



Commentary...

Return to Gaza By Michael Freund

This coming Monday, the tenth day of the month of Av, marks three years on the Hebrew calendar since the Israeli withdrawal from Gaza.

As if on cue, Israelis received a stark reminder this week that while some might want to put Gaza behind them, the Strip and its problems can not just be wished away.

Inter-cine warfare broke out once again between Hamas and Fatah loyalists, leaving nine Palestinians dead and more than 90 others injured in an ugly exchange of mortar shells, machinegun fire and summary executions. At least a dozen of the injured were said to be children.

It was the worst spate of violence in the area since the Hamas takeover in June 2007, and it left the so-called moderates of Fatah on the run - both literally and politically - as over 180 of them sought temporary refuge across the frontier in the warm embrace of the very same Jewish state they just love to hate.

Then, even as IDF soldiers were reportedly risking their lives to save some of the Fatah escapees, Palestinian terrorists launched five mortar rounds at Jewish communities in the Negev, once more violating the cease-fire that went into effect over a month ago.

IT WAS, in a nutshell, an unambiguous and quite telling sign of just how badly misconstrued Israel's August 2005 retreat truly was.

For not only did the Gaza withdrawal exacerbate internal Palestinian tensions and bring Hamas to power, but it failed to make southern Israel any safer. It was unnecessary and ill-conceived, and it came at the expense of thousands of Jews who were expelled from their homes, all for nought.

Indeed, a comprehensive survey released ten days ago found that a whopping 81% of the Jews forced out are still living in temporary housing and that 50% of the evacuees remain unemployed.

It also revealed that 70% of the respondents are in worse financial shape than they were prior to being evicted.

In other words, the government threw these fine citizens out of their houses, and then threw them to the dogs, essentially leaving them to fend for themselves.

It is little wonder, then, that the Knesset State Control Committee took the unusual step last week of voting by a wide margin in favor of establishing a State Commission of Inquiry to investigate the government's handling of the evacuation.

While the Committee's decision is a welcome one, the underlying strategic challenge posed by Gaza's downward spiral into Islamist chaos remains unaddressed.

THE STRIP has become a terrorist haven, and Hamas is actively preparing itself for confrontation with Israel.

As Yediot Aharonot reporter Ronen Bergman revealed last month, Hamas has recently begun using abandoned synagogues and other public structures in Gaza for terrorist training drills that include the staging of kidnappings, urban warfare and the takeover of buildings.

And as Shin Bet (Israel Security Agency) director Yuval Diskin was quoted in The Jerusalem Post, Hamas has smuggled in more than four tons of weapons, 50 anti-tank missiles and dozens of light arms in just the past few

ISRAEL NEWS

*A collection of the week's news from Israel
From the Bet El Twinning / Israel Action Committee
of Beth Avraham Yoseph of Toronto Congregation*

weeks, since the start of **ט"ז** the cease-fire (Jerusalem Post, July 28).

All of this activity underlines the fact that Hamas' intentions are anything but peaceful.

It is almost a foregone conclusion that Israel will at some point have to go back in to Gaza to strike at the terrorist infrastructure that is busy incubating itself there.

Even Defense Minister Ehud Barak, who has thus far refrained from unleashing the IDF against Hamas, acknowledges this to be the case. Speaking at a Labor party event on Monday evening, Barak said, "anyone who misses the military operations in Gaza mustn't worry - they will come."

But a pinpoint military operation, or even a grand sweep through the area, is unlikely to provide a lasting solution to the threat posed by Gaza-based terror.

As the past three years of Kassam rocket fire have shown, you might be able to take Israel out of Gaza, but you can't take Gaza out of Israel.

It is not too late to turn back the clock and to correct the disastrous mistakes of the past. So let's hit the collective rewind button, and reassert complete control over the entire Gaza Strip.

Israel should move to topple the Hamas regime, and arrest and try its leadership. The ongoing existence of a rogue, terrorist state along our southern border is simply intolerable, and we have no choice other than to bring it down.

