

Document

Evidence about the Political Situation in Israel

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Preface

The document *Evidence about the Political Situation in Israel* provides a glimpse to nationalistic, expansionist, and anti-democratic lines of action that indicate how far the red lines were crossed. The document is not exhaustive and does not intend to cover thoroughly all the acts taken in Israel that negate the moral and democratic compass. Information about these acts can be found in various sources of communication. The goal was to describe few areas with salient illustrations, with special focus on the acts carried by the government and Knesset that ruled Israel 2009-2013. The document focuses on the half empty glass, with it Israeli society and the state have many remarkable achievements in different domains that cause much pride and satisfaction. But the witnessed dramatic changes in Israel's course signal a state of emergency. We see already that the new coalition agreement signed between Habayit Hayehudi and Likud-Yisrael Beiteinu calls to legislate a controversial Basic Law that would make the state's democratic character subservient to its Jewish character.

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Abstract

In recent years, we have witnessed dramatic changes in Israel's course. The growing dominance of nationalistic, expansionist, and anti-democratic ideologies, goals and policies have already crossed the democratic and moral red lines. The ongoing occupation of the West Bank and the expansion of Jewish settlements in the occupied territories violate the basic human and collective rights of the Palestinians and tear apart the democratic and moral fabric of Israeli society — as did the past government's refusal to engage in the meaningful negotiations with the Palestinians and the Arab world that could bring about a peaceful settlement to the ongoing conflict. The Israeli governments have continued to ignore the Arab Peace Initiative, which was launched at the Arab Summit Conference in Beirut in 2002 and which called for the establishment of a Palestinian state in the West Bank, the Gaza Strip and East Jerusalem, alongside the State of Israel with its recognition and normalizing relations. Instead, they have forged ahead with their expansionist policies that, if not halted soon, will render a two-state solution impossible. In carrying out these policies, the governments not only violate international law, but at times also break Israeli laws, thus seriously undermining the very foundation of Israeli democracy. We are witnessing continuous, systematic and often, successful attempts to pass laws that contradict the fundamental democratic principle of equal treatment of minorities. The past government initiated educational policies that gradually eroded the humanistic and democratic values in education, and imparted narrow, nationalistic and intolerant values instead. There have been systematic attempts to silence criticism of Israeli policies and delegitimize dissenting voices in academia, the media, and NGOs. Attempts to control the legal system by attacking the Supreme Court and limit its independence recur repeatedly. We are also witnessing increasing attempts by extremist religious forces to extend their monopolistic practices in different realms of life and attack other religious denominations. Altogether, we can identify

serious deviations from the moral and democratic compass that ought to guide our society towards equality, freedom, and justice.

The present situation in Israel and the occupied territories can be best described with the following quotations taken from three chapters in the book by Daniel Bar-Tal and Izhak Schnell (Eds.), (2013). *The impacts of lasting occupation: Lessons from Israeli society*. New York: Oxford University Press.

"In evaluating the nature of the Israeli political system, one should take into account not only the prolonged occupation, with its slowly eroding effect on the areas beyond the Green Line and the increasing suppression of Palestinian resistance, but first and foremost the expanding settlement of Jews in the occupied territories. The settler Jewish population has increased in number, as has the political influence of their supporters on decisions regarding the nature of the state and their ideological influence on the social discourse concerning the identity of Israeli society. It is no longer possible to evaluate the state in Israel by focusing on the borders of the Green Line; rather, it is now necessary to consider the entire territory controlled by Israel as a single entity. Furthermore, the relationships between Palestinians and Jews in this territory are shaped in a synergetic process in which one entity can be understood only with reference to the conflict in which it is engaged with the other entity. The Israeli system is primarily characterized by the differential relationship between the various governmental authorities, institutions, and security organizations, on the one hand, and the different populations that also enjoy different rights, on the other hand. It is very clear that within this system the Jews enjoy greater rights, derived from their greater accessibility to power, prestige, and resources. To preserve these greater rights, they pass laws that discriminate against the Arab citizens within the Green Line, such as the law that restricts

the citizenship of a (male or female) Palestinian married to a Palestinian-Arab Israeli citizen. Another form of discrimination consists of practices such as denying non-Jews access to certain resources and opportunities, such as preventing them from holding public service positions. The political process of exclusion, of denying access to economic resources and certain residential areas, has also become established in the attitudes and behaviors of broad sectors of the Israeli Jewish public. Consequently, five different populations have crystallized in the Israeli system: (1) Jewish settlers who live in the occupied territories, with greater rights than Jews living within the Green Line; (2) Jews living within the Green Line with full civil rights; (3) Arab citizens of Israel with full civil rights but institutionalized discrimination, surveillance, and exclusion; (4) East-Jerusalem Arabs with restricted civil rights¹; and (5) Palestinians in the occupied territories with no civil rights, under full surveillance and control, and legally discriminated against in comparison with the Jews living in those same territories². This regime, characterized especially by different levels of rights conferred upon different populations, has relied on different rationales for rights—from rescinding the rights of Palestinians in the territories, under what was presented as a temporary occupation, through rights conferred according to the liberal rationale on all citizens; preferential rights to specific communities according to the republican rationale; and privileged rights to the settlers along with restricted rights to Arab-Israeli citizens—all in the name of nationalist values".

¹ Following the annexation of East Jerusalem in 1967, its inhabitants received a civil status of "permanent resident" of the State of Israel. The main right of a permanent resident is the right to live and work in Israel, without requiring special permits. Moreover, permanent residents are entitled to social benefits according to the National Insurance and Health Insurance laws, and to vote in municipal elections but not in elections to the Knesset. A permanent residency, unlike citizenship, is transferable to the resident's children only under certain conditions. Residents married to someone who is not a resident or citizen of Israel, need to apply for a family unification permit for their partner.

² According to the Association for Civil Rights in Israel, the Palestinians in the occupied territories live under an occupying regime and are denied their basic rights as promised by a democratic regime. They are also denied partnership in those processes that affect their fate. Establishment of the Palestinian Authority and the holding of elections did not essentially alter their civil status. In the West Bank the Palestinian Authority enjoys jurisdiction in regard to only a very few issues, and in very small enclaves. In the Gaza Strip Israel has continued to control all matters crucial to the lives of the inhabitants, even after the disengagement.

Izhak Schnell and Daniel Bar-Tal. Conclusion: The Occupied Territories as a Cornerstone in the Reconstruction of Israeli Society (pp. 518-519)

"As a matter of fact, the tacit role of Israeli governments in both enabling and supporting the settlements in the occupied territories probably warrants renaming what is called "the settlements' project" the "project of the state" and therefore an integral part of the Israeli regime. Predictably, this clash between the commitment to democratic rules and the commitment to a right-wing and messianic interpretation of Zionism triggered antagonisms between the settlers and Israel's democratic institutions like the Supreme Court....The tensions between the covert and, later, more overt endorsement of a group of armed civilians united by a minority religious-nationalistic faith, protected by the army and right-wing parties, and the perception of Israel as a democracy have produced many anomalies. These include the use of legal language and procedures to whitewash the deployment of raw power by the military and later by the civil authority backed up by the occupying force....These developments gradually created the anomaly of a dual system of law and law enforcement practices that adds up to a whole illegal subculture with corrosive effects on Israeli democracy, law, the army, the civil service, the educational system, and the nation's international status as a democracy This illegal culture that continually generated multiple forms of coercion and violence remained protected by Israeli ministers, by the occupying army, and by the bureaucracy, the last increasingly staffed by ideologically and religiously committed settlers who have not hesitated to ignore or defy rulings of Israeli courts"

Yaron Ezrahi. The Occupation and Israeli Democracy (pp. 192-193).

"The system of control over the Occupied Territories has been characterized by what may be termed "legal hypocrisy." In practice, it rests on a dichotomy between the status of the OT and that of the Palestinians who reside there. The Occupied Territories itself is not regarded as occupied; its *Palestinian* residents are, however, subjected to the law of occupation....Despite their initial

reluctance to consider the West Bank and Gaza as occupied territories, the Israeli authorities realized early on that the regime of belligerent occupation offered them tremendous advantages. They could maintain control over these areas by the use of military force without extending political or civil rights to the Palestinian residents. Under the guise of protecting military needs, they could focus on their own political interests without bothering too much about the interests of the local population. The regime of belligerent occupation does indeed place serious restrictions on the powers of the occupying power. However, the authorities sought ways to circumvent those restrictions that blocked the promotion of their political agenda, and in doing so they generally gained the support, tacit or express, of the Supreme Court...At the heart of Israeli policies relating to the Occupied Territories lies the issue of settlements. For it is this issue, more than any other, that exposes the fundamental clash between the regime of belligerent occupation as a temporary, provisional regime based purely on military exigencies and the political agenda of successive Israeli governments that sought to make Israeli control over all or much of these territories permanent and irreversible".

David Kretzmer. The Law of Belligerent Occupation as a System of Control: Dressing Up Exploitation in Respectable Garb (pp. 32, 36)

Israeli Occupation

One of the accepted definitions of occupation says that it is "*effective control of a certain power (be it one or several states or an international organization), over a territory which is not under the formal sovereignty of that entity, without the volition of the actual sovereigns of that territory*" (Benvenisti, 1993, p. 4). Edelstein (2008) adds that occupation refers to temporary control of a territory by a State that does not claim the right to permanent sovereignty over that territory. This distinguishes occupation from colonialism or annexation, in which the occupant does not necessarily intend to vacate the territory in the future (see Lustick, 1993).

In its essence it does not violate international law, which tries to regulate life under occupation by delineating the duties of the occupier and the rights of the occupied population. Nevertheless these rights are often violated by the occupying forces especially when occupation is resisted by the occupied population and is prolonged. It then becomes an oppressive experience that is unacceptable in the normative code of the international community today.

Prolonged occupation often contradicts the principles of self-determination, collective rights, political independence, and territorial integrity that have gained worldwide acceptance as basic moral principles concerning states and other collectives. It often violates internationally protected human rights as listed in the *Universal Declaration of Human Rights (UDHR)*, subsequently developed in the *Covenant on Civil and Political Rights* and the *Covenant on Economic, Social and Cultural Rights*. Occupation, when resisted, necessarily violates moral principles that constitute the basis of universal human rights, such as the dignity of human life, equality, and the right of the individual and the collective to freedom and independence. All of these principles are firmly anchored in various international declarations, agreements, and conventions. An example

can be found in the first Geneva protocol (1977), which applies to situations in which nations fight for their right to self-determination against “colonial domination, foreign occupation and . . . racist regimes,” all of which are treated as equivalents. Thus, it is not surprising that both the international community and public opinion condemn prolonged occupation.

Israel occupied from Jordan in 1967 war an area of 5,840 square kilometers (km²) known as the West Bank. Of this area, 70.5 Km² in East Jerusalem and nearby Palestinian villages were immediately annexed to Israel, while the majority of the West Bank remained under military rule. As of 2012, the population of the West Bank area included over 2.4million Palestinians and 0.33 million Israeli Jews. East Jerusalem was in 2012 populated by over 300, 000 Palestinians and by 193,000 Jews. Thus today there are more than 500,000 Israeli settlers living across the occupied West Bank, including East Jerusalem. The settler population has more than doubled since the conclusion of the Oslo accords (D.O.P) in 1993.

Jewish Settlement

The United Nations report notes that Israel built, and continues to expand, Jewish settlements in the occupied territories in violation of the Fourth Geneva Convention (Dugard, 2006; Report of the Human Rights Council, 2013). By March 2010, there were 124 settlements in the territories (excluding East Jerusalem), which included 4 cities, 13 Local councils, and 6 Regional councils including 103 villages. These settlements were constructed over 1% of the West Bank's territory. However, they control about 43% of the West Bank in their municipal boundaries and the majority of its water and natural resources. Between 2010-2012 settlement expansion has accelerated with more than 16,000 new housing units announced or approved.

Additionally, since 1998, over 100 outposts³ were constructed. Officially unrecognized by the authorities, they contain 283 permanent homes and 1,865 caravans (Arieli, 2010). Moreover, according to information provided by the Israeli Civil Administration, over 20% of all West Bank settlements have for decades been constructed on private Palestinian lands expropriated for “security needs” via temporary military injunctions (Rapoport, 2008, B'tselem, 2010).

B'Tselem, ‘By hook and by crook – Israeli Settlement Policy in the West Bank’, July 2010:

http://www.btselem.org/download/201007_by_hook_and_by_crook_eng.pdf

Only 3.7% of the West Bank’s Palestinian population – about 90,000 people – lives in Area C⁴ (defined by the Oslo Accords as those parts of the West Bank under Israeli control), which constitutes 60% of the West Bank. Since Oslo, almost two decades ago, Israel has cemented a consistent policy in Area C, the goal of which is the deepening and eternalizing of Israeli control over the area. This policy both unilaterally determines the future of the West Bank, and diminishes Palestinians’ ability to live in Area C. This policy is enacted through a number of different methods:

³ An **outpost** (“a stronghold”) refers to a community built within the West Bank (excluding Jerusalem) that was constructed without the authorization of the Israeli government but very often with its help. Some of these are illegal because they are built on privately owned Palestinian land.

⁴ The [Oslo II Accord](#) signed in 1995 created three temporary distinct administrative divisions in the [Palestinian territories](#), the Areas A, B and C, until a final status accord would be established. The areas are not contiguous, but rather fragmented depending on the different population areas as well as [Israeli](#) military requirements: **Area A** (18% of the West Bank) includes all Palestinian cities and their surrounding areas, with no Israeli settlements. It has full civil and security control by the Palestinian Authority); **Area B** (21% of the West Bank) includes areas of many Palestinian towns and villages and areas, with no Israeli settlements. It has Palestinian civil control and joint Israeli-Palestinian security control; **Area C** (61% of the West Bank) includes all Israeli settlements (cities, towns, and villages) and also about 90,000 Palestinian residents in villages. It is under full Israeli civil and security control, except over Palestinian civilian matters such as education, health and welfare.

- Lack of Master Plans and the and the systematic non-provision of building permits to Palestinians in the Occupied Territories
- The declaration of National Parks and Nature Reserves
- Military confiscation orders to build the separation barrier and along the Seam Line
- Sealing off territory and declaring it as an “Army Training Zone”: About 18 percent of the West Bank has been declared a “firing Zone” which is slightly more than the entire territory contained in Area A, where all of the major Palestinian cities are located. Five thousand people from 38 different communities live on these lands. Most of them lived there before their land was declared a “firing zone.”
- The confiscation of land and the declaration of lands as “State Lands”, especially until 1993.

Israel unequivocally denies Palestinians the right to build on 70 percent of Area C, which comes out to about 42 percent of the West Bank. In the remaining 30 percent of Area C, there exist obstacles that minimize the chance of a Palestinian attaining a building permit, such that in practice, the Civil Administration permits Palestinians to build freely in only 1 percent of Area C, “much of which is already built up.”

Such consistent discrimination is carried out, inter alia, through the exclusion of Palestinians from planning mechanisms (in contrast to the 20 local planning commissions designed to serve Jewish settlers). It has created a reality in which, between 2007 and 2010, the Civil Administration provided a total of 64 building permits to Palestinians in Area C, whose population is around 90,000.

In a report published by the EU at the beginning of the year and endorsed by every single member state, Israel's policy was called "forced transfer of an indigenous population."

Source: 1,500 Palestinians face expulsion to make way for IDF 'Firing Zone 918', By Eyal Raz, Published August 29, 2012: <http://972mag.com/1500-palestinians-face-expulsion-to-make-way-for-idf-firing-zone-918/54694/>

Source: In West Bank areas under Israel's control, illegal homes are usually Palestinian, by Akiva Eldar, May 27, 2012, Haaretz: <http://www.haaretz.com/news/diplomacy-defense/in-west-bank-areas-under-israel-s-control-illegal-homes-are-usually-palestinian.premium-1.432771>

The Association for the Civil Rights in Israel has written about the mechanisms that deny Palestinians the right to build and live in these areas of the Occupied Territories. *"A key instrument in advancing retroactive legitimization of settlements in the Occupied Territories is a committee established in early 2012 and led by retired Supreme Court justice Edmond Levy. Prime Minister Benjamin Netanyahu decided to establish the committee in late 2011, with the goal of advising the government on formalizing the status of illegal outposts already slated for eviction under a ruling by the High Court of Justice..... The committee released its findings in June 2012. Among its conclusions was that the territories of the West Bank are not under occupation, and there is no reason to prevent Israeli Jewish citizens from settling there. It also recommended formalizing the status of the majority of illegal outposts and easing the processes of land acquisition and construction for Israelis in the West Bank"* (The state of human rights in Israel and the OPT 2012, the Association for the Civil Rights in Israel, p. 79).

