

COMMENT & FEATURES

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Lenient sentencing

Something strange is happening in our courts. Murder indictments are repeatedly reduced to manslaughter – no matter how aggravated the circumstances of crimes that claimed innocent lives. Concomitantly, the punishments, too, rarely seem to fit the crime.

Anyone having even a cursory familiarity with the legal system realizes that justice and fairness are by no means synonymous with legal strictures. A truly wise judiciary strives to bridge the gap.

Our courts, however, seem bent on accentuating their reputation for supercilious insensitivity, and it's not always because the dry language of the law leaves them no other alternative.

Just last Tuesday, the Tel Aviv District Court sentenced "T" to 18 years behind bars for the 2006 fatal knifing of attorney Anat Pliner. When he was 15, "T" – whose name cannot be released because of his age in 2006 – rang Pliner's doorbell and demanded money. When she screamed, he plunged a commando knife into her abdomen, right in front of her two young children.

"T" eluded capture for two years, and was connected with the stabbing only after being apprehended for motorcycle theft. Yet judge Shaul Shohat averred that, the tragedy notwithstanding, "this isn't the sort of case that warrants raising the bar and seeking harsher punishment than usually apportioned to minors." If wanton murder in the aggravated circumstances of an attempted robbery doesn't mandate a more deterring sentence, one wonders what does.

The upshot is that with a third off for good behavior, recidivist "T" will be free in 12 years. Pliner's mother, Tehiya Aharoni, collapsed after the sentencing, crying: "This court has given minors its seal of approval to commit murder... Had that judge's daughter been murdered, he'd have reacted differently."

Earlier this month, three Jaljulya ruffians, convicted of the unprovoked beating to death of Arik Karp on Tel Aviv's Beach Promenade – in front of his wife and daughter – were sent up for 26 years each; but not for murder. The court opted for manslaughter because the perpetrators might not have expected their sadistic assault to produce a lethal result.

A few days previously, the Beersheba District Court sentenced Mazal Bar-Osher to 24 years for manslaughter after she knifed her neighbor Tali Atar, a pregnant mother of three. Atar's baby was delivered and lived for four days.

Last year, the Tel Aviv District Court sentenced 29-year-old Eritrean illegal Ya'acub Bashir al-Fadel to eight years for killing 68-year-old Tel-Avivian Esther Galili, and for violent attacks on three other passersby he encountered that fateful evening while on a drunken rampage. Al-Fadel's earlier victims were lucky. They escaped alive, albeit battered and bruised. Galili, struck on the head, didn't survive.

The leniency in this case was explained by the fact that al-Fadel was alone in this country, wasn't known to have a prior criminal record, and had expressed regret. Surveillance cameras showed him assaulting Galili, then leaning over the body.

Lenient sentences aren't restricted to cases of violent attack. The entire country was shocked last March when Petach Tikva Traffic Court sentenced a 57-year-old drunk driver (whose blood alcohol level was four times the legal limit) to six months' community service for swerving onto a Netanya sidewalk and injuring two girls. Twelve-year-old Shachar Greenspan's head trauma was so grave that she remains a quadriplegic who can only communicate via eye movement.

A year ago a driver and her passenger were both handed down three-year terms for the 2009 hit-and-run that left 12-year-old Amir Balahsan of Yahud in an irreversible vegetative state.

Whether in cases of brutal homicide or criminal negligence, inordinately light punishment makes things worse, not better. A society which seeks to maintain law and order must ask itself: Who will protect it, if its courts don't?

This state of affairs negates deterrence, undercuts our safety and corrodes our faith in the justice our judiciary dispenses. The only antidote is for the Knesset to, belatedly, enact compulsory minimum-sentencing legislation.

Author Raymond Chandler once rightly noted that "The law isn't justice. It's a very imperfect mechanism. If you press exactly the right buttons and are also lucky, justice may show up in the answer."

The trouble is that we're unlucky too often.

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Humanitarianism trumps diplomacy

Led by Israeli experts, professionals from Indonesia and Sri Lanka were here and in Jordan for a two-week workshop focusing on community development and resilience, disaster risk reduction and, above all, investing in 'people-to-people peacemaking efforts'

• By GILAH KAHN-HOFFMANN

Muslims, Christians, Buddhists and Jews sat together in a Beduin tent in the heart of Amman this week, joking that the tableside nargila was a different kind of peace pipe. They dipped into humous, Middle Eastern salads, rice, chicken and beef, and sampled the paper-thin bread baked on a stone at the entrance to the spacious Rem Al-Buadi restaurant, alongside Jordanian families whose children chased each other around the illuminated fountains.

