was a reference to Ludwig's attempts to reduce dependence on fossil fuels by using various alternative power sources on his property, and not a reference to Ludwig's acts of vandalism and sabotage."³³⁰

³²⁷ Ernst Amended, 73-page, April 21, 2011, Statement of Claim, paragraph 115.

³²⁸ Ibid., paragraph 114.

³²⁹ Ibid., paragraphs 116-118.

³³⁰ Ibid., paragraph 114.

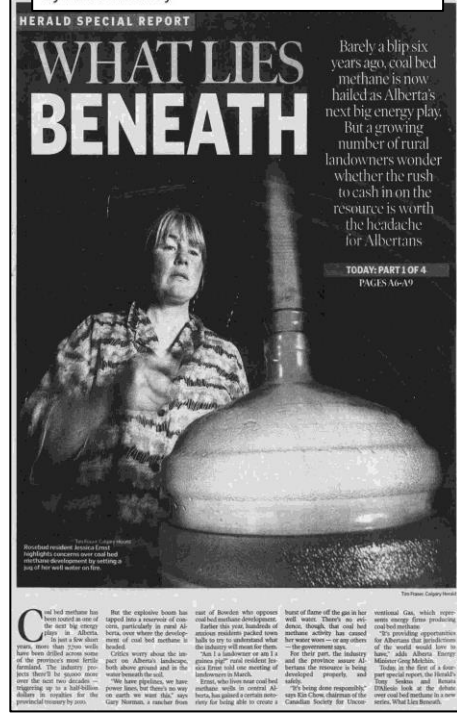
It was on March 8, 2006, some three months after the EUB sent its letter of threat, that Ernst first revealed its contents to a crowd of [“over 600 Alberta landowners”](#) attending an evening information event in the town of Trochu, for which the audience gave Ernst a standing ovation, revealing those men spying the event still seated in their chairs, gazing at the standing audience with their arms folded overtop their chests. The fact that Ernst revealed the EUB’s groundless, threatening letter to the public angered the EUB to no end.

A paper by Alice Woolley – who now sits on Alberta’s Court of Appeal – published in the Spring of 2008 by the Journal of Energy & Natural Resources Law (Vol. 26, No.2), was titled, *“Enemies of the State? Alberta Energy and Utilities Board, Landowners, Spies, a 500kV Transmission Line and Why Procedure Matters.”* The odd thing about Woolley’s paper was its eye-catching, explosive title, “Enemies of the State?” Framed with a question mark to avoid possible libel, the use of the title did not reflect the subject matter under discussion, begging the obvious questions of why and who was behind its choice.



Enemies of the State? The Alberta Energy and Utilities Board, Landowners, Spies, a 500kV Transmission Line and Why Procedure Matters

By Alice Woolley*



Ernst making the headlines in the Calgary Herald on November 15, 2006, a “Herald Special [four-part] Report.”

Coal bed methane has been touted as one of the next big energy plays in Alberta. In just a few short years, more than 7,700 wells have been drilled across some of the province’s most fertile farmland. The industry projects there’ll be 50,000 more over the next two decades — triggering up to a half-billion dollars in royalties for the provincial treasury by 2010.

But the explosive boom has tapped into a reservoir of concern, particularly in rural Alberta, over where the development of coal bed methane is headed. Critics worry about the impact on Alberta’s landscape, both above ground and in the water beneath the soil. “We have pipelines, we have power lines, but there’s no way on earth we want this,” says Gary Norman, a rancher from

east of Bowden who opposes coal bed methane development. Earlier this year, hundreds of anxious residents packed town halls to try to understand what the industry will mean for them. “Am I a landowner or am I a guinea pig?” rural resident Jessica Ernst told one meeting of landowners in March. Ernst, who lives near coal bed methane wells in central Alberta, has gained a certain notoriety for being able to create a

burst of flame off the gas in her well water. There’s no evidence, though, that coal bed methane activity has caused her water woes — or any others — the government says. For their part, the industry and the province assure Albertans the resource is being developed properly, and safely. “It’s being done responsibly,” says Kin Chow, chairman of the Canadian Society for Uncon-

ventional Gas, which represents energy firms producing coal bed methane. “It’s providing opportunities for Albertans that jurisdictions of the world would love to have,” adds Alberta Energy Minister Greg Melchin. Today, in the first of a four-part special report, the Herald’s Tony Seskus and Renata D’Aliesio look at the debate over coal bed methane in a new series, What Lies Beneath.

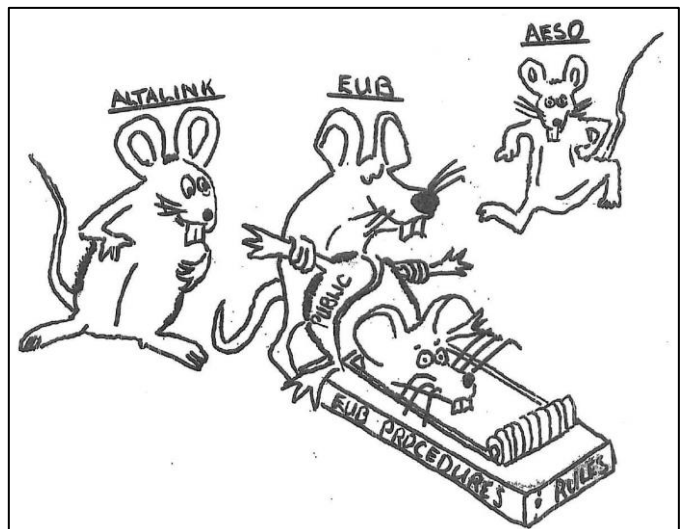
The title, “Enemies of the State?,” was inappropriate, because it was the EUB’s “covert investigators,” as Woolley states in her paper, and as noted by Justice Perras in his September 2007 ruling report, that were at fault for illegally spying on Albertan citizens. Who then were these possible enemies, one might ask?

Tucked inside Woolley’s inappropriately titled report was a contextual smear against Jessica Ernst. Out of a packed room of speakers that day, Woolley singled out a narrative about Ernst that she found in an internal transcript of the EUB’s April 16, 2007, public hearing event. By singling out Ernst, anyone, including the Courts, reading Woolley’s title, and then reading about Ernst in the body of the report, would automatically suspect, infer and connect Ernst as a casualty of the report’s title, an “Enemy of the State.” It’s Smear 101:

“Statements by interveners took up the remainder of the day, without the Board imposing any normal hearing structure on what was said. The statements were neither argument nor evidence, and many did not address issues in any way related to the HEEA [the *Hydro and Electric Energy Act*] application. For example, Jessica Ernst made extensive submissions to the Board, extending from page 204 of the transcript to page 237. While Ms Ernst’s comments occasionally touched on matters related to the proposed transmission facility, they also addressed a host of unrelated issues ranging from the retirement of the prior Board chairman, a noise study filed by Encana in a different application, advice received by Ms Ernst from her grandfather and her relative affection for Alberta and Montreal. At one point, according to counsel present at the hearing, Ms Ernst turned her back to the panel and abandoned all pretence that her comments were submission as opposed to comments made for the benefit of her audience.”

It is important to note that Alice Woolley failed to contact “Ms Ernst” for clarification purposes before publishing her paper in which she singled out Ernst. Had she properly done so, she may have decided not to include these references. For instance, the reason why Ernst “turned her back to the [EUB hearing] panel.” In my interview with Ernst, she stated that the three panel members, sitting on a platform and gazing downwards upon the large audience, were, as the hearing advanced, each hiding behind their large computer screens, so that no one could see their faces for the longest time before the hearing intermission. When Ernst rose to speak into the microphone, she, at one point, turned her back to the panel because the panel refused to look at her or at the audience, which is why the audience began to smile and clap. It may have been uncivil, as Woolley inferred (without having witnessed the event), for Ernst to turn her back to the quasi-judicial hearing panel – “abandoning all pretense that her comments were submission” – but it was plainly far more insulting, uncivil, for the regulator panel to hide and not to face Ernst or the audience. It’s a problematic, gaping hole in Woolley’s uncontextualized narrative. It is also significant to note that when the panel members returned after the intermission, after having been embarrassed by Ernst’s action, they decided not to hide their faces from the audience for the remainder of the hearing.

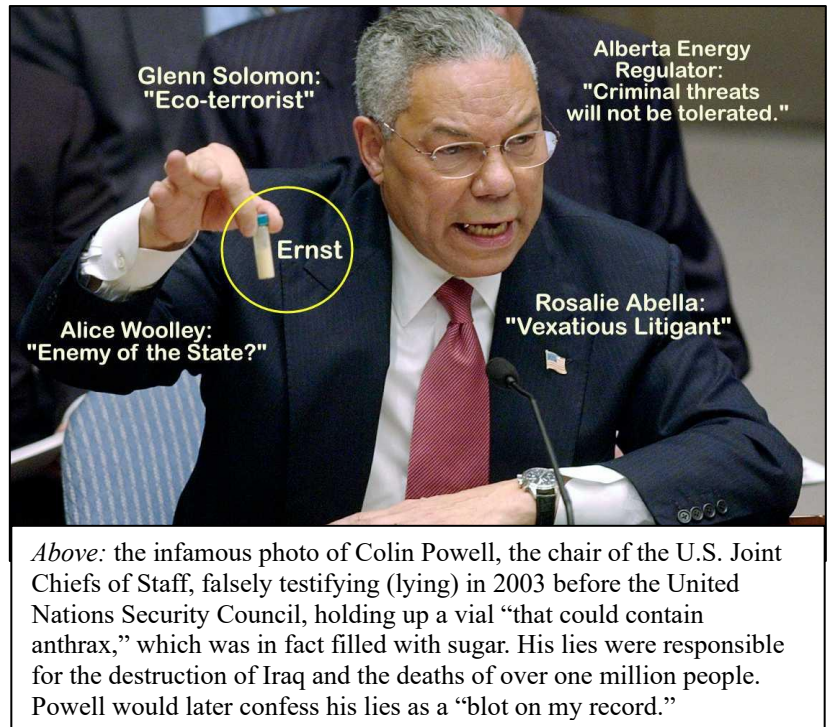
Furthermore, it is also interesting to note that in retired Justice D.W. Perras’s September 7, 2007, report, “*Examination of the Alberta Energy and Utilities Board Security Measures Related to the Alta Link 500 KV Hearing,*” which Woolley references five times, he included an anonymous cartoon at the very end. The cartoon depicts four mice, two of which are standing (representing the two applicant companies, Altalink and AESO) and who are watching the actions of the third standing mouse (the EUB, regulator), which is screwing the fourth mouse (representing the “public”) in its rear end while lying down with its head trapped in a mouse trap with the name “EUB Procedures and Rules.” It is quite clear, by



the inclusion of this frank cartoon, that Justice Perras found the EUB's actions reprehensible, leading to the logical question, once again, of why Woolley chose the title for her paper. After Justice Perras' findings were published, the EUB, under a cloud of public shame and national scandal, would reboot its public image by changing its government name to the ERCB, the Energy Resources Conservation Board.

Shortly after Ernst's first filing of her lawsuit on December 3, 2007, Ernst accidentally found the paper by Professor Alice Woolley and read it. Ernst regularly checked for access to the paper and later discovered, shortly after going public with her lawsuit in 2011, that Woolley's paper was still on her list of publications, but the hyperlink to access it had been removed. After Woolley's paper was later published in the Spring of 2008 by the Journal of Energy & Natural Resources Law (Vol. 26, No.2), it was published for a second time with the same inappropriate title in June 2015, appearing in the prestigious Journal of Energy and Natural Resources Law (26(2): pages 234-266), an informational resource for the legal and court community. The timing of the Woolley report's second printing came just after Ernst filed to Canada's Supreme Court of Appeal, and three months before Andrew Nikiforuk's book about Ernst was published.

Seven years after the EUB's November 24, 2005, banishment letter to Ernst, the ERCB's new legal counsel, Glenn Solomon, would falsely claim to the Supreme Court via the defendant's (ERCB's) December 5, 2012, court filing (0702-00120), that Ernst was guilty of eco-terrorism, and the first instance of Ernst being labelled a terrorist in court documents. On top of providing a rationale for the RCMP's previous uncalled for visit to Ernst's private property and home, Solomon likely sought to not only destroy her credibility, but to also victimize her as a state criminal and discredit her precedent-setting lawsuit:



133. The ERCB purportedly ceased communications with her after it learned she had commented that "the only way is the Weibo way." While the Plaintiff can attempt to gloss over the significance of this comment, it must be remembered that the comment was not made in a vacuum. Rather, it was made in the context of numerous violent acts of eco-terrorism against oil and gas development in Alberta, many of which were undertaken by Weibo Ludwig. The ERCB is required to take such threats seriously. Indeed, that the ERCB reported this threat to the RCMP demonstrates the seriousness with which ERCB took the threat. By ceasing communications and reporting the Plaintiff to the RCMP, the ERCB was responding appropriately to a real threat of violence. The ERCB ceased communication in order to protect its staff, the Alberta public and the Alberta oil and gas industry from further acts of eco-terrorism.

Glenn Solomon had no grounds to state in his legal filing to the Supreme Court that Ernst was intending eco-terrorism, or that the ERCB had proof of this. This was a lie, for which he was not reprimanded.

Alberta court of Queen's Bench Justice Neill C. Wittmann ruled on a hearing he did not hear. In his ruling of September 16, 2013, Wittman ruled on the hearing heard by justice Veldhuis heard in January of that

year who had been yanked off the case by Stephen Harper and prohibiting her from writing her ruling. Wittman summarizes a part of Ernst’s claim in paragraph 2:

“The claim against the ERCB is that it was negligent in its administration of its statutory regulatory regime, that it failed to respond to Ernst concerns about water contamination from the EnCana drilling activity, that the ERCB knew that EnCana had perforated and fractured directly into the Rosebud aquifer, and that it failed to respond. Further, it is alleged that the ERCB owed a duty to Ernst to take reasonable steps to protect her well water from foreseeable contamination. It is also alleged that, by its conduct, the ERCB breached section 2(b) of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982* (UK) 1982 c 11 (the “Charter”), by barring Ernst from communicating with the ERCB through the usual public communication channels, and thereafter ignored her for a period of time until she agreed to communicate³³¹ with the ERCB directly only, and not publicly through the media or through communications with other citizens.”

Of significance in Wittmann’s ruling (paragraph 31 following to paragraph 43, under subtitle C., *The Charter Argument*) he dismisses Solomon’s claim as baseless: “I agree with Ernst that the ERCB cannot rely on its argument on the Weibo eco-terrorism claim, in the total absence of evidence. There is none.” There never was. Wittmann goes on to say later in paragraph 97: “there is no finding of outrageous or egregious conduct on the part of Ernst.” In other words, the allegations made by Alberta’s regulator since 2005 of misconducts by Ernst were also groundless.



³³¹ Ernst never agreed to being gagged by the ERCB. The ERCB finally unbanished her, but never did give her energy regulation, and then let EnCana drill under her land.

16.2.4. Off to Ottawa

*The case is being closely watched by Canada's oil and gas industry. In 2014, Borden Ladner Gervais, Canada's largest national full-service law firm, included the Ernst case in a top 10 list of important judicial decisions affecting the energy industry.*³³²

*"If it pleases the Court, I would like to start with this observation: my client, a regulator, finds itself in the unusual position as being a defendant in a lawsuit."*³³³

After the Alberta Court of Appeal's three justices ruled on September 15, 2014, that there was "no reviewable error" in case management Justice Wittmann's finding "that Section 43 [of Alberta Energy Resources Conservation Act] bars the appellant's Charter claim,"³³⁴ with the justices promptly dismissing Ernst's appeal, Ernst proceeded to file a final appeal opportunity with the Supreme Court of Canada concerning constitutional rights under Canada's Charter which Petro-Alberta's courts and justices refused to honour and implement. On November 12, 2014, Ernst submitted her rather expensive and thick filing (thousands of dollars, 27 copies) presented to the Supreme Court and to other parties, which she never received a physical copy of:

1. This case raises one of the most fundamental constitutional questions a court can consider: can legislation block an individual from seeking a remedy for a breach of her *Charter* rights pursuant to s. 24(1) of the *Canadian Charter of Rights and Freedoms* (the "Charter")? In this case, the Court of Appeal of Alberta has held that it can.
4. The issues raised by this appeal impact all Canadians. General "protection from action" clauses similar to s. 43 of the Energy Resources Conservation Act are found in dozens of statutes across Canada, and in each and every province in Canada. The Supreme Court's guidance on whether such statutes can bar actions brought pursuant s. 24(1) of the Charter will benefit all Canadians.
6. Review by this Court is therefore of national importance and will have value far beyond the interests of the parties and this particular dispute.³³⁵

Applying to the SCC is one thing. To get accepted and heard is another. Apparently, only about twenty percent of Canadian applicants are accepted, get through the big-hinged door. After a few nail-biting months, and in a Supreme Court Coram review huddle of three justices on April 30, 2015, justices Rosalie Abella, Andromache Karakatsanis and Suzanne Cote agreed for Ernst's case to proceed.

In Andrew Nikiforuk's January 13, 2016 article, [In Supreme Court, a Battle over Fracking and Citizens' Rights](#), published in *The Tyee*, he notes that "initially three provincial governments and the federal government announced their intention to intervene in the case:"

"But once they looked at the arguments, they withdrew," said Murray Klippenstein, another of Ernst's lawyers, after yesterday's hearing.

"So, there was no government here to support the argument of the [regulator]," added Klippenstein. "It kind of shows in a commonsense sort of way how ridiculous the position is."

³³² Andrew Nikiforuk's January 13, 2016 article, [In Supreme Court, a Battle over Fracking and Citizens' Rights](#), published in *The Tyee*.

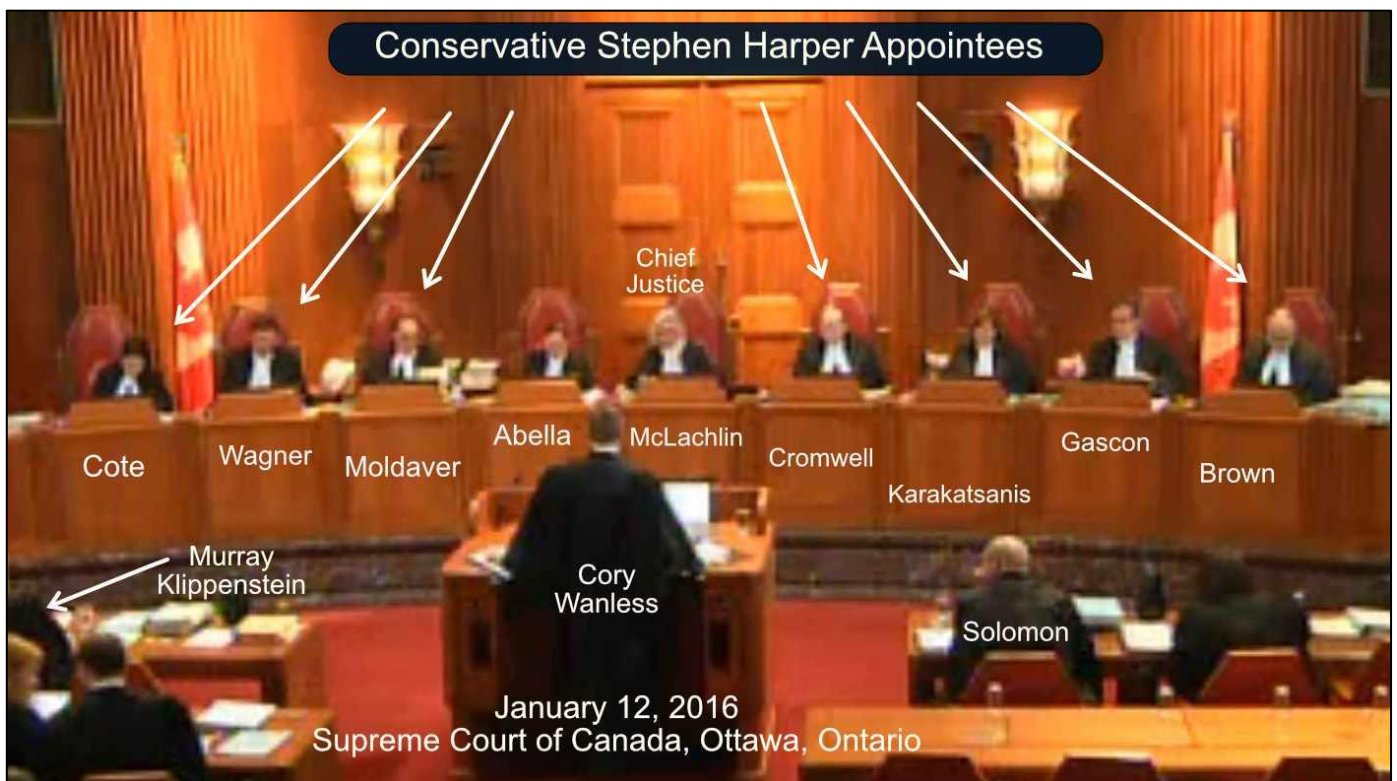
³³³ ERCB/AER lawyer Glenn Solomon's opening statement before the Supreme Court, January 14, 2016.

³³⁴ *Jessica Ernst and Energy Resources Conservation Board*, Alberta Court of Appeal (docket, 1301-0346-AC), September 15, 2013, paragraph 30.

³³⁵ *Ibid.*

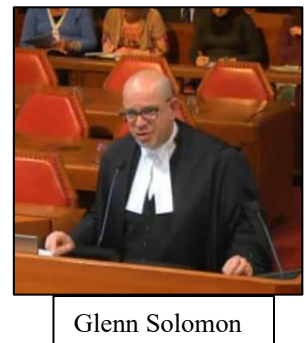
The case made legal history, too. “This is the first time the Supreme Court has heard a case about human rights with an environmental context,” noted Lynda Collins, a professor of law at the University of Ottawa’s Centre for Environmental Law and Global Studies. She said the case concerns the right of a citizen to pinpoint environmental wrongs, such as groundwater contamination, without being penalized by a regulatory body. Whenever a regulator allegedly takes punitive measures against a citizen addressing key environmental issues in the public interest, “you have a serious allegation,” added Collins.

Who were these Attorney Generals from the “three provincial governments” that decided to bow out in December 2015, and which side of the fence were they on? They were the AGs from British Columbia (under the then ‘deregulatory’ B.C. Liberals), Saskatchewan, and Quebec. Both B.C. and Saskatchewan were homes of fracking operations. And what side of the fence was Canada’s Attorney General, Conservative Party Peter MacKay (succeeded in November 2015 by Liberal Party Jody Wilson Raybould), on at the time? The interveners that did come forth to defend the Ernst Charter case were the Canadian Civil Liberties Association, the B.C. Civil Liberties Association, and the David Asper Centre.



During Cory Wanless’ January 12, 2016, presentation at Ottawa’s Supreme Court for plaintiff Ernst, which continued for about 61 minutes before the morning’s first intermission, justice Rosalie Abella conducted five interactions (questions, answers, and comments) with Wanless, with a total interaction time at 19 minutes, or about one third of Wanless’ appearance.

However, during Glenn Solomon’s presentation for defendant ERCB, which continued for about 47 minutes after the morning’s first intermission, Rosalie Abella had no interactions with Solomon as he was arguing against and constraining the application of Canada’s Charter for the wayward government of Alberta. This could be seen as something out of character, as Abella often narrated the contextual ascendancy of the Charter, the envy of world nation states, who often extolled its virtues in her presentations and written documents. I.e.:



“It is of course fundamental that judges be free from inappropriate or undue influence, independent in fact and appearance, and intellectually willing and able to hear the evidence and arguments with an open mind. ... We must be prepared, when the situation warrants, to experience what Herbert Spencer called “The Tragedy of the Murder of a Beautiful Theory by a Gang of Brutal Facts.” In other words, there is critical difference between an open mind and an empty one.

It is worth remembering too the transcendent truth that while both courts and legislatures are entitled to enforce rights, only the courts have the institutional characteristics that best offers the possibility of responsiveness to minority concerns in the face of majoritarian pressures, namely, independence. Only courts have the independence from electoral judgment to risk controversy in enforcing rights.

But although judges are not accountable to public opinion in the same way as are elected officials, this does not mean that they are not accountable. While they may not be accountable to the public’s opinion, they are nonetheless accountable to the public interest for independent decision-making based on discernable principles rooted in integrity. Performing the task properly may mean controversy and criticism. But better to court controversy than to court irrelevance, and better to court criticism than to court injustice.

Our constitutional entrenchment of the [Canadian] Charter was designed to both represent and create shared, unifying national values of compassion, generosity and tolerance. It is the mirror in which we see our rights reflected and obliges us to ask, “Are we the fairest of them all?”³³⁶

But the real test of Abella’s repeated, public defense for Canada’s critical Charter, for her and her fellow Canadians, would ultimately be revealed a year later within the ‘push comes to shove’ reality.



Rosalie Abella (in conversation with Cory Wanless, about 30 minutes in on the morning’s proceeding): “I wanted to get back to your operational distinction argument. If judges are protected, as you’d say, by judicial independence, what if somebody working for the court, like a registrar, or



somebody in the registrar’s office, made a decision that someone claimed violated their *Charter*, such as you can’t bring in any more proceedings here, we’ve decided, as an administrative action. Is it your view that in those circumstances, even if it’s a protected body, that there is a possibility of bringing a *Charter* claim, because you are not able to access the institution? And doesn’t that carry with it the assumption that every public body entitles every individual, always, to get whatever access they want to that body? **And, you can never have a vexatious litigant?** You can never make any of those kinds of order? Those all trigger the *Charter*?”

³³⁶ Excerpts from Rosalie Abella’s July 7, 2011, presentation, *Constitutions and Judges: Changing Roles, Rules, and Expectations*, University College, London, The Constitution Unit, The Supreme Court, London, England, 27 pages.

During the Appeal Hearing proceedings, there were only two justices who chose not to volunteer comments or questions to the four Appeal presenters: Richard Wagner and Clement Gascon, both Harper appointed justices who would rule against Ernst in the January 13, 2017, majority judgement.



OPINION

Tabor Times
May 27, 2015

Investigation launched into shredding of documents

It was snowing in Edmonton last week, but it wasn't precipitation falling from the sky.

Reams and reams of shredded government documents from over the course of the former PC government's 44 year reign piled up outside the legislature in the wake of the NDP win.

And now some of those shredded documents have come under the closer scrutiny of the Privacy and Public Interest Commissioners.

The commissioners announced a joint investigation into the Ministry of Environment and Sustainable Resource Development last Wednesday after a receiving a whistleblower tip from a ministry insider claiming improper document shredding, skulduggery and cover up.

None of these accusations have been

proven, and the investigation will likely take several months to complete, but it would be surprising if there wasn't some truth to the claims.

A government which has been in power as long as the former one must have had more than its fair share of skeletons in the closet.

Records of backroom deals, of favours done and received, and formerly suppressed information which would make the government look bad if it were to see the light of day.

It's also not surprising the Ministry of Environment and Sustainable Resource Development would be caught up in such tawdry allegations.

Accused by environmental activists of being little more than a rubber stamp institution for Alberta's energy sector for decades, the Ministry has frequently

been subjected to harsh questions about oil sands development, environmental health and public safety in Alberta which it has had difficulty answering.

One lawsuit, for example, currently before the court alleges the Ministry failed to make a proper investigation when fracking released hazardous amounts of methane, ethane and other chemicals into a well on a property near Rosebud, north of Calgary.

The claimant, Jessica Ernst, won the right to sue the ministry, Alberta's Energy Regulator and Encana for \$33 million last November.

While the Ministry of Environment and Sustainable Resource Development is the first to receive closer scrutiny under the new NDP government, it will likely not be the last.

There is always a certain amount of

cronyism in any government, but the longer said government stays in power the larger the web of favours asked and received which binds insider interests together, sometimes to the detriment of the larger public good.