In spite of its harsh conclusions the same report has the integrity to acknowledge the way the settlement activity was carried out: *"Once again there is no doubt that the settlement was carried*

out with full knowledge of all [authorities], starting with the government ministers and prime minister, and until the lowest enforcing agencies, and the denial had but one goal only: to withstand criticism by various factors, mostly international. In this matter, one can do no better than quote from the report written by attorney Talia Sasson (our reservations from this report concern only the blame attributed to the settlers), in order to understand the atmosphere of these days: "The state of Israel funds at least part of the illegal outposts. The Civil Administration turns a blind eye, for years now, to the expansion of complete neighborhoods next to settlements or far from settlements, without any authorized plan. It doesn't supervise the construction; it doesn't report outposts, claiming that the definition of an outpost is unclear, and that it doesn't have information concerning outposts, also due to the supervising limitation it took upon itself in the settlements; mobile housing units often receive entry permits to Judea and Samaria from the Ministry of Defense, even if there is no planned destination; the Deputy Defense Minister for settlement matters informs the authorities that the unauthorized outposts are to be considered settlements for all practical purposes; thousands of demolition orders were never enforced throughout the years; the outposts multiplied and no delimitation decrees issued, not even concerning the outposts on the March 2001 list, which were subject to an Israeli commitment to evacuate; that decrees which were issued by the High Court of Justice were never enforced....The result of all this is a message that seizing lands for outposts, despite being obviously illegal is after all a positive move, in any case not a severe offense, and in any case not a 'regular' offense. In other words, illegal action became institutionalized and established. We are not dealing with a criminal or a group of criminals breaking the law. The picture revealed concerns wholesale illegal actions carried out by government ministries, public authorities, regional councils in Judea and Samaria and settlers, while pretending to be part of a completely lawful governing process." (pp.

53-54) *"Finally, we wish to stress that the picture that has been displayed before us regarding Israeli settlement activity in Judea and Samaria does not benefit the behavior of a state that prides itself on, and is committed to the rule of law". (p.88)*

Land Expropriation

Soon after the occupation of the West Bank (1968), Israeli authorities withheld any further possibility of land registration processes that were anchored in the Jordanian and Mandatory laws. Two-thirds of all the West Bank lands have thus not been appropriately registered, and their ownership derives from long-term possession. Furthermore, in the early 1980's Israeli authorities created a procedure for declaring lands to be "state lands", which countervailed previously established land rights that were anchored in the Jordanian and Mandatory laws. In this way, Israeli authorities expropriated 10% of the West Bank territory which were added to 10% of "state lands" which it inherited from the Jordanian government. Israeli authorities further expropriated another 3% of lands in the West Bank under the guise of "Military needs" or "public purposes". These lands were later used for the construction of settlements and bypass roads, used exclusively by Israelis (B'tselem 2002).

In East Jerusalem about 24 km² of the annexed area, most of which is privately owned by Arabs, was later expropriated by the state. By the end of 2001, 46,978 housing units had been constructed on the lands expropriated in East Jerusalem for the city's Jewish population, while only few hundreds were built for Palestinians, who constitute about 38% of the city's residents.

43% of the West Bank is presently included within the municipal boundaries of local Israeli municipalities (settlements), while a third of these lands are recognized as private Palestinian property by the Israeli Civil Administration. Palestinians are formally denied any access to these

areas, although actual control of Israeli municipalities over their areas varies. Some of these lands are still used by Palestinians for grazing and agriculture, but permanent residence is strictly prohibited (B'tselem 2010).

In 2012 the Association for the Civil Rights in Israel reported "*Palestinian residents of East Jerusalem, by virtue of their status as permanent residents, are legally entitled to all the services and benefits to which Israeli citizens are entitled (with the exception of the right to vote in elections to the Knesset). In reality, however, the situation is quite different. For decades, the Israeli authorities have not provided adequate resources for the upkeep of East Jerusalem or the development of its services and infrastructure. As a result, living conditions in East Jerusalem are substandard and most residents of these neighborhoods cannot access the most basic services, reflecting a serious violation of their right to an adequate standard of living*" (*The state of human rights in Israel and the OPT 2012*, the Association for the Civil Rights in Israel, p. 53).

360,882 Palestinians comprising 38% of Jerusalem's total population suffer severely from extreme poverty, very limited employment opportunities, weakened educational systems, and the absence of physical and economical infrastructures.

Source: [East Jerusalem in Numbers, May 16, 2012](#), the Association for Civil Rights in Israel (ACRI)

Approximately 2,500 Jewish settlers live in dozens of enclaves in the heart of Palestinian neighborhoods throughout East Jerusalem. Since the early 1990s, some 350 armed guards employed by a private security firm have patrolled these enclaves with the goal of ensuring the security of the Jewish residents. The activity of this unit is financed by the Ministry of

Construction and Housing at a cost of 73 million of shekel. (*The state of human rights in Israel and the OPT 2012*, the Association for the Civil Rights in Israel)

Casualties

At present, there are no sources of reliable and comprehensive data on the total number of Palestinians killed throughout the period of occupation. It is especially difficult to obtain information regarding the first two decades of the occupation. Nonetheless, various organizations do provide partial data on the later periods.

According to data compiled by the B'tselem, between 1989 and 2012 Israeli security forces killed 7,909 Palestinians in Israel and the occupied territories, including at least 1,617 minors⁵ (B'tselem 2012b). Various collections of data relate to the decisive moments in the occupation, such as the first and second *intifadas* (the two Palestinian uprisings). Thus, for example, from December 1987, when the first *intifada* started, to the end of December 1993, 997 Palestinians were killed by the Israeli army (IDF) and 16,839 were injured by the IDF⁶ (B'tselem, 1994). Subsequently, according to information provided by Amnesty International, between 2000 and 2005, during and following the Second *Intifada*, over 3,200 Palestinians were killed by the Israeli forces, including 600 children and over 150 women and about 30,000 were wounded (Amnesty International, 2005). To these statistics we must add the number of Palestinians who were injured, which probably involves many thousands, but we were unable to find reliable data.

Violence by Jewish settlers and differential legal system.

⁵ Additional detailed information indicates that from December 1987 to the end of February 1999, the Israeli security forces killed 1,472 Palestinians in the territories, 1,341 of whom were civilians and 18 of whom were members of the Palestinian security forces. 113 Palestinians were killed by Israeli civilians, mostly Jewish settlers. Of those killed, 302 were children under the age of 17 (B'Tselem 1999)

⁶ Between the end of September 2000 and the end of December 2008, the Israeli security forces killed 4,792 Palestinians in the West Bank and Gaza Strip, 952 of whom were under the age of 18. At least 2,222 of those killed were not engaged in armed struggle at the time, and 233 were targets of assassination (B'Tselem website, fatalities).

According to data compiled by B'Tselem, between 1988 and 2012 Israeli civilians killed 160 Palestinians in the West Bank, including 5 since 2009 (B'Tselem 2012b). These latest deaths are part of a wider phenomenon of settlers' violence against Palestinians, known as the "Price Tag". According to information provided by IDF's Center's Command there occurred 433 price tag incidents in 2009, over 500 incidents in 2010, and over 600 incidents in 2011 (Greenberg 2012). These incidents resulted in over 300 Palestinians being injured and five Palestinians killed (OCHA 2012). According to data by OCHA (2011a) the number of settler attacks resulting in Palestinian casualties and property damage has increased by 32% in 2011 compared to 2010, and by over 144% compared to 2009. In 2011, three Palestinians were killed and 183 injured by Israeli settlers. Eight Israeli settlers were killed and 37 others injured by Palestinians in 2011, compared to five killed and 50 injured in 2010. In 2011, about 10,000 Palestinian-owned trees, primarily olive trees, were damaged or destroyed by Israeli settlers, significantly undermining the livelihoods of hundreds of families. Between 2005-2011 127 investigations were carried out regarding destruction of olive trees and only in one case an investigation was completed and indictment was submitted to a court. Over 90% of monitored complaints regarding settler violence filed by Palestinians with the Israeli police in recent years have been closed without indictment. Eighty four (84) percent of investigations were closed due to investigatory failures – in most cases, this failure was reflected in the inability of the police to identify suspects or collect evidence for prosecution, while in a minority the grounds were the loss of complaints, or the allegedly unjustified closure of investigations due to “absence of criminal culpability”. In this vein, only 3.5% of the complaints against supposed criminal acts done by soldiers to Palestinians ended with indictment by the military police (Yesh Din, March, 2012).

Law Enforcement upon Israeli Civilians in the West Bank, Yesh Din Monitoring Update, Data sheet, March 2012: http://www.yesh-din.org/userfiles/file/datasheets/LawEnforcement_datsheet_Eng_March_2012_Final.pdf

Over the years, the settlers have become an influential political factor that has succeeded in biasing the judgment of military personnel in the field. The *Karp Report* (1982) revealed how the army justified the expropriation of land for security purposes despite the fact that these expropriations had no real security justification. The report also indicated soldiers' disregard of the repeated law-breaking by the Jewish settlers against Palestinians in the territories. Later, the *Sasson Report* (2005) revealed how the army supported dozens of illegal settlements and, instead of evacuating them, it sent soldiers to protect them.

Of special importance is the legal discrimination practiced in the occupied territories. This means that residents of the same area are treated legally differently according to their nationality. Israel operates a two-tier system for the two populations of the West Bank in the large areas where it exercises exclusive control (Human Rights Watch, 2010).

The Costs to Israeli-Jewish Society

In the context of the occupation, some Palestinians have continuously carried out violent acts of various types, including terrorist attacks that have led to severe losses for the Israeli-Jewish population. Just as there is a paucity of data regarding harm to the Palestinians, there are no reliable data on the harm caused to Israelis as a result of Palestinian terrorism throughout the years of occupation. The Israel Intelligence Heritage & Commemoration Center (IICC) states that no

reliable, comprehensive database exists on the victims of suicide attacks (IICC, 2006). Nonetheless, some data are available for different periods.

According to the Ministry of Foreign Affairs, 987 people were killed in Israel in Palestinian terrorist attacks between 1967 and 1999 (Israel Ministry of Foreign Affairs, *Terrorism deaths in Israel 1920–1999*). More specifically, between 1990 and 1999, 344 people were killed in such attacks (Shin Bet Security Service, 2010). According to B'Tselem, between 1989 and 2009 Palestinians killed 1,483 Israelis, including 139 minors; 488 of those killed were security personnel and 995 were civilians (Yahav, 2009). Between 1993 and 2000 26 suicidal terror attacks were carried (16 of them in the state of Israel, within the green lines), in which 163 Israelis were killed and hundreds wounded. During the Second Intifada of 2000-2006 over 1100 Israelis were killed and about 8000 were wounded (about 70% of them were civilians). In this period 144 suicidal terror attacks were carried. Data provided by B'Tselem, the Yesha Settlements Council, the Shuvi organization, the Organization of Families Victims, the IDF, and *Haaretz* reveal that 230 Israelis were killed in the Gaza Strip between 1967 and 2005 (Regular & Gottlieb, 2005).

Reports by the Shin Bet and the IICC provide detailed information on Palestinian terrorism in the twenty-first century. According to Shin Bet data, between September 29, 2000, and December 31, 2009, 1,178 people were killed as a result of Palestinian terrorism, including 790 Israeli civilians, 328 security personnel, and 60 foreign nationals. In total, 146 suicide attacks took place in this period (Shin Bet [Security Service], 2010). According to IICC data, 24,247 attacks were carried out between September 28, 2000, and February 8, 2005; 0.54% of these were suicide attacks that were responsible for 49% of all Israeli fatalities (502 killed). Also in this period, 3,528 long-range fire incidents took place, comprising 3,096 mortar attacks and 432 rocket attacks (IICC, 2005).

One of the most common attack methods in the region in the last decade has been rocket fire from the Gaza Strip. This began in 2001 and has gradually become one of the central threats posed by Palestinians. Between April 2001 and November 2012 in total 7361 rockets were fired from Gaza Strip to Israel. During this time in relations to this particular kind of violence 59 Israelis and 4717 Palestinians in Gaza strip were killed (Haaretz, November 23, 2012). These experiences and previous ones clearly have caused severe psychological damage, expressed as posttraumatic stress disorder and other effects (e.g., see Bleich, Gelkopf, & Solomon, 2003; IICC, 2007).

Imprisonment

An estimated 700,000 Palestinians were imprisoned in Israel between 1967 and 2007 (Dugard, 2008), and thousands of others were tried by the Israeli military courts. Between 1990 and 2006, for example, over 150,000 Palestinians were tried in the military courts (Yesh Din, 2007). At the end of February 2010, 6,759 Palestinians were being held by the Israeli security forces, including 297 minors (B'Tselem, *Detainees and prisoners*, 2010).

Some of the detainees are held by means of administrative detention, which is carried out by an administrative order alone, with no judicial ruling, indictment, or trial.

Military law ruling in the occupied territories allows arresting a person by administrative court order, without any indictment and with no trial, to a period of up to six months. Court orders can be repeatedly extended, to another six month each time, with no maximum detention period. In this manner, Israeli forces continue to arbitrarily detained hundreds of Palestinians on "security" grounds. Hundreds are put under administrative detention, sometimes for years, without being charged or sentenced. Out of 322 petitions submitted to Israel's High Court of Justice by administrative detainees during the last decade, none were accepted.

Source: 322 Petitions submitted, but the High Court of Justice never ordered the release of an administrative detainee, by Tomer Zarchin, Haaretz, May 25, 2012:

<http://www.haaretz.co.il/news/law/1.1716344>

A person detained in this way does not know why he or she has been detained or on what charges. Nor is the individual given an opportunity to question witnesses or challenge the truth of the accusations in any way. Between December 1987 and December 1997, over 18,000 administrative detention orders were issued against residents of the occupied territories (B'tselem, 1998). According to the Israel Prison Service, of 548 administrative detainees held by the army in January 2009, 42 had been held for over two consecutive years and 23 for over two and a half years (B'tselem, 2008).

Various interrogation and torture methods are used against some of the detainees. According to Physicians for Human Rights, 1,000–1,500 Palestinians are interrogated by the Shin Bet (security service) annually, and 85% of them are subjected to methods that fall under the definition of torture (Physicians for Human Rights, 2000, see also Public Committee against Tortures in Israel). According to B'tselem (1996), approximately 23,000 Palestinians were interrogated by the Shin Bet between 1987 and 1994. The 1987 Landau Commission, which was headed by Supreme Court Justice Moshe Landau, was appointed to examine the interrogation methods of the General Security Service (GSS). It exposed a widespread practice of torture and cover up. The commission outlawed torture but also noted that “the exertion of a moderate degree of physical pressure cannot be avoided.” Nevertheless, a 1994 State Comptroller’s Report (released in summary form in February 2000) found that the GSS interrogation methods continued to violate the law, the Landau Commission guidelines, and the internal guidelines formulated by the service itself. According to the Public Committee against Tortures in Israel until 1999 the Israeli security forces tortured

thousands of Palestinians detainees each year with at least one form of tortures. In 1999 the high Court of Justice ruled against use of five methods of tortures although it avoided calling them tortures. Nevertheless tortures still continue in Israel as implied by the questions that were posed on August 31, 2012 by the UN Human Rights Committee regarding Israel compliance with the International Covenant on Civil and Political Rights which Israel ratified in in 1991. The Public Committee Against Torture in Israel (PCATI), Adalah, Al Mezan Centre for Human Rights, and Physicians for Human Rights-Israel (PHR-I) submitted briefing paper to this committee indicating over 700 complains of tortures between 2001-2011.

As many as 90% of Palestinian prisoners being interrogated by the Shin Bet security service are denied the basic right of consulting with an attorney, even though civilian and military legislation state clearly that such prohibition should be rarely applied. Moreover, during prolonged periods when prisoners are kept from meeting with lawyers, the Shin Bet utilizes interrogation methods that run contrary to international law, Israeli laws and Israeli commitments to avoid such methods. Among these interrogation methods are tying prisoners for a long time to a chair with their hands behind the back, sleep deprivation, threats (usually of harming family members), humiliation and being kept for long periods in unsanitary cells.

Some 70% of the hundreds of appeals that they submitted to the State Attorney, asking to revoke orders preventing meeting with an attorney, have been rejected. In the dozens of cases that were deliberated by the High Court, the judges were convinced by the Shin Bet's arguments.

Source: 'Shin Bet tortures prisoners and denies access to lawyers', by Amira Hass, Haaretz, December 28, 2010: <http://www.haaretz.com/news/diplomacy-defense/shin-bet-tortures-prisoners-and-denies-access-to-lawyers-1.333450>

<http://www.stoptorture.org.il/en>

<http://www.adalah.org/eng/?mod=articles&ID=1782>

Israel's Central Command has signed an order enabling the Immigration Police to operate in the Occupied Territories, including Area A (which is under the jurisdiction of the Palestinian Authority). The Immigration Police are permitted to search Palestinians' houses and detain any person the officer has "reasonable cause" to suspect of being there without a permit. The order authorizes the officers to transfer foreigners staying in the territories illegally (according to Israeli law) to Israel's territory for the continuation of law enforcement procedures in their case.

Source: The occupation paradox, Haaretz Editorial, July 15, 2012:

<http://www.haaretz.com/opinion/the-occupation-paradox-1.451072>

Minor Arrests

In the past 11 years alone, around 7,500 children between the ages of 12 through 17 are estimated to have been detained, interrogated, and imprisoned within this emergency system. This averages out at between 500-700 children per year. From the beginning of 2005 to the end of 2010, at least 835 Palestinian minors were arrested and tried in military courts in the West Bank on charges of stone throwing. Thirty-four of them were aged 12-13, 255 were 14-15, 546 were 16-17. Only one of the 835 was acquitted; all the rest were found guilty (B'tselem, 2011). Palestinian minors charged with criminal offenses are tried under the military legislation applying in the West Bank, which grants them very few of the special rights relating to persons their age. These protections, such as separation from adults during detention and imprisonment, are not always maintained.

Testimonies collected by Defense for Children International-Palestine (DCI) as well as those by *Haaretz* reporters and by human rights organizations like B'Tselem, Yesh Din, Machsom Watch,

the Association for Civil Rights in Israel report that almost all children undergo a coercive interrogation, mixing verbal abuse and humiliation, threats and physical violence. The majority are arrested in the middle of the night and forced out of bed often without adequate clothing in very cold weather. They are frequently denied access to a toilet for over 8 hours. The parents are not told where the children will be taken. They are usually thrown into a truck, harassed and kicked, and often left in the truck until morning. Over 90% are blindfolded and have their hands tied. Over 10% are placed in solitary confinement.

