

January 2007

Slogan of the Month

Cautiousness and conscience potentially have tricky relationships:
Cautiousness might compromise one's conscience, as one might not feel free to say what one believes in.

Raphael Cohen-Almagor

2006; 2006: A GRISLY YEAR FOR THE PRESS; My Hopes for 2007 ; Saddam Hussein; New Voices in Iran; The Hezbollah War; Dan Halutz; Gabi Ashkenazi; Ehud Olmert; Benny Ganz; Ami Ayalon and Avishai Braverman; Peace Prospects; Learning to Celebrate Diversity – Impressions from the Peace Conference in Antalya; Aharon Barak; Internet Censorship on the Rise in Arab Countries; War on Terrorism Poses Growing Threat to Free Expression: HUMAN RIGHTS WATCH; New Books; Personal News; Life with a Wink



2006

This was a difficult year. It started with Ariel Sharon's departure, continued with curious elections that resulted in a curious government in which the wrong people serve in important ministries. When you elect a balloon, even if its name is "Kadima" (Forward) don't be surprised that all you get is thin air in your face. Then three soldiers were kidnapped, and war erupted. The war ended without conclusion, a fact which might call for another round of hostilities. We have continued Qassams landing in the south of Israel, and continued tension in the north of Israel, with leaderless government in Jerusalem. Above us hovers the Iranian nuclear threat and we await the results of the dozens of inquiry commissions established to investigate the war misconduct. Are they aimed to calm the atmosphere, or to seek substantive responsibility? For some obscure reason, Olmert and Peretz, the tragic misfits think that the public will forgive and forget.

Anywhere you turn you hear and read about violence, scandals and corruption: violence on the roads, with hundreds of people killed in road

accidents, most of which were the result of nervous drivers who don't respect their fellow drivers; violence in discos, where youth go to party with knives in their pockets; violence in football stadiums, where people come to watch games with hand grenades in their pockets; violence directed at city mayors, including firing at them and throwing hand grenades at their homes; violence in road blocks vis-à-vis the Palestinians; violence at home, where husbands express their feelings toward their wives by murdering them; violence at school, where a 14 year-old was found dead in the toilet and the identity of her killer is yet uncertain. Violence is part and parcel of Israeli life.

Scandals are endless, with the State President under investigation for sexual harassment against several women who worked under him. The Prime Minister's conduct is under the Attorney General's investigation for three separate affairs and we await Mazuz's decisions. Several ministers are also under such investigations. The Minister of Justice stood trial for kissing a young soldier. These were the most "precious" two seconds of Minister Ramon's life.

Corruption is everywhere: allegations against the prime minister, ministers, state president, members of the Knesset, city mayors and other public officials. Football players are under investigations for selling games. In Israel you can be a football player and gamble against your own team. Suddenly a goalkeeper opens his legs, his hands, capturing air and let the ball go inside the net. A video clip showed he received money at a gambling parlor. Amazing. We have more discussions about violence and corruption in sports than actual simple, competitive sport. The competitions are in gambling houses, and in the stadium where the police search after those who corrupt, who behave violently against fans and players, who throw grenades on the pitch.

2006 was a sad year for Israel. I hope 2007 will redeem some of the misconduct and mistakes of the previous year, leading Israel to a new, much better road.



2006: A GRISLY YEAR FOR THE PRESS

2006 may go down in the annals of journalism as being one of the bloodiest years ever for journalists around the world. According to separate reports

released by the International Federation of Journalists (IFJ), Canadian Journalists for Free Expression (CJFE), the Committee to Protect Journalists (CPJ) and Reporters Without Borders (Reporters sans frontières, RSF), a near record number of journalists were killed last year.

IFJ recorded at least 155 murders, assassinations and unexplained deaths in 2006. The conflict in Iraq accounted for 68 of the deaths. Violence in Latin America, particularly in Mexico, Colombia and Venezuela, claimed the lives of 37 media staff, while in Asia, attacks in the Philippines and Sri Lanka pushed the death toll to 34.

IFJ's statistics include media staff - fixers, drivers, technicians, security staff and translators - and those whose murders may not be directly related to their work.

CPJ recorded 55 journalists killed in 2006, two short of its record high of 57 in 2004. It also recorded 27 deaths in which it has not been confirmed whether they were work-related. CPJ only counts journalists killed in direct reprisal for their work, in crossfire, or while carrying out a dangerous assignment.

Iraq, Afghanistan and the Philippines were the three most dangerous countries for journalists, according to CPJ. In 2006, 32 journalists died in the line of duty in Iraq, making it the deadliest year for journalists in a single country that CPJ has ever recorded.

RSF, which like CPJ includes only individuals killed in direct relation to their work, counted 81 journalists slain in 2006, its highest total in 22 years. It also recorded 32 media staff killed.

The high number of killings was not the only significant statistic noted by RSF. It counted more than 1,400 physical attacks or threats against journalists in 2006, a record. Many of them occurred during election campaigns in various countries.

For the first time, Reporters Without Borders kept statistics on journalists kidnapped around the world. It found that at least 56 were kidnapped in 2006 in a dozen countries. The riskiest places were Iraq, where 17 were seized, and the Gaza Strip, where six were kidnapped.

Although the statistics were grim, one bright spot emerged at the end of the year. The U.N. Security Council unanimously passed a resolution calling for more action to protect journalists in conflict zones.

Resolution 1738 "condemns intentional attacks" against journalists "and calls upon all parties to put an end to such practices." It "urges all parties involved in situations of armed conflict to respect the professional independence and rights of journalists, media professionals and associated personnel as civilians." It also urges warring parties "to do their utmost to prevent violations of international humanitarian law against civilians, including journalists, media professionals and associated personnel."

Perhaps the most important part of the resolution is its request that the U.N. Secretary General address the safety and security of journalists in his regular reports on the protection of civilians in armed conflict. "This last point is significant," says IFJ Secretary General Aidan White. "From now on we can expect the United Nations to identify and highlight those nations that are failing to protect journalists."

CJFE counted at least 82 journalists killed last year. However, it also saw signs of hope for press freedom. In Nepal, the media played a crucial role in ensuring the restoration of democracy in May, despite facing great persecution and repression, the group noted.

In the Middle East and North Africa - the most censored region in the world - a growing number of free expression organisations and independent news media are challenging government restrictions. And in Latin America and Asia, governments are taking steps towards abolishing criminal defamation laws.

Visit these links:

- IFJ: <http://www.ifj.org/default.asp?Index=4517&Language=EN>
 - RSF: http://www.rsf.org/article.php3?id_article=20286
 - CPJ: http://www.cpj.org/Briefings/2006/killed_06/killed_06.html
 - CJFE: <http://www.cjfe.org/releases/2006/20122006deadly.html>-
- Resolution 1738: <http://tinyurl.com/yyc4y>



My Hopes for 2007

Strong-minded Legal Advisory to the Government who will not fear to invoke tough measures against corruption and criminal offences

To see a new government in office

To see a new president in office

To see a new Chief-of-Staff in office

To care about security no less than about peace

To witness a different economic policy to replace the existing one: one that will care first and foremost for the last four echelons of society instead of the one that cares for the first echelon of society

To adopt a zero tolerance policy with regard to violence

To see the three Israeli soldiers uniting with their loving families, following the release of Palestinian prisoners from Israeli jails

To see a strong government in Palestine that is ready to recognize Israel and to work together for a two-state solution

To see Khaled Mashal ousted from Damascus

No more rockets fired at Israel

To see the present Lebanese government remaining in office, fighting successfully for its survival

To see the election/nomination of a new president in Iran

To see the disintegration of Iraq into two states: a Sunni state, and a Shiite state

To witness the famous “checks and balances” in the USA at work

To witness sincere international cooperation and effort by all key figures on the international scene, including the United States, to preserve the environment and mitigate the hazards inflicted by us, humans, on our nature



Saddam Hussein

On December 30, 2006, former Iraqi President Saddam Hussein was executed in Baghdad by hanging. Saddam was convicted of crimes against humanity for his part in the execution of 148 Shiite residents of Dujail, a town north of Baghdad, in June 1982, which took place following his attempted assassination during a visit to the town.

