

All-Out War

Israel Against Democracy

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Those who have jobs are afraid of losing them.

Those who do not have a job are afraid of never finding one.

Those who are not afraid of hunger are afraid of food.

Drivers are afraid to walk, and pedestrians are afraid of getting run over.

Democracy is afraid to remember and language is afraid to say.

Civilians are afraid of the military, and the military is afraid of running out of weapons.

Weapons are afraid of running out of wars.

It is a time of fear.

Women fear the violence of men and men fear women without fear.

Fear of thieves, fear of the police, fear of doors without locks, of time without clocks, of children without television.

Fear of nights without sleeping pills and of days without waking pills.

Fear of the multitude, fear of solitude.

Fear of what has been and of what may be.

Fear of dying, fear of living.

The Global Fear, Eduardo Galeano

When I dare to be powerful - to use my strength in the service of my vision, then it becomes less and less important whether I am afraid.

Audre Lorde

Introduction

This report deals with the offense against Israeli democracy directed by both institutional and non-institutional powers, which have joined forces in repressing civilian freedom of action within Israel. The current overriding atmosphere in Israel is one of threat towards opposition both in Parliament and civil society, growing governmental violence, deterioration towards a repressive regime seeking to violently silence critical and opposing voices, the continuation of oppression and control over the Palestinians, and an uprooting of fundamental democratic principles.

The report focuses on a historically short period of only two years, during which the attack on democracy and those who function within its bounds has been escalating. From its inception, Israel has oppressed the Palestinian national minority which remained within the boundaries of the state after the 1948 Nakba. Initially this was carried out by the establishment of military rule; it was maintained through a long line of discriminatory practices and the ongoing involvement of the security apparatuses in the social and political lives of Palestinians. There is little contention over the fact that the repressive mechanism used by Israel against the Palestinians in the Occupied Territories from 1967 to this day are particularly violent and harsh, defy basic human and civil rights standards, and contradict Israel's self-definition as a democratic state. Despite the tight connection between the repressive mechanisms administered by Israel on both sides of the 1967 borders, this report will not deal with the ongoing oppression of the Palestinians living in the Occupied Territories. Rather, the report will focus on escalating political persecution within Israel's 1967 borders.

The report considers the assault on Gaza between December 2008 and January 2009, and the subsequent Goldstone Report, to be a watershed in Israeli public opinion and in the political sphere. The attack on Gaza increased and accelerated external pressure on Israel to end the occupation and discontinue its severe human rights violations. According to this

analysis, for the first time in quite a long period, escalating international pressure on Israel led to substantial discomfort among the Israeli political elite as well as in the movements of the right.

The growing realization that Israel cannot maintain its image as a democratic country while upholding the occupation is one of the principle factors behind the political and social offensive against the peace movements, civil rights organizations, and the Palestinian leadership within Israel. In order to continue and sustain both the occupation and its definition as a Jewish country (as opposed to a democratic and egalitarian one), Israel must ruthlessly repress Palestinian resistance to the occupation, and for this it must forego even the superficial appearance of commitment to democracy. The escalation of political repression within Israel and the Occupied Territories bolsters critical voices both within Israel and internationally against Israeli policies, and leads Israel to a condition of unprecedented international isolation – economically, militarily, culturally and politically. Thus, the voices of resistance within Israel have become a strategic threat to the continuation of the policies of occupation, and silencing them has become a primary goal for both the organisms of government and the Right-wing political movements within Israel.

The report will show how the principle of conceiving “enemies from within” and treating these organizations and activists as traitors, subversives and anti-Israeli are common practice in the current period, whether such treatment is carried out in the Parliament, on the street or in the media. The creation of such an “enemy” helps to sway public discourse away from the occupation and its detrimental effects and put the blame for Israel’s isolation on a handful of “subversives” acting “against the state”, rather than pointing the fingers at failed government policy.

The report begins with a description of an explicitly anti-democratic trend within Israel’s Eighteenth Knesset, manifested by a series of proposed bills aimed at the destruction of the opposition and the conditioning of civil liberties with the requirement of “loyalty”, along with a multi-faceted

attack against Arab members of Knesset. The second chapter will deal with the attack carried out by extreme Right-wing organizations against civil-society organizations within Israel, particularly those organizations that struggle against the occupation and in defense of human rights in both the Occupied Territories and within Israel. This chapter will show that extreme Right-wing organizations intentionally act to bring about the delegitimization of peace and human rights organizations through highly publicized campaigns based on disinformation, distortion of facts, public manipulation and incitement. This chapter will emphasize the dangerous connection of these organizations to individuals and institutions in the establishment and mainstream Israeli media. The third chapter will review specific cases of repression of civilian dissent in Israel during the last two years, revealing the scope and aims of repression. The fourth and final chapter will deal with personal persecution of journalists and political leaders under the guise of security.

This is an up-to-date account of the situation; however, it cannot encompass all the developments and aspects of this powerful political and social phenomenon. We believe that the project of documentation and analysis of this offensive must remain ongoing and thorough, since according to all evidence it is clearly far from ending. Documentation allows us to follow developments as they arise, and to reach reflective conclusions, both about the character of this period and regarding our function as movements and organizations committed to ending the occupation and to far-reaching change of the political and social reality.

As a side note, it is also worth mentioning that the repression of civilian freedom of action nullifies the feminist achievements towards equal representation, anchored in UN Security Council resolution 1325. Despite Israel's image as an advanced country in terms of gender equality, women's possibilities for reaching the upper echelons of power – especially if they did not take part in the military enterprise – are severely restricted. In this reality, many Palestinian and Jewish women choose civil society, peace, and human rights organizations as a central arena for their political activity.

Thus, silencing these organizations constitutes an additional step towards the exclusion of women from involvement in the political system.

This report is published by the Coalition of Women for Peace with the aim and hope that it will become a tool of action for individuals and groups both within Israel and abroad. One of the goals of this document is to assist activists in gaining a deeper understanding of the scope and origins of this offensive, so that they might respond in a coordinated and calculated manner against it in light of this understanding. We hope that it will serve our readers well in their struggle to bring about change.



The 18th Knesset's Assault on Democracy

The Elections: A De-Legitimization Campaign Against the Palestinian Citizens of Israel

On February 10th 2009, less than one month after the war on Gaza and more than a year and a half before the originally planned date (October 26th 2010), Israel held elections for the 18th Knesset. The voter turnout in these elections was 62.5 percent, as opposed to 78.7 percent in the elections for the 15th Knesset. The voter turnout among the Palestinian Arab population of Israel was even lower (53.4 percent). The low voter turnout reflects the public's loss of confidence in its representatives, as well as in the formal democratic system's capability to bring about significant change. The racist and anti-democratic atmosphere that was reinforced during the war, was kept ablaze in the mainstream media, in right-wing circles and in election propaganda.

Yisrael Beytenu's Election Campaign: "No Citizenship Without Loyalty". This party's election campaign put the citizenship of the Palestinian Israeli citizens in doubt, and portrayed Arab public representatives as traitors living at the expense of the Jewish Israeli tax payer. Using the slogan "no citizenship without loyalty", Yisrael Beytenu raised a call to legislate a law of "loyalty – citizenship", according to which only those who sign a declaration of loyalty to the State of Israel as a Jewish state will be entitled to full citizenship rights.¹

Disqualification of Arab Parties. About a month before the elections were held, the Central Elections Committee decided to disqualify the National Democratic Assembly party (NDA) as well as the Arab Movement for Change (AMD). Many Knesset members, including members of Kadima and Labor supported the requests for disqualification filed by the National Union party and Yisrael Beytenu.² Eitan Cabel, at the time the General Secretary of the Labor Party, even went as far as calming that the NDA's disqualification was a patriotic act.³ Following a petition by these parties against their disqualification, the High Court of Justice decided to reverse the decision.⁴

¹ <http://www.beytenu.org.il/index.php?&pagename=article&nid=85&cid=0&page=2>

² <http://www.ynet.co.il/articles/0,7340,L-3654846,00.html>

³ <http://www.ynet.co.il/articles/0,7340,L-3654879,00.html>

⁴ <http://www.haaretz.co.il/hasite/spages/1057498.html>

Provocation in Umm al-Fahm. At the same time the Central Elections Committee disqualified the Arab parties, it also permitted Baruch Marzel of the National Union to act as Chair of the Election Day Ballot Box Committee in Umm al-Fahm, despite the deliberate provocation of this request.⁵ Marzel's request to act as overseer of a ballot box in the Arab town had at its backdrop his party's ongoing campaign to hold a march of right-wing activists claiming "Israeli sovereignty over all the territories of the State of Israel", and their desire to deal "once and for all with the hornets' net named Umm al-Fahm".⁶

Election Results. The election results showed widespread public support for extreme right-wing parties supporting the annexation of the Occupied Territories, transfer policies, and the continuation of settlement construction as well as structural discrimination against Palestinian citizens. Yisrael Beytenu, which as mentioned before made the demand for an oath of loyalty as a requirement for citizenship and also proposed other anti-democratic bills, became the third-largest party in the Knesset. Likud increased in size considerably, reaching 27 seats in the current Knesset, as opposed to only 12 in the 17th Knesset. On March 23rd 2009, Israel's 32nd government, headed by Binyamin Netanyahu, was sworn in. The coalition was composed of the Likud, Yisrael Beytenu, the Labor Party, Shas and Habayit Hayehudi – the New National Religious Party and United Torah Judaism.

Legislation

This section will briefly examine five central bills proposed in the Knesset, which are aimed at persecuting the Israeli civilian opposition and curtailing its legitimate political activity. These bills are a part of a growing flood of racist and anti-democratic bills that have been proposed in the recent period. The decision to focus specifically on these laws stems from the assumption that the annihilation of opposition and resistance is a stage in the promotion of an even more racist and violent policies in the future. In our opinion, the case of the Nakba Law, one of the first anti-democratic laws pushed forward in the current Knesset, should be seen as a warning signal for how a proposed bill may create social delegitimization of certain positions, even if at the end of the legislation process such positions are not completely barred. The case of the Nakba

⁵ <http://www.haaretz.co.il/hasite/spages/1062810.html>

⁶ <http://www.mako.co.il/news-israel/local/Article-617d05d818e1021004.htm>

Law can also teach us about the relationship between legislative processes and governmental policy: we can see a clear connection between the proposed bill and governmental policy rejecting the study of the Nakba in schools (to be dealt with in the fourth section of this report). It would appear that the discussed proposed bills, even if they do not pass in their current formulation, lay a foundation of legitimacy for government policy, government agencies and the security apparatus to move against the opposition's actions.

The Nakba Bill as Allegory

The Nakba Bill was put before the Knesset by MK Alex Miller of Yisrael Beytenu on July 6th 2009.⁷ The proposed bill outlined a three-year punishment for each Israeli citizen who commemorates Nakba Day. This proposal generated widespread public criticism, due to its harsh blow to the freedom of expression. Following the public tumult, criminal responsibility was taken off of the bill and replaced by economic sanctions on educational, cultural and social institutions which commemorate the Nakba.⁸ The corrected bill bans “The acknowledgment of the Day of Independence and the creation of the state in ceremonies of mourning”. The bill states: “If the Minister of Treasury noted that a funded or supported institution failed to follow through one of the orders of this clause, he is entitled to delay funds that should be transferred to that institution from the state’s budget, including according to any law.” On July 19th 2009 that Minister’s Committee approved the amended proposal⁹, and on March 16th 2010, the law passed its first motion, supported by fifteen members of Knesset and opposed by eight.¹⁰

Despite the “softening” and updating of the bill, its goal remains the same – the continued exclusion of the Palestinian citizens of Israel and a denial of their right for a historical narrative, as well as a blow to the freedom of expression. The sanctions against individuals were removed from the bill; however in their stead a sanction was added against public institutions – the central route through which a community preserves its heritage, culture and cohesion. The threat of eliminating government funding is reminiscent of the campaign slogan for Liberman’s Yisrael Beytenu, which makes a direct connection between “loyalty” and citizenship.

⁷ Proposed Bill Budget Foundations (amendment – prohibited expenditure), 2009, number 1403, the 18th Knesset, 6.7.2009.

⁸ The official name of the Nakba Bill is the “Budget Foundations Bill (amendment – prohibited expenditure), 2009, adding clause 3.1B to the Budget Foundations Bill, 1985.”

⁹ <http://www.haaretz.co.il/hasite/spages/1101203.html>

¹⁰ <http://www.ynet.co.il/articles/0,7340,L-3863794,00.html>

Conditioning state funds on loyalty to an official narrative narrows Israel's available political, cultural and social spheres of action, thought and debate. The right to openly discuss the Nakba or remember 1948 in a collective manner is dramatically restricted and the revised wording makes it easier for the authorities to enforce the law and sanction those who violate it.



The Nakba Day marks the expulsion of some 800,000 Palestinians, who became refugees overnight, as well as the elimination of 500 Palestinian villages during the 1948 war. Nakba Day is annually commemorated by a march of memorial and protest (called the “March of Return”) in one of the uprooted Palestinian villages. Thirteen years ago, the Committee for the Uprooted, which represents the uprooted Palestinians living within the 1948 borders, made a decision to mark the Nakba Day on the same day as the Israeli Independence Day, according to the Hebrew date of the 5th of Iyyar, in order to emphasize the obliteration of the Palestinian narrative in relation to the Jewish-Israeli narrative. In addition to the commemoration of the Nakba Day, the memory of 1948 is a central part of Palestinian culture, history and heritage.