Source: Memorandum: Ethics and Palestinian Children, by Charles Kadushin (June 21, 21012).

In March 2013 was published UNICEF report (UNICEF Report, February 2013) which states *"Each year approximately 700 Palestinian children aged 12 to 17, the great majority of them boys, are arrested, interrogated and detained by Israeli army, police and security agents. In the past 10 years, an estimated 7,000 children have been detained, interrogated, prosecuted and/or imprisoned within the Israeli military justice system – an average of two children each day. The analysis of the cases monitored by UNICEF identified examples of practices that amount to cruel, inhuman or degrading treatment or punishment according to the Convention on the Rights of the Child and the Convention against Torture".* (page 13).

http://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf

Deportations, Revocations of Residency, and Family Reunifications

According to data compiled by B'tselem (1993), more than 1,000 Palestinians were deported from the territories between 1967 and 1987. From December 1987 to the end of 1992, 481 Palestinian residents of the territories were deported as a form of punishment (B'tselem, 1998). Of special interest is the revocation of residency as well as family separation in East Jerusalem after its

annexation. Following a census taken by Israel, 66,000 Palestinians who were found in their residences during the census lost their right to obtain Israeli identity cards. Their family members had to request family reunification and Israeli identity cards on their behalf (B'tselem, 1997b). Between 1984 and 1993 only a few hundred of these permits were issued (B'tselem, 1999b).

This review of the costs does not take into account the humiliation, cruel treatment, psychological violence, and trauma, which exist on a very large scale and are a continuous part of daily life for much of the occupied Palestinian population (see Hobfoll, Hall, & Cannetti, 2012 Punamaki, Komproe, Qouta, Elmasri, & de Jong, 2005).

Israel stripped more than 100,000 residents of Gaza and some 140,000 residents of the West Bank of their residency rights during the 27 years between its conquest of the territories in 1967 and the establishment of the Palestinian Authority in 1994. As a result, close to 250,000 Palestinians who left the territories were barred from ever returning.

Source: Israel admits it revoked residency rights of quarter million Palestinians since 1967, by Akiva Eldar, June 12, 2012: <http://www.haaretz.com/news/diplomacy-defense/israel-admits-it-revoked-residency-rights-of-a-quarter-million-palestinians-1.435778>

House Demolitions

The demolition of Palestinian houses is carried out for various reasons: as a form of punishment, in response to the failure to obtain a building permit, due to military needs, to make way for the separation barrier, and to facilitate the detention of wanted individuals (Dugard, 2006). House demolitions may be carried out completely, partially, or by sealing off the property. According to the Israel Committee Against House Demolitions (ICAHD), Israel demolished over 24,100

Palestinian houses between 1967 and April 7, 2009, leaving 70,000 Palestinians homeless (ICAHD, *Campaign against house demolitions*, 2010).

Between 2010-2102 Israeli authorities have stepped up demolitions of Palestinian structures – including those funded by European donor support – in 2011, 622 Palestinian homes, wells, rainwater harvesting cisterns and other essential structures were destroyed in Area C and East Jerusalem, displacing almost 1,100 Palestinians, with more than half children This is almost double the number of people displaced in 2010, and the highest figure in years.. Over 60% of demolitions are carried out close to, or inside, areas allocated to settlements.

(United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), ‘Demolitions and Forced Displacement in the Occupied West Bank’, January 2012: http://unispal.un.org/pdfs/OCHA_Demolitions-Diplacement.pdf)

According to Israeli authorities, demolitions are carried out because structures lack the required building permits. However, Israeli authorities have rejected 94% of construction permit applications for Palestinian structures in Area C in recent years.

UN OCHA, ‘The Planning Crisis in East Jerusalem: Understanding the phenomenon of “illegal” construction’, April 2009: http://www.ochaopt.org/documents/ocha_opt_planning_crisis_east_jerusalem_april_2009_english.pdf.

Movement Restrictions

Upon occupying the territories in 1967, Israel declared the West Bank and Gaza Strip to be restricted territories, with all movement into or out of them requiring permits. Roadblocks and curfews are special means of restricting the movement of Palestinians in the occupied territories.

Some of the roadblocks are permanent; others are movable. As of September 2011 (OCHA, 2011b) 522 roadblocks and checkpoints obstruct Palestinian movement in the West Bank, compared to 503 in July 2010. In 2011, an additional 495 ad-hoc ‘flying’ checkpoints obstructed movement around the West Bank each month (on average), compared to 351 in the past two years. 200,000 people from 70 villages are forced to use detours between two to five times longer than the direct route to their closest city due to movement restrictions. In addition, one or more of the main entrances were blocked to Palestinian traffic in ten out of eleven major West Bank cities. Today only the southern entrance to Hebron and the northern to Ramallah are blocked. In relation to the separation barrier, 62 percent of it is completed, with 80 percent of the barrier route built inside the West Bank, with highly limited access to areas behind the Barrier. Four of the five roads into the Jordan Valley were not accessible to most Palestinian vehicles through many years. Almost 80 percent of land in the Jordan Valley is off-limits to Palestinians, with the land designated for Israeli settlements, ‘military zones’ and ‘nature reserves’. 122 closure obstacles shut off the Old City of Hebron from the rest of the city. Palestinian access to their private land around 55 Israeli settlements is highly restricted. Additionally, 512 Palestinian businesses in the restricted areas of Hebron have been closed by Israeli military orders, and at least 1,100 others have shut down due to the restricted access of customers and suppliers, according to the Hebron Rehabilitation Committee.

A construction of a new road barrier in the Israeli controlled section of Hebron (H2) began on September 2012. According to the Israeli authorities, the barrier is being built to prevent Palestinian children from “bothering Israeli settlers” accessing the Al Ibrahimi Mosque / Cave of the Patriarchs. A field visit by OCHA and local partners indicated that, once completed, the new

barrier will force approximately 70 families in the area to take long detours, using alternative routes, in order to access services and livelihoods.

Most of the restrictions on Palestinian movement in the West Bank are intended to protect the Israeli settlers' security and to facilitate their movement. In contrast to the Palestinians, settlers have easy access to special roads that bypass Palestinian populated areas and connect settlements to the road network and cities inside Israel and to other settlements.

The route of the separation barrier deviates from the internationally accepted pre-1967 'Green Line' for 85% of its 790 km route, making the barrier illegal under international law, as stated by the International Court of Justice.

International Court of Justice (ICJ), 'Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory', Advisory Opinion, 9 July 2004): <http://www.icj-cij.org/docket/files/131/1671.pdf>

Cutting deep into the West Bank, the barrier divides Palestinian communities from one another, isolating some 11,000 Palestinians on the 'Israeli' side and separating farmers from their lands. The route of the barrier is primarily determined by the location of the settlements, as it keeps 85% of the settlement population, including areas planned for future settlement expansion, on the 'Israeli' side of the barrier. Though it has to be noted that most of the Jewish settlers are beyond the barrier because major Jewish settlements of Maale Adumim , Ariel, Kdumim, Gush Etzion are not within the barrier.

Palestinian Economy

Farmers and manufacturers in the Jewish settlement benefit from wide-ranging Israeli government subsidies and enjoy easy access to international markets via government-built roads that bypass

Palestinian populated areas. The Palestinian economy, on the other hand, is severely constrained by Israeli restrictions on access to markets and natural resources, the annual cost of which has been estimated at \$6.9 (EUR 5.2) billion or 85% of the total Palestinian GDP.

Source: Palestinian Ministry of National Economy and the Applied Research Institute - Jerusalem (ARIJ), 'The Economic Costs of the Israeli Occupation for the Occupied Palestinian Territory', September 2011: <http://www.un.org/depts/dpa/qpal/docs/2012Cairo/p2%20jad%20isaac%20e.pdf>.

According to UNCTAD, "the economy has lost access to 40% of West Bank land, 82% of its ground water, and more than two thirds of its grazing land" and the impact on Palestinian agriculture "has been devastating".

Source: United Nations Conference on Trade and Development (UNCTAD), 'Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the occupied Palestinian territory', 13 July 2012: http://unctad.org/meetings/en/SessionalDocuments/tdb59d2_en.pdf.

Also Israel exploits Palestinian natural resources. For example eleven Israeli firms exploit a major Palestinian natural resource in the West Bank: its quarries, exporting 94 percent of the stone to Israel. This practice was petitioned to the High Court. The court in 2011 accepted the Israeli state's position that Israel's use of the quarries was limited and did not amount to destroying their "capital." Rather, it noted, the economic development of the occupied territory could not be frozen indefinitely given that the occupation was "prolonged."

Even without the worldwide crisis and without the high indirect taxes – the Palestinian economy is handicapped and fragile, because of Israeli domination. Among other things: 1) Israel prevents Gaza from exporting agricultural and industrial products; 2) Israel exploits to the fullest the natural resources of the West Bank: water, quarries, mining in the Dead Sea, agricultural land, industrial

zones, tourism and hiking sites; 3) Israel controls the electromagnetic spectrum and thereby limits the efficiency and profitability of the Palestinian cellular companies and the Palestinian high-tech industry; 4) Israel forbids Gaza fishermen to sail further than three nautical miles, severely limiting their prospects; 5) Israel conducts unfair competition with Palestinian products: subsidized water for Israeli farmers, including those in the settlements, compared to a minimal allocation of drinking water to the Palestinians; 6) Due to the Israeli refusal to link up Palestinian communities in Area C (the 61 percent of the West Bank which the Oslo Accords placed under full Israeli control), tens of thousands of people have to purchase water from tankers all year long. In the summer, hundreds of thousands whose faucets have dried up have to buy water from tankers. The transportation increases the price of water to an average of eight times and more what the Jewish settlers pay; 7) Israel forces the Palestinians to travel on twisting byways, from one enclave to another or from the city to the villages and towns in the district. On average the distance to every destination is lengthened by 10 kilometers. That should be multiplied by six days a week, at least twice a day, for 30,000 vehicles (and that's without including about 100,000 private cars).

According to the Palestinian Economics Ministry, in 2010 alone Israeli domination caused the Palestinian economy a loss of about \$6.8 billion.

Source: Someone tell the Palestinians: It's the occupation, stupid! By Amira Hass, Haaretz, September 10, 2012: <http://www.haaretz.com/news/features/someone-tell-the-palestinians-it-s-the-occupation-stupid-1.463777>

Water shortage

Under the Oslo Agreement, which was meant to be temporary and transitional, Israelis were allocated four times more water from the shared West Bank aquifers than Palestinians. In practice,

Israel has been extracting up to 80% more than this allocation agreed under Oslo. As a result of the Israeli over-extraction, combined with restrictions on Palestinian drilling and water sector development, the amount of water Palestinians extracted from 1995 to 2007 decreased by 4%, even as the Palestinian population increased by half, according to the World Bank.

According to B'tselem, Israel utilizes over 80% of the 'Mountain aquifer', which is one of the main water sources in the West Bank (B'tselem 2011b). Furthermore, as of 2008, Israeli average daily water consumption was 225 liters per capita, whereas the Palestinian equivalent was 73 liters per capita, while some villages received as little as 37 liters daily (B'tselem 2011a)

In the Jordan Valley, Israel has drilled deep wells to service water intensive export-oriented agriculture in settlements. Fewer than 10,000 settlers in the area use one-quarter the total amount of water consumed by the entire Palestinian population of the West Bank, some 3 million people.

Source: Human Rights Watch (HRW), 'Separate and Unequal', December 2010, p. 6:

<http://www.hrw.org/reports/2010/12/19/separate-and-unequal-0>

Water Takeover

There are 56 water springs in the West Bank in the vicinity of Israeli settlements that have become the target of settler activities. According to the OCHA (2012) thirty of these springs have been taken over completely by Israeli settlers, while the other 26 are at risk of settler take over, due to regular settler "tours" and patrolling. Four of the springs fall within Areas B, close to the boundaries with Area C, and the rest are located within Area C. At least 84 percent of the springs affected by settler activities are located on land recognized by the Israeli Civil Administration

(ICA) as privately owned by Palestinians. In three-quarters of the springs taken-over, Palestinians have been deterred from accessing the area by acts of threat and intimidation, while access to the rest has been prevented by physical obstacles. In more than 70 percent of the springs, Israeli settlers have begun to develop the surrounding area into a “tourist attraction”. Virtually all of the springs affected by settler activities are, or were in the past, used by Palestinians for irrigation, watering of livestock and/or domestic water consumption.

Water cisterns used by Palestinian farmers to collect rainwater are frequently demolished by the Israeli authorities (46 in 2011 alone), further limiting their ability to grow crops.

Source: United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), ‘Demolitions and Forced Displacement in the Occupied West Bank’, January 2012: http://unispal.un.org/pdfs/OCHA_Demolitions-Displacement.pdf

Gaza Strip

Israel unilaterally left Gaza Strip in August-September 2005 as a disengagement act. In 2007 Hamas took control over the strip. Israel controls the airspace, waters, and borders of Gaza (with the exception of Rafah, the border with Egypt). In September 2007, the Israeli cabinet voted to tighten the restrictions on the Gaza strip. The cabinet decision stated, “*the movement of goods into the Gaza Strip will be restricted; the supply of gas and electricity will be reduced; and restrictions will be imposed on the movement of people from the Strip and to it*”. A list of forbidden kind of food was composed calculating that on average a Palestinian will be supplied with 2,279 calories which will be supplied with 1,836 grams of food per person (Haaretz, October 17, 2012). In addition Israel has blocked at various times different types of goods including wheelchairs, crayons soccer balls, musical instruments or stationary. In June Israel eased the blockade. At

present Israel still controls the electrical and sewage infrastructure of Gaza, and how much food, fuel and other supplies can arrive and leave, giving it almost total control over the economy. Palestinians in Gaza do not have the freedom to leave at will, to visit relatives in the West Bank, or get adequate health care. According to international law, by maintaining “effective control” of Gaza, Israel still meets the definition of occupying power. This status has been affirmed by the Red Cross, Amnesty International, the U.N., and the U.S. State Department, among others.

Summary

The Association for the Civil Rights in Israel reports, "The most extreme expression of the regime's belligerence is of course the occupation of the West Bank. Israel, which defines itself as a democracy, continues to control the lives of millions of people living under military rule, who are devoid of any voice or influence over the political system that decides their fate, people whose basic rights are trampled upon on a daily basis. In the past year, legislative initiatives that stood out were those seeking a "de facto" annexation of the Occupied Territories and those seeking to bolster the existence of two systems of law in the Occupied Territories: a civil Israeli rule of law for Jews living in settlements and a military rule for Palestinians. Where two separate and discriminatory rules of law exist, there can be no justice" (*The state of human rights in Israel and the OPT 2012*, the Association for the Civil Rights in Israel, p. 7).

Palestinians living in the West Bank and Gaza are subjected to a mix of Jordanian law coupled with more than 1,700 Israeli military orders, which results in a harsher penal code than the Israeli system. Israel has avoided using the same penal system for Jews and Palestinians who live in that same geographic area, for fear that such a step will be considered annexation of the land.

<http://www.haaretz.com/news/diplomacy-defense/military-court-president-pushing-to-apply-israeli-criminal-law-in-west-bank.premium-1.481241>)

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Anti-democratic Laws, Proposed Bills, and Decisions– Notable Examples

2011 -2012

Laws

Introduction

Reflecting on work of the outgoing Knesset, Israel Democracy Institute researcher, Ofer Kenig, notes the following:

“Perhaps more than anything, the 18th Knesset will be remembered as a Knesset that was characterized by a spirit of destructiveness and intolerance. This found expression in the spate of bills that sought to limit criticism of the government and the State, to restrict freedom of speech, and to harm the Arab minority. Legislative initiatives such as the Associations Law, the Boycott Law, the Nakba Law, the Admissions Committee Law, the Loyalty Law, the Muezzin Law, and the law forbidding the use of Nazi symbols in protests—some of which actually passed—are examples of this wave of legislation that flooded the Knesset, reflecting a narrow and procedural understanding of democracy that sees majority rule as the end all and be all.”

In the past two years more than 25 bills have been proposed or passed by the Knesset (Israeli Parliament) to limit freedom of speech and of the press; to penalize, defund or investigate nongovernmental groups; restrict judicial independence; and to trample minority rights (New York Times Editorial, July 21, 2012).

Sources: Ofer Kenig, Requiem for the 18th Knesset, 14 October 2012,

<http://en.idi.org.il/analysis/articles/requiem-for-the-18th-knesset/>

The New York Times Editorial, "Israel's Embattled Democracy", July 21, 2012,

http://www.nytimes.com/2012/07/22/opinion/sunday/israels-embattled-democracy.html?_r=1

The Nakba Law

Enacted in 2011 as an amendment to the Budget Foundations Law, the law allows the government to deny state funding to institutions if they permit any commemoration of the foundation of the Israeli State in 1948 as a day of mourning (for the Palestinian catastrophe, or Nakba in 1948).