Saddam Hussein was born on April 28, 1937, in a mud hut on stilts near the banks of the Tigris River near the village of Tikrit, 100 miles northwest of Baghdad. He was raised by a clan of landless peasants, his father apparently deserting his mother before his birth (government accounts said the father died).

Saddam (in Israel we prefer to refer to this brute by his first name, not to confuse the Iraqi dictator with King Hussein, who is a much appreciated historical figure in Israel) accompanied Israeli life, death and politics for many years. He sponsored several terrorist organizations that were active against Israeli and Jewish targets throughout the world. Some of those organizations had set their headquarters in Baghdad, receiving not only financial aid from the Iraqi government, but also aid in training, in infrastructure, in ammunition, in public relations.

Saddam launched Scud missiles on Israel during the Gulf War, in attempt to create a wedge between the allied powers that were fighting Iraq after it swallowed Kuwait, in an attempt to take over its massive oil fields. For the

first time since the 1948 Independence War, front and back were confused as many of the missiles landed in the Tel Aviv area, aiming at civilian targets.

After the start of the terror attack against Israel which started in November 2000 and which is still continued, Saddam paid handsome sums of money to families of suicide murderers, between \$5000 and \$15000. These relatively large sums of money, especially for the refugee camps in the occupied territories, served as incentive for some murderers to end their lives with a blast.

Thus, when Bush launched war against Iraq in April 2003, many people applauded the initiative. Most Israelis still back the American war in Iraq. No tears are shed witnessing the fall of the dictator and Israel's most ferocious enemy since 1979, the year Israel signed the Camp David Accords with Egypt. Iraqis worried about riots breaking out following the execution. In an internet post, Saddam's Baath Party, which was dismantled after his regime's fall, threatened to retaliate: "The Baath party and the underground are determined to respond, by all means, and everywhere, to hit America and American targets if this crime is committed," its posting said.

Saddam's trial and conviction have been mostly welcomed by the Iraqi Shiites and Kurds who suffered under his rule, but it has angered Sunni Muslims, helped to fuel a Sunni-led insurgency and done nothing to calm the increasingly chaotic sectarian violence.

A trial that Saddam directed the killing of 50,000 Kurds in an organized ethnic-cleansing campaign is still under way and will continue despite his execution.

The hanging of [Saddam Hussein](#) ended the life of one of the most brutal tyrants in recent history. The despot had oppressed Iraq for more than 30 years, unleashing devastating regional wars and reducing his once promising, oil-rich nation to a claustrophobic police state. As the New York Times noted in a leading article following Saddam's execution, his rule was paramount, and sustaining it was his main goal behind all the talk of developing Iraq by harnessing its considerable wealth and manpower.

Saddam's first role in the rough world of Iraqi politics came in 1959, at age 22, when the Baath Party assigned him and nine others to assassinate Abdul Karim Kassem, the despotic general ruling Iraq. Violence was a quick way for a young man who grew up fatherless in an impoverished village to get ahead; bloodshed became the major theme of his life.

In July 1968 the Baath Party came to power as a result of a putsch. Saddam's main role while still in his early 30s was organizing the party's militia, the seed of the dreaded security apparatus. By November 1969, he had eliminated rivals and dissidents to the extent that President Ahmed Hassan al-Bakr appointed him vice president and deputy chairman of the Revolutionary Command Council, as the cabinet was known. Saddam remained head of the intelligence and internal security agencies, in effect controlling Iraq.

No other Arab despot matched the savagery of Saddam as he went about bending all state institutions to his whim. His opening act, in January 1969, was hanging around 17 so-called spies for Israel in a downtown Baghdad square. Hundreds of arrests and executions followed as the civilian wing of the Baath Party gradually eclipsed the Iraqi military.

In 1979, at age 42, Saddam consolidated his hold on Iraq. Firing squads consisting of cabinet members and other top officials initially gunned down 21 men, including five ministers. Iraq's state radio said the officials executed their colleagues while "cheering for the long life of the Party, the Revolution and the Leader, President, Struggler, Saddam Hussein." The self-exiled Iraqi architect Kenaan Makiya (writing under the pseudonym Samir al-Khalil) estimated that at least 500 people died in the purge that consolidated Mr. Hussein's power.

Saddam's titles reflected his status as an absolute ruler modeled after one of his heroes, Josef [Stalin](#) of the former Soviet Union. They included president of the republic, commander in chief of the armed forces, field marshal and prime minister. In addition, the state-owned news media referred to him repeatedly as the Struggler, the Standard Bearer, the Knight of the Arab Nation and the Sword of the Arabs.

Mosques, airports, neighborhoods and entire cities were named after him. A military arch erected in Baghdad in 1989 was modeled on his forearms and then enlarged 40 times to hold two giant crossed swords. While in power, Saddam's statue guarded the entrance to every village, his portrait watched over each government office and he peered down from at least one wall in every home.

Throughout his rule, he unsettled the ranks of the Baath Party with bloody purges and packed his jails with political prisoners to defuse real or imagined plots. In one of his most brutal acts, he rained poison gas on the northern Kurdish village of Halabja in 1988, killing an estimated 5,000 of his own citizens suspected of being disloyal and wounding 10,000 more.

Even at the end, he showed no remorse. When four Iraqi politicians visited him after his capture in December 2003, they asked about his more brutal acts. He called the Halabja attack Iran's handiwork; he said that Kuwait was rightfully part of Iraq and that the mass graves were filled with thieves who fled the battlefields. Saddam declared that he had been "just but firm" because Iraqis needed a tough ruler.

Aside from his secret police, he held power by filling the government's upper ranks with members of his extended clan. Their Corleone-like feuds became the stuff of gory public soap operas. Saddam once sentenced his elder son, Uday, to be executed after he beat Hussein's food taster to death in front of scores of horrified party guests, but later rescinded the order. The husbands of his two eldest daughters, whom he had promoted to important military positions, were gunned down – after they defected and then inexplicably returned to Iraq.

Continual wars sapped Iraq's wealth and decimated its people. In 1980, Saddam dragged his country into a disastrous attempt to overthrow the new Islamic government in neighboring Iran. By the time the war ended in stalemate in 1988, more than 200,000 Iraqis were dead and hundreds of thousands more wounded. Iran suffered a similar toll. Iraq's staggering war debt, pegged around \$70 billion, soon had wealthy Arab neighbors demanding repayment. Enraged, he invaded Kuwait in August 1990, only to be expelled by an American-led coalition in the Persian Gulf War seven months later.

After the Gulf War ended with the deaths of an estimated 150,000 Iraqis, Saddam called "the Mother of All Battles" his biggest victory and maintained that Iraq had actually repulsed an American attack.

His defeat in Kuwait, followed by more than a decade of tense confrontations with the West over his suspected weapons programs, ultimately led to his overthrow. The extended bloodbath that followed the invasion, with the monthly death toll of Iraqi civilians estimated roughly at 3,000 by the end of 2006, made some nostalgic for even the oppressive days of Saddam, when public security was not an issue. His repressive ways were credited with keeping the fractious population of 26 million— including 20 percent Sunni Muslims, who dominated; 55 percent Shiite Muslims; 20 percent Kurds plus several tiny minorities including Christians — from shattering along ethnic lines.

Iraq under Saddam had a stifled quality. Imprisonment, torture, mutilation and execution were frequent occurrences, at least for those who chose to dabble in anything vaguely political. Simple information like the weather report was classified. There was no freedom of expression — even foreign newspapers were banned — and no freedom to travel. Contact with foreigners was proscribed.

