

Jerusalem Institute of Justice
February 22, 2010

Mr. Yehuda Weinstein
Attorney-General
Ministry of Justice
29 Salah A-Dinn
Jerusalem

Dear Sir,

Re: **Request to Dismantle the Yad L'Achim Organization**

We hereby ask you to exercise your authority pursuant to section 50 of the Associations Law, 5740-1980 (hereinafter: "**the Associations Law**") to request the District Court to dismantle the above-mentioned organization, since its activities are evidently contrary to the law and the democratic nature of the State of Israel, to the extent that it could be defined as a "terrorist organization" within the meaning of the law, in breach of sections 49(1) and 49(2) of the Associations Law, respectively, as will be explained in greater detail below, as follows:

Opening remarks

1. The aforesaid organization operates concurrently through two registered associations engaged in "the struggle against sects and saving from the Mission". One, as its name says, is **The Yad L'Achim Association for Saving from the Mission, R.A. 580371631**, while the other is **The Yad L'Achim Association, R.A. 580023570** (hereinafter: "**the Organization**" and/or "**the Yad L'Achim Organization**").
2. The Organization is under the authority of Rabbi Shalom Dov Lipshitz (hereinafter: "**Chairman of the Organization**" and/or "**Rabbi Lipshitz**"), and for many years has been conducting a declared and open battle against many religious minorities in Israel, with the assistance of dozens of extreme anonymous activists.
3. The struggle of this ephemeral Organization, which is nothing but a "terror organization" within the meaning of the law, focuses on individuals and organizations whose views are not acceptable to its founders and activists, who themselves represent an extremist faction in the heterogeneous Israeli population.
4. The Organization's publications, as reported in the media, have an aggressive and sensationalist character directed against Reform Jews, the Kabbala Study Center, members of ethnic minorities, Jehovah's Witnesses, Protestant Christians, New Age groups, Messianic Jews and others.

5. These publications often glorify the Organization's activities as a mission to "save the Jewish people", and indeed, if the Organization means saving the Jewish people from the threat of pluralism and the clutches of democracy, then there is no better savior. However, it is doubtful if actions that stir up intolerance, hatred and xenophobia, while denying the legitimacy of different opinions, views and beliefs, are indeed rescue activities. They do not save our nation, but rather bring disaster upon it.
6. These actions provide fertile ground for the growth of undesirable elements that despise the rule of law, the principles of justice, the values of Israeli society, and human dignity. Therefore it was no surprise that the police investigation discovered that the "Jewish terrorist" was an active member of this Organization for 5 years.
7. There is no doubt that the extremist views of Jack Teitel, tainted by abysmal hatred, towards Arabs, people on the political left, homosexuals and Messianic Jews, whom he chose to attack, it is suspected, with chilling cruelty over more than a decade ago, were influenced by the Yad L'Achim organization, in which he was active for so long.
8. The following request will inform the honorable Attorney-General of the activities of the Yad L'Achim Organization in the following nine aspects:
 - A. Violent Persecution of Minorities and Severe Damage to Israel's Public Relations**
 - B. Involvement of Yad L'Achim in Actions that Ended in Criminal Convictions**
 - C. Jack Teitel – Activist in Yad L'Achim**
 - D. Yad L'Achim – a Terrorist Organization**
 - E. Kidnappings**
 - F. Incitement by Yad L'Achim to Hatred, Racism, Violence and Terror**
 - G. Distribution of Inflammatory Material**
 - H. Unlawful Cooperation between Officials of the Ministry of the Interior and Yad L'Achim Activists**
 - I. Breach of the Privacy Protection Act by Yad L'Achim**
 - J. Declarations of the Organization and its Activists**

9. In view of the foregoing, and as explained further below, it can be shown that Yad L'Achim is a fundamentalist Haredi (ultra Orthodox) organization, with anti-democratic interests, representing an extreme segment of the population and acting ostensibly illegally, to the extent that it would be advisable to ban its activity in the Israeli public sphere.

A. Violent Persecution of Minorities and Severe Damage to Israel's Public Relations

10. For ten years the American State Department (the "**Department**") tracked the activity of the Organization in Israel. Each year the Department publishes a report on the infringement of human rights. In the report for 2001, it was reported that Yad L'Achim and similar organizations were responsible for a large portion of attacks, threats and harassment of Conservative and Reform Jews, Jehovah's Witnesses and Evangelical Christians, as follows:

"Evangelical Christians, Jehovah's Witnesses, and Reform and Conservative Jews complained of incidents of harassment, threats and vandalism directed against their buildings, and other facilities, many of which were committed by two ultra orthodox groups Yad L'Achim and Lev L'Achim." [Israel and the occupied territories, Country Reports on Human Rights] Practices, Bureau of Democracy, Human Rights, and Labor, Near East 2000, February 23, 2001

A copy of the report is attached to this letter and marked **Appendix A**.

11. Moreover, in the Department's report for 2008, there are indications that the Organization's activity has only spread and become more severe, as follows:

"... There were reports of societal abuses or discrimination based on religious belief or practice. Members of Jehovah's Witnesses reported an increase in assaults and other crimes against their membership in 2007 and during the year and noted the difficulties their members faced convincing the police to investigate or apprehend the perpetrators. Between September 2007 and September, members of Jehovah's Witnesses filed 46 criminal complaints against anti-missionary activists, most of whom belong to the Haredi anti-missionary organization Yad L'Achim. The crimes ranged from harassment to assault. Police responded to 15 of 35 calls for assistance during the same time period, according to the Jehovah's Witnesses legal department. The JIJ noted a similar increase in crimes and violent assaults against members of the congregations it represents. In

September the police reissued a 1999 directive to police reminding them of their duty to investigate fully crimes against minority religious communities.