And while we are at it, let's correct the injustice that was done to the residents of Gush Katif, and allow them to rebuild their lives, their homes and their shattered communities.

The retreat from Gaza was a disaster from beginning to end, but we can largely undo the damage if we act decisively and with resolve.

Sure, it won't be easy, and the international community will react with predictable fury.

But as our experience since the withdrawal has shown, as difficult as it may be to "occupy" Gaza, vacating it has proven to be far, far worse. (Jerusalem Post Aug 6)

This week's issue is dedicated
in commemoration of
the third yarzeit of
the beautiful and idyllic Jewish communities of
Gush Katif and the Northern Shomron z"l

Destroying Israel's Deterrence

By Evelyn Gordon

Shin Bet security service chief Yuval Diskin is so worried about Israel's deterrence that he made his concerns public last month. Speaking to the Knesset Foreign Affairs and Defense Committee, Diskin said Israeli deterrence had "suffered substantially" due to three events over the past three years: the disengagement from Gaza, Hamas's subsequent takeover of the Strip, and the Second Lebanon War.

Diskin did not elaborate, but his reasons for citing these events were obvious: All undermined both the physical and the psychological aspect of deterrence.

Physical deterrence relates to the actual balance of forces: The greater the imbalance, the more reluctant the weaker side will be to start hostilities. And while the balance clearly still favors Israel, the gap has shrunk markedly thanks to the events Diskin cited.

UNTIL ISRAEL quit Gaza in 2005, it combated Palestinian arms smuggling with substantial (though never complete) success. But once it withdrew, the floodgates opened. Thus pre-disengagement, most Hamas rockets had ranges of only a few kilometers, and its stockpile never exceeded a few hundred. Today, Israeli intelligence believes the organization has thousands of rockets capable of reaching major cities in southern Israel, on top of thousands of shorter-range rockets. It has also acquired sophisticated anti-tank rockets the weapon responsible for most IDF casualties during the Second Lebanon War and built a network of Hizbullah-style bunkers. Thus should Israel respond to any future Hamas attack, it will risk withering rocket

Readers are requested to please mail contributions to: BAYT - re: *Israel News*, 613 Clark Avenue West, Thornhill, Ontario. L4J 5V3
Annual Rates: Friend - \$36, Supporter - \$50, Benefactor - \$180. Dedications are welcome at \$120/week. Call (905) 886-3810 for further info.

See *Israel News* on the internet at www.bayt.org and www.frumtoronto.com

Opinions expressed do not necessarily represent the views of BAYT. Thank you to Continental Press for their ongoing support.

fire on its cities, while any ground operation aimed at stopping the rockets will entail many more casualties than did previous Gaza operations. That knowledge will make any Israeli government more reluctant to respond, which in turn will make Hamas feel freer to strike when it deems the time convenient.

The same goes for Lebanon. The government touted Security Council Resolution 1701, which ended the 2006 Lebanon war, as an achievement, saying its provisions for a beefed-up UN force and the Lebanese Army's deployment in south Lebanon would prevent Hizbullah's rearmament. Instead, 1701 allowed Hizbullah to rearm at breathtaking speed. The organization now has some 40,000 rockets triple its arsenal in 2006. Moreover, these include long-range rockets capable of striking anywhere in Israel, whereas in 2006, only the north was in range.

Furthermore, thanks to both its arms-buying spree and the image boost it received from the IDF's failure to defeat it (a feat no regular Arab army ever matched), Hizbullah now controls the Lebanese government so totally that new government guidelines approved last week formally authorize it to attack Israel whenever it wishes. This governmental approval may well grant it access to Lebanese Army materiel, which includes highly sophisticated American equipment especially since Lebanon's new president and former army chief, Michel Suleiman, announced last Friday that he supports "all means" to regain what he terms occupied Lebanese land.