The professionals from Indonesia, Sri Lanka and Israel were in Jordan for the continuation of a two-week workshop that began in Israel, focusing on community development, community resilience and disaster risk reduction. Led by Israeli experts at the Golda Meir Mount Carmel International Training Center in Haifa, the workshop was sponsored by Tag International Development; Mashav, Israel's Agency for International Development Cooperation; and the Israeli Foreign Ministry. Tag, a British nonprofit, apolitical, international organization, is devoted to bringing Israeli and Jewish expertise to communities in developing nations and disaster-affected areas.

In Amman, the group was hosted by Tag and the Jordan Red Crescent (JRC), which presented sessions on its experience with disaster preparedness and community development.

Stressing the importance of people-to-people peacemaking efforts, JRC president Dr. Muhammad al-Hadid pointed out that the JRC has excellent relations with Magen David Adom (MDA). Both organizations are members of the International Federation of the Red Cross. In fact, in 2009, in cooperation with MDA, the JRC sent a group of 15 paramedics to study at Ben-Gurion University for two years, and two members of the group are staying on in Israel for further MDA training at Soroka Hospital before returning to Jordan to apply their training at home.

Noting that this was the first (and so far only) group of Jordanians to study at an Israeli university, Hadid said the decision to send the students had drawn criticism and opposition from some of his countrymen. However, he said, "I believe in what I'm doing, so I don't pay attention. I visit Israel whenever I am invited, which is sometimes every couple of months. I believe in patience and compassion, and also in the difference between 'loud' and 'sane' – a reference to his detractors."

"I remind them that during the days of the Prophet Muhammad, during the wars, the prophet said, 'Every prisoner you have who can teach 10 Muslims to read and write, set him free,'" he continued. "I am sending paramedics to learn from Israelis. The Israelis are the best paramedics in the world – if it was good enough for Muhammad, it's good enough for me. If you feel strongly about things, and you do them with your whole heart, things will change."

Hadid repeatedly stressed his commitment to humanitarian connections between all peoples, citing Tag for its efforts around the world.

Referring to the cold peace between Israel and Jordan, he said, "There should be no borders between peoples of the world. People of different backgrounds are all human beings... they all want a safer region, a better future for their children. Humanitarian relations are very important. We always judge people before we meet them. Humanitarian relations give us the chance to explore the other person and see them in another way."

"King Hussein once said that war is launched by governments, but it is the people who make peace," he added. "If people are prepared for dialogue, they will realize that there is no difference between us – as we are realizing in Amman today."

FURTHER EVIDENCE of humanitarian motives trumping diplomatic hostility was on display at the training center in Haifa just a few days earlier, when Muslims and Christians from Indone-



CHILDREN IN Kangrankuda Village, eastern Sri Lanka, participating in a collaborative project organized by Tag International Development and Sri Lankan NGO, Sarvodaya, that uses art to help build emotional resilience among war-affected Tamil children. (Tag International Development)

sia – which is home to the world's largest Muslim population and does not have diplomatic relations with Israel – shared experience, dilemmas and best practices with their Israeli peers.

The interfaith group was organized by Indonesia's YAKKUM Christian Foundation for Public Health. The Muslim participants represented one of the country's largest Muslim organizations.

With 12 hospitals, YAKKUM, a church-based NGO, is the largest Christian organization in Indonesia. It operates a comprehensive social, educational and healthcare system throughout the country in 350 poverty-stricken and disaster-prone areas.

For YAKKUM's Paula Hartastyuty, as a Christian who had "studied the Bible since childhood," a visit to the Holy Land was "a dream come true" – but she admitted that she had expected Israel to be an expanse of desert land, and had been surprised to find that it was "just like Europe."

The head of the Community Development Unit at YAKKUM's largest hospital, Hartastyuty had also been sure Israel was overrun with soldiers and police "like we see on the news," and the dangers of terrorism had crossed her mind. Following 10 days in Israel, she was impressed by the country's "pluralism – there are mosques here... In Indonesia, people think that in this Jewish country, all the Jews are religious, but this isn't true."