Bill Proposed To Curtail The Funding Of Civil-Society Organizations

On February 2nd 2010, the proposed bill “Disclosure Requirements for Recipients of Support from a Foreign Political Entity – 2010” was passed in a preliminary hearing by a vote of 58 to 11. The bill was put tabled by MKs Zeev Elkin, Avraham Michaeli, David Rotem, Otniel Schneller, Yariv Levin, Michael Ben Ari and Tzipi Hotoveli.¹¹ The declared aim of the proposed bill was to increase the transparency of political activity in Israel¹², however the backdrop to its proposition as well as the language of the bill itself indicate that it is aimed at limiting and de-legitimizing peace and human rights organizations.

The proposed bill seeks to substantially limit the activities of NGOs who use civilian and legal methods in order to bring about change in different areas of government policy, and receive funding from a “foreign political entity”, such as public European foundations, foreign embassies, the European Union and the sub-foundations of the European Commission. “Political activity” was defined very broadly in the proposed bill to mean: “activity aimed at influencing Israeli public opinion or some other element of the governing bodies of Israel, with regard to any part of the State of Israel’s internal or foreign policy”. This would mean all activity geared towards promoting policy change on any front: peace, environment, gender equality, reducing social gaps and the like.

The original wording of the proposal included a series of draconian conditions to be adhered to by associations which receive donations from foreign entities: to report the source of funding, amount and their exact designation within thirty days of receiving the funding. This is despite the fact that the existing law already requires associations to report any and all funds received from any source.¹³ Such a proposal would not only drown these organizations and the authorities in paperwork, but will also allow the state to follow the organization’s activities even before they are carried out. The proposed bill also included a requirement that in each and every of the organization’s publications, be it electronic or print, in

¹¹ Proposed bill requiring disclosure for those supported by a foreign political entity, 2010, number 2081, the 18th Knesset, 8.2.2010.

¹² <http://izsvideo.org/papers/Law2.pdf>

¹³ A letter by lawyer Debbie Gild-Hayo, the Association for Civil Rights in Israel, to the chair of the Constitution, Law and Justice Committee, 9.8.2010.

public speaking or media interviews, the organization's source of funding will be declared; that organizations which receive funding from foreign entities will be registered with the Registrar of Political Parties and not with the Registrar of Associations as has been the case and an additional problematic clause according to which contributions by foreign political entities would be subject to taxation – this could harm the ability of NGOs to receive funds from foundations and institutions required by their own internal guidelines to give only tax-free grants. According to the proposal, the sanction against each organization and its membership would be one year imprisonment or a monetary fine, and the responsibility for upholding the word of the law would fall upon all those who were centrally involved in the organization at the time of the violation.

Due to significant lobbying efforts, the proposed bill went through a long series of amendments and a revised version was discussed in the Knesset's Constitution, Law, and Justice Committee on August 2010, shortly before the Knesset went on break. During this meeting, it was decided that in the amended proposed bill a significant number of the problematic clauses will be toned down or struck out, such as the clause regarding taxation of donations and the requirement to report the donations in each publication. Despite the welcome amendments, the bill remains a selective and anti-democratic one. It is important to state that such contributions are relevant primarily to peace and human rights organizations, and less to right-wing organizations; contributions from private parties or individuals do not require reporting of the kind required by the proposed bill, even though it is often such donations that are hazier in character (donations from government institutions are reported both in the country of origin and in Israel), and even though it is known that private donations are also used for political purposes. The fact that the foreign countries' policies of monetary support are mostly based on the promotion of democracy, civilian equality and human rights, reveals the fact that the proposed bill is mainly an attempt to limit the activities of specific organizations.

Bill Proposed to Infringe Upon the Principle of Universal Jurisdiction (Amendment to the Associations Bill)

The authority of universal jurisdiction is a legal principle which allows states to prosecute and punish a person who at any place whatsoever committed an offense such as a grave war crime, crimes against humanity or other severe violation of international law or of human rights. This authority was secured and significantly broadened after the Second World War, as a consequence of the Nazi war crimes. This legal principle is essential to the work of human rights organizations internationally, including in Israel. Undermining this legal principle threatens one of the only enforcement means available to humanitarian international law as well as human rights law.

Israel has used this authority of universal jurisdiction several times, among them the Eichmann and Demyanyuk cases, both prosecuted in Israel under the Law for Making Justice with the Nazis and their Accomplices. During the Eichmann trial the High Court ruled he was to be charged with international crimes, which imply authority of universal jurisdiction. In the words of the judges: “The universal character of these crimes grants each and every country the authority to prosecute and punish anyone who took part in such crimes.”¹⁴

At the end of April 2009, after a highly publicized campaign against Israeli human rights organizations run by a movement called “Im Tirzu,” more than twenty MKs from a variety of factions filed the “Associations Law (Amendment – Exceptions to the Registration and Activity of an Association) – 2010,” meant to outlaw NGOs which make use of the principle of authority of universal jurisdiction in activities against senior Israelis suspected of being involved in or responsible for war crimes.

According to the proposed bill, “no association will be registered if the Registrar is convinced the association will be involved or shall pass information to foreign agents with regards to legal suits that are carried out in instances operating outside of the State of Israel, against seniors in the Israeli government or regime or military officers, charged with war crimes”. Additionally, the District Court could call for the dismantling of an association if “the association was involved

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Proposed bill requiring disclosure for those supported by a foreign political entity, 2010, number 2081, the 18th Knesset, 8.2.2010.

in or will pass information to foreign agents with regards to legal suits carried out in instances operating outside of the State of Israel, against seniors in the Israeli government or regime or military officers, charged with war crimes”. In the proposed bill there is no specification of associations against which the bill is intended, however in media interviews the bill’s initiators named organizations such as Adalah, The Public Committee Against Torture, Physicians for Human Rights and the Coalition of Women for Peace.¹⁵

A significant element of human rights organizations’ international activities is the tracking and reporting of war crimes and human rights violations. This proposed bill requires that these organizations conceal information they receive regarding human rights violations or the infringement upon the principles of international law, and seeks to incriminate these organizations for the core of their activities. If passed, this bill would constitute an official admission by the State of Israel that it carries out war crimes. However, it demands that Israeli human rights organizations keep quiet regarding these violations and refrain from passing on information regarding these crimes, or assist both the victims and the international community to take action.¹⁶ The proposal is aimed at harming the freedom of expression of peace and human rights organizations and publicly de-legitimizes their educational, legal and public role, by presenting pro-human rights activity as anti-Israeli.¹⁷ Following the presentation of the proposed bill, the Forum of Directors of Israeli Human Rights Organizations published a statement claiming that “a bill proposal which seeks to hide information or suspicion of a crime stands in direct opposition to international treaties and to the Universal Declaration of Human rights proclaimed after the Second World War, and constitutes an unprecedented moral low in the Israeli parliament”.¹⁸

The Boycott Prohibition Bill¹⁹

On July 5th 2010 the “Prohibition on Instituting Boycott Law – 2010”²⁰ was put before the Knesset under the initiative of the Knesset Lobby for the Land of Israel. In Israeli public discourse, the bill was understood to be a response to the varying initiatives which support an economic, academic and cultural boycott against Israel, especially the Palestinian Authority’s campaign for an economic boycott of settlement products. The bill was initiated by Likud faction chairman, MK Zeev

¹⁵ http://www.nrg.co.il/online/1/ART2/100/115.html?hp=1#after_maavaron

¹⁶ http://www.adalah.org/heb/pressreleases.php?pr=29_04_10

¹⁷ Knesset web site, the Associations Bill (amendment – restrictions for the registration and activity of an association). 2010, number 2456, the 18th Knesset, was brought before the Knesset on 14.6.2010.

¹⁸ <http://www.hamoked.org.il/Document.aspx?dID=Updates1023>

¹⁹ See the legal opinion regarding the Boycott Prohibition Bill composed for the Coalition of Women for Peace by lawyer Michael Sfarid added as an appendix to this report.

²⁰ The Knesset web site. Proposed Boycott Prohibition Bill, 2010, number 2505, the 18th Knesset, was brought before the Knesset on 5.7.2010.

Elkin, and Tzipi Livni, head of Kadima. The bill's initiators were joined by five other faction heads, ten Knesset Committee chairpersons, and seven members of the Knesset Presidium.

The proposed bill states that “one must not initiate a boycott on the State of Israel, nor encourage participation in such a boycott, nor offer assistance or information in attempt to promote such a boycott”. A boycott against Israel is described in the language of the law as a “boycott of someone as a result of his connections with the State of Israel or with an area that is under Israel’s control – including Judea and Samaria”. A citizen or resident of Israel which defies this law in any way whatsoever will be considered to be committing a civil offense and will be required to compensate the person harmed by this so-called offense. The minimum sum of compensation, without a need to prove damages, is thirty thousand NIS, and the court would be allowed to award extra compensation according to the size of damages and subject to proof.²¹ The proposed law was passed in a preliminary hearing on July 14th 2010, after having received governmental support.

Through this law, the state wishes to limit and even bring to a complete halt an array of activities of economic activism aimed at ending to the occupation, whether through boycotting the products of a specific company profiting from the occupation, through a general boycott of settlement products or through sweeping economic non-cooperation.

Economic activism, such as a consumer boycott, is an accepted tool of protest in liberal democracies. There are thousands of ongoing public campaigns in Israel and the international arena geared at the boycott of companies which carry out animal testing, infringe upon worker’s rights, pollute the environment or degrade women in their advertisements. The attempt to limit an important tool for non-violent civilian struggle gravely infringes upon freedom of expression and the possibility for democratic action. In this case, it is a selective strike, geared against those who hold specific political positions that stand in opposition to the government. Therefore, this proposition in its current form constitutes blatant discrimination of a political minority and an attempt to harm this minority’s ability to bring about political change using accepted and legitimate democratic practices.

²¹ Two additional clauses of the proposed bill were struck out for all we know by the Minister’s Committee for Legislation: One clause dealt with a ten year restriction of entrance for foreign citizens who initiate a boycott against Israel, and the second struck-out clause dealt with the activity of a foreign country, according to which funds or debts will not be transferred from Israel to countries that carry out economic sanctions, and use of these funds can be made to compensate those harmed by the boycott. The clause also stated that such a country will be barred from holding business with Israel. It would be assumed that these two clauses were struck off the proposed bill in fear that they would arouse anger in the international community, erode Israel’s image in the world and encourage further international sanctions.

The Proposed War on Terror Bill

The proposed War on Terror bill is formulated and promoted by the Ministry of Justice, with government support. The proposed bill memo²² was made public by the Ministry of Justice on April 2010 and will be put before the Knesset during the current Knesset session. The proposed law aims at supplying the state with the legal tools to combat terror, and is based on three different sources: the existing emergency regulations, recent Israeli legislation regarding the funding of terror organizations, and current legislation abroad, mostly in Great Britain and Canada. The proposal includes significant amendments – to the definition of terror, to legal procedures and in the dramatic worsening of the level of punishment – all of which could supply the state with additional tools for the repression of opposition as well as brutal infringements upon human and civil rights.²³

As it is currently worded, the proposed bill significantly broadens the accepted definitions for a terrorist organization, an act of terror and membership in a terrorist organization. For example, financial support for educational, charity or welfare organizations belonging to Palestinian movements containing a military wing would be considered as support of terrorist organizations; “damaging state symbols” would be considered to be act of terror, in addition to any “activity against” soldiers in the Occupied Territories, the definition of which are purposefully left blurry.

As opposed to similar laws abroad, the proposed Israeli bill does not include a requirement to prove that the suspect in indirect assistance to terror was aware of his doings. Indirect assistance can include the possession of “unauthorized material” or “a showing of sympathy for terror”, where the definition of the phrase “a showing of sympathy” is unclear and the prosecution does not have to prove that the sympathy lead, promoted nor assisted an act of terror in any way whatsoever.²⁴ The proposed bill brings administrative detention, hitherto only used under emergency regulations, into principle Israeli legislation; It broadens the possibility of the use of administrative detention and allows the Minister of Defense as well as the Chief of General Staff to put anyone under administrative detention according to secretive evidence as well as proclaim a specific organization to be a terrorist organization without sufficient appeal mechanisms.

²² www.justice.gov.il/NR/rdonlyres/8367331D-4DA7-433D-9910-AA980719E335/19851/TazkirTerror.pdf

²³ www.idi.org.il/BreakingNews/Pages/269.aspx

²⁴ <http://www.hahem.co.il/scissors/?p=197>

As opposed to the regular norms of judicial procedure, according to which the prosecution (and in criminal law: the state) must prove a person's guilt in committing the offence – the terror bill determines that the charges of belonging to a terrorist organization and support, participation or assistance to terror hold true unless the suspect can prove otherwise. Considering the low level of evidence required, and the large maneuvering space that the law offers the security system's investigators and prosecutors, and considering the secrecy of the investigation along with the fact that the evidence remains classified, it would be extremely simple to falsely accuse someone of participating in a terrorist activity. There is thus good reason to fear that this law would be misused. The very threat of charging someone with the offense of assistance to terror is sufficient to intimidate activists from carrying out activities. According to the law's formulation, this threat could be used against any activist who participated in a non-violent demonstration or in a meeting with Palestinians in the Occupied Territories, as well as any member of a political movement which the government wishes to silence.

