

"ISRAEL A VICTIM OF ITS DEMOCRACY"

On June 26, Human Rights Watch marked the third anniversary of the kidnapping of IDF soldier Gilad Shalit with a statement demanding "humane treatment" for the captive, including Red Cross and/or family visits. The statement said that holding Shalit incommunicado for years on end "could amount to torture."

Mishpacha senior news correspondent Avi Friedman spoke to Bill Van Esveld, a researcher in the Middle East Division of Human Rights Watch, about the statement and the group's overall treatment of Israel.

To my knowledge, your statement calling for "humane treatment" for Gilad Shalit is the first such major call Human Rights Watch (HRW) has made. Why now?

That's not true. We've released statements in the past calling for his humane treatment. It must be completely terrifying: He's barely been allowed any communication, even one-way, with the outside world; we feel he's being held in incommunicado detention. We try to keep our arguments legal rather than moral (if we got into moral arguments, no one would listen to us) — and, legally speaking, preventing someone from any contact with the outside world could amount to torture.

What other avenues are available to HRW for calling for Shalit's release?

When we're in Gaza, we raise the issue with Hamas leaders and try to convince them to allow him to contact his family and to allow the Red Cross to visit him.

Why would they care?

Because they want legitimacy. As in all our work, our goal is to "name and shame" those responsible for human rights abuses. We recognize that there are legitimate security reasons for taking military action, and we never criticize countries for taking action. But there is no reason for treating somebody cruelly, and Hamas is mistreating Gilad Shalit for no reason. Even if Hamas argues that he is a prisoner of war, to be returned at the end of hostilities with Israel, there is no excuse for inhumane treatment, even if theoretically we accept the security rationale behind holding him captive. We aim to expose this hypocrisy.

But Hamas leaders are now considered legitimate participants in dialogue by many parts of Europe, in most if not all of the Arab world, and by HRW. Seems like their treatment of Shalit doesn't detract from their "legitimacy." So why should they care about HRW calls for humane treatment?

First, I'd say that engaging in dialogue with Hamas and criticizing it for its human rights record are not mutually exclusive.

Second, Hamas' obvious desire to engage with foreign countries, with the UN, and with human rights organizations shows that it wants to be perceived as legitimate and not just as an armed group that seized power through the barrel of a gun. Hamas wouldn't do any of these things if it didn't care about its image. It wants to be perceived



Photo: AP

Cut off from the outside world: Gilad Shalit

as a group that protects the human rights of Palestinians. So when it fires rockets from populated areas, putting civilians at risk of becoming "collateral damage" in IDF counterattacks, and when it shoots political opponents and alleged collaborators under cover of war, these acts can be held up to the image Hamas wants to project and used to pressure it to behave more consistently with human rights and international humanitarian law. And regarding Sgt. Shalit, the point needs to be made that Hamas has no excuse and no justification for treating him inhumanely, no matter that he's an Israeli soldier.

Are there instances in which Israel has acted out of legitimate security concerns and was not condemned by HRW?

Well, we don't document the instances we aren't concerned about. As I said, when there are legitimate security reasons for a particular action, Human Rights Watch will never criticize. But countries — including Western countries like the US, Canada, and countries in Western Europe — always claim "security" to justify their abuses. If it's clear that a certain action is really for security, we will be silent, or we'll encourage the country to address the issue better. That's usually the case with Israel.

So I'll ask the question again: Can you think of Israeli security moves that have not been criticized by HRW?

Take the cases last year where terrorists tried to use bulldozers to kill civilians in Jerusalem. Bystanders killed the criminals, and that was completely justified. It was a clear case of self-defense. But hypothetically speaking, if Israel had then demolished the homes of the terrorists' families, that could not have been justified by the "security" argument.

Obviously, Israel has existential security problems. If we don't take that into consideration, why would any government take us seriously? And that's really our goal: to be taken seriously, and to offer good, realistic advice that's in line with national security concerns but that offers ways not to harm the human rights of innocents. Of course, our view of "security" is wildly divergent from Israel's, but nonetheless ...

Does the Israeli government take you seriously?

Israeli governments do usually issue serious responses to our concerns. It's important to state for the record what we are looking for in all this. We are looking to protect human rights. Yes, we criticize governments, but only because we feel there are no other options. If we honestly felt we could have more impact on the practices employed by the IDF by meeting privately and forgoing issuing a public report, we would take that route.