Thus again, should Israel respond to any future Hizbullah aggression, Hizbullah will be able to exact a far greater price than it did last time. That will make Israel think twice about responding, which in turn will make Hizbullah feel freer to attack.

BUT FOR all the importance of the physical element, deterrence is primarily about psychology: Perceptions of a foe's strength matter more than reality in deciding whether to attack. And on the psychological plane, the events Diskin cited were devastating.

According to repeated polls, 70 to 85 percent of Palestinians believe that Israel quit Gaza due to anti-Israel terror. And with reason: In 2000, no Israeli government would have considered withdrawing from Gaza unilaterally. Yet a relatively low casualty level Gaza-based terror accounted for less than 15 percent (some 150 people) of Israel's intifada-related fatalities over the ensuing five years sufficed to reverse this stance. Thus, clearly, terror worked.

Sheikh Hassan Yousef, who is widely regarded as Hamas's leader in the West Bank, explained the thought process in an astonishingly frank interview in last Friday's Ha'aretz. He himself, the interview implies, was unenthusiastic about suicide bombings. Yet Israel's own actions proved the tactic so effective that its opponents within the organization were effectively silenced.

"Members of the Israeli 'peace camp, those who spoke about ending the occupation and withdrawing, pushed us forward in our decision to continue the suicide attacks," he said. "The cracks in your steadfastness encouraged us greatly and proved that this method is very effective. Ariel Sharon's plan for disengagement from the Gaza Strip was also a great achievement that resulted from our activities. For us, one of the best proofs of the rift that suicide attacks had created in Israeli society was the phenomenon of refusal to serve in the army. We thought this rift should be deepened, and use of the suicide bomber weapon became a matter of consensus in our organization."

In short, many Palestinians concluded that Israel was simply too weak to stand up to terror.

Hamas's takeover of Gaza two years later compounded the impression of Israeli weakness, because for years, Israel had openly backed Fatah against Hamas both verbally and, to some extent, in deeds. And when your proclaimed ally is ignominiously routed by your enemy, that inevitably reflects on you as well.

But the Second Lebanon War was the ultimate proof: After 33 days, the IDF proved unable to defeat a much smaller and more poorly equipped foe. And precisely because Hizbullah was obviously militarily inferior, the only possible explanation for its achievement lay in Israel's unwillingness to fight: For fear of taking military casualties, Israel refused to launch the necessary ground operation against Hizbullah, preferring to let a million Israelis cower helplessly under daily rocket barrages. The conclusion is obvious: Israel is afraid to confront Hizbullah head-on. And therefore, Hizbullah need not fear attacking it again.

One might argue that all of the above is water under the bridge: It happened, and Israel is stuck with the consequences. Yet the fact that the government has continued making all the same mistakes in the ensuing years (as next week's column will show) proves that the lessons remain unlearned. And until they are learned, whatever shreds of Israel's deterrence remain will continue to evaporate. (Jerusalem Post Aug 6)

Capital Punishment for Capital Crimes By Caroline Glick

Six years ago last week, a bomb went off in the Frank Sinatra Cafeteria at Hebrew University's Mt. Scopus campus. Seven students were murdered. The attack was the work of a Hamas cell from the Jerusalem neighborhood of Silwan.

The Silwan cell was one of the most prolific and murderous cells Israel has seen. In addition to the massacre at Hebrew University, its four members carried out the massacre at Moment Café in Jerusalem in which 12 were murdered; the Sheffield billiards club bombing in Rishon LeZion, which left 16 dead; and the bombing of railroad tracks in Lod. The cell's most horrendous attack, however, is generally downplayed.

In May 2002, the group planted a bomb in a fuel tanker and detonated it as the tanker stood on line to refuel at the Pi Giliot fuel depot. Miraculously, the cell had attached their bomb to a diesel tanker. Since diesel fuel is not as flammable as regular gasoline, the blast was insufficiently strong to blow up the fuel depot as they had planned. Had they managed to attach their bomb to a gasoline tanker, the blast would likely have resulted in a fireball that could have killed thousands.