Other Anti-Democratic Proposed Bills

The 18th Knesset has seen a long list of anti-democratic proposed bills, most of which are still in process of legislation. The most prominent of these proposed bills include:²⁵

- **Prohibition of Incitement:** An amendment to the incitement offense, which stipulates that whoever comes out with a public call rejecting the existence of the State of Israel as a Jewish and democratic state will be arrested. This constitutes a broadening of description for an existing criminal offense, whose aim would be to criminalize expressions not accepted by a certain political group.
- **Declaration of loyalty for citizenship:** Every citizen will be required to declare loyalty to Israel as a Jewish, democratic and Zionist state, and carry out military or other national service. The proposed bill did not receive governmental support, however further attempts to promote this bill are expected.
- **Acceptance Committees for Communities:** Acceptance committees for communities are allowed to reject applicants who do not fit into a

“community’s basic outlook” or social fabric. First and foremost this proposal excludes ethnic minorities from Jewish communities, however this proposal could harm anyone who does not partake in a position, religion or political opinion held by the community’s committee. This proposed bill passed in the first hearing and is due to be discussed in the Constitution, Law, and Justice Committee in preparation for its second and third hearings.

- **The Infiltration bill:** This proposed bill establishes that whoever illegally accesses Israel would be punished with 5 or 7 years of imprisonment, according to their country of origin. A similar charge will be brought against whomever assists such people. This proposal continues in the direction of de-legitimizing human rights and support organizations, as well as individuals who assist refugees and migrant workers. This proposed bill was withdrawn by the government, but its basic principles are intended to be realized in a new proposed bill currently being formulated by the Ministry of Justice.
- **Bill on Revoking the Citizenship of Persons Convicted of Terrorism or Espionage:** The proposed bill infringes upon the state’s citizens’ basic rights, since renunciation of citizenship (in itself a basic right) leads to a series of further infringements upon related basic rights. This bill is proposed even though the criminal law code already holds a set of tools for dealing with those convicted of terror or espionage. This proposed bill is being discussed in the Interior Affairs Committee and is expected to be further discussed in preparation for its first hearing.
- **Prohibition of wearing a veil in public spaces:** Covering one’s face in any public space will be prohibited. Punishment shall be imprisonment.
- **A proposed bill requiring a declaration of loyalty from Members of Knesset:** Members of Knesset will be required to make an oath of loyalty to the State of Israel as a Jewish and democratic state, to its rules, symbols and national anthem. This proposal de-legitimizes and in practice also excludes political groups and minorities in Israel from taking part in the formation of the state’s identity, and therefore renders this democratic institution meaningless.

- **A proposed bill for the creation of a constitutional court:** In a democratic country in which the separation of branches of government exists, it is the role of the court to safeguard the rule of law and protect people from human rights abuses in general and particularly constitutional rights abuses. Making void or limiting the authority of the High Court of Justice constitutes a harsh blow to the principle of separation of branches of government as well as to the defense of human rights and the democratic system in general.
- **Governmental proposed bills geared at curbing the opposition's parliamentary moves:** These proposed bills include the following: Seven MKs could quit their faction and form an independent one (rather than a third of faction members); raising of the required majority for the passing of budget-related bills to 55; if after a successful vote of no-confidence the new candidate is unable to form a government, the deposed government regains its power; a government minister would be allowed to leave the Knesset and be replaced in the Knesset by an additional member of his party's list.
- **A proposed bill of amnesty for Disengagement activists:** This proposed bill seeks a sweeping pardon for all the Gush Katif activists who were arrested during the implementation of the Disengagement plan. This proposed bill calls for unequal treatment for ideological and political activists from different groupings. Instead of developing general principles so that political action and protest would become more accessible and feasible, this legislation was promoted by the Knesset's political right-wing in the exclusive benefit of the population it represents.
- **Proposed Filmmaking Bill:** Under this proposed bill, in order for a local film production to receive funding the entire production staff would be required to declare its loyalty to the State of Israel and its symbols. This, too, signifies a blatant curtailment of the freedom of expression as well as film-makers' artistic and creative freedom. This proposed bill did not receive governmental support and will be promoted as a private bill by MK Michael Ben Ari.
- **Proposed bill banning state funding for artists or athletes who did not carry out military service:** According to this bill, privately proposed by MK Yoel Hasson, artists or athletes who did not serve in the military or in national service, will not receive funding by the state or public institutions for events they participate in.

Attacks Against Arab Members of Knesset

Aside from anti-democratic legislation, the Knesset has also served as a stage for incitement and anti-democratic discourse, both in the plenum and the committees. Following are several of the outstanding expressions of incitement, racism and violence towards Arab Members of Knesset. The incitement enacted in the Knesset accompanies the ongoing attempts by the security apparatus and the judicial system to limit the moves of the Arab public's leaders within Israel.²⁶

The Visit to Libya

The visit to Libya undertaken by Arab MKs as well as other public figures on April 2010, following an invitation by Muammar al-Gaddafi, aroused a wave of incitement against the Arab MKs who joined the visit. Two days after the delegation's return, a vehement discussion was held in the Knesset's plenum on this issue. In an almost unprecedented move, MK Ahmad Tibi was taken off the podium by the stewards.²⁷ In opposition to the legal opinion given by the Attorney General, according to which the MKs' visit to Libya does not in itself constitute a crime²⁸, the Knesset Committee discussed MK Michael Ben Ari's suggestion to remove the immunity of those MKs who participated in the delegation and deprive them of some of their parliamentary rights. At the end of the Committee's discussion, it was decided not to vote on Ben Ari's proposal and to hold another discussion on the matter at a later date.²⁹ Consequently, MK Danny Dannon of the Likud proposed a bill which would "deprive MKs or former MKs who visited in an enemy state of their salary and pension rights (law amendments), 2010". This proposed bill determines that pension and other payments will be stripped from MKs who visited an enemy state. The proposed bill broadens the list of enemy states to include Iran, Lebanon, Libya, Syria, Saudi Arabia, Iraq and Yemen.³⁰

MK Mohammad Barakeh (The Democratic Front). On November 2009 the Attorney General filed an indictment against MK Mohammad Barakeh regarding his participation in demonstrations against the Separation Wall, the

²⁶ http://www.fightracism.org/index.php?option=com_content&view=article&id=23:2010-04-18-18-28-41&catid=5:-2010&Itemid=6

²⁷ <http://www.ynet.co.il/articles/0,7340,L-3882056,00.html>

²⁸ Lawyer Raz Nezry, representing the Attorney General, said during the discussion in the Knesset Committee on 7.6.2010, that "Libya is not on the list of countries to which entrance is forbidden. In terms of the criminal aspects, MKs cannot be prosecuted for traveling to Libya." www.nrg.co.il/online/1/ART2/117/058.html

²⁹ <http://www.haaretz.co.il/hasite/spages/1170228.html>

War in Lebanon and the fact that those responsible for the killing of Arab citizens in October 2000 were not brought to court. The indictment charges MK Barakeh with four different charges of assault, insult of a public servant, and interfering with a policeman in his line of duty. The indictment charges MK Barakeh with four different charges at four different events: demonstration in Bil'in in 2005, two demonstrations in Tel Aviv on different dates, and a demonstration in Nazareth in 2007.

According to Adalah, the organization representing MK Barakeh, these are completely baseless charges undermining the legitimacy of political activism. The combination of the four charges in one indictment is illegal and constitutes an abuse of the prosecution authority, and undermines the principle of the defendant's defense.

MK Said Nafaa (NDA). Due to his participation in a delegation of Druze clergy to Syria in 2007, MK Said Nafaa's immunity was removed and a decision was made to prosecute him. According to the harsh indictment against him, Nafaa met with the vice president of the Popular Front – the General Command, and visited the offices of Khaled Mashal, the head of the Hamas Political Bureau. He is accused of visiting an enemy country and making contact with a foreign agent. Nafaa denies the existence of such meetings. It should be noted that the indictment charges Nafaa neither with passing on security information to an enemy, nor with assisting terrorist activities. The Druze clergy's delegation to Syria, where many Druze reside, is not different in character from any other pilgrimage. This visit is not the first time Palestinian public figures in Israel have visited Arab countries. In its editorial, Ha'aretz characterized the decision to remove Nafaa's immunity as harassment which was "unnecessary, harmful and suspect of a political persecution of national character".³¹

MK Haneen Zoabi (NDA). On May 31st 2010 the Israeli military took over flotilla ships making their way to Gaza in protest of the ongoing siege of the Strip.³² The takeover was carried out while the flotilla was still in international territorial waters. The army killed nine Turkish activists, arrested all of the flotilla's participants and confiscated the equipment in their hold, including cameras, computers, telephones

³⁰ The proposed law of rejection of salary and pension from a MK or former MK due to a visit in an enemy state (legislation amendments), 2010, number 2510, the 18th Knesset, 12.7.2010.

³¹ <http://www.haaretz.co.il/hasite/spages/1146856.html>

³² <http://www.haaretz.co.il/hasite/spages/1171396.html>

and more.³³ During the takeover, electronic shielding was carried out by the military which prevented the flow of information. During the two days after the takeover, when all the flotilla's participants were under arrest, the only available account of the events was the military's. Only on June 2nd 2010, were all the arrested activists released and returned to their countries.³⁴ MK Haneen Zoabi (NDA) participated in the flotilla as a part of a delegation of the High Follow-Up Committee for Arab Citizens of Israel. Due to her immunity as a member of Knesset, she was the first to be released from custody, and was thus able to make public a different version of the story than the one put forward by the military.

When she returned to the Knesset for the first time after the flotilla occurred, Zoabi was met with fierce incitement, including racist and sexist remarks. MK Anastasia Michaeli (Yisrael Beytenu) chased her in attempt to prevent her from speaking before the plenum, even going up to the podium to threaten her. MK Miri Regev said that "MK Zoabi must be punished. We don't need Trojan horses in the Knesset". She then turned to Zoabi in Arabic and said: "Go to Gaza, traitor".³⁵ MK Yohanan Plesner (Kadima) also attacked Zoabi: "I wish you to go to Gaza for at least a week and speak



³³ <http://www.haaretz.co.il/hasite/spages/1175118.html>

³⁴ <http://www.haaretz.co.il/hasite/spages/1171961.html>

³⁵ <http://www.ynet.co.il/articles/0,7340,L-3898005,00.html>

there about women's rights, civil rights and human rights. One week in Gaza and we'll see what happens to you. One week in Gaza, a 38 year old single woman, let's see how you are treated there!" On July 13th 2010, the Knesset plenum decided to deprive Zoabi of her diplomatic passport, her freedom of movement abroad and her right to receive Knesset funding for legal expenses.³⁶ At that same plenum, MK Anastasia Michaeli raised a banner that she had prepared, in which Zoabi's photo was glued to an Iranian passport. A short time later, MK Danny Dannon (Likud) proposed a bill regulating that a majority of 80 Knesset members could remove a member of Knesset who renounces the existence of the State of Israel as a Jewish and democratic state, who incites racism or supports an armed struggle against the State of Israel.³⁷

MK Ahmad Tibi (Ra`am-Ta'al: The United Arab List and the Arab Movement for Renewal). On July 12th 2010, Ofir Akunis (Likud), head of the Knesset Finance Committee, declared over the podium that he will not promote laws proposed by MK Ahmad Tibi, especially not his law regarding reimbursements for delayed flights, because, in his words, Tibi "promotes and fans the flame of terror". This followed the telephone contact MK Ahmad Tibi had with the participants of the Libyan flotilla, which at the time was on his way to Gaza and ended up docking in the port of al-Arish after being threatened by the Israeli navy.³⁸

³⁶ <http://www.nrg.co.il/online/1/ART2/132/384.html>

³⁷ <http://news.iol.co.il/ts.cgi?w=/22/1683079>

³⁸ <http://www.nrg.co.il/online/1/ART2/132/664.html>

Organizations of the Extreme Right and the Establishment

This chapter deals with the dangerous activities of several right-wing organizations, some of which bear fascist characteristics, which in the past two years have taken up a significant space in the public sphere. Such organizations' attacks, described herein, on peace and human rights organizations and activists, were well orchestrated and oftentimes coordinated with central Israeli political figures. This chapter will briefly review the main organizations that have participated in the attack on peace and human rights activities, and will offer an analysis of these organizations' methods of action: a cloak of political non-partisanship, and self-presentation as center organizations; putting forward fraudulent claims regarding the lack of transparency of left-wing and human rights organizations; inaccuracies and manipulation of figures; silencing of opinions and an attempt to present any criticism of Israel as a form of betrayal or subversion.

