



## UNWARRANTED

The dangers lurking in the International Criminal Court's unprecedented moves against Israeli leaders

### DEATH OF A BUTCHER

The legacy of the late Iranian President Ebrahim Raisi ..... PAGE 20

### RAFAH RESOLVED?

Limited IDF moves into Hamas' last bastion go better than expected .....PAGE 22

### THE PA AND GAZA

Does Mahmoud Abbas even want to take over the Strip? .....PAGE 27

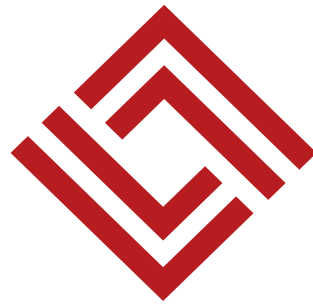
### WAR ON THE JEWISH STORY

Understanding the anti-Zionist agitation gripping university campuses .....PAGE 32





With best wishes from  
**Robert and Ruth Magid**



# Lascorp

Investment Group (Aust) Pty Ltd

Specialising in retail and shopping centre investments,  
syndication and management.

29 Claremont Street, South Yarra, VIC 3141

**P** 03 249 0000 **E** mail@lascorp.com

**lascorp.com**



## EDITOR'S NOTE

June's *AIR* cover story is the controversy over the unprecedented decision, announced on May 20, by the International Criminal Court (ICC) Prosecutor to seek arrest warrants against the Israeli Prime Minister and Defence Minister.

Jonathan Ruhe and Yoni Tobin provide a briefing on the details of the decision and the controversy surrounding it – including the debates about the ICC's jurisdiction and rules, regarding “complementarity” which the Prosecutor appears to be ignoring. Plus, Jeremy Sharon speaks to international law specialists about the validity and strength of the ICC case, while experts Geoffrey Corn and Orde Kittrie warn that the ICC case and other distortions of international humanitarian law are incentivising terrorism globally.

Also featured this month is Charlotte Lawson's obituary for Iranian President Ebrahim Raisi – also known as “Butcher of Teheran” for his human rights abuses – killed in a helicopter crash on May 19. Plus, top Israeli intellectual Yossi Klein Halevi discusses the war on the “Jewish story”, both on university campuses and beyond.

Finally, don't miss Yonah Jeremy Bob on Israel's military successes in Rafah, Ilan Evyatar on Israel's ongoing political agitation over conscription arrangements for ultra-Orthodox citizens and Palestinian Affairs reporter Khaled Abu Toameh on what the Palestinian Authority thinks about efforts to place it in charge of Gaza's reconstruction.

Let us know your thoughts on this edition at [editorial@aijac.org.au](mailto:editorial@aijac.org.au).

Tzvi Fleischer

## CONTENTS

### FEATURE STORIES

#### UNWARRANTED

JONATHAN RUHE & YONI TOBIN

The ICC Prosecutor's request for the arrest warrants of Netanyahu and Gallant is troubling for several reasons ..... PAGE 12



#### LAW EXPERTS QUESTION THE ICC'S CASE

JEREMY SHARON ..... PAGE 14

#### INCENTIVISING TERRORISTS

GEOFFREY CORN & ORDE KITTRIE ..... PAGE 17

#### DEATH OF A BUTCHER

Raisi was known for brutality at home and belligerence abroad  
CHARLOTTE LAWSON ..... PAGE 20

#### RAISI'S FLAMES WILL CONTINUE TO BURN

SETH FRANTZMAN ..... PAGE 21

#### RAFAH RESOLVED – OR IS IT?

YONAH JEREMY BOB ..... PAGE 22

#### CAN HAMAS BE DEFEATED?

GHAITH AL-OMARI ..... PAGE 23

#### HAMAS LOVES DEAD GAZANS

CLIFFORD MAY ..... PAGE 25

#### DOES THE PA EVEN WANT TO GOVERN GAZA?

KHALED ABU TOAMEH ..... PAGE 27

#### ISRAELI POLITICS IS FEELING A DRAFT

ILAN EVYATAR ..... PAGE 28

#### BIBLIO FILE: TALE OF AN AUSSIE BATTLER

JAMIE HYAMS ..... PAGE 31

#### ESSAY: ANTI-ZIONISM UNLEASHED

The war against the Jewish story  
YOSSI KLEIN HALEVI ..... PAGE 32

### ON THE COVER

Prosecutor of the International Criminal Court Karim Khan at the “United for Justice” conference in Lviv, Ukraine (Image: Shutterstock)



### REGULAR COLUMNS

#### FROM THE EDITORIAL CHAIRMAN

COLIN RUBENSTEIN ..... PAGE 4

WORD FOR WORD ..... PAGE 5

#### SCRIBBLINGS

TZVI FLEISCHER ..... PAGE 6

#### DECONSTRUCTION ZONE

SETH MANDEL ..... PAGE 7

#### ASIA WATCH

MICHAEL SHANNON ..... PAGE 8

#### EUROPA EUROPA

ALEX BENJAMIN ..... PAGE 9

BEHIND THE NEWS ..... PAGE 10

NOTED AND QUOTED ..... PAGE 35

IN PARLIAMENT ..... PAGE 36


#### MEDIA MICROSCOPE

ALLON LEE ..... PAGE 39

#### THE LAST WORD

RABBI RALPH GENENDE ..... PAGE 40

### HOW TO USE OUR INTERACTIVE EDITION

- Tap/click to return to the Contents page 
- All listed articles link to their page.
- Best viewed in your desktop browser, Adobe Acrobat or the Books (iOS) or equivalent e-book reader app in portrait mode.

**Australia/Israel Review**

Published by the Australia/Israel &amp; Jewish Affairs Council (AIJAC)

**Editorial Chairman**

Dr COLIN RUBENSTEIN AM

**Editor-in-Chief**

Dr TZVI FLEISCHER

**Staff Writers**

JAMIE HYAMS OAM, ALLON LEE, AHRON SHAPIRO, OVED LOBEL, TAMMY REZNIK, JUSTIN AMLER, AVIVA WINTON, GALIT JONES, ALANA SCHETZER

**Publishing Manager**

MICHAEL SHANNON

**Correspondents**ISRAEL: ILAN EYVATAR  
NEW ZEALAND: MIRIAM BELL  
EUROPE: ALEX BENJAMIN**National Editorial Board**

KEITH BEVILLE, RABBI RALPH GENENDE OAM, GARY HERZ, MIRIAM LASKY, STEVE LIEBLICH, RABBI Dr JOHN LEVI AC, Hon. HOWARD NATHAN AM KC

**AIJAC** AUSTRALIA/ISRAEL & JEWISH AFFAIRS COUNCIL**National Chairman**

MARK LEIBLER AC

**NSW Chairman**

PAUL RUBENSTEIN

**Executive Director**

Dr COLIN RUBENSTEIN AM

**Director of Policy and Research**

Dr TZVI FLEISCHER

**Executive Manager**

JOEL BURNIE

**Senior Policy Analysts**

JAMIE HYAMS OAM, AHRON SHAPIRO, ALLON LEE

**Policy Analysts**

OVED LOBEL, JUSTIN AMLER, AVIVA WINTON, GALIT JONES

**Research Associate**

Dr RAN PORAT

**Media Producer**

AREK DYBEL

**Digital Communications Producer**

ALANA SCHETZER

**Digital and Policy Analyst**

TAMMY REZNIK

**Interfaith and Community Liaison**

RABBI RALPH GENENDE OAM

**Visiting Fellow**

Prof GREG ROSE

**Events Coordinator**

HELEN BRUSTMAN OAM

**Administration**

MELBOURNE: ROSEMARY SANDLER,

RENA LANGBERG

SYDNEY: LOUISE DE MESQUITA

**Israel Liaison**

PETER ADLER

**Founding Chairmen**

ISADOR MAGID AM (OBM), ROBERT

ZABLUD (OBM)

**HEAD OFFICE**

Level 1, 22 Albert Road,

South Melbourne, VIC 3205, Australia

Telephone: (03) 9681 6660

Email: [aijac@aijac.org.au](mailto:aijac@aijac.org.au)**SYDNEY OFFICE**

140 William Street

East Sydney, NSW 2011, Australia

Telephone: (02) 9360 5415

Email: [aijacsydney@aijac.org.au](mailto:aijacsydney@aijac.org.au)**SUBSCRIPTIONS**

Please send all remittances, changes of

address and subscription inquiries to

our Melbourne office (above), or email:

[admin-aijac@aijac.org.au](mailto:admin-aijac@aijac.org.au)

ISSN No. 1442-3693

Print Post Approved – 100007869

[www.aijac.org.au](http://www.aijac.org.au)**FROM THE EDITORIAL CHAIRMAN**  
COLIN RUBENSTEIN**A SHIFT TOWARDS LAWFARE**

Israel's ongoing cautious and targeted operations in Rafah notwithstanding, it has become increasingly evident that the war that Hamas launched against Israel on October 7 has now significantly expanded outside the battlefield to places like The Hague, the United Nations, the cabinets of European governments, and university campuses.

Nothing captures the absurdity of this disturbing trend better than the May 21 announcement by the International Criminal Court's (ICC) Chief Prosecutor Karim Khan that he would be seeking arrest warrants for war crimes, not only for the leaders of Hamas who planned the unprovoked October 7 massacre of civilians, but also for Israeli Prime Minister Binyamin Netanyahu and Defence Minister Yoav Gallant.

Aside from the glaringly obvious points that the ICC lacks jurisdiction on this matter and the arrest warrant requests also violate the ICC principle of "complementarity" (for more on this, see pp. 12-13), the accusations against Netanyahu and Gallant are Orwellian to the core. That is, the reality is actually the complete opposite of the allegations that Israeli leaders are responsible for "starvation of civilians", "wilfully causing great suffering," and "intentionally directing attacks against a civilian population."

Israel has actually gone above and beyond what is required in terms of protecting civilian life under the Law of Armed Conflict, and made great efforts to facilitate aid entry in extremely difficult conditions.

John Spencer, the Chair of Urban Warfare Studies at the Modern War Institute at West Point and one of the world's top experts in the field, detailed this on May 4, "Israel has done more to prevent civilian casualties in war than any military in history."

Israel, he noted: Evacuated cities, provided safe routes and a humanitarian zone for evacuating civilians, dropped more than 7.2 million flyers, made over 79,000 direct phones calls, sent over 13.7 million text messages, and left over 15 million pre-recorded voicemails to warn civilians to leave danger areas; conducted daily multi-hour fighting pauses to allow evacuation; handed out military maps telling civilians where the IDF would be fighting next; developed a methodology to track civilian presence from a distance in real time; incorporated legal advisers into the targeting process; and more.

"The IDF's 1 to 1.5 if not 1 to 1 combatant to civilian ratio... is better than any battles, past or modern, in urban warfare with even remotely similar context," Spencer added.

While no war can be fought without loss of civilian life – always tragic and sometimes requiring further investigation and accountability – the IDF has a robust internal legal system built to meet that challenge.

As Israel's independent Attorney-General Gali Baharav-Miara – who has often locked horns with the current Government – has said, "The security forces, including the IDF, wage war with full commitment to the rules of international law." We also know that the Israeli legal system can hold the state's highest officers to account, jailing both past prime ministers and presidents, while the current PM is on trial for alleged corruption offences.

The IDF's current operations in Rafah aimed at defeating Hamas' last battalions and destroying smuggling tunnels to Egypt have built upon lessons learned from earlier fighting. True to the assurances Israel offered to the US and international community, the Rafah operation proceeded only after the evacuation of more than 900,000 civilians to designated safe areas prepared with ample humanitarian infrastructure.

This did not stop the International Court of Justice (ICJ), a different UN body, from agreeing to make itself a tool of South Africa's efforts to abuse the meaning of the Genocide Convention to try to manipulate the Court to effectively provide victory to Hamas





– which South Africa openly supports – in the war that terror group launched with its campaign of mass-murder, rape, torture and kidnapping on October 7. And rather than dismiss these efforts, as it should have, the Court ruled on May 24 that Israel should “Immediately halt its military offensive... in Rafah... which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part.”

Despite much incorrect reporting to the contrary, separate clarifying declarations by four ICJ judges make it clear that Israel is only required by the ICJ order to halt its actions in Rafah if they would risk inflicting “on the Palestinian group in Gaza conditions of life that could bring about its physical destruction.” Israel is definitely not doing this, as the successful evacuations made clear. Nonetheless, with its latest orders, the ICJ allowed itself to be made part of abusive lawfare.

There is a thread that connects this lawfare and the Palestinian Authority’s partial success in upgrading its status in the UN General Assembly on May 10, and the recent coordinated announcement by Norway, Ireland and Spain recognising “Palestine” (despite it lacking the necessary criteria for statehood).

The Palestinian leadership makes no effort to hide that its goal is to inflict maximum pain on Israel by legal and diplomatic means as an alternative to conducting the final status peace negotiations it has shunned for a decade.

**“It has become increasingly evident that the war that Hamas launched against Israel on October 7 has now significantly expanded outside the battlefield to places like The Hague, the United Nations, the cabinets of European governments, and university campuses”**

This is why Prime Minister Anthony Albanese and Foreign Minister Penny Wong’s responses to the ICC’s political strongarming and the unilateral Palestinian statehood recognition drive have been so disappointing and counter-productive. Unlike our allies, including the US, UK and Canada, we refuse to condemn the ICC’s baseless manoeuvres.

And Senator Wong suggests that giving the Palestinians dessert before dinner – recognising Palestine “as part of a pre-peace process” – could advance a two-state resolution, when it would in fact instead disincentivise this outcome.

Senator Wong and others argue that various measures pushing unilateral recognition of

Palestinian statehood are a blow to Hamas because Hamas opposes a two-state resolution, but Hamas does not see it that way – welcoming both the May 10 UN vote and the recent recognition by three European states.

The Albanese Government rightly has pointedly rejected any moral equivalence between Hamas and Israel. It needs to go much further, and take a moral, principled and more effective stance, including following two common sense guidelines to direct its policy vis-à-vis Israel and the Palestinians: First, what is good for Hamas is never, ever good for Australian foreign policy; and second, any move that might be perceived as rewarding the Palestinians for the aggression of October 7 cannot possibly help encourage a two-state peace or strengthen moderates.

AIR

## “” WORD FOR WORD

“The United States fundamentally rejects the announcement today from the Prosecutor of the International Criminal Court (ICC)... We reject the Prosecutor’s equivalence of Israel with Hamas. It is shameful... Moreover, the United States has been clear since well before the current conflict that that ICC has no jurisdiction over this matter... These and other circumstances call into question the legitimacy and credibility of this investigation.”

**Press release by US Secretary of State Antony Blinken on ICC warrants against Israeli officials (US State Department, May 20).**

“The ICC prosecutor’s application for arrest warrants against Israeli leaders is outrageous. And let me be clear: whatever this prosecutor might imply, there is no equivalence – none – between Israel and Hamas.”

**US President Joe Biden (BICOM, May 21).**

“The absurd and mendacious order by the prosecutor in The Hague isn’t directed only against the Israeli prime minister and the defence minister. It is directed against the State of Israel in its entirety.”

**Israeli Prime Minister Binyamin Netanyahu (BICOM, May 21).**

“It’s fair to say that the Israelis have updated their plans. They’ve incorporated many of the concerns that we have expressed.”

**Unnamed senior Biden Administration official praises IDF operations in Rafah, apparently reversing past Administration criticism of any such plans (Times of Israel, May 22).**

“UNRWA... does not vet its employees or potential employees for Hamas or Islamic Jihad connections or sympathies, while at the same time, a large percentage of Gazans support Hamas... Thus, it would not be surprising to learn that as many as half of UNRWA’s employees were Hamas supporters... UNRWA should be replaced.”

**Former UNRWA General Counsel James Lindsay testifying before the US Congress (US House of Representatives Committee Repository, May 17).**





Tzvi Fleischer

## IS ENOUGH FOOD ENTERING GAZA?

As hopefully everyone knows, Israel says it is allowing all available aid into Gaza and any problems with getting it to Gazans in need is a result of distribution failures. UN and aid agency officials deny this, saying not enough aid is getting in due to Israeli restrictions and delays, and there is “famine” in parts of Gaza as a result. They also often say that, before the war, some 500 truckloads of goods entered Gaza daily (though only a minority of that was food or aid) and to meet Gaza’s needs, a similar number of aid trucks are now needed.



The Gaza aid problem: Is it about quantities entering or distribution? (Image: Shutterstock)

So who’s right – is the problem that Israel does not let enough aid into Gaza or distribution?

A new study done by Hebrew University’s Institute of Biochemistry, Food Science, and Nutrition seems to settle this issue once and for all by simply looking at the relevant numbers. It obtained the registry of each and every truck that entered Gaza through the Rafah and Kerem Shalom crossings from January to April. Reviewing this data, it was found that on average, between January and April, 124 trucks carrying food and humanitarian aid entered Gaza per day, bringing in up to 3,211 calories worth of nutrition per Gazan, per day.

That’s more than the World Health Organisation standard for calorie consumption – which is 2,900 per day for average-sized men and 2,200 per day for average-sized women. Furthermore, the study found that “the quantity and quality of food delivered to Gaza have steadily improved and diversified since January” and “the food supply contains sufficient energy and protein for the population’s needs.”

The study has not yet undergone peer review, but if its numbers are correct, they appear to definitively settle

the central question – enough food to feed all Gazans adequately has been crossing the border. The problem thus has to be distribution.

## PIER UNDER PRESSURE

Aid distribution problems are highlighted by the fate of the aid brought in through the floating pier built by the US military to import aid to Gaza, which began operating on May 17. Yet five days later, US Defence Department press secretary Major Gen. Patrick Ryder was asked if any of the aid delivered to the pier had reached the people of Gaza. His response was: “I do not believe” it has.

So what happened? According to a report from *Reuters* (May 20), on May 18, only five out of 16 trucks of aid sent from the pier to a World Food Program warehouse made it – the other 11 were all looted along the way.

The UN, interestingly, did not seem too fussed about this looting, or about securing aid in general. Stéphane Dujarric, spokesperson for the UN Secretary-General, said of this looting: “There was, you know, what I think I would refer to as self-distribution. These trucks were traveling through areas where there’d been no aid. I think people feared that they would never see aid. They grabbed what they could.”

