

April 2006

Slogan of the month:

History is the outcome of circumstances presented to leaders who take chances, initiate, and make the most of them.

Raphael Cohen-Almagor

This has been an election month. While the campaign preceding the elections was sleepy, with little excitement as the polls consistently showed the likely result, the events after elections were exciting. Kadima went down from 44 expected seats to 29. Labour under Peretz came second. The Right now consists of three parties: Likud, National Unity, and Israel Our Home (*Israel Beitenu*). Olmert would like to form the largest possible coalition. It looks as if the government will be comprised of Kadima, Labour, Shas, Agudat Yisrael, the Pensioners Party and Israel Beitenu. Together 84 seats. If Olmert is heading to make tough decisions, he needs the largest possible coalition, representing various segments of the Israeli society. The religious parties and Israel Beitenu will give him the right appeal.

Election Analysis; Polls; Terror Attack on Tel Aviv; Valuable Resources - Online Library of Liberty and Floersheimer Institute for Policy Studies; Hamas Government; Textbooks in the Palestinian Authority; Human Rights Watch on the Danish Cartoons; U.S. Designates Al-Manar as a Specially Designated Global Terrorist Entity; Death Camps in China?; Australia: New Spying Law Poses Severe Threat to Press Freedom; Belarus to Release All Journalists from Prison; Peace One Day; Anna Lindh Foundation Journalist Award for Cultural Diversity; Commonwealth Human Rights Commissions Project; Foundations of Freedom of Expression; International Libel and Privacy Handbook; Passover Story; Photos

Election Analysis

Elections were held on March 28, 2006. Here are the final results:

Kadima 29 seats

Labour 19

Shas 12

Likud 12

Yisrael Beiteinu (Israel Our Home) 11

National Union-National Religious Party 9

Pensioners' Party 7

United Torah Judaism 6
Meretz (Civil Rights Party) 5
Ra'am-Ta'al 4
Hadash 3
Balad

3.

Almost a third of Knesset's members - 39 MKs - are new to the legislature. The greatest number of fresh MKs are from Kadima (10), followed by Yisrael Beiteinu (8), and the Pensioners Party (all seven MKs). Likud, National Union-National Religious Party and Balad did not introduce new MKs. In Meretz, Yossi Beilin is returning to the Knesset after an absence of one term.

There are only 17 women in the Knesset, down from 18 elected in 2003. Kadima has the most women (six), followed by Labour (five, including one Arab). The National Union-NRP, Arab parties and ultra-Orthodox parties have no women representatives.

Fifteen percent of the MKs (18) hold Ph.D degrees or the title Professor. Kadima boasts six, Labour three, while Balad and Hadash have two each. There are three former university and college presidents (Avishai Braverman from Ben-Gurion, now Labour; Shlomo Bresnitz, University Haifa, now Kadima, and Uriel Reichman, Herzliya Interdisciplinary Center, Kadima) and one former university rector (Menachem Ben-Sasson, Hebrew University, Kadima). Their vast experience in academic politics will help them survive in the Knesset though it won't necessarily equip them to be skilled legislators.

A majority of MKs in the new Knesset are of Ashkenazi origin: 73 compared to 34 MKs of Middle Eastern or North African origin. The remaining 13 representatives are Arabs, up from 10 in the last Knesset.

The 17th Knesset will have 34 religious and ultra-Orthodox MKs - nearly 30 percent of the legislature - more or less the same as in the 16th Knesset.

Fifteen MKs are new or relatively new immigrants who immigrated 15 years ago or more, like Avigdor Lieberman, but who are still considered *olim* by the public. Eight MKs reside in settlements - four from the National Union-NRP, three from Yisrael Beiteinu and one from Kadima. Only two MKs live on kibbutzim (Haim Oron of Meretz and Orit Noked of Labour), and one on a moshav (Labour's Shalom Simhon).

Fourteen MKs were senior officers in the security forces. Among them are an ex-chief of staff (Shaul Mofaz of Kadima), a former deputy chief of staff (Matan Vilnai of Labour), two former SHABAC chiefs (Kadima's Avi Dichter and Labour's Ami Ayalon), and a former Mossad chief (Labour's Danny Yatom).

The Zionist right (Yisrael Beiteinu 11 and National Union-National Religious

Party 9) garnered twenty seats; the Zionist left Meretz only five seats. But the center has moved to the left. Sharon implemented what the Left wanted for years, and Olmert ran on a "Leftist" platform: ceasing the occupation, and foregoing land.

Kadima

How many parties in history do you know that in their first try to complete in elections received leadership position, with ample margin over the runner-up party, and excellent chance for its leader to establish the government?

Kadima went down from 44 seats according to the polls only a few weeks ago to 29 seats. I would attribute this downfall to Olmert's speeches and behaviour. In my March Newsletter I wrote that in contrast to the expectations that Olmert will stay silent, continue to blur, and sail away to victory without saying much, Olmert decided to put his cards open before the public, saying explicitly that Gaza First meant Gaza First, and now comes the turn of Judea and Samaria. While Sharon was blamed that he misled the electorate, saying that the fate of Kfar Darom is like the fate of Tel Aviv, and then implementing the Disengagement Plan, Olmert wanted to run on a clear ticket. No one could claim that his agenda is foggy.