However, Premier-designate Notley is too good a politician to push too hard and too fast until she has managed her transition into power, received all the keys that go with her office, and consolidated her own base of support within the government.

She also has to put out a new budget for the province as her first priority before other matters can be considered.

After that, expect more stones in Edmonton to be overturned to see what crawls out.

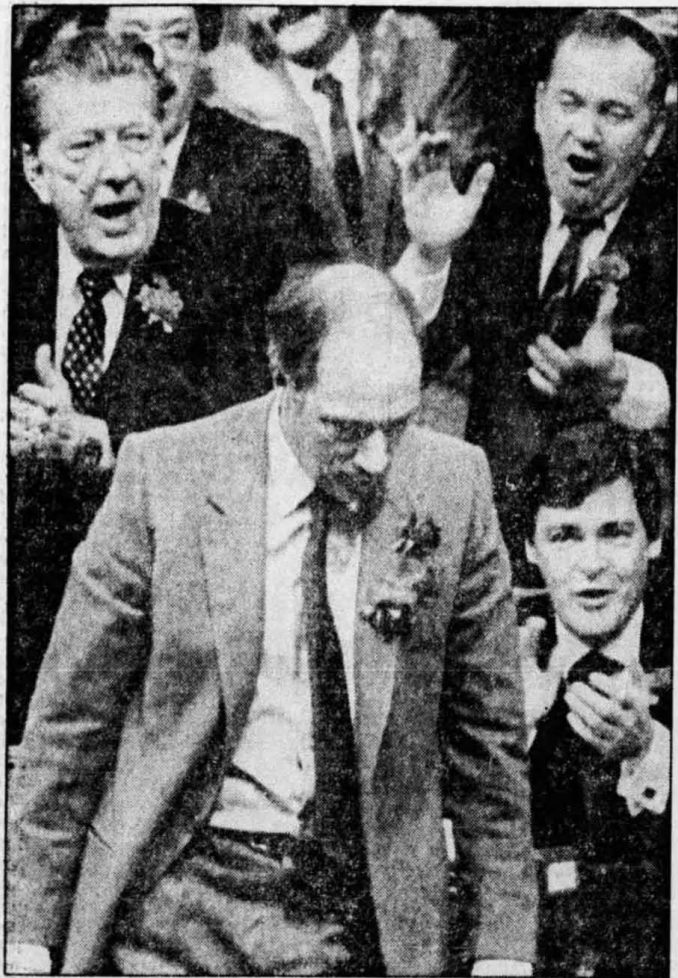
It isn't likely to warm and fluffy, nor adhere to the principles of due process.

Shred Fraud? "Better Shred than Read!" Tory Cover-up Saga Continues: Document shredding rules not followed by Alberta Environment, investigation finds. "344 boxes of executive records were destroyed between May 1 and May 13," including related to litigation, 660 boxes in total were destroyed

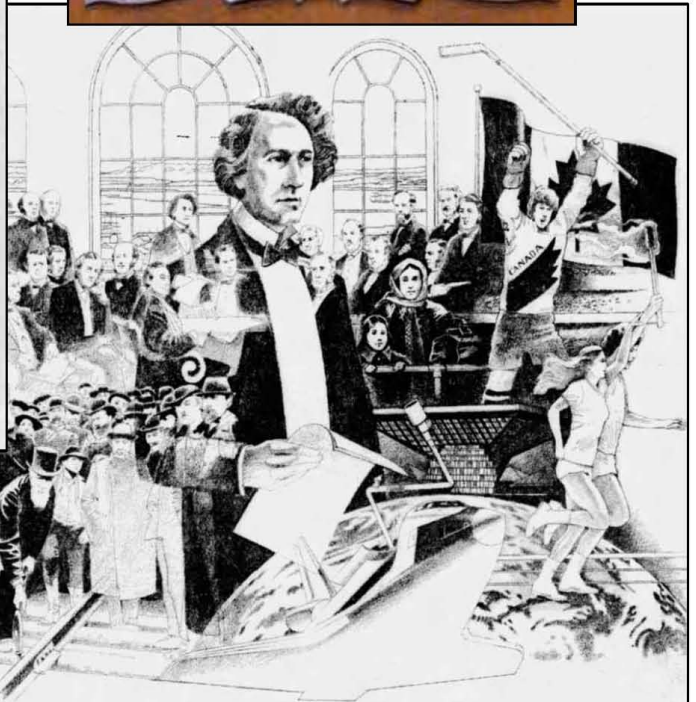
Posted on [January 7, 2016](#) by [Jessica Ernst](#)

[Shredding ban in environment department still in place, Notley says](#) by Mariam Ibrahim, January 7, 2016, *Edmonton Journal* in *Calgary Herald*

Premier Rachel Notley said Friday a shredding ban in the environment department will remain in place until she's confident the ministry has enacted stronger records management policies. Notley made the comments one day after a provincial watchdog investigation into the destruction of government documents in the days after the spring 2015 election found widespread confusion and no oversight over Alberta's records management policies.



Three cheers: Prime Minister Trudeau gets a rousing cheer from fellow Liberal MPs in the House of Commons as the constitutional package passes by a vote of 264 to 24 on Dec. 2, 1981. Toronto Star, April 16, 1982



Citation

34. This Part may be cited as the Canadian Charter of Rights and Freedoms.

"We must now establish the basic principles, the basic values and beliefs which hold us together as Canadians so that beyond our regional loyalties there is a way of life and a system of values which make us proud of the country that has given us such freedom and such immeasurable joy."

P.E. Trudeau 1981

Just as we can look back with pride on our past,
we can now look with pride to our future.

Canada now has its own Constitution
with the traditional rights and freedoms
we once took for granted.

Today
we can truly say,
the future belongs to us.

Advertisement
Toronto Star
April 13, 1982

16.2.5. Supreme Lock-Up Shenanigans

Prior to its beginning in 2007, and up until it's abrupt, cruel end on April 1, 2021, the Ernst lawsuit case, embraced by many faithful supporters, has been on a rather bumpy, bizarre and nasty trajectory, on a politically charged, twisted and fraught front, with other adjectives best kept off the written page. One of those moments happened in July 2016.

Those whose administrative duties it is to keep the Supreme Court's engine rolling its many judgement wheels, announced some six months after the January 12th Hearing, that the nine Supremes were about to release their Ernst ruling, toward the end of July, but, under certain conditions and restrictions. The release also coincided with the sudden departure of Justice Thomas Albert Cromwell, who said goodbye on August 31, 2016. The release method would all be staged preferential show and shenanigans, in the works, planned five months previous, since February 2016.

Jessica Ernst v. Alberta Energy Regulator		Docket 36167
(Alberta) (Civil) (By Leave)		
Judgments on applications for leave to appeal are rendered by the Court, but are not necessarily unanimous.		
Proceedings		
Date	Proceeding	Filed By (if applicable)
2016-07-13	Correspondence received from, (Letter Form), counsel for the Appellant re: declined to consent and believes it is better and fairer., (Electronic version filed on 2016-07-13)	Jessica Ernst
2016-07-13	Media lock-up request refused	
2016-07-13	Media lock-up consent form received from, counsel for the Respondent.	Alberta Energy Regulator
2016-07-13	Media lock-up consent form received from, counsel for the Appellant.	Jessica Ernst
2016-07-07	Media lock-up letter, consent form and undertaking sample sent to all parties	
2016-02-15	Media lock-up requested or proposed	
2016-01-29	Transcript received, 96 pages	
2016-01-12	Judgment reserved OR rendered with reasons to follow	
2016-01-12	Hearing of the appeal, 2016-01-12, CJ Abe Cro Mo Ka Wa Ga Côt Br Judgment reserved	

On July 7, 2016, the Supreme Court notified Ernst's lawyers and related parties that it was going to impose a "Lock-Up." After Ernst investigated the Supreme Court's fine print for this term which she was ignorant of, she promptly rejected the invitation, shutting down the special process. For her non-compliant freedom of choice, for her rejection of the Court's request terms, the Court would then, essentially, punish Ernst by withholding the ceremonious release of the Supreme Court's ruling by six more long months! The utter nerve! What would motivate 'the Court' do so?

In the first paragraph of the Supreme Court of Canada Registry's July 7, 2016, letter, it states that the Canadian Parliamentary Press Gallery (CPPG) "has requested permission for a lock-up on the date the judgement in this case will be released," and that the Court "has entered into a Memorandum of Understanding" with the CPPG. If the CPPG's executive had indeed "requested permission for a lock-up,"

[Extreme Danger, 101]
In Anticipation of Ernst v Alberta Energy Regulator
by **Avnish Nanda**
December 30, 2015
(Excerpts)

On January 12, 2016, the Supreme Court of Canada will hear oral arguments in *Jessica Ernst v Alberta Energy Regulator*, an appeal from Alberta that has considerable implications for administrative bodies and the remedies available against them.

Jessica Ernst v Alberta Energy Regulator is an action that was commenced by a landowner in Rosebud, Alberta against the administrative body charged with energy development and regulation in Alberta (initially the Energy Resources Conservation Board, which has now been reorganized and rebranded as the Alberta Energy Regulator — the “AER”). The landowner, Jessica Ernst, alleged a number of violations related to the approval and operation of hydraulic fracking and other incidental industrial activities near her residence, and the impact they were having on her health, property and quality of life.

Among the allegations found in Ernst’s claim, and the one that will be dealt with by the Supreme Court, is the alleged violation of her right to freedom of expression protected at s. 2(b) of the *Charter of Rights and Freedoms*. Ernst claims that between November 24, 2005, and March 20, 2007, the AER refused to accept communications from her due to her criticisms of the regulator and the decisions it had made. Ernst sought the remedy of monetary damages for the alleged violation, which can be granted under s. 24(1) of the *Charter*.

The AER brought an application to strike Ernst’s *Charter* claim on a number of grounds, including that it was barred by the statutory immunity clause found at s. 43 of the empowering statute of the regulator (at the time it was the *Energy Resources Conservation Act*, [RSA 2000](#)).

Let’s assume that the lower courts are correct in their reasoning that awarding *Charter* damages against the AER will undermine good governance, as the administrative body will not be able to fully exercise its role out of fear of being financially liable for conduct it has engaged in. Does the same apply to declarations of constitutional invalidity under s. 24(1)? Can *Charter* damages be held to have the same adverse impact on the principle of good governance as the court merely stating that an administrative actor’s conduct was unconstitutional?

Conclusion

Ernst v Alberta Energy Regulator could have significant ramifications for holding administrative bodies accountable not only here in Alberta but across the country. If the Alberta Court of Appeal decision is upheld, governments in Canada will effectively have a blueprint to insulate administrative bodies from *Charter* scrutiny. By including statutory immunity clauses in the empowering statutes of administrative bodies and delegating to them *Charter* infringing conduct, governments can shield themselves from liability. Government conduct that was once prohibited due to its *Charter* infringing nature would now be lawful because of the presence of statutory immunity clauses barring *Charter* remedies. In my view, upholding this approach will invariably lead to an erosion of *Charter* rights, rendering such constitutional protections meaningless — a significant concern given the emergence and continued growth of the ‘regulatory state’ in Canada.

when did the CPPG request it? From information posted on the Registry’s Docket 36167 (see above), it notes that a “request or proposal” for a lock-up had been in the works five months previous, on February 15, 2016, some four weeks after the January 12 Supreme Hearing. The entry, which failed to register the name of the party “who” proposed or requested the lock-up, may likely indicate that it was someone in the Supreme Court apparatus, begging the accuracy of the statement to Ernst lawyers that it was the CPPG which “requested permission.” If this was so, why the misdirection? Answer: that it was the directive of the Supreme Court to give preferential press coverage of what it perceived as a politically sensitive ruling.

Andrew Nikiforuk, the author and journalist covering the Ernst case since 2005, was not a registered member of the Canadian Parliamentary Press Gallery, and therefore would be barred from attending the “lock-up.” Nikiforuk’s comprehensive perspectives and insights into the Ernst case, would be perceived as a threat, might stand out and sway public perception, differing from the framing of messaging and narrative from traditional media coverage.

The screenshot shows the top portion of a news article on the website 'THE TYEE'. The header is yellow with the site's name in large, bold, black letters. To the left of the name, it says 'Independent. Fearless. Reader funded.' To the right is a hamburger menu icon. Below the header is a navigation bar with links for NEWS, ANALYSIS, CULTURE, SOLUTIONS, MORE (with a dropdown arrow), SUPPORT US, and SEARCH (with a magnifying glass icon). Below the navigation bar is a sub-navigation bar with 'NEWS' highlighted in yellow, followed by 'Energy', 'Rights + Justice', and 'Environment'. The main headline is 'In Supreme Court, a Battle Over Fracking and Citizens' Rights' in a large, bold, black font. Below the headline is a sub-headline: 'Jessica Ernst's long fight to challenge legislation putting energy regulator above the law reaches top court.' Below the sub-headline is a small circular profile picture of Andrew Nikiforuk, followed by the author's name and the date: 'Andrew Nikiforuk / 13 Jan 2016 / TheTyee.ca'. Below this is a short bio: 'Andrew Nikiforuk is an award-winning journalist who has been writing about the energy industry for two decades and is a contributing editor to The Tyee. Find his previous stories [here](#). Nikiforuk's book on hydraulic fracturing and the Ernst case, *Slick Water*, was published this fall by Greystone Books.'

Imagine, if you will, ‘selected’ journalists, lawyers, and affected parties, being put in a locked room, with no communication devices, no windows, shielded from the world in cages.

16.2.6. Sossin’s Special Sauce

“A week after the Wittmann ruling, her lawyers applied to the Supreme Court of Canada to challenge the Alberta Court of Appeal decision that excluded the ERCB from the lawsuit. To Ernst, the ERCB remained the most-guilty party in her lawsuit, and an agency with a closet full of incriminating data on hydraulic fracturing. On April 30, 2015, the Supreme Court agreed to hear her case. The decision both stunned and exhilarated Ernst. “This case is about whether a government regulator can be held accountable for breaching fundamental and constitutional free speech rights of a landowner,” said Cory Wanless to the media. Shortly afterwards, Albertans voted out the corrupt party that had ruled the province for forty-four years.”³³⁷



by Jessica Ernst
October 1, 2011
New York City

On January 13, 2017, the Supreme Court of Canada’s nine justices released their withheld Docket 36167 Appeal ruling on Ernst and her Charter claim, minus a media “lock-up.”

SUPREME COURT OF CANADA	
BETWEEN: Jessica Ernst Appellant	and Alberta Energy Regulator Respondent
CITATION: Ernst v. Alberta Energy Regulator, 2017 SCC 1	APPEAL HEARD: January 12, 2016 JUDGMENT RENDERED: January 13, 2017 DOCKET: 36167

Woman can’t sue Alberta regulator in fracking case: Supreme Court

Ottawa Citizen, January 14, 2017

JIM BRONSKILL

OTTAWA The Supreme Court of Canada says an Alberta woman cannot sue the province’s energy regulator as part of her claim that hydraulic fracturing so badly contaminated her well that the water can be set on fire.

In a 5-4 ruling Friday, the high court rejected Jessica Ernst’s argu-

ment that a provincial provision shielding the regulator from legal action was unconstitutional.

Ernst began legal action against the regulator, Calgary-based energy company Encana Corp. and Alberta Environment in 2007.

She alleges that fracking on her land northeast of Calgary released hazardous amounts of methane and other chemicals into her well

and that her concerns were not properly investigated.

Ernst sought damages of \$50,000 in claiming the regulator breached her constitutional right to free speech. She said that from November 2005 to March 2007, the regulator’s compliance branch cut off contact with her, saying she would have to raise her concerns only with the regulator and not through

the media or other public means.

Ernst claimed that infringed her charter right to free speech – effectively punishing her for the public criticism and preventing her from speaking out further.

The Alberta courts cited the immunity provision in provincial law and exempted the Alberta Energy Regulator from the lawsuit.

Ernst argued at the Supreme Court that the immunity clause in the Energy Resources Conservation Act was unconstitutional because it barred her claim for charter damages.

In the court’s reasons for judgment, Justice Thomas Cromwell

said Ernst could have asked a court for judicial review of the regulator’s purported bar on communication with her. If she had established a case, the court could have set aside the regulator’s directive, he wrote.

“While an application for judicial review would not have led to an award of damages, it might well have addressed the breach much sooner and thereby significantly reduced the extent of its impact...”

Cromwell also noted allowing people to bring claims for damages against the regulator could “chill” the regulator’s ability to carry out its duties in the public interest.

The Canadian Press

CORAM: McLachlin C.J. and Abella, Cromwell, Moldaver, Karakatsanis, Wagner, Gascon, Côté and Brown JJ.

REASONS FOR JUDGMENT: (paras. 1 to 60) Cromwell J. (Karakatsanis, Wagner and Gascon JJ. concurring)

REASONS CONCURRING IN THE RESULT: (paras. 61 to 130) Abella J.

Swing Justice

JOINT DISSENTING REASONS: (paras. 131 to 192) McLachlin C.J. and Moldaver and Brown JJ. (Côté J. concurring)

³³⁷ Andrew Nikiforuk, page 303.

It was journalist Jim Bronskill's syndicated article, *Woman can't sue Alberta regulator in fracking case: Supreme Court*, that made the rounds in national print press on the day after the Court's unabashed and shocking decision was released. Bronskill's short, unanalytical take³³⁸ ended with a summary of Justice Thomas Cromwell's skewed interpretation of Ernst's appeal: "allowing people to bring claims for damages against the regulator could "chill" the regulator's ability to carry out its duties in the public interest."

In a same-ruling-day on-line article published by Kathleen Harris with CBC news on January 13th, [Supreme Court rules fracking critic doesn't have charter right to sue](#), it more carefully described the context and meaning of the decision. It also included the only media reference to Justice Abella's fabricated "vexatious litigant" statement – that is, without attributing Abella's sole and debated authorship to it – and a statement from plaintiff Ernst:

In a 5-4 split decision, Supreme Court of Canada justices rejected Jessica Ernst's challenge to sue the Alberta Energy Regulator for denying her right to freedom of expression. ... The ruling also defended the immunity clauses that protect many government bodies from lawsuits.

Per Abella J.:

The conventional challenge to an administrative tribunal's decision is judicial review, not an action against the administrative tribunal. When the Board made the decision to stop communicating with E, in essence **finding her to be a vexatious litigant**, it was exercising its discretionary authority under its enabling legislation. Issues about the legality, reasonableness, or fairness of this discretionary decision are issues for judicial review. E had the opportunity to seek timely judicial review of the Board's decision. She chose not to. Instead, she attempted to frame her grievance as a claim for *Charter* damages. That is precisely why s. 43 exists — to prevent an end-run by litigants around the required process, resulting in undue expense and delay for the Board and for the public.

"When the board made the decision to stop communicating with Ernst, in essence **finding her to be a vexatious litigant**, it was exercising its discretionary authority under its enabling legislation," it reads.

"I nearly fainted from the horror of what this means for all Canadians," she [Ernst] said. "This blasts open our charter and puts a really serious kink into it, which other regulators are going to gleefully go ahead and violate charter rights to their hearts' content. Because now we have this ruling, they're free to do that."

In Andrew Nikiforuk's same-decision-day Tyee article, *Landowner Loses Fight to Sue Regulator in Fracking Case*:

The split ruling Friday — five justices rejected her claim, with four supporting it — is a setback for the protection of groundwater and the

NEWS

THE TYEE

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Landowner Loses Fight to Sue Regulator in Fracking Case

In split decision, justices say Jessica Ernst has no right to sue over alleged Charter violations.

Andrew Nikiforuk / 13 Jan 2017 / TheTyee.ca

Andrew Nikiforuk is an award-winning journalist who has been writing about the energy industry for two decades and is a contributing editor to The Tyee. His award-winning book *Slick Water*, documents the Ernst case and the history of fracking. Find his previous stories [here](#).

³³⁸ The Whitehorse Star published much of Bronskill's article the day before, on January 13, but with added information from reporter Chuck Tobin, *Anti-fracker can't sue Alberta regulator: court*.

rights of landowners dealing with provincial energy regulators, often funded or captured by industry interests, say many critics and lawyers.

The majority, led by Justice Thomas Cromwell, upheld an immunity clause passed by the legislature that protects the Alberta Energy Regulator from any Charter claims or lawsuits.

Alberta's Energy Regulator [accused](#) Ernst of "criminal threats" in a 2005 letter and refused to communicate when she persistently asked embarrassing questions about the effectiveness of its enforcement actions on noise pollution and water contamination related to the fracking of shallow coal seams near her home.

According to Ernst's [original statement of claim](#), an AER lawyer admitted during a taped interview with her in 2007 that the board never considered Ernst a criminal threat but felt "humiliated" by her public criticisms of its abusive conduct. That exchange was witnessed by Liberal MLA David Swann. The five justices in the Supreme Court majority concluded that immunity clauses are in the interests of "good governance."

"All Canadians have lost in this decision," Ernst told The Tye. "Whenever any Canadian is harmed by pipelines or fracking and they present evidence of harm to a regulator and then that regulator ignores or denies that evidence, citizens can no longer sue for justice."

"I believe that split decision will generate a lot of debates among lawyers and judges across the country," added Ernst. "I think some good will come from this terrible decision on a level we can't yet imagine. I will keep going until I run out of money or die or whatever comes first."

1. *Per Cromwell J. (with Karakatsanis, Wagner and Gascon JJ.):* The claim for *Charter* damages should be struck out and the appeal should be dismissed. It is plain and obvious that s. 43 on its face bars E's claim for *Charter* damages. However, because *Charter* damages could never be an appropriate and just remedy for *Charter* breaches by the Board, s. 43 does not limit the availability of such a remedy under the *Charter* and the provision cannot be unconstitutional.

2. *Per Abella J.:* E's claim for *Charter* damages should be struck and the appeal dismissed. E did not seek to challenge the constitutionality of s. 43 in the prior proceedings. In the absence of proper notice and a full evidentiary record, this Court should not entertain the constitutional argument. This leaves the constitutionality of s. 43 intact. It is therefore plain and obvious that s. 43, an unqualified immunity clause, bars E's claim. While it is likely that *Charter* damages would not be an appropriate and just remedy against this Board, a prior determination of the constitutionality of the immunity clause is required.

3. *Per McLachlin C.J. and Moldaver and Brown JJ. (with Côté J.):* The application to strike E's claim must fail and the appeal must be allowed. It is not plain and obvious that *Charter* damages could not be an appropriate and just remedy in the circumstances of E's claim against the Board. Nor is it plain and obvious that, on its face, s. 43 bars E's claim for *Charter* damages. As a result, it is not necessary to consider s. 43's constitutionality at this stage of the proceedings.

Understanding the perilous outcome of the Supreme Court's collective, majority, split and dissenting judgements of Ernst's appeal, in hindsight it becomes very clear about the motivation as to why unnamed parties requested the Court's Registry in February 2016 to order a media "lock-up," and why an unsuspecting and suspicious Ernst strongly believed through instructions to her lawyers that it was wrong to play that Court's ball in July 2016. This was devastating news!

Also included in Nikiforuk's article was a gleeful, public statement from Alberta's Energy Regulator, summarizing the profundity of the Court's decision:

In a public statement on Friday, the Alberta Energy Regulator hailed the Supreme Court decision as an important one for regulators across the country. It added that, "The Court did not find there was a

breach of Ms. Ernst’s Charter rights and made no findings of negligence on the part of the AER or its predecessor the Energy Resources Conservation Board.”³³⁹ The AER statement also noted that court’s decision recognized “that permitting the claim would hinder the AER’s ability to carry out its statutory duties effectively and in the public interest.” Yet new [legislation](#) in 2013 removed “public interest” from AER’s mandate. It is now a corporation largely funded by industry.

Ray [correction, Raj] Anand, a senior constitutional and human rights lawyer in Toronto, said he found the decision baffling. “I didn’t anticipate that none of the nine judges would decide the constitutional issue: whether a legislature can prohibit a constitutional damages claim against an agency of the government.”

Shaun Fluker, an associate professor of law at the University of Calgary who has dealt with the AER in court, said the majority Supreme Court decision “simply piles on to the existing list of barriers constructed in the law to immunize the AER from proper legal scrutiny.”

Those existing barriers include the AER’s ability to refuse to hear landowners and other interested members of the public on energy development concerns and the expectation that landowners must fund their legal challenges before one of the nation’s most powerful regulators. “The SCC adds to the list by effectively immunizing AER actions from Charter scrutiny,” Fluker said. “This is perhaps a bit of an overstatement, but not by much.”

The Court judgements are represented by a makeup of three block or group judgements, two groups of justices which (Groups 1 and 2, below) formed a “majority,” a 5-4 split in the overall, final judgement, and the remaining four (Group 3) as dissenting justices:

Group 1: Thomas Cromwell, Andromache Karakatsanis, Richard Wagner and Clement Gascon (in Reason paragraphs 1 – 60).

Group 2: Rosalie Abella (in Reason paragraphs 61 – 130).

Group 3: Beverley McLachlin, Michael Moldaver, Suzanne Côté and Russell Brown (in Reason paragraphs 131 – 192).

Under what criteria and process did the nine justices decide to break themselves up into three thematic judgement blocks after the Appeal Hearing on January 12, 2016? Did they all politely convene around a table to consult on how each supreme was going to rule, and then group themselves accordingly? If a citizen was curious about this secretive process, could he or she directly ask any one of the Supremes, or their clerks about it? They would not provide or allow an answer. If anyone wished to get an answer to that specific procedural process through a Freedom of Information request, that route is barred.

In a May 14, 2018 Globe and Mail article, [Retired Supreme Court judges object to 50-year embargo on documents: ‘Too long for any useful purpose’](#), reporter Sean Fine describes how in June 2017, “the court signed an agreement with Library and Archives Canada,” imposing a 50-year restriction on “internal court documents revealing the communications between judges on cases:”

In the United States, Britain, Australia and in other Canadian jurisdictions, judges can decide what to do with such documents after retirement. At one time, Canadian Supreme Court judges had similar rights to their own files. In announcing the agreement, which attracted little attention at the time, the court said it would “ensure that the case files of Canada’s highest court will be preserved and accessible to future generations.”

³³⁹ The AER’s statement, of course, is meritless as the SCC did not conduct any findings about Ernst’s case in Alberta: the SCC allowed no evidence to be filed, only matters of law were argued.

In the midst of Canadian public confusion and disappointment of the Supreme Court's judgments in the Ernst case, came a blistering, spot-on legal summary critique by Lorne Sossin, the former Dean of Osgoode Law, at York University of Toronto, who now presides as an Ontario Appeal Court justice. *Damaging the Charter: Ernst v. Alberta Energy Regulator*, was published on-line on January 20, 2017, a week after the release of the judgements. It was republished with minor edits on March 19, 2019, as part 3, *Statutory Bars to Constitutional Remedies: The Importance of Being Ernst*, within *Constitutional Cases 2017: An Overview*, in the Supreme Court Law Review (2019, 88 S.C.L.R. 2d), from Sossin's presentation at Osgood's Annual Constitutional Cases conference held on April 6, 2018.



CHARTER OF RIGHTS & FREEDOMS

the Court.ca

Damaging the Charter: *Ernst v. Alberta Energy Regulator* BY LORNE SOSSIN · JANUARY 20, 2017

In a fascinating, divided, and ultimately underwhelming start to 2017, the Supreme Court in *Ernst v. Alberta Energy Regulator*, 2017 SCC 1, grapples with the availability of *Charter* damages in the face of a statutory bar to civil litigation against a public regulator.

Agenda 2018 Osgoode Constitutional Cases Conference

9:30 AM Lorne Sossin, Dean & Professor, Osgoode Hall Law School

OPENING ADDRESS: A REVIEW OF THE SUPREME COURT'S 2017 CONSTITUTIONAL JURISPRUDENCE

Providing a review of the Supreme Court of Canada's 2017 constitutional jurisprudence, highlighting key patterns and trends and commenting on significant developments.