On May 15, residents of the Tel Aviv suburb of Or Yehuda publicly burned hundreds of Christian Bibles missionaries had distributed in the community. The incident was reportedly organized by the deputy mayor of Or Yehuda, Uzi Aharon, after he received complaints about the Messianic Jewish presence from area residents. Aharon told the newspaper Ma'ariv the municipality operated a team of activists devoted entirely to uprooting missionary activity, including the burning of New Testaments, and that their activities were a fulfillment of the commandment to "burn the evil from your midst." Aharon subsequently expressed regret for any damage done to Jewish-Christian relations, but he later stated on the country's Army Radio that it was necessary to "purge the evil among us."

On May 27, the Chief Rabbinate, joined by Christian and Muslim leaders from the country and the West Bank, issued a statement condemning the Or Yehuda New Testament burnings but also condemning all attempts to convert a person from one faith to another. On May 29 the Foreign Ministry condemned the burnings as "contrary to the values of the State of Israel. [Israel and the occupied territories, Country Reports on Human Rights] Practices, Bureau of Democracy, Human Rights, and Labor, Near East 2000, February 25, 2009

A copy of the report is attached to this letter marked **Appendix B**.

12. It should be noted that the above-mentioned reports and similar reports are based on numerous documented complaints submitted to the U.S. Embassy in Israel against Yad L'Achim, over the years.

A copy of a section of one such documented complaint is attached to this letter and marked **Appendix C**.

13. These comprehensive reports are carefully written every year by the department for democracy, human rights and labor for the U.S. State Department, for review by members of Congress. This means that these complaints appear in reports that are placed before many senior U.S. government officials.

14. In an article that was published in "Ha'aretz" newspaper on 5.11.09, reporting on the above-mentioned reports and their effect on the U.S. perception of Israel, the following was written:

"Tolerance for minorities, equal treatment for all communities, openness to different sects in society, respect for holy sites and others – all of these are significant tests of a tolerant and pluralistic society. A new report from the U.S. State Department on religious freedom in the world deems Zionist Israel "insufficient" in all of these. In a comparison on the status of religious freedom in democratic countries, Israel is placed at the bottom of the list.

CEO of the organization ["Hidush"], Rabbi Uri Regev, says that the document, a comprehensive review of the status of religious freedom in 198 countries, shows that Israel is closer to the fundamentalist Islamic countries than the Western democratic world. "It's just a matter of time when question marks will be raised amongst the American public about the quality of Israeli democracy."

A copy of the report is attached to this letter and marked **Appendix D**.

15. Needless to say, when a complaint is filed against Yad L'Achim it is added to a review of such reports – and this causes damage to Israel's image on a broader international level and particularly in the Western world. **Is not enough for Israel to deal with repeated attacks on its image as a result of external conflicts, that it should also deal with damage to its image because of internal conflicts, because of the notions of organizations such as Yad L'Achim which do not reflect government policy?**
16. It is clear that Israel cannot afford to deal with such damage to its image and that it must eradicate this phenomenon, before more serious damage is caused.

B. Involvement of Yad L'Achim in Activities that Ended in Criminal Convictions

17. In addition to complaints filed with the U.S. Embassy, as mentioned above, complaints have also been filed with the Israeli police against Yad L'Achim and its activities. Some complaints even constituted grounds for trial and were brought to the doors of the court.
18. The ranks of Yad L'Achim have produced activists who have been convicted of criminal offenses for violent attacks in the course of their activity in the Organization.
19. The dubious nature of the Organization can be seen in the words of Her Honor Judge Ravid Gilia in the verdict on Criminal Appeal (civil file) 70922/04 **Attias Yaakov vs. Tel Aviv District Prosecutor**, criminal (published in Nevo), in

which a member of Yad L'Achim was convicted of a assault and batter by way of collaboration:

"The appellant has been convicted in the Magistrates Court of Tel Aviv Jaffa (Her Honor Judge G. Ravid) of the offense of assault and batter by way of collaboration (in the words of the indictment), an offense against section 380 together with section 29 of the Penal Code, 5737-1977 (hereinafter: "the Penal Code").

The appellant is a member of the Yad L'Achim organization. It is alleged that on 8/8/99, at 18:00 hours or thereabouts, the appellant attacked, together with others, two activists of the Jehovah's Witnesses organization who were engaged in explaining the principles of their belief to passersby (hereinafter: "the Plaintiffs")."

20. In addition, below is a quote from the decision in Criminal Appeal 807/99 **State of Israel vs. Azizian**, judgment 53(5) 747, from which we learn that the rioters mentioned (apparently by association) the Yad L'Achim organization when they were wondering where to take the booty they had looted from the apartment of members of a Swiss Christian group, which according to the rioters, was engaging in missionary activity:

"He even heard a call from the rioters to gather things for the Yad L'Achim Association, and was witness to the looting of a refrigerator and two doors. He himself took from the apartment toiletries that he found scattered in the bathroom, and left the apartment after putting the toiletries into his pullover. When leaving, the respondent again met Avi Horowitz, who explained to him that "these apartments belong to missionaries".

21. There is no doubt that it was not chance that led the looters to calls to gather booty for Yad L'Achim. It is very likely that the action was organized by Yad L'Achim and/or that the looters thought that was the case, since they wanted to collect the things they had taken as booty on the battlefield, for the Organization.
22. It is clear that Yad L'Achim has a hand in violent actions against people who hold views that do not coincide with the personal world view of the Organization's activists. In order to prevent future violent actions such as these, it is befitting for the honorable Attorney-General to direct the Court to dismantle this Organization, as soon as possible.