Politically, Kadima would have been probably better off without such clear statements. I hasten to think that a blurred agenda would have gained the party more seats. Don't get me wrong: I am not suggesting that Olmert should have blurred the agenda. I am all in favour of stating the intentions as clearly as possible. "You will get what I say, not the reverse". I am merely saying that Kadima paid a price for this candid attitude.

This is only part of the explanation. While in the first three weeks after Sharon's fatal stroke Olmert behaved responsibly, left Sharon's chair unoccupied, and was very cautious and sensitive, afterwards he abandoned this prudent behaviour (his critics say "the old Olmert popped out") and began the celebration. As a keen football fan he should have known better. In football we say that celebrations start only after the last referee's whistle, not even one minute before. Or, to use a biblical saying: "Let not him that girds on his armour boast himself as he that puts it off" (Kings, Vol. I, 20, 11). Olmert should have held his horses and spare his witty remarks regarding his competitors, looking down at people, natural arrogance, and hasty comments. Many people, who have accepted Olmert as the "natural" successor of Sharon realized there is some distance between the two and had second thoughts. I was surprised, in the negative sense, watching Olmert's dreadful mistakes in the weeks preceding the elections. I expected more from him, and probably gave him too much credit.

At the same time, were you to tell Sharon on the eve of establishing Kadima that the new party would gain 29 seats, ten seats more than the second party in the house, I think that he would have been delighted.

Where did the votes go? I think it can be fair to say that most of the lost Kadima votes went to the Pensioners Party. It is not the first time that such a party was formed. Quite often there were elections with Pensioners party running. It is the first time that it succeeded to enter the Knesset, and in what elegant way! Seven seats, all new, led by the former MOSSAD senior agent Rafi Eitan, responsible, *inter alia*, for the Jonathan Pollard affair. It is a single-topic agenda party: to improve the standard of living of pensioners. Indeed, a worthy cause that deserves attention. A state should not desert its senior citizens at the time they need the state most. I find it appalling that citizens contribute so much to the state, and in Israel arguably more than in other states, given that we have mandatory army service for men (three years) and women (two years), that men serve in the reserves until they reach their forties, and we have the highest tax rates in the democratic world outside Scandinavia; yet when people retire they receive a pension that can be as low as 1300 shekels per month (roughly \$280). Many cannot afford buying necessary medications. Many maintain an unhealthy diet comprised of potatoes and junk food, simply because they cannot afford a different, healthier diet. In the past ten-fifteen years we are witnessing phenomena that we saw in other countries, but not in Israel: very poor people, hungry people, homeless people, dying people, and all because of lack of resources and uneven distribution of welfare. The gap between the very affluent and the very poor is staggering, arguably one of the largest gaps in the world. Israel went a long way since its inception as a socialist country, and it went the wrong way.

The Pensioners Party has harvested Olmert's mistakes. They received votes from all people of different walks of life, young and old, who have compassion and know that the party's agenda is just, and worthy, and that a change should be made. Those disillusioned by Kadima ("forward") looked to the side.

Likud

From power-house in Israeli politics, to third-fourth largest party.

Generally speaking, the public does not have long memory. It is because people tend to redeem suffering, forget troubling episodes, suppress unpleasant thoughts, remember that which is more comforting, or combination of all the above. Thus, I think the majority of the public does not remember how bad was Netanyahu's reign as prime minister exactly ten

years ago (1996-1999). Netanyahu, one may argue, was the worst prime minister in Israel's history.

Short memory is different. It is still living. The wounds are open. The scars troubling. Bibi Netanyahu claims he had "salvaged" the Israeli economy. As ever, the lower strata of the country had to pay the price. And they feel it very well in daily life, in their livelihood, in their debts, in their struggle to survive. Many of the traditional Likud supporters were among those whose sacrifice was needed. They blamed Bibi for what he did to them, and could not vote for him. He no longer represents them. He represents the comfortable elite, the industry, the high-tech, Kfar Shmaryahu (Israel's Beverly Hills).

Many of the traditional Likud supporters voted for Kadima. Many others went to the right and voted National Unity and Yisrael Beiteinu. It seems that many of Likud voters of Russian origin preferred Yisrael Beiteinu, headed by Ivet Lieberman. Lieberman, Netanyahu's Sancho Pansha of ten years ago, rose to be a leader on his own right. Whether his agenda is right for Israel, time will tell. Surely, he represents a frightening phenomenon on Israel's extreme right.

Bibi Netanyahu will soon face fierce challenges from all those who are disappointed, first and foremost Silvan Shalom who believes in his ability to lead the Likud and gain better results. Limor Livnat and Yisrael Katz will not lag behind. Nights of long knives are ahead of us. As ever, Israeli politics will furnish dramas and interesting times.