1:30 PM

2018 LASKIN LECTURE

Funded through the York Centre for Public Policy and Law

THE RT HON BEVERLEY McLACHLIN "The Arc of the Charter: A Personal Perspective"

Chaired by Sonia Lawrence and Benjamin Berger, Osgoode Hall Law School



Retired Supreme Court of Canada Chief Justice Beverley McLachlin

10:00 AM

THE CHANGING COURT AND COURT DYNAMICS

With a new Chief Justice and significant change in the composition of the Court, the SCC is an institution in flux. This plenary will examine emerging trends and dynamics within the Court and look ahead to issues the institution, will have to face in the coming years.

CHAIR: Bruce Ryder, Osgoode Hall Law School

PANELLISTS:

Vanessa MacDonnell, University of Ottawa, "Justice Côté's Emerging Reputation as a Dissenter"

Alexander Pless, Department of Justice, "The Wagner Court: Hedgehog or Fox?"

Daniel Sheppard, Goldblatt Partners LLP, "Just Going Through the Motions: The Supreme Court, Interest Groups and the Performance of Intervention"

CONSTITUTIONAL CASES CONFERENCE - APRIL 6, 2018
OSGOODE HALL LAW SCHOOL, YORK UNIVERSITY

KEYNOTE
THE RIGHT HONOURABLE
BEVERLEY MCLACHLIN,
FORMER CHIEF JUSTICE OF CANADA
(2000-2017)



2017 Constitutional Cases Conference

The 21st Annual Analysis of the Constitutional Decisions of the Supreme Court of Canada from the Past Year

Please save the date and sign up to be notified when registration opens in early 2018 for the next iteration of Osgoode's Annual Constitutional Cases Conference.

We are especially honoured this year to welcome the recently retired Rt. Hon. Beverley McLachlin as our Keynote speaker, and we are looking forward to insights built on her long tenure at the helm of Canada's highest court.

As always, Canada's leading scholars and practitioners will provide incisive and practical analysis of noteworthy 2017 Supreme Court constitutional decisions and their implications, including:

- **The Changing Court and Court Dynamics**
With a new Chief Justice and significant change in the composition of the Court, the SCC is an institution in flux. This plenary will examine emerging trends and dynamics within the Court and look ahead to issues the Court, as an institution, will have to face in the coming years

- **Frontiers of Privacy**
Beginning with a review of the Court's more conventional s. 8 cases, like *Alex and Paterson*, this panel will consider *Marakah* and *Douez* and how the Court is wrestling with changing social understandings of privacy and their treatment by the Constitution.

- **Indigenous Justice and the Administrative State**

This panel will discuss what *Clyde River* and *Chippewas of the Thames* imply for our understanding of the administrative state/administrative law, as viewed through the lens of Indigenous rights and reconciliation.

- **The Scope of Charter Rights and Redress**

This panel will examine cases from 2017 that raise issues about the capacity to secure redress for the limitation of Charter rights. Cases discussed will include key cases on fundamental freedoms (*Ktunaxa* and *BC Freedom of Information*) and on immunity for Charter damages (*Ernst*)

- **Understandings of Fundamental Justice**

A number of 2017 cases addressed conceptions of the nature and meaning of fundamental justice. Panelists will discuss cases ranging from criminal justice (*Antic and Cody*), to extradition (*Badshah*), and the scope of s. 7's liberty protection (*Association of Justice Counsel*)

- **Closing plenary: The Legacy and Contributions of Beverley McLachlin**

We hope you will join us!

Benjamin L. Berger, Associate Dean (Students) & Professor and Sonia Lawrence, Associate Professor, Co-Chairs of Osgoode's 2017 Constitutional Cases Conference



DATE, TIME AND LOCATION

Friday, April 6, 2018
9:00am - 5:00pm

Osgoode Hall Law School
Ignat Kaneff Building
York University, Toronto, ON



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Regular Registration: \$140 +HST
Full-time Student: \$25 +HST

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The official blog of the Ontario
Legislature Internship Programme

APRIL 8, 2018 CLIP

The highlight was meeting Retired Supreme Court of Canada Chief (SCC) Justice Beverley McLachlin, who delivered a speech on "The Arc of the Charter: A Personal Perspective."

When reflecting on the implementation of the *Charter of Rights and Freedoms* (Charter), the Chief Justice stated: "Someday, will be able to look back upon the *Charter* with the benefit of historical distance. But that day has not yet come. The whole story of the *Charter*, from its inception to this day, is contemporaneous: for many of us, it is a story entirely encompassed within our own lifetimes."

While the *Charter* is no longer in its infancy, the Chief Justice indicated that the *Charter* is an "unfinished project." Moreover: "The 'story' of Canadian law has been, and will for the foreseeable future continue to be, the story of the *Charter's* impact on Canadian law. But the *Charter's* impact does not end there. A major part of the *Charter's* story is its impact, not just on Canadian law, but on Canada itself."

The Chief Justice asserted that Canadians have come to see themselves as 'rights holders', which aligns with the *Charters* 'rights mindset'. The uniquely Canadian character of the *Charter* is reflected in its emphasis on three kinds of rights: individual rights, tied to a conception of tolerance and respect; collective interests, bound up with an appreciation of the relationship of support and obligation between individual and community; and group rights, tied to a recognition that of pluralism is one of Canada's animating values.

In pith and substance, the Chief Justice's speech could be summed as: "We have a *Charter* that reflect our most fundamental values, that tells us who and what we are as a people."

April 2017

CONSTITUTIONAL CASES CONFERENCE



In both of Lorne Sossin's brilliant, succinct and piercing legal evaluations of the Supreme Court justices' January 13, 2017 judgements, he summarily articulates that both the majority (Groups 1 and 2) and dissenting justices (Group 3) misconstrued technical legal applications and arguments about *Ernst's* Charter

rights from previous court rulings, rendering the majority's reasons "**unpersuasive**," which ultimately led the majority "**down a problematic path**," and with the majority and dissenting justices **putting "the statutory cart before the constitutional horse**," more plainly, getting it all wrong.

Of note in Sossin's 2019 analysis, *The Importance of Being Ernst*, he begins by stating:

"... in my view, the premise the Supreme Court of Canada accepts in *Ernst*, that a statutory immunity clause can in any circumstances bar a Charter claim, is **suspect**."

In his 2017 analysis, Sossin chose the word "**flawed**," later substituting it with "suspect." Here is a collection of excerpts that follow in Sossin's 2019 analysis:

"The majority's discussion of countervailing factors is **also unpersuasive**. The existence of countervailing factors, as set out above, only arises where a party's entitlement to Charter damages has been established and where the Crown seeks to demonstrate that damages nonetheless should not be awarded."

"The issue in the appeal to the Supreme Court of Canada was the scope of the statutory immunity clause, not the strength of the claim to Charter damages."

"An immunity clause can preclude only those claims that a legislature has the constitutional authority to bar – that includes civil claims for damages, but it cannot bar Charter claims (including Charter claims, as in *Ernst*, where one of the remedies sought is Charter damages). On this reading, **the Supreme Court of Canada could and should have interpreted the statutory bar as inapplicable to this claim to the extent a breach of the Charter is properly pleaded**."

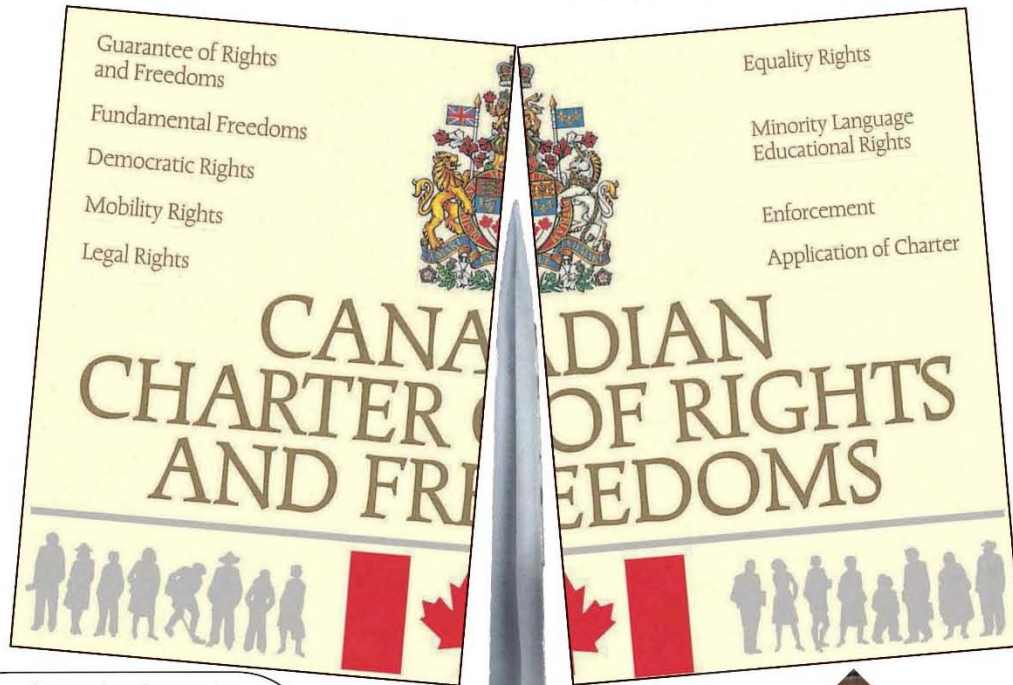
"*Ernst* claims she was silenced as punishment for her opposition to the Board. The availability of Charter damages, like the availability of other Charter remedies (declarations, injunctions, *etc.*), **cannot be precluded by an act either of a provincial legislature or of Parliament** (unless the notwithstanding clause under section 33 is invoked, which is the sole mechanism for immunizing public bodies from Charter scrutiny, and therefore, from Charter remedies). ... In my view, the Court in *Ernst* misconstrues the place of Charter damages in the context of Canada's constitutional architecture. ... By upholding the validity of a statute to bar a Charter remedy, **the Supreme Court of Canada has allowed a legislature to unilaterally circumscribe constitutional protections and done so for no broader constitutional rationales or benefits**."

"I believe *Ernst* will be remembered as a problematic precedent in working out the relationship between statutory interpretation on the one hand, and the requirements of the Constitution on the other."

3. Statutory Bars to Constitutional Remedies: The Importance of Being *Ernst*

In *Ernst*,⁴⁵ the Supreme Court of Canada considered the availability of Charter damages in the face of a statutory bar to civil litigation against a public regulator. In this third area of focus among the constitutional cases of 2017, I consider the Court's rationale in *Ernst* for upholding this statutory bar and the implications of the Court's analysis for a coherent relationship between statutory and constitutional interpretation in Canada.⁴⁶

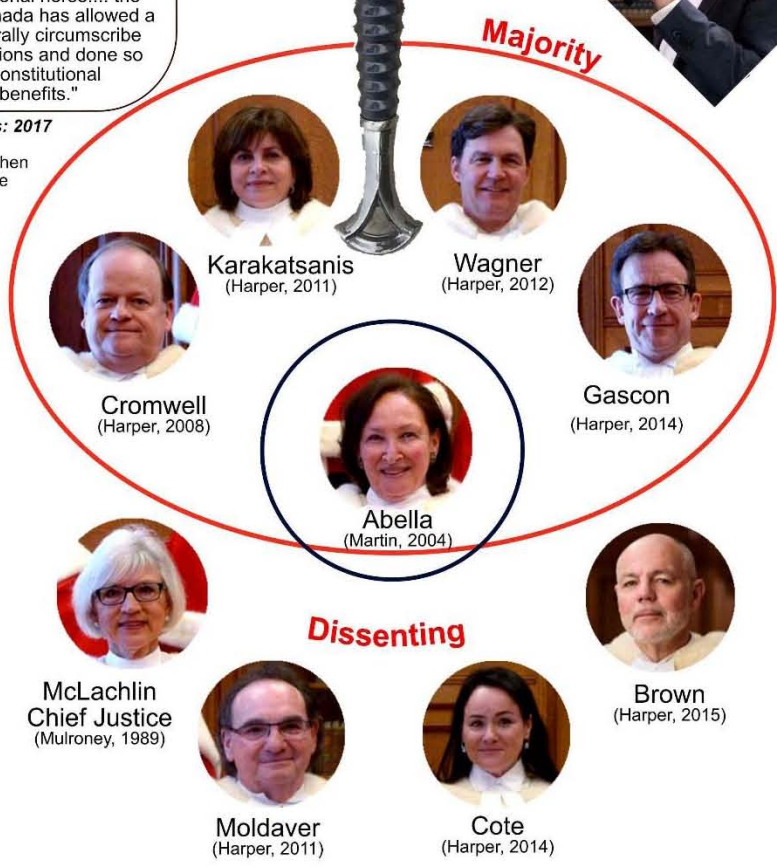
APPEAL HEARD: January 12, 2016
JUDGEMENT RENDERED: January 13, 2017
SUPREME COURT DOCKET: 36167
ERNST v. ALBERTA ENERGY REGULATOR



"In my view, the premise the Supreme Court of Canada accepts in *Ernst*, that a statutory immunity clause can in any circumstances bar a *Charter* claim, is suspect.... Statutes always must be interpreted in ways that safeguard, not inhibit, the protection of *Charter* rights and freedoms.... the dissenting justices, like majority, seem to put the statutory cart before the constitutional horse.... the Supreme Court of Canada has allowed a legislature to unilaterally circumscribe constitutional protections and done so for no broader constitutional rationales or benefits."



Constitutional Cases: 2017
An Overview
 by Lorne Sossin (when Dean of Osgoode Law School)



Cromwell
 (Harper, 2008)

Karakatsanis
 (Harper, 2011)

Wagner
 (Harper, 2012)

Gascon
 (Harper, 2014)

Abella
 (Martin, 2004)

McLachlin
 Chief Justice
 (Mulroney, 1989)

Moldaver
 (Harper, 2011)

Cote
 (Harper, 2014)

Brown
 (Harper, 2015)

On October 7, 2021, Ontario Appeal Court Justice Lorne Sossin was interviewed in a video session about his personal and professional background. When asked about why he chose one of his doctoral degrees in Political Science at the University Toronto, he answered that “figuring out those relationships of power [in the late 1970s], figuring out who makes decisions over whom, and what impact those decisions have, those dynamics were always interesting to me.” Sossin clerked at the Supreme Court of Canada to Chief Justice Antonio Lamer and then obtained a doctorate in Law at Columbia University in New York. He migrated back to Toronto where he practised litigation with law firm Borden & Elliot. Sossin then transitioned to academia at Osgoode Law School from 1997 to 2002, where he later co-authored the book, *Administrative Law in Context*, in 2008. Sossin emphasized his takeaway from academic teaching (“courses in administrative and constitutional law, the regulation of professions, civil litigation, public policy and the judicial process:” *source*, Sossin Short Biography):

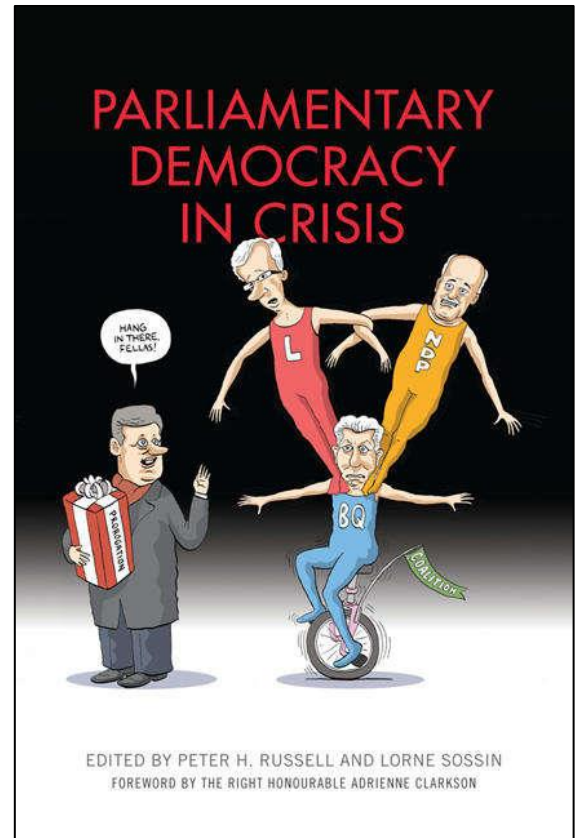
“You are constantly put in the position on reflecting on core principles, thinking about how people are affected by law. For example, in ways if you are a busy litigator, you may not always have those moments to reflect on the bigger picture, the systemic kind of influences and impacts in a way that academics can. ... The style of academic life that I really cherished and tried to pursue was one of being engaged in those realities throughout the legal system, throughout the many walks of practice that our students pursued, and again where the ideas about law were coming from.”

As an example of his interest in the wild and often weird field of Canadian politics, in 2009 Sossin co-edited *Parliamentary Democracy in Crisis*, a collection of 14 essays on

Conservative Prime Minister Stephen Harper’s controversial decision to prorogue Parliament in November 2008. Sossin and Adam Dodek co-authored the seventh essay, “*When Silence Isn’t Golden: Constitutional Conventions, Constitution Culture, and the Governor General:*”

As Michael Valpy notes in his contribution to this book, ‘by convention,’ what transpires between a prime minister and the governor general is not made public, and again ‘by convention,’ no reasons were disclosed for the governor’s general’s decision on 4 December. In this article, we refer to these practices collectively as the ‘Practice of Non-Disclosure.’

We examine whether the Practice of Non-Disclosure should be considered a constitutional convention, and if so, what the implication of such a convention would be given the evolution of Canada’s constitutional culture. We question the existence of this convention, and, to the extent it does exist, we argue that that our constitution has evolved to the point where the veil of secrecy should be lifted from such crucial settings of democratic accountability. Consequently, in the case of the events of December 2008, we conclude that the public has a right to know the basis for the prime minister’s request as well as the reason or reasons for the governor general’s decision granting that request. Absent a compelling public purpose to be served by silence, public officials ought to be expected to justify their actions, particularly when the legitimacy of Canada’s democratic institutions itself hangs in the balance.



With a cursory inspection of Sossin's extensive publications, my sense is that he was always travelling on the road to enlightenment, paths in which he was seeking the 'public good,' for understanding and revealing the ethical and honest means in the maintenance and forging of public justice.

For instance, in the year following the Alberta Energy Regulator's (formerly, EUB's) November 2005 letter banishing Jessica Ernst's from all and any communications, Sossin published "*Bureaucratic Disentitlement, Vulnerable People, and the Appeal of Review*" (University of Toronto Law Journal, 2006). It distills from a study in the United Kingdom the behavioural relationships between a given state bureaucracy (as, for instance, Alberta's regulator) and the "search for dialogue" with its citizenry on a range of matters of inquiry, dispute and contention, "the chance to engage in meaningful dialogue with officials:"

Rather than instituting reforms based on greater opportunities to build trust and deepen the engagement of administrative decision makers in the life circumstances and social contexts of applicants, however, many jurisdictions, including Canada, appear to be heading in the opposite direction, toward forms of service delivery and decision making ... This service-delivery model also tends to reduce the ability and practicality of applicants' challenging negative determinations, even where there is an avenue of review or appeal to do so. The incidences of what I would term 'bureaucratic disentitlement' ... demonstrate the breakdown of trust in the citizen-bureaucrat relationship.

Sheri Danz has described bureaucratic disentitlement as 'effectuated through such practices as withholding information, providing misinformation, isolating applicants and requiring extraordinary amounts of documentation,' all of which 'prevents the transformation of statutory rights into tangible benefits.'³⁴⁰

In Sossin's publications and University courses on constitutional law, came a co-authored November 16, 2009, publication with Susan Gratton, *In Search of Coherence: The Charter and Administrative Law under the McLachlin Court*: "With her appointment as Chief Justice, Madame Justice McLachlin inherited one of the most exasperating analytical tangles in modern public law." In their dissection and overview analysis on the Supreme Court's interpretation of Canada's Charter, they asked: "When an alleged Charter violation occurs as a result of an administrative decision, should the judicial review analysis proceed on Charter principles or administrative law principles?"

"This uneasy relationship between administrative law and the Charter has surfaced more frequently in recent years as Charter jurisprudence has matured and possible Charter violations are weeded out of proposed legislation and regulations before they are ever enacted. Charter violations are more likely to arise as a result of discretionary administrative action rather than appearing explicitly in the wording of a legislative or regulatory enactment."

... During the McLachlin Court's tenure, a strong argument for the coordination and, ultimately, the unity of public law values has taken hold in the scholarly literature. According to this theory, both areas of law are gradually merging into **a unified concern for protecting individual interests from the abuse of public power.**

Chief Justice McLachlin has well-earned her reputation as a talented consensus-builder and the Court has set the stage for a fundamental shift in our understanding of the relationship between the Charter and administrative law. ... We conclude that the Court has yet to develop a workable and coherent approach to the relationship between the Charter and administrative law.

³⁴⁰ Sheri Danz, 'Note: A Non-public Forum or a Brutal Bureaucracy? Advocacy Claims of Access to Welfare Centre Waiting Rooms,' (2000) 75 N.Y.U.L.R. 1004.

I found an on-line link to one of Sossin's power-point presentations on his co-authored paper with Gratton. In his presentation discussion, he included quotes from justices Beverley McLachlin and Rosalie Abella:

In Search of Coherence: The Charter & Administrative Law

Lorne Sossin
Faculty of Law, University of
Toronto

- Dissent of McLachlin J. (as she then was) in *Cooper* adopted by Court in *Martin*:
 - “The *Charter* is not some holy grail which only judicial initiates of the superior courts may touch. The *Charter* belongs to the people. All law and law-makers that touch the people must conform to it. Tribunals and commissions charged with deciding legal issues are no exception. Many more citizens have their rights determined by these tribunals than by the courts. If the *Charter* is to be meaningful to ordinary people, then it must find its expression in the decisions of these tribunals.”

The above slide quote from a former court decision by McLachlin is not sourced. It originates from Sossin's November 10, 2013, draft publication, *Charter Values and Administrative Justice*.

**Charter Values and Administrative Justice –
Lorne Sossin¹ and Mark Friedman² –
Draft November 10, 2013**

A. Introduction

What would the *Charter of Rights and Freedoms* have looked like if it had been designed for administrative justice? This is a question underlying our analysis in this study. Ever since the Supreme Court made clear in *Slaight Communications* that discretionary decisions of public officials were to be subject to the *Charter*,³ and expanded the reach of the *Charter* to most adjudicative tribunals,⁴ the Court has wrestled with the coherence of the relationship between the *Charter* and administrative justice. The Court attempted to synthesize its position and chart a new path forward beyond a traditional application of the *Charter* to incorporate a potentially broader but inchoate set of “*Charter* values” in its 2012 decision *Doré*.⁵ With this decision as a point of departure, we elaborate below on the scope of *Charter* values and their distinct implication for administrative justice.

Justice McLachlin (as she was then) seemed to anticipate this state of affairs more than a decade ago in her oft quoted dissent in *Cooper v Canada*,⁶ a case which probed the extent to which tribunals had jurisdiction to consider the constitutionality of their enabling legislation. The majority in *Cooper* held that a human rights commission lacked the authority to decide *Charter* questions because its purpose and structure were not aligned with the adjudication of *Charter* rights. McLachlin J.'s dissent not only reached the opposite conclusion, but did so expressly on the grounds that the *Charter* should be relevant where people's rights were determined. It included the following memorable reference:

Sossin used the slide to illustrate McLachlin's former championing of the *Charter*. In the same publication, while seeking to explore and understand "proper balancing of Charter values," Sossin refers to justice Rosalie Abella on six occasions.



Prime Minister Pierre Elliot Trudeau and Her Majesty Queen Elizabeth signing the Proclamation of the Constitution Act on April 17, 1982, at a ceremony in Ottawa, "guaranteeing the rights and freedoms in the Charter as the supreme law of the nation." (Source: Government of Canada website, *Learn about the Charter*)

Prior to his appointment to Ontario's courts, Sossin spent considerable time evaluating the machinery of the Supreme Court, including the evolutionary integration of the Charter since the mid 1980s. In his growing familiarity with the history of the Supreme Court, he also noted its makeup in his 2009 paper, *Should Canada Have a Representative Supreme Court?*

While regionally diverse, the Court historically was criticized as overwhelmingly homogenous. As Peter McCormick observed, "For most of the Court's history, the basic characteristics of its justices were easily described: They were middle-aged (or older) white professional males of British or French ethnicity." Writing in the 1970s, Paul Weiler stated bluntly that, "The most obvious limitation in the membership of the Supreme Court is that it is an all-male society".

... At least one of the non-Quebec judges historically has been francophone (examples would include LeDain, La Forest, Arbour, Bastarache, and most recently Charron). A similar proxy-regional concern was the mix of Catholic and Protestant Supreme Court justices. It was therefore noteworthy when the first Jewish judge (Bora Laskin), was appointed in 1970. Justice Fish became the second Jewish member of the Supreme Court in 2004, joined by Abella later the same year, and subsequently by Marshall Rothstein in 2008. The first woman, Bertha Wilson, was appointed as discussed above in

1982, and has been followed by L'Heureux-Dubé in 1987, McLachlin in 1989, Arbour in 1999, Deschamps in 2003, Abella in 2004, and Charron in 2004. John Sopinka, a Ukrainian-Canadian, was (apart from Laskin) the first person appointed who was not clearly of British or French descent, and Frank Iacobucci, an Italian-Canadian, was the second.

While the diversity of the Court has clearly been enhanced over the past three decades, particularly with respect to the categories indicated above, the Court remains distinctively and remarkably homogenous. The Court has yet to have a justice from the aboriginal community, or someone not born into a Judeo-Christian religious culture, or from a racialized or visible minority community or openly homosexual. In this sense, at first glance, the Supreme Court appears markedly out of step with the rapidly evolving heterogeneity of Canadian society.

As discussed above, assessing the representative nature of the current Supreme Court is not as simple as a roll count of ethnicity, gender, religion or linguistic identity. Chief Justice McLachlin was born into a small-town community in Alberta, while Justice Abella was born into a displaced persons camp in Germany. Are these experiences not as formative as the various identity communities into which those judges might claim membership?

Why did Sossin thought-provokingly title his second analysis of the January 13, 2017, Supreme Court Appeal Judgment, “The Importance of Being *Ernst*?” What was his meaning? Is it a riddle? Was it a provocation purposed for personal interpretation? Was it a clever twist on the title or even on the meaning of Oscar Wilde’s play, “The Importance of Being Ernest?” It may not be so easy to decipher, or it may be plain as day for someone whose eyes can see. Whatever its meaning, Sossin tells us, plainly, the Supreme Court justices collectively erred in their judgements, some, obviously, more than others. This is what is important to understand. Canada’s *Charter* was damaged as a result. The irksome questions are, why did the Court damage the *Charter*, and why did it not stand up to protect it? Is the “Importance of Being Ernst” a recognition of or an example of what Jessica Ernst was herself confronting and revealing to the world, what Sossin wrote (see above) in 2009, “**a unified concern for protecting individual interests from the abuse of public power?**”

16.2.7. Clever Defamation?

A matter, a steaming controversy within the Justices written deliberations – which Lorne Sossin ignored in his analysis because of its relevance outside of his scope – is a statement by justice Abella. That statement, which four justices politely refer to as a “characterization,” is found in paragraph 64, bundled within the nest of Abella’s written Reasons (paragraphs 66 to 130). Abella states that Jessica Ernst, “claims that *Charter* damages are warranted because of the Board’s decision to stop communicating with her, in essence **finding her to be a vexatious litigant.**” As noted in paragraph 172 by the Chief Justice, representing the three other dissenting justices forming Group 3, McLachlin took special exception to Abella’s words about Ernst as a “vexatious litigant,” stating: “we see no basis for our colleague’s characterization.”

functions so long as she continued to criticize the Board in public. Our colleague Abella J. suggests that the Board, in deciding to stop communicating with Ms. Ernst, “in essence f[ound] her to be a vexatious litigant” (para. 64). We see no basis for our colleague’s characterization.