Pi Giliot fuel depot is located in one of the most densely populated areas of the country. It is adjacent to North Tel Aviv, Ramat Hasharon and the Giliot junction which, when the bomb went off, was filled with bumper-to-bumper traffic. Given the magnitude of its foreseeable and sought for carnage, the attack on Pi Giliot constituted an act of genocide.

For their activities, three members of the cell were convicted of 35 counts of murder and several counts of attempted murder (210 people were wounded in their attacks). They received 35 consecutive life sentences and additional decades for their non-lethal attacks. The fourth member was convicted of assisting murder and was sentenced to 60 years in prison.

The crimes of the Silwan cell bear recalling today as the lame duck Olmert-Livni-Barak government continues its negotiations with Hamas toward the release of IDF Sgt. Gilad Shalit, whom the terror regime and its terror partners have held hostage since June 2006. Hamas is demanding that in a three-stage swap, Israel release a thousand terrorists for Shalit. Hamas has made clear that it demands senior terrorists and convicted murderers, including Fatah terror master Marwan Barghouti, PFLP commander Ahmed Sa'adat and an unknown number of additional murderers.

In late June, Prime Minister Ehud Olmert's hostage negotiator Ofer Dekel provided Hamas the names of 450 terrorists that Israel is willing to release in the first stage of the deal. Although their identities were not revealed to the public, it can be assumed that among them are convicted murderers. Olmert recently told the government that Israel will have to redefine what it means by terrorists "with blood on their hands" in order to relax the criteria for releasing murderers and attempted murderers in exchange for Shalit. Moreover, several ministers are actively lobbying for Barghouti's release.

To date, no one has publicly raised the prospect of releasing murderers like the Silwan cell members. But this is no cause for relief. Even if they are not released in a deal to free Shalit, there is no reason to assume that they will die in prison.

In 2004, Israel refused to release baby-murdering Samir Kuntar in exchange for the bodies of soldiers Adi Avitan, Benny Avraham and Omar Sawayid, and for drug dealer and Hizbullah agent Elhanan Tannenbaum. Instead, Israel released Hizbullah commanders Mustafa Dirani and Abdul Karim Obeid - men who were supposed to only be released in exchange for IAF navigator Ron Arad who was kidnapped in 1986. Once Dirani and Obeid were released, Israel had no one left except Kuntar to release in exchange for the mutilated corpses of IDF reservists Eldad Regev and Ehud Goldwasser last month. So too, if Israel releases a thousand mid-level terrorist murderers as well as Barghouti and Sa'adat for Shalit, it will have set the stage for the release of mass murderers in the next go-round.

All of this raises the issue that polite Israeli society insists on sweeping under the rug: Israel's repeated willingness to release terrorists for live and dead hostages makes clear the need to implement the death penalty against terrorist murderers.

The criminal code permits the death penalty to be used in cases of treason, murder, crimes against humanity, genocide and crimes against the Jewish people. The problem is not the laws on the books; the problem is the state prosecution's refusal to use them. Regardless of the nature of their crimes, the State Attorney's Office refuses to request that judges sentence terrorists to death.

After the members of the Silwan cell were arrested in the fall of 2002 and the enormity of their crimes was made known, there was a relatively concerted public campaign to lobby then attorney-general and current Supreme Court Justice Elyakim Rubinstein to request the death penalty for

the cell members. But he never considered it.

The fact that another irresponsible government would be liable to one day release them in exchange for hostages seems not to have bothered him. Then, too, Rubinstein seems not to have been bothered by the fact that these men, and thousands like them continue to constitute a grave danger. In prison they are free to plot and order the carrying out of still more attacks. Several murderous attacks have been ordered by prisoners who communicate their orders through their lawyers, their family members and even on the telephone. Moreover, while in prison they are free to draft their fellow prisoners into their genocidal ranks. Since many of these fellow prisoners were convicted of lesser crimes, they will be released to kill still more Israelis after being radicalized in prison by the likes of the Silwan gang.