Yisrael Beiteinu

Polls conducted for the past twenty five years or so consistently show that a third of the people are yearning for a "strong leader" who will "introduce order" and fight down the existing "anarchy". Lieberman is conceived as such a leader. He speaks clearly. He has black-and-white slogans. Like many Russians he believes in land, great land. His understanding of democracy is somewhat limited. For a substantial period of his life he did not live under democracy. He has a very cynical and practical view of politics. He knows who are the bad guys in the story (the Palestinians) and who are the good guys (the Israeli Jews). He does not believe the Palestinians as they wasted all shreds of trust he was willing to give them. The solution is simple: Let them go from the land of the Jews. If they don't wish, convince them. If still they show reluctance, well here the answer is unclear.

There are two parties who wish to change the face of Israel completely, in ways that I dread: Lieberman, on the right, and Azmi Bishara of Balad who wishes to bring about the end of Israel as a Zionist entity by merging Israel

and Palestine together and create one unity, country of "all its citizens". Azmi has 3 seats in the House. Lieberman has 11. This is why I fear him more.

Lieberman wants to be in the coalition. He wants to become Minister of Internal Security. He knows something about this office. From the inside. He had spent many hours in its corridors, being subject to police interrogations on various charges – corruption and money handling. He came clear in all of them. Lieberman is bold, authoritarian and a bulldozer type of a person. On second thought, maybe it is not such a bad idea to put him in charge of battling criminality. It is better to keep him on the side of the good.

Meretz

Another person who will be facing challenges from home is Yossi Beilin. Beilin is smart. He has good ideas. He is not a leader. He does not listen. He has surrounded himself with "his loyalists" and others are excluded. Instead of putting Meretz on the map, he made Meretz a partisan, marginal party that seemed unconnected to large fragments of the population. Under his leadership, justly or unjustly, Meretz became the bastion of the secular, Ashkenazi, educated, well-off Israelis. This explains the result. If you speak to a small circle, identified yourself with a small circle, don't be surprised that only a few vote for you. The result is a far cry from the potential of a full-fledged civil rights, humanitarian party. Beilin has alienated himself from the workers, and from the lower middle class. He has this image, rightly or wrongly, of a person of words, and only words. He is not a doer. He sits, contemplates, and voices an idea here and there. Leaders are expected to rise from their seats and do things. Meretz deserves better.

Five seats is not the hoped result, and soon his fellow MKs, Ran Cohen and Zehava Galon, will begin to bite harder. Both see themselves as appropriate leaders. Cohen does not pass in public as a charismatic leader. He is conceived as honest, hard worker parliamentarian, but not as a leader. Galon evokes a lot of antagonism. People outside Meretz don't understand how she is able to survive for so long. Many people I know cannot stand her, her voice, her face, the way she expresses ideas. She might have good intentions, but she is lacking not only charisma. If she will be the successor, this will be the end of Meretz. The Civil Rights Party will be erased from the face of the earth, and I for one will shed some tears.

I sincerely hope for a new face, whose mouth and heart are in peace with each other, and whose leadership abilities manifest themselves in deeds as well as speeches. Meretz is the party that should strive to push Israel to normality. Life in Israel is abnormal, and therefore "normal" issues are hardly ever on the agenda. Politicians speak endlessly about the Israeli-Palestinian conflict. This is an important topic that should be addressed and resolved. But I want

to hear talk and discussions about “normal” issues: agriculture, tourism, air pollution, cell phones, the environment, education, pension, unemployment, industry, women's rights, health rights, minority rights, rights of guest workers, culture, sports, cultivation of our lovely beaches. A true civil rights party should be the leader and the initiator of such discussions, if the government is preoccupied with other matters.

Coalition

If you read me in the past, you know my almost absolute opposition to national-unity coalitions. I always watched coalitions that comprised the two large parties, Likud and Labour, with disdain and mistrust, thinking that they are an assured recipe for corruption. If all are cats, who will watch the milk?

The Big Bang called Kadima changed the framework of politics also in this regard. Kadima could establish a coalition with either Likud or Labour, and there will still be enough forces in the House to watch over the milk. It will be possible to establish a coalition, and to have also a strong opposition, as both are required in a healthy and viable democracy.

In my March Newsletter I wrote that if I were the new prime minister, I would invite to my coalition Labour and Shas. Labour agrees with Olmert's political platform. Shas is pragmatic, concentrates on religious-financial issues and willing to adopt a flexible spin on the Israeli-Palestinian front. Now, after the fact, Olmert will be better off inviting not only these two parties, but also the Pensioners Party, and possibly also the United Torah Judaism and Meretz. Olmert needs to posit Kadima in the center of his coalition. He needs to have a large platform, to appeal to the wider possible audience. The only issue is money and positions, and we know that if these are the main concerns, then they can be resolved by a strong prime minister. I believe in Olmert's ability to form a wide coalition successfully. I hope he won't prove me wrong.

Polls

This election confirmed what I have suspected for many years. We need to do some thinking about conducting polls close to elections. They take the sting from the elections and make them sleepy. People don't go to vote. People don't wish to risk their vote by voting for small parties, on the verge of entry to parliament. Polls became the substitute for the real thing and have direct effect on elections result. They cripple democracy.

