

Vita C. Rabinowitz
Interim Chancellor
The City University of New York

Re: CUNY Human Rights and Gender Justice Law Clinic partnership with terror-linked group

Dear Dr. Rabinowitz,

I am writing to express serious concern regarding the partnership between the CUNY School of Law Human Rights and Gender Justice Law Clinic and a Palestinian NGO, Defense for Children International – Palestine (DCI-P). DCI-P is closely linked to the Popular Front for Liberation of Palestine (PFLP) – designated as a terrorist organization by the US government. Collusion with such an entity may violate anti-terror laws and regulations on the city, state, and federal levels.

The Clinic and DCI-P prepared a joint 57-page submission to the UN Commission of Inquiry into the Gaza border violence (which began March 2018). As detailed below and reflecting the collaboration with a PFLP-linked organization,¹ the submission is replete with egregiously false statements, gross distortions of the law and the facts, and the whitewashing of terror groups including Hamas.

This episode represents a grievous failure to meet professional standards for legal education and conduct required by the New York State Bar, demanding immediate attention from CUNY administrators as well as city and state officials.

DCI-P's Ties to the PFLP

NGO Monitor has identified numerous DCI-P board members, officials, and employees who are members of the PFLP – and some of whom have been convicted of terror offences such as planning and carrying out attacks targeting Israeli civilians.

This includes Hashem Abu-Maria, the coordinator of DCI-P's community mobilization unit until he was killed in clashes with the Israeli military in July 2014. Upon his death, he was hailed by the PFLP as a "leader," and a "comrade"; the terror group issued an official mourning announcement, noting that "he was in the ranks of the national liberation struggle and the PFLP from an early age." DCI-P dedicated its 2014 annual report to Abu-Maria, and DCI-P officials spoke publicly at PFLP gatherings in his honor.

Other members of DCI-P have also spoken on behalf of the PFLP in various public forums. (See attached report with further details about PFLP links.)

¹ Along with DCI-P, the project leader for the submission is an attorney for the Center for Constitutional Rights - one of the leading organizations promoting anti-Israel BDS (boycott, divestment, and sanctions) campaigns in the United States.

In June 2018, in light of the PFLP links, Citibank and Arab Bank closed accounts belonging to DCI-P. Global Giving, a US-based crowdfunding resource, also removed DCI-P from its website.²

Political Propaganda in Violation of Professional Standards

The content of the Clinic's sloppy and typo-laden submission is also highly disturbing and reflects the partnership with a PFLP-linked NGO. It is replete with egregiously false statements, gross distortions of the law and the facts, and the whitewashing of terror groups including Hamas. This publication is propaganda and not in accordance with professional standards for legal education or conduct required by the New York State Bar.

The following is just a small selection of the more outrageous statements made in the submission:

- CUNY Law/DCI-P refers to the Gaza riots as “mass civilian protests” and “peaceful gatherings” despite the vast amounts of video and documentary evidence showing extreme violence at the Gaza border.
- CUNY Law/DCI-P outrageously labels combat activities of Palestinian armed groups – such as the organized “night confusion” groups that “seek to create distractions for Israeli forces late at night by utilizing loud sounds and fireworks” and preparing “large kites with flaming tales [sic] to be flown across the perimeter fence” in order to attack Israeli civilians and burn Israeli towns near the border – as “protest strategies.”³
- The CUNY Law/DCI-P authors falsely claim (twice) that “...since the Great March of Return protests began in March 2018, no Israel civilians have been killed or injured as a result of the demonstrations and no member of the Israeli forces has been killed by persons participating in the protests.” In fact, on July 20, 2018, staff Israeli Sgt. Aviv Levi (20), was “shot to death” on the Gaza border⁴ and other Israeli soldiers have been injured by grenades,⁵ shrapnel,⁶ and anti-tank missiles.⁷ This also refutes the

² <https://www.jpost.com/Arab-Israeli-Conflict/Citibank-and-Arab-Bank-stop-service-to-NGO-with-links-to-terrorism-561029>; <http://www.uklfi.com/no-more-global-giving-to-terror-linked-palestinian-charity>

³ The submission ignores that Palestinian armed groups have launched incendiary balloons across the border to target Israeli civilian communities and agriculture. These objects, which consist of fire kites, helium-filled balloons, or condoms, are tied together with flaming rags or other incendiary devices or explosives, and have caused significant damage to Israeli buildings, agricultural fields, animals, and the environment more broadly.# The balloons are intended to attract children to the explosive devices.