Saddam often tried to draw parallels between himself and the famous leaders of Mesopotamia, the earliest civilization in the region, as well as Saladin, the 12th-century Kurdish Muslim military commander who expelled the crusaders from Jerusalem. What preoccupied him, he said, was what people would be thinking about him in 500 years. To the horror of historic preservationists, he had the ancient walls of the former capital, Babylon, completely reconstructed using tens of thousands of newly fired bricks. An archaeologist had shown him bricks stamped with the name of Nebuchadnezzar II in 605 B.C.

After the reconstruction, the small Arabic script on thousands of bricks read in part, "In the reign of the victorious Saddam Hussein, the president of the Republic, may God keep him, the guardian of the great Iraq and the renovator of its renaissance and the builder of its great civilization, the rebuilding of the great city of Babylon was done."



New Voices in Iran

We hear more and more voices of dissatisfaction in Iran with regard to their president's conduct. Some weeks ago his term in office was shortened by a year and a half. In a university gathering Ahmadinejad encountered angry students who protested against his policies. The Holocaust denial conference Ahmadinejad convened in Iran did not add to his reputation, nor did it help bolstering Iran's position in the international community. In a personal talk I had with an Iranian political analyst, my source advised me to listen carefully to the religious authorities in Iran, whose patience with Ahmadinejad is growing thin. Ahmadinejad is a political rookie. He might have been a good mayor in Tehran, but playing in the international scene is a totally different ball game. The interests are different, and the stakes are much higher. The religious sages liked his devotion, commitment, religious drive. This is why they paved his way to power. But by now they realized that this zealot might drive Iran into serious trouble. After all, Bush is still around, and he has less to lose, compared with Iran.

On January 21, 2007 the British Sunday Times reported that [Iran's](#) supreme leader Ayatollah Ali Khamenei supports a more moderate national position towards international negotiations regarding the monitoring of the country's nuclear activities. The paper cites growing American pressure and the United Nations enforced sanctions for the change of heart. Associates of Khamenei say the leader is interested in appointing a more moderate team for the nuclear negotiations in an effort to calm escalating tensions with the West.

Such a move on Khamenei's part, says the Sunday Times, would deliver a decisive blow to Iranian President Mahmoud Ahmadinejad who has so far refused to back down from his hard set positions.

To recall, last month the UN Security Council voted unanimously to impose sanctions on Iran's trade in sensitive nuclear materials and ballistic missiles, a move aimed at getting Tehran to halt uranium enrichment work. The thrust of the sanctions is a ban on imports and exports of dangerous materials and technology relating to uranium enrichment, reprocessing and heavy-water reactors, as well as ballistic missile delivery systems.

Sources in Tehran say that the driving force behind the policy switch regarding Ahmadinejad is Khamenei himself, who has the final say over the country's armed forces and foreign affairs. Ahmadinejad may be vulnerable as Khamenei has voiced his displeasure with him and due to the fact that the latter has the authority to dismiss the president. Khamenei himself usually refrains from speaking in public but in his privately owned newspaper he [slammed](#) the president's "personalization" of the nuclear issue.

Khamenei, say the sources, fears Washington will not only to block Iran's nuclear program but will also attempt to remove the current government from power. The paper also says Khamenei has taken into account that national interests may be harmed in the hands of an inexperienced leader with a penchant for provocation. We have more reasons to believe Ahmadinejad is out of favour in the religious circles that decide Iran's politics.

Among the proposals being suggested is an arrangement wherein a group composed of the five permanent members of the UN Security Council along with Germany or another nuclear power, perhaps India, will be charged with supervising Iran's nuclear program.

Analysts in [Israel](#) and abroad have speculated that Ahmadinejad's standing will suffer due to the embarrassing results of his supporters in local elections held last month. His spiritual mentor Masbah Yazdi was only ranked sixth on the country's Assembly of Experts - an 86-strong body of ayatollahs who monitor the Iranian Supreme Leader - while former president Akbar Hashemi Rafsanjani, Ahmadinejad's arch-rival was ranked first.



The Hezbollah War

I continued my campaign for elections, designed to oust Halutz, Peretz and Olmert from their offices; the first by resignation; the second by political maneuvers; the third by early elections. The first aim is now achieved.

The Hezbollah War deeply hurt public trust in the government. A recent poll conducted by Eppie Yaar reveals that 80% of the public say that their trust in government was eroded since the horrid war. 73% said that the war undermined their trust in the Knesset. 57% lost trust in the Defence Ministry and the IDF.

Amazingly, Tzipi Livni remains unharmed, showing Teflon capabilities. Although she did not function well during the war (again, my Oxonian nature is taking over and guides me to use mild words), and has the tendency to criticize after the event as if she was not there to affect the course of events for the better, the public continues to like this light-weight lady whose leadership abilities are dubious, and who may possibly be a good Minister of Justice, but certainly nothing more than that. Livni achieved much more than she should, and this is an achievement on its own right. I congratulate her for this; the problem is that Israeli society is paying a high price for her ambition. She should be put in her place.

The past few weeks I and other people contacted dignitaries and public figures, aiming to recruit them for the campaign to relieve Israel from its so-called "leadership". People who are connected to the establishment, or like to be connected to the establishment, are very cautious. This is understandable. We all have interests, and people are extra cautious if they have something to lose.



Dan Halutz

On January 16, 2007 IDF Chief of General Staff Lt. Gen. Dan Halutz resigned.

Olmert expressed deep sorrow over the decision, knowing that Halutz is just another domino, third till now (after Udi Adam and Gal Hirsch) and that next in line will be Amir Peretz, and then he himself. This is unavoidable.

Halutz was made chief of staff in June 2005, just before Israel launched its unilateral disengagement from the Gaza Strip. The appointment raised eyebrows as it meant early retirement for the chief of staff at the time, Lieutenant-General Moshe Ya'alon, who had publicly warned that the Gaza plan would embolden Palestinian militants sworn to Israel's destruction.

I never liked the person and his way of conducting affairs. Here is what I wrote immediately after the decision to make him Chief-of-Staff was announced:

Halutz is the controversial officer who authorized the "targeted assassination" of Hamas leader Salah Shehadeh by a one-ton bomb dropped by an Air Force bomber on Shehadeh's Gaza home. As a result, 15 civilians, including 11 children, were killed. Quite a collateral way to conduct targeted assassination. Asked how he felt about the death, Halutz said that he "sleeps very well at night." He added that the only thing he felt was "a slight jolt to the airplane - it was gone within a second." Now that this great humanitarian is heading the military pyramid I will not sleep well at night.

Senior General Staff officers welcomed Halutz's decision to resign, saying it was necessary in view of what has come to light regarding the IDF's wartime functioning. "The time has really come," said one general who played an active role in the war.

Since the end of the second Lebanon war, many voices called for the Chief of General Staff to leave his post. The sword of the Winograd commission, which was investigating the war, was also swinging over Halutz's head, although he did not wait for them to issue their intermediate report before resigning.

Dan Halutz's decision to resign as Israel Defense Forces chief of staff was received sympathetically by senior IDF officers. Some also issued sighs of relief.

IDF sources explained that the general made his decision once investigations of the war came to an end, and after the 2007 annual military schedule was approved.

In his letter to Olmert, Halutz wrote:

"To the Prime Minister of Israel, Mr. Ehud Olmert,
I've been the army's service for 40 years. During this long period I was bestowed with the privilege of serving this country, my homeland, in what I believe is its most exalting task defending the well-being and safety of the State of Israel.

I fought, together with my fellow brothers, in the ranks of the IDF on all its fronts. Every time I was called upon for a mission I carried it out with a sense of calling. I acted with deep thought and with accordance to morality, loyalty, trustworthiness and comradery.

To me, the word 'responsibility' is of great significance: it is everything, from A to Z. My sense of responsibility is what led me to stay in my post until this moment and lay this letter on your table today.

The day I received the trust of Mr. Ariel Sharon and accepted the position of Chief of Staff on June 1, 2005, I took upon myself a great responsibility.