Some countries prohibit polls in a period close to elections so as to prevent such effects. My proposal is: Make polls available, even to the crazed extent

prevailing today of five polls per week, as is the case in Israel, but ban them in the two-week period up to elections.

Terror Attack on Tel Aviv

On 17 April 2006 a Palestinian suicide bomber killed nine people and wounded 65 others, nine of them seriously, in an explosion near the old central bus station in southern Tel Aviv. The blast ripped through Falafel Rosh Ha'ir, the same restaurant that was hit by an attack on January 19 in which 20 people were wounded. The restaurant is in the bustling Neveh Sha'anani neighborhood near the bus station. The area is home to large numbers of migrant workers.

The Islamic Jihad claimed responsibility for the attack. The Islamic Jihad has claimed responsibility for all six of the previous suicide attacks inside Israel since the ceasefire was declared. Security forces had warned of a number of attempts by the Islamic Jihad and other groups to attack the site in recent weeks. The Fatah-linked Al-Aqsa Martyrs also claimed responsibility for the bombing, telling Reuters that it had carried out the attack to avenge "Israeli massacres committed against our people in Gaza." However, Palestinian sources identified the bomber as Samer Salim Hammed, a 19-year-old Islamic Jihad member from a village near the West Bank city of Jenin.

The attack was the first suicide bombing in Israel since Hamas took over the PA government two weeks ago. Hamas and some other armed groups have been observing a shaky ceasefire with Israel for more than a year, although the new Hamas-led Palestinian leadership has refused to condemn attacks against Israelis.

The attack came just over two hours before a special session of Knesset to inaugurate the new parliament elected last month. It also came at the height of holiday travel during the week-long Passover holiday.

Soon after the attack, dozens of Israel Defense Forces jeeps entered the northern West Bank city of Nablus, long a stronghold of the Islamic Jihad and other armed groups, on a mission to arrest wanted Palestinians.

Valuable Resources

The Online Library of Liberty is a project of the Liberty Fund (www.libertyfund.org), a private, educational foundation based in Indianapolis, Indiana, whose primary goal is encouraging and supporting the study of free societies and responsible individuals.

The Online Library includes the complete works of Plato, Tacitus, James Harrington, John Locke, Machiavelli, Montesquieu, Thomas Jefferson, Thomas Paine, and Alexander Hamilton, as well as selected works by Aristotle, Cicero, Thomas Hobbes, John Milton, Immanuel Kant, Edmund Burke, Richard Cobden, John Stuart Mill, and Herbert Spencer. This is not an exhaustive list.

Another valuable website is of the Floersheimer Institute for Policy Studies, http://fips.org.il/Site/p_home/home_en.asp. It includes recent critique of the idea to relocate Israeli-Palestinians to Palestine, and a study on the implications of the fence on Israeli Palestinians.

Hamas Government

For analysis of the newly elected Palestinian government, see http://www.terrorism-info.org.il/malam_multimedia/English/eng_n/pdf/hamas_gov_e.pdf

Textbooks in the Palestinian Authority

The Intelligence and Terrorism Information Center **has published** Special Information Bulletin dealing with textbooks in the Palestinian Authority. Those interested in the Bulletin (in English) are welcome to ask me for a copy.

Human Rights Watch on the Danish Cartoons

I believe this Human Rights Watch document to be very helpful in the ongoing debate regarding blasphemy laws and offensive artwork or publications.

When Speech Offends

(New York, February 15, 2006) –On September 30, 2005, the Danish newspaper Jyllands-Posten published twelve cartoon depictions of the Prophet Mohammed that its editors said they solicited as part of an experiment to overcome what they perceived as self-censorship reflected in the reluctance of illustrators to depict the Prophet. The cartoons were highly offensive to Muslims because Islam is understood to prohibit graphic depictions of the Prophet and because most of the depictions were extremely derogatory, for example, by associating him, and by implication all Muslims, with terrorism.

At first protests against the cartoons extended little farther than Denmark's Muslim community, but by February 2006 an extraordinary outcry had

spread to the Muslim world at large. Much of the outrage was directed against the government of Denmark, which, invoking its laws on freedom of expression refused to suppress the cartoons or take action against their publishers. The Organization of the Islamic Conference, representing 57 countries, criticized Denmark for failing to apologize and take action against Jyllands-Posten, and is seeking a U.N. General Assembly resolution to ban attacks on religious beliefs. Mass protests have taken place in many countries, in some cases leading to violence, loss of life, and destruction of diplomatic and other property.

Jyllands-Posten, while apologizing four months after publication for offending Muslims and denying any intent to incite a “campaign” against them, defended its right to publish the cartoons. It reportedly received bomb threats that caused it to evacuate two offices in late January.

Many other newspapers, in Europe and around the world, have reprinted the cartoons, sometimes as part of their reporting on the controversy and sometimes to reaffirm the right to publish material even if it offends religious views.