IT IS not surprising that none of these facts played into Rubinstein's calculations when he opted not to ask the judges to sentence the Silwan gang to death. Quite simply, the rarified intellectual and moral universe that he, his successor Menahem Mazur and their fellow prosecutors inhabit is not the intellectual and moral universe that most Israelis live in. The prosecutors live in a world in which morality is an abstract issue, best adjudicated by professors, judges and themselves in the name of enlightened humanism.

The country's professoriate, which enjoys an intimate relationship with its legal fraternity, long ago dropped any semblance of propriety in its enthusiastic embrace of anti-Zionist causes. Their top-to-bottom moral derangement was clearly on display last week when a day before the sixth anniversary of the Hebrew University massacre, the university's president, Menahem Magidor, joined his fellow university presidents in signing a letter to Defense Minister Ehud Barak demanding that the Defense Ministry stop barring Palestinian students who constitute security risks from studying in Israeli universities.

The university presidents wrote the letter in support of a petition to the High Court of Justice by the anti-Zionist NGO Gisha which is demanding the court bar the security services from preventing Palestinian students from studying in Israeli universities or prevent them from studying subjects like nuclear physics that could facilitate the pan-Islamic war effort against the Jewish state. Gisha's petition was signed by some 450 senior and junior faculty members from all Israeli universities.

Ironically, the university presidents issued their missive 10 days after the Shin Beit (Israel Security Agency) announced it had arrested six Israeli Arabs suspected of membership in al-Qaida. Two of them were students at Hebrew University. One of the students is accused of planning to assassinate US President George W. Bush by downing his helicopter during his visit in May.

In light of the legal and intellectual elites' pathological refusal to recognize the murderous character of Palestinian terrorists and Israel's duty to defend its citizens from murder, it would make sense for the Knesset to circumscribe their authority to adjudicate morality from the bench and the lectern. The Knesset could amend the criminal code to require the death penalty in cases of terrorist murder.

Unfortunately, such an effort by the Knesset would likely not suffice to force their hand. Either the prosecutors would indict the terrorists on lesser charges or the judges would declare the amendments unconstitutional, or both.

The Supreme Court's refusal to simply acknowledge Israel's duty to defend its citizens was made clear by its handling of the anti-Zionist Left's 2001 petition to bar the IDF from conducting targeted killings of terrorists. Although the measure is perfectly legal, the court took five and a half years to issue its ruling that the IDF is in fact legally entitled by customary international law to target terrorists. Why there was even a question that the IDF has the right to target illegal combatants engaged in an illegal terror war is unclear. Yet even in its self-evident ruling, the Court invented limitations on the tactic to demonstrate its concern for the well-being of terrorist mass-murderers.

The recidivism rates of terrorists released in hostage swaps alone make clear that hostages-for-terrorists swaps endanger Israeli citizens. And in light of the moral depravity of our intellectual and legal elites, it is clear that legislative action alone cannot remedy the current situation in which even the most monstrous terrorists can safely assume that they will one day be released. The public must involve itself in the issue.

The first step in a campaign calling for a mandatory death penalty for terrorist murderers would be to conduct a poll on the issue. To date, no major polling institution has conducted a poll of public opinion on the death penalty.

Beyond that, student activists should band together to oppose their professors' call for the Defense Ministry to stop conducting security checks of potential students. A new student organization, "Im Tirtzu," was formed last year to combat the anti-Zionist claptrap disguised as academic research being propagated by their professors. It is already organizing such a campaign and its efforts should be supported.

Finally, the public must make clear, through demonstrations and e-mail

campaigns to political leaders and to the mass media, that it demands both an end to the hostages for terrorists swaps and the death penalty for convicted terrorist murderers. It is now, as our politicians gear up for elections, that they are most prone to listen to us.