Asked who was responsible for the security of the trucks he admitted: “we don’t have any armed security.” He later added, “the best security, the best safety comes from the community. Right? When people understand and know that there will be a constant flow of aid... We do not operate with armed escort because... there’s certain humanitarian principles, especially operational neutrality, that need to be respected.”

Given this attitude toward looting and security, is it any wonder that the aid coming into Gaza is not being distributed effectively? Or that there are widespread reports that aid packages are for sale in Gaza – such as the *New York Times* report on May 18, which described street markets in Gaza featuring “Entire aid parcels – still emblazoned with the flags of their donating countries and meant to be distributed for free... stacked on sidewalks and sold for prices few could afford.”

## EGYPT CAUSED AN AID CRISIS OVER RAFAH

There is no doubt the aid coming in from the US pier is now sorely needed, because the Rafah crossing has been closed by the Egyptians from their side since Israel forces took control over the Gaza side of it from Hamas forces on May 7.

Some media outlets have falsely claimed that Israel is responsible for keeping the crossing closed. Egypt’s Foreign Minister Sameh Shoukry admitted Cairo was the one keeping the crossing closed on May 21 saying, rather disingenuously, that the Israeli military presence and operations



put truck drivers in danger, which has led to the cessation of aid crossing the border.

But the situation is actually worse than this because it is not just Rafah which is affected. The nearby Kerem Shalom crossing from Israel to Gaza is open – despite its being rocketed from Hamas-controlled Rafah on May 5, killing four IDF soldiers, and then again on May 8, 10, 11, 12 and 24. But it was receiving little aid because the aid previously arriving at that crossing was largely coming via Egypt, and Cairo was also refusing to let any aid go to Kerem Shalom.

A Biden Administration official affirmed this situation in remarks to the *Times of Israel* on May 22, saying “What should be going into Kerem Shalom is the UN assistance, which is now in Egypt... Egypt is holding that back until the Rafah crossing situation settles out... Kerem Shalom is open... that aid should be going through Kerem Shalom.”

Israeli Minister Ron Dermer said on May 23, “Right now, Egypt is withholding 2,000 trucks of humanitarian assistance from going into Gaza because they have a political issue about the Rafah crossing.” Egypt began again allowing aid trucks to go into Gaza via Kerem Shalom, but not Rafah, on May 26, following US pressure. AIR

## DECONSTRUCTION ZONE

Seth Mandel

### ISRAEL AND THE “FOREVER WAR”

Ever since October 7, we’ve gotten a steady stream of reminders of just how different life in Israel can be from the rest of the West. No matter how European the architecture or how Americanised its politics have become, Israel’s experience has always been different from that of its allies in crucial ways.

For example, the renewed fighting in Gaza’s north is the subject of this lead from the *Wall Street Journal*: “Seven months into the war, Hamas is far from defeated, stoking fears in Israel that it is walking into a forever war.”

This is a very Western, and indeed American, way of looking at it. Because when you live far from the war zone, as in the case of the US invasion of Iraq, you always fear walking into a trap. But Israel isn’t walking into anything – in fact, Israel tried *walking away* from Gaza. Not just in its 2005 disengagement, although that move did end once and for all any notion of an Israeli “occupation” in Gaza. Israel, in fact, tried walking away in 1967 – that is, immediately upon taking and holding the territory in a defensive war. The Arab states Israel had defeated met in Khartoum and released a famous resolution declaring the “three noes”: No peace with Israel, no recognition of Israel, no negotiation with Israel.

Thus, instead of immediately negotiating back the terri-

tory it won, Israel was forced into a simmering state of war that turned into a full-blown war of annihilation against the Jewish state once again in 1973. In the aftermath of that war, the Arab states, which had instigated each war against Israel, began to accept the fact that they weren’t going to vanquish the Jews after all. Israel returned the entire Sinai Peninsula to Egypt, including oil fields that could supply Israel with about a fifth of its energy needs at the time.

In 2000, Ehud Barak offered to Yasser Arafat a Palestinian state that included the Gaza Strip. Arafat turned down the offer of statehood. Five years after that, Israel left Gaza unilaterally, after decades of trying to walk away from the Strip. Hamas’ takeover of the Strip soon followed, and it was turned into a large military installation, the entire point of which was to keep Israel from walking away completely.

Attacks from Gaza did not begin in 1967, just as they did not stop after Israel’s disengagement in 2005. Hamas’ attacks have nothing to do with a supposed occupation. Whether or not there are Israeli boots on the ground in the Gaza Strip, there has been and will be war.

Which brings us to the second point: *This is already a forever war*. And that forever war was declared by Israel’s enemies and is re-declared each time Israel offers to end it. Hamas’ *raison d’etre*, in fact, is forever war. You can find this out by doing such things as: asking Hamas leaders; reading Hamas statements; reading Hamas’ essential documents; watching interviews; opening your eyes; etc.

Hamas does not deny this. Since October 7, Hamas officials have been saying this with even more regularity than they did before. Just one example of about a million: “Hamas’s goal is not to run Gaza and to bring it water and electricity and such,” Khalil al-Hayya, one of Hamas’ top leaders, said in November. “Hamas, the Qassam [brigades] and the resistance woke the world up from its deep sleep and showed that this issue must remain on the table. This battle was not because we wanted fuel or labourers. It did not seek to improve the situation in Gaza. This battle is to completely overthrow the situation.”

Israel is not “walking into a forever war.” It has spent its 76 years as a state trying to get out of a forever war imposed on it by the enemies of its existence, some of whom, such as the Hamas leaders and fighters involved in the October 7 attacks, are barbarian war zombies who have no other setting.

If you want to end the forever war against Hamas, you must destroy Hamas. Opposition to that is, in essence, opposition to ending the forever war launched against Israel the day of its rebirth as a state. There isn’t another option. The twist here is that Israel is the only actor involved in this drama that wants to end the forever war. No one else seems to be in much of a rush. AIR

*Seth Mandel is senior editor of Commentary.* © Commentary





([www.commentarymagazine.com](http://www.commentarymagazine.com)), reprinted by permission, all rights reserved.

# ASIA WATCH

Michael Shannon

## DEGREES OF SEPARATION

In Malaysia, to be linked in any way with Israel or be perceived as insufficiently anti-Israel, let alone defending the Jewish state is, at the very least, problematic.

Even the stridently pro-Palestinian Malaysian Government has been accused of hypocrisy after several defence companies that have supplied arms and military technology to Israel were cleared to take part in a military exhibition in Kuala Lumpur.

More than 1,300 companies from 60 nations participated in the concurrent Defence Services Asia and National Security Asia exhibitions from May 6-9, hosted and co-organised by Malaysia's Defence and Home Affairs Ministries. The companies included the US-based aerospace and defence firm Lockheed Martin and British aerospace and weapons firm BAE Systems, both of which have been accused of complicity in Israel's military invasion of Gaza.

As the domestic outcry began, the Malaysian Defence Minister Khaled Nordin announced the Government would not directly prevent business dealings between domestic companies and foreign arms manufacturers, even those that have defence contracts with Israel. Khaled said Malaysia opposes all forms of injustice against the Palestinian people but is also a "free trade country" and that "the relationship of some global defence companies with certain countries is a business matter that Malaysia will not interfere with."

The Solidarity for Palestinians group held a protest outside the event on May 7, demanding that companies with connections to the Israeli military be banned from the event, a call echoed by former prime minister Dr Mahathir Mohamad, who thundered: "Let them know that there is no place in Malaysia for anyone who supports or conspires with Israel to commit genocide against the Palestinians."

PM Anwar Ibrahim defended the Government's stance, saying it was not a problem as long as the companies are not registered in Israel.

However, Boycott Divestment Sanctions (BDS) Malaysia insisted that the question was not whether the companies were registered in Israel, but whether they were

involved in "helping the Zionist state commit genocide" in Gaza.

"If the government is serious about defending the people of Palestine, it must re-evaluate its ties with these companies because we want them to immediately stop abetting with Israel in its oppression of the Palestinian people," BDS Malaysia president Nazari Ismail told *MalaysiaNow*.

Anwar was under attack for the trade show stance in the same week that he played host to a prominent Saudi scholar who has been criticised by Muslims for taking part in events organised by (Zionist) Jewish leaders.

Mohammad Abdulkarim Al-Issa, the Secretary-General of the Muslim World League, was an honoured guest at the International Conference of Religious Scholars and the Asian Council of Ulama on May 8, launched by PM Anwar. But he was visibly irritated by media questions on his contact with Jewish pro-Zionist groups – in

2020, then a former Saudi justice minister, Al-Issa took part in a trip with the American Jewish Committee (AJC) to visit the Nazi death camp at Auschwitz.

"I have no relationship with Israel at all," Al-Issa insisted. "The only relationship I have with (those in Israel) has to do with engaging the People of the Book as mentioned in the Quran (Muslims, Christians and Jews). As Islam mentions, we have a greater mission in this world and we welcome all the People of the Book and (my engagement with them) has nothing to do with politics."

While the Universiti Malaya awarded Al-Issa an honorary doctorate, it was earlier embroiled in controversy

for hosting an openly pro-Israeli professor from the US. Bruce Gilley, a professor of political science at Portland State University, was invited to give three lectures and a keynote address over ten days in late April as part of a visiting professor program in the international studies department at Universiti Malaya.

On social media site X, Gilley posted a grab from his keynote address on Malaysia's foreign policy titled *Will Malaysia Become an Active Middle Power?*: "A country whose political leaders advocate a second Holocaust against the Jewish people will never be a serious player in world affairs and will certainly never be a friend or partner of the US."

The reaction was swift as outraged Malaysians demanded that action be taken. The Higher Education Ministry ordered Universiti Malaya to cancel all Gilley's events, which it duly did. The institution also apologised and pledged that "action will be taken against those found to be involved."



Saudi religious scholar Mohammad Abdulkarim Al-Issa and US academic Bruce Gilley in Kuala Lumpur (Images: Bernama, X)

Forced to leave hurriedly, a “very disappointed” Gilley told *TIME* magazine, “The whole event proves the point of my paper: Malaysia is not fit to be a responsible actor in global governance.”

As if to prove Gilley’s point, PM Anwar’s official visit to Qatar in mid-May included a meeting with Hamas leader Ismail Haniyeh. Reiterating Malaysia’s full support, Anwar lauded Hamas for its “readiness to release hostages... and its willingness to accept the peace plan proposed by the Arab world, the OIC, and the international community.”

AIR



Alex Benjamin

### “A WORLD OF HATE AND FEAR”

Milton Sanford Mayer was a Jew and a reporter, best known for writing the book *They Thought They Were Free: The Germans, 1933-45*, a study of the lives of a group of ordinary Germans under the Third Reich.

I think this quote from the book is worth sharing in full.

And one day, too late, your principles, if you were ever sensible of them, all rush in upon you. The burden of self-deception has grown too heavy, and some minor incident, in my case my little boy, hardly more than a baby, saying ‘Jewish swine,’ collapses it all at once, and you see that everything, everything, has changed and changed completely under your nose. The world you live in—your nation, your people—is not the world you were born in at all. The forms are all there, all untouched, all reassuring, the houses, the shops, the jobs, the mealtimes, the visits, the concerts, the cinema, the holidays. But the spirit, which you never noticed because you made the lifelong mistake of identifying it with the forms, is changed. Now you live in a world of hate and fear, and the people who hate and fear do not even know it themselves; when everyone is transformed, no one is transformed.

Self-confident liberal universities, with faculties that pride themselves on their scholarship, their freedom of conscience and their democracy, are being overrun by a vocal minority who support an ideology that abhors freedom of expression and dissent, that has summarily executed gay people, that murders Jews and that advocates rape and considers the murder of children and octogenarians as “resistance”. Thousands of students are cosplaying as terrorists with face coverings. Instead of seeking dialogue, they proffer ultimatums, and they refuse to engage with media or their fellow students who hold differing views. I shuddered when I heard that many refuse to engage on the grounds that “I have not been trained.”

Since when did advocating for the complete destruction of a UN member state become free speech? When did

vocal and open support for the actions of a proscribed terrorist organisation become normalised? When did calling for the murder of Zionists and Jews become acceptable? Since October 7.

Universities are just the tip of the iceberg. In the last few weeks, the main Belgian Jewish organisations felt compelled to write a letter to the Prime Minister pleading that he not abandon them. In London, the Metropolitan police said that swastikas used at a pro-Palestinian protest are permissible because they are “context dependent”. Similarly, chanting “from the river to the sea” – the dog whistle so loud anyone can understand it – is permitted in most countries because it is not “explicit” enough.

Jewish leaders who take their kids to nursery school wearing bullet proof vests, the houses of Holocaust survivors daubed with SS graffiti, Jews going about their daily lives insulted, slapped, spat on. On Jewish organisations’ social media, hate posts – “die zionist filth” and “jews are a cancer” – appear daily. Stickers on lampposts reading “rape is resistance” and “babies are occupiers too.”

What was the tipping point for Nazi success? Toleration and indifference. You push, you meet no resistance. You push a bit more, still none. You push and push, and you get away with it. And before you know it, the tolerance of dehumanisation reaches its peak. And then you can go to Wannsee and plan the rest.

Hyperbole? Jews crying wolf? When you can see its shadow and hear its howl, it’s time to raise the alarm.

But raising it is not enough. It is the response to it that matters. And for now, our communities are being met with either a wall of silence or acres of nice words and platitudes such as “we won’t tolerate antisemitism in our societies.” It makes you want to scream: Can’t you see? Are you deaf?

It seems to me that a calculus has been made. The anti-Zionism ensuing from the war in Gaza – in the vast majority of cases a flimsy fig leaf for antisemitism – is being tolerated because it is given a pass as political speech and not hate speech.

You would have to be exceedingly naïve not to see what is happening here. And the vast majority of people – especially our political and academic classes – are anything but naïve.

But this is the logic of the contextualisation of everything related to the post October 7 landscape. The antisemites have simply replaced Mayer’s “Jewish swine” with “Zionist swine”. The ground has been ceded. The politicisation and repackaging of antisemitism has been tolerated.

Tolerance is indeed the mark of a healthy society. But in some circumstances, it can also spell disaster. Because when hate is tolerated and given free rein to fester, everything, as Mayer put it, is indeed changed.

And one day, it’s too late...

AIR

9



# BEHIND THE NEWS

## ROCKET AND TERROR REPORT

A rocket and mortar salvo fired from Rafah at the Kerem Shalom border crossing on May 5 killed four soldiers and injured several more. There were additional salvos on Kerem Shalom on May 8, 10, 11, 12 and 24, while rocket barrages were also fired from Rafah at Beersheba, Ashkelon and Sderot. A barrage of 12 long-range rockets was fired from Rafah at central Israel, including the Tel Aviv area, on May 26.

An approximately week-long IDF operation in Zeitoun in northern Gaza ended on May 15, with about 150 terrorists killed.

There were 11 major terror attacks in the West Bank and Jerusalem between April 21 and May 5 targeting security forces and civilians. On May 17, Israeli airstrikes in Jenin targeted a command room belonging to a local terror network, killing several operatives.

As of May 23, the IDF death toll in ground operations inside Gaza since October 7 stood at 285.

In mid-May, the IDF recovered the bodies of seven hostages from Gaza. All had been killed on October 7.

## ISRAEL'S LIMITED RAFAH OPERATIONS SO FAR

As of May 24, the IDF had killed 180 terrorists in operations in the outer areas of the southern Gaza town of Rafah. It had also confiscated and destroyed numerous rocket launchers and other weapons. Approximately 900,000 Palestinians had been safely evacuated from Rafah by May 21, the overwhelming majority moving northwest to the al-Mawasi humanitarian area that Israel had designated for Rafah evacuees, containing tents, medical facilities and other humani-



IDF tanks in the Rafah crossing precinct (Image: X/ Twitter)

tarian infrastructure.

The IDF took control of the Rafah crossing on the border with Egypt on May 7, and reportedly found numerous smuggling tunnels from Sinai into Gaza along the border.

## ISRAEL OPENS MORE AID CROSSINGS

Despite attacks by Hamas on aid routes, Israel opened new crossings to enable more aid to be delivered to Gazans in recent weeks.

In the north of the strip, Israel opened three additional crossings – Erez, Western Erez and Zikim – during early May.

In the southern part of Gaza, the Rafah crossing between Gaza and Egypt was closed by Egypt after the IDF conquered the northern part of the crossing. As of May 27, the Egyptians had refused to reopen the crossing for aid despite numerous Israeli requests.

On Friday, May 17, aid began to enter Gaza via the floating pier assembled by the US military, though some aid trucks were seized by looters (for more see p. 6).

## UN HALVES WOMEN AND CHILDREN GAZA CASUALTY CLAIMS

The United Nations has dramatically revised down its fatality figures for women and children killed in the war in Gaza. The UN Office

for Coordination of Humanitarian Affairs (OCHA) revised the figure for children killed from more than 14,500 on May 6 to 7,797 on May 8. The number of women killed was also revised downwards by OCHA from more than 9,500 deaths to 4,959 deaths. OCHA admitted it had previously relied on casualty statistics from the Gaza-based, Hamas-controlled Government Media Office. However, the revised numbers seem to rely on figures released by the Gaza Ministry of Health, even though it has been revealed that the latter is unable to provide names for more than 10,000 of the 34,000 people it says have died during the war.

## CAIRO APPARENTLY CAUSED CEASEFIRE DEAL CONFUSION

It was widely reported in early May that Hamas had accepted a ceasefire deal which was then rejected by Israel. However, US State Department spokesman Matthew Miller clarified that Hamas did not actually approve the ceasefire proposal offered to the group by Israel and the US on May 6 but responded with a “counterproposal”. The Hamas-approved document allowed Hamas to free only a few hostages – who did not have to be alive – while ending IDF Gaza operations and leading to the release of the most dangerous Hamas terrorists in Israeli jails.

It was subsequently reported that Egyptian intelligence officers had, without informing the Israelis or US, altered the terms of the deal agreed to prior to presenting it to Hamas.

## LEBANON ESCALATION

Hezbollah has significantly escalated its attacks on Israel since the IDF

began its operations in Rafah, including using heavy Burkan rockets. Between May 6 and 12 alone, Hezbollah carried out 46 attacks against civilian and military targets in Israel, killing three IDF soldiers.