C. Jack Teitel – Activist in Yad L'Achim

23. In his own words, Jack Teitel, the "Jewish terrorist", was an active member of the ranks of Yad L'Achim for about five years.

The transcript of Jack Teitel's interrogation of 22.10.09 states:

"He was asked how his wife usually reacted when he returned after a whole night outside the home. He replied that she would react naturally since she knew that when he was absent he was in fact engaged in the Yad L'Achim activity of saving Jewish girls from their Arab partners.

"He was asked to talk about his activity in Yad L'Achim, and related that for some 5 years he was active in the Organization, and on average he helped to rescue about 5 women each year... He was asked who was responsible for the activity. He refused to give any details on this matter."
(The above emphases, and throughout this letter, are not in the original.)

A copy of the investigation transcript is attached to this letter and marked **Appendix E**.

24. An organization that produces from its ranks a person with extremist views such as Jack Teitel, who is suspected of having acted on his views to the extent of injuring, murdering and inciting against such groups and individuals who did not comply with his views, is an organization that has no right to exist in a democratic, pluralist country such as Israel, which is based on the principles enshrined in the Declaration of Independence relating to equal rights, freedom of religion and conscience, and the absence of discrimination on the basis of race, religion or gender.
25. Moreover, the manifest views of the Organization, in addition to its hidden activities, prove beyond any doubt that the world view of Jack Teitel is not anomalous to the views of the Organization and its activists. On the contrary, Jack Teitel and his views are the very essence of Yad L'Achim. The Organization even allowed his ideas to increase, become more extreme and go beyond any imagination.
26. The fact that Jack Teitel found an organization that took him in, where he could act and find himself in the company of those whose views were similar to his own, apparently helped to strengthen his attitudes, to justify his opinions, and to disseminate his ideas to an audience that was gripped by extremist views, which deny the existence of the State of Israel as a democratic state.
27. Was Jack Teitel helped by other activists in the Organization to proceed with his violent activities? Did he find an audience for his involvement in violent actions that remained unsolved for years? Are there other activists in the Organization who engaged in similar actions or who are planning such actions? Did he

influence the Organization's activists? Did he become an object of esteem and a role model among the Organization's activists and supporters?

28. There is no straightforward answer to these questions, however, we argue that there is a strong suspicion that the answers are positive. This suspicion constitutes the grounds for opening a thorough investigation on the subject and for the Attorney-General to file an application to dismantle the Yad L'Achim Organization.

D. Yad L'Achim – a Terrorist Organization

29. The fact that Jack Teitel was active in Yad L'Achim, an organization that works to injure, incite against and arouse hatred toward harmless people, whole groups of people in the State of Israel, as described below, shows that it can be classified as a "terrorist organization" within the meaning of the Terror Prevention Order, 5708-1948 (hereinafter: **the Terror Prevention Order**), which defines it as follows:

"A group of people who in their actions use acts of violence that could cause death or injury to another person, or threats of such acts of violence."

30. By all accounts the Yad L'Achim Organization fits the above definition, since it is a group of people who are frequently involved in acts of violence that have caused injury and in actions that incite such activity.
31. It should be noted that the rhetoric that accompanies the Organization and its activities does not differ from the world view adopted by other hate groups all over the world, such as the **Ku Klux Klan** (known by its initials KKK), which proclaims the superiority of the white race and is active in the USA against African Americans, foreigners, Jews, Catholics and anyone who is not white, Anglo-Saxon and Protestant.
32. It is emphasized that in several states of the U.S the legislature decided to categorize the KKK as a terror organization in order to give the law enforcement authorities the tools to fight the organization and its activists more energetically in order to thwart its activities.
33. Therefore, it would be proper for the State of Israel to take similar steps against Yad L'Achim in order to prevent its spread in Israel.
34. There is sufficient information below to justify this request to dismantle the Organization, although this is apparently just "the tip of the iceberg", since it is natural in organizations of this nature that more is hidden than is revealed. It is

reasonable to assume that the long arm of the Organization has stretched to violent actions, as yet unsolved, against ethnic, religious and other minorities.

E. Kidnappings

35. One of the main purposes of the Organization is the "redemption of captives" referring to women in distress. But as shown below, behind the "noble rescue campaigns" of the Association there is no rationale of helping the family as a family or helping women suffering from violence wherever they may be, but only one rationale, of preventing assimilation, to the extent of breaking up existing mixed families, particularly of Jewish women who have chosen to live with Muslims, in Israel and in the Palestinian Authority territories.
36. An article in the "Ha'aretz" newspaper dated 2.10.09 (hereinafter: "**the 2.10.09 article**") provides a glimpse of the suspicious and unlawful conduct of Yad L'Achim and its activists, as follows:

"In mid December 2006 police officers raided a ritual bath in Kiryat Nordau district of Netanya and arrested a senior member of Yad L'Achim, Rabbi Alex Artovsky, who is defined as the Organization's "campaigns officer". The surprised Artovsky was taken for questioning at the Regional HQ. That morning, one after the other, other activists of Yad L'Achim were led into the HQ investigations room, on suspicion of kidnapping an Arab who was having an affair with a Jewish woman, and holding him for several hours.

The wave of arrests was reported on the Yad L'Achim internet site, which also quoted a reaction from the chairman, Rabbi Lipshitz: "The right hand of the police doesn't know what the left one is doing. With one hand it comes to us for professional help in dealing with difficult cases of intermingling, and with the other it sends its officers to arrest our best activists. Nobody can block our activity: neither hostile Arabs who do everything to mislead daughters of Israel, nor the police who one cloudy day decided to be their mouthpiece under the pretext of empty complaints"."