It is hard for private citizens to take a public stand. But between our governmental instability, the weakness of our political leaders and the perfidy of our elites, it has fallen to us to make our demand for security and responsible leadership clear. Until we can be certain that murderers like Kuntar and the Silwan gang will never harm us again, we will not be able to sleep soundly in our beds. (Jerusalem Post Aug 4)

Olmert's Last Trick By Yossi Klein Halevi and Michael Oren

Prime Minister Ehud Olmert's announcement that he intends to resign following his party's mid-September primaries to select a new leader was greeted graciously across the Israeli political spectrum. Even political rivals commended Mr. Olmert for displaying courage and dignity in acknowledging his inability to continue leading the country under a pall of police investigations into his alleged corruption. In fact, though, Mr. Olmert may be about to embark on one of the most politically corrupt maneuvers in Israel's history.

According to aides, Mr. Olmert intends in the coming weeks to intensify negotiations with both Syrian and Palestinian leaders. He knows, of course, that what remains of his term is hardly enough time to reach an agreement on either track. Instead, he seeks to create the foundation for a future agreement -- hoping, aides say, to ensure that he isn't remembered only as the prime minister removed from office by scandal.

But there could be a more nefarious motive at work: that Mr. Olmert will use peace negotiations to prolong his stay in office. According to this scenario, neither of Mr. Olmert's likely successors, Foreign Minister Tzippi Livni or Transportation Minister Shaul Mofaz, is likely to create a stable coalition. The collapse of the government would then be followed by elections, which, polls say, would result in a victory for Likud leader Benjamin Netanyahu. Mr. Olmert may believe that progress toward a peace agreement with either the Palestinians or the Syrians will convince the all-powerful Israeli media -- overwhelmingly left-wing and deeply antagonistic to Mr. Netanyahu -- to support his continuation in office.

There is precedent for Mr. Olmert to suspect that such a maneuver might actually work. Advocates of this scenario recall that, following the disastrous Lebanon War two years ago, Mr. Olmert attempted to deflect calls for his resignation by meeting with leading figures on the Israeli left, including novelist Amos Oz. If you don't support me and my peace initiatives, he is said to have warned them, you will end up with Netanyahu as prime minister. In fact, Mr. Olmert's peace efforts on the Syrian and Palestinian tracks led to a demonstrative reduction in calls for his resignation in the Israeli media.

Mr. Olmert's use of peace negotiations to ensure his political survival was sufficiently cynical then. Now, in his desperation to achieve progress in negotiations, either with an eye toward his place in history or toward prolonging his stay in office, he could make concessions that violate Israel's most basic positions.

Mr. Olmert may be tempted to concede the Syrian demand -- rejected by three former Israeli prime ministers -- for a foothold on the shores of the Sea of Galilee, Israel's main fresh-water source. Likewise, on the Palestinian track, Mr. Olmert could undermine Israel's refusal to accept the principle of the "right of return" of descendants of Palestinian refugees to the Jewish state. For Syrian and Palestinian leaders, Mr. Olmert's vulnerability presents an opportunity to extract concessions from Israel that would not be attainable under a more legitimate prime minister.

True, those concessions would almost certainly be dismissed as meaningless by the Israeli public and by the Knesset. The danger for Israel, though, is that the international community is likely to regard Mr. Olmert's concessions as binding on his successor. According to former chief American Middle East negotiator Dennis Ross, that was precisely the intention of Prime Minister Ehud Barak who, in January 2001, knowingly made far-reaching concessions to the Palestinians in order to commit his successor, Ariel Sharon.

Despite the accolades of Israeli leaders, Mr. Olmert has long since forfeited his chance to honorably leave office. He should have resigned following the Lebanon War, or after admitting that he had accepted envelopes filled with cash from New York businessman Morris Talansky, or after being accused of stealing from charities to subsidize his family's vacations abroad.