Take the recent Gaza conflict. We would prefer to have meaningful discussion before issuing a report. But the IDF didn't hold meetings or press briefings, and the IDF spokesman said nothing, so we were left with no other options.

You brought up the Gaza war a minute ago. How should Israel respond to rocket attacks?

There are two major issues regarding warfare: the decision to go to war, and a country's conduct during the war.

We never take a position on the first issue. We recognize that that's a policy decision which applies to all countries. And in Israel, hundreds of thousands of innocent civilians have been traumatized by rockets for years. It was absolutely legitimate for Israel to launch a response.

But the second area is one on which we feel we can have a positive impact. Take the use of white phosphorous. There are circumstances in which the use of white phosphorous is permissible, but not in areas that are heavily populated. Certainly by the end of the war, Israel should have known that using that type of artillery, which can't be aimed any more accurately than within a 50- or 100-meter radius, shouldn't have been used in heavily populated areas.

What about bombing civilian homes used as rocket launching pads?

The minute a rocket is fired from a civilian home, it becomes a military target. Similarly, if there is knowledge that a high-level enemy commander is taking refuge in a certain home, it is legally permissible to attack that home, even if there will be civilian casualties. But if a legitimate response is going to kill an inordinate number of civilians, that could make the response disproportionate.

The majority of infantry engagements (in Gaza and Lebanon) were legitimate and conducted within the guidelines of war. Infantry units went into neighborhoods like the Zaitoun area of Gaza and were attacked, they were clearly under threat, so their responses were clearly self-defense. Where we criticize are instances where the army messes up — like when IDF commanders told a family to go into a house and then bombed the house.

I've heard it said that Israel is a victim of its own democracy, and I suppose there's an element of truth to that. Compare Israel to Iran — a country that is closed to outsiders, difficult to report on — and it is clear that Israel is an open, relatively welcoming society with a terrific, robust debate about everything under the sun. In a way, it's unfair that that openness leads to heightened criticism. Israel didn't do itself any favors by keeping human rights groups and journalists out of Gaza — in doing so, it took that argument away.

EXCLUSIVE: MOSSAD APPOINTS CHAREIDI RAV

For the first time, the Mossad has hired a rabbi. The Rav, who will remain anonymous as long as he works for Israel's intelligence agency, is chareidi but served as an IDF chaplain for many years. Mishpacha has learned that the Rav refused the job at first but changed his mind after consulting with *gedolei Yisrael*, who stipulated that he must have real authority and not serve as a cover for the violation of halachah. Mossad officials agreed to the condition, and the appointment was made.

Legally, the rabbi's name may not be published, but the military censor has released some details about the new hire. The Rav served as a tank commander in the Yom Kippur War and as a military chaplain during Operation Peace for Galilee in 1982, visiting and supporting IDF troops around southern Lebanon. He then spent sixteen years as chaplain to an elite unit in the Intelligence Corps.

When the Rav retired from this last post, his commanding officer recalled that his arrival had initially generated opposition and hostility. Yet his strong faith in Hashem, his determination to promote Jewish values within the unit, and especially his warm heart and wisdom ultimately enabled him to reach out to every soldier and commander.

"Wherever the Rav was scheduled to arrive, the secular soldiers and commanders waited for him," the officer said.

The commander then quoted a midrash: "A person has three names: the one his parents give him at birth, the one his friends give him over the years, and the one he acquires for himself through his actions, and this last one is his good name." The name the Rav acquired for himself, the commander concluded, is the best one a person could have desired to acquire, with honesty and merit.

— Eliezer Shulman

SHOAH-ASSETS CONFERENCE OPENS IN PRAGUE

The Holocaust-Era Assets Conference was held June 26–30 in Prague, but observers say the event is unlikely to bring about the return of stolen property to the heirs of Holocaust victims.

The gathering was convened to assess the progress made since the 1998 Washington Conference on Holocaust-Era Assets. Topics included the recovery of looted art and other objects of cultural, historical, and religious value; reviewing current research and restitution practices; and improving mechanisms for restoring lost property.

Despite these lofty goals, experts say the conference is unlikely to yield concrete results for Holocaust victims who lost property to the Nazis and their collaborators.