“No basis” means no evidence, no foundation. The noun, “characterization,” as defined from *Oxford Languages*, means: “1. The creation or construction of a fictional character; 2. a description of the distinctive nature or features of someone or something.”

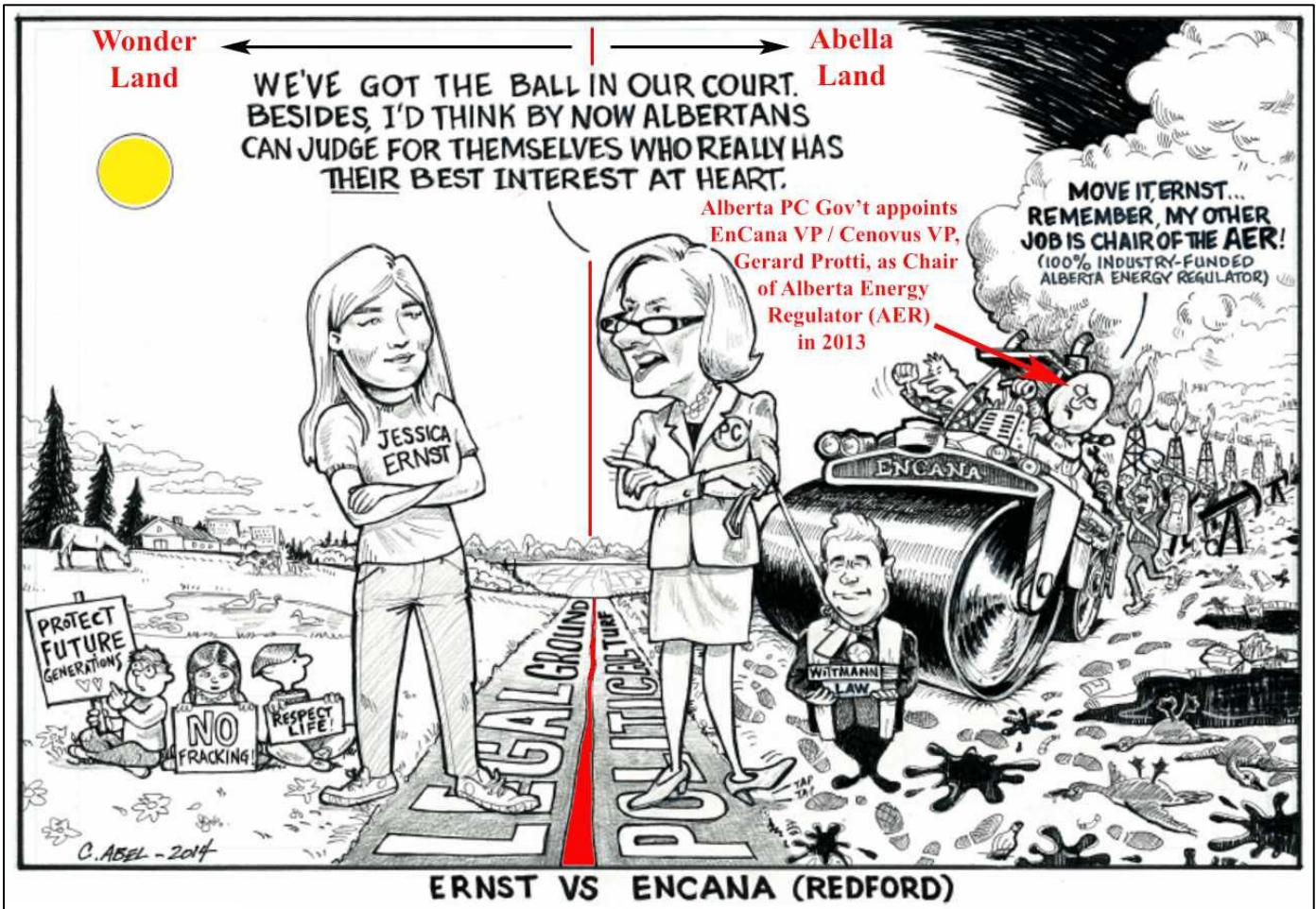
In other words, what Abella stated about Ernst was done intentionally without corroborating evidence, a ‘mischaracterization,’ out of thin air, a misrepresentation, made up, a false claim, a fabrication. The fact that four justices, McLachlin, Moldaver, Côté and Brown, noted, acknowledged and called out Abella’s fabrication in their dissenting judgements is significant for two reasons: because, firstly, they understood it as a fabrication; and secondly, because they wanted the public to understand that they didn’t want to be associated with it. Again, Abella had advice from four of her esteemed colleagues to refrain from including a fabrication in her nest of written findings.

In this respect, it is also significant to note that the four justices in Group 1, Cromwell, Karakatsanis, Wagner and Gascon, did not commit to also criticizing Abella for her fabrication upon Ernst, leading to the painfully obvious question as to why they chose not to. A logical answer to that question may be related to why the Group 1 four justices ultimately chose to side with Glenn Solomon’s arguments on behalf of Alberta’s energy regulator: they not only ruled and sided against the *Charter* as the legal trump card (as plainly reasoned by Sossin), but therein also revealed they were satisfied with Abella’s defamatory trick upon the applicant. When understood in this light, it reveals a stunning perspective!

Abella performed another, and sequential jab. Two paragraphs later, in 66, in Abella’s construct of why “Ms Ernst argument that the immunity clause does not apply when a *Charter*

[66] Ms. Ernst’s argument that she was not seeking to challenge the validity of s. 43, only its applicability to a *Charter* damages claim, is unsustainable. The immunity clause either complies with the *Charter* or it does not. But either way, there must be a judicial determination of the constitutional validity, and therefore the constitutional applicability, of the provision. Ms. Ernst’s argument that the immunity clause does not apply when a *Charter* remedy is being sought, is an argument that there is no need to go through the necessary steps to determine whether a provision is *Charter*-compliant in order to disregard it. This invokes Alice in Wonderland.

remedy is being sought ...,” Abella determined the plaintiff’s argument fanciful, or words to that effect: “This invokes Alice in Wonderland.” Hmmm. A “vexatious litigant” wandering about in Wonderland. Yes, Ernst is in wonderland, as depicted in the political cartoon below. But is Abella, and perhaps other members of the Supreme Court, part of a separate political, insider wonderland?



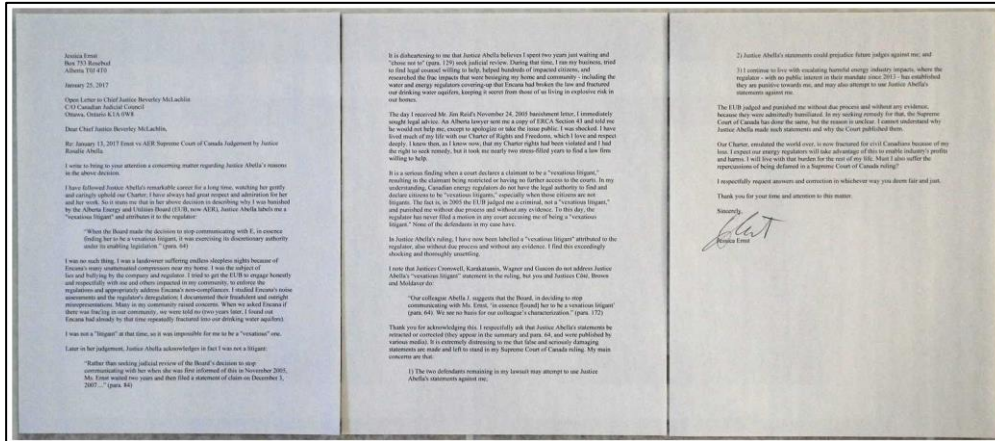
Above: Catherine Abel’s March 5, 2014, cartoon (with the report author’s modifications). Right of the vertical red line: **anti-wonderland, Abella Land** side, with Alberta Premier Allison Redford, representing the “Political Turf” side of Alberta, holding on to the leash attached to former Justice Wittmann who presided over Ernst’s lawsuit after the Harper administration promoted justice Veldhuis off her case. The man driving the steamroller, Gerard Protti, the former vice president of the corporation Ernst was suing, was appointed the chairman of the newly formed Alberta Energy Regulator (AER) in 2013, renamed from the former ERCB (Energy Resource Conservation Board). Gerard’s brother, Raymond, was former head of CSIS, Canada’s spy agency, who then went on to serve as a board member of the Canadian Bankers Association in 1996, “with no previous experience in banking.” Left of the vertical red line: the **wonderland** side, with Jessica Ernst’s foot on “legal ground,” on side with the sunshine, clean water pond with duckies, a horse and a cow eating from healthy pasture, with birds flying through clean air, with standing, living trees, and with healthy children clutching warning signs.

Jessica Ernst would have none of this, who, correctly, sent an urgent “open” three-page letter, dated January 25, 2017, addressed to the attention of Chief Justice McLachlin, demanding that “Justice Abella’s statements be retracted or corrected:”

“Re: January 13, 2017 Ernst vs AER Supreme Court of Canada Judgement by Justice Rosalie Abella. I write to bring to your attention a concerning matter regarding Justice Abella’s reasons in the above decision.

I have followed Justice Abella’s remarkable career for a long time, watching her gently and caringly uphold our Charter; I have always had great respect and admiration for her and her work. So, it stuns me that in her above decision in describing why I was banished by the Alberta Energy and Utilities Board (EUB, now AER), Justice Abella labels me a “vexatious litigant” and attributes it to the regulator:

“When the Board made the decision to stop communicating with E, in essence finding her to be a vexatious litigant, it was exercising its discretionary authority under its enabling legislation”.” (para. 64)



“I was no such thing. I was a landowner suffering endless sleepless nights because of Encana’s many unattenuated compressors near my home. I was the subject of lies and bullying by the company and regulator. I tried to get the EUB to engage

honestly and respectfully with me and others impacted in my community, to enforce the regulations and appropriately address Encana’s non-compliances. I studied Encana’s noise assessments and the regulator’s deregulation; I documented their fraudulent and outright misrepresentations. Many in my community raised concerns. When we asked Encana if there was fracking in our community, we were told no (two years later, I found out Encana had already by that time repeatedly fractured into our drinking water aquifers).

I was not a “litigant” at that time, so it was impossible for me to be a “vexatious” one.

Later in her judgement, Justice Abella acknowledges in fact I was not a litigant:

“Rather than seeking judicial review of the Board’s decision to stop communicating with her when she was first informed of this in November 2005, Ms. Ernst waited two years and then filed a statement of claim on December 3, 2007....” (para. 84)

It is disheartening to me that Justice Abella believes I spent two years just waiting and “chose not to” (para. 129) seek judicial review. During that time, I ran my business, tried to find legal counsel willing to help, helped hundreds of impacted citizens, and researched the frac impacts that were besieging my home and community – including the water and energy regulators covering-up that Encana had broken the law and fractured our drinking water aquifers, keeping it secret from those of us living in explosive risk in our homes.

The day I received Mr. Jim Reid’s November 24, 2005 banishment letter, I immediately sought legal advice. An Alberta lawyer sent me a copy of ERCA Section 43 and told me he would not help me, except to apologize or take the issue public. I was shocked. I have lived much of my life with our Charter of Rights and Freedoms, which I love and respect deeply. I knew then, as I know now, that my Charter rights had been violated and I had the right to seek remedy, but it took me nearly two stress-filled years to find a law firm willing to help.

It is a serious finding when a court declares a claimant to be a “vexatious litigant,” resulting in the claimant being restricted or having no further access to the courts. In my understanding, Canadian energy regulators do not have the legal authority to find and declare citizens to be “vexatious litigants,” especially when those citizens are not litigants. The fact is, in 2005 the EUB judged me a criminal, not a “vexatious litigant,” and punished me without due process and without any evidence.

To this day, the regulator has never filed a motion in any court accusing me of being a “vexatious litigant.” None of the defendants in my case have.

In Justice Abella’s ruling, I have now been labelled a “vexatious litigant” attributed to the regulator, also without due process and without any evidence. I find this exceedingly shocking and thoroughly unsettling.

I note that Justices Cromwell, Karakatsanis, Wagner and Gascon do not address Justice Abella’s “vexatious litigant” statement in the ruling, but you and Justices Côté, Brown and Moldaver do:

“Our colleague Abella J. suggests that the Board, in deciding to stop communicating with Ms. Ernst, ‘in essence f[ound] her to be a vexatious litigant’ (para. 64). We see no basis for our colleague’s characterization.” (para. 172)

Thank you for acknowledging this. I respectfully ask that Justice Abella’s statements be retracted or corrected (they appear in the summary and para. 64, **and were published by various media**). **It is extremely distressing to me that false and seriously damaging statements are made and left to stand in my Supreme Court of Canada ruling.** My main concerns are that:

- 1) The two defendants remaining in my lawsuit may attempt to use Justice Abella’s statements against me;
- 2) Justice Abella’s statements could prejudice future judges against me; and
- 3) I continue to live with escalating harmful energy industry impacts, where the regulator – with no public interest in their mandate since 2013 – has established they are punitive towards me and may also attempt to use Justice Abella’s statements against me.

The EUB judged and punished me without due process and without any evidence, because they were admittedly humiliated. In my seeking remedy for that, the Supreme Court of Canada has done the same, but the reason is unclear. I cannot understand why Justice Abella made such statements and why the Court published them.

Our Charter, emulated the world over, is now fractured for civil Canadians because of my loss. I expect our energy regulators will take advantage of this to enable industry’s profits and harms. I will live with that burden for the rest of my life. **Must I also suffer the repercussions of being defamed in a Supreme Court of Canada ruling?**

I respectfully request answers and correction in whichever way you deem fair and just.”

As noted by Ernst in her letter to the former Chief Justice, the implications of Abella wrongly judging her to be a “vexatious litigant” was seriously harmful to her reputation and to her ongoing prospects in the Alberta courts.

Was it a clever defamation? The question is posed because of two facts. Firstly, we must be clear about the matter. Abella did not frame the claim as her own. Abella implements a cheap trick by falsely claiming Alberta’s energy regulator had found the plaintiff guilty as charged, a “vexatious litigant.” Secondly, a Supreme Court Justice is protected, by law, and is provided statutory immunity. Therefore, a ‘harmed’ party by a justice in a Supreme Court judgement is barred from seeking remedy, redress. **Does this therefore also mean, is there the implication from Abella’s fabrication, that the Supreme Court can hide itself behind the Charter, as Alberta’s energy regulator claims?** The only seeming avenue for a harmed party

in such a matter is for a justice of the court to voluntarily confess acknowledgment of harm through written apology, which is what Ernst sought in her urgent letter to the Chief Justice, which is also what Ernst sought from the Alberta regulator in late 2005 which refused to open her letter. As abundantly evident in Ernst's website, www.ernstversusencana.ca, Ernst has been patiently waiting for an apology for eight long years.

Hypothetically, in weighing the seriousness of Abella's 'mischaracterization' and her supposed refusal to remove it, to allow it to stand, McLachlin ought to have used her discretionary powers as Chief Justice to sever Abella's judgements from the other eight Appeal case judgements (is there precedent for doing so?). This would have forced a tie vote in the Appeal Judgement, leaving the swing judge role hanging in the wind. Removing the Abella thorn from the Judgment would have been the proper course of action for all concerned, leaving to the obvious and burdensome question of why Abella's "characterization" of Ernst was consented to stand by each and all the eight remaining justices.

What was Justice Abella's reason or reasons for the fabrication? Given that this seems to have been the first instance that Abella had made such a fictional judgement and dangerous gamble during her 18 years at the Supreme Court bench, why did she go out of her way to single out and punish Ernst? What was her motive or motives? How would the famous fictional detective Sherlock Holmes, relaxing in a comfortable armchair, with tobacco pipe in hand, gazing contemplatively on some distant object, ruminate this very serious matter? Ah hah, he might then utter! There would seem to be at least three distinct possibilities:

- (a.) It was perhaps something personal. After examining reams of information, Holmes would have found that Ernst openly advocated for Palestinians' rights. Given Ernst's international recognition and influence, could her open support for the Palestinian cause have created a sore spot, an inflammation?
- (b.) It was perhaps derivative, i.e., advice or suggestion from another party or parties. After examining over ten years of information, Holmes would have recognized Ernst's courageous defiance in seeking the truth from government and corporate industry, the ever nagging national and international and investment implications for her legal case about fracking and its cumulative harms to people, to all God's creatures, and to the environment. Holmes might then conclude: could someone from government, industry, or elsewhere have encouraged Abella to finally bring the matter to a speedy end?
- (c.) It was perhaps a combination of (a) and (b).

To answer these possibilities, to get a lead on them, even the 'clever as ever' Holmes would not have a means to access Abella's notes, nor to the other eight Justices' notes, because of restrictions barring anyone, any investigator, from doing so for at least fifty years. Holmes might then have made a further consideration: if the matter at hand is deemed by our lawmakers to be pressing enough to serve the public good, perhaps there is something of precedent to be had in making a special exception to reverse the Supreme Court restriction to only review the narrow interest at hand.

Part 17. Beyond a Reasonable Doubt

This report project began in Part One with an excerpt from Rosalie Abella's April 2018 presentation at the Minerva Center for Human Rights, University of (West) Jerusalem. There, Abella – a child of Jewish Holocaust survivors, a celebrated legal icon human rights defender – heralded the international concept of democracy, declaring, incredibly, that the settler colonial occupier state of Israel, the dishonorable thief of Palestinian lands, was its “judicial beacon,” a “luminous symbol,” a “democratic oasis in the desert.”

Six years later in late May 2024, four months after her opinion article published in Globe and Mail (provided in Part 3), Abella travelled back to Israel as a special guest, this time at the University of Tel Aviv, under different occupational and military oppressive, ongoing Nakba circumstances, some 34 weeks into Israel's Gaza genocide. While Palestinians, including thousands of children and elderly, were being routinely bombed, slaughtered, targeted, tortured, starved, and imprisoned not far south of Israel's capital city – the “democratic oasis in the desert” built overtop of former Palestinian settlements – and while Westbank Palestinians were mobbed, murdered and imprisoned as more of their lands and properties were being stolen, the honored Canadian jurist was there to honor another celebrated Canadian legal human rights advocate and former federal Attorney General and Minister of Justice Irwin Cotler, to commemorate the first forum of the **Irwin Cotler Institute for Democracy, Human Rights and Justice**. In the Institute's biography of Irwin Cotler, it “celebrates and advances the legacy of one of the greatest and most respected jurists and advocates of justice in our time.”

Before a review of this grotesque moment at the University of Tel Aviv ... it is difficult for conscientious humanity to stomach it, where two celebrated Canadians reveled together without once, remarkably, referring to the hideousness of that genocide, nor contextually and specifically criticizing Israel's judiciary, nor condemning Israel's Knesset ... lest there be any inescapable doubt about their hypocrisy as human rights advocates, and their loyalty to the impunity-driven occupier State of Israel. It is as if they live, or prefer to live, in a bubble, oblivious to the oblivion. And, baked into this hypocrisy, is the glaring pounding paradox, the infuriating irony, that Israel bombed, detonated, decimated, and assassinated all of Gaza's universities, libraries and learning institutions, all the while the two human rights lawyers sat, comfortably, at a ‘safe,’ air-conditioned university, with refreshments on the table, just north of these unspeakable atrocities.

Let's step back for a moment. In Part 10 of this report, I described the series of events that led to the formation of Irwin Cotler's Canadian-based propaganda organization, the Raoul Wallenberg Centre for Human Rights (RWC), born out of Zionist strategies in the 2000's to counteract criticisms of Israel at United Nations forums, and the creation of the Zionist's U.N. Watch, on which Cotler sits as an advisory board member. The essence of the RWC organization, aside from its stated noble objectives, formed after Cotler retired in 2015 as a Member of Parliament, was to deflect, through camouflage, international discussion, attention and criticisms against the State of Israel.

There are other questionable directives by this Centre, such as its endorsement of Canada's and western allied

Former Mandela lawyer to join defense of Venezuela's jailed activist
By Reuters
February 5, 2015 5:07 PM PST

political support for the U.S. State Department to destabilize and replace the Venezuelan ‘left’ government, primarily to regain access to substantial petroleum reserves and newfound minerals. A few months after Cotler announced in late 2014 that he would not seek re-election in 2015, Reuter news broke a story on February 5, 2015, “Former Mandela Lawyer to join defense of Venezuela's jailed activist,” that Cotler, still sitting as an MP, was “to actively join” the “jailed Venezuelan opposition leader Leopoldo Lopez's legal team,” which had been announced by “the South American politician's party,” Popular Will.

The on-line centre, *Venezuelanalysis*, soon published a summary account on February 9, 2015, “The Hypocrisy of Leopoldo Lopez’s New Lawyer,” with the preamble headline, “South African officials have refuted claims that Irwin Cotler was Nelson Mandela's lawyer, but the politician’s connection to Israel is clear.”

“Carlos Vecchio, a leading member of Lopez’s political party Popular Will, boasted that, “(Nelson) Mandela’s lawyer in considering going to Ramo Verde”, the jail where Lopez is being held. Quickly, the international press – who have been exceptionally busy of late printing any stories that puts the Venezuelan government in a bad light – picked up the story, also referring to the Canadian lawmaker as the lawyer for the famed South African liberation movement head.

Virtually no media picked up the declarations from South African leaders negating a connection between Cotler and Mandela.

“Irwin Cotler was not Nelson Mandela’s lawyer and does not represent the Government or the people of South Africa in any manner,” the Ambassador of the Republic of South Africa to Venezuela Pandit Thaninga Shope-Linney said Thursday.

While this statement may make Cotler’s role in the struggle against South African apartheid hazy, his role in defending another country that has been accused of creating an apartheid system is clear.

Cotler has long been one of the most vocal defenders of Israel in the Canadian Parliament and has deep connections to numerous Israel lobby organizations in Canada and the United States. The lawyer was one of three founders of the **Liberal Parliamentarians for Israel group** and was also the **former president of the Canadian Jewish Congress** which in recent decades has devoted an increasing amount of its focus towards Israel advocacy and painting pro-Palestinian activism as tantamount to anti-semitism.”

“In Parliament Hill, Cotler has been active in using his post to influence Canada’s foreign policy positions in favor of Israel. Cotler worked to undermine the credibility of United Nations Fact

The Hypocrisy of Leopoldo Lopez's New Lawyer

Luis Granados, Pablo Vivanco



February 9, 2015

South African officials have refuted claims that Irwin Cotler was Nelson Mandela's lawyer, but the politician's connection to Israel is clear.



Finding Mission on the Gaza Conflict, otherwise known as the Goldstone Report – ironically drafted by a South African judge – which accused both the Israel Defense Forces and Hamas of war crimes in the 2009 attack on Gaza. ... While paying lip service to preventing further “tragedies,” Cotler went on to [outline 15 recommendations](#) – all of them geared towards placing further restrictions on Palestinians. Nowhere did the “human rights” lawyer even acknowledge the devastating blockade on Gaza, let alone the continued illegal building of settlements as a factor in the conditions that Palestinians face.”

“Cotler’s Israel advocacy is perhaps one of the reasons why he is looking to align with Venezuela’s opposition.

Under former President Hugo Chavez, Venezuela took unprecedented steps in support of Palestinian rights to statehood on the international stage, becoming one of the first countries in Latin America to set up full diplomatic relations in 2009. Three years before, Venezuela also recalled its representatives from Israel in response to the Israeli invasion of Lebanon, which led Chavez to call Israel a “terrorist state.”

Indeed, Cotler is also **an advisory board member of the board of U.N. Watch**, which also has disproportionate focus on monitoring activity at the United Nations relating to Palestinian rights. Unsurprisingly, the organization – which also counts former members of the U.S. government in its board – has historically been opposed to the governments of the Bolivarian Revolution as evidenced by the group’s intense lobbying efforts against Venezuela’s bid for a seat on the U.N. Security Council and the declarations from the head of U.N. Watch who upon the death of President Chavez, called the former leader a “symbol of evil”.”

The American on-line *Graystone* pundit, journalist and author Max Blumenthal later attended a May 29, 2018, forum in Washington D.C., hosted by the Organization of American States (OAS), formed in 1948. Blumenthal was the first to rise and ask the panel pointed questions. On-line media *Mint Press* reported on June 5, 2018, [OAS Panel Dutifully Ignores Zionist Abuses, Pushes Venezuela Regime Change](#), that:



The “Washington-based OAS has come to be regarded as a vulgar tool of U.S. imperialism – earning the title of the “U.S. Ministry of Colonies” from Havana following post-revolutionary Cuba’s expulsion from the body in 1961. As such, it is now being wielded for the express purpose of effecting “regime change” in Caracas, a move that would not only remove a major regional obstacle to U.S. domination of the region but would also open the door to the exploitation of Venezuela’s massive crude oil deposits – as well as its people – by Western multinational corporations.”

Press Release

Panel of Independent International Experts Finds “Reasonable Grounds” for Crimes against Humanity Committed in Venezuela

May 29, 2018

In their [report](#) and [executive summary](#) presented today, a panel of independent international experts designated by the Secretary General of the Organization of American States (OAS) found that **reasonable grounds exist to believe that crimes against humanity have been committed in Venezuela** dating back to at least February 12, 2014.

The panel of experts - **Santiago Cantón (Argentina), Irwin Cotler (Canada), and Manuel Ventura Robles (Costa Rica)**, – recommended that:

- The Secretary General of the OAS should **submit the report and the evidence collected by the General Secretariat of the OAS to the Office of the Prosecutor of the International Criminal Court (ICC)**.
- The Secretary General should **invite States Parties to the Rome Statute to refer the situation of Venezuela to the Office of the Prosecutor of the ICC** and to call for the opening of an investigation into the crimes against humanity set forth in this report, in accordance with Article 14 of the Rome Statute.

The 400-page report, supported by 400 pages of Annexes, is divided in two parts. Part I, written by the OAS General Secretariat, includes material provided by witnesses who testified during the public hearings conducted in September, October, and November 2017, and material collected from interested parties, Venezuelan civil society and intergovernmental organizations. Part II of the report was written by the Panel of Independent International Experts, and provides a legal assessment of the **information gathered**, an **examination of relevant international jurisprudence and precedent**, as well as their **conclusions and recommendations**.





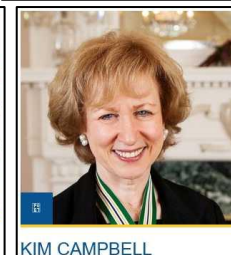
“The OAS panel on crimes against humanity in Venezuela is overseen by Argentine lawyer Luis Moreno Ocampo, another friend of the Israelis. The former International Criminal Court (ICC) prosecutor has [advised](#) the Israelis on how to evade criminal charges for their perpetual expansion of illegal settlements — maintaining that the settler-colonial state could wage a successful defense by manipulating international perceptions through legal arguments justifying the displacement of Palestinians and expropriation of their land, “once [legal permission is] ratified by the [Israeli] top court,” which Ocampo called “highly respected internationally.””

The creation of the Irwin Cotler Institute operational centre at Tel Aviv University in 2023, funded primarily by Cotler’s first cousin Richard Dubrovsky, should be understood as a logical outcome, an extension of the Raoul Wallenberg organization, to draw in and train international graduates in the human rights arena. Are these ‘human rights’ students and graduates criticizing and demonstrating against Zionist Israel’s genocide?