The cartoon controversy should be understood against a backdrop of rising Western prejudice and suspicion directed against Muslims, and an associated sense of persecution among Muslims in many parts of the world. In Europe, rapidly growing Muslim communities have become the continent’s largest religious minority but also among its most economically disadvantaged communities and the target of discriminatory and anti-immigration measures. Acts of violence carried out in the name of radical Islamist groups coupled with parallel efforts to suppress that violence have aggravated tensions. So have disputes over the wars in Iraq and Afghanistan and continuing tensions in the Mideast over the Israeli-Palestinian conflict. In addition, several authoritarian governments in Muslim countries have seized on the cartoon controversy to deflect pressure from their own citizens for increased official accountability and respect for basic rights.

Much of the outrage against the cartoons has been framed not in terms of tangible acts of discrimination, violence or harassment against Muslims, but in terms of disrespect for Islam itself and those who adhere to it and animosity toward the Muslim world. Some have questioned why many nations in Europe, which continue to have blasphemy laws protecting the Christian religion, do not similarly protect Islam, or why anti-Semitic speech has been suppressed as “hate speech” but not these cartoons.

Western governments, in turn, have asked why governments of predominantly Muslim nations are so outraged over the cartoons’ disparagement of Islam when they permit similarly disrespectful commentary about members of other religions or religious sects in their official press.

Western governments have resisted suppressing or punishing publication of the cartoons, but governments in predominantly Muslim countries, including Jordan and Yemen, have arrested and brought criminal charges against editors whose papers reprinted the cartoons. Malaysia on February 9 declared it an offense for anyone to publish, produce, import, circulate or possess the caricatures.

As detailed below, Human Rights Watch rejects the disrespectful and prejudiced attitudes reflected in the cartoons, but affirms that, under the right of freedom of expression, governments are not entitled to suppress speech simply because it is offensive or disrespectful of religion. Still, we recognize that for many the cartoon controversy raises difficult questions. We post below our effort to answer those questions.

What does international human rights law tell us about the dispute over the cartoons?

International human rights law cannot answer all questions raised about the cartoons. Human rights law obliges governments to protect religious freedom and religious minorities, but, as explained below, the cartoon controversy mostly concerns the limits imposed by human rights law, particularly the right to freedom of expression, on governments' ability to suppress speech. In prohibiting governmental censorship of certain kinds of speech, human rights law does not suggest endorsement of that speech. Similarly, while the right to freedom of expression requires governments to allow speech that they and many others might find offensive, misguided, or even immoral, human rights law cannot answer the question of whether it was wise or proper for Jyllands-Posten and others to publish the cartoons. Nor can human rights law dictate the posture that governments should take toward the cartoons in their public comments—whether, for example, they should clarify that the content does not reflect official views or express their belief that it was unwise to have used the freedom of expression in this way. Rather, human rights law, in relevant part, speaks only to whether governments must permit such speech, regardless of whether they endorse the views expressed.

The cartoons caused extreme offense to many Muslims—why should the right to freedom of expression protect such cartoons?

The right to freedom of expression is a fundamental one, necessary to protect the exercise of all other human rights in democratic societies because it is essential for holding governments accountable to the public. Freedom of expression is particularly necessary with respect to provocative or offensive speech, because once governmental censorship is permitted in such cases, the temptation is enormous for government officials to find speech that is critical of them to be unduly provocative or offensive as well. The freedom to express

even controversial points of view is also important for societies to address key political, social, and cultural issues, since taboos often mask matters of considerable public concern that are best addressed through honest and unfettered debate among those holding diverse points of view.

Although international human rights law does impose certain limits on the right to freedom of expression (discussed below), the important functions served by that right require interpreting those limitations narrowly.

Aren't pictures as hateful as these properly considered "hate speech"??

Not all speech that is hateful constitutes "hate speech" that must be prohibited under international human rights law. Advocacy of religious hatred can be suppressed only when it constitutes imminent incitement to unlawful acts of discrimination, hostility or violence. In addition, to constitute such incitement, the discrimination, hostility or violence must be urged or promoted by the speech in question. It is not incitement when opponents of speech or those who find the speech offensive use violence, since that would give censorship over any speech to those who are willing to employ violence to attack it. In this case, the main complaint against the cartoons is that they offend Islam, not that they have inspired acts of violence, criminal harassment or tangible discrimination against Danish or other Muslims. Speech that targets a religion for disrespect, as opposed to speech that targets believers for unlawful acts, is protected, however offensive it may be.

Why not ban the cartoons as blasphemy?

Many European nations still have blasphemy laws, although they are seldom enforced. Some of these laws prohibit blasphemy against only certain religions, such as Christianity. Such laws are clearly discriminatory and may reflect broader societal discrimination.

Moreover, many of these laws should not be on the books at all. Although the European Court of Human Rights has upheld some of these laws, it is far from clear why certain religious beliefs should be protected from critical discussion or even ridicule when other political beliefs, aesthetic views, or cultural opinions are not. Freedom of expression is valuable for allowing broad public debate of any topic. It is wrong to exclude from that debate certain religious beliefs, because speech on these topics is about ideas, not incitement or even advocacy of violence.