The meaning of this responsibility manifested itself during the fighting in Lebanon in the summer of 2006 and afterwards. Once the battle cries silenced, I decided to fulfill my obligations according to the tradition and values from home and service in the IDF. Therefore, I ordered an investigation of the war in a manner that has no precedence in the history of the IDF: A thorough, deep and detailed investigation, that did not overlook myself." Towards the end of the letter, Halutz wrote: "It is the nature of people not to be overjoyed serving in a system that is unappreciated and unprotected by those it represents."

"We must promise never to reach a situation in which people of quality would hesitate to tie their fate and future with the IDF. Neither good education nor a strong economy would help us then, and there is a danger that the threats the state of Israel faces will become more substantial." "I feel great pride having completed [the goals] I've set for myself and fulfilled my obligations."

"In order to lead, we must fulfill our responsibilities. Having accomplished my current mission, I hereby announce my intention to end my position as IDF Chief of Staff immediately."

Halutz said that after the conclusion of the inquiries: "I feel proud that I completed what I set out to do. After these thorough processes, I am sure the IDF will be ready to meet the challenges ahead."

With no shame, Halutz said he chose to take responsibility. Yes. Sure. If that was the case, one wonders why he did not make this "choice" immediately after the fiasco of the Hezbollah War. Halutz maintained: "There are those who interpret responsibility as running away. I chose to deal with the investigation and a nation demanding a solution. That is responsibility."

Halutz's letter of resignation discusses his concept of responsibility, but lacks

any explicit acknowledgment of the war's errors - the failure to call up the reserves, the delay in launching a ground operation, the poor communications.

Officers who conducted some of the investigations leveled fresh criticism at Halutz. Reserve generals Doron Almog and Yoram Yair claimed that the IDF is suffering a leadership crisis which they blamed for most of the war's shortcomings, brushing aside Halutz claims that cuts in training and equipment budgets impinged on the army's performance.

Brigadier General Ilan Harari slammed the army's Human Resources Department for shortcomings during the war and for failing to implement recommendations made by investigative committees.

Officers also expressed concern over the army's credibility in the eyes of the general public. Although no data on the army's popularity was presented, one officer said that "the war is still echoing" in the IDF and that it will take a long time to put it behind.

Senior IDF officers testified before the Winograd committee that they considered Halutz responsible for the failures of the war. The officers told the members of the panel that the IDF had made a rushed recommendation to go to war, without preparing the units needed and without devising an exit strategy. The IDF, in order to rehabilitate itself, after one of the worst wars in its history, needs a new commander. The end of the IDF's internal investigations earlier this month marked an appropriate time for Halutz to leave, even if many thought that he should have resigned as soon as the war ended. Halutz previously impressed his officers as a serious commander, well aware of the depth of his responsibility. That impression was eroded beyond recognition by his functioning during the war - and, no less, by his insistence on clinging to his post and conducting the investigations afterward. Halutz also hinted that he was dissatisfied with the support he received from the government, warning that people will not gladly serve if they do not receive backing from those who send them. This phenomenon, he said, is no less dangerous to national security than the threats from some of our neighbors.



Gabi Ashkenazi

After Halutz's resignation, two prime candidates were mentioned to replace him: his current deputy Maj. Gen. Moshe Kaplinsky and the Director General of the Ministry of Defense, former Deputy Chief of General Staff Maj. Gen.

(res.) Gaby Ashkenazy. Kaplinsky understood he does not stand a good chance as his name is connected to the fiasco of the Hezbollah War. On January 21 he withdrew his candidacy. If there won't be last minute surprises, Ashkenazi will assume this responsibility.

Here is Ashkenazi's profile as published by Ynet-Yedioth Ahronoth on January 22, 2007.

Ashkenazi was born six years after the establishment of the State of Israel, in Khagour in the Sharon area, north of Rosh Ayin. Beyond being renowned for his extensive experience as a ground commander, Ashkenazi is a graduate of both the Tel Aviv Junior Command Preparatory School and the US Marines Training Command School.

The 53-year-old holds a BA in Political Science and is a father of two. He served most of his military career in the Northern Command but he fought with Southern Command soldiers in his early days. In 1972, he joined the Golani Brigade and fought in the Yom Kippur war a year later. He also took part in Entebbe operation and was injured in the Litani operation in Lebanon.

By 1980, he was commanding a Golani battalion and during the first Lebanon war he was the Deputy Commander of the Golani Brigade. He became popular among combat soldiers during his tenure as Golani commander between 1986 and 1988, after which he served as Northern Command Intelligence Chief.

In the early nineties he was appointed as commander of the northern command armored brigade. From 1992 to 1994 he headed civil the IDF's administration operations in southern Lebanon and worked closely with South Lebanon Army officers. He then served for four years as the Head of Operations at the General Staff. In the summer of 1998 he was appointed as Northern Command Chief.

In 2002 he was appointed as Deputy Chief of Staff and resigned two years later when he lost to Maj. Gen. Dan Halutz who was former Prime Minister Ariel [Sharon](#)'s choice for chief of staff. He officially retired from the IDF in May 2005, and was appointed as the Director-General of the Ministry of Defense.

Ashkenazi was not directly involved in the recent war in Lebanon. He earned the reputation of being an experienced general, "Mr. Lebanon," one who knows the area where the IDF fights.

He progressed within the army ranks, and finally served as Defense Minister - -Amir Peretz's right hand man, in the position of director-general of the Defense Ministry – where he was much more proficient than his boss. Their teamwork then explains why he is currently Peretz's preferred candidate for the army's top post.



Ehud Olmert

According to a poll taken by the Dahaf Institute for the Knesset Channel and published by Ynet on January 3, 2007, 77 percent of [Israel](#) is are dissatisfied with Olmert's performance as prime minister.

As Olmert approaches completing his first year as prime minister, some 47 percent of the respondents gave the prime minister a grade of "not good," 30 percent gave him a grade of "fairly bad," and 20 percent graded him as "good." Only one percent of those asked responded that they think Olmert's performance has been "very good."

The poll also examined Olmert's leadership skills. Sixty-nine percent of the survey participants claimed that Olmert's leadership skills are not good, as opposed to 31 percent of those who think otherwise.

To the question, "How would you rate Olmert's resilience under pressure?" 62 percent of the respondents said that he doesn't not deal with pressure well, and 37 percent responded that they think Olmert deals well under pressure. Some 74 percent of the respondents said the prime minister's decision-making process was unsatisfactory, as opposed to 26 percent who said they were "fairly satisfied" with Olmert on this matter.

According to the survey, 60 percent of Israelis do not have a high opinion of Olmert's integrity, compared with 30 percent who believe otherwise.

Asked what would change their opinion of the prime minister, 45 percent of those who took part in the survey said their appreciation of the prime minister would improve if he would remove Defense Minister [Amir Peretz](#) from his post, while only four percent said they would not appreciate such a move. Fifty-one percent of respondents said Peretz's dismissal would not affect their judgment of the prime minister.

Only 20 percent of those surveyed said their appreciation for Olmert would increase if he would dismiss IDF Chief of Staff [Dan Halutz](#) , as opposed to six percent of participants who said firing the army chief would decrease their appreciation for the PM.

Regarding the Hezbollah War, 80 percent of those surveyed said that not all the relevant considerations were taken into account prior to making the decision to go to war; however, 56 percent said the war was justified.

The same day of Halutz's resignation, January 16, 2007 Knesset members from across the political spectrum called on Prime Minister Ehud Olmert to resign or suspend himself after the state prosecution ordered police to open a criminal investigation of Olmert's involvement in the state's sale of a

controlling interest in Bank Leumi. This criminal investigation might be only one of a string of legal proceedings facing the prime minister. State Prosecutor Eran Shendar has ordered the police to begin a criminal investigation into Olmert, on suspicion of having tried, in his former role as finance minister, to influence a tender for the sale of a controlling stake in Bank Leumi.

