

Opening Remarks - Marlene Mazel

AIPAC 2014: Israel in the Courtroom

Thank you for that generous introduction, Keath. It's a pleasure to be here with all of you today.

It's very fitting that I'm speaking to you on Oscar weekend, because my job as Israel's in-house counsel/lawyer often makes me feel like an Oscar voter. Many of the court briefs filed against Israel rival some of Hollywood's best silver screen fictional epics – featuring deceitful anti-Israel monologues delivered by some of the world's best actors and actresses. **I truly believe some of these pro-Palestinian lawyers deserve a “Best Costume” Oscar for all the ways that they have dressed up lies and disguised them as truth..**

Today I want to focus on the legal aspects of B.D.S. You've all heard of B.D.S., right? **“Best Disingenuous Screenplay”?**

Well, the screenplay pitch is simple – Israel is Goliath to the Palestinians' David. Israel practices “state violence” while Palestinians are using “violent resistance.” Israel violates international law while Palestinian terrorists run honorable charitable organizations.

But unfortunately, on the global stage, Israel rarely gets the “red carpet” treatment

Is this strategy new? Not at all. Haman used it thousands of years ago in the Purim story.

Read Megillat Esther. What did Haman tell King Ahasverus? “There is a certain people...scattered throughout the provinces of your kingdom, their laws differ from every people and *they do not keep the King's laws.*”

Haman's statement contains all the elements of the B.D.S. movement's modern day lawfare: Haman presented false facts to create a persuasive argument that the Jews are a different people—a rogue people who do not obey laws—and that they deserve to be wiped of the face of the earth.

But the Purim story had a happy ending – and fortunately, so does this one.

There have been so many failed B.D.S. legal cases that have crossed my desk over the years that I'm thinking about collecting them all into a single file and [option #1 - marketing it "How to Write Creative Fiction" or "It's never been easy to be a Jew".

So what's the good news? Israel's enemies have fortunately decided to fight us on our "home turf." The Jewish people have a rich tradition of legal innovation. It dates back thousands of years, when Moses first descended from Mount Sinai and unveiled the world's first legal text - in a hardback edition.

In many ways, our Department at the Ministry of Justice is carrying the torch that our ancestors set down - using the discourse of law to uphold Jewish values and secure the Jewish future.

Let me focus on the anatomy of a B.D.S. case. The most recent B.D.S. strategy has been to target Israeli companies doing business in the West Bank.

Remember the SodaStream controversy that *bubbled* up a while ago? Involving Scarlett Johansson - the best blonde Zionist role model since Queen Esther glammed up to convince Achesverosh we are not a rogue people.

Well it had its day in court in January. This time the French Manufacturer of Soda Stream went to Court. They sued the Palestinian organization for libel - the legal term for lying- because the NGO that was posting ad all over France and on the internet claiming Soda Stream products were illegal and that the sale of them violated international law. The French court ruled that an attempt to boycott the company violated French law and ordered them to take down the false adds. The court said that the boycotters were guilty of lying to consumers. I think even *Mordechai* would have enjoyed reading this decision.

Over and over again, we've seen foreign courts insist that companies that do business in the West Bank aren't violating international law.

Another recent case involved the UK Prosecutors in London - they brought a criminal case which resulted in a UK court showed some "love" to the *Ahava* cosmetics company last month. In that case protestors decided to wage a protest INSIDE an Ahava store in London. They carried in a heavy concrete tube. Handcuffed themselves to it and refused to leave. Disrupting all the trading for day. The good news - they were arrested for trespass - and no less

than 3 courts included Britians highest acourt found them GUILTY of criminal trespass and soundly rejected each of their claims that AHAVA was violating international law(GC) by selling Dead see products [transport civilians- work in factories – violation indirect transfer...)

Last year the French Court of Appeals rejected a claim filed by a local French NGO and joined by the PLO itself alleging that the Veolia transport company violated international law in assisting in the construct of the Jerusalem Light Rail. French Court REJECTED each of these claims. [add two sentences from holding]

You don't need to be Sherlock Holmes to deduce the pattern here: Foreign courts are deciding to push politics off the judge's bench and onto the negotiating table, where they belong.