Isn't it inconsistent for European governments to criminalize private speech that is anti-Semitic, including speech that denies the Holocaust, but refuse to criminalize the private publication of the cartoons, on free speech grounds?

Human Rights Watch recognizes that the tragedy of the Holocaust is the historical context in which laws banning Holocaust denial were adopted in several European countries, as well as in Israel. We also acknowledge that, by more rigorously enforcing these laws, some governments have sought to underscore the seriousness with which they view the danger posed by right-wing extremists and others who deny such events. Such laws were also motivated by a desire not to exacerbate the suffering of Holocaust survivors living in these countries. As noted above, however, prohibiting speech, such as Holocaust denial, that is offensive or distressing to some religions or minorities, while tolerating speech that is offensive or distressing to others, is a clearly discriminatory practice and raises legitimate questions about double standards.

As Human Rights Watch stated in 1995

<<http://www.hrw.org/reports/1995/Germany.htm>>, we believe that all such laws, regardless of the religions or minorities they seek to protect, disproportionately restrict the protected right to freedom of expression. We are mindful that there are different perspectives on what is permissible and prohibited speech, but we base our position on a strong commitment to freedom of expression as a core principle of human rights and our conviction that objectionable speech is best met with contrary speech, not censorship. We also believe that governments can best counter offensive speech by fulfilling their obligation to take positive measures to protect minorities and to make clear that they reject all forms of discrimination.

Prohibiting denial of the Holocaust may be popular politically, but Human Rights Watch is also concerned that over the long run, such measures are not effective to counter bigotry, and may even be counterproductive. Draconian bans may turn bigots into victims, driving them underground and creating a more attractive home for those who are drawn to such groups.

Why can't the cartoons be banned as potentially harmful to public safety or the rights of Muslims?

Freedom of expression may be limited to protect public safety and the rights of others, but such limitations must be strictly "necessary" in a democratic society. Banning provocative speech rarely meets that test.

In the case of the cartoons, any threat of violence by protesters should be contained through traditional law enforcement means. In some countries where protests have turned violent, however, officials seem to have tolerated the unlawful behavior—a disregard of their responsibilities that makes it all the more inappropriate to blame the original cartoons for ensuing unrest. A society built on respect for freedom of expression and the value of robust debate should, wherever possible, meet offensive speech with more speech—

denunciations, objections, explanations – rather than censorship in the name of public safety.

As for the rights of Muslims, the cartoons in no sense impede Muslims' right to freedom of religion. Religious freedom means that all people have the liberty to adopt the religious beliefs (or non-beliefs) of their choosing and to worship and, as much as possible in a democratic society, live their own lives in accordance with those beliefs. However, freedom of religion does not give anyone the right to impose his or her religious beliefs on others. That Muslims find the depictions of the Prophet Mohammed objectionable does not give them the right under international human rights law to insist that others abide by their views. Muslims, like all others, are free to state their religious objections and to press for more respectful treatment, but they are not entitled to censor the expression of others in the name of their own religious freedom.

Why shouldn't the government hold editors responsible for publishing such offensive material?

Editors should be held responsible for what they decide to publish – but by their readers, communities, or employers, not their governments.

Under the right of freedom of expression, a government cannot impose its views of what is fit to publish except in very limited cases as described above.

Should we consider newspapers that reprinted the cartoons even more culpable of provoking outraged response than Jyllands-Posten since by then it was clear how offensive the cartoons were?

Newspapers that reprinted the cartoons may have done so for many reasons – giving their readers a first-hand opportunity to judge the cartoons themselves, showing solidarity with the Danish newspaper, provoking further controversy, or even reflecting hatred toward Muslims.

However, it is not clear that any newspaper intended to incite or caused unlawful acts against Muslims. Republishers of material that is protected should enjoy the same protection from state retaliation as the original publisher. That said, many have legitimately questioned the editorial judgment of those that republished the cartoons in the context of global violence and protest. Nonetheless, international human rights law still protects their decision to republish.

***Don't Muslims and everyone offended by the cartoons have the right to protest them? ***

Human rights law protects the right to peacefully protest offensive speech, just as it protects the right to utter provocative or offensive speech.

Governments have a duty to make peaceful protest possible, by respecting the right of individuals to assemble, express outrage, organize boycotts, and engage in other peaceful acts. Governments also have a duty to protect the public from protests that turn violent, to take appropriate action against specific threats against the life and property of others, and to reaffirm their own duty to avoid discriminatory speech and actions.

Are governments held to a higher standard for speech than private persons?

Government officials have free-speech rights as well, but they also have a parallel responsibility, beyond that of an ordinary citizen, to protect the welfare, lives and rights of the people of their nation, and to combat discrimination and intolerance. As a matter of these other responsibilities, governments should be especially careful not to speak in a way that encourages violence, discrimination or hatred because that would breach their core obligations to maintain a peaceful, open, and tolerant society.