A copy of the 2.10.09 article is attached to our letter marked **Appendix F**.

37. In addition, the 2.10.09 article exposed one example where activists of the Organization were even convicted of kidnapping:

"The case of Rafael Mirlashvili gives a hint of the methods of Yad L'Achim. At the beginning July he left his parents' home in Chabad district, got into a taxi and disappeared... About a year before that he finished a prison sentence of one year, after being convicted of kidnapping a young Arab by disguising himself as a Border Guard.

Mirlashvili, who was active in Yad L'Achim, heard a program on the Haredi radio station in which a Jewish mother mourned the fact that her young daughter had fallen into the clutches of an Arab youth and intended to marry him... He obtained from her details of her daughter's Arab lover, recruited two of his friends for the task, and the three knocked on his door late at night, in one of the central towns.

After verifying his identity, the three demanded that he accompany them for questioning at the police station. He consented, got into their car, and it was only when he realized that he was not being taken to the police station but to an unknown destination, that he began to suspect he had fallen into a trap. As the car sped along the highway, he opened the door and jumped out. He rolled on the asphalt, was injured and needed medical attention, and from his hospital bed he gave the police investigators detailed evidence of what had happened. Mirlashvili and his friends were arrested, convicted and sent to prison.

"He was a good soldier", said Rabbi Lipshits shortly after Miralshivili's body was identified at Abu Kabir Forensic Medical Institution. "We handle hundreds of cases of assimilation and intermingling and the deceased handled one of them. I am very sad for this young man."

Last week Rabbi Lipshitz had a different story: "He was not one of our activists. So it happened that he attached himself to us. We act according to the law."

38. To complete the picture, we will quote the words of the Organization and its chairman concerning this affair from the Chabad website:

"The chilling story [of Rafael Mirlashvili] began four years ago, when he went with other activists to kidnap a Jewish girl who had formed a relationship with an Arab and even become pregnant by him. The rescue operation was considered a success, but the Rafael, may the Lord avenge

his blood, was arrested and sentenced for kidnapping a person and carrying a weapon and sent to prison for a year and a half.

http://www.chabadinfo.com/index.php?url=article_he&id=48719
"...says Rabbi Lipshitz, but clarifies that "the activists take defensive action before they go on a rescue mission. These are activists who are very experienced, and I'm not interested in saying any more, as they say, 'say a little, and do a lot!.'"

http://www.chabadinfo.com/index.php?url=article_he&id=48075

39. In light of the foregoing, it is obvious that when the Organization, its activists and its chairman speak about "redeeming captives", "rescue missions", "campaigns of saving", "defensive action", they are referring to kidnapping and attempted kidnapping, bearing weapons, trespassing and breaking up families.

F. Incitement by Yad L'Achim to Hatred, Racism, Violence and Terror

40. Incitement to racism is prohibited in Israel by the Penal Code, 5737-1977 (hereinafter: the Penal Code), as follows:

144a. In this Article –

"Racism" – persecution, degradation, humiliation, hatred, enmity or violence, or stirring up strife towards a specific public or part of the population, all because of their color or racial character or national-ethnic origin;

144b. (a) "Anyone who publishes something with the aim of inciting to racism, shall be liable to five years imprisonment.

(b) For the purposes of this section, it makes no difference whether the publication led to racism or not, and whether or not it was true.

41. In addition, incitement to violence and terror is prohibited in Israel by the Penal Code, as follows:

144d2. (a) "Anyone who publishes a call to carry out acts of violence or terror, or words of praise, sympathy or encouragement of acts of violence or terror, or supports it or identifies with it (in this section – seditious publication), and according to the content of the seditious publication and the circumstances of its publication, there is a real possibility that it will

lead to acts of violence or terror, shall be liable to five years of imprisonment.

(b) In this section, "acts of violence or terror" – means an offense that injures the body of a person or puts a person in danger of death or severe injury."

42. Yad L'Achim, its activists and its leaders, have for many years engaged in incitement that verges on criminal activity against Arabs, minorities, Reform Jews, Jehovah's Witnesses, the Kabbala Center, Protestant Christians, New Age groups, members of ethnic minorities, Messianic Jews and many others.
43. To show the degree of extremism we are talking about, we will quote Rabbi Dov Lipshitz, as he was quoted in the "Ma'ariv" newspaper on 14.4.08 by the journalist Boaz Gaon, as follows:

"It's not natural not to have violence. According to what they did to us, we should kill a Christian every day, right?"

A copy of the article of 14.04.08 is attached to this letter marked **Appendix G**.

44. In addition, the Organization makes an outrageous comparison between the activities of Christians and Messianic Jews in Israel and the actions of the Nazis in the Holocaust:

http://www.youtube.com/watch?v=JalknTM_caM&feature=related.

45. As we know, **the power of life and death is in the tongue**. Anyone who compares the activity of Messianic Jews in Israel to the actions of the Nazis in the Holocaust should not be surprised when their ranks produce someone like Jack Teitel, who freely attacks anyone he perceives as a "danger" to be eliminated.
46. **And we stress that the longer the destructive incitement by Yad L'Achim continues without interference, the greater the chances for a repeat of the violence against innocent citizens, whose lifestyle is not to the liking of the Organization's activists.**

G. Distribution of Inflammatory Material

47. One of the ways the Organization works in its attempt to isolate minorities, sectors, followers of different religions and faiths from Israeli society is by distributing flyers full of defamation, smears and slander.
48. In November 2006 flyers were distributed in the Pardess Katz neighborhood with the heading "holy call" against "the serious and absolutely forbidden

phenomenon" whereby apartment owners are leasing their apartments to Arabs and foreigners. Other flyers even called for a condemnation of the employment of Arabs and gentiles in the neighborhood. It should be noted that this is the only neighborhood in Bnei Brak where the majority of residents are not religious.