The Organizations Heading the Attack

Im Tirtzu has had a goal of becoming an active part of the Israeli political game, currently not as a political party. The movement presents itself as an “extra-parliamentarian center-movement for the strengthening of the values of Zionism in Israel”.³⁹ As a part of its activity, the movement focuses on different groups in Israeli society that it singles out as enemies who must be eradicated from existence. In the recent period, the organization's activities involved two central campaigns: the first is a campaign hitherto unprecedented in scope, size and magnitude of paid advertisement, against the New Israel Fund and its president, Prof. Naomi Chazan, as well as the different civil-society organizations supported by the Fund. The campaign blamed some of the Israeli human rights organizations, supported by the Fund, for “assistance” to the Goldstone Fact-Finding Mission. This was because information which appeared in reports published by these organizations found their way into the Goldstone Report.⁴⁰

³⁹

http://www.imti.org.il/show_art.php?id=3

⁴⁰

http://www.imti.org.il/show_art.php?id=723

The second campaign lead by the organization attacks Israeli academia as well as academic institutions within Israel. As a part of this campaign, a document purporting to be a scientific report was prepared, asserting that within certain circles in particular universities there is an alleged political bias towards a certain leftist post-Zionist ideology.⁴¹

Among the distinguished guests in some of its conferences, Im Tirtzu has mentioned such people as **Binyamin Netanyahu**⁴² and **Gideon Saar**.⁴³

A significant portion of the organization's funding during 2009 came from an Evangelical organization called "Christians United for Israel (CUFI)", headed by Pastor John Hagee.⁴⁴ Due to the highly controversial character of the movement's campaigns and the criticism raised against them, the head of this right-wing Christian organization decided to discontinue its support for Im Tirtzu.⁴⁵

NGO Monitor is an organization which traces the activities of Israeli and international organizations working to promote peace and human rights in Israel and the Occupied Territories. The organization was founded by the Jerusalem Center for Public Affairs and the US-based Wexler Foundation. From the very beginning, the organization considered its task to be "uncovering" the funding sources and action strategies of organizations such as Human Rights Watch, Amnesty International, Oxfam, and tens of others, who, it claims, "promote terror".⁴⁷ The organization first attacked the New Israel Fund already in 2005. Even though the quality of the organization's publications is dubious, it enjoys powerful ties with the Israeli establishment. The organization's president and editor-in-chief of its publications is **Gerald Steinberg**, a Political Science Professor from Bar-Ilan University, who also acts as an advisor to the Israeli Ministry of Foreign Affairs.⁴⁸ The president of the Jerusalem Center for Public Affairs is **Dore Gold**, who was Israel's ambassador to the UN between 1997 and 1999, and acted as senior advisor to both **Ariel Sharon** and **Binyamin Netanyahu**.⁴⁹

The Reut Institute is a think-tank founded in 2004, offering its services without pay to various Israeli government agencies.⁵⁰ The institute, whose

41 http://www.imti.org.il/show_art.php?id=948

42 http://www.imti.org.il/show_art.php?id=783

43 http://www.imti.org.il/show_art.php?id=786

44 <http://news.walla.co.il/?w=/1638516>

45 <http://www.haaretz.co.il/hasite/spages/1186098.html>

46 <http://www.jcpa.org.il/ica/index.htm>

47 http://www.ngo-monitor.org/article/exchange_of_correspondence_between_nif_and_jcpa

48 http://www.biu.ac.il/SOC/po/cvs/steinberg_gerald.html

2008 budget consisted of some six and a half million NIS⁵¹, employs twenty four permanent staff members and at least six research fellows, who join together as a team for set periods. The institute produces strategic policy papers in the economic and social fields, as well as the political-security sphere. As a part of its activity on the issue of national security, the institute deals at length with suggesting options for Israel to “manage” the global movement against the occupation. A central report published by the institute, entitled “the De-legitimization Challenge: Creating a Political Firewall”,⁵² claims that in the past year Israel has come under sharp political attack and harsh global criticism, reaching its peak with the Goldstone Report which “researched” (the quotation marks are taken from the original report) Operation Cast Lead. According to the report, the attack is a result of the “successes of a de-legitimization net of people and organizations in the international arena”. The report equates civilian non-violent resistance – in particular the global movement for boycott, divestment and sanctions (BDS) against Israel, based on the principles of international law – with military resistance whose aim is to destroy the State of Israel.

The response suggested by the Reut Institute towards this “threat” is to “disrupt the functioning of this network and divide its components”. The Institute explicitly suggests that Israeli espionage and intelligence agencies intervene and attempt to disrupt the legal actions carried out by these organizations in North America and Europe, while blatantly breaching principles of freedom of speech, freedom of organization and freedom of political action of the citizens of those countries – these are social organizations, unions and student organizations acting within the law, and using civilian and non-violent methods to struggle for the end of the Israeli occupation and prevent human rights violations in the Occupied Territories. Originally, the report directly called for sabotage and attack against the organizations’ leaders; however, due to harsh public and media criticism (especially abroad) these formulations were erased from the report currently available in the Institute’s website.⁵³

The Reut Institute presents itself as a professional and impartial body of central political orientation, however it plays a major role in an attack whose very essence is to significantly minimize the limits of public discourse and

⁴⁹ <http://www.jcpa.org.il/JCPAHeb/Templates/showpage.asp?DBID=1&LNGID=2&TMID=84&FID=211>

⁵⁰ <http://www.reut-institute.org/Content.aspx?PageId=93>

⁵¹ Date for the year 2009 was not available. http://www.reut-institute.org/data/uploads/Articles%20and%20Reports%20from%20other%20organizations/2008_financial_report.pdf

⁵² <http://www.reut-institute.org/he/Publication.aspx?PublicationId=3767>

A copy of the original report can be found in the following web site: <http://www.electronicintifada.net/downloads/pdf/100331-reut-institute.pdf>

⁵³ <http://www.reut-institute.org/he/Publication.aspx?PublicationId=3773>

de-legitimize criticism of Israeli policy.⁵⁴ The Institute has taken upon itself the right to set the limits of legitimate criticism against Israel. Its activity is thus directed towards driving a wedge between established human rights organizations and the civilian organizations on the ground.⁵⁵ Organizations such as the Reut Institute, who advise the upper echelons of power and define the human rights community as well as the peace movements as a threat to Israel, constitute a significant danger, especially since their positions are echoed in statements made by senior Israeli officials (see chapter 4).

The Institute for Zionist Strategies was founded by Yisrael Harel, who was among the founders of the Yesha Council in the early 80s. The Institute has played an active role in promoting the Right wing's initiatives of threatening the funding of civil society organizations and limiting academic freedom.⁵⁶ Two of Im Tirtzu's leaders, Ronen Shoal and Erez Tadmor participated in the youth leadership program run by the Institute.⁵⁷

Israeli Academia Monitor is an organization which regularly follows the activities of leftists in Israeli academia and publishes information regarding their activities, while trying to present critical opinions as non-legitimate. The organization calls upon donors to withdraw their support of universities as long as they hire academics perceived by the organization to be "anti-Israeli", and holds focused campaigns to bring about the firing of specific lecturers.

Central Methods of Action

A cloak of bi-partisanship, self proclamation as organizations of the political center – The organizations described above go through great efforts to present themselves as organizations positioned in the center of the political spectrum, despite their clearly nationalist character and well-expressed contempt for democratic values such as the freedom of expression, the right to protest and respect for human rights. Their self presentation as center-Zionist organizations is designed to reach a broader audience than the regular religious Right.⁵⁸ "If the right does not regain its composure and bring in non-traditional right-wing voters, the right will once again find itself at the end of an election campaign in a situation where those who vote for the evacuation of Beit El, will

⁵⁴ <http://www.reut-institute.org/he/Publication.aspx?PublicationId=3773>

⁵⁵ <http://www.jewishvoiceforpeace.org/audio/ReutCBC.mp3>

⁵⁶ <http://www.nrg.co.il/online/1/ART1/973/473.html>

⁵⁷ <http://www.haaretz.co.il/hasite/spages/1185349.html>

⁵⁸ <http://www.hahem.co.il/scissors/?p=100>

be some newly formed niche party, such as the Greens. What is the solution, then? A right-wing niche party”, so wrote Moshe Klughaft, Im Tirtzu’s media coordinator, and the man responsible for the campaign against the New Israel Fund.⁵⁹ In his opinion, the religious right must put forward organizations and niche parties that appeal to a wide secular audience, who at the moment of truth will vote in favor of the whole land of Israel. In his words: “Do you want to safeguard the land of Israel? Shut up and don’t talk about it”.⁶⁰

“Uncovering” of publicly available information and the “lack of transparency” claim. A central strategy used by Im Tirtzu as well as some of the other assaulting organizations is to write and publish reports which “unveil” information already publicly available and easily accessible regarding the activities of peace and human rights organizations, in attempt to portray a false-picture of these organizations as non-transparent and subversive. Thus, for instance, the information which formed the basis for Im Tirtzu’s report on Israeli human rights organizations which “supplied information” to the UN Fact Finding Mission headed by Judge Goldstone is public and readily available information, easily found by a simple internet search. Additionally, non-profit organizations and associations are required to make public the identity of their donors. The Registrar of Associations holds this information and makes it available in the Justice Ministry’s website. Information regarding the identity of donors is usually easy to find in the organizations’ website. In the Women’s Peace Coalition’s web site, for instance, one can find a list of the organizations, foundations and private people who support the organization.⁶¹

Inaccuracies, distortions and manipulation of data. Reports published by the Keshev Center⁶², the New Israel Fund⁶³, and a team of reporters from Ben-Gurion University⁶⁴ clearly indicate the manipulation carried out by Im Tirtzu activists as well as by the Institute for Zionist Strategies, in order to base their fraudulent claims. For instance, in Im Tirtzu’s report dealing with Israeli human rights organizations’ “assistance” to the UN Fact Finding Mission headed by Judge Goldstone, references were found to have been counted several times over (for example, a letter signed by seven different human rights organizations regarding terms of arrest of Palestinian detainees was mentioned once in the Goldstone

⁵⁹ <http://www.nrg.co.il/online/1/ART1/830/864.html>
⁶⁰ courses.jercol.macam.ac.il/forum/file.asp?name=8452...doc
⁶¹ <http://bit.ly/CWP2009>
⁶² <http://www.keshev.org.il/FileUpload/Keshev-Feb-2010.pdf>
⁶³ <http://www.nif.org.il/?id=2089>
⁶⁴ <http://www.ynet.co.il/articles/0,7340,L-3963614,00.html>

report, but was counted as seven times in the Im Tirtzu report). In the report by the Institute for Zionist Strategies regarding the “Post-Zionist diversion in Academia”, flaws were found in the definition of basic terms, in the choice of research method, samplings, weighing the findings and their presentation.

The presentation of criticism on Israel as treason and subversion. A significant amount of these right-wing movements’ time and energy is invested in slandering human rights and leftist organizations, as well as private people who hold liberal or left-wing opinions. This is carried out by their presentation as traitors, as a “fifth column”, or as people harming state-security and striving for its destruction. For instance: “The ‘post-Zionist’ lecturers [...] tend to deny and justify the new anti-Semitism [...] with positions which include an understanding of and justification for terrorist activities against Israel, as well as against Jewish communities around the world [...]” (The Institute for Zionist Strategy).⁶⁵ Or: “Arab countries, third world countries, Islamic movements, extreme left-wing European groups and anti-Semitic groups, have turned Israel’s de-legitimization into a basic pattern of action (Reut Institute).⁶⁶ Im Tirtzu’s public campaign against the New Israel Fund also included caricatures of its director, Professor Naomi Chazan, portrayed with a horn sticking out of her forehead, slogans questioning the Foundation’s loyalty to the state, and the loyalty of the organizations supported by the Foundation.⁶⁷ Additionally, Im Tirtzu initiated the recording of a song by singer Amir Benayun whose words include a grave accusation of the left of treason: “After they were not able to kill me outside / you come and kill me inside”, “I always charge forward / with my back to you / and you sharpen the knife”.⁶⁸

Attempt to curtail activity by striking at the organizations’ funding. An additional central strategy used by the organizations of the Right is an attempt to curtail the functioning of peace and human rights organizations by striking at their ability to receive funding. A significant part of human rights organizations existing in the world today receive funding from international sources – especially in areas where harsh human rights violations are carried out. Israeli human rights organizations are no exception. The attempt to curtail the ability of these organizations to receive funding was embodied in

⁶⁵ http://www.izs.org.il/default.asp?father_id=114&catid=395

⁶⁶ <http://reut-institute.org/Publication.aspx?PublicationId=285>

⁶⁷ http://www.imti.org.il/show_art.php?id=803

⁶⁸ <http://www.ynet.co.il/articles/0,7340,L-3877188,00.html>

the promotion of a bill aimed at limiting foreign funding (see the chapter on legislation in this report), the attack on the New Israel Fund as one of these organizations' sources of funding, and in NGO Monitor's current effort to curtail the funding that some of these organizations receive from the European Union and European Commission.

Silencing of voices and intimidation. As was previously noted, Right-wing organizations set a goal of defending the State of Israel from legitimate criticism by way of de-legitimizing the critics, whoever they may be. At the same time, these organizations function to block any available means for democratic public discourse, through the use of public and legal threats against organizations and individuals. For instance, as a part of the campaign against academic freedom, Im Tirtzu sent a letter of warning to the President of Ben-Gurion University demanding that the composition of lecturers in a certain university faculty be set according to a political standard, or at least balanced by a standard to be authorized by Im Tirtzu. The movement proceeded to threaten that if the University's President refused to do so, the movement would use its freedom of expression to turn to the University's donors and instruct them to discontinue their donations. Additionally, the movement demanded that the entry written about the movement in the free web-based encyclopedia Wikipedia be removed, since the entry defined the movement as a Right-wing movement.⁶⁹ The movement's head appealed to the encyclopedia's editor at the time the entry was published, requesting that it be amended. When the editors refused to adhere to his dictates, the movement threatened to sue the encyclopedia and its editors. Additionally, the movement recently submitted another lawsuit to court aimed at silencing alternative voices, this one against the founders of the Facebook group "Im Tirtzu – a fascist group", demanding compensation in the unprecedented amount of 2.6 million NIS.⁷⁰

Relations with the Establishment

The anti-democratic deterioration and attack against human rights organizations or organizations that call for the end of the occupation have been made possible due to the joining of forces between extra-parliamentary Right-wing movements, using public tools to slander

⁶⁹ <http://192.118.73.5/hasite/spages/1168730.html>

⁷⁰ <http://www.haaretz.co.il/hasite/pages/ShArt.jhtml?itemNo=1188622&contrassID=1&subContrassID=10&sbSubContrassID=0>

left-wing and human rights organizations and create an atmosphere of terror and fear, and politicians who promote such policies through legislation. This cooperation is manifested in several fields, ranging from public support by high-ranking politicians for the activities of these organizations of the extreme right, to promotion of anti-democratic legislation (as described in Chapter 1) and public statements which de-legitimize the activities of human rights organizations.