Mr. Olmert's replacement offers the political system a chance to begin healing itself from pervasive corruption. For a country facing existential

threat, maintaining the public's trust in the decency of its leaders is an essential component of national defense. Israel does not have a written constitution. But it does have a powerful social contract, according to which the leader who sends Israelis into battle or who decides on ceding territory vital to Israel's future must be perceived as acting from national and not personal or political motives. Mr. Olmert has violated that contract.

Members of Mr. Olmert's party, Kadima, and of the governing coalition need to ensure that all substantive negotiations with Arab leaders are suspended until a new prime minister assumes office. Allowing Mr. Olmert to negotiate over life-and-death issues means continuing to hold Israel hostage to his political maneuvers. (Wall Street Journal Europe Aug 1)

The writers are senior fellows at the Adelson Institute for Strategic Studies of the Shalem Center in Jerusalem.

Prophets and Losses By Barry Rubin

Iran and Syria are weak.

Strike One. September 6, 2007. Israel bombs and destroys Syrian nuclear facility. Syria is powerless to retaliate. Its main asset is the willingness of others to believe Syria will moderate.

Strike Two: February 12, 2008. Hizballah operations chief and terrorist mastermind Imad Mugniyah assassinated in a secure area of Syria's capital, Damascus. Syria humiliated. Killing unsolved, a humiliation for the regime.

Strike Three: August 1, 2008: Syrian President Bashar al-Assad's liaison with Hizballah, General Mohammad Suleiman, killed in Tartous, Syria, by a sniper. See above two examples for probable results.

Syria has a failing economy, is backward and repressive, and determined not to - disregard all analysis to the contrary - change its ways. True, the government is strong; oppositions are weak. But its main asset is the willingness of others to believe Syria will moderate.

And so it sounds a little peculiar when Bashar says: "The Zionist regime is not strong and the states can obtain their rights through resistance and determination."

The only thing Syria has obtained through "resistance and determination" is its self-proclaimed "right" to dominate Lebanon. It does well in Iraq, where it sponsors a terrorist campaign to kill American soldiers and Iraqi civilians without political cost. Yet, causing trouble is not the same as winning.

It should be impossible to think Syria is going to moderate. Every time he says something in Arabic, Bashar keeps making it clear he is lying about any change of policy. His biggest asset is that he is like a very bad comedian whose stupid audience laughs at jokes it should be heckling.

In fact, though, Bashar has just been visiting Tehran and stressing that the Iran-Syria alliance is very strong. There has been no evidence that Iran is worried about a Syrian defection. Even President Mahmoud Ahmadinejad, a man not known for his tolerance, seems secure in the belief that Bashar is faithful and the West are suckers. After all, Western credulity is daily confirmed for him by his own experience.

You can't look at a headline about the United States or Europeans "warning" Iran to stop developing nuclear weapons or setting some new deadline without laughing. As deadline after deadline passes without action, why should anyone take Western threats seriously?

Here's what's central: Iran and Syria are weak. Their power largely comes from the rest of the world treating them as strong. It is a combination of their enemies' trembling, seeking advantage, and not wanting to hurt their feelings.

Proclaiming that Israel is on the verge of collapse, Ahmadinejad is trying to conceal the fact that it is his regime that is in jeopardy; at least his personal power. Half the country wants the Islamist government gone (though they can't do much about it) and much of the ruling elite itself is opposed to Ahmadinejad.

But let's return to the killing of Suleiman. First, let's rule out all the false rumors about conflicts within the regime. There is no evidence of such a thing existing, though this image is sometimes cultivated by Bashar and his flunkies to give the impression that he is a heroic reformer battling hardliners. If this were true, then we would be hearing about lots of arrests within the elite - something that couldn't be kept secret - and this has not happened.

Did Israel do it? This is possible, particularly given the fact that the killing was announced on Israeli Radio. But the timing makes this seem doubtful. Is Prime Minister Ehud Olmert going to authorize such an operation in the midst of negotiations with Syria? That is very unlikely. If Israel did do it, this shows toughness on the government's part, a willingness to use sticks as well as carrots. I'd like to believe that's true, but I don't.