A copy of one of the flyers is attached to this letter marked **Appendix H**.

49. An item published in November 2006 in the Arab newspaper Al Fajr Al Jadid shows that similar flyers initiated by Yad L'Achim condemning the leasing of apartments and employment of Arabs, were also distributed in Ashdod.

A copy of the item is attached to this letter marked **Appendix I**.

50. It is clear that apart from encouraging wholesale discrimination, these publications harm the freedom of livelihood of citizens and residents of the State of Israel who are Arabs or members of foreign groups, as well as the freedom of apartment owners and employers to conduct their own business.

51. Also in November 2006, a flyer was published against the activities of Jehovah's Witnesses in Tel Aviv. The flyer described their activity as "dangerous missionary activity" and a "crusade of extermination", while the members of Jehovah's Witnesses were described in the flyer as "missionary hunters of souls". A similar flyer with the heading "The crusade of extermination is at its height" was distributed six months earlier in Haifa, against the activities of Christians. Another flyer describes the activities of Christians as a "hunting expedition" using means to "seduce" and "deceive".

A copy of flyers is attached to our letter marked **Appendix J**.

52. It is clear that such publications are harmful to freedom of conscience, freedom of religion, and the right to dignity of followers of the Christian religion and members of Jehovah's Witnesses.

53. Yad L'Achim refers to "missionary activity" as if it was the worst of criminal offenses and often arouses fear of this activity. It should be noted that in the State of Israel there is no prohibition against "missionary activity" as the dissemination of religion and/or faith among members of other religions/faiths, unless such activity solicits religious conversion, as stated in various sections of the Penal Code, which bans the solicitation of religious conversion among minors, or among adults by offering bribes.

54. Furthermore, the Organization often presents anyone belonging to the Christian religion, in all its forms, as a "missionary", even if he does not work to spread his religion.

55. A clear example of this can be seen in the shocking flyer that was distributed in September 2009, as part of campaign of incitement against Ms. Pnina Comforty (hereinafter: "**Pnina**"), in spite of and contrary to the ruling of the Supreme Court on her right to receive a certificate of kashrut for her bakery. The flyer warned against Pnina, who was "accused" of missionary activity because she is a member of the Messianic Jewish community. The flyer even published the addresses of her bakeries and warned people not to buy anything from them.

A copy of the flyer is attached to this letter marked **Appendix K**.

56. Not only did this flyer damage the freedom of livelihood of Ms. Pnina Comforty, her freedom of religion, and her right to dignity, but also constitutes incitement against her and a threat to her safety and wellbeing, since a few weeks after the flyers were distributed in public, Ms. Pnina Comforty received telephone calls from an unknown caller who threatened her life.

A copy of an article in "Ha'aretz" newspaper dated 16.10.09 describing the threatening calls is attached to this letter marked **Appendix L**.

57. The chances that such threats would be carried out are not negligible. At the beginning of 2008, "warning" flyers containing pictures and addresses of members of the Christian religion and/or the Messianic Jewish community were distributed in the town of Ariel. One of the people whose picture, name and address appeared in the flyers was Mr. David Ortiz. About three months later an explosive device was placed at the doorway of the Ortiz family, by Jack Teitel, an activist in Yad L'Achim. Ami Ortiz, a young member of the family, opened the booby trapped package and suffered serious wounds.

A copy of the flyers is attached to this letter marked **Appendix M**.

58. Although the name of Yad L'Achim does not specifically appear on these flyers, there is no doubt that the flyers distributed by this Organization are of a similar nature and could cause potential harm to innocent citizens and minority groups, incitement against them, and is likely to lead to acts of violence and contravention of the law.

H. Unlawful Cooperation between Ministry of the Interior Officials and Activists from Yad L'Achim

59. A telling example of the alarming influence of Yad L'Achim on state employees, of its illegal intervention in the work of government authorities, and its undermining of the rule of law, can be found in the informal contacts developing between activists of the Organization and officials of the Ministry of the Interior.

60. The procedures of the Ministry of the Interior show that in the course of performing their work, officials may consult with official third parties, subject to certain conditions and restrictions.
61. "The Procedure for Providing Services Requiring Prior Clarification", No. 1.2.0001 of the Population Administration (hereinafter: the "**Procedure**"), for example, specifically defines cases in which a comment will be entered onto the computer regarding an applicant for services from the Population Administration, including:

"Cases where there is a discrepancy between the registered details of the resident/citizen and details and/or data received by the Ministry of the Interior from any official source" and also, "Cases where there is a need to consult an official external source before the service is provided."

62. However, as a late response to the 02.10.09 article, spokespersons for the Ministry of the Interior stated that on the one hand, the Ministry of the Interior is not engaged in receiving information about "Messianic missionary" activity, but on the other hand, it does collect information from organizations, and private individuals, contrary to the procedure, as follows:

"The Ministry of the Interior does not engage in any actions to locate or obtain information about Messianic missionary activity. Any information that reaches us comes from organizations in Israel or from private individuals."