Sources: Gideon Allon, Upgraded 'Nakba Law' may be undemocratic, counsel says, Israel Hayom, June 12, 2012, http://www.israelhayom.com/site/newsletter_article.php?id=4660

For full text of the law (Hebrew): <http://www.knesset.gov.il/Laws/Data/law/2286/2286.pdf>

Law Penalizing Boycott of Israel or of the Settlements

According to this law, passed by the Knesset in July 2011, a person or an organization calling for the boycott of Israel, including the settlements can be sued by the boycott's targets without having to prove that they sustained damage. The court will then decide how much compensation is to be paid. The second part of the law says that a person or a company that declares a boycott of Israel or the settlements will not be able to bid in government tenders. According to Israeli human rights lawyers the law violates the constitutional rights of freedom of expression, dignity and equality. With the severe sanctions it can impose, the law has created a “chilling effect” that gags those who wish to express a political stance by calling for a boycott. During an initial hearing of the petition in the High Court of Justice, held in December 2012, Knesset legal adviser, Adv. Eyal Yinon, told the court that the MKs do not adhere to the Knesset and government’s legal advisers’ opinions: “We made all the efforts to put the law within a constitutional framework, but the Knesset and ministries’ legal advisors’ opinions do not bind the MKs”. Thus the Knesset in spite of the dissenting legal opinions passed the law.

Sources: Joanna Paraszczuk, Groups petitions court over anti-boycott law, The Jerusalem Post, 14th March, 2012, <http://www.jpost.com/NationalNews/Article.aspx?id=261790>

Jack Khoury, Israel's High Court hears appeal against controversial 'Boycott Law', Ha'aretz, 5th December, 2012, <http://www.haaretz.com/news/national/israel-s-high-court-hears-appeal-against-controversial-boycott-law-1.482625>

For a full text of the law (Hebrew):

<http://www.acri.org.il/he/wp-content/uploads/2011/07/boycottlaw.pdf>

For a full text of the law (unofficial translation to English):

http://www.adalah.org/upfiles/2011/boycott_law.pdf

For a full text of the petition (Hebrew):

<http://www.acri.org.il/he/wp-content/uploads/2012/03/hit-boycott.pdf>

Law Preventing Infiltration

A new amendment passed by the Knesset in January 2012 makes illegal migrants and asylum seekers liable to spend up to three years in jail, without trial or prosecution, if caught staying in Israel for long periods. In addition, anyone helping migrants or providing them with shelter could face prison sentences of between five and 15 years. The law amended the Prevention of Infiltration Law of 1954, passed to prevent the entry of Palestinians as part of emergency legislation.

The Knesset's legal advisor, Adv. Eyal Yinon, argued that the bill did not meet "minimum constitutional standards", but the law passed in vote.

Sources: Dana Weiler-Polak, "Israel enacts law allowing authorities to detain illegal migrants for up to 3 years", Ha'aretz, June 3, 2012, <http://www.haaretz.com/news/national/israel-enacts-law-allowing-authorities-to-detain-illegal-migrants-for-up-to-3-years-1.434127>

Amnesty International, Israel: New detention law violates rights of asylum-seekers, 10 January 2012, <http://www.amnesty.org/en/news/new-israeli-detention-law-violates-asylum-seekers-rights-2012-01-10>

Phoebe Greenwood, "Huge detention centre to be Israel's latest weapon in migration battle", The Guardian, 17 April 2012, <http://www.guardian.co.uk/world/2012/apr/17/detention-centre-israel-migration>

For a full text of the law (Hebrew): <http://www.justice.gov.il/NR/rdonlyres/A4F2702C-837B-482D-BCC0-9B718CFEF150/32992/2332.pdf>

Binding Migrant Workers – “Modern Slavery” Reinstated

The previous government-sponsored amendment set limitations on work permits given to migrant workers residing in Israel. A letter, signed by 53 legal scholars, was sent to the Knesset Chairperson, MK Reuven Rivlin, noting that a proposed bill amending the Israel’s Citizenship and Entry Law will reinstate an arrangement termed “modern slavery” by the High Court of Justice decision which cancelled a similar arrangement previously. The law was nonetheless passed by the Knesset in 2011. A similar letter was sent to Prime Minister, Binyamin Netanyahu, by 91 prominent American-Jewish lawyers.

Sources: for a full text of the legal scholars’ letter (English translation):

<http://www.acri.org.il/en/wp-content/uploads/2011/03/law-professors-migrant-caretakers-letter-FINAL.doc>

For a full text of the American-Jewish lawyers letter:

<http://www.acri.org.il/en/2011/05/16/prominent-american-jewish-lawyers-stop-the-slavery-law/>

Mairav Zonszein, "Slavery Law" passes final vote in Israeli parliament, +972 Mag, May 18, 2011, <http://972mag.com/slavery-law-passes-final-vote-in-israeli-parliament/14755/>

For a full text of the law (Hebrew): <http://knesset.gov.il/Laws/Data/law/2298/2298.pdf>

For a full text of the 2006 High Court of Justice Decisions (English):

http://elyon2.court.gov.il/Files_ENG/02/420/045/O28/02045420.O28.htm

The Admissions Committees Law

The Admissions Committees Law legalizes “admission committees” that operate in 702 small community towns built on state land in the Negev and Galilee. They make up 68% of all towns and villages in Israel, and 84% of all rural towns and villages. As a result of these admissions committees, Arab citizens are de facto banned from living in these towns. The law gives admission committees, bodies that select applicants for housing units and plots of land, full discretion to accept or reject individuals from living in these towns. While one of the law’s provisions states a duty to respect the right to equality and prevent discrimination, the law allows these committees to reject applicants deemed “unsuitable to the social life of the community... or the social and cultural fabric of the town,” thereby legitimizing the exclusion of entire groups. ACRI (The Association for Civil Rights in Israel) petitioned against the admission committee legislation but the petition was rejected by the High Court of Justice.

Sources: Jack Khoury and Jonathan Lis, "Knesset passes two bills slammed as discriminatory by rights groups", Ha'aretz, Mar.24, 2011, <http://www.haaretz.com/print-edition/news/knesset-passes-two-bills-slammed-as-discriminatory-by-rights-groups-1.351462>

Adalah NGO Report to the UN Committee on Economic, Social and Cultural Rights: Arab Palestinian Citizens of Israel, Submitted 18 October 2011,

http://www2.ohchr.org/english/bodies/cescr/docs/ngos/Adalah_Israel47.pdf

For a full text of the law (Hebrew): <http://knesset.gov.il/Laws/Data/law/2286/2286.pdf>

The Israel Lands Law

The law, passed in March 2011, prevents any person or party (public or private) from selling land or renting property for a period of over five years or from bequeathing or transferring private ownership rights in Israel to “foreigners”. Under the law, foreigners are any persons who are not residents or citizens of Israel, or Jews, who have the automatic right to immigrate to Israel under the Law of Return (1950).

Source: Haneen Naamnih and Suhad Bishara, The Law of the Promised Land 2011 – Between Absentees and Foreigners, Adalah’s Newsletter, May 2011,

http://www.adalah.org/upfiles/2011/Haneen_Suhad_Promised_Land.pdf

Revoking Citizenship due to a Conviction

The law, formally known as the Citizenship Law (*Amendment no. 10*), was enacted on 28 March 2011 and allows courts to revoke the citizenship of persons convicted of treason, espionage, assisting the enemy in time of war, and acts of terrorism as defined under the *Prohibition on Terrorist Financing Law* (2005), if asked to do so by the Ministry of the Interior, as part of a criminal sentence delivered. Citizenship can only be revoked if the defendant has dual citizenship or else resides outside Israel (in which case the law creates an assumption that such a person has dual citizenship). If a person does not have dual citizenship or reside abroad, then he or she will be granted residency status in Israel instead of citizenship, a downgrading that severely restricts the right to political participation.

Sources: The Association for Civil Rights in Israel, , November 6, 2011,

<http://www.acri.org.il/en/knesset/revoking-citizenship> *Revoking Citizenship due to a Conviction - due-to-a-conviction/*

For full text of the law (Hebrew): <http://www.knesset.gov.il/Laws/Data/law/2289/2289.pdf>

Funding from Foreign State Entities

This law is officially titled the “Law on Disclosure Requirements for Recipients of Support from a Foreign State Entity”. According to the original version of this law, any person or group receiving funding from a foreign state entity must register with the Registrar of Parties and immediately report each contribution, mark every document in this spirit, and state at the opening of any remark they make that they are funded by a foreign state. The Ministry of Justice promoted a less extensive version of the proposed bill, which was passed as law by the Knesset.

Sources: for full text of the law (Hebrew): <http://knesset.gov.il/Laws/Data/law/2279/2279.pdf>

Bill Proposals

Note: just a part of current anti-democratic bill proposals are noted in this section.

Legalizing Settler Homes Built on Private Palestinian Land (Part 1)

The Knesset voted down a bill to retroactively legalise settler homes built on private Palestinian land, (*Law for the Protection of Holders of Land in Judea and Samaria*, 5772-2011 and the proposed *Law for the Protection of the Rights of Founders of Structures in Judea and Samaria*,

5772-2011) quashing an attempt to circumvent the court-ordered demolition of an outpost. This law comes to legalize injustice done to Palestinians.

Sources: Middle East Online, Israel's parliament rejects bill to legalize outposts, June, 6, 2012, <http://www.middle-east-online.com/english/?id=52674>

The Association for Civil Rights in Israel, Comments on the Proposed Bills for the Arrangement of Outposts (letter to Israeli Prime Minister), June 5, 2012, <http://www.acri.org.il/en/wp-content/uploads/2012/06/outpost-arrangement-law-position-ENG.pdf>

Legalizing Settler Homes Built on Private Palestinian Land (Part 2)

Following the report submitted to the Israeli Prime Minister by the Levy Commission regarding the legal status of building in Judea and Samaria, 17 Members of the Knesset, headed by Likud member, MK Tzipi Hotovely, submitted a bill proposal to the Knesset calling for the approval of the report's findings. MK Hotovely stated that "The Knesset must approve the report's conclusions, set up an Israeli land registry in Judea and Samaria, set up a court of law for discussing land issues in Judea and Samaria and apply Israeli planning and construction laws in these areas". This law comes to legalize all the acts of Jewish settling in Judea and Samaria.

Source: Tomer Zarchin and Jonathan Lis, Senior source: AG won't approve report declaring West Bank outposts legal, Ha'aretz, 9 July 2012, <http://www.haaretz.com/news/diplomacy-defense/senior-source-ag-won-t-approve-report-declaring-west-bank-outposts-legal-1.449971>

For full text of the proposed bill (Hebrew): www.knesset.gov.il/privatelaw/data/18/4492.rtf

Limiting the ability of the UN and foreign governments to financially support human rights organizations in Israel

The Ministerial Committee for Legislation approved two bill proposals aimed at limiting the ability of the U.N. and foreign governments to financially support human rights organizations in Israel. Prime Minister Benjamin Netanyahu supports the bills, increasing the likelihood of a Knesset majority for both legislative initiatives. The first bill, sponsored by Likud MK Ophir Akunis, seeks to limit all foreign funding for “political organizations” to 20,000 NIS (some 5,000 U.S. dollars) per year while the other, proposed by Yisrael Beiteinu’s MK, Fania Kirschenbaum, seeks to levy a 45 percent taxation rate on all foreign state funding of NGOs.

According to the first bill,

“This bill is meant to ban associations in Israel from receiving donations from foreign governments or international bodies such as the United Nations or the European Union, in view of the inciting activities of many organizations that operate under the guise of "human rights organizations" and intend to impact on the political discourse in, nature, and policy of the State of Israel.”

Sources: Barak Ravid, U.S., EU pressure Netanyahu to scrap proposed bill against Israeli NGOs, November 13, 2011, Ha’aretz, <http://www.haaretz.com/print-edition/news/u-s-eu-pressure-netanyahu-to-scrap-proposed-bill-against-israeli-ngos-1.395220>

Ha’aretz Editorial, Netanyahu should end the anti-democratic witch hunt, December 2, 2011, Ha’aretz, <http://www.haaretz.com/opinion/netanyahu-should-end-the-anti-democratic-witch-hunt-1.399168>

Approval of Candidates to the Supreme Court by the Knesset

The bill, tabled in July by the Chairperson of the Knesset House Committee, MK Yariv Levin (Likud), and the Chairperson of the Coalition, MK Ze’ev Elkin (Likud) states that every judge and

president appointed to the Supreme Court would have to undergo a hearing in the Knesset Constitution, Law, and Justice Committee, which can then veto the appointment. Currently, only the 3 representatives of the Supreme Court in the Judicial Selection Committee can veto an appointment. Furthermore, the bill seeks to cancel the “seniority” method, according to which the longest serving justice in the Supreme Court is automatically appointed as president once the previous president retires. The government’s vote on this bill has been postponed.

Sources: Jonathan Lis and Tomer Zarchin, "Vote on bill for vetting Israel Supreme Court candidates to be pushed off", Nov.13, 2011, Ha'aretz, <http://www.haaretz.com/print-edition/news/vote-on-bill-for-vetting-israel-supreme-court-candidates-to-be-pushed-off-1.395211>

Bill Memoranda

New Basic Law: Legislation – Bypassing High Court of Justice Decisions

The Justice Ministry published a legal memorandum with regards to the Basic Law: Legislation which seeks to secure the constitutional relationship between the legislative authority and the judicial authority. According to the memorandum, the Knesset will be able to reintroduce and pass a law voided by the Supreme Court if it were to pass in the Knesset by a special majority of 65 Knesset members.

Sources: Aviad Glickman, Ynet news, August 4, 2012, Proposal: 65 MKs can bypass Supreme Court, <http://www.ynetnews.com/articles/0,7340,L-4213779,00.html>

For a full text of the bill memorandum (Hebrew):

http://www.tazkirim.gov.il/Tazkirim_Attachments/41283_x_AttachFile.doc

Expanding the ‘Big Brother’ Law

The Ministry of Justice is working on the memorandum of a bill (link to the draft memorandum in Hebrew) to expand the list of institutions and bodies that could receive personal information regarding telephone and internet communications from cellular phone companies and internet providers – for the purpose of investigations. The new bill allows further access to private information as authorized by the Enforcement Authorities – Communications Data Law – 2007 (nicknamed the “Big Brother Law”). This law was petitioned against by the the Association for Civil Rights in Israel and the Israel Bar Association. Their petition was rejected by the High Court of Justice, which upheld the constitutionality of a 2008 law allowing state investigators to obtain information about citizens' telephone, e-mail and text message use. However, the justices also imposed restrictions on the collection of information under the Communication Data Law, popularly known as the "Big Brother Law," specifying that it can only be used in investigations of specific suspects or victims, not "fishing expeditions."

Sources: The Association for Civil Rights in Israel, New Bill Memorandum Seeks to Enable More Bodies to Follow Us, May 17, 2012 <http://www.acri.org.il/en/2012/05/17/expanding-data-collection-authorities/>

Tomer Zarchin, "High Court upholds legality of 'Big Brother' legislation", Ha'aretz, May 29, 2012, <http://www.haaretz.com/news/national/high-court-upholds-legality-of-big-brother-legislation-1.433039>

High Court of Justice Decisions

Limiting Access to Justice of Non-governmental Organizations

In several High Court decisions unusually high legal costs have been imposed on NGOs aimed at promoting justice and human rights. According to Prof. Gad Barzilai, Dean of the Faculty of Law at the University of Haifa, "The High Court of Justice is 'flying a black flag' over petitions being submitted to it by human rights groups and this could deal a severe blow to civic society,"

Sources: Tomer Zarchin, "Israel's High Court waving a 'black flag' over rights groups' petitions, experts say", Ha'aretz, 20.08.2012

<http://www.haaretz.com/print-edition/news/israel-s-high-court-waving-a-black-flag-over-rights-groups-petitions-experts-say-1.459299>

Yonah Jeremy Bob, "High Court rejects claim, fines ACRI 45,000 NIS", The Jerusalem Post, 20.08.2012, <http://www.jpost.com/NationalNews/Article.aspx?id=281860>

Limiting Israeli Bedouins' Right to Vote

The High Court of Justice ruled against residents of the community of Bir Hadaj in their petition against the Ministry of Interior. The petition, submitted by the Association for Civil Rights in Israel (ACRI) on behalf of the residents, challenged the Ministry of the Interior's refusal to register them to vote in the upcoming regional council elections. The three-justice panel relied on a formal technicality to prevent residents from voting in one region's elections, and on substantive equity to prevent them from voting in another's, leaving the petitioners bereft of their constitutional right to representation.

Sources: Association for Civil Rights in Israel, High Court of Justice Denies Arab Citizens Right to Vote, <http://www.acri.org.il/en/2012/08/02/high-court-denies-arab-citizens-right-to-vote/>

For full text of High Court decision (Hebrew) HCJ 4714/12 Abu Hamid v. Minister of Interior:

<http://elyon1.court.gov.il/files/12/140/047/t06/12047140.t06.htm>

Executive Regulations

Limiting Access to Justice to Asylum Seekers

Past Justice Minister Yaakov Neeman signed regulations requiring plaintiffs to cite their Israeli ID or passport number on documents they file. The regulations stipulate that anyone filing claims in court must state their Israeli ID number. Those who are not Israeli residents must note the number of their passport and the country that issued it. A large number of migrant workers who cross the border illegally from Egypt arrive here without passports. Following public outcry, Minister Neeman signed a new version of the regulations, noting that plaintiffs who do not have an Israeli ID or passport number are not required to submit one in order to use Israeli courts.