On May 15, it launched more than 60 rockets at an Israeli air traffic control base.

As of mid-May, Hezbollah had fired more than 4,500 missiles, drones and guided anti-tank missiles into Israel since October 7.

## TURKEY HALTS ISRAEL TRADE

Turkey announced on May 3 that it was halting all trade with Israel. Turkey's President, Recep Tayyip Erdogan, announced that trade would only resume after a permanent ceasefire between Israel and Hamas and what Turkey considers to be a sufficient flow of humanitarian aid to Gaza. Turkey was Israel's fourth-largest trading partner in 2023.

## IRAN'S PRESIDENT AND FOREIGN MINISTER KILLED IN CRASH

Iran's President Ebrahim Raisi and Foreign Minister Hossein Amir-Abdollahian were killed along with several other Iranian officials when their helicopter crashed in northern Iran on May 19. They were on their way back to Teheran from neighbouring Azerbaijan. Following Raisi's death, First Vice President Mohammad Mokhber will be acting president until an emergency presidential election is held on June 28.

## LEADERS HINT IRAN BUILDING NUCLEAR WEAPONS

Kamal Kharazi, an advisor to Iran's Supreme Leader, suggested on May 9 that Teheran might shift its nuclear program from a civilian focus to a military one if it per-

ceives existential threats, saying the Supreme Leader's *Fatwa* ("religious ruling") against building nuclear weapons could be reversed. Ahmad Bakhshayesh Ardestani, a member of Iran's Parliament, asserted on May 10 that Iran already possesses nuclear weapons, but this fact will be disclosed gradually to avoid causing international alarm.

In response to these Iranian statements, International Atomic Energy Agency (IAEA) Director-General Rafael Grossi insisted that such "loose talk" must stop.

## UN VOTES ON PALESTINIAN MEMBERSHIP

A UN General Assembly (UNGA) resolution calling on the Security Council to recognise the "State of Palestine" as a member, and granting more procedural rights and privileges to the Palestinian UN delegation, passed on May 10, with 143 countries voting in favour, including Australia,

9 against and 25 abstentions. Hamas welcomed the resolution.

The Palestinian Authority can now participate in UNGA discussions and in the forums of UN agencies and committees, partake in selecting representatives for committees and put forward proposals for deliberation. However, it still cannot vote or be elected to most UN bodies.

## MALAYSIA ALLEGED TO BE ASSISTING IRAN EVADE SANCTIONS

Iran is reportedly working with Malaysian operators to avoid international sanctions to move and sell its oil to China, according to Brian Nelson, the US Treasury's Undersecretary for Terrorism and Financial Intelligence. On May 7, during a trip to Malaysia and Singapore as part of a crackdown, Nelson said that Iran is using multiple companies in the region to move its heavily restricted oil near Singapore and around south-east Asia, then selling it illegally.

## STRANGER THAN FICTION

### FLIGHTS OF FANTASY

Israelis have become so accustomed to being blamed for every Middle Eastern misfortune that they joke about being responsible. In a massive irony, some have taken the latest such joke as evidence of Israeli villainy.

After the May 19 helicopter crash that killed Iranian President Ebrahim Raisi, Foreign Minister Hossein Amir-Abdollahian and other officials, a joke meme spread on Israeli social media thanking the Mossad agent "Eli Copter" for his role. "The Mossad", a satirical pro-Israel account on X, "quoted" Raisi asking, "Are you sure this helicopter is safe?" and "Agent Eli Kopter" replying, "absolutely".

This was picked up by a Hamas Telegram channel, "Al-Qassam Correspondent", with 136,000 followers across the

Middle East, which posted, "It is said that the helicopter pilot was a Mossad Agent named Eli Kopter."

London-based Arabic language website *Al Sabah Al-Misry* took it further, stating, "Hebrew media quoting Israeli Prime Minister Netanyahu reported that Mossad agent Eli Copter and F16 pilot Avi Ron carried out the operation to shoot down the Iranian helicopter and now returned to their base in Israel." "Avi Ron" is another Hebrew pun referencing the word for a small plane. Of course, Netanyahu said no such thing.

Even the French media got in on the act, with Daniel Haik, a political analyst on French TV channel *i24 News France* saying, "A Hamas group speaking on the Telegram claims that the helicopter pilot was a Mossad agent. They even provided his name: Eli Kopter. Is it true or not?"

While amusing, it is sobering that millions of people use sources such as these for their understanding of what is really happening in the Middle East.



## COVER STORY

## UNWARRANTED

## UNDERSTANDING THE ICC'S ARREST WARRANT REQUESTS

Jonathan Ruhe &amp; Yoni Tobin

## WHAT HAPPENED?

- On May 20, International Criminal Court (ICC) Prosecutor Karim Khan announced in a *CNN* interview that he had requested that the ICC issue arrest warrants for Israeli Prime Minister Binyamin Netanyahu and Defence Minister Yoav Gallant, as well as senior Hamas leaders.
- In a statement released the same day, Khan alleged that Netanyahu and Gallant “bear criminal responsibility” for multiple alleged “war crimes and crimes against humanity” committed in the Gaza Strip, “from at least 8 October 2023,” including:



ICC Chief Prosecutor Karim Khan (centre) announces his request for arrest warrants against Israeli and Hamas leaders on May 20 (Screenshot)

- “Starvation of civilians as a method of warfare as a war crime in violation of article 8(2)(b)(xxv) of the [Rome] Statute”;
  - “Wilfully (sic) causing great suffering, or serious injury to body or health contrary to article 8(2)(a)(iii), or cruel treatment as a war crime in violation of article 8(2)(c)(i);”
  - “Wilful killing (sic) contrary to article 8(2)(a)(i), or Murder as a war crime in violation of article 8(2)(c)(i);”
  - “Intentionally directing attacks against a civilian population as a war crime in violation of articles 8(2)(b)(i), or 8(2)(e)(i);”
  - “Extermination and/or murder contrary to articles 7(1)(b) and 7(1)(a), including in the context of deaths caused by starvation, as a crime against humanity;”
  - “Persecution as a crime against humanity in violation of article 7(1)(h);” and
  - “Other inhumane acts as crimes against humanity in violation of article 7(1)(k).”
- US President Joe Biden said in a statement that the ICC Prosecutor’s application for arrest warrants against the Israeli leaders is “outrageous”, and Secretary of State Antony Blinken said, “we reject the prosecutor’s equivalence of Israel with Hamas. It is shameful.”

## WHAT HAPPENS NOW

- Having been requested to do so by the ICC’s Office of the Prosecutor, the Pre-Trial Chamber, a select panel of three judges from the ICC’s 18-judge panel, will now decide whether to issue an arrest warrant. The ICC’s procedure requires, as Israel’s *Ynet* news outlet noted in a May 20 article, the panel “to review the prosecutor’s requests and may involve requesting additional evidence.” It will consider whether the Court has jurisdiction, bearing in mind the principle of complementarity (see below).
- An Israeli legal scholar cited by *Ynetnews* stated that the panel will now “assess whether there are reasonable grounds to believe the crimes were committed and whether the arrest warrant is necessary

for the judicial process. The suspects do not have the right to representation in the judicial approval process which, based on past experience, may take from several days to a few weeks.”

- This standard for issuing arrest warrants is analogous to the US criminal law standard of probable cause: Is there objectively reasonable information that supports the allegations proposed?
- Like probable cause to arrest, this is a relatively low standard and a burden not difficult to satisfy. Notably, it is permissible to rely on inferences based on circumstantial evidence (just as it is for satisfying any burden of proof).
- It is highly unlikely the Office of the Prosecutor would have sought these arrest authorisations unless it was confident that the information available will satisfy this burden.
- This is likely why *Ynetnews* reported that, “in Israel, it is anticipated that the Pre-Trial Chamber will approve Khan’s request and issue the arrest warrants.”

## WHY IS IT IMPORTANT?

- The ICC Prosecutor’s request for the arrest warrants of Netanyahu and Gallant is troubling for several reasons. First, it seems based primarily on the adverse effects of hostilities to support the inference of the criminal intent to kill, starve, or otherwise harm civilians necessary to prove the alleged violations. Second, it contributes to the perception of equality of condemnation between Israel and Hamas, a phenomenon that seems to have gained consistent momentum since October 7, but one that should play no role in the assessment of criminal responsibility. Third, it gives rise to the risk that armed forces and national security officials of states that have chosen not to join the ICC – most notably the United States – are now exposed to its jurisdiction when compelled to engage in military operations in the territory of a member state or party to the treaty.
- Khan’s request also implicates one of the fundamental principles on which the ICC was founded, that of complementarity – the principle that the ICC’s involvement is intended to be limited to situations of genuine impunity – where there is no national well-functioning and credible legal system to impose accountability for serious violations of international law. Hamas obviously falls into this category; Israel does not.
- These considerations undoubtedly inspired the swift and aggressive condemnation of this move by President Biden and Secretary Blinken. There is also no question that this move, even if it does not result in arrest warrants or convictions, will have a profound “naming and shaming” impact on Israel.
  - Challenges to Israel’s right to self-defence in the global court of public opinion benefit Hamas by helping accumulate world pressure on Israel to prematurely terminate its efforts to eliminate Hamas as a military threat and sabotage its global standing. By requesting arrest warrants for both Israeli and Hamas leaders, Khan has also obfuscated the true facts of the war, namely that Hamas is not only the aggressor but has consistently sought to impede Israel’s humanitarian efforts in Gaza.
- Given the ICC’s aura of legitimacy in much of the world, even requesting arrest warrants for Israeli officials further emboldens Hamas to continue to deliberately hide behind civilians, expose civilians to mortal risks of hostilities, and refuse hostage deals and instead wait for public and political pressure to save the terrorist group from defeat.
- The ICC’s claim to be investigating both sides of the war presupposes some degree of moral or legal equivalency between Hamas’ massacre on October 7 and Israel’s lawful military response in legitimate self-defence and to free the hostages.
  - Israeli Opposition Leader Yair Lapid observed on May 20 that Khan’s decision represented a “complete moral failure” and noted the implicit “outrageous comparison between Netanyahu and [Hamas’ leader in Gaza, Yahya] Sinwar.”
- The ICC is recognised as a legitimate and authoritative institution by nearly 125 countries. ICC member states may feel obligated to comply with ICC arrest warrants issued against individuals who come into member states’ jurisdiction.
  - Outstanding ICC arrest warrants rarely expire and are generally only rescinded upon the death of a suspect, as occurred when Libyan leader Muammar Gaddafi was killed in 2011 prior to his arrest warrant being served.
  - Though the Pre-Trial Chamber is authorised to cancel arrest warrants, in practice, this has not happened while a suspect is still alive. This means that Netanyahu and Gallant could be liable for arrest abroad long after ending their service in government.
- Issuing ICC arrest warrants for Israeli officials – and potentially against US officials in the future – undermines the credibility of a Court that should be singularly focused on pursuing only the most culpable war criminals. It may also have a chilling effect on the willingness of the United States to employ force for important reasons in order to avoid exposing US personnel to prosecutorial risk.
- The ICC’s investigation into Israeli officials violates a central premise of the Rome Statute that established the ICC, namely complementarity, or the principle that the ICC serves as a complement to – not a substitute for – countries’ own sovereign judicial systems. As Khan stated recently, “the principle of complementarity [is] at



the heart of the Rome Statute.”

- The complementary principle, as interpreted by legal scholars, is intended to limit the ICC’s involvement to situations where impunity for serious violations of international law is the result of the absence of a well-functioning national legal system to pursue accountability, such as for Sudan during the Darfur genocide.
- The Rome Statute designates the Court as having jurisdiction “limited to the most serious crimes of international concern,” and specifies that the ICC is to “be complementary to”, rather than supercede, countries’ sovereign criminal jurisdictions.
- However, as Khan himself acknowledged, Israel has a “robust system intended to ensure compliance with international humanitarian law.”
- With hundreds of ongoing investigations into possible criminal acts by IDF personnel, an independent Attorney-General, Military Advocate General, and judiciary, and a system that has in the past tried and convicted former prime ministers and presidents, and has placed the current PM on trial, Israel is the antithesis of a nation that is unable or unwilling to hold its own citizens accountable for international crimes.
- Military legal expert LTC Geoffrey Corn, USA (ret.) has noted that “the excellence of [Israel’s] legal corps, or Military Advocate General’s Corps, is widely recognised among military legal peers throughout the world.”

- In addition, a number of the allegations the ICC’s Chief Prosecutor has levied against Israel seem speculative and unfounded by anything other than the *effects* of hostilities, which are not necessarily indicative of the required criminal intent.
- Alleging that Israel has engaged in methods of warfare intended to cause starvation of the civilian population, deprive civilians of essential resources, or intentionally direct attacks against civilians overlooks the extensive measures Israel has taken to facilitate humanitarian assistance into the Gaza Strip – including over 425,000 tons worth of food – and move civilians out of combat zones.
- From the inception of operations in Gaza, Israel has utilised a specialised entity of the IDF to assess essential humanitarian needs and ensure those needs have been met.
- In the first month of the war, Israel airdropped over 1.5 million pamphlets, made nearly 6 million calls, and sent nearly 4.4 million texts to Gazans warning them to evacuate from areas that were soon to become combat zones.
- The IDF has subjected its personnel to substantial tactical risk by attempting to surge food, water, fuel, and medical equipment to hospitals in active combat zones. As JINSA has noted, in the first three months of the war Israel “facilitated the entry of approximately 6,500 tons of medical supplies and 43 ambulances into Gaza.”
- Pursuing arrest warrants for Netanyahu and Gallant based on dubious grounds also devalues the ICC’s legitimate arrest warrants, including those for Russia’s President Vladimir Putin and other senior Russian officials, for Russia’s war crimes against Ukraine. AIR

*Jonathan Ruhe is Director of Foreign Policy at the Jewish Institute for the National Security of America (JINSA). Yoni Tobin is a Policy Analyst at JINSA. © JINSA (jinsa.org), reprinted by permission, all rights reserved.*

## INTERNATIONAL LAW EXPERTS QUESTION THE ICC’S CASE

**Jeremy Sharon**

**T**he announcement on May 21 by International Criminal Court (ICC) Prosecutor Karim Khan that he was seeking arrest warrants against Israel’s Prime Minister and Defence Minister was met with significant push-

With compliments



**ANKA**  
PROPERTY GROUP

Level 3, 179-191 New South Head Road  
Edgecliff, NSW 2027

Phone: (+61 2) 9302 3000  
www.ankaproperty.com



back from Israel, the United States and beyond.

Prime Minister Binyamin Netanyahu, US President Joe Biden and numerous other figures in Israel and abroad have decried the moral equivalency with leaders of Palestinian terror group Hamas, against whom Khan said he was also seeking arrest warrants in the same announcement.

In addition to the essence of Khan’s allegations themselves, the rapid manner in which the Prosecutor has sought arrest warrants against senior Israeli officials has also been roundly condemned by Israeli politicians across the spectrum.

The pre-trial chamber of the ICC reviewing Khan’s request will now have to evaluate the question of whether the Court has jurisdiction and whether or not the case is admissible based on the fact that Israel has an independent judiciary and is capable of investigating the alleged crimes itself, known as the principle of complementarity.

In terms of the substance of the allegations, however, the pre-trial chamber need only find that there are “reasonable grounds” to believe that the suspect has committed a crime within the jurisdiction of the Court in order to approve the arrest warrants.

But should the charges be confirmed and the warrants issued, would Khan have a convincing case against the two Israeli leaders in the unlikely event that Netanyahu and Defence Minister Yoav Gallant are arrested and the case goes to trial?

**THE CHARGES**

Khan said that Netanyahu and Gallant would be charged with “starvation of civilians as a method of warfare as a war crime,” as well as “extermination and/or murder... including in the context of deaths caused by starvation, as a crime against humanity,” in relation to the ongoing humanitarian crisis in Gaza.

The two would also be charged with “persecution”, with “other inhumane acts” as crimes against humanity, as well as with “willful killing” and “intentionally directing attacks against a civilian population,” as war crimes.

Of the two categories of crimes listed by Khan – crimes against humanity and war crimes – the former is the most severe, being the second most serious crime the ICC can prosecute after genocide.

But the more severe the charges being sought, the higher the burden of proof is on the Court, said Prof. Yuval Shany, a prominent expert on international law at Hebrew University’s Faculty of Law.

The most serious of the charges on Khan’s list, in the context of his allegations that Israel has denied the provi-



Accused: Israeli PM Binyamin Netanyahu (right) and Defence Minister Yoav Gallant (Image: GPO/ Flickr)

sions of adequate humanitarian aid to Gaza, is “extermination and/or murder... including in the context of deaths caused by starvation, as a crime against humanity.”

**CRIMES AGAINST HUMANITY?**

Roy Schondoff, a former Israeli Deputy Attorney-General for International Affairs, said that the offence of causing starvation would be hard to prove, and that Khan would need to prove to the Court at trial that the Israeli Government was “intentionally starving people in Gaza, notwithstanding all the difficulties caused by Hamas [in distributing aid], and the far from perfect performance of international organisations.”

The issue of intentionality is key here, since the Rome Statute, the ICC’s founding document, states that the crime against humanity of “extermination” requires the “intentional infliction” of conditions of life calculated to bring about the destruction of part of a population.

The crimes against humanity of “persecution” and “other inhumane acts” in the Rome Statute also require a finding of intentionality.

And the charge of starvation of civilians as a method of war also requires a finding of intentionality, said former

with compliments



**Alceon**  
Investment, corporate finance and capital

---

**Phil Green**
**Trevor Loewensohn**
**Morris Symonds**

Sydney • Melbourne • Brisbane • Perth

Tel: 02 8023 4000  
www.alceon.com.au





Canadian justice minister and international law expert Irwin Cotler.

Under the terms of the Rome Statute, intentionality is construed as when the individual “means to cause that consequence or is aware that it will occur in the ordinary course of events.”

“But there is no intention in that regard. It is clear that there has been no policy of starvation; there is no evidence of that,” asserted Cotler.

Shany, of the Hebrew University, also pointed to difficulties with the crimes against humanity charges.