63. It is true that Yad L'Achim is an "organization in Israel", as defined by the spokespersons for the Ministry of the Interior, but it is clear that not every organization in Israel, and certainly not Yad L'Achim, and not all private individuals come under the definition of a "**third party official source**" or an "**official external source**".
64. "**An official source**" as stated in the procedures of the Ministry of the Interior means an entity that has legal authority granted by any law, regulation, decision, arrangement or instruction from the government, such as the Ministry of Absorption, the Foreign Ministry, the security services, border control, the immigration police and so on.
65. Therefore, Yad L'Achim as an interested party association, managed by individuals representing radical minority views cannot be considered an official entity. An association is not an authority or a government ministry or a public body, nor is it a part and/or agent of them. Moreover, there is no law, regulation, decision, arrangement or instruction from the government that validates its activity as "an official source".

66. On the contrary, Yad L'Achim is a fundamentalist Haredi organization, with anti-democratic interests, representing an extremist segment of the Israeli population and apparently operating illegally, among other things by keeping and using a personal and sensitive database with regards to people whom it perceives as the "enemies of Orthodox Judaism".
67. We wish to emphasize that the Ministry of the Interior is a government ministry in a democratic country, representing and serving all its citizens. If officials of the Ministry of the Interior consult with third parties in the course of their work, they must do so with full transparency, with orderly delegation of powers in accordance with the law, and at the very least, they should be very careful to check the reliability of any information received from such third parties.
68. Obviously false and distorted information regarding members of the Messianic community does not reach officials of the Ministry of the Interior "out of the blue", but are based on "libelous rumors" from inciters to evil, who wish to harm the rights of others to respect, equality, freedom of movement, occupation and religion, freedom from religion and personal liberty, and to deny many people their right to enter Israel and their right to citizenship.
69. It is not acceptable that a government ministry in the State of Israel, which was raised on the ashes of those who were persecuted for their faith and their religious allegiance, when it comes to make administrative decisions, should rely on facts received from dubious third parties, whose declared activity is religious persecution; and should even adopt the narrow world view of activists in this Organization, which makes any person with Messianic beliefs into a threat to the State and an enemy of the Jewish people, as stated in the 2.10.09 article:

"We can find a resemblance between the terminology of the head of the Population Administration Bureau in Tel Aviv, Amos Arbel, and that of Rabbi Lipshitz. Arbel was documented questioning a young woman, a member of the Messianic Jewish community, summing up the "Torah" in a nutshell: "Anyone carrying out Messianic activity is acting against the Jewish people. Such activity is not exactly in the best interests of the State of Israel and the Jewish state. Messianic activity means taking Jews and making them Christians. If there are any like that, then the State of Israel does not respect them"."

This attitude is frighteningly reminiscent of features of sinister regimes that should have no place in the democratic Jewish state.

70. The 2.10.09 article also reveals a reliable suspicion about activities of Yad L'Achim that include hidden contacts and apparently illegal cooperation between activists in the Organization and officials of the Ministry of the Interior.

71. According to the Organization's own publications, both on its website <http://yadleachim.co.il> and on the Chabad site <http://www.chabad.info/>, it is involved, among other things, openly and directly, in tracking, supervising and collecting information about members of various religions and faiths, including Messianic Jews, tourists, residents and citizens alike, who are perceived by its activists as "dangerous missionaries".
72. The information that is collected, by improper means, is not only intended for the Organization's own use, but for years has also been used by officials of the Ministry of the Interior and constitutes grounds for serious systematic discrimination on the grounds of religion by an administrative authority of the State of Israel.
73. It is no accident that many proceedings affecting Messianic Jews and/or Christians are held up and/or refused by the Ministry of the Interior, through no fault of their own. Delays and refusals to renew visas, issue passports, completion of proceedings and so on have become part of the exhausting bureaucratic machinery.
74. In addition, and according to people interviewed for the 2.10.09 article, officials of the Ministry of Interior knew personal details about them and their families and friends, even before they were interviewed on this subject in the Ministry:

"It bothers me to think that people that I don't know in the Ministry of the Interior know so many personal things about me," she says. "Not just about me, even about my parents, who live in Germany."

" "Then they write to me this and this," the clerk said to him... "Apart from that, you're also in favor of animals". "That's new", he remarked."

75. Not only that, no reasons are given for most of the delays and/or refusals, or the reasons given consist of vague allegations of "missionary" or "Messianic" activity. They are also accompanied by questioning, investigations and/or hearings, whose whole purpose, which is completely irrelevant, is to extract personal information about citizens and residents whose personal belief in the Christian and/or Messianic faith disturbs the sleep of both the activists of Yad L'Achim and officials of the Ministry of the Interior.

H.1 The Malenky Family

76. A striking example of the foregoing can be found Supreme Court 5777/03 **Valentina Malenky vs. Ministry of the Interior** (unpublished), which deals with the attempt to annul the Israeli citizenship of the Malenky family following

their immigration to Israel. The petition of the Malenky family proves, in black and white, that the close contacts described above lead to open, scandalous and brazen correspondence between a clerk in the Population Administration and the Yad L'Achim organization.

77. In a letter from Yad L'Achim's department for the fight against the mission, addressed to Sima, a clerk in the Ministry of the Interior, with the heading "**Further to your inquiry to us dated 23/6/02**", Yad L'Achim activists give details of the information they collected on the Malenky family and which they are sending to the Ministry of Interior at their request, as described in the 2.10.09 article as follows:

"In the letter they sent to the clerk Sima, headed "Further to your inquiry to us", the Yad L'Achim people were able to tell her where the M. family from Netanya lived, their telephone number and many other details: "They appear in publications of the sect and are not just rank and file members, but hold in their home lessons in Hebrew and Russian on Wednesday evenings. We assume that this central role is not given to ordinary people, but to those who are engaged in daily missionary activity." And also: "to check these matters, we contacted this family and their daughter told us that they do indeed belong to this community and last Saturday they even participated in a lesson"."