They've decided that a gavel:
is not a substitute for a missile,
a brief is not a substitute for a bomb,
and a rights claim is not a substitute for a rocket.

[he Holocaust to attack Israel. Legal procedures that were specifically created to protect Jews are now being used to demonize Jews. Can you imagine? It's like beating a small child with a pamphlet from the Museum of Tolerance!]

On other fronts – these groups have continued to misuse other legal tools to try to paint Israel and its officials as 'war criminals". Let me briefly touch on one of these procedures. Universal jurisdiction is the right of states to try suspects for grave breaches of international law – regardless of where the crime was committed.

The best example of lawfare chutzpah – is lawyers of the terrorist organization IHH signing on all kinds of so called "human rights" activists before they joined the flotilla –

So let's see – what did they sign?
Para -x signed away their right to free speech
Para x – signed away their right to leave
Favorite – Para Y – signed even before anything happened they would sue Israel for their illegal behavior

So far, none of the cases that have been brought against Israel abroad have been successful. But we cannot let our guard down – efforts on

this front will only continue. There are many key players in the U.S. and Europe who firmly believe that the “Best Disingenuous Screenplay” is real.

As my friend John Medved mentioned to me – this is the new *boogeyman* and the key thing is not to get spooked.

To combat B.D.S., Israel is using a strategy that I like to call the three “I’s” = **Ingenuity**, **Information**, and **Ideals**.

First, **ingenuity**. Our department consists of some of the world’s most talented and dedicated attorneys. We have no shortage of Jewish lawyers in Israel **[I always like to say: “What’s the difference between a lawyer and an Israeli cab driver? Both of them argue like a professional, but the cab driver charges you less.”]** – and we’ve taken the cream of the Israeli crop. They serve on the frontlines day in and day out – dealing with cases from Barcelona to Beijing and from the U.S. to the U.K. We are fighting in virtually every legal battle that Israel faces abroad, and like any good military battalion, our strategy is constantly evolving.

Second, **information**. We are working to raise awareness about the B.D.S. Movement’s goals. Remember those drug abuse awareness campaigns when you were a kid? Well we’ve launched a *law abuse* awareness campaign – and we’ve taken it to foreign capitals across Europe and even here in the States. We are working with foreign governments and officials to prevent these legal tools from being irresponsibly politicized.

Finally, **ideals**. Our enemies are taking advantage of Israel’s most cherished values when they attack us in foreign courts. They know that we have a commitment to protecting liberty, freedom, and justice. The most effective action we can take is to continue doing what we have always done. Our values are what have sustained the Jewish people for millennia. We will continue to defend them – we will continue to use them to nourish a strong and secure Jewish state.

Let me finish with a story:

I was recently in Europe at a lecture on international constitutional law in Holland. Israel came under attack **[Marlene - specify how]** and I responded. Afterward, an elegantly dressed couple came over to me. They introduced themselves as attorneys in the field. Then they whispered: “we’re Jewish.”

Another experience that I thought was odd was the security directions to my son who was going with Israel's debating team to Qatar to compete - erase all signs that you are either Jewish or Israeli - no kippot, no stickers or marks on your back packs, no Hebrew t-shirts. The directions are the same to school groups going to Poland or Europe.

It then dawned on me that the new "PC" way to be anti-Semitic is to be anti-Israel. 70 years ago, our enemies used yellow stars to make Jews feel embarrassed. Now they use spurious war crimes charges.

This is why the B.D.S. Movement deserves an Oscar: Because they've created a fictional storyline, they've crafted a compelling narrative about good versus evil, and—like any good Hollywood blockbuster—they've managed to blur the line between fiction and reality.

You don't need a law degree to help us fight the B.D.S. legal campaign. At the end of the day, the best efforts are grassroots - in your own local building, co-op, community, or synagogue. It involves getting up, finding your voice, and stating simply that you are proud: Proud to be **Jewish**, proud to be **Zionist**, and proud of **Israel**, the eternal homeland of the Jewish people.

Thank you very much.