He noted that there have been fluctuations in the degree of control Israel has held over Gaza, the level of humanitarian aid being provided to the territory, and the ability to get that aid to the civilian population.

“The Court would have to show that at the time Israel controlled the area, Netanyahu and Gallant were failing to fulfill their legal obligations, and to show that the policies in place resulted in restrictions to aid at a time when they should have known that this would lead to starvation,” said the professor.

Although he does not believe the pending charges to be “preposterous”, Shany said they do “push the envelope”, adding that he is unaware of any other case where charges of starvation as a weapon of war have been brought by the ICC.

“The factual and legal basis of the case will prove rather difficult,” he said.

In Khan’s announcement on May 21, he referenced controversial comments made by Gallant right at the beginning of the war – on October 9 – that a “complete siege” of Gaza was being imposed and that “no electricity, no food, no fuel” would be allowed into the coastal enclave.

This policy only lasted around two weeks, however, with the first humanitarian aid trucks being allowed into Gaza on October 21, while the piping of potable water from Israel resumed to a limited degree on October 25 but

has increased significantly since then.

Shany opined that without such comments by Gallant and others, it would have been much harder to hit Israeli leaders with the charges that Khan is seeking, saying that “when you make outrageous statements, there can be outrageous consequences.”

But he added that these statements were far worse than the eventual policies pursued.

Of note are Israeli claims over several months that there was no limitation on how much aid could be transferred into Gaza.

**“Crucially, Khan has, on several occasions during the ongoing war, mentioned favourably the rigorous levels of legal scrutiny and accountability within the IDF itself”**

Despite these claims, after US President Joe Biden warned Netanyahu at the beginning of April that his Administration would pull its support for the war if humanitarian aid was not increased, the Defence Ministry’s Coordination of Government Activities in the

Territories (COGAT) unit began announcing dramatically higher numbers of trucks entering Gaza. New crossings were subsequently opened into the territory by Israeli authorities, and the port of Ashdod was opened for the passage of aid as well.

Shany said that the increase in the number of trucks that COGAT said were passing into Gaza was likely due to the easing of restrictions on the hours and days the goods crossings were open, hitherto overly strict inspection policies, and other bureaucratic constraints.

A panel of experts that advised Khan and his team was likely alluding to these restrictions when it referred in a report it submitted to him to “arbitrary restrictions on entry and distribution of essential supplies; cutting off supplies of electricity and water, and severely restricting food, medicine and fuel supplies.”

“Even if you want to be critical of those policies, to say that it is criminal will be a hard threshold to clear for the prosecution,” Shany maintained.

## THE PROBLEMS WITH WAR CRIMES

There would also likely be significant difficulties with securing convictions against Netanyahu and Gallant on the war crimes charges of “willful killing” and “intentionally directing attacks against a civilian population,” several experts contended.

Schondoff noted that in order to achieve a conviction on such charges, the prosecutor would need to have knowledge of the information held by the commander responsible for a given attack at the time the attack was carried out.

“It’s not enough that civilians are killed, because that’s the unfortunate reality of armed conflict, unless the scope of civilian casualties is excessive compared to the military necessity,” he said.

*With Compliments from*

**NETTEX AUSTRALIA  
Pty Limited**

69 Bourke Road, Alexandria 2015  
PO Box 6088, Alexandria NSW 2015  
Sydney, Australia  
Tel: (02) 9693 8888  
Fax: (02) 9693 8899

“As a prosecutor, that’s hard to determine.”

Schondoff added that the prosecutor would also need to demonstrate that the target hit was not a military objective, meaning there were no Hamas or other terror group combatants or installations at the site. In that context, he noted the wholesale use by Hamas of civilian infrastructure in Gaza for military purposes, something which under international law turns civilian facilities into lawful targets.

“I’ve seen IDF operations for many years and they were never about attacking civilians,” said the former Deputy Attorney-General.

He also noted that there have been very few cases brought by the ICC over the manner in which hostilities have been conducted during a conflict, due to the complexity of proving such allegations.

Crucially, Khan has, on several occasions during the ongoing war, mentioned favourably the rigorous levels of legal scrutiny and accountability within the IDF itself.

“Israel has a professional and well-trained military. They have, I know, military advocate generals and a system that is intended to ensure their compliance with international humanitarian law,” Khan said in October.

But he also insisted that the burden of proving that the protective status of a civilian site had been lost “rests with those who fire the gun, the missile, or the rocket in question,” as laid out in Additional Protocol 1 of the Geneva Convention.

Israel’s legal representatives who addressed the International Court of Justice last week stated explicitly that the Military Advocate General’s office had 55 investigations currently open into incidents of possible criminal misconduct by the IDF during the current conflict, while an independent investigative mechanism was investigating dozens more incidents.

Given that Khan also stated in December that Israel has a “robust system intended to ensure compliance with international humanitarian law,” his decision to request arrest warrants on allegations of war crimes before those investigations have been completed would seem premature and potentially at odds with the principle of complementarity.

“There has been no war in history in which there haven’t been violations of the laws of war,” said Prof. Amichai Cohen, a senior fellow at the Israel Democracy Institute, of the allegations against Israel during the campaign against Hamas.

“Are these violations more serious than what has happened in the past? I believe not. We are not worse, and are even better, than others who have waged war.”

AIR

*Jeremy Sharon is the Times of Israel’s legal affairs and settlements reporter. © Times of Israel (timesofisrael.com), reprinted by permission, all rights reserved.*

## INCENTIVISING TERRORISTS TO PUT CIVILIANS IN DANGER

Geoffrey Corn and Orde Kittrie

President Joe Biden was right to condemn as “outrageous” the decision on May 21 by the International Criminal Court Prosecutor to submit arrest warrants for Israel’s Prime Minister and Defence Minister. Unfortunately, an ill-informed report and comments last week by Biden’s own Secretary of State, on Israel’s use of American-made weapons, may have contributed to the Prosecutor’s decision.



US Secretary of State Antony Blinken with President Joe Biden: Both have made ill-considered comments about Israel’s conduct during the war in Gaza (Image: Whitehouse.gov/ Flickr)

Secretary of State Antony Blinken wrongly declared on May 12 that the civilian casualty numbers reported by Hamas make it “reasonable to conclude that there are instances where Israel has acted in ways that are not consistent with international humanitarian law.” As Blinken should know, a particular attack’s legality is not dependent on the number of casualties actually inflicted, let alone on a terrorist group’s fictitious figures.

Like Blinken’s ill-considered comments, the May 10 State Department report on Israel’s use of American-made weapons invented a new, casualty-numbers-based test for determining compliance with international humanitarian law. Blinken’s new test endangers US security. In particular, it incentivises terrorists and authoritarian regimes worldwide to imitate Hamas’ tactics of hiding behind human shields to increase actual casualties, of stealing food intended for starving civilians and of inventing additional civilian casualties out of thin air.

The State Department report’s most substantive finding, unfortunately ignored by most headlines, was that the available information was insufficient to definitively





identify even one specific Israeli violation of international humanitarian law, also known as the law of war. So why did the report also speculate, in a sentence that was highlighted in headlines worldwide, that “it is reasonable to assess” that US-made weapons “have been used by Israeli security forces since October 7 in instances inconsistent with its [legal] obligations or with established best practices for mitigating civilian harm.”

Blinken provided the rationale in a May 12 interview, saying that “what the report concludes is that, based on the totality of the harm that’s been done to children, to women, to men who are caught in this crossfire of Hamas’s making, it’s reasonable to conclude that there are instances where Israel has acted in ways that are not consistent with international humanitarian law.”

But the accusations by Blinken and in the report rely on false data from Hamas, mischaracterise international humanitarian law itself, and disregard Hamas’ frequent tactic of hiding behind civilians.

For example, the report explicitly adopted Hamas’ invented number of 34,700 Palestinians killed during the conflict. On May 2, a report demonstrated that Hamas’ list of Palestinian victims does not include names for 10,000 of the purported dead. And, unsurprisingly, on May 8, the UN halved its estimate of women and children killed in Gaza.

Every civilian death is a tragedy, and there is no debate that the intentional targeting of civilians is a war crime. But the law of war makes clear that unintended civilian deaths are often not violations.

Under international humanitarian law, an attack’s legality is not determined by the number of civilians killed, but by whether it was intended to harm civilians, or whether the attacker knew at the time of launch that the attack could cause collateral civilian harm that would be excessive in relation to the anticipated military advantage. If not for this, unscrupulous defenders would be incentivised to surround themselves with human shields.

The test of a law-abiding military is therefore not how many civilians are inadvertently killed amid the fog and split-second timing of war. The test is rather whether that military vigorously implements and enforces robust compliance procedures.

The State Department report makes clear that Israel meets that actual test of compliance with international humanitarian law. It describes Israel’s robust compliance procedures, says the US “has no direct indication of Israel intentionally targeting civilians,” and states that Israel aborts strikes when civilians are observed near their targets. The report also confirms that Israel is responding to Gaza-related misconduct allegations by examining “hundreds of incidents”, a number of which have become “ongoing, active criminal investigations.”

**“Israel’s diligence has nevertheless ensured that the Gaza war’s ratio between Hamas fighters killed and Palestinian civilians killed is in fact historically low”**

In contrast – and ironically absent from any headline – the report notes that “Hamas does not follow any portion of and consistently violates” international humanitarian law. It states that “Hamas has embedded itself deliberately within and underneath the civilian population to use civilians as human shields,” a flagrant violation.

The report makes clear that Hamas units not only hide among civilians, hoping to blend in, but that in fact they purposefully launch attacks from amongst civilians. It says that Hamas persistently seeks “to hide behind civilian populations and infrastructure and expose [civilians] to military action.”

It also accuses Hamas of repeatedly “launching attacks on Israeli troops” from designated safe zones. The report acknowledges that these Hamas tactics make Gaza “as difficult a battlespace as any military has faced in modern warfare.”

Israel’s diligence has nevertheless ensured that the Gaza war’s ratio between Hamas fighters killed and Palestinian civilians killed is in fact historically low. In the 2016-17 battle for Mosul, supervised by the US, approximately 10,000 civilians were killed compared to roughly 4,000 ISIS fighters. In the Gaza war, if the new UN casualty figures are correct, the ratio is 5 times more favourable – only about one Palestinian civilian for every two Hamas fighters killed.

Blinken’s comments suggest that US and allied forces must henceforth exceed that standard. Knowing that, US adversaries can conclude that they can simply insulate themselves from attack, making it impossible to defeat them, by surrounding themselves with human shields.

The US Congress should insist that the Administration stop echoing Hamas’ fraudulent casualty figures and stop incentivising enemies to endanger civilians by using them as human shields. As it happens, the *Strengthening Tools to Counter the Use of Human Shields Act*, enacted just last month, requires the President to submit to Congress a list of, and impose financial sanctions on, all foreign persons involved in Hamas using human shields. Congress should insist that President Biden do so now.

The message from the US should be clear and consistent: Responsibility for the tragic civilian casualties in Gaza belongs to Hamas as the result of its illegal tactics, and not on the shoulders of an Israeli military that makes extraordinary efforts to avoid such harm. AIR

*Lt. Col. Geoffrey Corn (ret.), a Texas Tech University law professor and JINSA distinguished fellow, previously served as the US Army’s senior law of war expert. Orde Kittrie, an Arizona State University law professor and senior fellow at the Foundation for Defense of Democracies (FDD), previously served as a US State Department attorney. Reprinted from the Hill. © FDD (FDD.org), reprinted by permission, all rights reserved.*

*With Compliments*



# SPOTLIGHT RETAIL GROUP

Level 6, 111 Cecil Street, South Melbourne VIC 3205 Australia

[spotlightstores.com](http://spotlightstores.com)

[anacondastores.com](http://anacondastores.com)

[harrisscarfe.com.au](http://harrisscarfe.com.au)

[mountaindesigns.com](http://mountaindesigns.com)

**SPOTLIGHT** Bargains Galore!

**ANACONDA** PLAY MORE PAY LESS 10% OFF

**Harris Scarfe** GREAT BRANDS GREAT PRICES

**MOUNTAIN DESIGNS** BORN OF THE MOUNTAINS

## QUALITY APARTMENTS BUILT FOR A LIFETIME



Meriton is renowned for building large, luxurious apartments of the highest quality, uniquely designed by industry-acclaimed architects and built by our highly skilled and experienced construction teams. We pride ourselves on the highest levels of workmanship to bring you award-winning developments.

Apartments for sale | Apartments for rent | Meriton Suites



Sydney | Gold Coast | Brisbane | Melbourne | Canberra

[meriton.com.au](http://meriton.com.au)





# Death of a Butcher

Raisi was known for brutality at home and belligerence abroad

Charlotte Lawson

**E**brahim Raisi, known to many as the “Butcher of Teheran”, is being remembered for his brutality at home and belligerence abroad in his nearly three years as president.

Raisi, 63, died on May 19 along with the country’s foreign minister when their delegation’s chopper went down in northwest Iran, state media confirmed after a 15-hour search and rescue operation concluded with the early morning discovery of the destroyed aircraft.

Within Iran, Raisi won the favour of Supreme Leader Ali Khamenei and the ire of the Iranian people for a track record of crushing political dissent dating back to the earliest days of his career. Throughout the Middle East, he helped strengthen Iran’s network of loyal proxies, setting the stage for Hamas’ October 7 attack and, months later, a direct confrontation with Israel. Internationally, he oversaw a period of immense tension between Iran and the West.

Raisi ascended the presidency in 2021, winning 62% of the vote in a contest pre-decided for Iranians through mass disqualifications and pressured withdrawals ahead of Election Day [*and with the lowest voters turnout since the 1979 revolution, of less than 50% – Ed*]. Prior to taking office, Raisi rose through the ranks of Iran’s judicial system to eventually serve as chief justice of Iran between 2019 and 2021 – a position in which he expanded the country’s use of the death penalty to punish political dissidents and to target ethnic and religious minorities. The number of yearly executions have risen steadily since. Last year alone, according to Amnesty International figures, Iran executed 853 people – the highest number recorded since 2015.

“His career was spent in one of the most repressive institutions in the Islamic Republic: its judiciary,” Jason Brodsky, the policy director of United Against Nuclear Iran, told *The Dispatch*. “His career is drenched in the blood of the Iranian people, and that’s why you saw many celebrating his demise with fireworks overnight. There is no love lost there.”

Raisi’s penchant for capital punishment dates back to the 1980s, when he oversaw the state’s arbitrary detention, torture, and mass killing of thousands of political prisoners. Among them was Farideh Goudarzi, who was arrested while in her third trimester of pregnancy and severely beaten by guards while Raisi – then prosecutor of the Hamedan province – watched. “Raisi is the true representation of the entire Islamic Republic,” Goudarzi said in an interview ahead of Raisi’s election as president in 2021, urging Americans to “stop looking for so-called moderates within this regime.”

Indeed, it was Raisi’s cutthroat reputation that endeared him to Islamic Republic leaders increasingly beset with domestic upheaval. The regime – which faced mass anti-government protests in 2018, 2019, and 2020 – likely

hoped the new president’s notoriety would have a chilling effect on future dissent.

Not so. In 2022, morality police arrested 22-year-old Mahsa Amini for alleged hijab violations. Her eventual death at the hands of Iranian authorities set in motion the most significant wave of demonstrations in the country’s recent history, described by many as another revolution. Under Raisi’s leadership, the

“Women, Life, Freedom” movement was met with a swift, severe government crackdown. Over the course of 2022 and 2023, security officials killed some 550 people and arrested more than 22,000 others.

In the Middle East, Raisi served as an implementer of the Supreme Leader’s vision of regional dominance. As president he often met with top officials from Iran’s various proxy groups, including Hamas leader Ismail Haniyeh as recently as late March. A day after the terror group’s October 7 attack on Israel, Raisi hailed the “courage, bravery, resistance, and initiative” of its fighters, though denied that Iran had advance knowledge of the invasion. “Their resistance in this glorious operation is exemplary.”

Hamas, accordingly, mourned Raisi’s death in a statement Monday. The late president “supported the legitimate struggle of our people against the Zionist entity” and “provided valued support to the Palestinian resistance,” the Iranian-backed militants declared. They weren’t the only global pariahs to praise Raisi’s legacy. Russian President Vladimir Putin remembered the Iranian president as a “true friend” and an “outstanding politician whose entire life was dedicated to serving his homeland.”

Under Raisi’s leadership, Iran forged stronger ties than ever with Moscow, supporting Putin politically and



The late Iranian President Ebrahim Raisi (Image: Shutterstock)

materially in his 2022 invasion of Ukraine. When the Kremlin burned through munitions in the first months of the drawn-out war, Iran came to its aid by selling – and eventually helping co-produce – lethal attack drones to Russia. The explosive unmanned systems have been used on the battlefield in Ukraine to devastating effect. Putin called Iran’s interim President, Mohammad Mokhber, on Monday to assure him of Russia’s steadfast support.

Raisi personally supported pushing his country further into the Russia-China axis, forgoing grudging cooperation with the West and another nuclear deal with the US to chart an aggressive Iranian foreign policy. In a fiery speech before the United Nations in September, Raisi held up his Quran and declared the end of a US-led world order. “The global landscape is undergoing a paradigm shift toward an emerging international order,” he said, “a trajectory that is not reversible.”

With Raisi gone, the Iranian regime’s confrontational approach to the US and Israel – ultimately set by the Supreme Leader himself – is unlikely to change. But it could set off a leadership crisis as 85-year-old Khamenei contemplates his successor. Many analysts viewed Raisi as the top choice, and his sudden death opens the door for other contenders, like Khamenei’s son Mojtaba – a shadowy figure with little popular support.

“Ebrahim Raisi was a leading contender to succeed Ayatollah Khamenei as supreme leader. He was the most experienced member of the Iranian establishment, having presided over two branches of government: the judiciary and the presidency,” Brodsky said. “It scrambles the politics of succession in the Islamic Republic.”