Sources: Tomer Zarchin, Justice Ministry to review new regulations that may ban Palestinians, migrants from filing suits in Israeli courts, Ha'aretz, August 7, 2012, <http://www.haaretz.com/print-edition/news/justice-ministry-to-review-new-regulations-that-may-ban-palestinians-migrants-from-filing-suits-in-israeli-courts-1.456436>

For a full text of the revised regulations (Hebrew):

<http://www.justice.gov.il/NR/rdonlyres/72326BA4-F89F-4D2F-9C50-F90115BD47C0/37496/7162.pdf>

Israel's Executive Branch's Systematic Disregard for Supreme Court Decisions and Knesset Laws

Noncompliance with Supreme Court Decisions

According to former Israeli deputy attorney general, Yehudit Karp, the Israeli government has failed to comply with significant decisions by the Supreme Court. She wrote: *“It seems to be a phenomenon that in special fields like the settlements, the Arab sector and decisions that need allocation of budget, [the government] just goes on for years without implementing”*. Karp noted that today there are more than a dozen such decisions. Last year, she sent her list to Attorney General Yehuda Weinstein, prompting him to take the unusual step of reminding state authorities that compliance with the law *“is incumbent not only upon the residents of the state and those who enter its borders, but first and foremost upon the state itself”* (Jeffay, 2012). According to a 2011 report by Yesh Din, the Israeli law enforcement agencies turn a blind eye and fail to enforce demolition orders; Five of 11 interim orders to stop construction were violated; The illegal construction goes on while the state delays its answers to the HCJ; The state actually encourages law violations by retroactively legalizing illegal construction.

Sources: Nathan Jeffay, "Israel in Power Struggle With Top Court", The Jewish Daily Forward, May 4, 2012, <http://forward.com/articles/155370/israel-in-power-struggle-with-top-court/>

Ziv Stahl (2011), Tailwind: Non-enforcement of judicial orders, foot dragging and the retroactive legalization of illegal construction in the occupied Palestinian territories, Yesh Din, <http://www.yesh-din.org/userfiles/file/Reports-English/Tailwind%20%5BEng%5D.pdf>

Akiva Eldar, "Former official bemoans government's disregard of Supreme Court", Ha'aretz, April 1, 2011 <http://www.haaretz.com/print-edition/news/former-official-bemoans-government-s-disregard-of-supreme-court-1.353406>

Association for Civil Rights in Israel (2012). Attacks on the Supreme Court and its Role Safeguarding Human Rights: Background and Status Report, <http://www.acri.org.il/en/wp-content/uploads/2012/02/Attacking-Bagatz-English-LIB-FINAL.pdf>

Lack of Law Enforcement Regarding Israeli Civilians in the West Bank

Based on 781 investigation files opened in recent years by the Judea and Samaria police, based on complaints filed by Palestinian citizens of the West Bank, Yesh Din's findings show that only 9 percent of investigations which Yesh Din is monitoring, have resulted in indictments filed against defendants. The vast majority of investigation files – more than 84% – were closed due to circumstances that indicate a failure of the investigation; most following police failure to locate the criminals or collect sufficient evidence for prosecution, and some due to the loss of complaints and the apparently unjustified closure of investigation files on grounds of "lack of criminal culpability."

Source: *Law Enforcement upon Israeli Civilians in the West Bank*, Yesh Din Monitoring, 2005-2011,

<http://www.yesh->

[din.org/userfiles/file/datasheets/LawEnforcement_datsheet_Eng_March_2012_Final.pdf](http://www.yesh-din.org/userfiles/file/datasheets/LawEnforcement_datsheet_Eng_March_2012_Final.pdf)

Orders of Military Commander in the Occupied Territories Delivered to Israelis in Israel

Police officers under orders of the military commander of the Occupied Palestinian Territories had delivered orders to Israeli civilians residing in Israel, which declared Palestinian villages closed military zones – thereby prohibiting anyone aside from residents from entering or approaching them during those times. The Association for Civil Rights in Israel sent a letter in November 2012 to the IDF Military Advocate-General (MAG) Major General Danny Efroni, to cancel the orders. It also called on him to clarify the scope and basis of regulations and procedures of closed military zone orders, since such orders could have the effect of suppressing non-violent protests in the West Bank. The letter contends that the disproportionate use of these orders contravenes the International Convention on Civil and Political Rights (ICCPR) – to which Israel is a party – as well as decisions of the Supreme Court, and the military's own internal guidelines.

Sources: Yonah Jeremy Bob, "Activists personally served with IDF closure orders", The Jerusalem Post, November 13, 2012,

<http://www.jpost.com/NationalNews/Article.aspx?id=291661>

For the full text of The Association for Civil Rights in Israel letter (Hebrew):

<http://www.acri.org.il/he/wp-content/uploads/2012/11/closed-zone121112.pdf>

Defense Ministry 'never intended to carry out' Settler Evacuation

Testifying before the Levy committee regarding the Legal Status of Building in Judea and Samaria, the attorney for the Defense Ministry, Ahaz Ben Ari, informed Justice Levy that evacuation orders issued for Jews in the Occupied West Bank were never meant to be implemented. Justice Levy asked Ben Ari how it is possible that the government builds a road or provides services to a settlement, while at the same time declaring the construction illegal.

Attorney Ben Ari answered (my translation): “Due to the apparent contradiction between the fiscal policy [of supporting the construction] and the legal policy, it was decided to issue the evacuation orders but not carry them out”.

Source: Noam Sheizaf, Defense Min. admits it 'never intended to carry out' settler evacuation, April 22, 2012, +972 Magazine, <http://972mag.com/defense-min-official-settler-evacuation-never-intended-to-be-carried-out/42998/>

Failure of Investigations into Offenses Committed by IDF Soldiers against Palestinians

A Yesh Din report, published December 2011, revealed for the first time the systematic failures preventing the success of MPCID (Military Police Criminal Investigations Division) investigations of offenses committed by Israeli soldiers against Palestinians. The result of these failures is that 96.5% of complaints are closed without indictments being filed, based on 192 complaints monitored by the organization and on the analysis of the contents of 67 MPCID investigation files. The complaints and investigation files cover a wide spectrum of serious offenses against Palestinian civilians and their property including, acts of killing and injury, looting, theft and other property damage, violence, abuse of passers-by and detainees, and more.

Source: Lior Yavne (2011) *Alleged Investigation: The Failure of Investigations into Offences Committed by IDF Soldiers against Palestinians*, Yesh Din, <http://yesh-din.org/userfiles/file/Reports-English/Alleged%20Investigation%20%5BEnglish%5D.pdf>

Police Investigation of Vandalization of Palestinian Trees in the West Bank

Yesh Din released updated figures on damage caused to Palestinian trees over the past six years. The new data sheet shows that only one of the 162 monitored cases under police investigation

yielded an indictment against those suspected of involvement in vandalizing Palestinian-owned trees. The indictment was filed over four years after the incident.

Source: Police investigation of vandalization of Palestinian trees in the West Bank, Yesh Din monitoring data, 2005-2012

<http://www.yesh-din.org/userfiles/file/datasheets/DS%20Trees%20Oct,%202012%20Eng.pdf>

Policies of the Legal Advisor to the Government regarding the Extreme Right

Israel's AG Closes Probe into Authors of Allegedly Racist Book

Attorney General Yehuda Weinstein announced in May 2012 that he is closing the investigation of two revered West Bank Rabbis who wrote a religious text, 'Torat Hamelech' ('The King's Torah'), which argues there are times when Jews are allowed to kill gentiles who pose no physical threat of violence. The authors are Rabbis Yitzhak Shapira and Yosef Elitzur, while the text was endorsed by leading Chabad Rabbi Yitzhak Ginzburg and Kiryat Arba Rabbi Dov Lior.

Sources: Tomer Zarchin, "Israel's AG closes probe into authors of allegedly racist book", Ha'aretz, May.29, 2012, <http://www.haaretz.com/news/national/israel-s-ag-closes-probe-into-authors-of-allegedly-racist-book-1.433041>

Jeremy Sharon, "A-G: 'Torat Hamelech' authors will not be indicted", The Jerusalem Post, May 28, 2012, <http://www.jpost.com/NationalNews/Article.aspx?id=271729>

Israel's AG Closes probe of Safed Chief Rabbi over Anti-Arab Racism

Attorney General Yehuda Weinstein decided to close the case against Safed Chief Rabbi Shmuel Eliyahu for alleged incitement to racism. "You can say the word 'racist' 20 times," Eliyahu once

told an interviewer, "It doesn't have an effect on me. By the way, Jewish religious law prohibits the selling of apartments to Arabs and the renting of apartments to Arabs."

Sources: Tomer Zarchin, "Israel's AG closes probe of Safed chief rabbi over anti-Arab racism", Ha'aretz, July 8, 2012, <http://www.haaretz.com/news/national/israel-s-ag-closes-probe-of-safed-chief-rabbi-over-anti-arab-racism-1.449720>

Eli Ashkenazi, "Safed Rabbis urge Jews to refrain from renting apartments to Arabs", Ha'aretz, October 20, 2010, <http://www.haaretz.com/print-edition/news/safed-rabbis-urge-jews-to-refrain-from-renting-apartments-to-arabs-1.320118>

Limiting Freedom in the State of Israel

Freedom is a central feature of democratic societies that allows an exercise of individual and civil rights. Limiting freedom of expression, press, assembly, or speech harms the essential nature of the democratic state.

Limiting Freedom: General Overview

According to the 2011 and 2012 reports of the Association for Civil Rights in Israel, in the last two years there have been significant threats to freedom in Israel, and specifically to specific rights that are based on this basic requirement for democratic system to function: freedom of the press, academic freedom, the right to demonstrate, and political activity freedom. The actions that violate value of freedom include, for example, reproaching lecturers and educators that criticize Israel, implementation of actions against students who wish to demonstrate, inhibition of the right of Israeli-Palestinian citizens of Israel to express their identity, prohibition of teaching the Nakba, delegitimization of Israeli-Palestinian representatives of the citizens of Israel, extending the definition of incitement, prohibition to express views about boycott, raising the need to declare loyalty to Israel as a condition for receiving public financial support, and promoting laws that inhibit the possibility of peace NGOs from receiving financial support from abroad (Vodlinger and Dahan, 2011).

Vodlinger, R., and Dahan, T. (2011). “Hofesh habitui, hamechaha, vehapilut hapolitit” [Freedom of speech, of protest, and of political activity]. In *Doch matsav hademocratia 2010-2011* [The report of the state of affairs of the democracy, 2010-2011], , pp. 62-83. Tel Aviv: The Association for Civil Rights in Israel. Retrieved on November 23th 2012 from: <http://www.acri.org.il/he/wp-content/uploads/2011/08/democ-chap4-en.pdf>

Limiting freedom of the media

Introduction

A United States report published in 2006 regarding press freedom in Israel indicated that "The country has 12 daily newspapers, 90 weekly newspapers, more than 250 periodical publications, and a number of Internet news sites. All newspapers in the country were privately owned and managed." However, since 2009 Israel's declining freedom of the press has been evident in the annual Press Freedom Index published by Reporters Without Borders: while currently (report of 2011-12) the state of Israel together with the territories occupied by Israel is in 92nd place, during the years 2003 to 2008 Israel was ranked between places 36 and 50 (the higher the ranking, the less freedom is granted to the media at a given country). Israel is ranked worse than states such as Moldova, Sierra Leone, Ghana, Bhutan, Lesotho, or Zambia. In 2013 Israel number ranked 112 out of 179 countries – a plunge of 20 spots from the 2012 index and the lowest ranking the organization has ever given Israel.

Another similar index is published annually by Freedom House. Among the 197 countries that Freedom House's Press Freedom Index examined in their 2012 report, Israel is ranked 65 – after countries like Ghana, Mauritius, Uruguay, Trinidad, Cyprus, Slovenia, Papua New Guinea, Estonia and Jamaica (Deutsch and Jennifer, 2012).

Sources: U.S. Department of State, Israel and the occupied territories, Bureau of Democracy, Human Rights, and Labor, 2006, <http://www.state.gov/j/drl/rls/hrrpt/2006/78854.htm>

Reporters Without Borders. Worldwide press freedom index 2011-2012, <http://en.rsfo.org/press-freedom-index-2011-2012,1043.html>

Deutsch, K., and Dunham, J. (2012). *Freedom of the Press 2012*. Washington and New York: Freedom House.

Israeli report – according to a recent analysis by Keshev (The Center for the Protection of Democracy in Israel), in 2012 there were increasing threats to the freedom of the press in Israel. These include the connection between the owner of the daily newspaper Israel Hayom and Israeli Prime Minister Benjamin Netanyahu, threats to close TV Channel 10, significant involvement of the Prime Minister's Office in the appointments at the Broadcasting Authority and Educational TV, the closure of the radio station Kol Hashalom (the “Voice of Peace”), promoting a law that will allow a ministerial office to control the commercial media, increasing involvement of the IDF Spokesman in the activity of newspapers, the promotion of a libel law that will increase the risks that journalists will be sued, and interfering with the work of foreign and Palestinian journalists (Keshev, 2012).

Keshv (2012). Hiyum gover al hofesh haitonut beisrael [An increasing threat on the freedom of press in Israel]. Jerusalem: Keshev – The Center for the Protection of Democracy in Israel. (Hebrew). Retrieved on November 23th 2012 from: <http://www.keshev.org.il/media-under-attack/threats-to-freedom-of-press-in-israel.html>

Ben Caspit one of the most seniors' journalists wrote **recently**

what "the regime of Netanyahu has been trying to do to the free press in Israel during his entire former term: to kill it, to silence it, to impose control over it, to limit its scope. The printed media is under a powerful attack by an external force that brainwashes the public using a pro-Netanyahu mouthpiece with limitless budgets delivered for free directly to people's homes. The public radio

and television networks have undergone a hostile takeover by especially aggressive government representatives. The IDF's radio station, which was one of the freest places in Israel, has been brought to its knees and its freedom has been curtailed. And the commercial television stations, too, are under heavy regulatory pressure which almost resulted in the closure of Channel 10, one of the leading critics of Benjamin Netanyahu and his wife, Sara. These are the real problems of Israel's media".

<http://www.al-monitor.com/pulse/originals/2013/02/the-merits-of-censorship-in-a-country-fighting-for-its-exist.html#ixzz2LS4Qjmly>

1. Israeli Television Channel 10

For more than a year, the fate of Israeli Television station, Channel 10, has hung in the balance as the Knesset and the Minister of Finance consider whether it should be allowed to function given its inability to pay its debt. The debt in question comprises royalty payments and licensing fees, and the channel's management has made it clear that failure to postpone the payment will lead to the closure of the station. Over the last few years, Channel 10 has published several investigative reports on Benjamin Netanyahu and his wife, Sara, and these reports are viewed as having an effect on the situation of the station. The pressure on Channel 10 has corresponded with negotiations between the station and the Prime Minister regarding libel suits the Prime Minister filed against the television station.

Sources: Ha'aretz Editorial, Netanyahu's Likud set to limit Israel's freedom of the press, Ha'aretz, November 15th, 2011, <http://www.haaretz.com/print-edition/opinion/netanyahu-s-likud-set-to-limit-israel-s-freedom-of-the-press-1.395613>

Revital Hovel, Netanyahu, Israeli TV channel settle 'Bibi-Tours' libel case out of court, Ha'aretz, October 30th, 2012, <http://www.haaretz.com/news/national/netanyahu-israeli-tv-channel-settle-bibi-tours-libel-case-out-of-court.premium-1.473094>

Israel Hayom

Published since 2007 *Israel Hayom* is a **free** daily newspaper in tabloid format, distributed in every institution in Israel. The newspaper is fully owned by Sheldon Adelson, an American business magnate with conservative views, who supports actively the policies of Prime Minister Netanyahu. Since July 2010 it is the most widely read daily newspaper in Israel for the weekdays. Two studies (Rada, 2008; Persico, 2009) regarding the coverage of the Likud party in general and Benjamin Netanyahu in particular have found that (1) *Israel Hayom* supports the general line of both Prime Minister Netanyahu and the Likud party and (2) is in fact a major source for construction of Israelis political views.

Sources: Asaf Carmel, Israel Hayom – A Party Leaflet which Masked itself as a Media Product, January 14th, 2008, Ha'aretz (in Hebrew), <http://www.haaretz.co.il/gallery/1.1300206>

Oren Persico, On Avigdor's Backyard, February 10th, 2009, HaAyin HaShevi'it (in Hebrew), Israeli Democracy Institute,

http://www.the7eye.org.il/articles/pages/100209_biased_media_outlets_and_the_2009_election.as

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Moran Rada, Netanyahu Paid, What Do You Want from Him?, July 9th, 2008, HaAyin HaShevi'it (in Hebrew), Israeli Democracy Institute,
http://www.the7eye.org.il/articles/pages/090708_the_newspaper_israel_today_as_a_political_apparatus.aspx

Maariv

Shlomo Ben-Zvi, a far-right publisher and settler who owns the *nationalist daily Makor Rishon*, bought *Maariv* – one of Israel's three veteran daily newspapers. While *Maariv* took a right-of-center editorial line in recent years, for decades it was *Yedioth Ahronoth*'s chief competitor for the title of Israel's most mainstream daily newspaper.

Attempting to limit Freedom of the Press and Freedom of Expression - Israel's Defamation Prohibition Bill Proposal

Israel's Defamation Prohibition law allows the court to order a plaintiff be paid NIS 50,000 (roughly \$14,000) without having to prove damages. The amendment seeks to increase the basic amount to 300,000 NIS. The bill proposal passed its first Knesset reading.

