

Our reference
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10 May 2005

BY FAX & BY POST

Dear Madam

The University of Haifa

We act for the University of Haifa. Our client has been defamed by a resolution passed at your annual Council Meeting. This resolution now appears on your website. The defamation is therefore a continuing one.

At its annual Council Meeting held on 20-22 April 2005, the AUT passed a number of boycott resolutions aimed at Israeli academics and institutions. Among those was a resolution calling upon AUT members to boycott our client. The resolution received the most perfunctory debate, it was held at a time that made it impossible for most Jews to attend, requests for the rescheduling of the debate were refused, and no delegates were allowed to speak against the resolution.

The allegations made against the University of Haifa in the resolution are damaging to its reputation. These allegations, which are false, were not put to the university prior to the debate on the resolution.

This letter has two purposes: first, to give you the information that you would have received had you consulted with the university prior to the resolution being put; and secondly, to communicate to you the university's position in relation to the AUT's role in assisting the resolution's sponsors and thereafter disseminating its defamatory allegations.

The resolution

In summary, the resolution alleges that:

1. On 15 May 2002, Dr Ilan Pappé received a letter notifying him that he faced trial and possible dismissal from his position on the grounds that he had violated "the duties of an academic member of staff" and that he had "slandered departments and members in the humanities faculty, damaged their

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professional reputation and endangered the possible promotion of some of them."

2. "These accusations related to Dr Pappé's efforts to defend a ... graduate student, Teddy Katz, whose Master's thesis was under attack by an Israeli veteran's organisation because it documented a massacre of 200 unarmed civilians by the Haganah (the pre-state army of Israel) at a village called Tantura, near Haifa."
3. "The recriminations are still continuing and Dr Pappé's job is still being threatened."
4. The university has failed in its duty to uphold academic freedom and in particular, it victimises staff and students who undertake research in respect of events immediately prior to the founding of the State of Israel.
5. The university has subordinated its obligations in respect of academic freedom to the support of Israel's colonial and racist policies (an extrapolation from the "Palestinian Call" referred to at (ii) of the resolution).

The defamations of the university, though multiple and serious, amount to the proposition that it is not, at any rate in respect of research into the character and origins of the State of Israel, an institution that places the values of academic freedom above its corporate commitment to the State, to the present Government of the State, and to the Government's policies. Indeed the university, the resolution insists, persecutes those of its members who dare to dissent from those policies even when their dissent is founded in unimpeachable research.

The truth

Had the council agenda committee contacted the University of Haifa before allowing the resolution to be put it would have discovered the following:

1. Dr Pappé has never been subject to disciplinary proceedings in relation to his support of Mr Katz's thesis.

In March 2002, a complaint was made by the then Dean of Humanities against Dr. Pappé. The Dean claimed that Dr Pappé had slandered departments and staff members of the Faculty of Humanities, thereby damaging their professional reputation, and endangering the possible promotion of his colleagues. The complaint was copied to Dr Pappé, among others, on 5 May.

The Academic Disciplinary Court of its own volition dismissed the complaint on 19 May. Dr Pappé was not called upon to offer any defence. He was promptly notified of the decision on the 21 May.

2. When Mr Katz first presented his thesis – which alleged that members of the Alexandroni Brigade had massacred some 200-250 unarmed Arab citizens - he was awarded 97%.

However, following legal action by members of the Brigade, Mr Katz admitted in court that there was no basis to the claim that a massacre in

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Tantura took place. He added that he believed the Alexandroni veterans (who denied the massacre), and offered his sincere apology to the soldiers and their families. He retracted his claim concerning a "massacre." This retraction was accepted by the Tel Aviv District Court and was given effect as a judgment of the Court.

Mr Katz later made attempts to withdraw his retraction and appealed to both the District and Supreme Courts. The appeals were dismissed.

The university thereupon established an academic committee of enquiry composed of faculty members unconnected with the preparation of the thesis. The committee was instructed to examine the adequacy of Mr Katz's transcripts of interview tapes in his thesis. The committee found that in some places there were significant discrepancies between the tapes, Mr Katz's own notes, and the text of his thesis.

The Graduate Studies Authority (GSA) gave Mr Katz the opportunity to correct the thesis. Upon revision and resubmission, it was sent to five reviewers. Their reports were highly critical of its research quality. Based upon these reports, the GSA decided that the MA degree based on research should be withdrawn and that an ordinary MA degree be awarded in its place.

3. Dr Pappé holds tenure at the university, and his job is therefore secure for life. There have never been any recriminations from the university itself against Dr Pappé, whether due to his support of Teddy Katz or his calls to boycott Israeli academic institutions. Indeed, the university has shown great tolerance towards Dr Pappé despite his own obvious contempt for it.

Nevertheless, and in this regard, no action of any kind has been taken against Dr Pappé by the university, nor has any action against him been threatened.

- 4+5. The University of Haifa is committed to the principles of equality, due process and freedom of expression. The latter includes, without limitation, the expression of religious and political opinion. The university is not, as the resolution suggests, an institution that demands conformity to a particular view. On the contrary, it prides itself on its encouragement of diversity of opinion among its students and faculty members. In consequence, approximately 20% of its current student population comprises Arab-Israelis.

Dr Pappé's own department, the School of Political Science, reflects the diversity of the university at large. Between them, Dr Pappé's colleagues have espoused views that reflect the entire political spectrum in relation to the Israel-Palestinian conflict. None has been reprimanded.

The University of Haifa's position

The AUT has, both by the assistance it gave to the resolution's sponsors and by its publication of the resolution on its website, defamed the University of Haifa. Our client is entitled to seek damages, a retraction, and an undertaking against further publication of the defamations. It reserves its position in this regard.

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In the meantime, it awaits the outcome of the Special Meeting to be held on 26 May 2005. It trusts that, once equipped with the truth, the delegates will vote to overturn the boycott.

Please confirm that a copy of this letter will be made available forthwith to all AUT members.

Yours faithfully

Mishcon de Reya

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