A copy of the letter dated 23.6.02 is attached to this letter marked **Appendix N**.

78. This letter exposes the working methods which constitute a blatant offense against the law and a gross attack on fundamental rights, both by Ministry of Interior clerks and by Yad L'Achim activists. Not only does the Organization initiate contacts with clerks in the Ministry of the Interior and send them "information" about various people that the Organization wishes to harm, but far more seriously, officials of the Ministry of the Interior themselves contact this Organization on their own initiative, to get them to carry out the "dirty work" and look for information about "suspicious" people, as it were.

H.2 The P [REDACTED] Family

79. The P [REDACTED] couple, an Israeli citizen married to a German citizen, was summoned to a hearing in the Ministry of the Interior, towards the end of the process. This hearing turned out to be a humiliating religious investigation, based on "information" received by the Ministry of the Interior. The couple suspected that the delays in the handling of their application derived from irrelevant considerations and they recorded the hearing.

80. During the investigation Mr. P [REDACTED], an Israeli citizen, was not asked about the sincerity of his marriage, or being a security risk and/or having a criminal past and/or any other relevant question that could constitute a legitimate legal consideration for stopping the graduated process. All the questions he was asked concerned his religion and the other members of the Messianic community and/or Messianic Jews in Israel. On the sheet of questions given to the investigating official was a great deal of information about the community to which Y [REDACTED] belonged, names of people in the community, the various functions of those people, details about home meetings and religious events of the community, courses on Messianic subjects in which Y [REDACTED] participated and other such questions that had nothing to do with his applications and/or the criteria stipulated by law:

"Orna (Ministry of the Interior official): I've received information about you... and I have to ask you some questions.

Y [REDACTED]: Information from who?

Orna: From our headquarters, the headquarters in Jerusalem. They decided that you engage in missionary activity... So they sent me all kinds of documents, that I have to ask you about and then send back... OK? They say..er.. just a moment.. that you joined a group called Messianic Jews.. now, they see that as missionary activity. I can't explain to you why... They've written here about all kinds of courses you took, although it's not clear to me why it's anybody's business what courses you took.. I don't understand as if... look, it was apparently somebody in the community who sent them information about other people, not just you... Somebody sat down and wrote things about people, what courses they took and.. what they do in the community.... Just a minute, I want to find it. OK, so they write to me like this... this is the bit that I'm supposed to focus on, from here: that you have become an elder in the community (inaudible), that is, you are a very important person in the community, something like that...

Orna: That you participate in conferences and studies of the scriptures... I can't explain this matter. I don't have a logical explanation... What I do know, and I think it's a shame, is that if this had reached me a week later it would have been good, because I was already intending, I already had... in principle I had permission to give D [REDACTED] [his wife] permanent residency.

Y[REDACTED]: They... because of this they are refusing her?

Orna: Correct. I should have already called... and told you, "Come".

A copy of the original transcript of this religious interrogation is attached to this letter marked **Appendix O**.

81. From Y[REDACTED]'s words and as the transcript shows, it seems that the official herself realized that this was not proper, as stated in the 2.10.09 article:

"The clerk who questioned me also felt bad about the situation and I saw this on her face. I preferred to answer her questions because I really had no choice".

Also, when activists of Yad L'Achim approached Mr. P[REDACTED] and told him that they knew everything about him, he reached the obvious conclusion, as stated in the same article:

"One of the times activists came to me and said, 'We know everything about you'. I'm not surprised that the file I saw with the Ministry of the Interior clerk was so thick".

82. As the quote from the investigation shows, she was relying on "information" received by the Ministry of the Interior, with no real supporting evidence. It is peculiar how a person can be denied a public service on the basis of "information", without indicating the nature of the information, its details and source, and with no clear evidence.

H.3 The H[REDACTED] family

83. Another example, which proves beyond all doubt the existence of close cooperation between officials of the Ministry of the Interior and activists of Yad L'Achim arises from the case of the H[REDACTED] couple, who wished to arrange the status of Mrs. H[REDACTED] according to Section 7 of the Citizenship Act, 5712-1952.
84. Six years after they first submitted their application, Mrs. H[REDACTED] was told that the handling of her request for citizenship would take another year. This decision made the couple suspicious that the decision was being affected by irrelevant and invalid considerations.
85. When they left the offices of the Ministry of the Interior, the H[REDACTED]'s discovered that the clerk had mixed up notes and by mistake given them a note that was intended for another clerk, and which said:

"This lady's file is being sent to you because there was a problem checking with Yad L'Achim if she is indeed a Messianic, and I didn't get the file back."

A copy of this note is attached to our letter marked **Appendix P**.

86. This note simply confirms the serious suspicions regarding the improper cooperation between Ministry of the Interior officials and Yad L'Achim activists.