AIR

*Charlotte Lawson is a reporter at The Dispatch currently based in Tel Aviv, Israel. She previously studied history and global security at the University of Virginia. © The Dispatch (www.thedispatch.com), reprinted by permission, all rights reserved.*

## FLAMES LIT BY RAISI WILL BURN ON

Seth J. Frantzman

Iranian President Ebrahim Raisi came to power in the autumn of 2021 when the Middle East was at a crossroads. ISIS had been defeated in Iraq and Syria between 2017 and 2019. The Abraham Accords brought peace between Israel, the UAE and Bahrain. The US was withdrawing from Afghanistan after two decades of war. The Middle East had a chance to pursue diplomacy and peace between countries after years of chaos, extremism and conflict.



Raisi’s death will likely see Iran even more dominated by the Islamic Revolutionary Guard Corps, which he championed (Image: Wikimedia Commons)

Raisi had other ideas.

He will be remembered for transforming Iran into a dangerous exporter of the drones that have fuelled Russia’s war against Ukraine, and for setting the Middle East ablaze by backing Hamas and its genocidal attack on Israel on October 7. Raisi didn’t do this alone; he had the backing of the Islamic Revolutionary Guard Corps and he worked closely with his foreign minister, Hossein Amir-Abdollahian, who died with Raisi in the helicopter crash on May 19.

Raisi was a transformative figure for Iran. His years in power saw a crackdown on protests after the morality police murdered Mahsa Jina Amini in September 2022. Raisi navigated these protests as he had other protests. Raisi was schooled in how to use power in Iran. He was cautious and pragmatic, preferring to wait and bide his time, and then crush dissent. It’s not by mistake that he was called the “butcher” of Teheran for his role in suppressing dissidents.

The Iranian leader pursued his goals abroad with the same tenacity. Prior to assuming power, he had supported Iran investing more in indigenous industries, meaning developing its own ability to manufacture things like engines for drones. The goal of making more things locally meant that Iran could avoid the impact of Western sanctions. Raisi also backed Iran’s move towards closer ties with Moscow

WITH COMPLIMENTS





and China. His administration enabled the drone exports to Russia that were used after Russia's invasion of Ukraine in 2022. The same Shahed 136 drones were part of Iran's homegrown drone program that led to threats around the region. This became clear on April 13 when Iran launched more than 300 drones and missiles at Israel.

Iran's foreign policy manoeuvres during the Raisi era enabled it to knit together closer ties with Russia and China, as well as to get China to broker reconciliation with Saudi Arabia. Raisi also attempted outreach to Egypt this past year.

All this was key to Raisi's goal of isolating Israel. He wanted to empower Iranian proxies such as the Houthis in Yemen and Hezbollah in Lebanon, as well as proxies in Iraq and Syria. These groups could be mobilised at a moment's notice to attack Israel, the US or other countries. Raisi understood that many Arab states were tired of wars and extremism, having faced off against ISIS and been divided during the Arab Spring and its aftermath. Iran preyed on this preference for calm by Arab states.

**"The architecture [Raisi] put in place will remain now he has gone. Close ties between China, Iran and Russia will continue. Drone exports and Iranian drone and missile threats will increase"**

Raisi and his regime moved systematically to increase Iranian ties with Arab states, while also encouraging the region to become closer to Russia and China. Meanwhile behind the scenes, groups like Hamas were plotting the October 7 attack.

The architecture he put in place will remain now he has gone. Close ties between China, Iran and Russia will continue. Drone exports and Iranian drone and missile threats will increase. Iran's backing of Hamas has already led to a massive war and Iran's goal is to keep that war going and keep its proxies attacking Israel. The longer the war drags on, the more Israel will be stuck fighting in Gaza and Lebanon, while Iran can increase its influence in the Gulf, Egypt and other places.

With Raisi and Amir-Abdollahian gone, Iran will fall back on the IRGC which controls much of the country behind the scenes. It is the IRGC that moves drones and weapons to groups like Hezbollah. The fires lit by Raisi that are consuming the region will continue to burn even though he has left the stage.

*Seth Frantzman is the author of Drone Wars: Pioneers, Killing Machine, Artificial Intelligence and the Battle for the Future (Bombardier 2021) and an adjunct fellow at the Foundation for Defense of Democracies. Reprinted from the Jewish Chronicle (thejc.com). © FDD (fdd.com), reprinted by permission, all rights reserved.*

## RAFAH RESOLVED – OR IS IT?

Yonah Jeremy Bob

For several months now, there has been a heated debate between the US and Israel about whether it would take four weeks (Israel's view) or four months (the US's view) to evacuate the Palestinian civilians taking refuge in Rafah so that the IDF could operate there – an estimated 1.2 to 1.4 million people.

Another heated debate was regarding whether that sheer volume of civilians in such a tiny area could be moved without a mass loss of civilian life; Israel wagered "yes," while the US said "no."

The IDF resolved this debate on May 21 in its announcement that it had moved somewhere between two-thirds to 80% of the Palestinian civilian population out of Rafah – with a minimal number of casualties – in under two weeks. This was the first shocking swing of fate, due largely to extraordinary IDF achievements.



Scenes from Rafah: Predictions of a "humanitarian catastrophe" if Israel took military action there proved very wide of the mark (Image: Shutterstock)

If the American objections to Rafah were specifically about potential harm to civilians or the mobility of civilians, their objections did not come to pass.

The great Rafah conundrum just may have been resolved in one fell swoop, in a way that has the potential to restore US-Israel relations to where they were a few months ago – shoulder to shoulder against terror, Hamas, and Iran.

This would all work, except there are a few other shocking swings of fate in the opposite direction.

For Israel, a major reason to go into Rafah, other than to take apart Hamas' remaining four battalions, was to secure the release of potentially dozens of hostages being held there. Another was to potentially corner Hamas Gaza chief Yahya Sinwar, who the IDF has said fled there from Khan Yunis in December.

So far, the military has had nothing to say about either goal. It seemed even less confident about Sinwar’s location – now concentrated largely to the entire enclave – more so than at anytime since October.

The IDF also seemed to think that the rest of the Hamas high command took note of the assassination of Marwan Issa and is hiding.

There is always the chance that a surprise operation is in the works, that tomorrow or the next day there will be a breakthrough in the locations of the hostages or Sinwar.

Also, there still will be likely some heavier fighting in Rafah going forward. But it also seems that much of Rafah’s four battalions may have faded into the civilian population and fled with them to fight another day.

If so, all 24 of Gaza’s battalions will be taken apart and Hamas will have no place in Gaza to congregate as a public military ruler, and yet Israel will still be far from getting the hostages back or from eliminating Hamas. And Hamas is so very patient in its pursuit to return to power.

‘Rafah’ was not a magic word that would end the war, but it was supposed to produce major results that would greatly pressure Hamas, tilting some of the diplomacy questions in Israel’s favour.

To date, it seems that much less has been achieved than expected – possibly because Israel was so focused on getting the civilians out, even without checking them, as long as they were not openly armed.

And if Israel wants to continue military pressure to get the hostages back and find Sinwar, might it still be in a fight with Washington, which may just want the war to end, regardless of whether the hostages are returned beforehand?

Years from now, this might be called the Rafah whiplash – for two opposite shocks which may simultaneously leave observers heavily impressed by the IDF’s professionalism but deeply disappointed with the overall bottom line on achieving the war aims. AIR

*Yonah Jeremy Bob is the Jerusalem Post’s senior military correspondent, intelligence analyst and Literary Editor. © Jerusalem Post (jpost.com), reprinted by permission, all rights reserved.*

## CAN HAMAS BE DEFEATED?

Ghaith al-Omari

Since Hamas’ attack against Israel on October 7 and the devastating war that Israel launched in response, the common wisdom has been that Hamas cannot be eradicated since ideologies cannot be defeated militarily.

As a corollary, it is also often argued that military force threatens the exact opposite: radicalising a new generation of Palestinians – particularly in Gaza, swelling the Hamas ranks with new recruits.

Both arguments are wrong.

While military action may not fully eliminate an ideology, it can definitely deny it the tools to be effective and render it irrelevant. For its part, the argument about radicalisation discounts human agency, just as it discounts many historical analogies where war led to a better, more stable future.

It is said that “bullets cannot defeat ideas.” Such slogans are catchy and – at surface level – true. But they are also misleading. Ideologies rarely disappear. In this regard, Hamas is not unique.

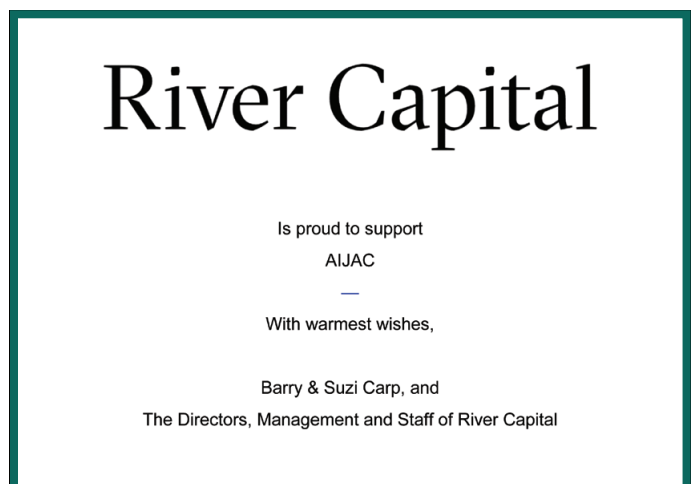
There are few instances, if any, where an ideology is completely eliminated militarily. The Nazis, al-Qaeda, and Islamic State (IS) all faced overwhelming military defeat and were thoroughly discredited morally, yet none were eliminated. There will always be some who believe in such abhorrent ideologies, and there will always be circumstances that may lead to their resurgence.

Even in less extreme cases, such as the Muslim Brotherhood, successive attempts to defeat it or co-opt it have not eliminated it nor prevented its periodic resurfacing. Those who argue against war on the grounds that it cannot permanently eliminate Hamas are judging by an unachievable standard.

### FROM THREAT TO IRRITANT

Such ideologies and organisations (including Hamas) can be sufficiently defeated so as to turn them from major threats to marginal irritants – albeit dangerous ones that can manifest themselves in ways that exact tragic human tolls. What makes Hamas and similar militant organisations effective is not their ideology but their ability to act on them. For Hamas, its sustained capacity to use violence was key to helping it build political power.

Back in the 1990s, Hamas’ popularity was at its lowest point, as most Palestinians believed that liberation could be achieved by peaceful and diplomatic means. Its use of



violence derailed that concept, but it established Hamas as a political alternative.

Ever since, the use of force and violence has been an integral part of Hamas' strategy. Using political or economic incentives has repeatedly failed to transform, moderate or marginalise Hamas for the simple reason that its ability to use violence has proved an effective way to achieve its goals, whether in terms of scuttling the peace process or violently taking control of Gaza in 2007.

Indeed, one lesson from October 7 is that while Hamas maintains its military and violence capabilities, it will remain capable of shaping the political reality. To be defeated, Hamas must be denied that. This can only be done through the use of force.



There is a vast difference between a terrorist group capable of inflicting only marginal harm, and one controlling large-scale conventional and non-conventional military forces, like Hamas before the current war (Image: Shutterstock)

in separation, not cooperation.

Yet it is also true that, no matter what Palestinians and Arabs may feel about Israel, none would want a repeat of this tragedy. Hamas triggered war and still insists that it would do it all again given the chance, so it will be hard-pressed to garner a following from Palestinians in Gaza who suffered so horribly for its decision. The depth of their trauma will define a generation.

It is often argued that military action cannot produce permanent or sustainable results, a truism since World War II. With the passage of time, the trauma of the Gaza war will become an abstract memory, and the lessons learned by those who lived through it will be unlearned by those who only read about it in history books.

## STEEP POLITICAL COST

There is no doubt that there is a steep political cost to war, especially one that is as bloody as Israel's war in Gaza. For years to come, regardless of justifications, Israel will be blamed by Palestinians who lived through it, Palestinians whose compatriots suffered in it, and Arabs who could only watch the devastation wrought on their kin. For Palestinians – whether in Gaza or elsewhere – and Arabs, even reasonable Israeli arguments relating to the complexity of urban warfare against a foe like Hamas that doesn't protect its own people will not justify the Israeli objective of ensuring that Hamas never again repeats the kind of atrocities it perpetrated on October 7.

Any illusions that Palestinian and Israeli societies can now trust one another or even develop a level of coexistence anytime soon should be laid to rest. If it can ever be reached, such an outcome is at best a generational endeavour. This does not mean that a two-state resolution cannot ultimately be reached, but that a resolution will be rooted

## BUYING TIME TO REBUILD

Lack of permanence is not unique to the aftermath of military action. There are few (if any) things that are permanent. If policies were judged by their permanence, hardly any would stand the test of time.

What a military defeat of Hamas can buy is time. That is no small matter. Time is a precious commodity without which no political, economic, or civil policies can be implemented. The question, then, is not whether military means are necessary to defeat Hamas but rather what to do with the time bought by such means.

Here, history presents two models. One, which is often heard these days, looks at examples such as Iraq or even the various chapters of the Palestinian-Israeli conflict and concludes that war only leads to radicalisation.

Yet, there is another model in which nations move beyond war and rebuild successful, stable futures. Examples include Germany, Japan, South Korea, Vietnam, and Rwanda. While no analogy is perfect, and while none of these examples is without shortcomings, there is a fundamental commonality within each model.

In Iraq, the end of the war brought bad policies, which brought more misery and dysfunction. With the instability, corruption, and governance vacuum that followed the US invasion, it is no surprise that radicalisation took hold and that some Iraqis, particularly the young who did not know life under Saddam, now yearn for an imagined past.

In the other model, a hopeful alternative is created, and anger gives way to hope. With national energies focused on building a future, past grievances take a backseat. Old ideologies and grievances do not disappear, but neither do they define the future.

With the compliments of

**Schoenfeld**

CONSULTING

PO Box 2462  
Brighton North VIC 3186  
Tel: (03) 9596 7111



## HAMAS LOVES DEAD GAZANS

Clifford D. May

**K**erem Shalom is one of the main crossings through which humanitarian assistance moves from Israel into Gaza. It lies just a few miles southeast of Rafah, where four Hamas battalions are currently battling with the Israel Defence Forces (IDF).

On May 5, rockets launched from Gaza at this border crossing killed four Israeli soldiers. Why would Hamas leaders attack a conduit for aid needed by Gazan civilians, the people they have ruled since 2007 and want to continue to rule the “day after” the current war ends?

Because they understand that the more Gazans suffer, the more Israelis will be blamed, punished, and demonised by the “international community”.

Because they know that using civilians as human shields – illegal under both international and American law – will not diminish their popularity among the “social justice warriors” on American campuses.

Because they are confident that their barbarism will be not just condoned but handsomely rewarded.

And, sure enough, the attack on Kerem Shalom was soon followed by complaints that the Israelis were not moving fast enough to reopen the crossing (how long does it take to clean up a few corpses!) and get those humanitarian supplies flowing into Gaza again.

Two days later, Hamas fired more missiles at Kerem Shalom – from a civilian shelter in Gaza. Hamas missiles were fired at the crossing again on May 8, 10, 11, and 12. Israeli military officials assured impatient reporters that the crossing would be reopened as quickly as possible.

If this does not strike you as grotesque, there’s no point in you reading the rest of this column.

On May 7, US President Joe Biden gave a moving speech at the US Holocaust Memorial Museum, recalling the Nazi genocide of the Jewish communities of Europe and vowing “Never again”.

The next day, in an interview with CNN’s Erin Burnett, Mr Biden lent encouragement to Hamas’ leaders whose goal is to follow the Nazi example by exterminating the only surviving and thriving Jewish community remaining in the Middle East. The atrocities of October 7, they’ve vowed, were merely a foretaste.

For months, Mr Biden and other Democrats had slammed Republicans – quite rightly – for not passing a bill providing arms to Ukraine and Israel, democratic nations and friends of America under attack by enemies of America. Thanks to House Speaker Mike Johnson, the bill finally passed – with overwhelming bipartisan support.

In the Palestinian case, there will always be those who support Hamas or something ideologically akin. Islamists are a feature of Arab politics. Just ask all those Arab countries that spent the last century trying to root out the Muslim Brotherhood.

Yet violent extremists exist in every society. This necessitates constant security, intelligence and (in extreme cases) military action.

### THE MILLION DOLLAR QUESTION

Can Hamas be fully eliminated? The answer is a resounding no. But an achievable objective is to turn it into a marginal phenomenon capable only of inflicting occasional violence, not of changing the political and security landscape.

Just because such an objective is achievable, however, does not mean that it is easy. It requires the creation of a credible, compelling alternative with three interconnected components.


1. There needs to be constant security action, even after the war, to ensure that Hamas cannot reconstitute itself. Hamas does not need to return to its pre-war strength. It need only rebuild enough capacity to spoil post-war efforts.

2. Immediate and significant recovery and reconstruction efforts must follow the war. Grief and anger will not disappear, but a credible and tangible change in reality will signal to the people of Gaza that they can start to pick up the pieces of their lives.

3. The Palestinian Authority (PA) must be revitalised. As long as most Palestinians deem the PA to be illegitimate, Hamas can present itself as the viable alternative. Revitalising the PA means addressing corruption and poor governance. While Palestinians see their leaders as ineffectual thieves, they will not win the credibility necessary to counter Hamas.

But it is just as important to rehabilitate the PA’s basic premise: that diplomacy can produce results for the Palestinians. Winning a Palestinian state is currently not realistic, so the PA needs to demonstrate that it can put its people on a path to independence.

Implementing the set of political, diplomatic, governance, and economic measures needed to defeat Hamas is a complex undertaking that will require big decisions and action from the PA, Israel, Arab states, and the international community.

This is daunting and risky, and could well fail. But if Hamas is not neutralised first, none of this can even be contemplated. And daunting is better than impossible. 

*Ghaith al-Omari is the Gilbert Foundation Senior Fellow at The Washington Institute for Near East Policy and a former advisor to the PA. This article was originally published on the Al Majalla website. © Washington Institute (washingtoninstitute.org), reprinted by permission, all rights reserved.*



But Mr Biden told Ms. Burnett that he was holding up the delivery of munitions to Israel and would block additional security assistance if Israel launches a major assault on Hamas in Rafah.

“We’re not walking away from Israel’s security,” Biden equivocated. “We’re walking away from Israel’s ability to wage war in those areas.”



