

**The Representative
Organisation of
Australian Jewry**

Level 2, 80 William Street
Sydney NSW 2000

Address all correspondence to:
PO Box 1114, Edgecliff NSW 2027

Tel (+61 2) 8353 8500
Fax (+61 2) 9361 5888
Web: www.ecaj.org.au
E-mail info@ecaj.org.au

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19 September 2017

The Hon Malcolm Turnbull MP
Prime Minister of Australia
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

Australian application for extradition from Israel of Malka Leifer

We have been following with concern the lack of progress in Australia's application to Israel for the extradition of Malka Leifer to face criminal charges over her alleged sexual abuse of school children under her care while she was the headmistress of the Adass Israel School in Melbourne prior to her sudden departure for Israel in 2008.

Although not admissible in any criminal proceedings, there were findings made against Ms Leifer in the Supreme Court of Victoria to the effect that she sexually abused one of her pupils, Dassi Erlich, over a period of approximately three years between 2003 and 2006: *Erlich v Leifer & Anor* [2015] VSC 499 (16 September 2015), <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VSC/2015/499.html>

In the words of Justice Rush in those proceedings [at para 74 of the Judgment]:

“The plaintiff [Dassi Erlich] was extremely vulnerable. That the sexual abuse occurred under the guise of Jewish education by the headmistress of the School and person in charge of Jewish Studies makes the breach of trust associated with the abuse monstrous.”

Australia's application to Israel to extradite Malka Leifer came before the Jerusalem District Court in 2016. On 2 June 2016, Judge Amnon Cohen ruled that Australia's extradition application cannot proceed at this time, after he accepted a report from the district psychiatrist which concluded that Ms Leifer is not mentally fit to face an extradition trial. He ordered Ms Leifer to undergo psychiatric treatment in Israel as an outpatient before her fitness to stand trial can again be assessed. The court ruled that such treatment might go on for up to 10 years.

Most controversially, the Judge also ruled that while Ms Leifer is undergoing treatment, the previous court order placing her under home detention will be suspended. This means that she will be at liberty to come into contact with other children in Israel.

Israel's State prosecutor sought to overturn this aspect of Judge Amnon's ruling in a further hearing on 7 June 2016, but was unsuccessful. In fact Judge Amnon ordered that the bail money of NIS 100,000 which had been paid by Ms Leifer be returned to her.

We fully understand that it would be improper for the executive arm of government in Israel to over-ride the judicial process, and we make no request that it do so. We also understand that, in terms of the independence of its judiciary and the quality of its jurisprudence, the Israeli justice system is the equal of that of Australia, the UK and the EU countries. However, this does not mean that it is immune to error.

It is matter of concern to the entire Jewish community that Malka Leifer is at large in Israel, and children with whom she may come in contact remain at risk of suffering sexual abuse by her. By exposing any children to that risk, it appears to many people, including Israel's numerous friends in Australia, that Judge Amnon was in error. There is the additional risk that some of the survivors of Ms Leifer's alleged abuse will suffer re-traumatisation as a consequence of Ms Leifer being allowed to remain at liberty.

Throughout the Jewish community in Australia, and not only among the survivors of Ms Leifer's alleged abuse, there is frustration with the continuing delay in bringing Ms Leifer to face serious criminal charges in Australia, and deep concern that she has been allowed to walk free for an indefinite period while she undergoes psychiatric treatment.

Dassi Erlich has now commenced a public campaign in Australia and Israel to advocate in favour of the immediate extradition of Ms Leifer to Australia. We met with Ms Erlich recently and she has asked us to convey two requests to you on her behalf:

1. That before she departs for Israel on October 22, she meets with you and, if possible, Foreign Minister Julie Bishop, to share her perspectives and discuss her campaign; and
2. That you raise the Leifer extradition matter with the Israeli Prime Minister while you are in Israel in October-November for the centenary of the battle for Beersheba in World War I.

We fully support these requests and look forward to hearing from you.

Yours sincerely



Anton Block
President



Peter Wertheim AM
Executive Director