According to a senior Justice Ministry official, Olmert is suspected of breach of trust for having acted out of a conflict of interest. The official said: "When a senior public servant has a conflict of interest, he broadcasts to those under him, and to the entire public, the failure of the public system, the breaking of governmental rules. When this conflict of interests includes a financial aspect, the public servant airs the connection between money and government."

As in previous recent incidents in which Olmert has found himself at the center of a political storm, top Kadima officials did not rush to his defense. Other politicians who did not comment on the controversy included the contenders for leadership of Labor, Defense Minister Amir Peretz and former prime minister Ehud Barak, whom Olmert would like to see replace Peretz as defense-minister. "It can't be that the crucial state matters will be run by someone who is entirely involved in saving himself," said MK Yossi Beilin, chairman of Meretz. Beilin called on Olmert to suspend himself immediately and transfer his prime ministerial authority to Foreign Minister Tzipi Livni, who bears the title of acting prime minister, until the investigation is over.

Beilin warned that if Olmert does not suspend himself, then Meretz-Yachad will initiate proceedings in the Knesset requiring him to do so. MK Zevulun Orlev (National Religious Party), who is chairman of the Knesset State Control Committee, called for the PM to step down. He said that after the Civil Service Commissioner Shmuel Hollander said he would suspend those under investigation in the Tax Authority, it was fitting for Olmert to step down.

Aryeh Eldad (National Union) said Tuesday, "Olmert has to go."

Labor MKs said the investigation signals the end of Olmert's rule.

"The decision brings the end of the government closer," said MK Danny Yatom, who is running for the leadership of Labor.

He said a key issue in the party primaries will be the candidate's ability to rehabilitate the government and lead it to elections.

MK Ami Ayalon, another candidate for Labor chairman, said the party should prepare for the possibility of early elections, with the central issues being the fight against corruption and restoration of public confidence in the political system. MK Yuval Steinitz (Likud) called for new elections, saying only that would bring a halt to the government's endless failures.

MK Yoel Hasson, one of the few Kadima members who defended Olmert, said: "The comments by senior economic and Bank of Israel officials, led by [Bank of Israel] Governor Stanley Fischer, who reinforced and praised the involvement and conduct of [then-]finance minister Olmert should constitute a guarantee that the police investigation will be completed quickly, and at the end, it will become clear that the prime minister strengthened the economic system."



Benny Ganz

On December 26, 2006 I attended a public lecture delivered by General Benny Ganz, chief commander of the IDF ground forces. Listening to him was not easy and quite depressing.

Granted that Ganz is cautious about what he says, as he has a lot to lose. He is one of the main contenders for the next Deputy Chief of Staff position. Yet he agreed to deliver a public lecture, and people want to know what he thinks, and how he evaluates the situation during and after the Hezbollah War. I sincerely hope that he did not say all that he thinks about the war and its aftermath.

Ganz described the government's decision to bomb south Lebanon on July 12-13, 2006 as "courageous". To remind you, this is the act that escalated the situation beyond control, and brought about a most unnecessary war in which 156 people were killed, thousands were wounded, hundreds of thousands had to live in shelters, evacuate their homes and became refugees in their own country. For me the decision was callous, harsh, unfitting, tragic. In Oxonian understatement it can be described as "unfortunate"; or, in the Israeli way of phrasing, simply "stupid". The adjective "courageous" simply did not pass the threshold of my mind until I heard Ganz's memorable lecture.

Ganz is proud of the IDF ominous firing capacity. He takes pride in our mighty tanks, in our artillery. I listened with growing puzzlement. I thought that one of the lessons of the Hezbollah War is that this mighty power is of little use against guerilla warfare. Ehud Barak was right, as Chief of Staff, when he talked of the need to develop a small, skillful and technologically-advanced military power. What did we achieve in the Hezbollah War with the mighty air force and the widest use of artillery ever in the history of Israel? How successful are we in fighting the Palestinians in Gaza and the West Bank with the most advanced tanks and artillery? Listening to Ganz I wondered: Did we learn anything?

The only aspect that Ganz admitted we have to amend is our inability to stop the katyusha rockets. We should do more in this sphere. What an illuminating insight. I am sincerely happy that the IDF reached this right conclusion. Other than that, the Hezbollah War was, if you did not know, "most complex", "very complicated", to the extent that Ganz drew comparisons between this war and the Yom Kippur War. He did make some provisos in making the comparison,

but I was puzzled yet again. I can understand the agenda and motive. I don't appreciate the chutzpah.

Ganz said that only under his command some sixty (60) investigation committees were established. I don't hold my breath. If this is the reasoning, nothing substantive will happen. Listening to Ganz reaffirmed for the thousandth time that committees that investigate the army should always be external. The IDF may have representation in them, but the chairperson and majority members of the committees should not be serving generals. They are unable to see beyond their nose and/or immediate partisan interests.



Ami Ayalon and Avishai Braverman

These two able people, who conceive themselves as people made of prime ministerial material, had to strike a deal. Braverman agreed for the time being to recognize that Ayalon has better chances to achieve this end and reach the prime minister's office. This is not a small feat. Ayalon is a lone wolf, has the "General mentality" of leading and command, much like Ehud Barak. For him



to work as a close team is an achievement. And for the conceited ego-maniac Braverman to take one step back and give the lead to someone else is also commendable. Ayalon and Braverman realized that they have better chances if they work together, as a team, rather than alone. Their challenges on their way to the top are Peretz, Ofir Pines-Paz, and Ehud Barak within the Labour Party (yes, Barak is back at the scene with rejuvenated energies, declaring the "modest" aim of serving the country as the next Minister of Defence. I think he is well-equipped for the job and could fill the role with much success. Alas, I believe Barak is aiming higher, and the defence ministry is a tactical move. I would not like to see Barak, again, in the prime minister's seat. Once was more than enough). If successful within the Labour Party, further challenges for the Ayalon-Braverman alliance will come from Ehud Olmert, Bibi Netanyahu, and possibly the Teflon Lady.



Peace Prospects

Many have asked me about peace prospects between Israel and its enemies, as we hear different, more positive voices in Syria and Palestine. These voices are not new. They stem mainly from Bashar Assad and Abu Mazen. Assad should be judged by his actions, and not solely by his confused statements. Both should be judged by their ability to deliver. And in Israel we have leaderless government, a government that strives first and foremost to survive while the public counts its days.

At the same time, I congratulate and encourage each and every attempt to push the peace agenda forward. At this point, my eyes are drawn to the American Secretary of State who is active in this sphere. She is an able woman, and I want to see her around, doing her best as long as she is still in office. Time is short.

Recently Condoleezza Rice announced that Prime Minister Ehud Olmert and Palestinian Authority Chairman Mahmoud Abbas (Abu Mazen) agreed to "informal talks" about the nature of a future Palestinian state. Rice said talks in the current climate are much more likely to reach an Israeli-Palestinian agreement than was the case in the 2000 Camp David talks, due to political changes on both sides. Rice also called on the sides not to stall on the first phase of the road map and to discuss the broader issues. She mentioned talks on security arrangements and the nature of the democratic institutions in the Palestinian state.

Rice plans to return to the region in early February to meet with Olmert and Abbas, and the U.S. is currently looking for a neutral site to host the tripartite meeting without mandating a fourth participant. It is therefore unlikely the summit will take place in Egypt or Jordan.

At this stage, no invitation has been extended to Olmert and Abbas to come to Washington. Key Olmert aides, chief of staff Yoram Turbowicz and political adviser Shalom Turjeman, will meet in the coming weeks with their Palestinian counterparts, Rafiq Husseini and Saeb Erekat, to create an agenda for the summit.