IDF manoeuvres near Rafah (Image: IDF/screenshot)

Wars cannot be won on defence alone. Boxers don’t win fights just by blocking punches. “Deterrence by denial” not coupled with “deterrence by punishment” invites enemies to try, try again.

If Israelis must fight terrorists without American support, they will do so. They’ve done it before. Israel exists so that never again will Jews lack the means to stand up to those determined to slaughter their children.

But Israeli leaders can’t focus all their attention – or all their remaining ammunition – on Gaza. Hezbollah, a proxy of Teheran like Hamas, continues to fire missiles from Lebanon. Some 80,000 Israelis have been forced from their homes in the north for more than seven months.

And in April, for the first time, Iran’s rulers launched hundreds of drones and missiles at Israel from Iranian soil. This time, those rockets were prevented from reaching their intended victims. But there will be a next time. And the regime’s nuclear weapons program has progressed

significantly since Mr Biden moved into the White House and eased economic sanctions on Teheran.

Israeli leaders must prioritise and sequence as best they can. They appear to agree that neutralising Hamas’ military capabilities is imperative – and that sooner is better than later.

I can’t imagine them allowing Hamas’ leader in Gaza, Yahyah Sinwar, to emerge from the tunnels and declare himself the victor – the jihadi who beat the accursed Jews; the mujahid who humiliated the cowardly Palestinian Authority and the Arab Zionists who joined the hated Abraham Accords.

What I can imagine: The IDF bringing an end to this conflict without a “full-scale offensive” or “major military operation” – terms Biden Administration officials have used to describe the military actions they adamantly oppose.

For example, in May, with precision and minimal combat, the IDF has taken control of the Gazan side of the Philadelphi Corridor, the border with Egypt, adjacent

to Rafah.

Stopping resupplies of ammunition to Hamas coming over that border should not be difficult. Stopping resupplies of ammunition to Hamas coming under that border through tunnels will be more complicated.

But an effort has begun. On May 12, the IDF announced that “a significant underground route” near the border containing “many weapons” had been “eliminated” along with “dozens of terrorists”.

Beforehand, civilians had been moved out of harm’s way – despite Hamas’ efforts to facilitate their martyrdom.

If that’s Israel’s continuing approach, will Mr Biden be satisfied? Left-wing members of his party like Bernie Sanders and Rashida Tlaib will instruct him not to be.

White House spokesman John Kirby recently told reporters that there is still hope for a hostage-for-ceasefire deal but that to achieve it is “going to require leadership, some moral courage and it’s going to require continued ability to compromise and negotiate in good faith. We’re not giving up on that.” Mr Kirby is doing his job like the good sailor he is. But I doubt he’s proud of himself for ascribing to Hamas terrorists a capacity for “moral courage”.

More than that: He’s too smart not to understand that Hamas loves dead Gazans.

AIR

*Clifford D. May is founder and president of the Foundation for Defense of Democracies (FDD) and a columnist for the Washington Times. Reprinted from the Washington Times (washington-times.com). © FDD (fdd.com), reprinted by permission, all rights reserved.*

With compliments

# Levi

David Levi

[www.leviconsulting.com.au](http://www.leviconsulting.com.au)





# DOES THE PA EVEN WANT TO GOVERN GAZA?

**Khaled Abu Toameh**

While some in Israel and the United States are fixated on the question of who will govern the Gaza Strip after the current war, many Palestinians, including the Palestinian Authority (PA), seem less concerned about what will happen to the coastal enclave once Hamas is removed from power.

Although the PA has publicly indicated its desire to return to the Gaza Strip, Palestinian officials in Ramallah say they know this could not happen so long as Hamas' military capabilities have not been completely destroyed.

PA President Mahmoud Abbas is not thinking about returning to the Gaza Strip, the officials say. His top concern right now is ensuring that Hamas does not win on the battlefield or in the arena of public opinion.

All he can do on the battlefield front is silently hope that Israel vanquishes Hamas and puts an end to the terrorist organisation's rule over the Gaza Strip.

The PA President is apparently not happy with all the attention that Hamas has been getting since October 7, 2023. He is also upset that since the attack, Hamas has become more popular among Palestinians as well as other Arabs and Muslims. Abbas, in addition, is worried about the fact that Hamas leaders continue to be accepted by many in the international community as legitimate actors in the Palestinian arena.

At meetings of the Palestinian leadership in Ramallah, Abbas has avoided bringing up the issue of returning to the Gaza Strip. He is aware that this is a very delicate subject and that Hamas and his political enemies could use anything he says to label him as an Israeli collaborator.

Since the October 7 massacre, Abbas has been cautious not to challenge Hamas directly. However, he has sharply criticised Hamas – not for the heinous crimes it committed, but for providing Israel with a pretext to invade the Gaza Strip. Abbas knows quite well that if he criticises Hamas, especially when it is at war with Israel, he will lose favour with many Palestinians.

At the May 16 33rd Arab League Summit in Manama, Bahrain, Abbas accused Hamas of giving Israel pretexts and justifications for waging war against the Gaza Strip, but he stopped short of denouncing the crimes committed by Hamas terrorists against Israelis. "The military action that Hamas carried out, at its own decision, on that day, October 7, gave Israel even more excuses and reasons to attack in the Gaza Strip, an attack it has continued with full force, with murder, destruction, and uprooting," Abbas said.



PA President Mahmoud Abbas: Not even thinking about returning to the Gaza Strip (Image: X/ Twitter)

## THE DAY AFTER

According to the Palestinian officials, Abbas and the PA leadership do not have a plan for the day after the war.

The new PA Government, led by Prime Minister Mohammad Mustafa, has still not come up with a strategy to expand its authority to include the Gaza Strip, primarily because Hamas objects to Abbas' "unilateral" decision to name a prime minister without first

consulting with the terrorist group.

It is, therefore, unlikely that Mustafa's Government will take up its duties in the Gaza Strip anytime soon, given the fact that Hamas remains in control of many parts of the coastal enclave. Over the past few weeks, Mustafa has been busy trying to find a solution to the PA's financial crisis. His top priority is to pay full salaries to PA employees – and not return to Gaza.

As part of its effort to prevent the return of Abbas loyalists, Hamas militiamen have been keeping an eye on the whereabouts and activities of Palestinians in the Gaza Strip who are recognised to be associated with the PA and its ruling Fatah faction.

With Compliments



Hamas security personnel dressed in civilian clothes are patrolling the streets of several Gaza communities, occasionally stopping individuals and requesting to verify their personal documentation.

In April, Hamas announced that its men detained several PA intelligence officers who had “infiltrated” the Gaza Strip while posing as humanitarian assistance workers. Hamas claimed that the officers were on a covert mission organised and supervised by Majed Faraj, commander of the Palestinian General Intelligence Service (GIS), in coordination with Israel and some Arab countries, presumably Egypt, the United Arab Emirates, Saudi Arabia, and Jordan.

In the past few months, Hamas has issued numerous warnings declaring that it will not allow any foreign party to be present in Gaza. The warning was issued in reaction to information circulating about the possible deployment of an Arab peacekeeping force there. The warning was also directed against Abbas and his close advisers, including Faraj and Hussein al-Sheikh, Secretary-General of the PLO Executive Committee, who is touted as a potential successor to the 88-year-old Palestinian *Rais* (“president”).

There is hardly any meaningful debate among the Palestinians when it comes to who should lead the Gaza Strip if Hamas is overthrown.

But many Palestinians are attentively monitoring reports in the Israeli and foreign media concerning the controversy surrounding the PA’s return to Gaza. The majority of the information they receive on this matter is sourced from Israeli and foreign journalists, with Palestinian officials, political analysts, and commentators rarely discussing the topic in public.

In the Gaza Strip, many Palestinians are frequently unwilling and afraid to bring up the subject, at least not in public. They are aware that despite the significant losses Hamas has sustained during the war, it still maintains many eyes and ears throughout the Strip.

In the West Bank, many Palestinians do not seem to care about who would rule Gaza after the war. The two main concerns that the majority of the West Bank Palestinians have these days are whether the PA will pay its employees fully or partially and whether or not Israel will ever permit Palestinians (from the West Bank) to work in Israel again. More than 100,000 Palestinians from the West Bank had permits to enter Israel for commercial and work purposes prior to Hamas October 7 attack.

## THE INTERNATIONAL CRIMINAL COURT

In the absence of a plan and a genuine intention to return to the Gaza Strip, Abbas and the PA leadership have intensified their diplomatic war against Israel in the international arena, exemplified by the International Criminal Court’s Prosecutor Karim Khan requesting arrest warrants from the Court’s judges for Prime Minister Binyamin Netanyahu and Defence Minister Yoav Gallant.

The offensive also involves renewing the Palestinians’ application for full United Nations membership, gaining more nations to recognise a Palestinian state, and convincing numerous governments and international organisations across the globe to boycott and punish Israel.

Instead of preparing the PA for regaining control of the Gaza Strip, Abbas has opted to focus his efforts on delegitimising and isolating Israel and achieving symbolic victories, including persuading more countries to recognise a Palestinian state. His main goal is to show the Palestinians that the PA remains as relevant as ever. His message to the Palestinians: “While Hamas is fighting Israel on the streets of the Gaza Strip, I’m also waging another type of war against Israel in the international arena. My war is no less painful to Israel than the Hamas attacks against Israel.”

Abbas is hoping that his diplomatic offensive will help him regain legitimacy and the confidence of Palestinians, many of whom, according to public opinion polls, prefer Hamas to his corrupt and incompetent PA. For now, he would rather remain in Ramallah, continuing his diplomatic warfare against Israel and efforts to win recognition of a Palestinian state, than return to the Gaza Strip and face a potential bloodbath, courtesy of Hamas. AIR

*Khaled Abu Toameh is an award-winning Israeli Arab journalist, lecturer, and documentary filmmaker specialising in Palestinian affairs. A Senior Distinguished Fellow at the Gatestone Institute and a Fellow of the Jerusalem Centre for Public Affairs, he has also worked as a senior producer for NBC in the Middle East and has reported on events in the West Bank and Gaza for several media outlets. © Jerusalem Centre for Public Affairs (JCPA.org), reprinted by permission, all rights reserved.*

## ISRAELI POLITICS IS FEELING A DRAFT

Ilan Evyatar

**W**hen National Union party leader Benny Gantz issued an ultimatum on May 18 warning that he would quit the Government by June 8 unless it adopted a far-reaching post-war strategy, one of the six strategic goals he set out was not directly connected to the war itself. He also called for a policy outline to ensure military service for all Israeli citizens, referring to a long-standing controversy over Israel’s ultra-Orthodox, or *Haredi*, citizens, the overwhelming majority of whom do not serve in the Israel Defence Forces (IDF).

The issue of “service for all” has returned to the headlines in Israel recently with the expiry in late March of the Government’s self-declared deadline to pass a new draft





The IDF is designed to be accommodating to all Israelis, including the very religious. However, ultra-Orthodox communities have largely avoided serving since Israel's earliest days (Image: Shutterstock)

law to meet requirements set by the High Court. Meanwhile, the war in Gaza, the daily attrition with Hezbollah in the north and attacks on Israel from other fronts have highlighted the need for a larger army. The IDF has already announced plans to extend the length of mandatory service, double the number of days served by reservists and push back the age of exemption from reserve duty by at least five years. Some reservists have already served for months on end during the war, but if all-out war breaks out on the northern front they can expect to be recalled to duty.

The draft exemption for ultra-Orthodox yeshiva students goes back to the early days of the nascent state when Israel's first prime minister David Ben-Gurion waived service requirements for 400 yeshiva students. This decision was based on the rationale that the Holocaust had decimated the European world of Jewish religious scholarship. The number of Haredim in Israel at the time was relatively low, and the exemption was thus inconsequential to the IDF's manpower needs.

When the Defence Service Law was enacted in 1949, the draft exemption was extended to all yeshiva students, but Israel's ultra-Orthodox population subsequently grew, and with it the number of draft waivers granted to such students. After the 1967 Six-Day War, a cap of 800 annual draft exemptions for yeshiva students was set.

After the political upheaval of 1977, when Labor was superseded by Likud as the ruling party for the first time, then-PM Menachem Begin lifted these numerical restrictions. As the proportion of the ultra-Orthodox in Israeli society has grown since and with it their political clout, the number of young men with draft waivers has risen exponentially.

Today, according to 2021 figures from the Israel Democracy Institute (IDI), the number of Haredim who receive draft exemptions based on *Torato Omanuto* ("Torah is his profession") has surpassed 10,000 a year. That figure accounts for over 17.5% of the draft pool of Jewish men

of conscription age, and does not include Haredim who received exemptions for physical or mental health reasons.

With the percentage of Haredim in the general population projected to reach 18% in 2025 and almost 25% by 2050, the implications of these numbers are enormous, both in terms of the burden of reserve duty carried by those who do serve in the IDF and the economic burden of subsidising yeshiva students who remain outside of the workforce. More than 167,000 Haredim now study in yeshivot and kollels (yeshivot for married men), an increase of 56% in a decade, and are funded by the state to the tune of 5.6 billion shekels (A\$2.3 billion) a year.

The IDI has calculated that, if by 2050 the percentage of Haredim drafted into the army were to be equal to the percentage of people drafted among the general Jewish population, the economy would save 8-10 billion shekels just in payments to reservists. Each serving reservist would also do 35-45 fewer days of reserve duty, meaning that the army in peacetime would not need reservists except to train them and maintain operational readiness.

**“Israel now finds itself at a nexus of war and political instability. The Haredi draft exemption has played a role in the fall of several Israeli governments over the past decades”**

The long-standing draft deferral arrangements are hugely unpopular among secular and national religious

Israelis, all the more so after the sacrifices of the last few months. Over the years, there have been countless plans, committees and legislative attempts to finalise draft arrangements to achieve something close to “service for all”. These plans have either been scrapped for political reasons or struck down by the High Court for violating the principle of equality; namely, not demanding from the Haredim that they serve just like everyone else (with the exception of Israel's Arab citizens, for whom service is voluntary).

Meanwhile, ultra-Orthodox communities mostly remain staunchly opposed to military service for their youth, arguing with apparently complete sincerity that the

WITH COMPLIMENTS

SELWYN GROUP  
OF COMPANIES



prayers and study undertaken at the yeshivot are more valuable to Israel's security and well-being than military service. It is also clear that the leaders of these largely insular communities are anxious that exposure to military service would make it very difficult to maintain their unique way of life. So, the two political parties which represent these communities, and often hold the balance of power in the Knesset, have staunchly resisted any draft reforms that would mandate ultra-Orthodox service.

But a series of High Court rulings over recent years have made this inertia on the subject difficult to sustain. Just a day before the Government was due to give a supplementary affidavit to the High Court on its plans for new legislation ahead of a planned hearing in early June, Prime Minister Binyamin Netanyahu pulled an old plan out of the legislative drawer and announced he would advance legislation originally put forward in 2022 by none other than Benny Gantz when he was defence minister in the short-lived Bennett-Lapid Government.

Netanyahu likely hoped to lean on the fact that it was Gantz who originally proposed the legislation and thus either demand his support or embarrass him. However, Gantz pointed out that his proposal had only been intended as a two-year stopgap until legislation for an expanded conscription program could be enacted. Gantz's May 18 ultimatum came a couple of days later.

The proposed bill has come under intense criticism, including from Attorney-General Gali Baharav-Miara, who said it does not meet the "updated defence requirements stemming from the war that was forced on Israel."

The IDI, meanwhile, agreed, saying: "The proposed law ignores the dramatic change in Israel's security situation since October 7 and does not address the need for more combat soldiers, nor does it respect the burden on the populations that already serve, both in their regular military service and in the reserves. This law was problematic even before October 7, and today it is neither relevant nor justified."

The 2022 bill sets conscription targets that are relatively inconsequential in the face of current needs. It calls for 1,566 Haredi soldiers to be drafted in the first year of the law's implementation, a figure that represents an increase of only around 350 Haredi soldiers over the current average, with an additional 125 in the second year and 136 in the third year. Given the rate of growth of the Haredi population, this is actually a decline in relative terms. It also allows for Haredim to serve only a shortened three-month tenure in the IDF if they enter the army after the age of 21.

Haredi politicians and leaders have made it clear they won't accept any significant change without a fight. In the run up to the March 28 deadline for passing a new con-



Ultra-Orthodox groups say the latest conscription bill could bring "disaster" to their way of life (Image: Shutterstock)

scription law, Sephardi Chief Rabbi Yitzhak Yosef warned in his weekly Saturday night sermon that if the draft waiver arrangement wasn't renewed, Haredim would leave the country. "If you force us to go to the army, we'll all move abroad," he said.

Some other Haredi politicians have said that they would be able to "swallow" the 2022 bill in its current format, but even that is too much for others.

One Haredi minister speaking off the record to *Kikar HaShabbat*, a website affiliated with the ultra-Orthodox community, said that the legislation "would bring disaster upon the Torah world. It contains everything that [secularist opposition politician Yair] Lapid wanted and everything we objected to. We cannot agree, even to get an extension from the High Court."

Israel now finds itself at a nexus of war and political instability.

The Haredi draft exemption has played a role in the fall of several Israeli governments over the past decades. However, if Gantz and his National Union make good on their threat to withdraw from the national emergency government, it wouldn't be enough in itself to bring down Netanyahu and the Government. But he isn't the only one to have threatened to pull out over the war and conscription issue.

Defence Minister Yoav Gallant, who clashed with Netanyahu over the judicial reform last year, challenged him again on May 15 over plans for the day after in Gaza and has also said that he will not accept any legislation on conscription that does not meet the IDF's needs or is not supported by Gantz.

The Knesset, meanwhile, returned from recess on May 20, the same day that the Chief Prosecutor of the International Criminal Court in the Hague said he would be seeking arrest warrants against Netanyahu and Gallant. An interesting summer session of the Israeli legislature clearly awaits.





# Tale of a true Aussie battler

**Ron Boswell: Not pretty, but pretty effective**

*Ron Boswell with Joanne Newbery*

Connor Court Publishing, Dec. 2023, 320 pp., \$39.95

**Jamie Hyams**



**R**on Boswell was a National Party senator for 32 years, making him the sixth longest-serving senator in Australian history. For 17 of those years, he was Nationals leader in the Senate. And now, in further service to Australia’s people, he has written a book about his experiences, about how a suburban insurance salesman rose to become a leading figure in the party that traditionally represents rural Australia and was able to significantly influence national policy.