Source: Moran Azulay, MKs: Amendment to Defamation Law outrageous, Ynet news, November 7th, 2011, <http://www.ynetnews.com/articles/0,7340,L-4145161,00.html>

Lahav Harkov, The Knesset's many former journalists bash libel bill, The Jerusalem Post, November 21st, 2011, <http://www.jpost.com/DiplomacyAndPolitics/Article.aspx?id=246459>

Defamation Prohibition Bill Proposal: Between Deterrence and Intimidation, November 21st, 2011, (in Hebrew), HaAyin HaShevi'it, Israeli Democracy Institute,

http://www.the7eye.org.il/SpecialReview/Pages/221111_libel_bill.aspx

Freedom of Expression for Artists

MKs Ronit Tirosh (Kadima) and Yariv Levin (Likud) drafted a bill that would deny state financial support to theaters employing artists boycotting any venue on political grounds. Limor Livnat, Minister of Culture, threatened to intervene in the contents of the plays themselves, and later announced that she would require theaters and other cultural companies to commit to appearing anywhere in the country (meaning in the Jewish settlements in the occupied territories) as a condition for state financing. It was also reported that Livnat worked to change the criteria for funding cultural institutions in ways that would harm those companies refusing to appear somewhere in the country. In addition, she decided to grant every year a special award to encourage "Zionist artistic work" to counter what she defined as a "Leftist campaign". Recently, in the context of the two Israeli films that were critical of the way Israeli manages the Israeli-Palestinian conflict and which were final candidates for Oscar award, she voiced dissatisfaction with how the various foundations decide which films to support and expressed hopes that the changes for criteria for obtaining funding that the Israel Film Council approved recently would change this situation. She stated "I, who am opposed to censorship, call on all of you to (conduct) self censorship" (Haaretz, February 28, 2013). Also, recently the Minister Prime Minister Benjamin Netanyahu, for his part, stated that "the government should not fund organizations trying to impose a boycott from within". The political party Yisrael Beiteinu also announced that it would work to stop funding for artists who signed the boycott letter. Earlier this year, the Knesset rejected a bill sponsored by Yisrael Beitenu which sought to condition the receipt of public

funding for movies on the filmmaker's declaring allegiance "to the State of Israel, its symbols, and to its Jewish and democratic values."

Source: Democracy Project, Freedom of Expression for Artists, <http://democracy-project.org.il/en/free-speech/free-speech-7/>

Freedom of the Media – Israeli Broadcasting Authority (IBA)

The Israel Broadcasting Authority (IBA) is controlled by the Prime Minister Benjamin Netanyahu who is also the minister responsible for overseeing the workings of the IBA in accordance with the Broadcasting Authority Law. Netanyahu, being in charge of the IBA, is responsible for appointing the authority's leadership. Several members of the IBA's executive committee were appointed because of their support of the ruling center-right Likud party or Netanyahu himself. The appointment of the professional staff is affected by political considerations. Within this trend, of importance are words expressed by the Minister of Communication Moshe Kahalon who said that the broadcasting authority needs "people with our orientation". In the closed meeting with activists of the Likud party he said *"I know the managing committee. Those are people with values.. our government is national government. I do not worry about the concept politicization. You sent me to do something specific. Give me the tools... I think that I want to help Yehuda and Shomron, do you want to send me general director from the left? That will torpedo me? ... We need there our people who think as we do"* (Marker, December 15, 2011)

Source: Shuki Sadeh, Israel's state radio marred by politics and power plays, Ha'aretz, August 1st, 2012, <http://www.haaretz.com/news/features/israel-s-state-radio-marred-by-politics-and-power-plays-1.455184>

Monitoring

Government

Haaretz reported recently that *"IDF officers say special department has been created to monitor left-wing groups that the army sees as aiming to delegitimize Israel; department will work closely with government ministries. Military Intelligence is collecting information about left-wing organizations abroad that the army sees as aiming to delegitimize Israel, according to senior Israeli officials and Israel Defense Forces officers"* (Haaretz, March 23, 2011).

NGOs

Below is a list of significant Israeli organizations, not officially affiliated with any political party in Israel, working to delegitimize the Israeli left and/or silence critical views and information in Israeli society. While monitoring is carried on in many countries of the world by different organizations with different political agendas, the monitoring in Israel by the rightist-nationalistic organizations is carried out to ostracize and delegitimize individuals and NGOs who struggle for a peaceful, democratic and moral Israel. Many of these individuals and NGOs do not call for any harmful steps against Israel but nevertheless are harassed because of their values, views or goals. Names of the individuals and NGOs are publicized via various channels with the call to ostracize them. Moreover, governmental and parliamentary organs and committees as well as rightist political parties and organizations, rely often on the reports issued by these organizations in legislation and setting policies and lines of actions. Some of these organizations focus all their efforts on stopping the work by and support for organizations that struggle to promote human and civil rights, principles of democracy and moral values. For example they try to stop external

financial support of the civil society organizations and at the same time are funded by foreign nationalistic-right wing sources.

As examples, in August 31, 2011 the Legal Forum for the Land of Israel called on pupils in schools to report on teachers who in their view present anti-Zionist views in schools. On December 5, 2012 Prime Minister Netanyahu's office demanded that a faculty member of Tel Aviv University, Professor Rivka Feldhay, the head of the University's Minerva Center for Human Rights, cancel her participation in a meeting between German Chancellor Angela Merkel and Netanyahu with academics in Berlin, because of her political views and criticism of government policy. Also, the Knesset moved Dr Gilad Nathan from his post in the Knesset Research and Information Center because of his political views. These lines of action not only ostracize individuals but also create climate of fear in Israel that prevents free expression of views.

Below is the partial list of organizations and websites which monitor Israelis.

Honest Reporting – Defending Israel From Media Bias

The organization Honest Reporting monitors media. *“HonestReporting monitors the news for bias, inaccuracy, or other breach of journalistic standards in coverage of the Arab-Israeli conflict.”*

Website: <http://honestreporting.com/>

The website Wikipedia describes its activity in this way :

HonestReporting (also Honest Reporting or honestreporting.com) is a pro-Israel, non-governmental organization that monitors the media for what it perceives as bias against. The organization has affiliates in the United States, UK, Canada, Italy, and Brazil. Critics of the organization claim that it uses tactics to silence critics of Israeli government policy.”

Stated goals:

Im Tirtzu (“If You Will It”) – The Second Zionist Revolution

Website: <http://en.imti.org.il/> (English version)

The organization’s website includes these goals:

“Im Tirtzu's main objectives focus on working towards a renewal of the Zionist discourse, Zionist thinking and Zionist ideology, to ensure the future of the Jewish nation and of the State of Israel and to advance Israeli society in coping with the challenges it faces. A major portion of Im Tirtzu's efforts is devoted to combating the campaign of de-legitimization against the State of Israel and to providing responses to Post-Zionist and Anti-Zionist phenomena.”

The Institute for Zionist Strategies

Website: <http://www.izs.org.il/eng/default.asp> (English version)

Haaretz has recently published an investigative report on the organization’s goals and funding:

<http://www.haaretz.com/weekend/magazine/finding-the-right-donors-for-post-zionism-1.414174>

The website states these goals:

“We see great importance in returning Zionist ideals as the common denominator of all political camps. In furtherance of this goal, the IZS eschews all involvement in matters relating directly to the future of Israel's borders and its relationship with non-Israeli Arabs. This has been the central and cardinal issue dominating Israeli politics, splintering the community, and diverting energies away from the Zionist vocation.”

IsraCampus

Website: <http://isracampus.org.il/>

The organization’s website states the following.

“Monitoring Israel's Academic Fifth Column”

“Following anti-Israel Extremism on the Israeli Campus”

“ISRACAMPUS monitors and exposes the anti-Israel (and sometimes anti-Semitic) political activities, writings, and pronouncements of Israel's far-leftist academic extremists. Israeli universities contain hundreds of faculty members who are active in promoting boycotts of Israel, in organizing army soldiers for mutiny and refusal to serve, in promoting law breaking, and in collaborating with anti-Israel groups attempting to delegitimize Israel as a fascist, terrorist, racist, apartheid entity. Students, professors, donors, alumni, journalists and others participate in ISRACAMPUS and help it gather materials.”

Israel Academia Monitor

Website: <http://www.israel-academia-monitor.com/>

The organization's mission statement includes the following:

“IAM is a non-profit, grassroots organization comprising citizens who, while strongly advocating free speech and academic freedom, are seriously concerned about the growing tendency to distort and abuse these two essential characteristics of a democratic society. Of particular concern are academics who defame their own universities and advocate measures that will harm Israel in general and their universities in particular by using unbalanced prejudiced arguments that fail to live up to the scholarship standards expected of the universities they represent.

“Our goal is to present the truth by making the activities of those academics more widely known and challenging their distortions and bias.”

Israel Freedom

Formerly The Warriors of Zion.

Website: <http://israelfreedom.blogspot.co.il/> (Hebrew)

Stated goals (The following is a shortened, translated version of the organization's goals. The full list in Hebrew is available here: <http://israelfreedom.blogspot.co.il/p/blog-page.html>)

“The organization has set itself several central goals:

1. ***Leftist organizations:*** *To effectively counter leftist and anarchist-leftist organizations attempting to challenge our fundamental right to live on the holy land of Eretz Yisrael with a Jewish, Israeli and democratic character and rule.*
2. ***Members of Knesset who oppose Israel’s existence as a Jewish state:*** *Israel Freedom have fought from day one against the Arab members of Knesset and the extreme leftist parties in the Israel Knesset, who are attempting to bring about the destruction of Israel...*
3. ***Hasbarah:*** *Israel Freedom make extensive Hasbara [pro-Israeli propaganda] efforts on the internet, using articles, video clips, comments, and any other tool allowing us to reach other web surfers in Israel and abroad in order to show the beautiful face of Eretz Yisrael and the Jewish people. The most heavy instrument used against Israeli society today is a well-oiled, deceitful propaganda system funded by terrorist organizations and interested parties directed against the State of Israel... We stand before this murderous machine of war used by Israel’s enemies and provide an adequate and fitting response.*
4. ***IDF soldiers:*** *...Leftist organizations and hostile bodies are attempting to challenge the IDF’s morality, but fail to do so again and again. Israel Freedom believes in the IDF and thanks it... We firmly support enlistment into the army and protection of the homeland, we are against ideological refusal of service.*
5. ***Love of the State of Israel:*** *Israel Freedom commits to protecting Eretz Yisrael and all its borders at all costs, with our bodies and souls...*
6. ***Judea and Samaria:*** *The Jewish people have an historical right to Judea and Samaria...*

7. **Media balance:** *Israel Freedom works to change the current media balance, in which the majority of media outlets present the views of the left, often while silencing the right and presenting unbalanced panels that present the reality in Israel in a deceitful and distorted manner.*
8. **Zionist spirit:** *...Israel Freedom supports the Zionist project in order to instill love of Israel and an education based on love for our tradition.*

Latma

Website: <http://www.latma.co.il/elatmatv.aspx>

The organization's stated goals are as follows

"an Israeli media criticism website that produces a weekly satirical news show" aiming to "to improve the public discourse" in Israel by exposing "the real face of journalism, and the news as a whole."

The Legal Forum for the Land of Israel

Website: <http://www.haforum.org.il/newsite//english.asp>

The organization's stated goals are as follows

"The Legal Forum for the Land of Israel is committed to protecting human rights in Israel, ensuring sound government, and preserving the national integrity of the State of Israel and the Jewish people. "

My Israel

Website: <http://www.myisrael.org.il/action/> (Hebrew)

The organization's stated goals (translated) include

"My Israel is a movement for Zionist undertaking. We don't talk, we act, disseminating voices of Zionism and love of country, fighting against disinformation, promoting Israel's values."

“My Israel is the largest movement in the Israeli national camp, working together with the Yesha Settlements Council and additional bodies on the ground and online. The movement shares information on social networks such as Facebook and Youtube and assembles thousands of web surfers from Israel and abroad for action: to disseminate pro-Israeli content, to react in real time to angering statements against the State of Israel and against segments within Israeli society, to join various protest actions through the internet, and to upload “hasbarah” [pro-Israeli propaganda] images and videos in support of the State of Israel and the Land of Israel.”

NGO Monitor

Website: <http://www.ngo-monitor.org/>

The organization’s mission statement includes the following:

“NGO Monitor provides information and analysis, promotes accountability, and supports discussion on the reports and activities of NGOs (non-governmental organizations) claiming to advance human rights and humanitarian agendas.”

Stated goals:

“...to generate and distribute critical analysis and reports on the output of the international NGO community for the benefit of government policy makers, journalists, philanthropic organizations and the general public. We intend to publicize distortions of human rights issues in the Arab-Israeli conflict and provide information and context for the benefit of NGOs working in the Middle East.”

“...to end the practice used by certain self-declared 'humanitarian NGOs' of exploiting the label 'universal human rights values' to promote politically and ideologically motivated agendas.”

In addition to these organizations within Israel, here is a sample of other organizations that do similar things in the U.S. regarding information/education on Israel:

<http://www.memri.org.il/>

<http://www.camera.org/>

<http://www.campus-watch.org/>

Violation of Academic Freedom of Expression

Recent years in Israel have witnessed a development of monitoring practices and harassing academia faculty members who are considered by the various NGOs as expressing views that negate the Zionist position of the nationalist right. Faculty members who express opposing positions to the governmental policies and/or raise critical research questions are singled out and ostracized with delegitimizing language. Their names and accusations are disseminated via various channels and reports submitted to the boards of their universities demand that they be removed from the academic institutions. Reports of the monitoring organizations are submitted to the Knesset and the government and lead to various initiatives by the legislative and governmental bodies that come to limit academic freedom. One of the severe cases took place on 5 September 2012 when a subcommittee of the Israeli Council on Higher Education (CHE) proposed to effectively terminate, by barring student enrollment, an academic degree program in the Department of Politics and Government in Ben Gurion University due to what appears to be disagreement with the political views of a majority of the faculty members in that department. This act stirred not only a controversy in Israel but also was condemned by many academic professional organizations around the world.

Violation of the Freedom to Demonstrate

This section is published in the annual report of the Association for the Civil Rights in Israel *The state of human rights in Israel and the OPT 2012*.

Surveillance

The “raccoon” is a military vehicle with intelligence gathering equipment. It was used by the police for the first time this year during social justice demonstrations. Police use of this equipment and their practice of filming the participants of demonstrations deepen the concern that the state is engaged in surveillance of its citizens and collecting information about their views.

Summoning activists to police interrogation

In recent years, there have been increasing number of incidents in which the police or General Security Service summon left- or right-wing social and political activists for “warning talks”. Those summoned were asked about their views, activities, other activists, and also personal information. Beyond the collection of information, the intent of these talks was to make it clear to the activists that they are being watched and had better desist from their activities.

Conditioning a permit to demonstrate on illegal and unreasonable demands.

In repeated incidents, the police have conditioned permission to demonstrate upon burdensome and illegal demands such as obtaining approval by the local authority¹² or undertaking to ensure public safety during the event – a function that police officers, not demonstrators, are supposed to perform.

Dispersing demonstrations without cause.

Police have at times unlawfully declared that a demonstration is “an illegal gathering” or demanded to see a permit even when a permit is not required by law.

Unidentifiable police

According to the Police Ordinance, an officer in uniform must wear a name tag at all times. This obligation was intended, *inter alia*, to prevent police officers from abusing their authority under

the cover of anonymity. In clashes with demonstrators, however, police officers have been seen not wearing an identifying name tag and even covering their faces.

Plainclothes police

Last summer's demonstrations saw a dramatic rise in the use of plainclothes police for documenting, filming, and even arresting participants.

Detention and arrest of demonstrators

Dispersing a demonstration without legal grounds is not only a violation of freedom of expression, but is often accompanied by the detention and arrest of demonstrators, undermining their liberty and basic rights as well. The power to detain and arrest activists is often exercised before less drastic measures that could have been used to restore public order, turning these harsher measures into tools to repress legitimate dissent.

Discrimination of Arab Citizens of Israel

The societal phenomenon in Israel of institutional discrimination, including widespread racism, against its Arab citizens have been thoroughly analyzed and systematically documented by numerous sources. A wide range of indicators and indexes monitor and demonstrate the inferior status accorded to Arab citizens in the Jewish state. For example:, [The Equality Index](#) by Sikkuy (the Association for the Advancement of Civic Equality in Israel), [annual reports](#) by Adva Center (Information Center on Equality and Social Justice in Israel), [Annual State Budget Reports and Racism Reports](#) by Mossawa Center (the Advocacy Center for Arab Citizens in Israel), [Legal Discrimination Report](#) by Adalah (the Legal Center for Arab Minority Rights in Israel), [Human Rights' Violations Annual Reports](#) by ACRI (The Association for Civil Rights in Israel). In addition, reports covering discrimination in particular [areas were prepared](#) by The Abraham Fund Initiatives, the [Index of Arab-Jewish Relations in Israel](#) by Prof. Sammy Smoocha of Haifa University, the [Annual Israeli Democracy Index](#) by the Israel Democracy Institute, reports on [planning rights discrimination](#) by Bimkom (Planners for Planning Rights), to name just a few. Data pertaining to the Arab Citizens' second-class status also originates from official data and reports released by Israeli Governmental agencies and has been widely reflected in official international reports as well (such the [European Union](#), and the [U.S. State Department Report on Israel](#)⁷, and others).