On January 18, 2007 Rice said in a press briefing in London: "I am very pleased with what we have achieved so far ... obviously the beginning of informal talks between Israel and the Palestinians will be a very positive development and the regional states welcomed it and will be willing to help the Israelis and the Palestinians in accelerating progress on the road map." According to Rice, the informal talks were Abbas' idea. "I thought it was a very good idea. Prime Minister Olmert thought it was a good idea," she said. Rice believes the talks will help build confidence between the sides after six years without negotiations, and she agrees with Abbas that presenting a "political horizon" will ease implementation of measures like removing roadblocks, easing movement and money transfers.

Rice was asked why she is optimistic, when Olmert and Abbas are weak politically compared to their predecessors. "Let's look at where it really was in 2000, all right? You had Yasser Arafat, who I think now had one foot in terror and one foot in politics. I would submit to you we're never going to get a Palestinian state and peace with Israel under those circumstances. And if you'll remember, we caught him a couple years later taking arms from Iran through the ship the Karine A. So I just don't think that you can make a comparison between Yasser Arafat and Abu Mazen, somebody who's clearly

committed to peace and who's prepared to stand on a peace platform. There's a reason Yasser Arafat couldn't make a deal."

Rice also found a positive aspect to Hamas, noting that its involvement in the political system and participation in elections have made things "in some sense more complicated," but she said its inability to govern "has led Hamas to, I think, some very, very difficult situations in which they're trying to find their way out." Rice noted that in 2000, Hamas had been a resistance movement not at all involved politically.

In commenting on the internal Israeli situation, Rice said, "The differences on the Israeli side are also very fundamental... Ariel Sharon was able to, was willing, to make a shift from the right of the Israeli political spectrum and to begin to talk about dividing the land. The Herzliya speech was one of the most important speeches in recent Israeli political history. He starts to talk about dividing the land. He accepts the two-state solution. He accepts the road map. And now the breadth of the Israeli political system that is actually united behind a two-state solution is very different than in 2000."



Learning to Celebrate

Diversity – Impressions from the Peace Conference in Antalya

<http://www.hindu.com/mag/2006/12/31/stories/2006123100370400.htm>

Date:31/12/2006 URL:

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[Magazine](#)

SPOTLIGHT

Learning to celebrate diversity

ADITI BHADURI

Two hundred Israelis and Palestinians engage each other in a refreshing climate of openness and honesty in the Turkish Mediterranean resort of Antalya.

EVEN as human chains were forming in Gaza to protect people from Israeli fire, an unusual sight was to be seen in the lobby of the five star Porto Bello hotel in the Turkish Mediterranean resort of Antalya. Some 200 Israelis and Palestinians arrived by a chartered flight for a four-day conference on peace education, in a bid to listen to each other's stories and to dialogue, discuss and ultimately find ways to end the senseless conflict that has been unleashed on all the inhabitants of that beautiful land for almost a century now.

The conference was the initiative of the Israel-Palestinian Centre for Research and Information (IPCRI), a non-governmental organisation set up in 1988, soon after the outbreak of the first Intifadah, to find ways to bring Israelis and Palestinians together to work out a two-State solution to the conflict.

Changed circumstances

Gershon Baskin, the Israeli Co-CEO of IPCRI explained that the conference had been planned more than a year ago, when relations between Israelis and Palestinians had begun to look optimistic. No one had thought then that a year later Israel would go to war with Lebanon and would be pounding Gaza, while

Qassem rockets from Gaza would be landing on the bordering Israeli towns and villages. But when it happened there seemed to be all the more reason for the conference to take place.

"Peace education is a philosophy, a critical thinking based on knowledge found only through encountering others," said Baskin. "It gives us tools to understand differences, to understand that our lives are enriched when we learn to celebrate and not just tolerate diversity."

Sharing experiences

There were four days of intensive discussion, dialogue, compassionate listening and experience sharing. Almost everyone who was a someone in the Israeli peace camp or in Palestine was there. There were academicians, activists, religious activists, artists, psychologists, human rights practitioners, educationists, lawyers, philosophers, feminists, sports personalities and journalists. There was even a Reiki practitioner, who was using her knowledge of Reiki to bring Israelis and Palestinians together, because "sometimes the dialogue of touch was stronger than the dialogue of words".

It was difficult to choose which workshop to attend. There was Nurit Peled from the Forum of Israeli and Palestinian Bereaved Parents for Peace who had lost her 16-year-old daughter to a suicide bomb attack in Jerusalem. Also a lecturer at the Hebrew University, she presented a study of the ways in which Jewish territorial and national identities were promoted in Israeli textbooks, premised on the denial of Palestinian identity.

There was Nazir Magally, a Palestinian journalist who presented the experience of a study trip that he along with a group of Israeli Arabs had initiated to Auschwitz in Poland to learn and better understand events to become familiar with Jewish pain and suffering. Mahmoud Abu Kamal and Charlie Zeidan — both Palestinian academicians — presented lesson plans drawn up by Palestinian academicians, peacemakers and facilitators for Palestinian children and youth because the latter were the future hope of Palestine. Yehuda Stolov from the Interfaith Encounter Association related how interfaith activities were facilitated and were promoting better understanding of different religious groups inhabiting the tiny geographical space that constituted Israel and Palestine.

Finding the words

But there were also accusations, angry words, hurt and tears. Semantics were especially important. "How do we find an alternative to the word Naqba (Arabic: catastrophe)?" asks a Palestinian girl incredulously as Jonathan Koleib, a facilitator from the University of California, Berkeley, made a presentation on how important it was that vocabulary should be compassionate and not loaded with accusation. Naqba is the word Palestinians use for the day Israel was founded in 1948 — a word which conjures up images of agony and dispossession, a nightmare that is still being lived by millions of Palestinians.

What can we use for checkpoints? asks another. Are there more compassionate alternatives to checkpoints, occupation, ID card, searches, house demolition? On and on went the questions.

A beginning made

But they were all listened to, and the discussions continued even after sessions

were officially over. In all there were some 150 workshops, presentations, film shows and lectures. After the sessions, there were lunches, shopping, sightseeing and dancing together — and a promise to continue the dialogue after returning home.

The conference also encouraged a great deal of self-introspection and self-criticism. Raphael Cohen-Almagor, the Director of the Centre for Democratic Studies from the University of Haifa, castigated Israeli democracy which had failed to clearly delineate the boundaries of religion and State and called for a more secular State.

Bassem Eid, General Director of the Palestinian Human Rights Monitoring Group, lamented the anarchy that the Palestinian territories had descended into and the dangerous proliferation of small arms there.

Sylvia Margiah, a Christian Palestinian citizen of Israel and member of Creativity for Peace, an Arab-Jewish initiative which organises annual summer "friendship" camps for Palestinian and Israeli teenage girls, outlined the problems faced by Palestinian Christians both in Jewish Israel and in Muslim Palestinian territories. Their number in the region was constantly dwindling.

Nizar Rabaya, a school teacher from Jenin, quietly confessed that he had come to the conference because the inability of the Palestinian leadership to provide any succour to many ordinary Palestinians had convinced him that the only hope now was to somehow reach out to the Israelis.

Frank and honest

The conference proceeded in a refreshing climate of openness and honesty, so different from the fear and hypocrisy that often marks conferences dedicated to peace and human rights in India. No one felt the need to sound politically correct.

Another refreshing fact was that unlike in India, religion was not wished away, nor its role swept under the carpet. There was a healthy acknowledgement that religion did play an important role in people's lives and instead of negating it, a lot of time and space was devoted to stress on the positive points of each religion, to find common grounds between different faiths, and engage in dialogue to dispel myths about the other's religion. Rabbi Asher Eder, Co-Chairman of Islam-Israel Fellowship, quoted from the Quran to show that the existence of many religions together was part of a divine design — something like a multi-party system to ensure religious and spiritual democracy on earth. He also quoted from the Torah to show that even the minutest form of discrimination against gentiles — non-Jews — was abhorrent in Judaism.