There is a long list of members and directors of the Raoul Wallenberg Centre, including Rosalie Abella (appointed as an Honorary Co-Chair), alongside Honorary Co-Chairs **Meir Shamgar**, the former president of the Supreme Court of Israel, and **Goran Persson**, the former Prime Minister of Sweden. **Alan Dershowitz** was also a member, whose identification and role has been conveniently stricken from the Centre’s website. On the Wallenberg Centre’s current 25-member International Legal Advisory Board, some notables of which have long since retired from professional life, sits Rosalie Abella’s former jurist colleague and former chief justice (2000 to 2017) of the Supreme Court of Canada, **Beverley McLachlin**. Another former female Supreme, **Claire L’Heureux-Dube**. Some of the ten Canadians on that Legal Board, as is the case with Irwin Cotler, have served for the federal Liberal Party. Some of the 25 members:



Aharon Barak, former president of the Supreme Court of Israel; **Anne McLellan**, former Deputy Prime Minister of Canada, and Minister of Justice and Attorney General; **Frank Iacobucci**, former Canadian Deputy Minister of Justice and Deputy Attorney General, and former justice on the Supreme Court; **Yves Fortier**, former Canadian ambassador to the United Nations, and representative on the U.N. Security Council; **Kim Campbell**, former, short-lived Conservative Party Prime Minister of Canada;

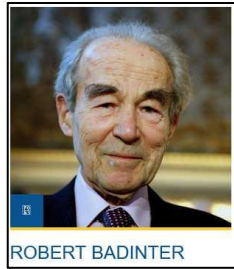
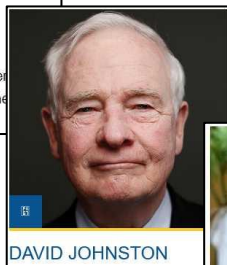
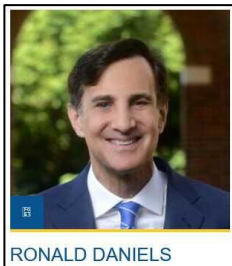


Harold Koh, Sterling professor of International Law at Yale Law School; **Robert Prichard**, chairman of the board of Bank of Montreal, and former president of the University of Toronto; **Allen Rock**, former Canadian Minister of Justice and Attorney General, and former Canadian ambassador to the United Nations, who, “at the 2005 World Summit,” “led the successful Canadian effort in New York to secure ... the unanimous adoption by UN member states of The Responsibility to Protect populations from genocide, ethnic cleansing and other mass atrocities;” **Stephen J. Toope**, former director of the Munk School of Global Affairs and Public Policy, former president of the Pierre Elliot Trudeau Foundation, and former president and vice-chancellor of the University of British Columbia.



International Legal Advisory Board

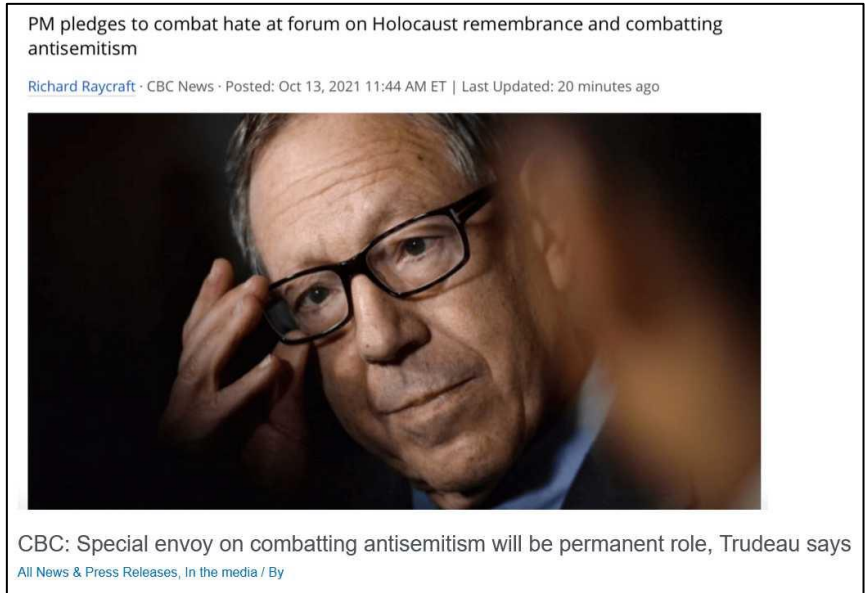
The RWCHR International Legal Advisory Board is composed of leading lawyers, statespeople, activists and advocates committed to furthering our mission in the of justice both in Canada and around the world.



17.1. Raoul Centre’s Media Page

Found in a scrutiny of the Centre’s media releases and statements published since October 7, 2023, there is substantiated, corroborating evidence in the claim made in this report that the Raoul Wallenberg Centre (RWC) is aiding and shielding Zionist Israel. Within its lengthy media list is not one ounce, not one gram, of criticism against Israel’s ongoing oppressive atrocities and genocide of Palestinians.

In addition to a December 10, 2023 celebration of International Human Rights Day, where the RWC called for “securing freedom and justice for the hostages of Hamas” and “justice for the people of Ukraine” and “the freedom of brave political prisoners from Iran,” in addition to a January 15, 2024, tribute to Martin Luther King Junior Day, in the media list is a July 18, 2024, celebration of Nelson Mandela International Day. Mandela, a former resistance prisoner of the South Africa military Apartheid state – similar to thousands of imprisoned Palestinians – who openly denounced Israel’s apartheid, was a strong supporter of Palestinian resistance and critic of Israel as a racist State. This essence of Mandela, and his characterization by the South African government as a terrorist, was concealed from the tribute:



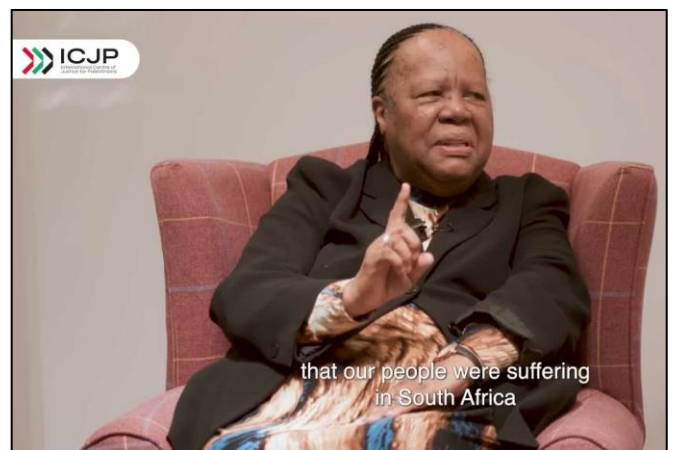
Today, we celebrate Nelson Mandela International Day, honouring the extraordinary legacy of a leader whose courage, compassion, and unwavering commitment to justice continue to inspire the world.

Mandela’s journey from prisoner to president embodies the power of resilience, forgiveness, and reconciliation. His profound impact on dismantling institutionalised racism in South Africa and promoting peace and unity globally continues to inspire our work today. Mandela taught us that no act of kindness is too small, and every effort to promote human rights can lead to significant change.

Our Founder and International Chair Irwin Cotler described Nelson Mandela as “the metaphor and message of the struggle for human rights and human dignity in our time.” His spirit and memory, and the values that he upheld, serve as a beacon of virtue.

In a recent November 12, 2024, public forum hosted by the International Center of Justice for Palestinians (ICJP) in the United Kingdom, “*Conversation with Dr. Naledi Pandor*,” Pandor candidly spoke about her life and experiences before and after Mandela became president of South Africa in 1994 – imagine a leader of the Palestine Liberation Organization becoming president of Palestine/Israel! – and held a series of ministerial portfolios in the post-apartheid government. Pandor, until June 2024, when she left politics, was the former South African Minister of International Relations, and was in the international media spotlight following South Africa’s comprehensive legal filing with the International Court of Justice in late December 2023 following alleging Israel’s genocide.

In the interview, Pandor reminded listeners that during the decades of struggle and resistance to South Africa’s apartheid regime, the government often referred to resistance members as terrorists, the same accusations by Isreal towards Palestinian resistance members.



“Mandela was declared a terrorist and then became the darling of those who called him a terrorist. I mean this just illustrates, you know, the **level of double standard and dishonesty** that exists in parts of the world today. And we’re experiencing it right now.”

“These [western democracies] are societies that you believe esteem the highest values of human rights. But you see that in practice they don’t. And I think it’s sad for many of us who’ve come to believe that there are notions of freedom in countries that claim to be a leading example of the exercise of human rights and freedom, and it’s very sad to discover that they’re not a leading example, and that actually what is practiced is double standard where they believe there’s human rights for some and there aren’t for others. It depends [on] who you are, your color, your religion, or where you live, your geography. This is a sad, sad statement about the world.”

She notes that the main difference between the South African and Palestinian liberation movements was in organizational structure:

“Even though we had many of our leaders in exile, we had structures in country, and we had a very robust underground movement. So, their range of features of organization are very different from what exists in Palestine. **And it may be a result of a much more deadly context of Israeli Apartheid which is hugely violent. [South Africa’s] Apartheid was violent, but the Israeli violence ... is some of the worst excesses, are being practiced.**”

In Pandor’s insider revelations about the chain of events within her government’s Ministry and departments in December 2023 during the preparations of the legal filing to the ICJ, she strongly advised members of Cabinet to keep a tight lid on her government’s internal legal preparations, so as not to alert the attention of South African Zionists before the December 29 filing: “we have one of the strongest Zionist federations in South Africa.” After the legal filing cat was out of the bag, pro-Israelis in and outside of South Africa began accusing Pandor:

“They said I’m a representative of Hamas in South Africa, that I’m a tool of Iran. I had gone to Iran on another matter, but they said I went there to get instructions. I was called all sorts of things. The worst things were written about me. ... But the submission had gone, and we had the best legal team, so I wasn’t bothered.”

Pandor also revealed that the resistance movement’s principles against South African apartheid was supportively anchored in the United Nation’s Charter and its organs, which Zionist Israel has continually denounced, chastised, and demonized:

“The [South African] Liberation movement was drawn from the processes that followed the Great War, the Second World War, particularly the creation of the United Nations, which for us did make a real difference because of the establishment, eventually, of the Special Committee of the U.N, the Committee Against Apartheid. We believed very much in international institutions and in internationalism. We made it a huge effort to approach the international community and to get their support in what we felt was a moral offense of Apartheid, of racism, of discrimination against us. And when we could not secure support from formal governments, we approached civil society. And we found morality and support there from faith-based organizations, youth formations, women’s organizations, trade unions especially. So, all of these organs of civil society agreed to become part of the international Anti-Apartheid struggle.”

There is a RWC January 10, 2024, media release on Irwin Cotler’s same-day opinion article in the National Post, “South Africa is inverting reality by accusing Israel of genocide,” examined in Part 3 of this report, in which Cotler, accusing, rather, Hamas as the committer of genocide, blaming South Africa’s application to the International Court of Justice as one which “inverts reality” and a “baseless proceeding.” Cotler states

that South Africa’s application is “a cynical weaponization of international law,” “subversion and dangerous,” equating it “with President Putin using false accusations of genocide in his “Nazification” libel as the pretext for launching his criminal aggression against Ukraine.” Although as an Honored Co-Chair of the RWC, it has no media release of Rosalie Abella’s January 9, 2023, mirror opinion article in the Globe and Mail, a curious omission.

The RWC media page includes about ten media releases condemning Hamas, advocating the release of Israeli hostages, but not one media release mention of thousands of imprisoned Palestinian hostages. On February 13, 2024, the RWC, which opposed the filing by South Africa to the ICJ, filed a counter brief at the International Criminal Court against Hamas, regarding the taking of hostages by Hamas while Israel was slaughtering thousands of innocent children, women, men, and the aged.

There is also an earlier November 15, 2023 media release of Cotler’s opinion article in the Globe and Mail, “The new axis of evil is attacking democracies worldwide,” in which he states that Hamas and Hezbollah – both political resistance movements, the first of which was monetarily sponsored by the Israeli state – are “terrorist proxies” of Russia, China, and Iran, part of an “authoritarian “axis of evil”.” In that opinion article, Cotler blames Russia for interfering “with the elections of numerous countries around the world,” without revealing the decades of Israeli lobby networks – reported, ad nauseum, by scholars and investigative journalists – running similar programs, particularly in the United States: “disinformation is convincing domestic populaces ... of false and harmful narratives, causing distrust and instability.”

Cotler later applies language about the “axis of evil” in his opinion article published in the National Post on April 2, 2024, “Canada needs to fundamentally rethink its approach to the Israeli-Palestine conflict.” In it, Cotler criticizes the federal NDP on its March 18, 2024 “motion on Palestine” (without providing a hyperlink in the Centre’s release to the House of Commons debate), calling it “a mockery of the parliamentary process.” [The March 18, 2024 debate in the House of Commons](#), on an original motion moved by Heather McPherson, the NDP MP from the riding of Edmonton Strathcona in Alberta, referenced Gaza’s death toll which “surpassed 30,000,” and the ICJ’s January 2, 2024 “six provisional measures,” “including for Israel to refrain from acts under the Genocide convention, prevent and punish the direct and public incitement to genocide, and take immediate and effective measures to ensure the provision of humanitarian assistance to civilians in Gaza.” The originating motion, which was voted against by both Liberals and Conservatives, and later that evening watered-down and immobilized, requested the government of Canada to:

“(b) suspend all trade in military goods and technology with Israel and increase efforts to stop the illegal trade of arms, including to Hamas; (c) immediately reinstate funding and ensure long-term continued funding to the United Nations Relief and Works Agency (UNRWA), and support the independent investigation; (d) support the prosecution of all crimes and violations of international law committed in the region, and support the work of the International Court of Justice and the International Criminal Court; (e) demand unimpeded humanitarian access to Gaza. ... (g) ban extremist settlers from Canada, impose sanctions on Israeli officials who incite genocide, and maintain sanctions on Hamas leaders; (h) advocate for an end to the decades-long occupation of Palestinian territories and work toward a two-state solution; (i) officially recognize the State of Palestine and maintain Canada’s recognition of Israel’s right to exist and to live in peace with its neighbours.

Our NDP motion today sets out specific actions that would work toward peace and justice for Palestinians and Israelis. Today, the Liberals and the Conservatives have an opportunity to join the NDP in upholding the values of Canadians to show that Palestinian lives matter as much as anyone's life matters, that Palestinian rights are human rights and that children, all children, deserve justice.

We are witnessing the collapse of the rules-based international order in Gaza. Canada has the responsibility and the obligation under international law to prevent genocide where it may

occur. Canada has the responsibility to prevent ethnic cleansing, to condemn war crimes and to uphold international law, but that is not what is happening right now. While Canada rightfully condemns the attacks on Israelis, Liberals are not doing the same thing for Palestinians. In fact, Canada is openly hindering the progress at the International Court of Justice regarding the occupied territories. Canada's refusal to support the work of the ICJ regarding South Africa's claim, and its refusal to urge Israel to comply with provisional orders, is shocking.

Professor Ardi Imseis, told our foreign affairs committee, “Canada’s declared commitment to the rules-based international legal order is crucial to maintaining its moral standing in the world”, going on to say that commitment “must both be and be seen by others to be credible.”

We are fast losing our credibility. It is very clear to Canadians, to Palestinians, to many Israelis fighting for peace and to the rest of the world that **Canada currently holds a double standard when it comes to the question of Israel and Palestine in international law.** ... Over and again, we have risen in the House, demanding an end to Canada’s arms sales to Israel and support for humanitarian efforts. Day after day, week after week, New Democrats have demanded that the government pursue peace and justice, while in Gaza the bombs continue to fall. How many more bombs must fall? How many more children must die before the government finally does what is right?”

17.2. Thursday, May 30, 2024, Tel Aviv – Day 236 of the Gaza Genocide

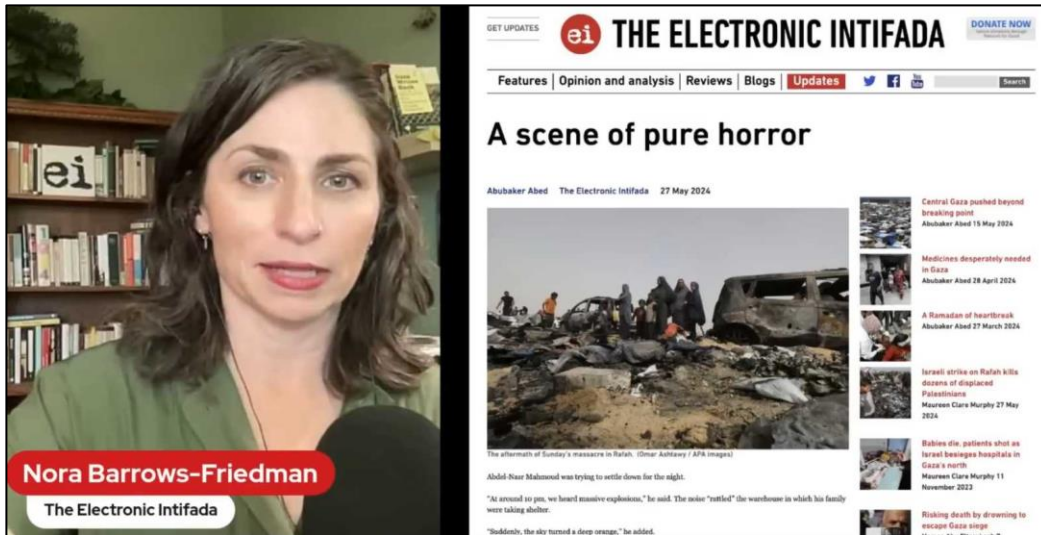
The Irwin Cotler Institute is devoted to instruction, training, and policy-oriented research on human rights, democracy, justice, and the fight against antisemitism and racism at large. (Irwin Cotler Institute, website)

During the Tel Aviv University’s (TAU’s) Board of Governors forum from May 29 – 31, 2024, the Irwin Cotler Institute, formed in mid-2023, located within the University’s campus, held its first public forum on May 30, called “Democracy, Antisemitism and the Assault on Human Rights.” The three guests of the panel were Rosalie Abella, Irwin Cotler, and professor Milette Shamir. Later the same day, Abella was conferred an Honorary Doctorate by TAU, alongside eight others, five of which were from the United States. The occasion marked **Abella’s 41st Honorary Doctorate.** Quite a collection. Four of the named Americans included: professor Lucian A Bechuk, James Barr Ames Professor of Law, Economics and Finance, Harvard University; professor Andrea Goldsmith, Dean of Engineering & Applied Science, Princeton University; Jan Koum, philanthropist and co-founder and former CEO, WhatsApp; and professor Daniel Simberloff, Gore Hunger Professor of Environmental Science, University of Tennessee.

The Board of Governors’ forum held a series of plenaries and panels over the three days, including reflection on the “Iron Swords war.” In Israeli-based websites, they state that “Operation Iron Swords” was the code name for the IDF’s response to the Hamas breach of the Gaza prison wall on October 7, 2023, the name for its genocide of Gaza, calling it a “war.” President Putin had outlawed citizenry for calling his Ukraine invasion a “war,” while Israel fabricated its occupier military carpet bombings as a “war,” to wholesale justify its murders, under a cloud of decades-long murders. By October 13th, some 350,000 IDF armed soldiers were positioned along Gaza’s concentration camp prison perimeters and garrison walls. After October 7, 2023, The Jewish Agency for Israel, advertising on its website “Israel at War, Swords of Iron,” appealed to donors for financial support for delivering “critical relief, enhance security, and ensure long-term recovery for those in need,” and its reliance on “the generosity of the Jewish Federations of North America / United Israel Appeal, Keren Hayesod, foundations and donors worldwide.” In January 2025, Israel named its invasion of the Westbank “The Iron Wall,” after the infamous 1923 booklet by revisionist Zionist Jabotinsky.

The TAU forums were held during the 34th week of the genocide. [Electronic Intifada](#), the online journal operating since 2001, regularly under watch and smeared by pro-Israeli bodies as “Anti-Semitic,” had been closely monitoring the genocide events, providing hundreds of written news articles and investigative

reports, [including video interviews and weekly video summaries](#). In its May 2024 video, [News highlights on week 34 of Israel's genocide in Gaza](#), Nora Barrows-Friedman summarized the daily events for that week, highlighting the Intifada's May 27 article, [A Scene of Pure Horror](#):



“Between May 25th and May 29th Israeli occupation forces carried out a systematic massacre, several systematic massacres across the Gaza strip this past week, from Jabalia in the north, to Nusseirat in the center, to Rafah in the south. On Sunday night, Israeli air strikes targeted the Tel al-Sultan area in the Northwest part of Rafah into the tents of internally displaced families who were told by the Israelis that it was supposedly a safe humanitarian zone because of the high density of the tents in a relatively small area which are built with cloth and found materials and the lack of roads firefighting equipment and water a raging fire quickly spread through more than a dozen tents burning people alive. At least 45 people were killed and nearly 250 were injured in the attacks.



A Palestinian child observes the damage after an Israeli strike on tents housing displaced people resulted in dozens of deaths and injuries in Rafah, southern Gaza, 27 May. (Abed Rahim Khatib / DPA)

Our colleague Maureen Clarem Murphy



reported that Sunday's deadly attack came less than 3 days after the International Court of Justice demanded an immediate halt to Israel's military offensive in Rafah which the court stated may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part. Moren added that video and photographs that emerge from the Rafah massacre are, quote, “some of the worst we have seen in the past 7 and a half months,” according to Al Mezan, a Human Rights group based in Gaza. Those images which I will not show here were widely circulated around the world. They include Palestinians desperately attempting to recover charred bodies from the still raging fire, and a man holding up the limp body of a headless baby, as sirens and survivors wail around him.”

“While observers around the world reeled in horror from the media streamed out of Rafah, some prominent Israelis, [including journalists](#), found the images befitting of the Lag BaOmer holiday, during which Jewish worshippers traditionally light bonfires.”

Forensic Architecture ██████████ CHAPTER 3: DISPLACEMENT

73 ██████████

An airstrike was caught on video causing a huge explosion inside the al-Mawasi 'humanitarian zone' on 24 May 2024 (see [Figure 3.49](#)). [Incident ID: 40524-35109]

The munition is circled in red.

Figure 3.49. Video stills of an attack on the al-Mawasi 'humanitarian zone' on 24 May 2024.

89 On 14 January 2024, the demolition of al-Israa University took place within 385 metres of the Palace of Justice, as seen in footage shared on 18 January. [Incident ID: 40114-78720]



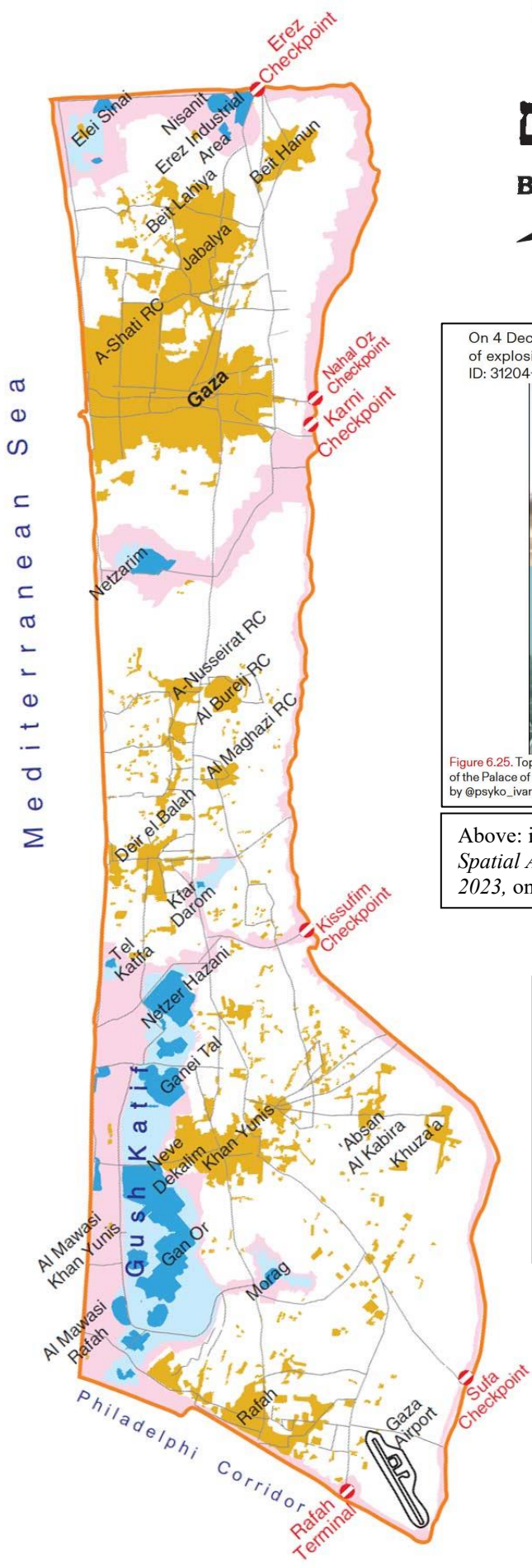
Figure 6.27 Left: Image of the controlled demolition of the al-Israa University in Al Zahra taking place in a video uploaded by Birzeit University on 18 January 2024. Right: Image of the same explosion being detonated on the university, shared by Younis Tirawi on X/Twitter on 5 April 2024.²⁶



The Gaza Strip

ב'תשל"ג
B'TSELEM
ב'תשל"ג

- Palestinian built-up area
- Area under Palestinian control
- Settlement built-up area
- Settlement jurisdictional area
- Area under Israeli military control
- Checkpoint
- RC Refugee camp



On 4 December, videos published by Israeli military social media accounts show the detonation of explosions in the Palace of Justice resulting in parts of the courthouse collapsing. [Incident ID: 31204-19472]



Figure 6.25. Top: Video shared on X/Twitter by account @no_itsmyturn on 4 December 2023 showing the detonated explosion of the Palace of Justice. Bottom: Video showing the same detonated explosion of the courthouse from another angle, as shared by @psyko_ivan account on X/Twitter the same day.²⁵

Above: images from Forensic Architecture's October 15, 2024, report, *A Spatial Analysis of the Israeli Military's Conduct in Gaza since October 2023*, on the destruction of the Palace of Justice in December 2023.



A functioning Tel Aviv University and campus

Damage and destruction of universities 7 October 2023– 6 July 2024. 77% of universities attacked

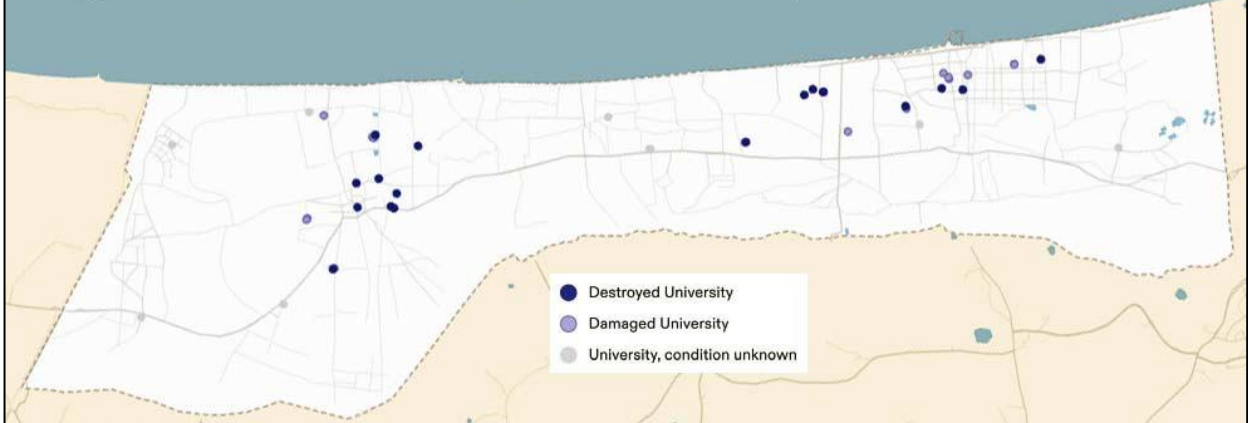


Figure 6.125 Damage and destruction of universities 7 October 2023– 6 July 2024. 77% of universities attacked

illustrated in Figure 6.34. Throughout these cases, the presence of Israeli military in an area seems to increase the vulnerability of nearby cultural and governmental buildings. The correlation between military activity and the repeated airstrikes on civilian infrastructure points to a calculated strategy of spatial control through destruction.