Most notable of Israeli official reports with regards to the Palestinian citizens of Israel is the [Or Commission Report](#). This report is the most comprehensive account submitted to the state's request and based on officially released data, which acknowledges the deep-rooted discriminatory

⁷ Although the US Department of state report deals primarily with the Palestinians in the OPT, a section of the report addresses the Arab Citizens.

practices deployed by the Israeli governments. Its recommendations on public policies' reforms (with emphasis in the area of policing) serve as a yardstick for progress assessment in this area. The Or Commission, headed by Justice Theodore Or, was established by the government of Israel to investigate the October 2000 events. These events, according to the report, "*shook the earth*" when 12 Arab citizens of Israel, one Jewish citizen of Israel and one resident of the Gaza strip were killed. The Or Commission's mandate was to investigate the events and their causes and submit recommendations for policies and intervention to the government. The Commission emphasized the urgent need to take immediate and long-term corrective measures and stated that "*The state and successive generations of its government have failed to address in a comprehensive and deep fashion the difficult problems created by the existence of a large Arab minority inside the Jewish state. Government handling of the Arab sector has been primarily neglectful and discriminatory. The establishment did not show sufficient sensitivity to the needs of the Arab sector, and did not do enough to give this sector its equal share of state resources. The state did not do enough or try hard enough to create equality for its Arab citizens or to uproot discriminatory or unjust practices*" (Commission Report, chapter 6, Paragraph 5).

Among the Commission's findings were that Israel's Arab citizens constitute the "*most sensitive and important domestic issue facing Israel today*" and that the state must "*initiate, develop, and operate programmes emphasizing budgets that will close gaps in education, housing, industrial development, employment, and services.*" The Commission's report further pointed to long-term discrimination of Arab citizens of Israel, underscoring their frustrations, and addressed the "*muddled relationship*" between the police and Arab citizens and the need for reforms in policing vis-à-vis the Arab citizens: "*The committee noted the need for a reform of police systems with regard to the Arab sector. The police are not conceived as a service provider by the Arab*

population, but as a hostile element serving a hostile government. There is a need to expand community police services in order to improve service to this sector” (Or Commission, 2003).

The events investigated by the committee highlighted the growing inequality, marginalisation and exclusion experienced by Arabs in Israel, and pointed out fundamental flaws in the public policies toward the Arab citizens of Israel. Moreover, they demonstrated that unless the underlying causes of the discrimination are confronted, Israel will be fated to suffer deterioration and destabilization of its society. The Or Commission report has the potential of serving as a shifting point in state policies directed at Arab Citizens and reversing the trends of prolonged discrimination and deterioration in Jewish-Arab relations. Unfortunately, this was not the case and in the decade that followed since October 2000 the overall trend has been further deterioration, as the aforementioned reports clearly indicate. Prof. Smootha termed it as “*the lost decade of Arab-Jewish relations*”, referring to the high hopes ignited by the publication of the Or report recommendations and the subsequent feelings of despair due to government actions and inactions that further widened the chasm between Arab and Jewish citizens and between the state and its Arab citizens.

Discriminatory practices are often times elusive, not manifesting themselves in a direct manner and requiring professional expertise and access to governmental data and know-how, in order to be able to trace them. Moreover, data collection in itself relies on political assumptions and motivations that may impact this kind of analysis. Consider for example the state's tendency to include in its accounts Jewish citizens inside and outside the green line, include (and in some cases exclude) the Palestinian residents of East Jerusalem, as well as exclude more than 100,000 Arab citizens living in unrecognized villages in the south of Israel.

Some data, however, which the state itself publishes or does not dispute, encapsulate the deep divides that exist and the public policies that facilitate their creation. For example:

- Israel Bureau of Statistics, which categorizes localities by socio-economic clusters, consistently finds that over 85% of the localities in the lowest three clusters (out of ten) are Arab localities, which make up over 90% of the total number of Arab Localities. Since this categorization uses a wide array of aggregated data (pertaining to employment, education, income, services, etc.) it is especially important .
- For historic reasons, Arab citizens, who make up approximately 20.6% of the population, have been living on privately owned land, estimated at 4% of the land (of which 2.5% is de facto accessible and available to them. Approximately 93 percent of the land is owned by the state, including approximately 13% that is owned by the JNF (Jewish National Fund) – a quasi-governmental body whose statutes prohibit selling land to Arabs.
- Since the establishment of the state in 1948 the Jewish population became 10 times bigger and more than 700 cities, towns and other forms of residency were built by the state to accommodate the growing population. During this period, the Arab citizens of Israel, which for the first 18 years were placed under military rule, also enlarged and became approximately ten times larger, and yet not a single Arab town or city was built to accommodate this growth of the population (an exception are the seven Bedouin townships that the state built in order to force the Bedouin population to settle its land claims and move to those townships). Moreover, obtaining building permits in Arab localities is literally an impossible task due to lack of authorized master plans, forcing Arab families to build without permits and subjecting them to the risk of sanctions by the state, including house demolitions.

This is not an exhaustive list, but an example of some of the main elements of discriminatory practices. The following section contains a few more examples of more recent data in major areas of life.

Health

Despite overall improvement in health in the past decades, gaps between Arabs and Jews persistently exist and continue to widen. In almost every standard measure of population health, the values of these measures are lower in the Arab population than in the Jewish one. Sikkuy's 2012 Equality Index in health found an increase of 33% in the gap between Arabs and Jews, since its first measurement in 2006.

Employment

Many studies have pointed, time and again, to differences between Arabs and Jews in employment rate of participation in the workforce, higher rates of unemployment amongst Arabs, gaps between average income and segregation in fields of occupation – higher representation of Arab men working in construction, agricultural and industry, and of Arab women in health and education, and under-representation in finance, engineering, high-tech industry and governmental offices⁸. The lack of representation in the public sector is of special importance, because of its significance and because of it being the largest employer. Currently a Parliamentary Inquiry Committee on the Integration of Arab Employees in the Public Sector that has been set in 2008 is still working. While the committee has not yet published its conclusions, it is clear that governmental agencies still have a long way to go before meeting their goal of reaching 10% Arab employees, in itself a low figure considering that the Arab minority constitutes nearly 20% of the population. The committee published an [interim report](#), which presents a picture of massive under-representation of Arab

⁸ Khattab and Miarri (2012), The persistent wage gaps between Arabs and Jews in Israel, 1997-2009

citizens across most of the public sector, including in government companies and ministries, where the percentage of Arab staff typically falls below two percent of employees.

Since much has been written about the institutionalized discrimination practices, this document will focus only on few less known examples.

Part 1: The Criminal Justice System & Law Enforcement Agencies

There are many examples of discriminatory practices within the criminal justice system on the policy-level, aside from many reported instances of improper use of force, especially directed towards Arab citizens, which are seldom prosecuted or properly investigated. Many other incidents go unreported (Police estimate the rate of unreported crime reaches 60% - higher than in most developed countries). This summary will not address these instances. The following findings provide several examples of such policies as they pertain to Israeli citizens (Jews and Arabs) living inside the green line.

<http://www.haaretz.com/print-edition/news/study-60-percent-of-crimes-are-not-reported-to-police-1.275289>

Israeli Courts

Claims against the discriminatory handling of Arab citizens by the Israeli Courts have often been raised by leading legal-rights organizations operating in Israel. However, in August 2011 these claims received official recognition in a study conducted by the Israeli Courts, which analyzed court cases between the years 1996 through 2005. The study findings suggest that: Arabs are given jail sentences more often than Jews convicted of the same offenses, and Arabs receive longer sentences than Jews who are jailed. The study's authors conclude that their most conspicuous finding is the tendency of Israeli courts to treat Arab defendants more harshly: When Arabs wind up in court,

they are more likely to be convicted; when convicted, they are likely to receive a stiffer sentence than a Jew normally would.

<http://www.haaretz.com/print-edition/opinion/israeli-courts-must-end-anti-arab-discrimination-1.376666>

<http://www.haaretz.co.il/news/law/1.1371246>

Furthermore, Gazal-Eyal and Sulitzeanu-Kenan researched the early-stage decisions in the criminal process, controlling for the state's position and for the ethnicity of the judges. The researchers found ethnic bias in pretrial decisions in Israel. They concluded that the ethnicity of suspects carries a significantly different effect between Arab and Jewish judges. When the judge is Jewish, a Jewish defendant has significantly higher chances of being released on bail than a similarly situated Arab suspect.

http://www.academia.edu/933538/Let_my_people_go_Ethnic_Bias_of_Jewish_and_Arab_Judges_in_Pretial_DEtention_Decisions_in_Israel

Policing

Policing in Israel is carried out by approximately 28,000 police officers. About a third of the force is a semi-militant police body, the border police, consisting largely from active duty soldiers 18-21 year old. The border police are deployed both outside and inside the green line. They report to the IDF when assigned to the West Bank, and to Israel Police when inside the green line. The Israel Police, two thirds of the policing force, is a national police force. On top of its mission to maintain public safety and fight crime, it is also contributes to maintaining national security and fighting terrorism, in cooperation with Israel's secret service and other security bodies. Approximately 8% of the total police force is Arab (while their share in the general population is 20%), most of whom

(approximately 65%) are Druze (who make up less than 10% of the Arab population) and are within the lower ranking officers.

Under these conditions it is easy to understand why there are troubled relationships between the Police and the Arab citizens. These relations reached a boiling point during the events of October 2000, in which as noted Arab protestors died from Police gunfire. The National Or Commission of Inquiry was highly critical of the police. It identified institutional racism in the police force and perceptions of Arab citizens as a fifth column, an enemy, amongst police officers in all ranks, including senior command. The report also criticized the neglect and lack of police presence in Arab localities.

Since the Or commission published its findings in 2003, the Israel Police has taken some steps to improve the quality of policing services to Arab citizens and mend its relations with the community. It increased the number of community policing posts, increased the numbers of Arab volunteers and established one new police station (in the city of Umm Al-Fahem). However, these steps have managed to achieve little over the years. Policing services provided to Arab citizens fall behind those provided to Jewish localities. The ratio of police officers per population is much lower in Arab towns. Police presence is maintained mostly through community policing posts, some of which are temporary posts and remain closed most of the time, while presence in Jewish localities is maintained by the more staffed and equipped police stations, which holds a steady presence. It is thus not surprising that Arab localities continue to be afflicted with high crime rates. In addition there is constant shortage of Arabic speakers within the police that further alienates the community and affects the level of service that is provided. In addition, in recent years (2006-2012), the Israel Police introduced a computer run performance-measurement system ("the director") that has allegedly incentivized unintended harsher treatment of Arab-Palestinians. As the current chief

inspector stepped into office in May 2011, he eliminated the usage of this measurement system (not because of its possible negative implications for police treatment of the Arab minority, but because it was highly unpopular by police personnel who complained about "being glued" to their computer screens for too long).

<http://www.haaretz.com/weekend/magazine/winning-on-points-1.300971>

<http://www.ynetnews.com/articles/0,7340,L-4175679,00.html>

<http://www.knesset.gov.il/mmm/data/pdf/m02469.pdf> (Hebrew)

Racial Profiling

Racial profiling is widely used by law enforcement agencies in Israel, which consider it a legitimate and an efficient tool for maintaining national security. Although little has been published about the actual extent of its usage by police, whose facilities are often used for Shin Bet (secret service) for interrogations of suspects, there is an abundance of data about the exercise of a racial profiling policies in Israel's international airport targeting Arab and non-Jewish passengers, currently under a pending petition by civil rights group (ACRI) to the supreme court. It only follows that such practices, which are constantly being monitored and debated in police forces around the world, are even more widely used in Israeli police stop and search practices and in interrogations, as suggested by the many personal testimonials of Arab citizens that have been published.

<http://www.acri.org.il/en/2012/03/25/additional-response-in-profiling-petition/>

<http://www.haaretz.com/news/national/high-court-explain-why-israeli-arabs-discriminated-against-by-airport-security-1.347717>

<http://www.haaretz.com/print-edition/news/in-israel-racial-profiling-doesn-t-warrant-debate-or-apologies-1.261075>

<http://abirkopty.wordpress.com/2011/07/12/racial-profiling-in-israeli-airport/>

Restrictions on freedom of expression

Israeli law enforcement authorities often put considerable limitations that restrict the freedom of expression, sometimes in ways that contradict the state's own laws. These practices have intensified over the past decade, especially with regards to the freedom of speech of Arab citizens and especially during military operations embarked by the state.

"Prohibited Protest" is a most comprehensive report, published by Adalah in the aftermath of operation "Cast Lead", which provides a detailed account of the different mechanisms used by different agencies to limit freedom of speech. The report identified the following means used to restrict freedom of expression: Police violence, harassment and surveillance of political activists, mass arrests as deterrence, scope of arrests disproportionate to suspicions and accusations, exaggerating suspicions in applications to extend detention of persons due only to their presence at the scene of the event, and refusal to release detainees. Since 2009 there have been many incidents that provide evidence that this trend continues, most notably following the recent military operation "Pillar of Defense" in Gaza.

<http://www.adalah.org/features/prisoners/protestors%20report.pdf> (Report- Hebrew full)

http://www.adalah.org/features/prisoners/GAZA_REPORT_ENGLISH_FOR_THE_NEWSLETTER.pdf (Report - English summary)

<http://www.acri.org.il/he/wp-content/uploads/2012/11/hit51057.pdf>

<http://www.acri.org.il/en/2012/11/22/dispersion-of-demos-by-jerusalem-police/>

<http://www.acri.org.il/en/2012/07/24/jerusalem-municipality-confiscates-demonstrators-equipment-to-prevent-waste-of-public-money/>

<http://www.acri.org.il/he/?p=24506>

<http://www.acri.org.il/he/?p=16452>

Part 2: Discriminatory practices in the allocation of the state budget

Several not for profit organizations monitor the allocation of the state budget in specific areas, with regards to Arab minority. Mossawa Center (the Advocacy Center for Arab Citizens of Israel) analyzed the percentage of the budgets of the government ministries allocated to the Arab community. Their analysis of the state budget finds that the funds allocated to the Arab community are consistently and disproportionately lower than the funds allocated to the rest of the population. According to Mossawa's analysis of the 2012 state budget the Arab community receives less than 6.25% of the State Budget, as compared to less than 5% of the State Budget in 2011, although this group comprises 20% of the total population. The Mossawa report shows that more the 7 billion NIS of the State Budget are allocated for budget lines that deal exclusively with Jewish citizens of Israel.

The following data is taken from Mossawa's report on the 2012 state budget:

<http://www.mossawa.org/files/files/File/Publications/State%20Budget%20Main%20Findings.pdf>

(English summary source)

Ministry of Education:

The Ministry of Education budget for 2012 amounts to 37,873,515,000 NIS. The Ministry allocates 393,865,000 NIS for the construction of new classrooms, 89,477,000 NIS of which is allocated for the construction of classrooms in the Arab community (22.72% of the budget). While this allocation seems more than fair for the Arab community, the reality is that the Arab community has been lacking over 9,000 classrooms since 2010. The Pedagogical Administration budget amounts to 1,189,318,000 NIS, 17,688,000 NIS of which is allocated for educational programs for minorities (1.5% of the budget). Additionally, the Ministry of Education allocates 3.5 billion NIS to various

fields of study, such as Jewish religious and culture studies, but does not include plans for the Arab religious counterparts.

Ministry of Housing:

The Ministry of Housing budget for 2012 amounts to 2,029,034,000 NIS, in addition to housing loans specifically for new Jewish immigrants. Meanwhile, the housing crisis in the Arab community continues: 48 Arab local councils are awaiting government approval of new master plans which would allow for the construction of 45,395 housing units.

The approval of these plans is crucial for ending illegal construction in Arab locales, which are plagued with overcrowding. The Ministry allocates 80 million NIS to housing development in the Arab sector, 50% of which will be given to the Negev (19 million NIS in Rahat city alone). However, the majority of the funding in the Negev will be used to encourage the resettlement of the Bedouin Arab community into government planned townships; an initiative to which most of the Bedouin Arab community objects because it will force them to relinquish ownership of their ancestral lands.

Israeli Land Administration (ILA):

The ILA budget for 2012 amounts to 5.5 billion NIS. A majority of the budget allocated for the Arab sector is allocated for the evacuation of unrecognized Bedouin Arab villages in the Negev. The administrative council of the ILA includes Jewish National Fund (JNF), which holds policies and practices that are discriminatory against the Arab population. The JNF is a semi-private organization whose mandate is to buy land and distribute land solely to the Jewish people.

Ministry of Interior:

The Ministry of Interior budget for 2012 amounts to 3,886,609,000 NIS, which is divided into grants, subsidies and a development plan for reconstruction in case of emergencies. It is expected that the Arab local councils will be allocated 1 billion NIS; the Ministry has not published the final data because of a petition pending in the Supreme Court from the Arab Mayors Association demanding that Arab local councils be evaluated by equal social-economic criteria to Jewish local councils. The Ministry's planning section has failed to plan and approve city plans in most Arab local councils, which has created a crisis in housing and construction. Out of 120 million NIS only 5 million NIS are allocated for planning in the Arab community.

Ministry of Transportation

The Ministry of Transportation budget for 2012 amounts to 8,283,142,000 NIS. Of this amount, 975 million NIS are allocated for urban roads, of which 80 million NIS are allocated for projects in the Arab community (12% of the budget). The Department of Transportation intra-city budget for roads development is run by the governmental company, Maatz Hadashah. This budget does not consider the needs of the Arab community. Meanwhile, over 40 Arab cities are disconnected from public transportation.

Ministry of Tourism:

The Ministry of Tourism budget for 2012 amounts to 354,914,000 NIS. The tourism development budget is 88,071,000 NIS. Only a small fraction of the budget is allocated for tourism in Arab sector, particularly for investments in the construction of hotels.