Most likely, this was an Arab operation, perhaps Lebanese and possibly with Saudi involvement. Of course, we don't know. Up until now, Syria has

been applying all of the violent pressure. So, the more Syria and Iran think their enemies are willing to fight back, the better. (IsraelNationalNews.com Aug 3)

Can Settlers Get a Fair Hearing? By Johan Rhodius

Danny and Yitzhak Halamish live in Ma'aleh Rehavam, a settlement near Bethlehem. The IDF trained and armed the brothers as volunteer security guards. On February 21, 2004, Baruch Feldbaum, the IDF security guard from the neighboring settlement Sde Bar, called for the assistance of the brothers as Beduin threatened Sde Bar. About 20 rock and club-wielding Beduin surrounded the brothers upon their arrival. To enable their escape, Feldbaum fired a warning shot in the ground and Yitzhak fired a warning shot in the air. The brothers did not fire their rifles.

The Beduin filed a complaint with the police: All three guards had shot at them with rifles, beat them with their fists and shot a three-year-old child.

Danny and Yitzhak were convicted of aggravated assault and negligence with a firearm, and sentenced to seven and eight months in prison. As a byproduct, the brothers are no longer allowed to carry weapons in an area known to be dangerous for Jews - the very reason the IDF trained the two as guards. Nor can they serve in the IDF, thus weakening the army.

BUT THE brothers committed no crime. First, they acted within the guidelines of the IDF. Second, the police - who entered the homes of the brothers illegally - acted with malevolence. Instead of testing to see if their rifles had been fired, they themselves fired the weapons, ostensibly to see if they were in working order. By doing so the police destroyed evidence that would have exonerated the brothers.

Third, the evidence is based only on witness testimony, the weakest legal proof. This is the more so when the witnesses are the complainants, and even more so if the complainants are suspected of having threatened the persons against whom they have complained.

The judge favored the testimonies of the Beduin, unsubstantiated by any other proof. There were no visible wounds or pictures of wounds, not even of the child allegedly shot to death.

Fourth, the prejudice of the public prosecutor was revealed when he demanded an extra-stiff penalty because "the behavior of the accused during their interrogation indicated incriminating behavior on their part" and "the accused have a lifestyle with a clear-cut ideological character that finds expression in their behavior, their place of residence and their social and political outlook."

THE VERDICT is clearly in breach of the international principle of non-discrimination because of "race, religion, sex or political conviction," and should sound an alarm bell for appeal by any supreme court. Not so for the Supreme Court in Israel, which whitewashes blatant injustice performed by lower-court judges.

Moreover the Supreme Court made an incomprehensible ruling on May 3: The brothers were not allowed to remain free while awaiting a decision on a pardon they had requested from the president. Feldbaum - sentenced to nine months imprisonment - had awaited such a decision in freedom. The ruling of May 3 was all the more unjust as president Katsav had reduced Feldbaum's sentence to six months of community service.

This case is inherently offensive. It was prosecuted because of the political views of the brothers, and the fact that they are settlers; this was clearly stated by the prosecution.

There is reason to think that this case is just the tip of an iceberg whereby judges condemn settlers without legal grounds other than the complaint of opponents of the settlement movement.

I have never seen such a combination of incompetence and injustice. This case is a strong indication that settlers are persecuted: by the police, public prosecutors and judges, including the Supreme Court. And by the president: On March 24 the brothers requested a pardon from Shimon Peres. On May 20 their prison sentence began and on May 22 the Ministry of Justice gave the president a positive recommendation. Despite repeated and urgent requests from inside and outside Israel, President Peres has not responded, thus perpetuating this injustice for more than two and a half months.

Enough! (Jerusalem Post Aug 6)

The writer worked for almost 28 years as an attorney in private practice in the Netherlands, and for two years as a lawyer with the United Nations High Commission on Refugees.