U.S. Designates Al-Manar as a Specially Designated Global Terrorist Entity Television Station is Arm of Hezbollah Terrorist Network

The U.S. Department of the Treasury today designated pursuant to Executive Order 13224 al Manar, a satellite television operation owned or controlled by the Iran-funded Hezbollah terrorist network. Additionally designated today were al Nour Radio and the Lebanese Media Group, the parent company to both al Manar and al Nour Radio.

Al Manar and al Nour

Al Manar and al Nour are the media arms of the Hezbollah terrorist network and have facilitated Hezbollah's activities.

"Any entity maintained by a terrorist group - whether masquerading as a charity, a business, or a media outlet - is as culpable as the terrorist group itself," said Stuart Levey, Treasury Under Secretary for Terrorism and Financial Intelligence.

Al Manar has employed multiple Hezbollah members. One al Manar employee engaged in pre-operational surveillance for Hezbollah operations under cover of employment by al Manar.

Al Manar and al Nour have supported fundraising and recruitment efforts by Hezbollah. Al Manar raised funds for Hezbollah through advertisements broadcast on the network and an accompanying website that requested donations for the terrorist organization. As recently as late 2005, Hezbollah-affiliated charities aired commercials on al Manar, providing contact

information and bank account numbers for donations. Moreover, Hezbollah Secretary General Nasrallah publicized an invitation for all Lebanese citizens to volunteer for Hezbollah military training on al Manar and al Nour.

In addition to supporting Hezbollah, al Manar has also provided support to other designated Palestinian terrorist organizations, including the Palestinian Islamic Jihad (PIJ) and al Aqsa Martyrs Brigade, notably transferring tens of thousands of dollars for a PIJ-controlled charity. PIJ is listed as a Specially Designated Global Terrorist and a Foreign Terrorist Organization by the U.S. Government, and is also named on the European Union's list of terrorist entities.

Hezbollah Secretary General Hasan Nasrallah, along with Hezbollah's Executive Council, managed and oversaw the budgets of al Manar and al Nour.

For more information on this action, please visit: <http://www.state.gov/r/pa/prs/ps/2004/40081.htm>.

Death Camps in China?

I received a call to sign a petition to stop mass murder in China. According to this source, secret death camps were established in China in 2001, where none have come out alive. Victims - Falun Gong practitioners - have their organs harvested while still alive. These organs are sold all over the world, while their remains are cremated in an in-house incinerator.

If you possess any information in this regard, please forward it to me. We should inquire into this and see that such stories, if founded, should not exist on this planet.

Australia: New Spying Law Poses Severe Threat to Press Freedom

The Australian Senate has approved a bill that would give authorities powers to intercept phone calls, e-mails and text messages of citizens, a move seen by the Media, Arts and Entertainment Alliance (MEAA) and Reporters Without Borders (Reporters sans frontières, RSF) as a serious threat to press freedom.

Spies, police and other security agencies will be able to use warrants to tap phones belonging to a suspect's family, friends, colleagues and lawyer, says MEAA. Other agencies, such as the Australian Tax Office, Customs, and the Australian Securities and Investment Commission (ASIC), will have the power to access stored communications such as e-mail and SMS text messaging.

MEAA argues that the legislation targets anyone who interacts with suspects of serious crimes, even though they are not themselves suspected of anything. It also says the law poses a threat to journalists. "Journalists who contact terror suspects for a story may have their phones tapped, giving authorities access not only to conversations with the suspect but also those of other, innocent sources," says MEAA. This would jeopardise the ability of journalists to maintain source confidentiality.

RSF notes that existing laws already place undue pressures on journalists. Australia's Anti-Terrorism Act, adopted in December 2005, provides for sentences of up to five years in prison for contacting a terrorism suspect. Journalists investigating terrorist activities could be arrested by the police, especially if they publish the names of suspects. Reporters do not have the right to refuse to reveal their sources in terrorism cases, and security forces can raid news organisations in order to search for evidence in such cases.

Visit these links:

- MEAA: <http://www.alliance.org.au/content/view/172/52/>

- RSF: http://www.rsf.org/article.php3?id_article=16920

- New South Wales Council for Civil Liberties:
http://www.nswccl.org.au/news/show_pr.php?relNum=1&relYear=2006

- Australia's Anti-Terrorism Laws:

<http://jurist.law.pitt.edu/forumy/2006/03/strengthening-counter-terrorism-laws.php>

Belarus to Release All Journalists from Prison

The World Association of Newspapers and the World Editors Forum have called on the President of Belarus to release all journalists from prison and to end the attacks on independent media that have followed his disputed re-election.

In a letter to President Alexander Lukashenko, the Paris-based WAN and the WEF said the arrests constitute "an abuse of power and sanctioning them will only serve to further tarnish your country's international standing."

The letter expressed support "to the Belarusian media community as a whole for its courageous efforts to continue reporting on the crackdown on opposition supporters by security forces." WAN and the WEF commended the Belarusian Journalists Association for monitoring the ongoing assault on press freedom.