Boswell’s is a fascinating but easy to read work, mixing anecdotes with personal philosophy and behind the scenes accounts of some seminal moments in Australian politics – such as the “Joh for PM” campaign that cruelled John Howard’s hopes in the 1987 Federal election and the Coalition carbon tax debate. However, what Boswell clearly remembers most fondly are the many times he used his small business experience and negotiating skills, especially as Senate leader, to understand and assist various sectors of the rural economy, to the benefit of the entire country.

However, probably most interesting to Jewish readers will be his accounts of his at times heroic battles with the antisemitic far right. His first brush with these extremists was with the Citizens Electorate Council (CEC), whom Boswell accurately describes as “a weird mob of racist and anti-Semitic

conspiracy junkies” who “accuse the Royal family of being drug runners and claim that Parliament House in Canberra was designed along occult lines.”

This battle may have helped steel Boswell for one of the fights of his life. As the long-time doyen of Australian political journalists, Laurie Oakes, was later to write, “Bos is the bloke who fought almost singlehandedly to counter the growing influence of the League of Rights in Queensland conservative politics in the 1980s.”

Boswell had become concerned in the mid-to-late 1980s that the League was trying to infiltrate the Nationals, and was having success in infiltrating charismatic churches. So he decided to make a “landmark speech” in the Senate about them in April 1988, explaining exactly what the League was all about. He set out the League’s “anti-Semitism and racism, their denial of the Jewish Holocaust and their denial that Jesus Christ was a Jew.” The speech, he said, “absolutely wiped them off the political map,” and after it was distributed widely, including to the churches, “the pastors soon got rid of the League from their congregations.”

Boswell then went to League strongholds in rural Queensland to campaign against them, including one town where his staff were “approached by people in paramilitary gear and told that ‘if you believe Jesus Christ was a Jew, then you’re a Jew and the Jews are

the devil’s people.’” But he persevered and eventually came out on top.

As Boswell explains, this moral and principled stand, when some were still suggesting the Nationals should regard the League of Rights as fellow conservatives to be harnessed rather than opposed, saw him become a “serious player”. This was ultimately responsible for him first becoming Nationals Senate leader in 1990. It even helped Boswell when he went to Mozambique to help a young Australian imprisoned there.

Boswell explains that to him, politics is about seeing what’s wrong, and taking action to stop it. Throughout the book, he gives examples of when he did just that, including exposing numerous other far right extremist groups. He writes, “As I tell my Jewish friends, if it wasn’t for the National Party, there would be no buffer stopping the anti-Semites getting a political foothold.” There is also a chapter about how he took on One Nation, exposing how it was “riddled with extremists like a termite infestation” and how detrimental it would be for the bush if Pauline Hanson’s anti-Asian policies were adopted.

As Boswell explains in the post-script, he wrote the book to encourage more people to aspire to enter parliament, by demonstrating what can be achieved. Throughout it, what shines through is Boswell’s passion for a fairer and better Australia. I strongly recommend Boswell’s work to anyone with an interest in Australian politics. However, even for those with no such leanings, it is still a very good read – an inspirational account of the good that can be achieved with some persistence and a healthy dose of principle. 

With Compliments from



Cnr. Taylors Road & Calder Park Drive  
Taylors Hill, VIC.





# ESSAY

## Anti-Zionism unleashed

### The campus war against the Jewish story

Yossi Klein Halevi

**H**ow has it come to this? How is it possible that Israel, rather than radical Islamism, would become the villain on liberal campuses? That thousands of students would be chanting “from the river to the sea,” even as the Hamas massacre revealed that slogan’s genocidal implications? That the most passionate outbreak of student activism since the 1960s would be devoted to delegitimising the Jewish people’s story of triumph over annihilation?

This moment didn’t happen in a vacuum. The anti-Zionist forces in academia have been preparing the ground for decades, systematically dismantling the moral basis of each stage of Zionist and Israeli history.

The attack began on the very origins of Zionism, which was transformed from a story of a dispossessed people re-indigenising in its ancient homeland into one more sordid expression of European colonialism. (Europe’s post-Holocaust gift to the Jews: leaving us with the bill for its sins.)

Next, the birth of Israel in 1948 was reduced to the *Nakba*, or catastrophe, a Palestinian narrative of total innocence that ignores the ethnic cleansing of Jews from every place where Arab armies were victorious and the subsequent uprooting of the entire Jewish population of the Muslim world. Post-1967 Israel was

cast as an apartheid state – turning Zionism, a multi-faceted movement representing Jews across the political and religious spectrum, into a racist ideology, and reducing an agonisingly complex national conflict into a medieval passion play about Jewish perfidy.

And now, with the Gaza War, we have come to the genocide canard, the endpoint in the process of delegitimation.

To turn Israel into the world’s arch-criminal requires three forms of erasure. The first is of the connection between the Land of Israel and the people of Israel. In the anti-Zionist telling of the conflict, a 4,000-year connection that has been the heart of Jewish identity and faith is irrelevant, if not contrived outright by Zionists.

The second is the erasure of the relentless war against Israel, placing its actions under a microscope while downplaying or entirely ignoring the aggression of its enemies. There is never any context to Israel’s actions. Only by erasing Hamas’ atrocities can Israel be turned into the villain of this war.

In focusing on Israel’s actions and dismissing those of Hamas, campus protesters are providing cover for October 7 denialism. This is a new

version of the Holocaust denialism prevalent in parts of the Muslim world: The atrocities didn’t happen, you deserved them and we’re going to do them again (and again).

On a recent trip to New York, walking along Broadway on the Upper West Side, I saw dozens of defaced posters of kidnapped Israelis. Rather than tear down the posters, the vandals had blacked out the Israeli faces – a literal defacement. And a useful metaphor for the anti-Zionist assault on our being.

The third form of erasure is dismissing the history of peace offers presented or accepted by Israel and uniformly rejected by the Palestinian side. No offer – an independent Palestinian state on the West Bank and Gaza, the re-division of Jerusalem, the uprooting of dozens of settlements – was ever sufficient. It is hard to think of another national

**“To turn Israel into the world’s arch-criminal requires three forms of erasure. The first is of the connection between the Land of Israel and the people of Israel”**

movement representing a stateless people that rejected more offers of self-determination than the Palestinian leadership.

The ease with which anti-Zionists have managed to portray the Jewish state as genocidal, a successor to Nazi Germany, marks a historic failure of Holocaust education in the West.

This moment requires a fundamental rethinking of the goals and methodology of Holocaust education. By over-emphasising the necessary universal lessons of the Holocaust, many educators too easily equated antisemitism with generic racism. The intention was noble: to render the Holocaust relevant to a new generation. But in the process, the essential lesson of the Holocaust – the uniqueness not only of the event itself but of the hatred that made it possible – was often lost.

Antisemitism is not merely the hatred of Jews as other but the



Campus pro-Palestinian activists are at war not only with Israel's existence, but with core parts of Jewish identity (Image: Shutterstock)

symbolisation of “The Jew” – that is, turning the Jews into the symbol for whatever a given civilisation defines as its most loathsome qualities. For Christianity until the Holocaust, The Jew was Christ-killer; for Marxism, the ultimate capitalist; for Nazism, the defiler of race. And now, in the era of anti-racism, the Jewish state is the embodiment of racism.

Holocaust education was intended, in large part, to protect the Jewish people from a recurrence of the antisemitism that reduces Jews to symbols. Yet the movement to turn Israel into the world's criminal nation emerges from a generation that was raised with Holocaust consciousness, both in formal education and the arts. And this latest expression of the antisemitism of symbols is justified by some anti-Zionists as honouring “the lessons of the Holocaust.”

Unlike the Iranian regime, which clumsily tries to deny the historicity of the Holocaust, anti-Zionists in the West intuitively understand that co-opting and inverting the Holocaust is a far more effective way of neutralising its impact.

Many, perhaps most, of the campus protesters are likely not antisemitic. They may have Jewish friends

or be Jewish themselves. But that is irrelevant: They are enabling an anti-semitic moment.

**W**hat is under assault is the integrity of the mid-20th century Jewish story, of a people rejecting the self-pity of victimhood and fulfilling its most improbable dream: renewing itself, in its broken old age, in the land of its youth. The shift from the lowest point Jews have known to the reclamation of power and self-confidence is one of the most astonishing feats of survival not only in Jewish but world history. It is that story that is being distorted and trivialised and demonised on liberal campuses.

I recently completed a lecture tour of some of the most Jewishly problematic campuses, from Columbia to Berkeley. In meetings with Jewish students, I was repeatedly told about a pervasive atmosphere of hostility toward Israel, even among many otherwise apolitical students. While the protests are an immediate threat to Jewish well-being on campus, the far deeper problem is the impact of the anti-Zionist campaign, linking the name “Israel” with racism and genocide. The vulgar protest-

ers are a small minority, but they are shaping the attitudes of a whole generation.

By focusing only on the immediate threat of the protests, we risk repeating the mistake we've made over the last decades of failing to adequately confront the systematic assault on our story.

Like other radical movements, anti-Zionism could go too far in its righteous rage, potentially alienating the majority. Perhaps that process has already begun.

The challenge of our generation is to defend the story we inherited from the survivor generation. We need to tell that story with moral credibility, in all its complexity, frankly owning our flaws even as we celebrate our successes, acknowledging the Palestinian narrative even as we insist on the integrity of our own.

We desperately need new strategies to counter the anti-Zionist assault. A good beginning would be the creation of a brains trust, composed of community activists, rabbis, journalists, historians, public relations experts, that would devise both immediate responses to the current crisis and a long-term strategy, emulating the decades-long patient work of the anti-Zionists.

The Jews are a story we tell ourselves about who we think we are; without our story, there is no Judaism. It is long past time to mount a credible defence of our mid-20th century story, which continues to sustain us as a people. AIR

*Yossi Klein Halevi is a senior fellow at the Shalom Hartman Institute, where he is co-director, together with Imam Abdullah Antepli of Duke University and Maital Friedman, of the Muslim Leadership Initiative (MLI), and a member of the Institute's iEngage Project. His latest book, Letters to My Palestinian Neighbor, was a New York Times best-seller. © Times of Israel (www.timesofisrael.com), reprinted by permission, all rights reserved.*



# Denwol Group

## Development Sites Wanted

Commercial, Industrial, Hospitality and Residential

+61 2 9211 0688  
info@denwol.com.au  
www.denwol.com.au



## Gersh Investment Partners Ltd.

Level 2, 650 Chapel Street  
South Yarra, Victoria 3141  
Tel: (03) 9823 3400

www.gersh.com.au

# NOTED AND QUOTED

## THE MONTH IN MEDIA

### THE VICE SQUAD

In the *Australian* (May 14), AIJAC's Mark Leibler asked how it is that university vice-chancellors refuse to "acknowledge there is a specific anti-Semitism crisis on campuses in this country," even when Prime Minister Anthony Albanese agrees that there is.

Writing in the *Daily Telegraph* (May 3), AIJAC's Dr Colin Rubenstein said the failure of "university administrators to tackle the problem head on" was due to a lack of "courage" and the fact that "many academics [are] complicit in the political hooliganism on... campuses."

On Sky News' website (May 16), AIJAC research associate Dr Ran Porat wrote that the pro-Palestinian demonstrators who have turned university campuses into toxic, charged and unpleasant breeding grounds of hate would do well to remember that free speech comes with an asterisk.

"While individuals have the right to express and share their views with the world, this does not grant a license to promote hate, violence, or reject others simply because they hold different opinions. Freedom of speech does not equate to permission for harassment, threats, property damage, or undermining the rights of others. Accountability accompanies our words," he wrote.

AIJAC's Justin Amler on Sky News' website (May 3) said the wave of antisemitism sweeping across university campuses has meant that rather than the terrorist supporters hiding in the shadows, it is Jews who are now feeling vulnerable and intimidated.

The *Adelaide Advertiser* (May 8) slammed pro-Palestinian protests on campus, saying, "The war in Gaza is a terrible, complicated disaster... it's just hard to imagine a group of

privileged... Uni protesters having a camp and a snooze on the lawn is going to make a shred of difference to the eventual outcome."

### ACADEMIC CHEER SQUAD

In contrast, Hobart *Mercury* columnist Greg Barns approved of the protesters (May 13), who he said, "represent the conscience of the nation."

On the ABC "Religion & Ethics" website (May 14), academic Maria O'Sullivan supported the university protests, saying it was "unclear" what the chant "From the River to the Sea, Palestine will be Free" means to the protesters.

O'Sullivan decided the less pernicious interpretation was the correct one, writing, "Significantly, Max Kaiser, the executive officer of the Jewish Council of Australia, a newly-formed group of Jewish academics, teachers, writers, and lawyers, told the *Guardian* recently: 'In our interpretation, and as it's explained by Palestinian people the world over, is it's a call for freedom and equality for all people, Jewish and Palestinian... It's definitely not something that should be construed as a threat to Jewish people or Israelis.'"

Kaiser does not represent the mainstream views of the Jewish community, which overwhelmingly believes the chant means Israel's replacement by a Palestinian state and, in all likelihood, the expulsion of most Jews living there.

### SEEING THE BLIND SPOT

However, others sympathetic to the Palestinians were not so blind.

*Canberra Times* columnist Mark Kenny (May 12) acknowledged that

some of the students' words and actions have been "abysmal... tactically abysmal... tactically cumbersome... morally indefensible." However, he also said that "openly siding with the aims of a terrorist group merely does the Israel lobby's work for it," which, he said, is to conflate criticism of Israel with antisemitism.

In the *Guardian Australia* (May 13), *Observer* columnist Sonia Sodha expressed concern at the hate that is spilling over from protests, writing, "One example of protest curdling into something deeply nasty is the treatment of Eden Golan, the Israeli contestant in this weekend's Eurovision contest. Sure, people have a right to protest against Israel's inclusion in the contest. But it was horrible to see the level of ire focused on a 20-year-old performer, to the extent that she was advised to stay in her hotel room outside her performances, and other contestants felt justified in being publicly unkind to her, including issuing clarifying statements that being caught on video interacting with her did not mean they endorsed the government of the country she is representing. (Why on earth would it?)"

### TWO STATES OF MIND

*New York Times* columnist Thomas Friedman, in the *Australian Financial Review* (May 13), said that protesters who "refuse to acknowledge what Hamas did to trigger this [are] just another partisan throwing a log on the fire." Friedman said, "the only just and workable solution... is two nation states for two indigenous peoples... If you are not for that, you're part of the problem."

On May 9, ABC *Radio National* "Breakfast" host Patricia Karvelas told

anti-Zionist National Tertiary Education Union (NTEU) president Nick Riemer his claim that a boycott of Israel's academic institutions would not impact individual Israeli academics "doesn't make sense".

Karvelas asked Riemer if the NTEU is boycotting other countries, including Iran. Riemer said academ-

ics in Iran needed to be proactive and approach the NTEU, which Karvelas thought highly unlikely. She also pushed back against his definition that Zionism meant "the violent dispossession and colonisation of the Palestinian people."

## STARVED OF FACTS

In the *Age* and *Sydney Morning Herald* (April 18), Australian Council for International Development chief executive Marc Purcell claimed, "the evidence that the Israeli government is deliberately starving civilians in Gaza is unequivocal."

Purcell's evidence included Israeli



## IN PARLIAMENT

Prime Minister **Anthony Albanese** (ALP, Grayndler) – Pass-over message – April 22 – "We remain steadfast in our determination to counter hateful prejudice and antisemitism..."

Opposition Leader **Peter Dutton** (Lib., Dickson) – Pass-over message – April 22 – "Know that you do not stand alone in the battle against age-old, enduring and shape-shifting anti-Semitism."

Mr **Dutton** – Israeli Independence Day message – May 14 – "Today is a day to affirm Israel's right to exist and right to defend itself... to celebrate the establishment of Israel and its achievement in becoming a thriving and prosperous democracy... to recognise Israel's desire to live in peace with its neighbours."

The following were responses to questions about the International Criminal Court Prosecutor applying for warrants to arrest Israeli PM Binyamin Netanyahu and Defence Minister Yoav Gallant:

Mr **Albanese** – May 23 – "What we don't do is comment on court proceedings."

Mr **Dutton** – May 22 – "Pressure... needs to be for like-minded countries that share our values... to put pressure on the ICC, to make sure that this antisemitic stance that they've taken does not advance."

Foreign Minister Senator **Penny Wong** (ALP, SA) – May 22 – "There is no equivalence between Israel and Hamas... what we should be focusing on most of all is... the release of hostages and... a ceasefire."

Mr **Dutton**: Speech at St Kilda Synagogue – April 19 – "What is truly shocking is the magnitude and the intensity of anti-Semitism which has emerged... in Australia, since... October 7... Until Hamas is defeated, a two-state solution isn't even conceivable... The Coalition stands with our ally and our friend Israel."

**Julian Leeser** (Lib., Berowra) – May 16 – "The chant 'From the river to the sea' demands the destruction of the Jewish state. The Prime Minister has said it's both violent and incompatible with peace, but Labor senator Fatima Payman has accused the Prime Minister of 'defending the oppressor's right to oppress' and repeated the chant. Will the Prime Minister... remove Senator Payman from the Joint Standing Committee on Foreign Affairs, Defence and Trade?"

Mr **Albanese** replying – "The chant... is inappropriate. I very strongly believe in a two-state solution."

Shadow Foreign Affairs Minister Senator **Simon Birmingham** (Lib., SA) – May 16 – moved "That the Senate (a) notes that the slogan 'from the river to the sea, Palestine will be free' opposes Israel's right to exist, and is frequently used by those who seek to intimidate Jewish Australians via acts of antisemitism..."

Senator **Wong** – "Most of all we want to do what we can to break the cycle of violence... The phrase 'From the river to the sea' is not consistent with a two-state solution."

Only the Greens and Lidia Thorpe opposed the motion. Senator Payman was absent.

Senator **Lidia Thorpe** (Ind., Vic.) – May 16 – seeking to move a motion on weapons exports to Israel: "There is a clear genocidal campaign happening, and it's intended to complete Nakba. It's intended... to wipe the land of its people."