Legislation promotion. As has been said, right-wing parties won unprecedented political power in the 18th Knesset. This allows Right-wing organizations a comfortable base from which to promote anti-democratic bills, whose only interest is to silence and limit the sphere of action of peace and human rights organization. Thus, for example, the bill aimed at curtailing foreign funding described in the first chapter of this report is the result of a process begun by organizations of the extreme Right, headed by the NGO Monitor and the Institute for Zionist Strategy, who in November 2009 published a report regarding donations by foreign political entities, mostly countries of the European Union, to human right and peace organizations in Israel.⁷¹ The publication of the report was accompanied by a conference held in the Knesset in which the predisposed report's principle points were presented in alignment with MK Elkin's proposed bill.⁷² Concurrently, Im Tirtzu held a demonstration during a lecture by opposition leader MK Tzipi Livni at the Hertzeliya Conference, demanding to examine the functioning of the New Israel Fund and its supported organizations, which "provided information against Israel" used in the Goldstone Report.

The amendment to the Associations Bill – which seeks to prevent the functioning of NGOs if there is sufficient reason to assume that these NGOs provide information to foreign elements or are involved in legal claims abroad against seniors in the Israeli administration or IDF officers charged with war crimes (see chapter 1) – was also proposed in the framework of Im Tirtzu's persecution campaign. The report stated that "behind these efforts to de-legitimize Israel from within Israel, stand the same bodies whose deep involvement in the Goldstone Report was uncovered in the report we presented

⁷¹ http://izsvideo.org/papers/Trojan_Horse.pdf

⁷² http://www.izs.org.il/heb/?father_id=228&catid=231

this January. The New Israel Fund stands behind all these bodies". The presentation of the report was accompanied by an advertisement campaign both on the streets and in newspaper advertisements, using the slogan: "We Salute, They Persecute: The New Israel Fund and Adalah – Subversives, we are fed up with you!" On April 28th 2010, as a part of the campaign, a discussion was held in the Knesset's plenum on the subject of "the activity of the New Israeli Fund", which included ferocious incitement against the New Israel Fund as well as leftist and human rights organizations. At the end of the discussion, more than 20 MKs presented the proposed bill, geared towards outlawing NGOs involved in attempts to prosecute IDF officers as well as senior officials in courts outside of Israel for committing war crimes. The aggressive campaign was so successful that at the end of the month movement head Ronen Shoal announced the end of the campaign on the organization's website, due to its victory: "the persecutors became persecuted; the weasels were required to make excuses for themselves". "MKs joined our campaign", he added, "journalists encouraged us, and the people are with us and for us, and this can be seen in the responses to every slandering article written against us".⁷³

Infringement upon academic freedom. Subsequent to the publication of Im Tirtzu's report, the Knesset's Education Committee held a discussion regarding the "exclusion of Zionist opinions in academia". Comprehensive room was made in the discussion for members of the movement, while participants who asked to present other opinions were offered hardly any opportunity to speak.⁷⁵ Following the discussion and report the Minister of Education, Gideon Saar, also declared that he would look into the movement's complaints regarding the lecturers' opinions and the content of their classes.⁷⁶ In referring to the report, the Minister related: "I believe the report is important since it encourages public discussion. It is important to look into the topics raised by the report". As has been reported, Im Tirtzu members felt Saar's words supported their central claims, while authorities within the universities criticized the Education Minister's statements and claimed that he was avoiding responsibility for the system he is responsible for.⁷⁷ The Education Minister even went as far as giving a speech in Im Tirtzu's annual convention.⁷⁸

⁷³ http://www.imti.org.il/show_art.php?id=737

⁷⁴ <http://www.knesset.gov.il/protocols/data/html/chinuch/2010-04-28.html>

⁷⁵ <http://www.acri.org.il/Story.aspx?id=2475>

⁷⁶ <http://www.inn.co.il/News/Flash.aspx/291159>

⁷⁷ <http://www.haaretz.co.il/hasite/spages/1185175.html>

⁷⁸ http://www.imti.org.il/show_art.php?id=786

Statements by public figures. The actions taken by the right-wing organizations have gained legitimacy and support from many elected officials. For instance, on April 2010, right after Im Tirtzu's report slandering so called "subversive" human rights organizations was made public, the movement held a "party in support of the IDF and Zionism" in a club in Tel Aviv, with participation by members of Knesset Ronit Tirosh, Moshe Matalon, Ofir Akunis, Yulia Shamalov-Berkovich, Ze'ev Bielski, Anastasia Michaeli, Zvulun Orlev, Deputy Minister Ayub Kara and Res. Major-General Uzi Dayan. All this, while the movement heads an unprecedented campaign of slander against the New Israel Fund and the organizations supported by the Foundation.

In a manner directly opposed to democratic principles, many elected Israeli officials, some of them extremely high-ranking, regularly make statements against human rights organizations.

The Legal System

In the second half of the previous decade, a political attack was initiated against the Israeli legal system, headed by then-Minister of Justice, Daniel Freedman. At the base of the attack was the claim that the justice system, especially the High Court of Justice, takes upon itself authority belonging to the legislative authority. Therefore, judicial criticism should be limited with regard to Knesset rules and government decisions; the Attorney General should be prevented from intervening in the name of the law in government decisions; the political system should be the dominant power in the appointment of judges and more. This attack was successful and led to the taking over of law enforcement authorities by Yisrael Beytenu: The Justice Minister was appointed with the approval of party head Avigdor Liberman, the head of the Knesset's Constitution, Law, and Justice Committee is a member of Yisrael Beytenu, as is the Minister of Internal Security, who holds responsibility for the police. To this it should be added that the representative of the National Union, the most extreme Right-wing party in the Knesset, became a member of the Committee for the Appointment of Judges. On July 2009 the Committee for the Appointment of Judges decided that the Shin Bet will take part in the structure of filtering through candidates, using the reasoning that judges are exposed to classified material. Coincidentally, a growing phenomenon of non-application of verdicts by the authorities had begun. Thus, legal norms became at best non-binding recommendations for the legislative and executive authorities.⁷⁹

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Hair Tel Aviv, No. 1553, 9.7.2010, p. 46.

The Media

The media plays a central role in determining public mindset and shaping public discourse. The Israeli media is undergoing privatization and commercialization processes, as most of the Israeli media is placed in the hands of several wealthy families⁸⁰, and rating plays a central role in determining the content of what is made public. However, during recent years, the criticism towards the media, at times by the reporters themselves, has been on the rise. This criticism has centered on the prioritization of rating and pleasing the majority over serious research and criticism of the regime's functioning.

The Second Lebanon War. Directly after the Second Lebanon War in 2006 many articles were published in the Israeli press, pungently criticizing the media's rush into battle. For example, Amnon Levi, a veteran journalist, wrote: "The press followed the leadership blindly, like a herd follows their shepherd. There were no more than a handful of journalists who dared to oppose the decision to go to war. The great majority of Israeli journalists preferred to forgo their role as 'watch dog'. Instead of barking, they chose to lick. In the place of criticism, they chose advice. They preferred to forget patriotism does not only mean to jump forward; sometimes it means to holler: 'stop'".⁸¹

The War on Gaza. Similar voices were heard after the war on Gaza. During two conferences dealing with the examination of the media's role in the war, many senior reporters expressed similar concerns. Yehuda Nuriel, a reporter for the daily Yedioth Ahronot, claimed that "Israeli media crossed a serious fault line during the Cast Lead Operation, and I see worse ahead [...] during the war it became very obviously clear that terms such as freedom of expression and the public's right to know must be updated. It would appear that the public does not wish to know, that freedom of expression has no place. Today there is volunteered censorship; the media censors itself in advance". A similar concern was also put forward by Arad Nir, the head of Channel Two's foreign news desk: "Israeli media did not fight the tightening censorship, but rather aligned itself and capitulated to

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<http://www.the7eye.org.il/articles/pages/article6511.aspx>

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<http://www.keshev.org.il/FileUpload/Levi-YNET-1-May-2007.pdf>

its demands, since in this case the goal was identical – the consumer’s rule, or in other words: rating. We did not want to lose our viewers; we did not want to anger them. Clearly, the media must sell”.⁸²

In April 2009 Yedioth Ahronot, the most popular Israeli newspaper, published an investigation regarding the question “is the IDF the most moral army in the world?” The investigation concluded that in relation to the world’s other armies (the United States, China, Russia), the answer is positive. One of the questions which arose in the project was the void between the army’s ethical codes and what is actually carried out on the ground. A week later, Major-General Amos Yadlin and Professor Asa Kasher, who composed a battle-doctrine which according to many was adopted by the military during the fighting in Gaza, published an article in response. Therein they claimed that during war one must prioritize the protection of soldiers’ lives, even at the cost of harming or even killing non-involved civilians.⁸³

On December 2009, in an interview given to the television afternoon news program Erev Hadash, MK Jamal Zahalka (NDA) spoke poignantly against Minister of Defense Ehud Barak, saying that he “listens to classical music and murders children”. The program’s anchor, Dan Margalit, responded vulgarly, called him “insolent” and threw him out of the studio.

The attack against human rights organizations. The daily Ma’ariv played a central role in the attack headed by Right-wing organizations against the New Israel Fund as well as other human rights organization. Newspaper journalists Ben Caspit and Ben-Dror Yemini published a series of articles based on Im Tirtzu’s publications despite their many inaccuracies, without soliciting a response from the organizations attacked in the reports. One of Caspit’s articles dealt with the activities of feminist organizations, based on a report by a “group of Israeli military officers”. In his words, “women’s organizations infiltrate the IDF under the pretext of ‘gender mainstreaming’ (public policy which differentiates between the genders). According to this theory, these organizations have for many years been pursuing a sophisticated method of action, backed by UN resolutions

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http://www.the7eye.org.il/articles/pages/020309_the_media_and_operation_cast_lead.aspx

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<http://www.haaretz.co.il/hasite/spages/1062105.html>

as well as other international organizations, aimed at weakening the IDF by instilling the value of complete equality of women.” Ma’ariv held an explicitly nationalist line in other contexts as well. On April 2010, for example, the paper published an article entitled: “Tel Aviv University presents: a conference in support of Hamas”, referring to a conference entitled “Voices from Gaza” in which international as well as Israeli members of academia discussed the humanitarian situation in Gaza.



The Gaza Flotilla. A report by the organization Keshev, which tracks the Israeli media’s coverage of the conflict, and analyses Israeli public discourse, claims that during the events of the flotilla, the same patterns appearing

in Israeli media in times of a security crisis or a significant military action reappeared. From the outset, Israeli media fully justifies the military action and its necessity. It does not offer alternatives and completely loses its sense of criticism. Further on, after these flaws come to light, the media points scathing criticism at the decision makers, based on the readers' short-term memory.

In preparation for the Gaza flotilla, media news desks prepared the public for an encounter at sea. Two days before the debacle between the activists and the military, Ma'ariv reported that the "Navy is Waiting". Yedioth Ahronot, using the same sense, chose the following heading: "The Commando is Awaiting the Flotilla", while the daily Israel Hayom promised "The Commando's Brightest Hour". The papers did not offer a public debate regarding the alternatives for a military takeover of a humanitarian-political flotilla, and emphasized a quote by Israel's Foreign Minister, Avigdor Liberman, claiming Israel sends through to Gaza all the necessities, brazenly ignoring available and trustworthy information regarding the humanitarian situation in the Gaza Strip.

After the first reports from the site of confrontation started filtering in and the magnitude of the catastrophe was being uncovered, the big newspapers changed their attitude on the story and based on selective information sent by the IDF spokesperson, related that there was a "Lynch", "Trap" and "Ambush Deep at Sea" – presenting the event as a planned ambush by armed terrorists. The newspaper headlines read: "A Flotilla of Hate", "Outcasts", "Turkish Jews Under Siege", "The World Determined its Judgment", "In the Headquarters of Animosity" (a headline of a report from Turkey), "the UN Already Decided: Goldstone 2", and "A Hypocritical Attack". In relation to MK Haneen Zoabi the reporters wrote: "The MK's Revenge" (regarding the attack against Zoabi), and "Deport Her" (a headline of a Ma'ariv hate-column).⁸⁴

Political Persecution and Repression of Dissent

A large portion of this report deals with a long series of single representative examples of political persecution and repression of dissent among both individuals and organizations within Israel. This chapter opens with the violent repression of popular protest during the attack on Gaza. During the war, Israel feared both the strengthening international criticism over the violation of the rules of warfare, as well as the uprising of Palestinians within Israel. For this reason the state did everything in its power to repress the legitimate protest rising within the State of Israel and de-legitimize critical voices, which were echoed by international criticism, perhaps even strengthening it. After the military onslaught abated, the offensive against organizations and activists persisted with vigor, and turned against additional organizations as well: the Sheikh Jarrah solidarity activities, environmental organizations, organizations assisting migrant workers and refugees, and critical professors in academia.