I. Breach of the Privacy Protection Act by Yad L'Achim

87. There is no dispute that the Yad L'Achim has a database of information that is not only available for the personal use of the Organization and does not only collect data for media purposes, but also has a database of personal information that is only available to the Organization.
88. This information is collected by activists in the Organization, and there are a great deal of questions about the means they use, amounting to suspicion of a breach of section 2(1) of the Privacy Protection Act, which forbids spying on or investigating an individual in a way that could harass him; and also an offense against section 11 of the Privacy Protection act, which requires an explicit approach to a person from whom information is requested, explaining his legal obligation to give the information, the purpose for which it is required, and details of the person/ entity to whom the details will be given.
89. Evidence for these suspicions can be found in a letter that was sent from Yad L'Achim to officials in the Ministry of the Interior, regarding the Malenky family, which is attached as Appendix N to this letter (**in the letter sent to a clerk Sima, the Yad L'Achim people were able to tell her the address and phone number of the M. family from Netanya and many other details... "To check these matters, we contacted this family and their daughter told us that they do indeed belong to that community and on the previous Sabbath they had even participated in a lesson"**) and also in the transcript of the questioning of the P████ family, attached as Appendix H to our letter (**I see written here all kinds of courses you took, but it's not clear to me why it's anybody's business what courses you took... I don't understand... Look, apparently it's someone in the community who sent them details about other people, not just about you, ... somebody sat down and wrote details about people, what courses they took ... and what they do in the community...**).
90. Thus, the data in the Yad L'Achim database include sensitive information about people's character, personal status, intimate details, professional training, views and beliefs – information that was not given by these people, on their behalf or with their consent. Therefore, and pursuant to section 8(c)(2) of the Privacy Protection Act, Yad L'Achim, as the owner of the database, must register this

database in the register of databases, which is open for consultation by the public, and certainly by those whose details are held in the database. Otherwise, keeping and using this database is illegal.

91. And it is emphasized that the contents of Chapter D of the Privacy Protection Act relating to public bodies giving out information does not in the least apply to Yad L'Achim, which does not come within the definition of a "public body" given in the Act.
92. In light of the foregoing, cooperation by staff of the Ministry of the Interior with an organization with extremist views and which appears to breach the Privacy Protection Act is not proper, to say the least, and should stop, the sooner the better.
93. **Therefore and accordingly, the most effective way of stopping this widespread illegal cooperation between the Ministry of the Interior and Yad L'Achim, would be to dismantle this Organization and declare it illegal.**

J. Declarations of the Organization and its Activists

94. It appears that the Organization's activists themselves do not deny these suspicions. On the website of Yad L'Achim, the "Department for the struggle against the Mission" boasts of its activities of tracking and collecting information about Messianic Jews and families that have been "seized by the sect", as follows:

"Setting up a professional system that tracks all the missionary activity in Israel and responds accordingly. All reports about missionary activity such as conferences, opening a center, baptisms, families seized by the sect, are handled quickly, in accordance with the changing needs."

95. In an article by Larry Derfner that was published in the Jerusalem Post on 12.2.09, it is noted that a representative of Yad L'Achim informed Mr. Derfner, completely openly, that he was sending information about the Messianic sect to the Ministry of the Interior, as follows:

"Binyamin Klugger, then head of Yad L'Achim's Jerusalem office, told me he went undercover among the Messianics for several months (until they found him out), and once prevented the aliya of an American Messianic Jew by informing the Interior Ministry, which denied his citizenship application."

A copy of the article of 12.2.09 is attached to our letter marked **Appendix Q**.

96. Not only that, in the 02.10.09 article, Yad L'Achim activists stated as follows:

"The computerized tracking by Yad L'Achim led to the exposure of the request by the Missionary Ludwig to the Chief Rabbinate to convert", they boasted at Yad L'Achim, "and our discovery led to the refusal of the Ministry of the Interior to register her as an Israeli citizen."

97. Thus, activists of the Organization admit that there is a link between them and the Ministry of the Interior and that they provide personal information and reports to these officials. Whether or not the information they found about the above person is correct – what about the other people who are also being monitored, for no wrongdoing on their part?? In what way does this monitoring take place?? How, in fact, is personal information about these innocent citizens and residents collected?? What use is made of the database of information collected by the Organization???

98. **And from the general to the particular** – as is known, one of Jack Teitel's victims was the son of a Messianic Jewish family from Ariel, who opened a booby trapped package of apparently "holiday treats" that was placed by their door on Purim and suffered severe injuries. Therefore, it is reasonable to suppose that **Jack Teitel had received precise information about the family of the boy in Ariel, from his friends at Yad L'Achim, who do not hide their hatred of Messianic Jews. With this reliable information he was able to confidently approach the home of this family and in cold blood carry out his murderous plan.**

Conclusion

99. The role of the honorable Attorney-General is, inter alia, to assist the authorities to main order and public security.

100. As described above at length, Yad L'Achim is obsessively and systematically engaged in stirring up violence and inciting hatred, and apparently illegal spying and tracking activities, that it could be defined in law as a terror organization, against a whole range of organizations and individuals whose views are contrary to those of the Organization, its leaders and activists.

101. Clearly, Yad L'Achim is constantly breaching the public peace and order, evidently acting contrary to the law, and blatantly negating the democratic character of the State of Israel.

102. It should be stressed that Israel is a "Jewish and democratic" state, while the actions of Yad L'Achim are not consistent with either the noble values of Judaism or the values of democracy. Not to mention the fact that it is a country that arose on the ashes of a people that was persecuted for its religion, and has

resolved since its establishment to bear the standard of full equality, without discrimination on the basis of gender, race, religion or nationality.

103. Many times, after a tragedy occurs, the wise think back to who could have prevented the tragedy and how and why they did not take steps to prevent it. Here, we are giving you a warning as to what could happen should the right precautions not be taken against the activity of Yad L'Achim. As we read in the Scriptures, in the words of Ezekiel, Chapter 33, Verse 6:

"But if the watchman sees the sword come, and blows not the trumpet, and the people be not warned; if the sword come, and take any person from among them..."

In view of the foregoing, we ask you to exercise your authority pursuant to the Associations Law and forthwith ask the honorable Court to dismantle the associations making up the Yad L'Achim organization.

Respectfully,

**Adv. Caleb Myers
Jerusalem Institute for Justice**