Greens Foreign Affairs Spokesperson Senator **Jordan Steele-John** (WA) – May 15 – seeking to move a motion on the Nakba: "The Nakba was the violent displacement, dispossession and ethnic cleansing of Palestinian people... Today's day of reflection is happening against the backdrop of the ongoing genocide in Gaza... Millions are being actively and deliberately starved... we must expel the State of Israel's Ambassador to Australia."

Greens Deputy Leader Senator **Mehreen Faruqi** (NSW) – May 14 – sought to move a motion commending anti-Israel student protest encampments.

Shadow Education Minister Senator **Sarah Henderson** (Lib., Vic.) – "The encampments on university campuses are fuelling shocking levels of hate, incitement and antisemitism across this country... causing extraordinary distress to Jewish students and staff."

Only the Greens and Senator **Thorpe** supported the above motions.

Mr **Dutton** – May 14 – "Prime Minister, 130 hostages still remain in tunnels after the October 7 attacks by Hamas on Israel last year in which 1,200 people were massacred. Violent antisemitism is on the rise here in Australia and indeed around the world. Why did the Prime Minister make a captain's call to [back] Palestine's bid for United Nations membership, breaching faith with our Jewish community and decades of bipartisanship...?"

Mr **Albanese** replying – "We, in supporting that resolution... believe that it's consistent with providing a pathway to peace... The people who are vehemently opposed to that resolution include Hamas."



Defence Minister Yoav Gallant's threat just after October 7 to cut off all electricity, fuel and food into Gaza.

Since then, Purcell said, the "amount of humanitarian assistance... has plummeted each day" and that "even before October 7, the loads of 500 aid trucks a day were required to feed Gaza's population," but now less than 100 are entering.

He also implied that Israel deliberately mowed down more than 100 Gazans waiting for food in February and claimed that "the death toll of aid workers in Gaza is more than 200."

In fact, Israel has been allowing all available aid into Gaza since late October, and since the start of March, more food trucks have been entering Gaza every day than before the war.

His claim that 500 trucks of aid entered Gaza daily before October 7 is incorrect. Aid made up a minority of the goods loaded onto the trucks entering Gaza before then.

Purcell also ignored the widely-cited evidence that Hamas consistently steals more than half the aid, while inefficient distribution often sees hundreds of truckloads of aid sitting waiting just inside Gaza.

Those tragically killed waiting for aid in the shocking February incident Purcell mentioned were crushed in a stampede or run over by the trucks trying to escape the mob. Israeli troops only later fired on a separate group that advanced on them. Of the "aid workers" killed in Gaza, we don't know how many were killed by Hamas or, indeed, how many were actually combatants.

## SBS'S CATASTROPHIC NAKBA REPORT

On *SBS TV* "World News" (May 15) Liz Maddock reported on "a rare Palestinian protest allowed inside Israel. Police didn't shut down this annual march for the Nakba – or 'catastrophe' – a day that marks the mass expulsion of 700,000 Palestinians during the 1948 war."

As long as no violence or incitement to violence happens, there are no restrictions on Israeli Arabs protesting inside Israel and such protests happen often.

Moreover, 700,000 Palestinians were not expelled in 1948. During the fighting some Palestinian Arabs were expelled, but the majority of those fleeing never even encountered Israeli soldiers.

## DOWN FOR THE COUNT

There was muted coverage of the UN's dramatic revision of the claimed death toll of Palestinians since the Hamas-Israel war started.

The *Australian* (May 20) noted the decrease, saying, "But after Israel has taken a beating over civilian casualties in Gaza, it is worth noting, for the sake of accuracy, that on May 8 the UN almost halved the child fatality toll in Gaza from 14,500 to 7800, and the figure for fatalities of women from more than 9500 to 4959."

*Sky News* host Chris Kenny (May 14) commented, "I have said before that we have to be very sceptical ... about claims made when it comes to casualties in Gaza ... the only numbers coming out of Gaza are numbers that Hamas allows out of Gaza."

An online analysis piece by ABC Middle East correspondent Eric Tlozek on the costs of the war since October 7 (May 10), asserted that in "seven months of war in Gaza, more than 36,000 people confirmed dead." There is no "confirmation" of these deaths, only unverified statistical claims from Hamas-affiliated bodies.

## EXTRAORDINARY SPIN

The media overwhelmingly blamed Israel as the party responsible for a failure to reach a ceasefire in early May when Hamas said it accepted a ceasefire offer which turned out to be dramatically different from what the US and Israel had offered.

On *ABC TV* "News at Noon" (May

7), Global Affairs Correspondent John Lyons said, "The Egyptians and Qataris have come forward with this proposal based on weeks and months of sitting in on negotiations. They thought that this was acceptable to both sides. Hamas said yes and has accepted it. Israel has said no."

Lyons did not explain that the deal Egypt and Qatar negotiated with Hamas was never agreed to by Israel. Nor did he even spell out what the terms of the deal were and why Israel refused to accept it. Some of these unacceptable conditions included that Hamas could release dead hostages instead of live ones, and the demands that Hamas terrorists involved in the October 7 massacre be freed and Israel pull all its troops out of Gaza.

Lyons also said, "Now there is some commentary inside Israel in the influential newspaper *Haaretz*, which is actually arguing that Benjamin Netanyahu is deliberately sabotaging this peace deal that he expected, or hoped, that Hamas would reject it because his view, whether he would deny he's sabotaging it... is the job hasn't yet been done."

It was very clear well before Israel's limited manoeuvres in Rafah that it was Hamas preventing a ceasefire deal being reached over months of negotiations, as the US has acknowledged.

On April 30, US Secretary of State Antony Blinken chided Hamas for rejecting Israel's "extraordinarily generous" deal, saying, "In this moment, the only thing standing between the people of Gaza and a ceasefire is Hamas."

*SBS TV* "World News" (May 7) reported Hamas had accepted a ceasefire deal and that the "ball is now back in Israel's court," but not Lyons' conspiracy theory that Netanyahu was deliberately sabotaging negotiations.

## SAYING "NO" TO YES VOTE

In the *Daily Telegraph* and *Courier-Mail* (May 15), AIJAC's Colin Ru-

benstein explained why Australia's decision to back the UN General Assembly resolution granting 'Palestine' more rights and to recommend the Security Council officially recognise it as a state was "counter-productive".

"The pre-conditions for a two-state Israeli-Palestinian peace are simply not currently in place" and there is "no doubt whatsoever that many Palestinians see UN recognition... as a major national achievement made possible by Hamas'... mass violence on October 7," he wrote.

Two days earlier, Dr Rubenstein told *Sky News* that the vote essentially endorsed "mass murder, rape, kidnapping, hostage taking... as acceptable and effective tools to achieve legitimacy and international support," adding that Hamas and the Palestinian Authority were both pleased with the outcome.

## WONG GETS THE GONG

News columnist Andrew Bolt excoriated Australian Foreign Minister Penny Wong (May 13), saying, she "protested... her vote to recognise Palestine was 'the opposite of what Hamas wants'. She says it's a move towards a two-state solution Hamas opposes – for Israel and Palestine to exist side-by-side... in fact, Hamas had already contradicted Wong. It welcomed the vote, calling it 'an acknowledgment on the necessity for our Palestinian people to obtain their legitimate rights and an affirmation of the international rally around our people'."

The *Australian* (May 13) condemned the Government, saying, "it is not often that Australia votes alongside Russia, China, Cuba, North Korea, Yemen and Libya. But that is where we were... the government has strayed from longstanding bipartisan policy on Israel, at a time when the Jewish state is fighting for its survival and needs its friends."

In the same edition, former Australian Ambassador to Israel and

current NSW Liberal Senator Dave Sharma said recognition unfairly attributes blame to Israel for the failure to achieve a two-state peace, noting that "each negotiation has foundered because the Palestinian political leadership has been ultimately unwilling to renounce its claims to the territory of Israel."

News Corp columnist Joe Hildebrand (May 13) said, "it all comes back to October 7 – the biggest mass killing of Jews since the Holocaust. And this is what makes the UN's vote declaring Palestine qualifies for statehood so foolish and dangerous. It is not that Palestine should not or will not become an independent state... It is that if and when Palestine does become a sovereign state, the timing of the UN vote means that October 7 will forever be the key foundational moment in that statehood. An act of terror, not an act of protest, will be seen as the key to its success. And don't take my word for it. Take those of Palestinian advocates."

The *West Australian* (May 13) asked, "why is Australia suddenly pitting itself against Israel and pretending it is not?" The paper accused Senator Wong of "itching to make a public stand against Israel for domestic political purposes."

## SENATORIAL COMBAT

In the Adelaide *Advertiser* (May 10) and the *West Australian* (May 13), Senator Wong defended the UN resolution, saying, it "maintained the Palestinians' observer status with modest additional rights to participate in UN forums," recognised the Palestinian "aspiration for eventual... membership" of the UN, and "reaffirmed 'unwavering support for'... a two-state solution – Israel and Palestine –... the opposite of what Hamas wants."

In the same *Advertiser* edition, shadow foreign affairs spokesperson Senator Simon Birmingham criticised the Government, saying, the "motion Labor supported reads like October 7

never happened. There's no condition that hostages be released or Hamas surrender, even though these could end the immediate conflict."

## WARNINGS IGNORED

Writing in the *Australian* (May 10), Chris Merritt of the Rule of Law Institute of Australia recalled AIJAC's Colin Rubenstein's 2015 warning of significant weaknesses in Australian federal laws prohibiting racial and religious hatred.

Merritt said if governments had heeded Dr Rubenstein's advice, "federal authorities might have been equipped with some of what they need to crack down on the worst aspects of anti-semitism."

Merritt said, "right now, when the nation is scrambling for a solution to the spread of anti-semitism, reasonable people will find it hard to understand how such a law could have been approved by parliament" and "the case for reforming the code is urgent."

## SETTING A PRECEDENT

Analysing Iran's unprecedented direct attack on Israel involving hundreds of explosive drones, ballistic missiles, cruise missiles and rockets on April 14, AIJAC's Colin Rubenstein in the *Canberra Times* (May 6) called on Australia to join the US and UK by announcing new sanctions targeting Iran's missile and drone programs.

"Before its April 14 attack, the West could perhaps turn a blind eye to the malevolent actions of Iran's proxies and hope to quietly manage Iran's aggression. That unprecedented attack showed such beliefs are delusional," he wrote.

Earlier, in the *Daily Telegraph* (April 18), Dr Rubenstein argued that, "The Iranian attack should... be a wake-up call to Australia and the world to take Iran's threats more seriously, and its looming nuclear threat especially so."

Allon Lee

## INJUSTICE IS BLIND

The decision of the International Criminal Court's Prosecutor Karim Khan to seek warrants to arrest Israel's PM Binyamin Netanyahu and Defence Minister Yoav Gallant for alleged crimes against Palestinian civilians in Gaza, as well as three senior Hamas leaders for the October 7 massacre, generated intense media debate.

The *West Australian* (May 22) challenged Khan's inference "that these opposing sides – death cult and democracy – are one and the same... This is not a war Israel wanted to fight. It was left with no choice."

*ABC Radio National* "Breakfast" (May 21) interviewed former UN official and anti-Israel activist Wil-

liam Schabas, who praised the Court's staff as "objective, independent professionals". On the Nine Newspapers' website (May 26), high profile barrister Geoffrey Robertson defended the ICC's *bona fides*, noting the prosecution must prove its case beyond reasonable doubt.

On *2GB Radio* (May 22), former Australian Foreign Minister Alexander Downer said institutions like the "ICC, the International Court of Justice, the United Nations General Assembly... they are just being used for political purposes." He noted that the ICC Prosecutor did not include Egypt "which closes its border... into Gaza and stops vehicles going across that border."

The question of whether Israel can be trusted to investigate itself was a major issue of discussion.

In the *Guardian Australia* (April 30), Ken Roth, the virulently anti-Israel activist and former head of Human Rights Watch, disputed the claim that under the principle of complementarity Israel's legal system can prosecute its own war criminals, insisting that Israel has "no history of prosecuting senior officials for war crimes."

On *ABC TV* "Afternoon Briefing" (May 21), former Australian Ambassador to Israel and current NSW Liberal Senator Dave Sharma noted Israel had "held people accountable" in the IDF's accidental killing of Australian aid worker Zomi Frankcom and her fellow World Central Kitchen workers on April 1.

The *Australian Financial Review* (May 27) also cited the Zomi Frankcom tragedy, saying "Hamas, of course, called no inquiry into the October 7 attacks whose genocidal goal was to kill as many Jews as possible."

The *Times of Israel*'s Jeremy Sharon told *ABC RN* "Breakfast" (May 22) that Israelis were shocked by the charges,

explaining that they "see themselves as living in a democratic country with... a fiercely independent judicial system, which recently fought off efforts by the Government to hamper that independence."

In the *Canberra Times* (June 27), Zionist Federation of Australia's Bren Carlill said Khan had previously said Israel's legal system was fit for purpose and included

"trained lawyers who advise commanders and a robust system intended to ensure compliance with international humanitarian law'... and yet he still wants to issue warrants."

Executive Council of Australian Jewry's Alex Ryvchin in the *Daily Telegraph* and *Courier Mail* (May 24) said by issuing warrants simultane-

ously, Khan "creates a distinct impression that a government forced to go to war to free its citizens and destroy the terror force that just murdered and violated thousands of its people, is no better than the terror force itself. That was, of course, precisely the point."

The *Australian's* Paul Kelly (May 24) quoted former ASIO boss Dennis Richardson's questioning "whether the prosecutor would have recommended arrest warrants for Hamas leaders if he had not come to this conclusion in relation to Israel." In the same edition, the paper's Foreign Editor Greg Sheridan said, "Hamas attacked Israel in the most sickening manner possible, then hid among and underneath Palestinian civilians. The ICC seems to be of the view that this means Israel is forbidden from waging a military campaign against Hamas. The UN itself recently halved its estimate of the number of women and children killed in Gaza, which suggests Israel's efforts to keep civilian casualties as low as it can have been meaningful."

In the *Australian* (May 24), AIJAC Visiting Fellow Prof. Greg Rose traced the back story to the ICC's creation, arguing that "an integral purpose" of the body "has always been to delegitimise Israel," given that 57 Muslim countries made their participation contingent on the inclusion of "war crimes" drafted specifically to be used against the Jewish state.

"Like dodgy police setting up false evidence... the ICC prosecutors set up dubious charges against Israel... based largely on evidence assembled by anti-Israel NGOs who solicit Palestinian testimony that is partial and prejudicial. The prosecutors then put forward questionable interpretations of international law rules that novelly apply only to Israel," Rose wrote.

**"Former Australian Foreign Minister Alexander Downer said institutions like the 'ICC, the International Court of Justice, the UN General Assembly... they are just being used for political purposes.'"**



# THE LAST WORD

Rabbi Ralph Genende

## ALONE AGAIN, NATURALLY?

In 1965, Rabbi Joseph Soloveitchik, a towering figure of 20th century Modern Orthodoxy, penned one of his most famous essays, “The Lonely Man of Faith.” In 2024, he could easily have changed the essay’s title and thrust to “The Lonely Jew of Fate.”

So many Jewish people across the world – from Jerusalem to Johannesburg, Mumbai to Melbourne – are suffering from a collective sense of acute isolation. We are bewildered by the torrent of antisemitism; fatigued by the hypocrisy and wilful ignorance of many governments and international bodies; confounded by the astonishing attacks on Jewish artists, philanthropists, businesses and academics; perplexed by the insidious intellectual dishonesty of so much of the liberal intelligentsia; dismayed by the toxic campaigns of protesters and distressed by how so many ordinary friends and colleagues have not reached out to us out of ignorance, fear, or apathy.

We also feel let down by a great number of our political and religious leaders, not to mention other Jews who have been so quick to malign their own community – and not out of love.

Some people of faith feel that God Himself has cold-shouldered us.

One response to this existential angst is to affirm that this is part of our fate and destiny. After all, in biblical times the non-Jewish prophet Balaam asserted: *Israel is a people that dwells alone, not reckoned among the nations* (Num. 23:9). In Talmudic times the rabbis asserted:

“Every generation rises up to destroy us.”

Indeed, some Israeli politicians – especially right-wing radicals – have a sense of pride in Israel’s growing pariah status, defiantly seeing it as the source of strength. They also argue, correctly, that Jews who turn against their community are not a new phenomenon; we have always had

Jewish detractors, informers and apostates.

There is, however, another response that is more in keep-

ing with the theme of another work by Rabbi Soloveitchik entitled *In Aloneness, In Togetherness*.

You can choose to remain alone and isolated, feeling like you have no friends and that nothing you do will make any difference. This is the psychological phenomenon known as a self-fulfilling prophecy. If you define yourself as the people that is alone, that will be your fate. It is understandable that many Jews feel this way, after the failure of both European emancipation and communism to rescue us from our isolation and degradation, culminating in the conflagration of the Holocaust.

However, this argument is self-defeating and potentially dangerous for the Jewish people and for the future of our

homeland, Israel. It is a strategy, Rabbi Jonathan Sacks suggested, that substitutes a ghetto of the mind for the ghetto of the street – an elitist strategy that makes no sense now in the diverse multi-faith and multicultural liberal democracies of the West.

Even though the professional protesters and hateful masses may make us feel abandoned, we do still have many allies and probably a lot more friends than enemies.

We have many supporters here in Australia and across the world. I hear their voices every day during my work in the wider community and in my interfaith and multicultural endeavours for AIJAC. We need to encourage them to stand together with us. We are not really alone. And the phrases about living alone and the inevitability of Jew-hatred are not really part of core Jewish theology, but result from a selective reading of it. To echo John Donne, no person – and no nation – is an island unto itself.

Some of our co-religionists may choose a segregationist lifestyle, insisting we are destined to live apart as a small sectarian splinter group. However, our great thinkers from Moses to Maimonides have taught that we should be prepared to stand alone to defend our moral code but also choose to be part of the world and embrace a Jewish role as ethical leaders. Despite recent blows, we need to continue to reach out to the world, share our voices and be a blessing to humanity.



How should Jewish people respond to the efforts to make all supporters of Israel into pariahs? (Image: Shutterstock)



Australia \$7.95 (inc GST)

AIR