The Repression of Dissent During the Attack on Gaza

During the Israeli attack on Gaza (December 21st 2008 to January 17th 2009), noticeable efforts were made by the security forces, especially the police, to silence public protest against the operation. Most of the repression was directed by the police and the secret service towards Palestinian citizens of Israel, and was fanned by racist and vehement comments by public figures and politicians, in addition to biased media coverage. The repression of protest by Israeli citizens, both Palestinians and Jews, was also noted in the report by the United Nations Fact Finding Mission (the Goldstone Report). The report states that “The denial of access to Gaza and the continuing denial of access to human rights monitors are, in the Mission’s view, an attempt both to remove the Government’s actions in the Occupied Palestinian Territory from public scrutiny and to impede investigations and reporting of the conduct of the parties to the conflict in the Gaza Strip.”⁸⁵

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The Goldstone report summary, translated to Hebrew by the Coalition of Women for Peace. The full report can be read at: <http://www2.ohchr.org>

The police and Attorney General. Non-violent demonstrations approved by the police, in Arab towns, mixed cities and universities were met by unexplained police violence and brutal mass-arrests. During the attack on Gaza, 832 citizens were arrested by the police, 34 percent of them minors. 134 indictments were delivered against 255 people, most of them under the charge of participating in a forbidden gathering, unruliness, and attack of a policeman.⁸⁶ The Attorney General and police appealed against any decision to release suspects from custody and won all their appeals. In order to justify arrests until the completion of procedures, claims of a potential harm to national security and popular morale were raised without hesitation by the police, without individually examining each person held in custody, and without regard to each protest and its circumstances.⁸⁷



In one case the police conditioned its approval of a march in Tel Aviv by the organizer's commitment that no Palestinian flags be carried by demonstrators. In response to this illegal demand, the Coalition Against the War on Gaza handed in an urgent plea to the High Court of Justice. During the discussion the judges

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<http://www.adalah.org/features/prisoners/protestors%20report.pdf>

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ibid.

reproached the police for presenting “illegal conditions” for the approval of the demonstration, including the ban on raising the Palestinian flag, and the police was forced to retract its demand and authorize the demonstration.⁸⁸

The Courts. The courts authorized the holding of detainees until the completion of proceedings, including of minors who have no previous criminal record. The courts abandoned the principles of individual review, which set aside the criminal justice system, and, backed by the Supreme Court, preferred the wholesale arrest of suspects, in opposition to all standards of both Israeli and international law.⁸⁹

Shin Bet (the secret service). The Shin Bet arrested tens of political activists, while amassing pressure and harassment threats in case individuals did not desist from their protest activities. In Jaffa, for instance, some ten activists were taken from their homes to police and Shin Bet investigations after a large demonstration against the war was held in the city. The activists were investigated under allegations of incitement for terror, stone-throwing and the rejection of the existence of the State of Israel.⁹⁰

Media. In their coverage of most of the events during the war the reporters were fed almost exclusively by reports from the police, which operated a massive spokesperson system in order to create an atmosphere of an “in-house Intifada” which would allow it to use force against demonstrators. The media portrayed the demonstrations as “demonstrations by Arabs and left-wing activists”, “carrying PLO flags”, all of them being “Arab instigators” who do not adhere to the police’s requests, and therefore the police must forcibly disperse them. At the same time, the media almost completely ignored Jewish resistance to the war. During the ongoing reporting of citizen’s arrests at demonstrations, the media avoided giving information regarding the demonstrations’ political messages and goals, nor hear the demonstrators’ own records of the events.⁹¹ Thus an impression was formed that resistance to the war is a meaningless upheaval by the Arab-Palestinian public, and therefore an ethnic-national matter which endangers the public’s security and does not signify a legitimate political position.

⁸⁸ <http://news.nana10.co.il/Article/?ArticleID=606648>

⁸⁹ <http://www.adalah.org/features/prisoners/protestors%20report.pdf>

⁹⁰ Ibid.

⁹¹ <http://www.keshev.org.il/Site/FullNews.asp?CategoryID=9>

Incitement by politicians and public figures. Statements by high-ranking Israeli politicians who called for decisive action against “the threat from within”⁹² heightened the tension and hostility towards the Palestinian public within Israel.

The Israeli public. In addition to established repression, many activists felt a heightening of racist violence as well as violence towards demonstrators. Palestinian citizens who were speaking Arabic among each other or on the phone in public spaces were beaten, and right-wing activists threatened violence against and even assaulted both Jewish and Arab activists against the war.⁹³

The Attack on New Profile

During April 2009, Israeli police forces raided the houses of political activists in Jerusalem, Tel Aviv, Ramat Hasharon, Netanya and Be’er Sheva, all of whom were members of New Profile, a feminist movement that works towards the civilization of Israeli society and against the military’s excessive influence on the county’s life. The police held the activists for questioning under charges of incitement for shirking military service, and confiscated both their families’ and their own computers.⁹⁴ The arrests were carried out after two months of investigations, approved by then-Attorney General Meni Mazuz. New Profile activists were released on bail after several hours under restrictive conditions. Their personal computers were confiscated and remained with the police for a month. During the next few days, the police kept summoning further activists to investigations. At the same time, the police forcibly dispersed a demonstration held in solidarity with New Profile in front of the Dizengoff police station, and arrested activists who participated in the demonstration.⁹⁵ On November 2009, after months of investigation, the Attorney General decided to close all files against New Profile activists.⁹⁶ A month or so later, on December 9th 2009, the movement’s activists were invited to participate in panels held in schools by the Association for Civil Rights. After a panel participated in by a member of New Profile, the Ministry of Education ordered the school to deny entrance to New Profile activists.⁹⁷

⁹² <http://www.haaretz.co.il/hasite/spages/1050938.htm>

⁹³ <http://news.walla.co.il/?w=/2971/1409463>, <http://www.acri.org.il/pdf/tmunat2009.pdf>

⁹⁴ <http://www.haaretz.co.il/hasite/spages/1081349.html>

⁹⁵ <http://www.haaretz.co.il/hasite/spages/1082102.html>

⁹⁶ <http://www.nrg.co.il/online/1/ART1/961/419.html>

⁹⁷ Galey Tzahal Radio News, 13.12.2009, at 2:03.

The Attack on Breaking the Silence

On July 2009, Breaking the Silence, an organization of ex-combatants, published a booklet joining together testimonies by soldiers who participated in Operation Cast Lead. The testimonies uncover the use of the “Neighborhood Procedure” in defiance of the ruling of the High Court, the en-mass destruction of buildings and the loose orders for opening fire, which oftentimes lead to the death of innocent people. The report’s publication led to a relentless attack against the organization. One of the primary aggressors was the IDF spokesman, Avi Benayahu, who claimed that the fact the testimonials were published anonymously harms their credibility; that the organization is not a corporation; and that most of its activity is funded by foreign organizations. The Foreign Ministry joined the offensive and started acting against the organization’s sources of funding, publicly protesting the Netherlands for its Foreign Ministry’s funding of the organization. As it would appear, the accusations regarding how the organization was registered and its sources of funding were meant to sway public discussion away from the claims put forward in the report to a discussion of the report’s legitimacy. Under the public atmosphere created, members of the media also joined the scathing attack against the organization. In the radio program “The Final Word” broadcasted on July 17th 2009,⁹⁸ the anchor Kobi Arieli asked: “why don’t our strongmen beat them [leftists] up and send them home scared?” His co-anchor, Irit Linur claimed: “the organization concocted a report”, and concluded with a demand from the organization’s members: “verify your report, you scum”. It is reasonable to assume that Linur did not read the report, in which Breaking the Silence clearly notes that all testimonies were examined and verified by independent sources and other testimonials which could not be verified were not published.⁹⁹

The Attack on Organizations Supporting Migrant Laborers and Refugees

On August 2009 the Ministry of Interior’s Oz unit began an assault against refugees and migrant workers and their support organizations. In an interview to Ma’ariv, head of the unit Tziki Sela was quoted to say: “these organizations, who protest against me, who called me Goebbels and a Nazi are anarchists who

⁹⁸ <http://www.youtube.com/watch?v=iYScqL3ZFIM>

⁹⁹ <http://www.keshev.org.il/Site/FullNews.asp?NewsID=182&CategoryID=9>

¹⁰⁰ <http://www.nrg.co.il/online/1/ART1/925/983.html>

seek the destruction of the State of Israel. They must be denounced. It is pure delinquency”.¹⁰⁰ His words were followed by a large wave of criticism, however the Interior Minister, in charge of Sela, fully backed his words and added: “these organizations threaten the Zionist project. This belief is held by the majority of the Israeli people.”¹⁰¹

The Attack on Human Rights and International Aid Organizations

On September 2009 the Israeli Civilian Administration announced to several human rights organizations, among them Physicians for Human Rights, the Center for the Defense of the Individual, and Gisha, that the military authorities will now cease to answer and give regarding the state of Palestinians living in the Gaza Strip, and that these organizations will now have to turn to the Palestinian Civil Committee – requesting it to pass their requests on to the military. These organizations showed a concern that this decision badly harms the work of human rights organizations in Israel, and infringes upon the fulfillment of the urgent humanitarian needs of the residents of Gaza.¹⁰² Concurrently, in opposition to the regulations in place since 1967, the Ministry of Interior discontinued its granting of work visas to foreign citizens working in many of the international NGOs operating in the Palestinian Territories, including East Jerusalem,. The Ministry began granting these workers tourist visas instead of work visas, which turn their work into a violation of the law. This was done simultaneously to the claim that the responsibility for the workers of these NGOs will crossover from the Ministry of Interior to the Defense Ministry.¹⁰³ Due to international criticism, this policy was cancelled a year later.¹⁰⁴

The Attack on Environmental Organizations

During a discussion held at the end of April 2010 in the Internal Affairs and Environment Committee, a loud argument took place regarding holding sanctions against factories polluting the sea. In the pursuing controversy between Gilad Erdan, Minister for Environmental Protection, and the organization Adam Teva V'Din, the Minister assailed the organization and

¹⁰¹ <http://www.nrg.co.il/online/1/ART1/926/045.html>

¹⁰² <http://www.gisha.org/index.php?intLanguage=4&intItemId=1585&intSiteSN=70>

¹⁰³ <http://www.haaretz.co.il/hasite/spages/1143886.html>

¹⁰⁴ <http://www.haaretz.co.il/hasite/spages/1155065.html>

¹⁰⁵ <http://www.nrg.co.il/online/1/ART2/103/943.html>

hurled them with the fact that they receive donations from the New Israeli Fund.¹⁰⁵ On April 25th 2010, at a youth conference in Petah Tiqwa, MK Aryeh Eldad (National Union) claimed that simple tasks such as bringing Jews to Israel and the establishment of new settlements have become complicated tasks under the state authorities' bureaucracy and due to the operation of green organizations, which according to him act selectively against the settlers; he said that "their green is more of a Hamas green than regular green".¹⁰⁶ On July 2010, during the "It will be OK" radio show, MK Yisrael Hasson of Kadima compared Adam Teva V'Din to Hezbollah.

Violent Repression of the Solidarity Protests in Sheikh Jarrah

Since November 2009, regular weekly vigils take place in the Sheikh Jarrah neighborhood in East Jerusalem, in protest of the take-over of the neighborhood's Palestinian residents' houses and the expulsion of Palestinian families from their homes by a settlers association. These acts of protest encounter systematic discrimination by the Jerusalem police, both in terms of the law, and in terms of the activities of right-wing groups: in the granting and non-granting of demonstration permits, and the terms of the licenses given, in the force carried out by the police against the demonstrators, in the recurring arrests and in the attempt to forbid any protest by activists within the neighborhood.¹⁰⁷

Since December, more than 140 arrests of Israeli left-wing activists were carried out due to the demonstrations. Charges have been pressed against more than 40 of them, whether for illegal gathering or unruliness. A large part of those arrested were kept in custody overnight. Additionally, tens of arrests of the Palestinian neighborhood's residents were carried out. In most cases the Palestinian residents of Sheikh Jarrah were held in custody for several days, while distancing them from their neighborhood.

During several court hearings in the Jerusalem Magistrate Court, the judges ruled that in many of the cases the arrests were carried out against the law and canceled the terms of release set by the police – in most cases a distancing from the neighborhood. Thus, for instance, judge Gad Arenberg ruled on January 1st 2010, in opposition

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According to an article on [srugim.co.il](http://www.justjlm.org/520), which is no longer available on the website.
<http://www.justjlm.org/520>

to the police's position, that the demonstrations in the neighborhood of Sheikh Jarrah are not illegal. The judge's ruling stated that "the fact that those assembled carry signs or even call out slogans, whether they are hollered over a loudspeaker or not, does not necessitate a police license, and therefore these assemblies do not constitute a crime just for being carried out without a license."¹⁰⁸ However, even after the court's ruling, the police kept on carrying out arrests.¹⁰⁹

As opposed to the policy of distancing left-wing activists from the neighborhood and preventing the continuation of the residents' protest, Right-wing activists receive an open hand and free passage in the neighborhood. Since the beginning of the demonstrations and acts of protest in Sheikh Jarrah, tens of suits were filed by many tens of demonstrators, concerning violence and improper behavior by policemen. These complaints, handed to the Division for the Inspection of Policemen in the Ministry of Justice, have as of yet brought about not a single case of a officer persecuted either criminally or disciplinarily, despite ample evidence and documentation of violent behavior by the police. In some of the cases, investigations were opened by the Division and are still under way. Several of the cases which were investigated and closed by the Division's investigators were appealed to the Attorney General by the complainants.¹¹⁰

The governmental pursuit of the left-wing activists of Sheikh Jarrah offered validation to the incitement and harassment from activists of the extreme right. During March 2010 it was discovered that the extreme Right web site "Rotter" began to publish personal details of central left wing activists who headed the protest. The information included photographs of the activists', their addresses, phone numbers, personal details, personal email addresses and even photographs of their houses. The composers of the post did not hold back any words of incitement, and called the solidarity activists "anti-Semites", "scum", and "dogs".¹¹¹ The publication of the list became an evident invitation to harm the activists. Those who responded to the post on the web site published a line of explicit threats on the activists' lives. At the same time, contemptuous statements were sprayed on the walls of Sahar Vardi's home. Vardi is one of Sheikh Jarrah's prominent activists. The

¹⁰⁸ <http://www.ynet.co.il/articles/0,7340,L-3841168,00.html>

¹⁰⁹ <http://www.haaretz.co.il/hasite/spages/1159416.html>

¹¹⁰ <http://www.justjim.org/520>

¹¹¹ <http://www.haaretz.co.il/hasite/spages/1157246.html>

¹¹² <http://www.haaretz.co.il/hasite/spages/1155776.html>

sprayed statements read: “a price-tag for Sheikh Jarrah”, and “Sahar Amiel is an Israeli-hating leftist”.¹¹²

The Attack on Freedom of Expression in the Universities

On August 2009, Prof. Neve Gordon, chair of the Department of Politics and Government at Ben Gurion University, published an article in the Los Angeles Times in which he called for the casting of sanctions against Israel in order to bring about an end the occupation. The article’s publication aroused a public and media storm in Israel, particularly in the academic community.¹¹³ Ben-Gurion University’s President, Prof. Rivka Carmi declared that the University “forcefully renounces” Prof. Gordon’s positions, and Gideon Saar, Minister of Education condemned the article and congratulated the University for its response. Aside for the support and backing Prof. Gordon received from both colleagues and students, the University Rector as well as additional lecturers called upon him to resign. In June 2010 Prof. Gordon received a threat on his life.