⁴ <https://www.ynetnews.com/articles/0,7340,L-5314029,00.html>

⁵ <https://www.timesofisrael.com/two-soldiers-injured-in-crash-while-battling-fire-near-gaza-border/>

⁶ <https://www.jpost.com/Arab-Israeli-Conflict/Gaza-Strip-clashes-soldier-wounded-by-shrapnel-one-Palestinian-killed-567703>

⁷ <https://www.haaretz.com/israel-news/hamas-video-captures-rare-anti-tank-missile-fire-on-israeli-military-bus-1.6651743>

submission's claim that "there is no available evidence to suggest that the lives of heavily armed security forces were threatened."⁸

- CUNY Law/DCI-P accuses Israel of a "crime against humanity" for "the nine-month deadly attack on peaceful protests, resulting in the denial of a range of fundamental rights, to Palestinians **because they are Palestinians**" (emphasis added).
- The submission attempts to paint a picture of "peaceful gatherings" and freedom of assembly concerns. Yet, almost in passing, CUNY Law and DCI-P describes scenarios where minors were killed while standing near "armed men [who] carried out an impromptu (sic) attack" with grenades and individuals who "possessed weapons."

Material Omissions

The CUNY Law and DCI-P submission omits material information to deliberately paint a misleading account of the Gaza border violence and to levy absurd accusations against Israel. These omissions are not surprising given the clinic's partnership with a group closely tied to the PFLP:

- In almost every case cited by CUNY Law/DCI-P, the individual was killed while engaged in violence or while standing next to groups engaging in extreme violence. It appears, strangely, that the authors do not understand the exculpatory nature of the information they provide.
- CUNY Law/DCI-P ignore the hundreds of rocket attacks on Israeli population centers and infiltrations of the border attacking IDF positions as part of the riots.
- A significant number of the casualties were combatants for Hamas, Islamic Jihad, and PFLP. This information is missing.
- CUNY Law's Human Rights and Gender Justice Law Clinic is supposed to be dedicated to the furthering of human rights. Yet, it clearly ignores the recruitment and use of child soldiers by Palestinian armed groups to participate in the riots and carry out attacks on Israeli towns and IDF positions.

Whitewashing Terror

The submission goes to significant lengths to whitewash the role of Hamas and Palestinian armed groups in the violence. Examples include:

- A laughable claim that "It is **unclear which, if any, Palestinians could be considered a 'combatant'... Hamas is a political party...**" (emphasis added).

⁸ At least 70 Israeli civilians were injured and a Palestinian man was killed when, in the context of the ongoing violence along the Gaza border, Hamas and other armed groups launched over 370 rockets targeting Israeli civilians. See, for instance, <https://www.haaretz.com/middle-east-news/palestinians/breaking-news-israel-and-gaza-exchange-fire-palestinians-killed-bus-destroyed-1.6650643>, <https://www.timesofisrael.com/israeli-seriously-hurt-as-massive-barrage-from-gaza-pummels-south/>, and <https://www.ynetnews.com/articles/0,7340,L-5399726,00.html>.

- Reliance on an “investigation” by the Hamas Al-Qassam Brigades (!) to claim that an attack on Israeli forces was “an impromptu [sic] attack that was not otherwise planned by the armed group.”
- CUNY Law/DCI-P repeats claims from “organizers” of the Gaza March that “the protests are intended to be peaceful.” This ignores the myriad evidence, including first hand statements made by leading Hamas officials, that acutely demonstrates Hamas’ role in organizing the violence along the Gaza border. For example, on May 17, 2018, Hamas leader Mahmoud al-Zahar stated that “when we talk about ‘peaceful resistance,’ we are deceiving the public. This is a peaceful resistance bolstered by a military force and by security agencies, and enjoying tremendous popular support.”

It is distressing that CUNY Law and its students are being exploited in the service of political and terrorist propaganda.

Due to the seriousness of this incident, we are alerting local, state, and federal authorities.

We also ask that you immediately conduct an internal investigation, including review of all clinic partnerships, to ensure there is no collaboration with PFLP or other terror-linked groups, and placing supervision over the Human Rights and Gender Justice Clinic.

CUNY Law should also recall the submission and remove its name from the document.

Sincerely,

Prof. Gerald Steinberg
President, NGO Monitor
Professor of Political Science, Bar Ilan University