A Muslim participant (the Muslims in the group preferred that their names not appear in print) pointed out that despite the absence of diplomatic relations, Israel and Indonesia benefitted from unofficial exchanges of knowledge. He expressed his gratitude to Tag for initiating the seminar that had brought him to Israel and succeeded in creating what he hoped would be lasting connections among the participants from the four countries.

Another Muslim participant, an academic and volunteer community activist, stated that much of what he had learned in Israel could be adapted to the needs of his organization. He was especially intrigued by Israeli methods for sustaining community centers economically and for attracting and maintaining skilled volunteers.

Both Indonesians and Sri Lankans said that while the idea of a physical center for the community that was

available to different interest groups was well-entrenched, the concept of an arena for promoting community resilience and development as it exists in Israel was new and exciting to them. All were eager to bring the model home and adapt it to their particular needs and conditions.

AT THE Neve Yosef Community Center, in a disadvantaged Haifa neighborhood that was on the front line during the 2006 Second Lebanon War, participants discovered that lessons learned by Israelis under fire could be applied to disasters as apparently dissimilar as the eruption of Mount Merapi in 2010 in Central Java, Indonesia, and the 2004 tsunami in Sri Lanka and Indonesia.

In between disasters, Israel's community centers strive to improve quality of life, based on the communities' needs, values and priorities. They also help their members to overcome social obstacles, and provide opportunities for empowerment, volunteerism and the assumption of leadership roles. This experience also contributes to the projects Tag is implementing, with the support of the American Jewish Joint Distribution Committee, in Indonesia and Sri Lanka.

Christinrajah Kirubaharan, a 29-year-old Sri Lankan pastor who was born in a Tamil refugee camp, "heard God's call at the age of 10." Today he works as a district coordinator in the North of his country for Sarvodaya, Sri Lanka's largest grassroots organization dedicated to social and economic empowerment. In their spare time, he and his wife are busy with English lessons and reconciliation work for children, following their country's 30-year civil war.

Kirubaharan was most impressed with the concept of asset-based community development, and the way the Israelis he had encountered during the workshop put a "positive spin on crisis and conflict" – leveraging it as an opportunity for streamlining and growth.

Abdul Careem Lasalebbe, director of Sarvodaya's largest training center in Batticaloa, in eastern Sri Lanka, smiled as he confessed to being pleasantly surprised at Israeli driving habits – he had heard some pretty bad stories, he said.

With Tag's support, Lasalebbe hopes to create a pilot community center based on the Israeli model in his training center as early as September. The

center will serve the returning Tamil population that survived the tsunami and was displaced by the civil war.

Tag Chief Operating Officer Dr. Amos Avgar confirmed that his organization would continue to contribute expertise to projects in both Indonesia and Sri Lanka. The project in Indonesia, to be carried out by the interfaith contingent from YAKKUM, aims to develop a community center model to help to facilitate YAKKUM's response to the needs of the villagers around Mount Merapi. The flow of lava and ashes from last year's eruption left more than 100,000, homeless and traumatized.

Similarly, in the villages in eastern Sri Lanka, Tag is partnering with Sarvodaya to help develop a model for a "safe community," in an attempt to strengthen resilience in communities that suffered multiple traumas following displacement during the civil war, the effects of the tsunami, and the displacement and damage caused by recent recurring floods, which affected more than one million people. Additional ideas for projects that developed during the workshop are also under consideration.

Dr. Sigit Wijayanto, a senior member of the board of YAKKUM and leader of the interfaith cohort, expressed his group's deep appreciation to the JRC for its "wonderful hospitality" and to the Mount Carmel Center in Haifa "for providing an excellent environment for learning – simple, homey and friendly facilities."

Of the workshop content, he commented, "The participants learned much from the 25 sessions. Although not all can be adapted in the Indonesian context, it has led to many ideas and inspiration. For example, the participants were very impressed with Israel's success with dairy cattle and integrated farming as a source of income for rural people."

YAKKUM's Hartastyuty believes that "it is difficult to influence the government, but people-to-people connections will make the difference... the programs that we implement in our hospitals and villages, in our 'hospitals without walls,' like primary healthcare, HIV prevention, [programs for] sanitation and [clean] water, mother and baby health, tropical disease and leprosy prevention... the Israeli model will help us to maximize the communities' potential to continue to cope with these problems on their own."