At least nine journalists were arrested on 24 March, following the re-election of Mr Lukashenko. Belarusian police also barred journalists from

photographing the police assault that led to the arrests of several hundred demonstrators who were protesting the election result.

The election was called fraudulent by independent observers and has led to sanctions against the Belarusian government by the United States and the European Union.

Read the full letter at <http://www.wan-press.org/article9615.html>

Peace One Day

This year, for the first time in the history of Peace Day, with your support, Peace One Day will attempt to instigate commitments for the Day, 21 September 2006, in all 191 member states of the United Nations. With just under six months to go, I invite you to let Peace One Day know of any commitment you are able to make for the Day. The scale of your activity or event is not important; the commitment of individuals to act is everything.

Equally, please pass this email on to family, friends or colleagues in other countries to ask them if they would be willing to make a commitment for the Day and inform Peace One Day of their plans. Their website, now with text in the six official languages of the United Nations, indicates clearly in which countries activities are taking place on the Day and those in which there are none.

Please contact:

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Founder,
www.peaceday.org

Peace

One

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Anna Lindh Foundation Journalist Award for Cultural Diversity

The Anna Lindh Foundation and the International Federation of Journalists (IFJ) are accepting entries for a new award aimed at promoting better understanding of the diversity of cultures in the Euro-Mediterranean region.

The Anna Lindh Foundation Journalist Award for Cultural Diversity is open to journalists between the ages of 25 and 35 who work for print or online media in the following countries: Algeria, Austria, Belgium, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Jordan, Latvia, Lebanon, Lithuania, Luxemburg, Malta, Morocco, Netherlands, Palestine, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, Syria, Tunisia, Turkey, United Kingdom.

Applicants must submit one article or a series of articles that have been published between 1 June 2005 and 1 June 2006 in any print or online media in the above countries. The articles should depict cultural diversity and inspire exchange and intercultural dialogue among citizens of the Euro-Mediterranean region.

Award winners will be invited on a guided tour of four countries to explore and report on important issues of cultural dialogue and diversity. The tour will include meetings with high-level government officials and representatives of non-governmental organisations. They will also have their prize-winning articles published in a booklet.

The awards will be presented to the winners at a ceremony on 10 September 2006 - the day the late Swedish Foreign Minister Anna Lindh was assassinated.

The deadline for submitting entries is 1 June 2006.

For more information, visit: <http://www.euromedalex.org/Prize/index.html>

Commonwealth Human Rights Commissions Project

This project has funded two internships for members of human rights commissions to spend time working with a commission in a different part of the commonwealth. The purpose of the internships is to benefit both sending and host commissions through the resulting exchange of knowledge and experience as well as to enable individuals to develop their own skills and knowledge of specific areas or practices. The South Africa Human Rights Commission is hosting a member of the Kenya Commission, whilst the Kenya Commission is hosting a research officer from Pakistan who is producing guidelines for the operation of the still to be established Human Rights Commission there. Both interns will submit a report of their work attachment

that will be available on the Commonwealth National Human Rights Commissions Project website.

The latest edition of the project's newsletter, produced by Neena Jacob in Delhi, is available at: <http://www.britishcouncil.org.in/NHRIs/enewsletter/march2006.html>

Source: BC e bulletin

Foundations of Freedom of Expression

PEN Canada has produced an online tool for high school teachers to introduce freedom of expression concepts into the classroom. The reference guide explains what is meant by the term "freedom of expression", highlights international standards set out by the Universal Declaration of Human Rights, and lists case studies of censorship in Canada.

Visit: <http://www.pencanada.ca/freedomofexpression/>

International Libel and Privacy Handbook

"International Libel and Privacy Handbook" offers a country-by-country, user-friendly guide to navigating laws and customs worldwide for researchers, reporters and editors.. The handbook is written by Charles J. Glasser Jr., media counsel for Bloomberg News.

Visit: <http://www.ordering1.us/bloombergbooks/product.php?pid=244>

Passover Story

Ehud Olmert comes to Washington for meetings with George W.

For the State Dinner, Laura decides to bring in a special Kosher Chef and have a truly Jewish meal.

At the dinner that night, the first course is served and it is Matzoh Ball Soup.

George W. looks at this and after learning what it is called, he tells an aide that he can't eat such a gross and strange-looking brew.

The aide says that Mr. Olmert will be insulted if he doesn't at least taste it.

Not wanting to cause any trouble (after all, he ate sheep's eye in honor of his Arab guests), George W. gingerly lowers his spoon into the bowl and retrieves a piece of Matzoh ball and some broth.

He hesitates, and then swallows and a grin appears on his face.

He finds that he really likes it and digs right in and finishes the whole bowl. "That was delicious," he says to Olmert. "Do the Jews eat any other part of the Matzoh, or just the balls?"

Photos

Enjoy. They are truly magnificent.

With my very best wishes for a sunny, joyful spring,

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://hcc.haifa.ac.il/~rca/center/>

Those wishing to subscribe this monthly Newsletter are welcome to contact Raphael Cohen-Almagor at ralmagor@soc.haifa.ac.il