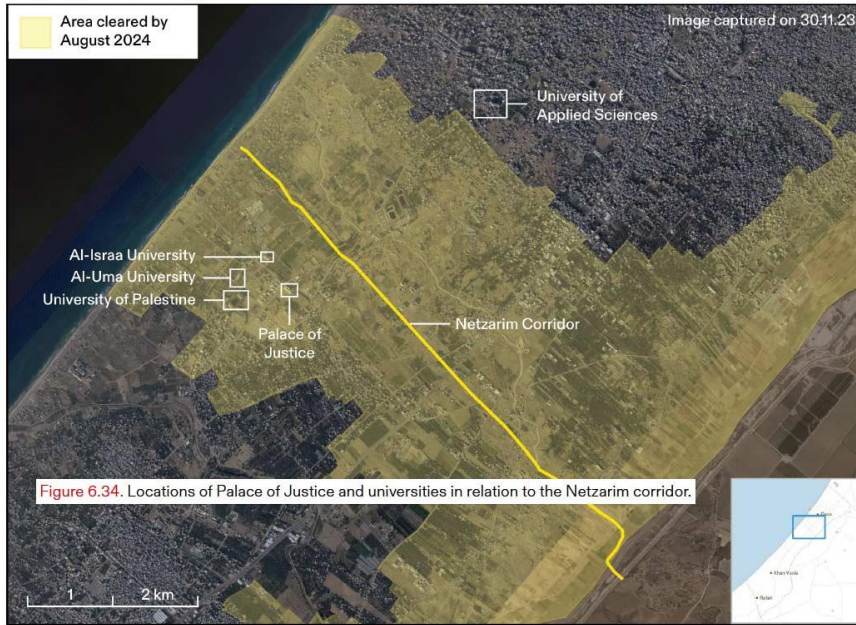


Figure 6.34. Locations of Palace of Justice and universities in relation to the Netzarim corridor.

Images and figures from Chapter 6, *Destruction of Civilian Infrastructure*, in Forensic Architecture’s October 15, 2024, report, *A Spatial Analysis of the Israeli Military’s Conduct in Gaza since October 2023*.

In Table 1.12 of “damaged and destroyed education facilities,” it lists 19 universities, 15 colleges, one institute, one academy, and almost 400 schools!



Figure 5.54. Al-Karama Specialized Hospital in an image posted on Facebook on 15 February 2024.

Damage and destruction of religious institutions 7 October 2023–6 July 2024. 81% of religious institutions attacked

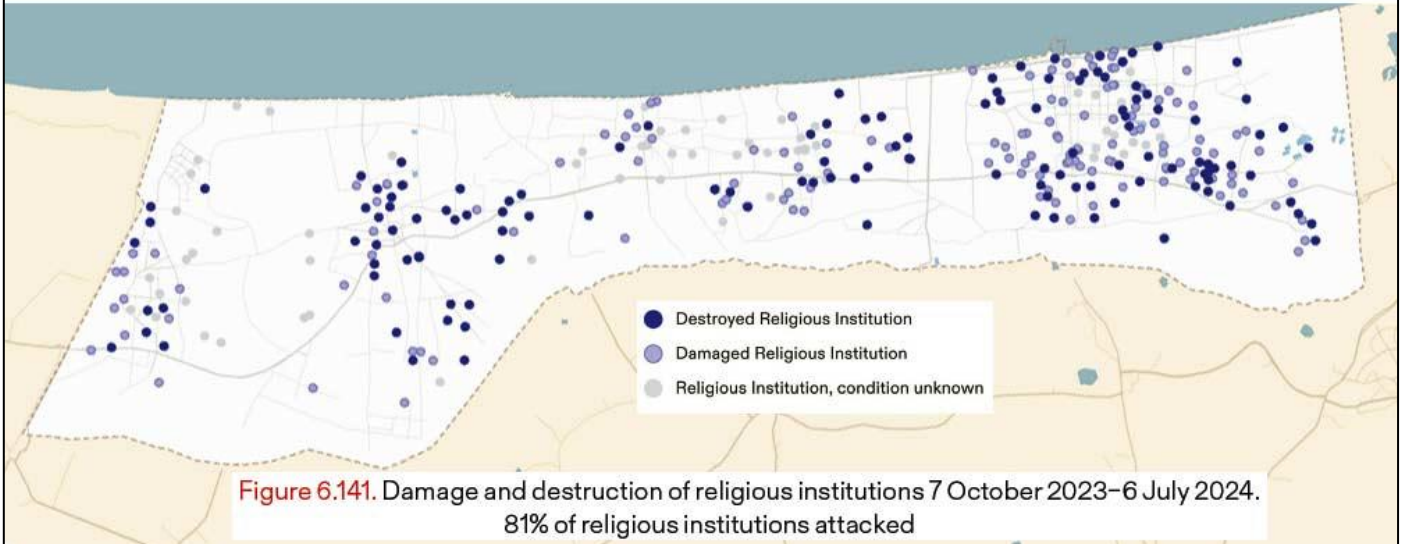


Image and figure from Chapter 6, *Destruction of Civilian Infrastructure*, in Forensic Architecture’s October 15, 2024, report, *A Spatial Analysis of the Israeli Military’s Conduct in Gaza since October 2023*. Israel destroying places of worship, while Canadian and American authorities investigate reports, incidents and threats made upon Jewish synagogues, churches and mosques. Israel’s destruction of ancient Christian churches and Islamic mosques seriously discredit concerns raised, internationally, about Antisemitism, Zionist Israel’s weapon of choice, designed to silence criticism of Israel, internationally, a silence now administered legislatively upon citizenry in some world states.



As Zionists around the world were celebrating the 76th anniversary of the occupier State, Maureen Murphy, in her May 27 instalment for Electronic Intifada, [Israeli strike on Rafah kills dozens of displaced Palestinians](#), commented that “observers” of the on-line genocide “around the world reeled in horror,” reporting that UNRWA officials stated that “Gaza is hell on earth:” “attacking women and children while they cower in their shelters in Rafah is a monstrous atrocity.” “More than 36,000 people have been killed in Gaza since 7 October, and more than 81,000 injured, though the actual number of fatalities is likely much higher, with thousands of people missing under the rubble of destroyed buildings.” Forensic estimates of the murdered Palestinians by in a July 10, 2024, article, published in the Lancet, put the actual figure close to 200,000! Murphy also reported that “Karim Khan, the chief prosecutor of the International Criminal Court, implied that Israel’s self-investigations were a “sham” in his announcement on Monday that he is **seeking arrest warrants for Prime Minister Benjamin Netanyahu and defense minister Yoav Gallant** and three Hamas leaders.” Israel’s war cabinet would soon hunt down and murder 2 of “three Hamas leaders.” Prime Minister Netanyahu, later officially registered by the ICC as a war criminal, would be welcomed by American federal politicians and permitted to make an address to Congress, receiving 58 standing ovations, an unspeakable spectacle!

Within this context of Israel’s genocide week 34, with Palestinians burned alive, under a cloak of shameless ‘business as usual,’ Rosalie Abella approached the podium at Tel Aviv University to make a 24-minute presentation:

“I have always felt very lucky to be able to come to Israel and to visit Israel. And never more than now.

... I want to start by saying a few words about Irwin. Irwin has shown that not only can one person make a difference; he can make all the difference in the world. Irwin is what happens when someone with a profound commitment to his Jewishness weaves the visceral influences of its culture and history into a crusade of tolerance for everyone. ... And using only the finest ingredients he donates this energetic magic selflessly and brilliantly to everything he does and everyone he loves, turning all



Left to right: Rosalie Abella; Irwin Cotler, Milette Shamir, and Uriya Shavit.



Comfortable chairs, refreshments, and flowers.

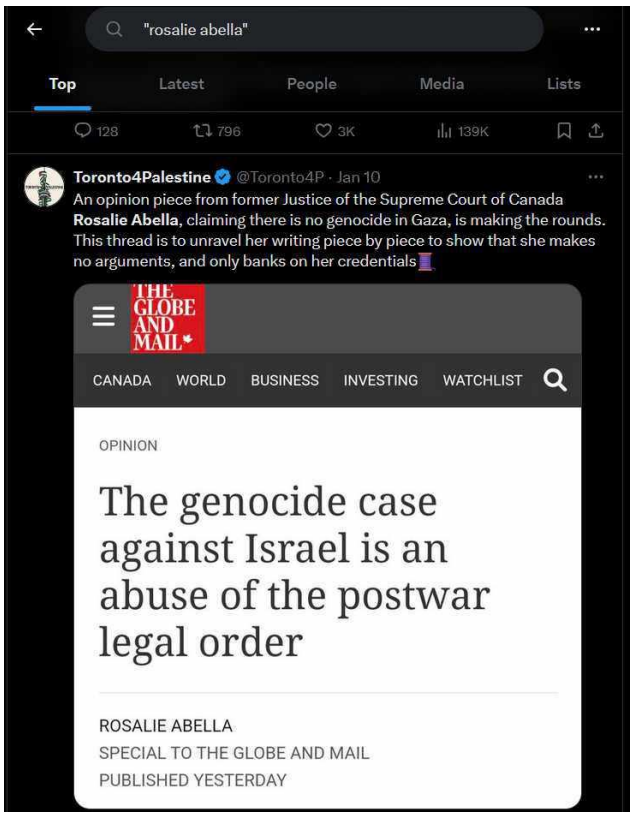


of it and all of us into something better than we thought possible. Those of us who have had the privilege of being up close and personal to Irwin Cotler know where he gets the fuel to keep him and the rest of us in perpetual, positive and joyful motion. ... Irwin's whole life is a monument of optimistic humanism and courageous tenacity, and **he's living proof that when the right person is bending it, the long arc of the moral universe does bend towards justice.** Irwin, thank you for being the illuminated inspiration who helps the rest of us see. And thank you for all you have done, all you're doing, and **all you will do for justice in the world.** This magnificent Institute which bears your name is just the latest in a long line of institutional tributes to your unique leadership. Long may it and you last.



“Israel is a democracy, a Jewish state with democratic values.” Quote from Rosalie Abella, April 16, 2023, 92nd Y Street event, New York, YouTube, “Three Supreme Court Justices on Israel’s Judicial Overhaul.”

I want to talk today about a subject that has magnetized Irwin’s professional interests for decades. Not only because it is at the defining heart of Irwin’s passion for justice but because it is at the defining heart of the world’s hope for humanity. And I’m speaking about international human rights law.”

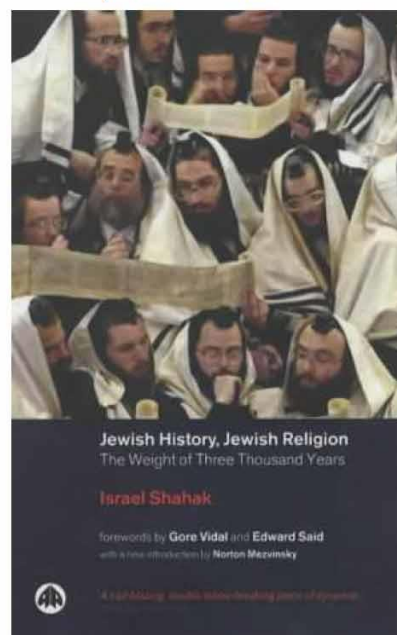


“So, let’s go back to the beginning, to the origin of the species we call modern international human rights law, not only to understand what we evolved from but also to understand what we’ve evolved into. Human rights in our lifetime cannot be understood without understanding their conceptual proximity to the Holocaust. The genocide convention and the spiritual symboling, the universal Declaration of Human Rights whose 75th anniversary we celebrated last year, where the wings of the phoenix that rose from the ashes of Auschwitz and roared their outrage. They were the powerful legal

One of the authoritative sources that examines this fallacy – “Israel is a democracy” – is a 1994 volume, *Jewish History, Jewish Religion – The Weight of Three Thousand Years*, by author Israel Shahak, a former citizen of Israel and an honest scholar critic of Judaism, who died in July 2001. Gore Vidal writes in the volume’s introduction:

Israel’s authorities deplore Shahak. But there is not much to be done with a retired professor of chemistry who was born in Warsaw in 1933 and spent his childhood in the concentration camp at Belsen. In 1945, he came to Israel; served in the Israeli military ... He was – and still is – a humanist who detests imperialism whether in the names of the God of Abraham or of George Bush. Equally, he opposes with great wit and learning the totalitarian strain in Judaism.

Jewish History, Jewish Religion **The Weight of Three Thousand Years** By Israel Shahak



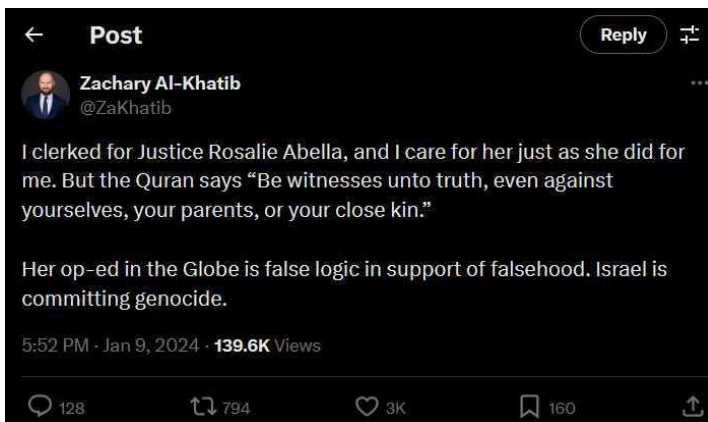
The reason that Israel, defined by Israeli laws as a “Jewish State,” can never be understood as a democracy, is because of its “discrimination” and practice “exclusivity.”

Without a discussion of the prevalent Jewish attitudes to non- Jews, even the concept of Israel as “a Jewish state,” as Israel formally defines itself, cannot be understood. The widespread misconception that Israel, even without considering its regime in the Occupied Territories, is a true democracy arises from the refusal to confront the significance of the term “a Jewish state” for non- Jews. In my view, Israel as a Jewish state constitutes a danger not only to itself and its inhabitants, but to all Jews and to all other peoples and states in the Middle East and beyond. ... the State of Israel is not a democracy due to the application of a Jewish ideology directed against all non- Jews and those Jews who oppose this ideology. But the danger which this dominant ideology represents is not limited to domestic affairs. It also influences Israeli foreign policies. This danger will continue to grow, as long as two currently operating developments are being strengthened: the increase in the Jewish character of Israel and the increase in its power, particularly in nuclear power.

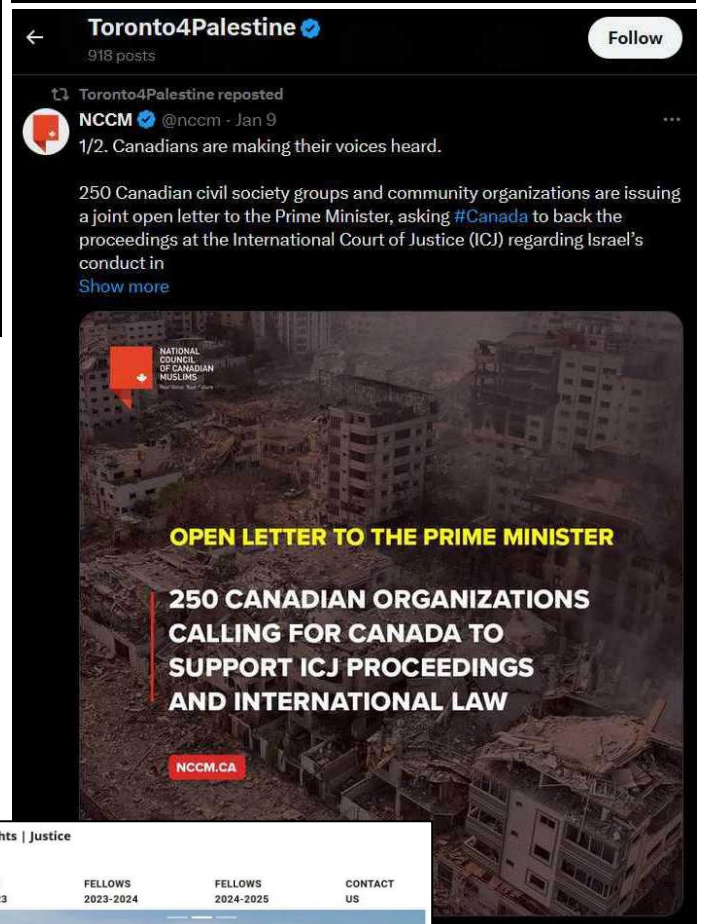
Non- Jewish citizens of Israel do not have the right to equality before the law. This discrimination is expressed in many Israeli laws in which, presumably in order to avoid embarrassment, the terms “Jewish” and “non- Jewish” are usually not explicitly stated, as they are in the crucial Law of Return. (Quotes from Chapter One)

symbols of a world shamefully chastened. And what lifted the phoenix, and gave it power to fly, was the momentum it got in 1949 from the trials at Nuremberg which started almost 80 years ago and bore witness to Holocaust atrocities, the greatest injustice of the 20th century.”

“When I was younger, I thought the answer was the United Nations. The U.N.’s charter said that the peoples’ United Nations are determined to reaffirm faith of in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, and of Nations large and small. ...”



Abella’s presentation invoked remembrance of the Nazi Holocaust and her childhood experiences. She cited 27 times the name and significance of “Nuremberg.” In this context, her statement, “the U.N. was the institution the world set up to implement Never Again,” reflecting in part on the legacy of the 1982 book published by her husband Irving Abella, “None is Too Many: Canada and the Jews of Europe, 1933-1948,” was not directed nor applied to the ongoing genocide in the country of her visit, which she had earlier denied in her disappointing opinion article in the Globe and Mail.



Abella correctly summarized the failure of the Nuremberg initiatives to bring to trial and sentence German fascist Nazi war criminals, a failure of the western powers to further pen in the European provokers of Antisemitism, murderers of not only about six million Jews, but of some five million ‘unwanted others.’

“I don’t for one moment want to suggest that Nuremberg trials weren’t important. Of course they were. They were a crucial and heroic attempt to hold the unimaginably guilty to judicial account, and they showed the world the banality of evil and the evil of indifference. But although Nuremberg represented a sincere commitment to justice it was a commitment all too fleeting. ... By 1949 it was all over. No more Nuremberg trials, no more Nazi war crimes prosecutions anywhere in the western world for over two decades, and the early release of many convicted war criminals who’d been sentenced at Nuremberg. The past was tucked away, and the moral comfort of the Nuremberg trials gave way to the moral, amoral, expedient of the Cold War. Worse, as the passion for justice faded into the passion for reconstruction, the world once again lost its compass and yielded to the seductive temptations of intolerance. Even before the decade was over, the decade that had seen the Holocaust and the Nuremberg trials, Nazis were being welcomed in the west as immigrants to help design the industrial strategy against the new villain, communism. ... Some justice did in fact emerge in the aftermath of Nuremberg and there are many connective dots of history that we can be proud of. We’ve made remarkable progress in many ways, and we’re immeasurably ahead of where we were in many ways. But we still have not learned the most important lesson of all to try to prevent the abuses in the first place. We have not finished connecting history’s dots. Decades later we still have not developed an international moral culture which will not tolerate intolerance. ... Almost 80 years later, the judgment after Nuremberg is a lament. In a world seeming so often to be on the verge of spinning out of control, can we afford to be complacent about the absence of multilateral leadership, making sure the compass stays pointed in the most rights-oriented direction? In my view, the global legal community needs to rethink the morality of its almost reflexively protective attitude towards this institutional behemoth. Stop making excuses for its inexcusable and seemingly infinite patience for injustice and start insisting that it do the job it was set up to do.”



All well to call out the sins of the western powers, including Canada’s. But Abella omitted an embarrassing, unethical, paradoxical, hypocritical, and cruel component of that post Nuremberg history as it relates to the colonial and military occupational regime of Israel: post 1948, the Mossad made secret alliances with Nazi war criminals, and Israel received significant secret military aid and financing from a re-nazified West German government.



In a November 22, 2024, investigative documentary posted on YouTube channel [Bes D. Marx](#), *Whitewashing the Nazi Past: Why Germany is (REALLY) obsessed with Israel*, it corroborates Abella’s summary on the failure of western states to convict Nazi war criminals during the restitution period of the Federal Republic of Germany after the Second World War, a period which the author reviews in previous

documentaries, including *How Nazism Survived in Germany*: “In my series on the supposed German denazification, we’ve talked about the prevalent myth that Germany achieved effective moral rehabilitation from Nazism, and that in truth many Nazis were deliberately spared and put to their former positions. The leaders of judiciary civil service or academia were largely those of the Nazi regime.”

Essential source narratives presented in this documentary were borrowed from the 2020 book by Daniel Marwecki, *Germany and Israel: White-Washing and State Building*.

In that book’s preface, author Marwecki describes that his “book is based on research from the archives of the German Foreign Office,” “for the time period from the early 1950s until 1967,” “recently declassified.” He states that the subject matter from “a lot of this material has so far remained ignored reflects a form of academic negligence” particularly by “German-language political scientists.”

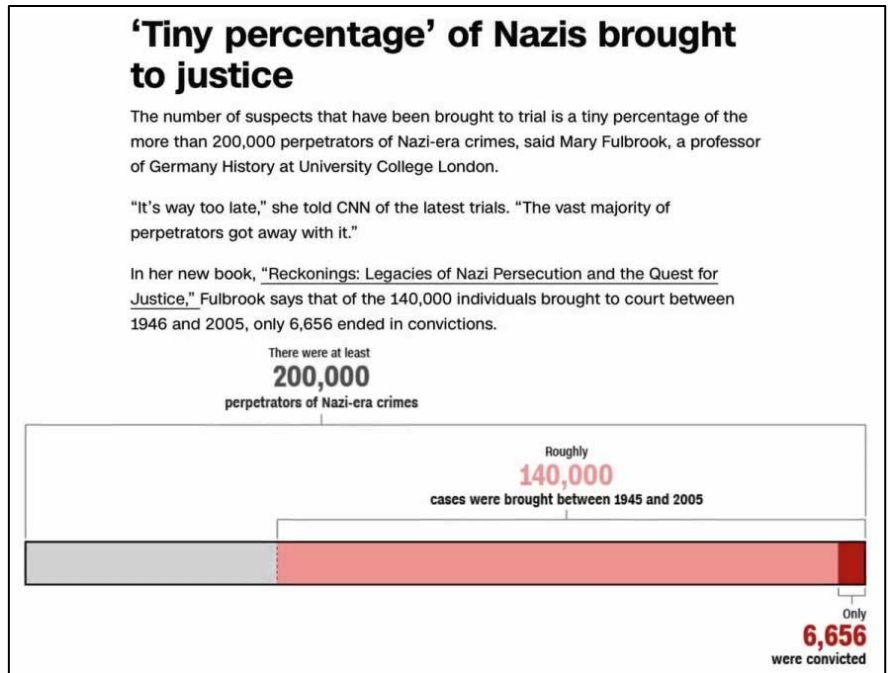
“This book shows that prior to the decisive Arab-Israeli War of 1967, it was not the United States but West Germany which was the most important supporter of the newly-found Jewish state in the Middle East. Postwar German reparations, financial aid and military support helped in turning Israel from a risky enterprise of destitute refugees and committed settlers into a regional power.

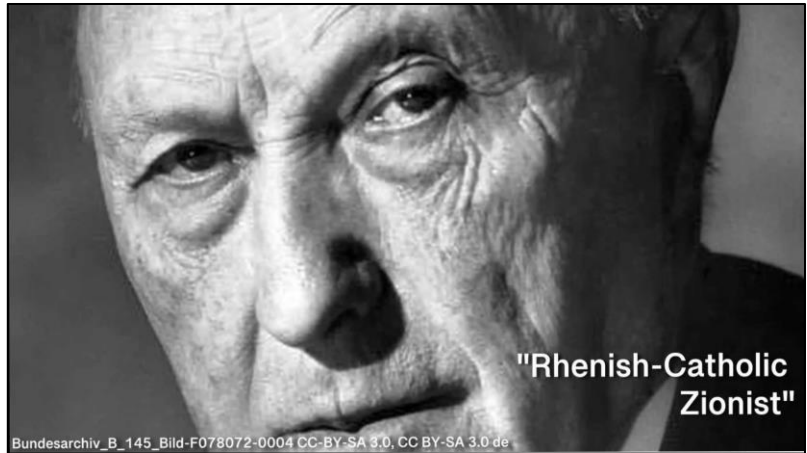
According to the [research] report [by the US Congressional Service], “[t]he extent and precise value of arms shipments to and from Germany through the mid-1990’s remains unclear, yet analysts assert that German arms played a considerable role in Israeli military victories in 1967, 1973 and 1982’ [the 1982 Israel invasion of Lebanon] (Belkin 2007: 5). The report further asserted that:

German leaders have consistently chosen to support Israel – whether militarily, financially or politically – despite periods of public, political or even international opposition. This support, however, has often been carried out secretly. In fact, historical accounts suggest that German success in maintaining relatively positive relations on both sides of the Arab-Israeli conflict has depended largely on its ability to avoid a high-profile leadership role in the region.”

The documentary also points out that the United States helped appoint former “senior Nazi officers” to the “foreign intelligence agency” of the new “German intelligence and national security apparatus,” and how that “domestic intelligence agency” was “also contaminated by fascist elements:”

“The Nazi-led German intelligence agency would be the most important partner of the CIA during the Cold War. In the private sphere too, most of the titans of German business, who were complicit in Nazi crimes, got away with no consequences despite all the evidence being there. Through the Marshall Plan and NATO, the West German state and capital were integrated in the new U.S. dominated imperialist world. One among many countless examples is Adolf Heusinger, who served as an operations chief in the Wehrmacht. He later became head of the West German military and **the chairman of the NATO military committee.**”





“... Just after Israel started the genocide on Palestine through the Nakba, the new German government led by its first Chancellor, Konrad Adenauer, from the conservative CDU [Christian Democratic Union of Germany], announced in 1952 that it would send reparations to Israel, “based on a compelling moral obligation.” The [15-year long] Chancellor, who was described as a “Rhenish-Catholic Zionist,” did this under massive opposition within the new country. The German liberals and people from his own party were not fans of the 3 billion [German currency] Marks agreement either, since this wasn’t good for German business. Though recently discovered documents reveal that Adenauer was “only willing to negotiate reparations with Israel due to pressure from the USA,” who saw Israel as a keynote in its web for imperialist domination.

“Most people don’t know about the real history of why the German state is so committed to Israel, and it is more disturbing and obscene than you think. Most are not aware of the fact that the U.S. rose to become Israel’s biggest supporter only after 1967, and that before it was the West German State led by former Nazis in virtually all of its institutions that enabled the establishment and continued existence of the Zionist settler state.”

The German ruling class would soon understand that relations with Israel would provide them with a firm foundation for their own long-term business interests. For the FRG, these payments were not that big, but for Israel they were crucial for building its state. **Most people don’t know that significant US military support would only start from 1967. For Israel, it was the West German money that enabled them to build its domestic military industry and its settler structure, in general.**



Support for Israel had reasons other than whitewashing German Nazi crimes. Adenauer despised the anti-western, anti-colonial Arab nationalist governments for their unwillingness to subordinate themselves to western imperialism, and [Adenauer] supported Israel’s first major operation after the Nakba. ... At this point [1956] West Germany wasn’t just a reparations payer anymore, but a key cooperation partner with Zionism. German support from 1956 was more important than

that of the U.S., U.K., or France. Bonn [WRG capital] now started to secretly gift financial aid. And while France was sending weapons to Israel as well, **the Germans did not sell theirs to the Zionists: but gave them for free!** Israel founder and first Prime Minister, David Ben-Gurion, said that “the contribution of the German government for our military security exceeds what any other government does for us” [quote from the Israeli newspaper, Ma’ariv in 1964]. But the United States

was still important in these dealings. They would, for instance, pressure Bonn to send 150, M48 patent tanks, becoming the most important component of Israel's tank fleet, and key in the victory of the Zionist army in 1967."