At a discussion in the Knesset’s Education Committee on June 2010, the Minister of Education Gideon Saar attacked Israeli lecturers who support sanctions against the Israeli academia stating: “the persecution occurring today is a hunt against the State of Israel, a persecution by the new anti-Semitism, which went from de-legitimizing the Jew to de-legitimizing the state of the Jews. Whoever calls for a boycott against the State of Israel, and academic who calls for an academic boycott on the State of Israel takes part in this persecution”.¹¹⁴ The Minister also added that he would act against lecturers who call for an academic boycott on Israeli Universities.¹¹⁵

On May 2010, the linguist Prof. Noam Chomsky was denied entrance to Israel via the Allenby Crossing. In an interview given to the television program London and Kirshenbaum Chomsky related: “I came to the border crossing with my daughter and two friends from Amman, and was rejected after being summoned for questioning”. According to him, he was asked polite questions: “I was mostly asked about two matters. The first thing I was told was that the government does not like my positions, and I was also asked about why I am only speaking in Birzeit and not in an Israeli university as well”. According to him, his reply

¹¹³ <http://www.haaretz.co.il/hasite/spages/1109273.html>

¹¹⁴ Protocol No. 28 of the meeting of the Education, Culture and Sport Committee from Monday, June 21st 2010. <http://knesset.gov.il/protocols/data/html/chinuch/2010-06-21.html>

¹¹⁵ <http://www.haaretz.co.il/hasite/spages/1175330.html>

to the reporters was: “can one find any government in the world that likes what I say?”, and to the second question he answered that he has already spoken at Israeli universities in the past. The Ministry of Interior responded by saying that “Chomsky’s entrance was denied since he requested permission only to enter Ramallah and not the State of Israel.”

In that same month, Tel-Aviv University rewarded Prof. Alan Dershowitz with an honorary doctorate. Dershowitz used his visit to the university to blame Jewish peace activists and human rights organizations for slandering Israel’s name and stated that they cause more harm than do the Islamist and pro-Palestinian movements.¹¹⁶ Following Dershowitz’s speech, several professors from the Department of History wrote the University’s President a sharp letter of protest: “as historians, who know well past periods in which an enlightened democracy deteriorated into dark regimes, we are deeply worried by some of the words that were said [...] Mr. Dershowitz blatantly attacked university members who criticize government policy [...] Mr. Dershowitz, of course, is allowed to enjoy the right to the freedom of expression and have his positions heard, but the fact that he named specific lecturers and blamed them for harming students as well as Israel’s steadfastness – this borders on incitement and could endanger these staff members in a very real manner.”¹¹⁷

It was recently published that Ben Gurion University began disciplinary procedures against students involved in demonstrations on campus, on the issues of the rights of the University’s cleaning workers as well as the Gaza flotilla. In total, seven students will be prosecuted, and the punishment might go so far as expulsion from studies in the University.¹¹⁸ This goes along with similar repression of protest in Haifa University: in one case the University’s management canceled¹¹⁹ a students’ demonstration intended to mark a year’s anniversary to Operation Cast Lead. In a similar case, the University prohibited¹²⁰ a demonstration protesting the flotilla events.¹²¹

¹¹⁶ <http://www.ynet.co.il/articles/0,7340,L-3887960,00.html>

¹¹⁷ http://www.kibush.co.il/show_file.asp?num=39842

¹¹⁸ <http://www.haaretz.co.il/hasite/spages/1189392.html>

¹¹⁹ <http://www.nrg.co.il/online/1/ART2/011/321.html?hp=1&loc=4&tmp=8920>

¹²⁰ <http://www.ynet.co.il/articles/0,7340,L-3897359,00.html>

¹²¹ <http://democracy-project.org.il/he/education/education7/>

Security or Political Affairs?

Despite the difference between them, two “security” affairs recently uncovered – that of Anat Kamm’s arrest, and the arrest of Omar Said and Amir Makhoul – might bring to light the close and unsupervised cooperation of the security forces, first and foremost the Shin Bet, and the Israeli justice system. The process is similar in many instances: the Shin Bet arrests someone due to his so-called involvement in harming national security, the courts accept the Shin Bet’s claims without dispute and send the suspect to prolonged arrest, oftentimes until the end of procedures; the discussions in court take place behind closed doors and are based on the presentation of confidential evidence; the Shin Bet requests – and has no difficulties being granted – a ban on publication of the entire affair. The result is that citizens are made to “disappear” by the Shin Bet, without public and media discussion, and without their rights and legal assurances be respected. The arrest of Palestinian citizens is a constant. In recent months, for example, residents of Majdal Shams¹²², Nazareth¹²³, Shefaram, Umm al-Fahm¹²⁴ and Baqa al Gharbiyye¹²⁵ were arrested. At first their arrest receives widespread publicity, however after the matter, even if the affair ended up in nothing, it is not reported, and the initial charge is what remains etched in the public’s consciousness.

Anat Kamm and Uri Blau

On December 2009 Walla! (an online news web-site) reporter Anat Kamm was arrested under the suspicion that during her military service at the Central Command she transferred classified documents to Ha’aretz reporter Uri Blau. Part of these documents were published in an article by Blau, in which he revealed that the army carried out the “elimination” of Palestinians without trial, in defiance of the High Court of Justice’s orders in the matter. Anat Kamm’s arrest had a ban on publication for a period of three months, including a ban on publicizing even the publication ban itself. Only on April 8th 2010 was the ban removed, after it had been uncovered and discussed in social networks, blogs and foreign media for several weeks.

¹²² <http://www.ynet.co.il/articles/0,7340,L-3918752,00.html>

¹²³ <http://www.haaretz.co.il/hasite/spages/1192261.html>

¹²⁴ <http://www.ynet.co.il/articles/0,7340,L-3961566,00.html>

¹²⁵ <http://www.ynet.co.il/articles/0,7340,L-3922535,00.html>

Summary of the publication. On November 2008 Ha'aretz reporter Uri Blau published a detailed and documented article proving that IDF officers of the highest ranks – Major General of the Central Command Yair Naveh and Chief of General Staff Gabi Ashkenazi – broke the guidelines put forward by the High Court regarding the “targeted killings” policy. The High Court ruling of December 2006 states that “one cannot take a person’s life if it is possible to arrest, investigate and prosecute him”, and exceptions to this would be allowed only if the arrest would involve a “heavy threat to soldier’s lives”. Blau’s article contains summaries of meetings held at the offices of the Major General of the Central command as well as of the Chief of the General Staff’s offices. In these meetings, the “targeted killings” were discussed, and authorization to carry them out was handed out without High Court approval.¹²⁶



Media offensive. When the issue was published in the institutionalized media, Kamm and Blau were put under heavy public attack. On different occasions, the media named Kamm a “double agent”, “spy” and “traitor”. Ma’ariv’s cover called for a “warrant for the arrest of the escaped journalist.” Newspaper reporters Avi Ashkenazi, Noam Sharvit and Eran Swissa raised different possibilities for bringing Blau to Israel for questioning – openly through the Interpol, or via “activity of Mossad members, such as was done in the case of the nuclear

spy Mordechai Vanunu, who was abducted abroad and smuggled into Israel”. The idea of abducting an Israeli reporter was put forth with no reservation whatsoever.¹²⁷ Ha’aretz, which published Blau’s piece, was also under public attack. Over the pages of the Jerusalem Post, MK Yisrael Hasson called upon the country’s citizens to cancel their subscriptions to the newspaper until Blau returns the documents to the Shin Bet.¹²⁸ The daily caricature published by Ma’ariv portrayed Ha’aretz as the preferred reading material of Bin Laden, Nasrallah, Ahmadinejad, and others who are considered enemies of Israel.¹²⁹ In a column published in Ma’ariv, Menahem Ben suggested that the newspaper’s head be charged with treason¹³⁰, and Ben Dror Yemini blamed Ha’aretz for taking part in the “the industry of demonization and de-legitimization of Israel”.¹³¹

The Shin Bet against Uri Blau. Uri Blau was abroad at the time of the unveiling of the affair, and both the Shin Bet and the State Attorney negotiated with him in mediation of Ha’aretz agents for the conditions of his return. On October 2010 Blau returned to Israel, following an agreement signed between him and the State’s representatives.¹³² The Shin Bet’s persecution of Blau was meant to terrorize journalists and their sources, and prevent them from passing on or publishing information which the security officials seek to keep classified, especially such information which, as in this case, could incriminate military men and uncover IDF violations of High Court rulings.¹³³ The public and media attack drew attention towards journalist Uri Blau, turning him into the public enemy¹³⁴ instead of discussing the topic of illegal “exterminations” or other violations apparently carried out by senior military officials.

Legal sanctions against Anat Kamm. The original charge against Kamm was one of severe espionage while attempting to harm national security. If she is convicted of this crime, she could be sentenced for life by the High Court. According to publications, during these days Anat Kamm is close to signing a plea-bargain within which the clause of the attempted harm of national security will be erased from her indictment and only the clauses related to holding and passing on classified information will remain.¹³⁵ Following the publication of the State Attorney’s intention to reach a plea bargain with Kamm, MK Michael Ben Ari (National Union) demanded of the Attorney General that he not authorize

¹²⁷ http://www.the7eye.org.il/PaperReview/Pages/paper_review_110410_conspiracy_theories.aspx

¹²⁸ http://www.the7eye.org.il/Documents/Jerusalem%20Post%20-_1270757256336.png

¹²⁹ <http://www.nrg.co.il/images/archive/465x349/1/211/242.jpg>

¹³⁰ <http://www.nrg.co.il/online/47/ART2/094/698.html>

¹³¹ http://www.the7eye.org.il/Metukshar/Pages/170410_HAAREZ_loathing.aspx

¹³² <http://www.haaretz.co.il/nasite/spages/1195159.html>

¹³³ http://www.the7eye.org.il/DailyColumn/Pages/100410_Ashkenazi_Diskin_and_Blau.aspx

¹³⁴ http://www.the7eye.org.il/DailyColumn/Pages/100410_Ashkenazi_Diskin_and_Blau.aspx

the plea bargain. In his article, Ben Ari claims that if the publications are indeed accurate, this would turn the Kamm affair into a dead-letter, and more so, it would cause great contempt of the values of national security.”

Promotion of Major-General Yair Naweh. In the beginning of October it was announced that Major-General Yair Naweh, mentioned in Blau’s article to knowingly act in violation of the High Court’s ruling, was selected by the Defense Minister to be the next Deputy Chief of General Staff. No investigation was carried out into his involvement in the “targeted killings,” despite High Court directives and in violation of international law.

Amir Makhoul and Omar Said

After several weeks of media obscurity due to sweeping bans on publication, information regarding the arrest of two primary political and social figures among the Palestinian population became public. The two figures were Dr. Omar Said of Kufr Kana and Amir Makhoul from Haifa. Said is a well known political activist. In the 1980s he was a member of Abnaa el-Balad (Sons of the Land) and in the 1990s was among the founders of the National Democratic Assembly (NDA). He is a pharmacist by trade, and deals with natural medicine and medicinal herbs. Makhoul is the director of Itijah, an umbrella organization for the Palestinian NGOs in Israel, and the head of the Committee for the Defense of Political Liberties, operating within the framework of the High Follow-Up Committee.

The publication ban imposed on the affair did not stop the information regarding the arrests from being published in the foreign press, in civil-society organizations and on the internet. Four days after Makhoul’s arrest, reports in the Israeli media also began to appear which blatantly hinted at the affair, including referrals to internet publications. That same day, Petah Tikva Magistrate Court Judge Einat Ron decided to partially remove the publication ban, and thus the issue of the two’s arrest was uncovered.¹³⁶

Dr. Omar Said was arrested on April 24th 2010, while seeking to cross the border into Jordan. Parallel to his arrest the police held a sweeping search of his house and the offices of his company and confiscated all the office’s computers.

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www.mako.co.il/news-military/security/Article-52000d3e03c0b21004.htm&sCh=31750a2610f26110&pd=2082585621
http://www.the7eye.org.il/articles/Pages/120510_Amir_Makhoul_chronicles_of_an_exposure.aspx

His arrest was prolonged time after time by the High Court, while preventing him from seeing a lawyer. Only sixteen days later, during which he was subjected to extended investigations and sleep-deprivation, did the security authorities allow Said to meet his lawyer from Adalah. His indictment attributed to him the offenses of having contact with a foreign agent and delivering information to the enemy.