Abdolali Tavakoli, from the Neda Institute for Scientific and Political Research in Teheran — the only participant from Iran — confided that he was amazed at what he witnessed at one particular workshop. Two women, one Palestinian and the other Israeli, were looking deep into each other's eyes with tears rolling down their cheeks. He regretted that he could not invite activists from Israel to Iran.

Glaring asymmetry

However, the asymmetry in the situation of the two people cast its long shadow even in the warm Mediterranean resort. It had begun even before the conference had. Many of the Palestinians who attended could come only because Gershon spent hours pleading, calling and requesting the Israeli

authorities to grant travel permits to Palestinians to attend the meet. Many more like Hekmat Bassiso from the Quaker Foundation of Ramallah could not attend because no amount of pleading and begging could make the Israelis grant them travel permits. Some, like Omar Faqih from the Palestinian Ministry of Foreign Affairs could attend only because he travelled via Jordan – permission was not granted to him to travel with the delegation via Ben Gurion Airport.

Those four days in Antalya did not solve any problem. It was not meant to, anyway. What the conference did do was provide a platform for a mutual cry of pain for the two anguished nations and a pledge to never give up. ©
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Aharon Barak

Now that Aharon Barak had cleaned his table and finished writing the last judgments that awaited his decision, it is time to provide a personal account of this remarkable leader.

Barak was born in [Lithuania](#) in 1936, is married and the father of four. He studied law, economics and international relations at the [Hebrew University](#) in Jerusalem. Barak received an MA in law in 1958, and a doctorate in 1963. He joined the law school faculty and in a outstandingly short time became Full Professor. In 1974 he was appointed Dean of the Hebrew University Faculty of Law. A year later he was appointed to serve as the Attorney General and, inter alia, was the legal adviser of the Israeli delegation at Camp David and at the peace negotiations with Egypt. A man of principle, Barak insisted that nobody, including the prime minister, was above the law, and pursued charges against Prime Minister Rabin and his wife for not abiding by the law regarding foreign bank accounts. Rabin was forced to retire.

In 1978 Barak was appointed as a Justice of the Supreme Court, and in 1995 was appointed President of the Supreme Court. Professor Barak won many prizes among them the Kaplan Prize (1973) and the Israel Prize in law (1975), the most prestigious prize for jurists in Israel. He received Honorary Doctorates from several institutions, including Temple University, the Weizmann Institute, and the Hebrew Union College and is a member of the Israeli National Academy of Sciences, and Foreign Honorary Member of the American Academy of Arts and Sciences.

I came to know Barak in 1994. That year I published the English and Hebrew editions of my *The Boundaries of Liberty and Tolerance* and my Israeli publisher suggested to send a copy to Justice Barak and to introduce us to one another, as he served also as Barak's publisher. Shortly afterwards Barak asked to see me. We met in his office and had a long talk. This was the start of friendly relationship which I deeply cherish.

In 1997 I took upon myself to edit a book about Israeli democracy. The book titled *Basic Issues in Israeli Democracy* was published in Hebrew in 1999. It is a fine collection of essays, also because Barak was kind enough to contribute a chapter. Barak contributed another article to another edited volume of mine, *Challenges to Democracy: Essays in Honour and Memory of Isaiah Berlin*, published by Ashgate in 2000. On my part, I contributed an essay to a volume Barak edited in honour of another giant in law, *Meir Shamgar: Essays in Honour of President Meir Shamgar* (Tel Aviv: Israel Bar Publications, 2003, Hebrew).

Barak's contribution to Israeli law is immense. No one, to date, has made a similar impact on our law. Barak, in his momentous court judgments, articles and books reshaped Israeli law. He is the most prolific writer I know. To think that he wrote all his ideas with pencils and never used computers, makes this achievement more admirable.

Barak was the one who introduced lengthy reasoning in the Supreme Court judgments. Some dread this fashion, most notably some law students who prefer succinct judgments like "I concur"; others relished his detailed reasoning, most notably academics and other law students who wanted to understand the bottom line. In those judgments, the genius is apparent. Barak contributed more than any judge in the history of Israel to all spheres of law: family law, constitutional law, criminal law, civil law, and to legal issues on security matters. In these spheres, his contribution is unparalleled.

In one of our conversations, when I asked about a specific reasoning of his in the field of free expression, Barak described the role of the judge as a fisherman who throws his net away from the shore, and by this sets a certain standard. This was his philosophy. On some issues, like free expression, Barak was very liberal and by his court judgments wanted to mark the most lenient boundaries. But this metaphor says a lot about Barak's logic in all spheres: he wanted to leave a strong legacy behind him, to make a memorable impression that will last for a long time.

Barak's favourite theme was the role of a judge in a democracy. Thanks to him, the Supreme Court became a powerhouse in Israeli society and politics. But Barak's activism also attracted a lot of attention and critique.

One of Barak's critical mistakes was his dictum that everything can be adjudicated. Until the advent of Barak, the Supreme Court generally steered clear of cases which could be deemed political since it believed that these issues were the purview of elected representatives. The Court limited access for restraining orders to appellants who could demonstrate that they were tangibly and directly hurt by a government action. In Barak's era the court gave wide access to public interest organizations. As Israel does not have either a full-fledge written constitution nor a bill of rights to defend basic rights, the court was asked time and again to address controversial issues that the Knesset dreaded to deal with. The court was pushed to address many "hot potatoes" that courts in other countries around the world usually do not need or are asked to adjudicate. If the court can adjudicate everything, then it can deal with delicate security issues, with deportations of hundreds of people

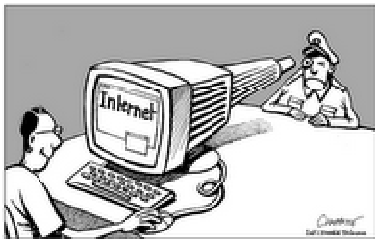
outside the state's boundaries, with questionable expressions of the Chief of Staff, with dubious conduct (speech and action) of the legislature, public officials, and essentially anybody in Israel. The court was drawn to address most controversial issues that were bound to spark heated debates. To his credit, Barak had hardly blinked. Leadership means sensible courage. I did not agree with all his judgments, but I could not but appreciate his boldness and remarkable mind.

Another sphere in which he was subjected to criticism was his activism. Barak wanted to shape Israeli democracy in his image, and therefore made vast contributions to our liberal democratic culture. In one of our conversations I said that he made a tactical mistake by calling his mode of adjudication "legislative adjudication", thus challenging the prima facie norm of separation of powers. Barak could have done exactly what he did, but calling his form of adjudication "creative interpretation", following the footsteps of Ronald Dworkin.

Most importantly, Barak is a true mensch. He is not only a brilliant academic, a superb judge but also a beautiful human being who cares about people, about the society in which he lives, about Israel in the world of nations. I have seen him in many circumstances, some of which challenging and troubling. Barak always remained dignified and respectful of others. He entered the large shoes of Meir Shamgar and led the Supreme Court with wisdom. He kept a good relationship with all justice ministers (and there were quite a few during his term in office). He acquired the appreciation and respect of judges and academics from different corners of the world. And deservedly so. I recalled a conversation we had, when he told me that Harvard Law Review had asked him to write its Forward. Barak saw this as an achievement not to himself, but as recognition of the Israeli Supreme Court.

Indeed, as a true mensch Barak never bragged about his achievements, notwithstanding how noteworthy they were. Barak cares about substance. This is not to say that he does not like to be appreciated and recognized. But there is no need to send the troopers in front of his carriage. I was fortunate enough to have him on my side as a writer of letters of recommendation. There is a little doubt in my mind that some of the prestigious grants and scholarships that I won were largely thanks to his support. Whenever I called to express gratitude, he would underestimate his role and say: It is you who received the honour. I am just an aid. These same words I heard from another great mensch who used to write references for me – Isaiah Berlin – when I thanked him for his help.