150 M48 'Patton'

"In 1960, Adenauer met for the first time with David Ben-Gurion in

New York where he told him that Israel is "a fortress of the West ... I can already now tell you that we will help you, we will not leave you alone"."



"Clean Wehrmacht Myth"



"I have come to know that there is a real difference between the regular German soldier and officer and Hitler and his criminal group"

- Eisenhower cited in, *The Myth of the Eastern Front: The Nazi-Soviet War in American Popular Culture*. By Ronald Smelser and Edward J. Davies II

The documentary reviews the early 1950s when Germany began its program of remilitarization, promoted and aided by the United States, "supporting the rearmament efforts to strengthen the German army with former Nazi officers:"

Israeli intelligence didn't want to miss out on these attractive hiring prospects either, of course, and recruited former Nazis as well. These would for instance help them intel on Arab countries.

Among them infamous SA and former Waffen SS Commander, Otto Skorzeny, who had been responsible for the killing and deportation of countless Hungarian Jews, and now became an agent of the Mossad.



Skorzeny LIBERATOR OF MUSSOLINI
Otto DIRECTS FLIGHT OF MASS MURDERERS

today

Owner of an "Engineering and Employment Agency" in Madrid; founder and chief of a nazi secret organization the "Spider", which has so far helped more than 500 war criminals to escape, and which operates from Spain.

Skorzeny, SS Obersturmbannführer, was since April 1943 group leader of VI S of the Reich Security Main Office and thereby commander of the "special detachment Oranienburg". The tasks of this top secret special detachment consisted in building up as quickly as possible a totally effective secret service with global application, that is, for bombing attacks, diversions, kidnapping, sabotage and murder. The agents trained and equipped by Skorzeny were to halt the defeat of the fascists in Iran and India, in England and in the USA but above all in the Soviet Union.

On 12 September 1943 Skorzeny on the order of Hitler organized with his "SS special detachment" the kidnapping of the Italian fascist leader Mussolini, who by then had been arrested by the Badoglio government. From January 1945 Skorzeny was carrying out diversions as the leader of a diversionist detachment on the "eastern front" which meanwhile had reached the Oder river. After the collapse Skorzeny remained what he was – a leading fascist and secret service head. He began a versatile activity to re-establish contacts between the former members of the Waffen (armed) SS. The founding of the nazi secret organization the "Spider" (Die Spinne) is his work, which not only had at its disposal substantial resources from the pool of looted riches of the SS, but also enjoys the support of leading German trusts. The seat of the secret organization is Denia (Spain). Skorzeny moved there in 1953.

Supported by his friendship with Franco and the Spanish minister of information Skorzeny keeps up contacts from his feudal villa in Madrid in the borough of Velasques with influential West German circles as well as with his former pals in the SS who are in the Federal Republic and other countries.

Among the over 500 incriminated war and nazi criminals who were enabled by the SS underground organization "The Spider" to flee from West Germany are, for example, the SS and concentration camp murderers Eisele, Mengele and Zind.

Although the crimes committed by Skorzeny are known to the Bonn government it did not do anything to have him sentenced or at least prevent his neo-fascist activity. On the contrary. The Bonn government tolerates the activity of this war criminal and supports the "Spider" through its close cooperation with the Franco regime.

Above: contents of page 86, from "The Brown Book: War and Nazi Criminals in West Germany," published by the National Council of the National Front of Democratic Germany, Documentation Centre of the State Archives Administration of the German Democratic Republic, submitted by Professor Albert Norden on July 2, 1965.



Skorzeny (centre, binoculars) after freeing Mussolini in 1943



Otto J.A. Skorzeny
SS-Obersturmbannführer
Hitler's "most dangerous man"

Skorzeny, Otto
before 1945: SS Obersturmbannführer (No. 295 979), NSDAP (No. 1 083 671), Reich Security Main Office department VI, head of group S, commander of the "Oranienburg special unit", head of a diversionist group on the eastern front
after 1945: proprietor of an engineering and real estate office in Madrid; founder and head of secret nazi organization "die Spinne" (the Spider)

In a March 2, 2022, article, *When Israel Hired Ex-Nazi Officers*, published in New Lines Magazine, the article's author, Danny Orbach, an associate professor at the Hebrew University of Jerusalem, attempted to Nazi-wash Skorzeny. He tried to do so, because recent published revelations and discussion on Israel's hiring of Skorzeny was conflicting with and crippling its international stalwart application and defence claim of Antisemitism. Orbach played doctor to dilute the colonizer's hypocrisy and excuse its reprehensible sins.

Orbach, marching through details behind Mossad agents' trickery to reel in colonel Skorzeny in 1963, states that the main agent, Avraham Ahituv, "a future head of Israel's internal security service, the Shin Bet ... was a scion of a religious Jewish family and intensely despised Nazis, Skorzeny included." Orbach wrote that Ahituv's initial meeting with Skorzeny "was a difficult emotional experience," and "hated" doing so. Yet Rafi Meidan, the head of "Mossad's Nazi-hunting unit," the man assigned to bait Skorzeny's wife, Countess Ilse von Finkenstein, had sex with her. No emotional experiential problems in that assignment!

"[Rafi] Meidan **recalled**, however, that Skorzeny also asked for another unofficial favor. Might the Mossad request Simon Wiesenthal, the Nazi hunter from Vienna, to remove Skorzeny from his list of wanted Nazi criminals? According to Meidan, Wiesenthal point blank refused. For him, Skorzeny was a war criminal, involved in the burning of synagogues, and he would not let him off the hook, even for the benefit of the Mossad. The Mossad had a list, obtained from Yad Vashem, Israel's Holocaust remembrance center, of culprits of the pogrom in Vienna, where Skorzeny's name, and his alone, was marked with an X. The colonel [Skorzeny] told Meidan that it proved that he was not involved in the burning of synagogues. Wiesenthal was not convinced. Skorzeny was disappointed by the Nazi hunter's refusal but still agreed to cooperate with Israel.

Eitan, [head of Mossad's "Junction," the European department on recruitment of agents] who managed Skorzeny through Ahituv, also met with the colonel directly. His opinion of him was very positive. According to Eitan, the colonel was a "soldier of the first grade" **who wanted to build a new, better Germany, nationalistic but free of Nazism**. "Never did I encounter any animosity toward Jews in our meetings," he recalled.

The secret affair between Israel and Otto Skorzeny ended with the latter's death in 1975. For me, the importance of the connection lay not mainly in the murky realm of intelligence but rather in the insights one could gain on the flexibility of human memory. It demonstrated the ease with which former foes — even victims of genocide and their murderers — can cooperate closely when circumstances change. The ability of human beings to adapt is marvelous, indeed sometimes painfully so."

Hans-Maria Globke INTELLECTUAL MURDERER OF JEWS

Until July 1963 state secretary in the Office of the Federal Chancellor. Globke had to be relieved of this function because of the documents and other materials of the 1962 trial of Globke before the Supreme Court of the GDR, which were published by the GDR. Nevertheless he receives a high public pension and appears as an expert and witness for the defence in proceedings against of war and nazi criminals.

From the first to the last day of nazi rule Dr. Globke was employed as a civil servant in the Reich Ministry of the Interior. In this capacity he drew up a large number of laws and decrees that led to the establishment of the fascist dictatorship, resulted in the proscription and separation of the Jewish citizens or were directed at "Germanizing" or exterminating the subjugated population.

On 24 March 1933 the Reichstag passed the Enabling Act, a law delegating unlimited dictatorial power to the Hitler government. In addition the Prussian Ministry of the Interior prepared the "Law to Relieve the Distress of People and Country". This dictatorial law was drafted by Government Counsellor Globke. From his pen also came the law enforcing the dissolution of the Prussian State Council of 10 July 1933 and the Prussian Provincial Council Law of 17 June 1933, which coordinated all parliamentary bodies in Prussia.

As the competent expert of the Reich Ministry of the Interior Globke was the co-author of almost the whole set of laws and decrees directed at persecuting the Jewish people.

He is one of the authors of the Nuremberg Racial Laws, which in the Eichmann trial were characterized as the "basic laws for the final solution of the Jewish question".

He is the man who thought out and introduced the compulsory discrimination against Jewish people by means of the first names "Sara" and "Israel" to be added to the original name.

In July 1940 Frick charged his expert Dr. Globke, at that time competent for the occupied western territories, with drafting the conditions for a dictatorial peace treaty with France. In the draft he demanded, among other things, the theft of further French regions, and the deportation of all Jews and Gypsies to the extermination camps.

Globke participated in drafting the 11th decree on the Reich Citizenship Law of 25 November 1941. This decree created the legal basis for the merciless persecution and extermination of all Jewish people.

In the Reich Ministry of the Interior Globke designed the fascist nationality law providing the occupation authorities with the directives for the "Germanization" or the extermination of entire national groups. He caused the mass of the citizens of occupied states to be degraded to the status of "guardianship" or "members of the protectorate". In Poland this was carried out on the strength of the "Decree on the German Folk Lists and German Nationality in the Incorporated Eastern Regions". Globke drafted similar laws for Czechoslovakia, Lithuania, France, Belgium, Luxemburg and Yugoslavia.

In recognition of his services in carrying out the objectives of the nazi state Globke was promoted several times and received high decorations.

The Federal Republic offered this man opportunities to advance to the position of the top-ranking and most powerful civil servant. As the grey eminence in the Office of the Federal Chancellor he was the man behind the scene pulling the wires whenever and wherever the rights of democratic liberty were being infringed. Making efficient use of Law No. 131 he managed to bring incriminated nazi civil servants – his friends of former times with the same conceptions – into top positions of the Bonn state.

Contents on Hans Globke, from pages 319-321 of "The Brown Book: War and Nazi Criminals in West Germany," published by the National Council of the National Front of Democratic Germany, Documentation Centre of the State Archives Administration of the German Democratic Republic, submitted by Professor Albert Norden on July 2, 1965.

From the documentary: “While Adenauer was cause playing as a warrior against Antisemitism, he engaged a certain Hans Globke as his right-hand man. There’s one little detail worth mentioning here about this guy. The chief of staff happened to be the person who had written the Nuremberg race laws in the Third Reich, which determined who was a Jew, thus deciding who was persecuted and was locked up in concentration camps. ... Later during the famous [Adolf] Eichmann trial [in 1961], Adenauer feared what he might reveal about the Germans and did everything to prevent that, including enlisting the CIA to delete a Globke reference in a Life Magazine article. However, **Adenauer would be happy to hear that Israel was actually protecting Globke, honoring the “exchange dynamic unique to German-Israeli relations:” that is moral forgiveness for a deeply Antisemitic and still nazified Germany in return for financial assistance and military support.** This arrangement worked in both nations’ favor, namely **allowing them to cast Israel’s Arab opponents – not the Germans – as the true heirs of Nazism, including Egyptian president Abdel Nasser, who was called the “Hitler on the Nile.”** That’s also part of the reason why Israel and West Germany placed great importance to keep their financial and military ties secret. Before, an Office was not involved in military affairs at least until 1965. Most of the information still remains classified, which is why the full extent of the cooperation is still unknown to this day.”



Globke, Hans-Maria

b e f o r e 1945: ministerial counsellor in the Reich Ministry of the Interior, responsible for nationality questions and questions of occupied western territories; took part in the liquidation of the Weimar Republic through the working out of dictatorship laws, co-author of the racial laws, thus provided the legal foundations for the extermination of entire groups of people; participated actively in the “final solution of the Jewish question”

a f t e r 1945: until July 1963 state secretary in the Office of the Federal Chancellor and most powerful official of the Bonn state; 1962 sentenced to life imprisonment by the Supreme Court of the GDR; had to retire as state secretary because of the incriminating material submitted

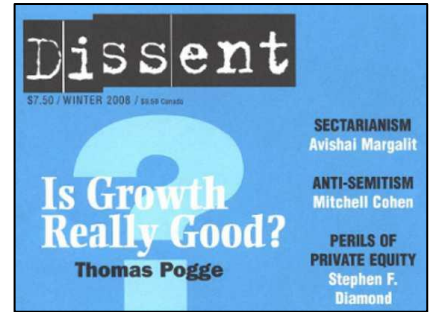
More quotes from the *Whitewashing the Nazi Past* documentary:

“When the press [in 1965] finally leaked the secret West German armament shipments to Israel, and after East Germany leader Walter Ulbricht visited Cairo, Bonn officially entered into diplomatic relations with Israel. By then, Adenauer was not in office anymore, but he continued to stress the importance of Israel for West German geopolitical interests.”

“Ironically, from 1960, just after the Federal Republic of Germany re-nazified its state institutions, it became the most important supplier of military hardware to Israel. The alliance would enable Bonn to restore its “international standing.” **It could now recast its image, by portraying itself as being at the forefront to fight what they saw as the new Nazis, the Arab nationalists.”**

The documentary, *Whitewashing the Nazi Past: Why Germany is (REALLY) obsessed with Israel*, makes an insightful and critical finding: it connects the story of Germany’s bizarre post World War II political, military and spy-craft support relationships with Zionist Israel as continuous, homogeneous, and ever more bizarre. This explains why today’s right-of-centre Germany has prevalently instituted what the documentary gleans from a 2008 magazine as ‘**Zionist McCarthyism:**’

“Even liberal voices around the world are astounded by Germany’s unhinged genocidal support [of Israel] and internal [political] oppression. The Dissent magazine calls the situation in Germany, Zionist McCarthyism. An American Jewish liberal philosopher [Susan Neiman] who teaches in Berlin, and who just a while ago celebrated Germany’s fake memory culture, says the Social Democrat and Greens’ led coalition government is **somewhere to the right of AIPAC!**”



17.3. Final Thoughts

“We changed the world’s institutions and laws after the Second World War because they had lost their legitimacy and integrity. We may be there again. Not so much because our human rights laws need changing, but because a good argument can be made that our existing global institutions, and especially the United Nations deliberative role, are playing fast and loose with their legitimacy and our integrity.” (Rosalie Abella, TAU, Irwin Cotler forum, May 30, 2024)

Rosalie Abella

The distinction between Rosalie Abella and Irwin Cotler (a practicing lawyer), both of Jewish ethnicity, is that Abella was a Canadian judge, presiding in provincial and federal courts. Abella’s professional task was to render careful decisions, based on complex evidence, the law, and interpretation of the laws from trial law history. However, in Abella’s public statements about applicable international human rights law, she manifestly waives from her professionalism, ignores international jurisprudence, ignores manifold evidence on Israel’s train of transgressions, a rather large pile of cumulative and publicly available report evidence docked at the United Nations, the international organ which began documenting this evidence in the late 1940s, ignores publicly available evidence docked at the International Court of Justice. How can one explain or understand such grievous oversights by a prized and famous justice?



NigelBankes

@nigelb.bsky.social January 1, 2025 at 10:01 PM Everybody can reply

Gaza. Gaza. 2025. Here are 3 well documented allegations of genocide &/or ethnic cleansing by the State of Israel in Gaza: (1) a report from Amnesty International, (2) a report from MSF, and (3) a report from a UN Special Committee. (1) [Inkd.in/gAeHF_qm](https://www.inkd.in/gAeHF_qm) (2) [Inkd.in/gQX4Cedt](https://www.inkd.in/gQX4Cedt) (3) [Inkd.in/gK3xXyEb](https://www.inkd.in/gK3xXyEb)



NigelBankes @nigelb.bsky.social · 1d

We cannot look away.

We cannot take the view, as did Justice Abella, that somehow the state of Israel cannot be tarred with the crime of genocide.

[#canpoli](#)

www.theglobeandmail.com/opinion/arti...



Opinion: The genocide case against Israel is an abuse of the postwar legal order

The charges represent an outrageous and cynical abuse of the principles underlying the postwar international legal order

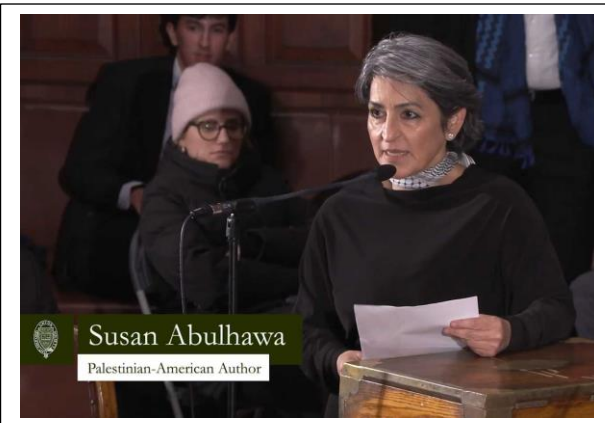
www.theglobeandmail.com

This January 1, 2025, post, published on social platform BlueSky, appeared almost a year following Abella’s January 9, 2024, opinion article in the Globe and Mail, which Nigel Bankes provides a hyperlink to. Bankes is a former Professor Emeritus of Law at the University of Calgary, [former Professor Emeritus of Law at the University of Calgary](#), “the Vice-Chair, Board of Directors for the Canadian Institute of Resources Law and a member of the Education Advisory Board of the Association of International Petroleum Negotiators. ... In 2019, Nigel received a Killam Annual Professorship for his excellence in research, mentoring and teaching. Nigel retired in 2021.” Nigel is one of the very few Canadian lawyers to openly, publicly denounce Abella for her comments in the Globe and Mail.

The answer is, it is not a mistake, because Zionism, as Palestinian intellectual Fayez Sayegh well understood and carefully imparted in his writings some sixty years ago, is a mean machine, manipulating Antisemitism in a grand mixer of colonialism, imperialism, capitalism and racial supremacy, hates, intolerates, and twists the truth. Stealing land means stealing conscience, stealing morals, stealing justice, and breaking God’s commandments. Murdering and displacing inhabitants of Palestine (and those in neighboring states) means murdering and displacing truth and justice, infecting, disabling and manipulating the world from understanding the truth. Lawyers are taught how to lie, many of whom are accomplished liars and world stage performers.

One Canadian woman that I interviewed for this report, had, back in the day, decades ago, thought highly of Rosalie Abella (as did Jessica Ernst in her letter to Chief Justice McLachlin). For that Canadian woman, Abella once represented a shining example of how a woman, a mother, of Jewish ethnicity, could achieve a prestigious position and become a sympathetic, caring advocate in Canada’s courts. Since Abella’s opinion article published in the Globe and Mail on January 9, 2024, her sometimes wavering thoughts about Abella have entirely reversed, finding Abella’s silence, support and denial of Israel’s genocide as not only disappointing, but disgusting, leading her to wonder and realize, correctly, about who Abella really is and what she stands for. As noted in Part 16, Jessica Ernst continues to have similar reservations.

Indeed, Rosalie Abella’s repeated, encapsulating public statement, that “Israel is a democracy,” is an oxymoron, a contradiction in terms, what Palestinian author Susan Abulhawa below refers to the Zionist project as “an epic forgery.” Despite all the overwhelming, historic evidence to the contrary, Abella, tragically wants the public to believe it is so.



Transcript of Susan Abulhawa’s November 28, 2024, presentation at the Oxford Union Debate, “This House Believes Israel is an Apartheid State Responsible for Genocide.”

“Addressing the challenge of what to do about the indigenous inhabitants of the land, Chaim Weizmann, a Russian Jew, said to the World Zionist Congress in 1921 that Palestinians were akin to “the rocks of Judea, obstacles that had to be cleared on a difficult path.”

David Grun, a Polish Jew, who changed his name to David Ben Gurion, in order to sound relevant to the region, said, “We must expel Arabs and take their places.”

← Post
Reply ↩

Oxford Union
@OxfordUnion

The Oxford Union’s Statement in relation to the debate held on the motion:
‘This House Believes that Israel is an apartheid state responsible for genocide’

THE OXFORD UNION PROVIDES THE FOLLOWING STATEMENT IN RELATION TO THE DEBATE HELD ON THURSDAY 28 NOVEMBER 2024:

On Thursday 28 November 2024, the Oxford Union held a debate on the motion ‘This House believes that Israel is an apartheid state responsible for genocide’. We are aware that this debate—and others this term—have provoked strong reactions from some of our members and the wider community.

As a Union, we are unwavering in our commitment to free speech. This means difficult or controversial views can be expressed and challenged. The Oxford Union has a proud tradition of hosting debates on the most challenging issues of the day, and it is this commitment to open discourse that sets us apart. The Union does not endorse the views expressed by any of the speakers.

The speakers for the proposition were: Mohammed El-Kurd, Ebrahim Osman-Mowafy, Susan Abulhawa, and Miko Peled. The speakers for the opposition were: Jonathan Sacerdoti, Natasha Hausdorff, Yoseph Haddad, and Mosab Hassan Yousef.

The withdrawal of a guest speaker at short notice necessitated an additional speaker for side proposition, which was filled by Mr Ebrahim Osman-Mowafy.

During the debate, two individuals were directed to withdraw from the floor of the House. One was a Member from the audience and the second was an opposition speaker. Both individuals were abusing the forms of the house and before being removed both were given warnings.

In keeping with our usual practice, the full debate will be uploaded onto the Oxford Union’s YouTube channel at 1000 GMT on Thursday 5th December 2024.

“There are thousands of such conversations among the early Zionists who plotted and implemented the violent colonization of Palestine and the annihilation of her native people.

But they were only partially successful, murdering or ethnically cleansing 80% of the Palestinians, which meant that 20% of us remained, an enduring obstacle to their colonial fantasies, which became the subject of their obsessions in the decades that followed, especially after conquering what remained of Palestine in 1967.

Zionists lamented our presence, and they debated publicly in all circles regarding what do about us: about the Palestinian birthrate, about our babies which they dub a demographic threat.

Benny Morris, who was meant to be here [invited for the Oxford debate, later declined], originally once publicly regretted that David Ben Gurion “did not finish the job” of getting rid of us all, which would have obviated what they refer to as the “Arab problem”.”



“Benjamin Netanyahu, a Polish Jew, whose real name is Benjamin Mileikowsky, bemoaned a missed opportunity during the 1989 Tiananmen Square uprising to expel large swaths of the Palestinian population “while world attention was focused on China.”

Some of their articulated solutions to the nuisance of our existence include a “break their bones” policy in the 1980s and 1990s, ordered by Yitzhak Rubitzov, a Ukrainian Jew, who changed his name to Yitzhak Rabin for the same reasons.

That horrific policy that crippled generations of Palestinians did not succeed in making us leave. And frustrated by Palestinian resilience, a new discourse arose, especially after a massive natural gas field was discovered off the coast of Northern Gaza worth trillions of dollars.”

This new discourse is echoed in the words of Colonel Efraim Eitan, who said in 2004, “we have to kill them all”.” Arnon Soffer, an Israeli so-called intellectual and political advisor, insisted [on May 21, 2014] that “we have to kill, and kill, and kill, all day, every day.”

“When I was in Gaza this year, I saw a little boy no more than 9 years whose hands and part of his face had been blown off by a booby-trapped can of food that soldiers had left behind for Gaza’s starving children. I later learned that they also had left poisoned food for people in Shujaiyya. And in the 1980s and 1990s, Israeli soldiers had left booby-trapped toys in southern Lebanon that exploded when excited children picked them up.

The harm they do is diabolical, and yet they expect you to believe that they are the victims. Invoking Europe’s holocaust and screaming Anti-Semitism, they expect you to suspend fundamental human reason to believe that the daily sniping of children with so called “kill shots,” that the bombing of entire neighborhoods that bury families alive and wipe out whole bloodlines is self-defence.



They want you to believe that a man who had not eaten a thing in over 72 hours, who kept fighting even when all he had was one functioning arm, that this man was motivated by some innate savagery and irrational hatred or jealousy of Jews, rather than the indomitable yearning to see his people free in their own homeland.

It is clear to me that we are not here to debate whether Israel is an apartheid or genocidal state. This debate is ultimately about the worth of Palestinian lives. It’s about the worth of our schools, our research centers, our books, our art. It’s about the worth of the homes we worked all our lives to build, and which contain memories of generations. It’s about the worth of our humanity and our agency, of our bodies and ambitions.

Because if the roles were reversed:

- if Palestinians had spent the last eight decades stealing Jewish homes, expelling, oppressing, imprisoning, poisoning, torturing, killing, raping them;
- if Palestinians had killed an estimated 300,000 Jews in one year, targeted their journalists, their thinkers, their healthcare workers, their athletes, their artists, bombed every Israeli hospital, university, library, museum, cultural center, synagogue, and simultaneously set up an observation platform where citizens came watch their slaughter as if a tourist attraction;
- if Palestinians had corralled them by the hundreds of thousands into flimsy tents, bombed them in so-called safe zones, burned them alive, cut off their food, and water, and medicine;
- if Palestinians made their children wander barefoot with empty pots; made them gather the flesh of their parents into plastic bags; bury their siblings, their cousins, their friends; made them sneak out from their tents at night to sleep on their parents’ graves; made them pray for death just to join their families and not be alone in this terrible world; if we terrorized them so utterly that their children lose their hair, lose their memory, lose their minds, and made those as young as 4 and 5 die of heart attacks;
- if we mercilessly forced their NICU [Neonatal Intensive Care Unit] babies to die, alone in hospital beds, crying until they could cry no more, died and decomposed in the same spot;
- if Palestinians used wheat flour aid trucks to lure starving Jews, then opened fire on them as they gathered to collect the day’s bread;
- if Palestinians finally allowed a food delivery into a shelter with hungry Jews, then set fire to the entire shelter and aid trucks before anyone could taste a bite of the food;
- if a Palestinian sniper bragged about blowing out 42 Jewish kneecaps in one day as one Israeli soldier did in 2019;
- if a Palestinian admitted to CNN that he ran over hundreds of Jews with his tank, their squished flesh lingering in the tank treads;

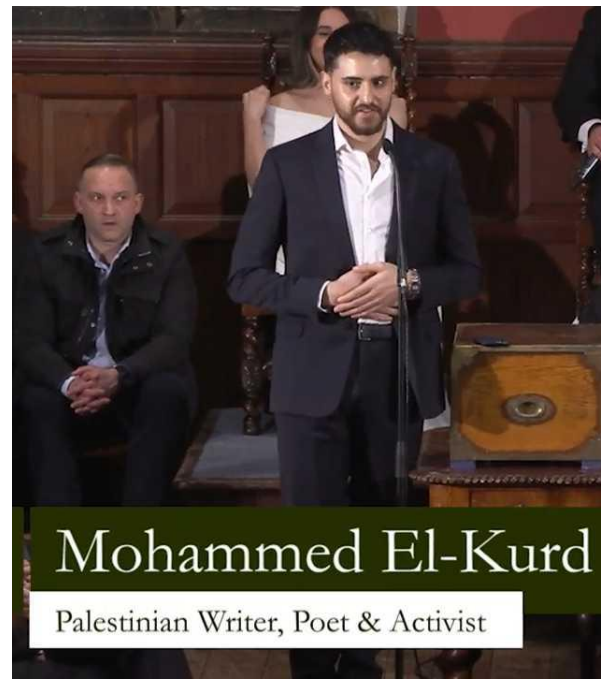
- if Palestinians were systematically raping Jewish doctors, patients, and other captives with hot metal rods, jagged and electrified sticks, and fire extinguishers, sometimes raping them to death, as happened with Dr. Adnan al-Bursh and others;
- if Jewish women were forced to give birth in filth, get C-sections or leg amputations without anesthesia;
- if we destroyed their children, then decorated our tanks with their toys;
- if we killed or displaced their women then posed in their lingerie;
- if the world were watching the live-streamed systematic annihilation of Jews in real time;

there would be no debating whether that constituted terrorism or genocide.