"Over the last decade, there have been a lot of Holocaust ceremonies, some of which have led to concrete outcomes," said Efraim Zuroff, Israel director of the Simon Wiesenthal Center. "For instance, the 1998 Washington Conference on Holocaust-Era Assets led to the creation of a potent task force to address Holocaust education in Sweden. So positive things can come out of all this.

"But mostly, these conferences feature a lot of hype and very little action. Countries send delegates, make terrific speeches about the need to preserve the memory and provide justice for the victims, and then they don't do anything. The main problem is that these conferences never create a body with jurisdiction to force individuals or governments to return stolen property," Zuroff told Mishpacha.



Photo: AP

Not expecting major results: Efraim Zuroff

IRAN ENVOYS SHUN OBAMA OVERTURE

Fox News reported in late June that President Obama had rescinded an invitation to Iranian diplomats to participate in July 4 celebrations at American embassies around the world. The news cheered many circles supporting the nascent democracy movement in Tehran.

The only problem is that it wasn't exactly true. According to White House press secretary Robert Gibbs, Obama's invitation was met by a cold shoulder from Tehran: "Understand that July 4th allows us to celebrate the freedom and liberty that we enjoy. I don't think it's surprising that no one has signed up to come given the events of the last few days."

The episode sparked a series of conflicting messages from the White House and State Department. Whereas Gibbs said that Iranian diplomats could consider themselves uninvited for shunning the president's invitation, State Department spokesman Ian Kelly insisted that they remained welcome to attend Independence Day parties despite the crackdown on pro-democracy activists and on presidential challenger Mir Hossein Mousavi.

"There's no thought of rescinding the invitation to Iranian diplomats," Kelly said. "We have made a strategic decision to engage on a number of fronts with Iran. We tried many years of isolation, and we're pursuing a different path now."

THE LAST WORD

PUTTING HIS BEST FOOT FORWARD

There aren't many weddings like this one. Three years ago, during the Second Lebanon War, Lt. Asael Lubotzky was seriously wounded by an antitank missile near the southern Lebanese town of Bint Jbeil. As medics prepared him for evacuation from the battlefield, discussion focused not on whether his right leg could be saved, but only on how much of it would have to be amputated.

In mid-June, however, Lubotzky, now 26, stood under the *chuppah*, raised his fully functioning right leg, and broke the glass on the first try. Although the shattered glass recalls the heart-shattering destruction of the Beis HaMikdash, in this case the gesture was triumphant.

"Standing there, I felt that my family and I had come full circle," Lubotzky told *Mishpacha*. "It's been a process of accepting what happened, moving on, and developing new strengths. I really feel I've been given a new [chance at] life. Three years ago I had no skin left on my leg, and all the bones in my lower leg and foot were shattered. It took me six months to begin to be able to stand up, with the help of strong metal crutches, and a year to be able to stand sturdily."

Lubotzky credits his recovery to his unbending faith in Hashem and to the efforts of Professor Michael Soudry, director of the Orthopedic Division at Haifa's Rambam Hospital, and Dr. Alexander Lerner, senior orthopedic surgeon in the Department of Orthopedic Surgery. Lerner nixed talk of amputation when Lubotzky arrived at the hospital, and the latter says he received far more than medical attention during his long rehab process.

"Dr. Lerner stayed optimistic about my injuries from the very beginning," Lubotzky notes. "He was so hopeful that he could save my leg, and he dreamed about watching me break the glass at my wedding. His positive attitude and encouragement gave me so much strength throughout the long and often painful rehabilitation period."

For his part, Dr. Lerner describes the experience of participating in Lubotzky's wedding as "inspiring": "With great excitement

and emotion, I watched him stand on his own two legs under the *chuppah*, breaking the glass on his very first try. He danced with his family and friends and with me. The joy was indescribable."

Today, Lubotzky is a medical student at Hadassah University Hospital in Jerusalem. He uses crutches but remains active by swimming and hiking.

Lubotzky says the experience has left his faith in G-d rock solid. "The *chuppah* was a huge blast of faith, hope, and gratitude for all that Hashem has given me. Yes, there have been very tough times, but standing there with Avital [the *kallah*] gave me a new definition of hope for the future and gratitude to Him. *Baruch Hashem.*"