Amir Makhoul was arrested late at night on May 6th 2010, during a police and Shin Bet raid on his Haifa home. The eighteen police and Shin Ben personnel on site searched the house, confiscated equipment and arrested Makhoul before the eyes of his wife and daughters. The presumed cause of arrest was a vague security cause.¹³⁷ Makhoul was also prevented from meeting his lawyer from Adalah for 12 days. After the meeting was permitted, his lawyers made public that Makhoul gave testimony in court that extremely harsh investigation methods were used against him, which harmed him both physically and mentally causing him to admit to the crimes attributed to him even though he did not carry them out. Adalah stressed

that the invalid investigation methods also included sleep deprivation for the entire first days of investigations during which he was investigated almost without stop, all the while being chained. According to the lawyers, the Shin Bet investigators cuffed Makhoul's hands behind the chair, so that his shoulders and arms were stretched behind him while his legs were folded backwards and placed tightly on the chair in such a way that his knees were tilted towards the floor. After he complained of extreme pain, the Shin Bet's investigator also chained his feet to the feet of the chair. The investigators threatened Makhoul during the investigation that the investigations would leave him crippled, and that he would be sitting on the chair until he has hemorrhoids. Makhoul is being charged with contact with a foreign agent, espionage, grave espionage, conspiring to assist the enemy, and assisting the enemy during war.

Charges. Both detainees wholly denied the accusations against them. According to Adalah, the offenses of contact with a foreign agent attributed to them both is a crime the Shin Bet is able to charge almost anyone with – especially an Arab citizen – who has legitimate contacts with social or political activists in the Arab world.¹³⁸ According to the lawyers, the inflation of charges in the indictments has become a characteristic mode of action in security cases, used to justify the isolation of the detainee while maintaining a complete blackout, using improper investigation methods, and preventing a meeting with a lawyer.¹³⁹

Omar Said was released from prison On September 2010, after a plea-bargain was reached in July in which he was convicted in a relatively light charge of giving service for an unauthorized organization, and was sentenced to seven months of imprisonment. He was released after a third was taken off his term, due to good behavior. After his release Said noted: “My release proves what I claimed from the start, that it was a political arrest. The Shin Bet investigated me all the time only about Amir Makhoul, as if we were friends in the Hezbollah and I recruited him. Very quickly they understood that they went out on a limb.”¹⁴⁰

At the end of October 2010, Amir Makhoul accepted a plea bargain, admitting

¹³⁸ http://www.adalah.org/heb/pressreleases.php?pr=10_05_2010
¹³⁹ http://www.adalah.org/heb/pressreleases.php?pr=27_05_10
¹⁴⁰ <http://www.ynet.co.il/articles/0,7340,L-3953295,00.html>

to offenses of espionage and severe espionage and to contact with a foreign agent. However, Makhoul noted: “This story is not over, I will speak my mind in the future.”¹⁴¹ According to Makhoul, because of the hostile political environment and after consulting with his family, he decided to accept the plea bargain.

Publication Bans. Regulation 87 in the “Defense Regulations (times of emergency) – 1945” determines that the censor can ban publication of information if he thinks it could harm national security, public peace or public order. At times the ban is sweeping, and denies the publication of any piece related to the affair (including the mere existence of the ban), and other times it details what can be published and what is banned. Publication bans are given by Magistrate Court judges, in the presence of one side only – the State Attorney, representing the security apparatuses – without media voices being heard, even though they were recognized in a High Court ruling as “the agents of the freedom of publication”. The outlay of publication bans is considered a “bypass of the censor”; after the military censorship has had to accept the High Court’s ruling that it can ban publication only if there is near-certainty of a real harm to national security. The publication bans do not apply to foreign media nor internet social networks, which force the security and justice systems to cancel the publication bans after the information is made public abroad or over the internet, as happened in the cases of Anat Kamm, Omar Said and Amir Makhoul.



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<http://www.haaretz.co.il/hasite/spages/1195589.html>

Conclusion

This report has showed a present-day picture of the deterioration of democratic standards within Israel, and an increase in political violence towards Palestinian citizens of Israel, political activists, human rights activists, and civil society organizations. This deterioration, manifested in racist, discriminatory and anti-democratic legislation as well as in strengthening of the regime's repression and violence apparatuses, appears over the backdrop of a hostile public atmosphere, cultivated by the media, senior politicians and organizations of the extreme right. **The joining of forces by Right-wing organizations, the political establishment and the security forces, encouraged by the media, stands at the base of this onslaught.**

As we have seen in the report, the **Eighteenth Knesset** is the most dangerous Knesset ever elected in Israel. It is a parliament whose members compete with each other on a daily basis on anti-democratic and nationalist bill proposals. The activity of the MKs is backed by racist public sentiment, but at the same time nourishes this very sentiment, legitimizing and giving a formal and legal seal for discrimination and trampling of political opposition. Many of the anti-democratic proposed bills seek to create well-defined boundaries between those who are "with us" and those "against us", as well as between legitimate political activity and non-legitimate, while constantly narrowing what is considered legitimate. Many growing modes of democratic protest and civil criticism are considered as subversive and treason and undergo criminalization. Public figures, including politicians and seniors in the security establishment, do not shy away from racist statements and public assaults on peace and human rights organizations, and play an active role in the witch-hunt carried out by the organizations of the extreme right.

The overt persecution in the public and political realm goes hand in hand with **the actions of the police and the secret service (Shin Bet)**. The Israeli police are heavy handed in repressing demonstrations and other appearances of resistance to government policy, especially during the recurring "emergency" periods, in which

large military operations are carried out. In relation to the repression of protest against the military assault on Gaza, the authorities were quite understanding and patient with the protests of those who opposed the disengagement.¹⁴²

The Shin Bet acts according to a paradigm which seeks to thwart activities by forces interested in challenging or changing Israel's character as a Jewish state, even if their activities are legal. In such cases, the Shin Bet sees itself authorized to use surveillance measures which hinder privacy, such as phone tappings. This doctrine was formulated in a document written by Shin Bet head Yuval Diskin, along with then-Attorney General Meni Mazuz.¹⁴³ As part of this doctrine Palestinian activists, citizens of Israel, some of which work in human rights organizations, are regularly summoned for investigations.¹⁴⁴ The Shin Bet is also responsible for the expulsion, arrest and tracking of foreign peace activists.¹⁴⁵ According to media publications, on average the Shin Bet arrest an Israeli citizen or a foreigner every 36 hours.¹⁴⁶

The **Judicial System's** sweeping support for the security forces is also expressed by the closing of the investigation cases regarding those responsible for the murder of civilians in October 2000;¹⁴⁷ systematic denial of the investigation of complaints of violence and torture by Shin Bet investigators;¹⁴⁸ and cooperation with the demands of the Shin Bet for preventing detainees from meeting with lawyers.¹⁴⁹ In this and more, the state systematically defies the High Court's orders in a long list of cases or applies them only partially and inadequately. For these and other reasons, the UN Fact-Finding Mission stated in the Goldstone Report that the Israeli investigation system does not stand up to the principles set in international law regarding holding honest, independent, quick and efficient investigations, and that within the Israeli justice system there are structured elements of discrimination, which make the realization of justice significantly harder for Palestinian victims.¹⁵⁰

Nationalist movements have existed in Israel from the day of its foundation; however our period stands out in the founding and growth of organizations whose primary activity is devoted to the slandering of and incitement against human rights and left-wing organizations, as well as the Palestinian public.

¹⁴² <http://www.ynet.co.il/articles/0,7340,L-3839465,00.html>

¹⁴³ <http://news.walla.co.il/?w=/1/1109813>

¹⁴⁴ <http://www.acri.org.il/Story.aspx?id=1882>

¹⁴⁵ <http://www.haaretz.co.il/hasite/spages/1167577.html>, <http://www.haaretz.co.il/hasite/spages/1166945.html>

¹⁴⁶ www.haaretz.co.il/hasite/pages/ShArtJhtml?itemNo=1168500&contrastID=1&subContrastID=7&sbSubContrastID=0

¹⁴⁷ <http://www.nrg.co.il/online/1/ART1/688/890.html>

¹⁴⁸ <http://www.stoptorture.org.il/he/node/1518>

These organizations provide the foundations for public de-legitimization of the Palestinian society in Israel and of civil society organizations as well as political activists, both Palestinians and Jews. These organizations' public activity is mostly based on an ongoing attempt to make the Israeli public fear the Arab and/or leftist enemy.¹⁵¹ These organizations are well connected to the institutions of government, partly (but not solely) through the many MKs of the extreme-right sitting in parliament. Their provocative and well-funded media activities often turn into racist and anti-democratic proposed bills – in a focused campaign to curtail the funding of civil-society organizations, in a campaign against NGOs acting to implement the universal right of judgment and so on.

According to claims both by independent research institutes as well as senior journalists, **the Israeli media** does not carry out its role as a critical, independent and researching body, whose job is to criticize the government. On the contrary, in many cases the Israeli media acts as the voice of government agencies, and in recent months, significant segments of the media have cooperated with the attack against peace and human rights organizations.

The Israeli public. In light of all of this, it is of no surprise that according to a recent survey, close to sixty percent of the Israeli public believe that human rights organizations who reveal immoral Israeli deeds should not be allowed to function freely, and 50 percent believe that Israel has too much freedom of expression. It also explains why most of the public supports the punishment of citizens who show support for the imposition of sanctions or boycott of the state, and the punishment of journalists who publish articles revealing negative acts carried out by the security apparatuses.¹⁵²

149 <http://www.haaretz.co.il/hasite/spages/1168521.html>

150 http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/docs/UNFFMGC_Report.pdf

151 <http://only-israel.co.il/index.php/newsletter>

152 <http://www.haaretz.co.il/hasite/spages/1165894.html>

Epilogue

In recent years a growing segment of the Israeli and international public have found it increasingly clear that Israel cannot continue the occupation and simultaneously keep its image as a democratic country. The decades-old occupation inevitably leads to resistance. Lacking in legitimization for the repression of Palestinian resistance to the occupation, Israel turns to using steadily increasing military force, in the attempt to militarily subdue a struggle for independence and liberation from occupation. Thus, as Israel's mechanisms of repression and violence intensify, and turn into offenses both in terms of Israeli and international law, so grows the understanding in the international community that Israel is not interested in ending the occupation in the foreseeable future, and that international pressure is necessary in order to force it to do so.

Over the years, Israeli governments have acted intentionally to blur the Green Line and undo the differentiation between the 1948 and 1967 borders – partially by the construction of settlements, annexation of territories, selective application of Israeli law in the West Bank and control of many aspects of civilian life and Palestinian civil-authority. The peace movement in its many metamorphoses also laid a measure of Israeli control over the Occupied Territories and facilitated an extremely limited autonomy for the Palestinian Authority. Thus, any resistance to the occupation is perceived by right-wing elements as well as by the Israeli government as a threat to the country's very existence. It is apparent in both public discourse as well as in official policy, that the State of Israel has no ability to either conceptualize or imagine itself without the occupation and some limited form of control over the Occupied Territories and their residents. Therefore, international pressure is perceived as a significant strategic threat.

The central argument put forward by the right-wing organizations leading the attack, a view held also by many elements in the government, is that human rights organizations are the source of the international pressure applied

to Israel. A quote by Prime Minister Binyamin Netanyahu from June 2010 expresses this well: “There is a link-up between these elements, supposedly committed to human rights, with elements who brush human rights away more than any other element on earth. This linkage is focused, only on one issue, or at least initially focuses only on one issue, and this is the continuation of the existence of the State of Israel [...] and this is why we are witnessing a growing wave. This is the ideological basis. It causes ferment first of all in Europe. It causes some kind of political correctness, finds its roots in significant segments of the media and spreads slowly, also winning over governments.”¹⁵²

This perception erroneously and dangerously links between military threat – both real and imagined – on Israel, and civilian, democratic, popular and non-violent resistance. It leads to the labeling of civil rights activists as “traitors”, and a “fifth column”. This comparison makes possible the operation of unsupervised and unhampered mechanisms of repression and violence against the opposition, and this is the offensive we witness and feel. The panic resulting from international pressure leads Israel to attempt to repress its opposition from within, using increasingly fierce mechanisms. If human rights and leftist organizations are the source, or at least an important motivating force in the creation of such “subversion” against the existence of the state, then all means could be used to harm their activities, repress their activists and even bring about their complete closure.

The more engrained this erroneous understanding that criticism of Israel is equated with “terror” becomes, so too will the danger hovering over the activities of the opposition, as the Israeli government has already claimed at different opportunities that international law dealing with the war against terrorist organizations must be altered.¹⁵³ Already today, activities defined by Israel as acts of terror, even if they are civilian non-violent actions, encounter an Israeli response unbounded by ties of law and reason. The army’s response to the Gaza flotilla is a representative example for this issue: since the flotilla’s participants were designated as terrorists by Israel, disproportionate violence could be used against them, including the killing of nine civilians, confiscation of equipment, plunder of this equipment and making transactions using the flotilla activists’

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<http://online.knesset.gov.il/eprotocol/PLAYER/PEPlayer.aspx?ProtocolID=8571>

¹⁵³

<http://english.aljazeera.net/news/middleeast/2009/10/2009102122137152596.html>

credit cards.¹⁵⁴ The labeling of “terror” made it possible to attack MK Haneen Zoabi who was on board the flotilla, deny her of her rights, and for Members of Knesset as well as the media to continue to assault her.

The rise of such a coordinated offensive against the forces fighting the occupation, specifically at this moment in time, indicates the success of the local and global movements against the occupation. Gradual changes in international power relations, such as the growth of new international protest movements, will continue to make it difficult for Israel to uphold “business as usual” as long as the occupation continues. This means that Israel will sooner or later have to address the criticism it attempts to suppress today.