It has been a great privilege to know Justice Barak, to learn from him, and to benefit from his wisdom. I know that he intends to spend some time at Yale, where he likes to go for scholarship. Upon his return to Israel, I am certain that like other extraordinary legal figures, Meir Shamgar, Dalia Dorner and Yitzhak Zamir, Barak will continue to serve the country and to contribute to its civic culture. The new chapter in his impressive career will undoubtedly be as fruitful and enriching as were his previous chapters.



Internet Censorship on the Rise in Arab Countries

The Arabic Network for Human Rights Information (HRInfo) has published its second annual report on Internet and free expression in the Arab World. The report surveys 18 countries in the Middle East and North Africa and includes a chapter on the growing popularity of blogging in the region.

The report finds that across the Arab world, Internet usage is growing rapidly as citizens seek information and news not being covered by traditional media, which are heavily censored by governments. From 2004 to 2006, the number of users grew from 14 million to 26 million.

Blogging has become one of the most popular tools for sharing information and voicing dissenting views. There are some 40,000 blogs on the Internet, according to the report. In response, governments are increasingly cracking down on bloggers by blocking access to certain websites, shutting down blogs and jailing individuals.

The report is available online here:

<http://www.openarab.net/en/reports/net2006/>

An Arabic version can be downloaded here:

<http://www.openarab.net/reports/>

For printed copies, contact: info@hrinfo.net



War on Terrorism Poses Growing Threat to Free Expression: HUMAN RIGHTS WATCH

More than five years since the terrorist attacks on the United States in September 2001, global responses to terrorism have contributed to an array of threats to freedom of expression and the danger is "real, catastrophic, accelerating," Human Rights Watch has warned in its 2007 World Report.

- From Iraq to Russia to the Philippines, journalists are being treated as partisans, even combatants, and are now more frequently targeted for attack than at any time in recent memory, the organisation argues in a special essay entitled "A Shrinking Realm: Freedom of Expression since 9/11".

"Counterterrorism has given new vigour to some old forms of censorship, and created new ones," writes essay author Dinah PoKempner. Since 9/11, a growing number of governments have introduced laws criminalising the glorification of terrorism. In 2004, only three European countries had such laws. By mid-November 2006, 36 countries had signed the Council of Europe Convention on Terrorism, which requires states to criminalise "provocation" of terrorism, a crime that could include indirect incitement.

The United Kingdom and Denmark have recently adopted laws on promotion or glorification of terrorist acts. In Turkey, a terrorism law was amended in 2006 so that speech characterised as "propaganda" for terrorism was punishable. In Russia, a similar law was amended to punish speech that supports "extremism," notes PoKempner. Meanwhile, hate speech is increasingly becoming the rationale for imposing criminal or administrative sanctions against those thought to be extremists.

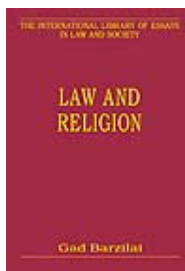
PoKempner also argues that there is "reason to believe that both contemporary armed conflicts and the so-called war on terror have rendered it more precarious than ever to be a journalist." In Russia, it is nearly impossible for anyone to report in war-torn Chechnya and the murder of Anna Politkovskaya, perhaps the leading journalist on Chechnya coverage, shocked many. The war in Iraq has claimed more journalists' lives (137) than any conflict in recent memory.

In the realm of the Internet, governments are moving quickly to control and filter online information, and new technologies are fueling an explosion of state surveillance, often justified in the name of counterterrorism, notes PoKempner.

Human Rights Watch's World Report 2007 contains information on human rights developments during 2006 in more than 75 countries. It identifies many human rights challenges in need of urgent attention, including Darfur, Iraq, North Korea, Burma and Turkmenistan.

View the report here: <http://www.hrw.org/wr2k7/index.htm>

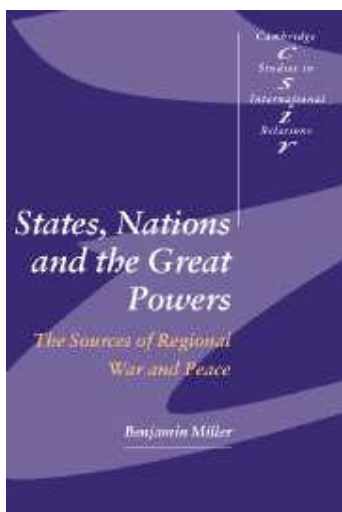
[New Books](#)



[Gad Barzilai \(ed.\) Law and Religion \(London: Ashgate, 2007\).](#)

This volume contains a comparative and theoretical introduction and nineteen classic articles, published by prominent scholars who articulate diversity of voices. Hence, the volume should enable us to better comprehend law in religion, religion in law, and human rights.

The volume offers international, transnational, and intergenerational perspectives of law and religion in diversity of religions including Christianity, Buddhism, Islam, and Judaism in the context of political power.



Benny Miller, *States, Nations and the Great Powers: The sources of regional war and peace* is now available from Cambridge University Press.

<http://www.cambridge.org/catalogue/catalogue.asp?isbn=0521871220>
as well as from amazon:
<http://www.amazon.com>

'Benjamin Miller's *States, Nations and the Great Powers* is a superb book. It advances the important thesis that to understand the prospects for peace or war in a given region, we need to examine the interaction between the political conditions that obtain within the region and the actions of great powers from outside the region.

Miller's book is masterful in its integration of international relations theory and the comparative method. It will be of interest to a wide range of readers, from undergraduates and graduate students to scholars, and from policy-makers to journalists to citizens, indeed to anyone who is interested in peace and security in the modern era.'

Joseph M. Grieco, Department of Political Science, Duke University

'This substantial and intricate book embeds a traditional realist analysis of war and peace in a novel regional framework highlighting variations in the revisionist orientation and political incoherence of regional states. The Middle

East and the Balkans, as well as Latin America and Western Europe, provide the empirical material for this careful and challenging argument. Miller adds important new insights to the analysis of regions in world politics.'

Peter J. Katzenstein, Walter S. Carpenter, Jr. Professor of International Studies, Cornell University

'States, Nations and the Great Powers is an ambitious and original work of scholarship, which seeks to explain regional war and peace by focusing on whether regional political boundaries reflect national aspirations. Miller argues convincingly that both the impact of external great powers and the relevance of realist and liberal theory are conditional on this 'state to nation balance.'

Robert O. Keohane, Professor of International Affairs, Woodrow Wilson School of Public and International Affairs, Princeton University

'The striking variation in the propensity toward war and peace in the different regions of the world is enormously important for our understanding of international conflict but neglected by most conflict analysts. By focusing on the degree of congruence between the territorial boundaries of states and the less formal boundaries of peoples, Miller provides a powerful explanation for this intriguing puzzle.'

Jack S. Levy, Board of Governors' Professor, Rutgers University

'A rich and rewarding study of the causes and cures of regional conflicts.' Ken Waltz, Institute of War and Peace Studies, Columbia University in the City of New York



Personal News

On January 30, 2007 my family and I are scheduled to travel to England. During this coming year I hope to see my friends in Britain, and friends who pass by. Please get in touch.

I'd love to see you.

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 Later I will inform you of my new e-mail address and my phone number.



*"It was a purely professional decision, Harris.
 I hope my firing you won't affect our marriage in any way."* **Life with a Wink**

What is the difference between a dog and a fox? About 5 drinks.

A beggar walked up to a well dressed woman shopping on Grafton Street and said "I haven't eaten anything in four days." She looked at him and said, "God, I wish I had your willpower."

Young Son: "Is it true, Dad? I heard that in some parts of Africa a man doesn't know his wife until he marries her." Dad: "That happens in every country, son!"

Have a great year ahead of you. May it be joyful, successful and happy,

Yours as ever,

Rafi

My last communications are available on <http://almagor.blogspot.com>
 Earlier posts at my home page: <http://hcc.haifa.ac.il/~rca/>

Center for Democratic Studies <http://cds.haifa.ac.il/>