And yet two Palestinians – myself and Mohammed El-Kurd – showed up here to do just that, enduring the indignity of debating those who think our only life choices should be to leave our homeland, submit to their supremacy, or die quietly and politely.



But you would be wrong to think that I came to convince you of anything. This House Resolution, though well-meaning and appreciated, is of little consequence in the midst of this holocaust of our time.



I came in the spirit of Malcolm X and Jimmy Baldwin, both of whom stood here, and in Cambridge, before I was born, facing finely dressed well-spoken monsters who harbored the same supremacist ideologies as Zionism, these notions of entitlement and privilege, of being divinely favored, or blessed, or chosen.

I'm here for the sake of history. To speak to generations not yet born, and for the chronicles of this extraordinary time where the carpet bombing of defenseless, indigenous societies is legitimized.

And I also came to speak directly to Zionists here and everywhere.

We let you into our homes when your own countries tried to murder you and everyone else turned you away. We fed you, and we clothed you, we gave you shelter, and we shared from the bounty of our land with you. And when the time was ripe, you kicked us out of our homes and homelands, then you killed and robbed and burned and looted our lives.

You carved out our hearts because it is clear that you do not know how to live in the world without dominating others. You have crossed all lines and nurtured the most vile of human impulses. But the world is finally glimpsing the terror we have endured at your hands for so long, and they are seeing the reality of who you are, and who you've always been. They watch in utter astonishment: the sadism, the glee, the joy, and the pleasure with which you conduct, watch, and cheer the daily details of breaking our bodies, our minds, our future, and our past.”

“But no matter what happens from here, no matter what fairytales you tell yourselves and tell the world, you will never truly belong to that land. You will never understand the sacredness of the olive trees which you’ve been cutting down and burning for decades just to spite us, just to break our hearts a little more. No one native to that land would dare do such a thing to the olives. No one who belongs to that region would ever bomb or destroy such ancient heritage as Baalbak or Battir, or destroy ancient cemeteries as you destroy ours, like the Anglican cemetery in Jerusalem, or the resting place of ancient Muslim scholars and warriors in Maamanillah [?]. Those who come from that land do not desecrate the dead; that’s why my family for centuries were the caretakers of the Jewish cemetery on the Mount of Olives, as laborers of faith and care for what we know is part of our ancestry and our story.

Your ancestors will always be buried in your actual homelands of Poland, Ukraine, and elsewhere around the world whence you came, and Yemen. The mythos and the folklore of the land will always be alien to you.

You will never be literate in the sartorial language of the thobes we wear, which sprang from the land through our foremothers over centuries, every motif, every design and pattern speaking to the secrets of local lore, flora, birds, rivers, and wildlife.

What your real estate agents call in their high-priced listings, “old Arab home charm,” will always hold in their stones the stories and memories of our ancestors who built them. The ancient paintings and photos of the land will never contain you.

You will never know how it feels to be loved and supported by those who have nothing to gain from you, and in fact, everything to lose. You will never know the feeling of masses all over the world pouring into the streets and stadiums to chant and sing for your freedom. And it is not because you are Jewish, as you want everyone to believe, but because you are violent colonizers who think that your Jewishness entitles you to the home my grandfather and his brothers built with their own hands, on lands that had been in our family for centuries. It is because Zionism is a blight onto Judaism, it is a break in humanity.

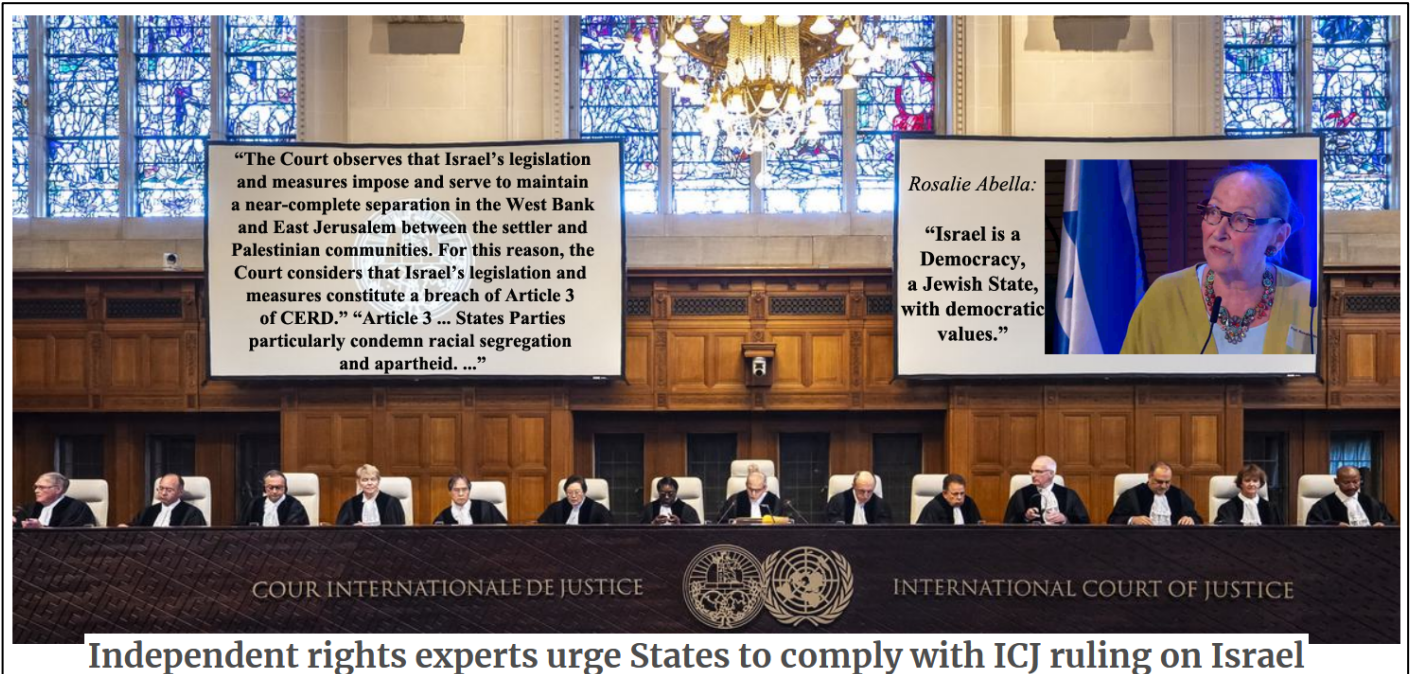
You can change your names to sound relevant to the region, and you can pretend that falafel, and hummus, and zaatar are your ancient cuisines, but in the recesses of your being, you will always feel the sting of **this epic forgery**. That’s why even the drawings of our children hung on the wall at the U.N., or in a hospital ward, send your leaders and lawyers into hysteric meltdowns.

You will not erase us, no matter how many of us you “kill, and kill, and kill, all day, every day.” We are not the rocks that Chaim Weizmann thought you could clear from the land. We are its very soil! We are her rivers and her trees and her stories, because all of that was nurtured by our bodies and our lives over millennia of continuous, uninterrupted habitation of that patch of earth between the Jordan and Mediterranean waters, from our Canaanite, our Hebrew, our Philistine, and our Phoenician ancestors, to every conqueror or pilgrim who came and went, who married, or raped, or loved, or settled, or enslaved, or converted between religions, or prayed in that land, leaving pieces of themselves in our bodies and our heritage. The fabled, tumultuous stories of the land are quite literally in our DNA. You cannot kill or propagandize that away, no matter what death technology you use, or what Hollywood or corporate media arsenals you deploy.

Someday, your impunity and arrogance will end. Palestine will be free. She will be restored to her multi-religious, multi-ethnic, pluralistic glory. We will restore and expand the trains that run from Cairo to Gaza, Jerusalem, Haifa, Tripoli, Beirut, Damascus, Amman, Kuwait, Sanaa, and so on. We will put an end to the Zionist-American war machine of domination, expansion, extraction, pollution, and looting.

And you will either leave, or you will finally learn to live with others as equals?”

Rosalie Abella’s defence of Israel as a ‘democracy’ was finally flattened, quashed by the International Court of Justice on July 19, 2024, some seven weeks after her stage performance at Tel Aviv University. In its 83-page advisory opinion, *Legal Consequences Arising from the Policies And Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem*, which stemmed “from a December 2022 [request](#) by the United Nations General Assembly to the court to consider the legal consequences of Israel’s policies and practices in the Occupied Palestinian Territory,”³⁴¹ Human Rights Watch Executive Director, Tirana Hassan stated in a same-day media release:



Independent rights experts urge States to comply with ICJ ruling on Israel

“In a historic ruling the International Court of Justice has found multiple and serious international law violations by Israel towards Palestinians in the Occupied Palestinian Territory, including, for the first time, **finding Israel responsible for apartheid**. The court has placed responsibility with all states and the United Nations to end these violations of international law. The ruling should be yet another wake up call for the United States to end its egregious policy of defending Israel’s oppression of Palestinians and prompt a thorough reassessment in other countries as well.”

Experts hail ICJ declaration on illegality of Israel’s presence in the occupied Palestinian territory as “historic” for Palestinians and international law
30 July 2024

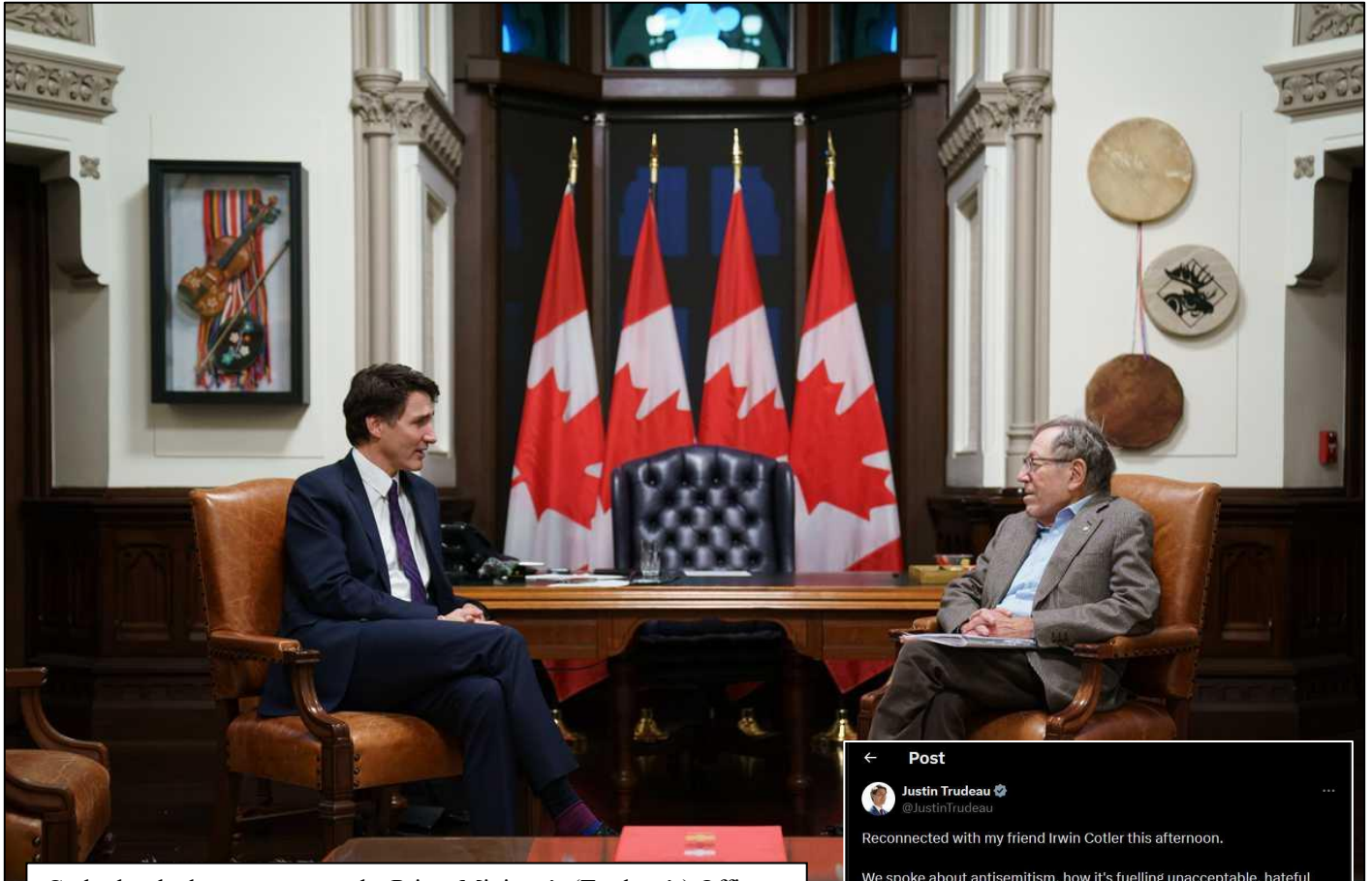
* The experts: **Francesca Albanese**, *Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967*; **Reem Alsalem**, *Special Rapporteur on violence against women and girls, its causes and consequences*; **Tlaleng Mofokeng**, *Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*; **Ben Saul**, *Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*; **Ashwini K.P.**, *Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance*; **Gina Romero**, *Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association*; **Michael Fakhri**, *Special Rapporteur on the right to food*; **Margaret Satterthwaite**, *Special Rapporteur on the independence of judges and lawyers*; **Irene Khan**, *Special Rapporteur on the right to freedom of opinion and expression*; **Siobhán Mullally**, *Special Rapporteur on trafficking in persons, especially women and children*; **Balakrishnan Rajagopal**, *Special Rapporteur on the right to adequate housing*; **Elisa Morgera**, *Special Rapporteur on the promotion and protection of human rights in the context of climate change*; **Heba Hagrass**, *Special Rapporteur on the rights of persons with disabilities*; **George Katrougalos**, *Independent expert on the*

promotion of a democratic and equitable international order; **Farida Shaheed**, *Special Rapporteur on the right to education*; **Cecilia Bailliet**, *Independent Expert on human rights and international solidarity*; **Astrid Puentes**, *Special Rapporteur on the human right to a clean, healthy and sustainable environment*; **Olivier De Schutter**, *Special Rapporteur on extreme poverty and human rights*; **Surya Deva**, *Special Rapporteur on the right to development*; **Pedro Arrojo-Agudo**, *Special Rapporteur on the human rights to safe drinking water and sanitation*; **Paula Gaviria Betancur**, *Special Rapporteur on the human rights of internally displaced persons*; **Dorothy Estrada Tanck** (Chair), **Laura Nyirinkindi** (Vice-Chair), **Claudia Flores**, **Ivana Krstić**, and **Haina Lu**, *Working group on discrimination against women and girls*; **Carlos Salazar Couto** (Chair-Rapporteur), **Michelle Small**, **Ravindran Daniel**, **Jovana Jezdimirovic Ranito**, **Sorcha MacLeod**, *Working Group on the use of mercenaries*; **Barbara G. Reynolds** (Chair), **Bina D’Costa**, **Dominique Day**, *Working Group of Experts on People of African Descent*, **Fernanda Hopenhaym** (Chairperson), **Pichamon Yeophantong**, **Damilola Olawuyi**, **Robert McCorquodale** and **Elzbieta Karska**, *Working Group on the issue of human rights and transnational corporations and other business enterprises*

³⁴¹ [World Court Finds Israel Responsible for Apartheid](#), Human Rights Watch, July 19, 2024.

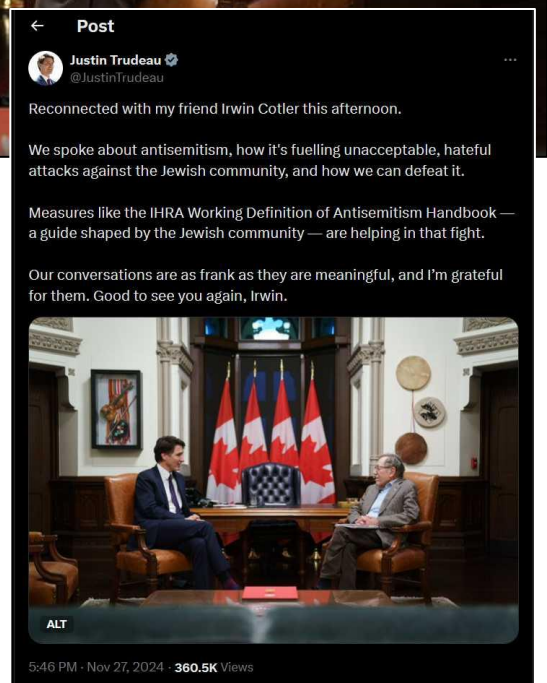
Irwin Cotler

I don't pretend to know the ins and the outs of Irwin Cotler's former and later life and role as a Canadian defender of Israel. I have never interviewed him. Since taking up my self-burdensome and self-funded task in January 2024 of digging into some of his life history, sourced from hundreds of news articles, essays, books, documentaries, and videos, he was a key player in the specialized and highly organized Zionist propaganda agenda engine that began rolling out after the June 1967 six-day war, particularly with his soon-to-be-role as chairman of Canadian Professors for Peace in the Middle East in 1973 following, when he began his law tenure professorship at Montreal's McGill University. Irving Abella, Rosalie Abella's husband, would become his successor chairman some ten years later, and both would serve terms as presidents of the Canadian Jewish Congress.



Cotler has had easy access to the Prime Minister's (Trudeau's) Office since 2016. Here, as photographed by that Office, on November 27, 2024, at the outset of the ousting of Syria by Israel, Turkey, U.S. and Qatar, and following rumored, unsubstantiated threats to Cotler's life.

Cotler had already established a friendship with the American law academic Alan Dershowitz in the mid-1960s, a celebrity apologist for Israel. Dershowitz would later write about their special friendship, as would Cotler later acknowledge the same. In his own law academic garbs, Cotler, since the late 1960s, began the special speaker circuit in American and Canadian synagogues, which he continued for many decades, advocating later, in part, the right of return for oppressed Russian Jews to Israel, and for the most part, preaching to congregations and the masses the special problems of Anti-Semitism, what was already termed in the mid-1970s as the 'new Anti-Semitism.'

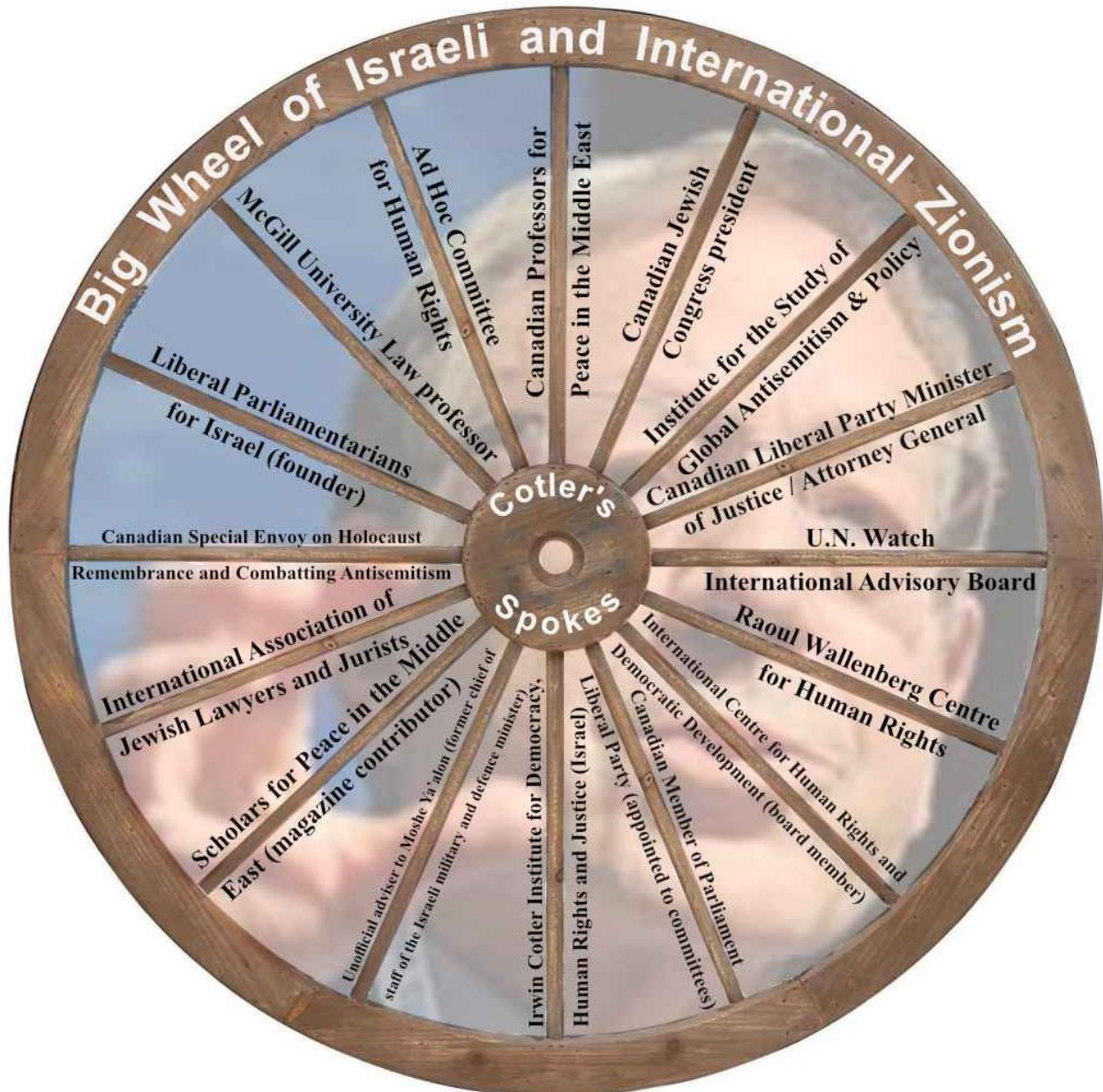


Since 1973, Cotler became a key organizational figure in academic and political institution circles, beginning with a highly charged and organized political propoganda campaign to counter the November 1975 U.N. Resolution #3379 which equated Zionism with racism.

There are rumours and speculations, from way back in the mid-1970s, that Cotler, was, on occasion, a special intelligence agent for Israel. I can't confirm these rumours. I only bring it up, because I read about them. Of course, if such rumours about such secret assignments were true, then this brings a different perspective to Cotler's other roles. There is, of course, this later problem about Cotler's repeated, unconfirmed statements, a mantra published on his websites and recycled ad nauseum in the media, that he was special counsel to Nelson Mandela. With investigators digging into this matter, there have been many follow-up statements made by Mandela's friends and associates who have repeatedly denied such a claim. Why then make this claim, what was his purpose to this boast, if it wasn't true? It obviously brings fame and adds standing to Cotler's advertisements as international human rights advocate, another bee in his big bonnet.

IRWIN COTLER
 Vancouver Sun
 December 13, 2003

Justice, attorney-general
 Distinguished career as an international human rights lawyer and professor; counsel to prisoners of conscience like Nelson Mandela.

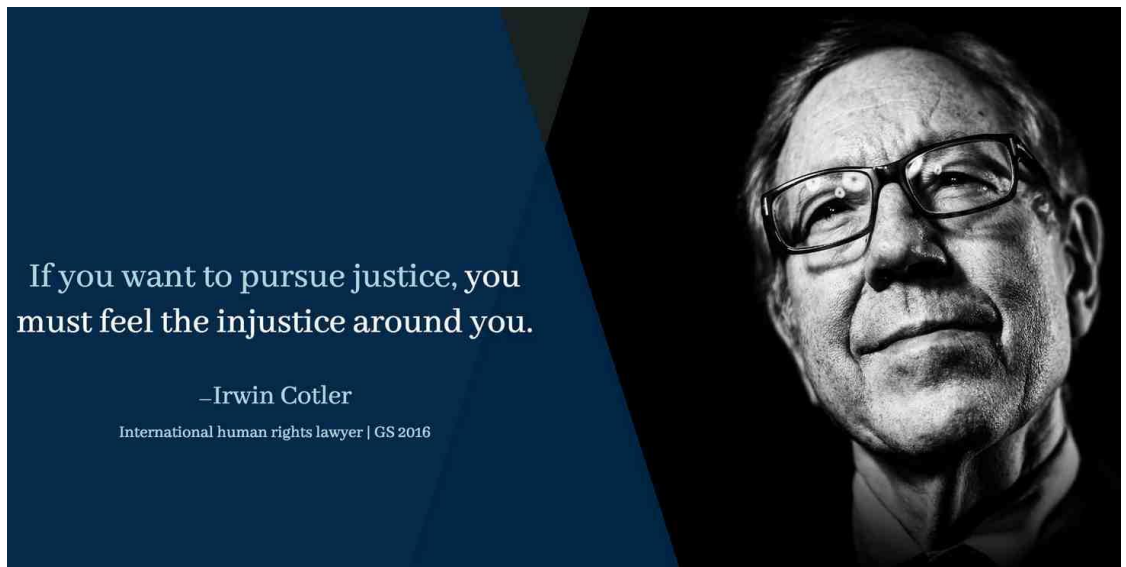



Cotler had always been a follower and ally of the federal Liberal Party since his student days in the early 1960s at McGill University, where he sparred against the likes of Liberal MP John Turner in a mock debate, the very politician he would soon work under as campaign speech writer when Turner was assigned as Justice Minister. After some three decades since his graduation, he would run for Member of Parliament for the Liberals in November 1999, under Prime Minister Jean Chretien, in the by-election of the Montreal riding of Mount Royal. Cotler was well-connected and respected, a rising star in the Liberal Party establishment, to be assigned four years later, under succeeding Prime Minister Paul Martin, to the significant, powerful role as Canada's Attorney General and its Minister of Justice, a position he would hold for some three years.

From the perspective of Zionist-oriented, occupier State of Israel and its lobby outfits in Canada, this was likely a unique, political celebratory opportunity and moment, and a significant Cotler-credentialism. One of his immediate and primary assignments as new Justice Minister was to appoint two Supreme Court justices. Instead of keeping his promise to appoint an aboriginal provincial court justice to the Supreme Court, Cotler recommended Rosalie Abella, an old friend. She would later transition to become an honorary Co-Chair of Cotler's propaganda Raoul Wallenberg Centre, while still presiding as Supreme Court justice. After his departure in 2015 from federal political life as a Member of Parliament, Cotler took on the self-appointed role as 'legal ambassador' and gatekeeper for Israel (as acknowledged, in part, at the beginning of Part 13).

Cotler's pivotal role was in defending and defining Anti-Semitism, which he began to take on in a more serious way in 2006 following, after the Liberals were defeated in the 2006 federal election, and while in his opposition political party role.

From my perspective, perhaps the most disappointing, unworthy role Cotler has taken in his life's portfolio has been his participation as International Advisory board member in the extreme Zionist propaganda organization, U.N.



Watch, run by his legal 'student' and close friend, Hillel Neuer. I find Cotler's shadowy role in this outfit most perplexing, disturbing and revealing. When closely reviewing the objectionable history of U.N. Watch's materials and public statements collectively produced over the last two decades, in close harmonious partnership with other Zionist organizations which criticize and flatly condemn the United Nations, in its aggressive and threatening attacks on people's reputations, is my deduction, my finding of a Zionist Doctor Jekyll and Hyde. I don't know what else to call this phenomenon. One the one hand, the public 'sees' a great legal defender of human rights, yet, on the other hand, the public doesn't 'see' a quiet participant in some of the most objectionable, hate driven statements which Cotler himself would be loathe to make in public. For instance (mentioned in Part 3), the most recent hate mongering, abhorrent, condemnatory statements made by Hillel Neuer in October to November 2024 regarding Francesca Albanese, the United Nations Special Rapporteur of the Occupied Palestinian Territory, on her American and Canadian circuit presentations of her latest report, *Genocide as Colonial Erasure*.