Ministry of Industry and Trade:

The Ministry of Industry and Trade budget for 2012 amounts to 2,419,722 NIS, in addition to 1,913,686,000 NIS for non-residential subsidies (Article 38) and 50,980,000 NIS for industrial development (Article 76). The Ministry allocates 49,301,000 NIS to the development of new

industrial zones, only 4 million NIS of which are allocated to Arab locales (8% of the budget). The Ministry has improved in the field of employment, particularly in the private sector, which is being subsidized to hire Arab employees.

Ministry of Science, Culture, and Sports:

The Ministry of Science, Culture, and Sports budget for 2012 amounts to 1,020,201,000 NIS. The budget allocated for culture amounts to 642,185,000 NIS, 15 million NIS of which is allocated to Arab cultural institutions including the Arabic Language Academy (2.3% of the budget). The Ministry has not allocated more than 5% of the funds for sports or science institutions in the Arab community.

Ministry of Health:

The Ministry of Health budget for 2012 amounts to 20,627,752,000 NIS. The budget disregards most of the government promises following the 2011 Social Justice Protest to reduce the health gaps between Jewish and Arab society, especially between the Center and Periphery. Critical gaps in areas such as infant mortality, emergency services and numbers of hospital beds have not been allocated specific funding.

Ministry of Negev and Galilee Development:

The Ministry of Negev and Galilee Development budget for 2012 amounts to 168,763,000 NIS. While over 70% of the Arab population in Israel lives in these areas, Arab locales are allocated less than 5% of the Ministry's budget. Most of the budget is used to settle new Jewish immigrants.

Prime Minister's Office:

The Prime Minister's Office budget for 2012 amounts to 2,072,099,000 NIS. The Ministry allocates 15,887,000 NIS to the Economic Development Authority of the Arab sector. The Ministry has also

launched a Private Equity Fund with Al-Bawader, in which it will allocate 80 million NIS to a 177 million NIS fund to invest in companies in the Arab sector.

Regular State Budget:

According to the regular State Budget, responsible for financing civil service employees, in 2012 only 6.2% of the civil service employees are Arab citizens, and no Arab citizen serves in senior governmental position, which means that less than 6% of the regular State Budget is allocated for Arab citizens.

Nationalistic Policy of the Ministry of Education

Israel's [State Education Law](#) specifies a list of goals and values according to which the state education system seeks to educate its students. Alongside the inculcation of national and Jewish values, the law states that the goals of state education include “*developing a respectful attitude to human rights, basic liberties, democratic values, observance of the law, and the culture and opinions of others, as well as educating toward the desire for peace and tolerance in relations among people and nations*”. Other goals include educating to independent and critical thought, social justice, and the “*recognition of the equal rights of all the citizens of Israel*”.

The Ministry of Education is responsible for implementing the law, but over the past few years it seems that its policy and actions are sometimes inconsistent with this declarative commitment, making a salient effort to distance state education from themes relating to education for democracy, human rights, tolerance and freedom of expression, while [reinforcing Jewish and Zionist values on their expense](#). In fact, the [Ministry of Education's strategic plan since 2009](#), as well as its [work plan for the current school year](#), does not include any operational nor measurable goals for schools concerning education towards citizenship, democratic values or Jewish-Arab coexistence. Also, a series of initiatives launched recently by the ministry focus on strengthening the Jewish and Zionist identity of the students and mark a significant reinforcement of militaristic values in schools and among young people. Many resources such as teaching hours, professional development courses or study tours are allocated on these topics, while there are absolutely no incentives to address democratic issues and very scarce resources are allocated. This policy indicates a salient asymmetry of between universal and particularistic values that both are needed in educational system. The implementation of this policy is one of the factors that eventually shapes the worldview of the Israeli citizens.

It has to be noted that the Minister of Education in the 2009-2013 government Mr Gideon Sa'ar was replaced by new Minister coming from Yesh Atid Party and there is much based hope that his policy will change.

Sources: State education goals – from Israel State Education Law (Hebrew):
<http://cms.education.gov.il/EducationCMS/Units/Owl/Hebrew/ChukimMediniyut/Hukim/MatratHachinuch.htm>

Or Kashti, Israel's plan for next year's school curriculum: Reinforcing Jewish and Zionist values, Ha'aretz, April 14, 2011: <http://www.haaretz.com/print-edition/news/israel-s-plan-for-next-year-s-school-curriculum-reinforcing-jewish-and-zionist-values-1.355853>

Ministry of Education, Israel's Government Believes in Education, August 2009 (Hebrew):
http://meyda.education.gov.il/files/Owl/Hebrew/SarHachinuch/Education_presentation_final_opt.pdf

The narrow-nationalistic policy is reflected in some of the decisions taken by the Ministry of Education, as hereby illustrated as examples.

Reinforced Culture and Heritage of Israel

- In 2009, toward the following school year, the Ministry of Education introduced a new compulsory subject to the state schools' curriculum called [Israeli Heritage and Culture](#), aimed for grades four through nine for two hours weekly. [The class](#) introduces texts of Jewish holy and literary sources and teaches about the Jewish calendar, with respect to the Jewish people's link to the Land of Israel and the figure of Israel as the Jewish people's state.

Source: Culture and Heritage of Israel, Syllabus (Hebrew):

<http://cms.education.gov.il/NR/rdonlyres/597CC6B3-420C-4021-A21D-D7D1DCFE40E0/132787/sil.pdf>

- Beginning 2011, Jewish nursery and kindergarten teachers are required to open the week with the raising of the Israeli flag and the singing of the national anthem "Hatikva", in accordance with [directives](#) issued by the Ministry of Education. The preschool teachers are also required to teach the children the state symbols once a week. (Education Ministry mentioned, though, these directives [shall not be implemented in the Arab sector](#)).

Source: Asaf Shtull-Trauring, Israeli kindergarteners now have to sing the national anthem every week, Ha'aretz, July 14, 2011: <http://www.haaretz.com/print-edition/news/israeli-kindergarteners-now-have-to-sing-the-national-anthem-every-week-1.373094>

- The educational program of the '[Israel Journey](#)' is being operated since 2006 by '[Mibereshit](#)', a movement set up by Rabbi Moti Elon, and to date more than 60,000 11th graders, mostly from state schools, have taken part. The journey lasts six days, during which students go through a very powerful experience concerning their Jewish-Zionist identity, but it lacks any references of democratic values and their crucial importance for the State, as well as any kind of encounter with non-Jews living in Israel. The program's pedagogic aspects include "clarification and strengthening the link of the People of Israel to the Land of Israel, through understanding our roots as a nation and our right to the land", as well as "understanding of the profound meaning of Judaism and the student's connection to his Judaism", being a link in a chain of generations. In regard to its contents, some teachers and educators have indicated that [the trip indoctrinates](#) the principles of

'our right over the land' and the importance of Judaism, while civil and democratic issues are hardly mentioned. Israel Journey is [sponsored by Ministry of Education](#), aiming to bring the number of participants to 20,000 students a year, and enjoys also the [powerful financial backing](#) from the private Canadian foundation run by Evangelical billionaire Jim Pattison.

Sources: Or Kashti, Education Ministry expanding religious school program, Ha'aretz, January 1, 2009: <http://www.haaretz.com/print-edition/news/education-min-expanding-religious-school-program-1.266948>

Or Kashti, Israel trip has missionizing bent, charge participants, Ha'aretz, March 11, 2011: <http://www.haaretz.com/print-edition/news/israel-trip-has-missionizing-bent-charge-participants-1.348470>

- In February 2011, Education Minister Sa'ar announced a new tour program called ["Ascending to Hebron"](#). The "heritage tours" curriculum has first been geared only toward students in the Jerusalem school district, and later became [available to students across the country](#). Last year, some 4,000 students, mainly from non-Orthodox public schools, [visited Hebron as part of the program](#). The visits to Hebron are part of [a drive led by the ministry](#) that include tours at an archaeological site at the [Shiloh settlement](#) as well as expanding visits to Jerusalem with a stress on the [City of David](#), conducted in [cooperation with Ela'd](#), a group dedicated to Jewish settlement in the East Jerusalem village of Silwan. In his visit to Shiloh [Sa'ar said](#): 'It's good to come to the settlements. It's good that the settlements flourish. One should not allow the Arabs to harbor the illusion that one day there won't be Jews here. Jews will always live here and any other illusion is an obstacle to peace'. The described acts by the Ministry of Education are not surprising in view of the fact that the Minister of Education Gideon Sa'ar is the chair of the Im Tirtzu council and was a

keynote speaker at an Im Tirtzu conference. The goal of Im Tirtzu, viewed as an ultra-right organization, is "to strengthen and advance the value of Zionism in Israel". It presented to the Israeli Knesset a report- according to which Israeli academia is heavily influenced by 'anti-Zionist and post-Zionist' positions and Gideon Sa'ar promised to examine this claim.

Sources: Or Kashti, Following Sa'ar's instructions, tens of thousands of pupils visited the Temple Mount and the City of David, Ha'aretz, May 11, 2010 (Hebrew):

<http://www.haaretz.co.il/news/education/1.1201419>

Achikam Moshe-David and Efrat Zemer-Bronfman, Starting next year: Pupils will visit Hebron, nrg Ma'ariv, February 15, 2011 (Hebrew): <http://www.nrg.co.il/online/1/ART2/212/405.html>

Talila Nesher, Israeli students to visit West Bank city of Shiloh on school trips, Education Minister says, Ha'aretz, December 13, 2011: <http://www.haaretz.com/news/national/israeli-students-to-visit-west-bank-city-of-shiloh-on-school-trips-education-minister-says-1.401197>

Talila Nesher, Teachers oppose ministry's Hebron 'heritage tours', Ha'aretz, February 6, 2012: <http://www.haaretz.com/print-edition/news/teachers-oppose-ministry-s-hebron-heritage-tours-1.411235>

Talila Nesher, Education Minister: Hebron school tours don't indicate West Bank town's final status, Ha'aretz, July 25, 2012: <http://www.haaretz.com/news/national/education-minister-hebron-school-tours-don-t-indicate-west-bank-town-s-final-status-1.453401>

- [“My Zionism”](#) lesson unit in the “Gush Katif Day” curriculum package, written in accordance with Education Ministry guidelines by the Gush Katif Legacy Center (established by virtue of 'The Center for Commemoration of Gush Katif and Northern Samaria Law' ratified by the

Knesset in July 2008) and promoted by Director General's circular issued to all schools in the country, was taught on 2012 in hundreds of schools across Israel. The kit contains items such as a card game in which players are asked to differentiate between Zionist and non-Zionist actions, and presents the story of settling Gush Katif as one of the possible responses to the question, 'How is Zionism carried out'. Touring the Gush Katif Museum in Jerusalem, [Sa'ar stressed](#) that since "perpetuating the legacy of Gush Katif is mandatory for all of Israeli society", his ministry has made it a priority to make Gush Katif Day part of the school curriculum. "There will not be another evacuation" of settlers, Sa'ar added; "Everyone saw the difficult results and learned the lesson from Gush Katif."

Sources: Talila Nesher, Education Ministry school program presents Gush Katif as the epitome of Zionism, Ha'aretz, February 20, 2012: <http://www.haaretz.com/print-edition/news/education-ministry-school-program-presents-gush-katif-as-the-epitome-of-zionism-1.413645>

My Zionism kit (Hebrew):

http://www.mkatif.org/Items/01697/maarah_12.pdf

- Erez Eshel, newly appointed head of the Education Ministry's Youth Administration (which has attained increased prominence in the ministry as a result its efforts to inject values into school curriculum that have an emphasis on Jewish heritage and history) was criticized for [alleged nationalistic remarks](#). Among other comments he was quoted in 2007 as saying that Israel's presence in the West Bank is important "for the sake of freedom", and reportedly expressed support for refusal to follow military orders when it comes to attempts to re-divide Jerusalem. Also, referring to the hardline nationalistic "hilltop youth", Eshel reportedly said that early Zionist

leader A.D. Gordon would be proud of them. When asked about his views on Defense Minister Ehud Barak, he was quoted: "He's dangerous. He fled from Lebanon and weakened the army and security."

Source: Talila Neshet, New head of Israel's Youth Administration criticized for alleged nationalistic remarks, Ha'aretz, July 12, 2012: <http://www.haaretz.com/news/national/new-head-of-israel-s-youth-administration-criticized-for-alleged-nationalistic-remarks-1.450531>

Military Presence in State Education

- Beginning 2010, The Ministry of Education, in cooperation with the IDF, has launched a program designed to [enhance the motivation among high school students to join the army](#). As part of the initiative, called "Derekh Erech" ("[Path of Values](#)"), hundreds of officers and soldiers are sent to schools to meet with teachers and parents, in order to discuss the relationship between the army and society and encourage them to participate in activities intended to increase the recruitment rates, with an emphasis on combat units. So far, more than 15,000 teachers and students at hundreds of schools have enlisted in the program. Referring to the project, Sa'ar [commented recently](#) that "Encouraging service in the IDF is not a favor that we are doing for the IDF, but a moral issue." An important component of the program is the [publishing of recruitment rates](#), along with [rewarding schools with particularly high recruitment rates, especially to combat units, among their graduates](#).

Sources: Efrat Zemer, Graduates join combat units; School gets financial reward, nrg Ma'ariv, August 17, 2009 (Hebrew): <http://www.nrg.co.il/online/1/ART1/930/993.html>

Or Kashti, Officers hit schools today in campaign for enlistment in IDF combat units, Ha'aretz, January 10, 2010: <http://www.haaretz.com/print-edition/news/officers-hit-schools-today-in-campaign-for-enlistment-in-idf-combat-units-1.261097>

Talila Nesher, IDF launches educational offensive on Israel's schools, Ha'aretz, June 12, 2012: <http://www.haaretz.com/news/national/idf-launches-educational-offensive-on-israel-s-schools.premium-1.435940>

- Sa'ar announced recently [a new model of paying differential bonuses to schools and teachers](#), according to a number of criteria including matriculation results, drop-out rates and absorption of special-education students, as well as, a service to the State rate based on the percentage of a school's students who perform military or civilian national service. Plan's opponents [criticized it](#) for creating severe discrimination against the Arab population in Israel and for extending the already existing gap between Jewish schools Arab schools, whose students do not serve in the army.

Source: Talila Nesher, Israeli Arabs fume at plans to reward schools for IDF enlistment, Ha'aretz, November 14, 2012: <http://www.haaretz.com/news/national/israeli-arabs-fume-at-plans-to-reward-schools-for-idf-enlistment.premium-1.477523>

- The Education Ministry collaborated also with "[Aharai](#)", a social educational organization, to launch the "[101](#)"⁹ initiative aimed at preparing school students for a significant military service in the IDF. Referring to new initiative, Sa'ar announced: "IDF is us, and we are IDF".

⁹ Unit 101 was an Israeli special operations unit founded and led by Ariel Sharon on orders from Prime Minister David Ben-Gurion in August 1953. It was created to retaliate against Palestinian violence against Israeli civilians.

Sources: Tomer Velmer, Preparing to military service: high school students will get basic training in school, Ynet, February 11, 2011 (Hebrew): <http://www.ynet.co.il/articles/0,7340,L-4026414,00.html>

Gideon Sa'ar's official website, Education Ministry and "Aharai!" organization will collaborate in the "101" initiative to encourage significant military service, February 22, 2010 (Hebrew): <http://www.gideonsaar.com/167972>

History Education – Zionist Narrative rules

- The Ministry of Education ordered the [recall](#) of all copies of an authorized history textbook for including a citation by a Palestinian historian claiming for an ethnic cleansing of the Palestinians by the Jews on the 1948 war.

Source: Elie Podeh, The Nakba will not go away, Ha'aretz, October 20, 2009 (Hebrew): <http://www.haaretz.co.il/opinions/1.1286001>

- The Ministry of Education [summoned the principal of Sha'ar Hanegev](#) high school in the Sderot area for consultations, after the school was found to be using a banned history textbook that offers [both the Israeli and Palestinian narratives](#) of the conflict. School was ordered to cease using the book, which was taught as part of enrichment, five-unit history class initiated by the school.

Source: Or Kashti, Education Ministry bans textbook that offers Palestinian narrative, Ha'aretz, September 27, 2010: <http://www.haaretz.com/print-edition/news/education-ministry-bans-textbook-that-offers-palestinian-narrative-1.315838>

- Minister of Education Gideon Sa'ar instructed to [remove any mention of the events of the Nakba from textbooks in the Arab sector](#). The ministry also decided to [reexamine a history book](#) for the Jewish sector presenting both narratives, which had already been approved. Referring to the issue, [Sa'ar said](#): "*We are not the United Nations, but educate toward a Jewish-Zionist identity. What is the Palestinian narrative? [...] am I supposed to teach lies against historical truth?*"

Sources: Na'ama Talmor and Nir Yahav, Sa'ar decided: Arabs shall not learn about the Nakba, Walla news, July 22, 2009 (Hebrew): <http://news.walla.co.il/?w=/1/1524019>

Or Kashti, Israeli textbook under review for giving Palestinian version of 'nakba', Ha'aretz, September 22, 2009: <http://www.haaretz.com/print-edition/news/israeli-textbook-under-review-for-giving-palestinian-version-of-nakba-1.7505>

Dror Idar, "We cannot renounce our fundamental stances": Interview with Gideon Sa'ar, Israel Today, July 15, 2011 (Hebrew): http://www.israelhayom.co.il/site/newsletter_article.php?id=12028

Nationalist-Patriotic Civics Education

- In November 2009, the Knesset Education Committee held [a discussion on civic studies at school](#) on the initiative of the [Institute for Zionist Strategies](#), during which committee members demanded changes to civic studies, arguing that the current curriculum places democracy above Jewish nationhood. Chairperson MK Zevulun Orlev (National Religious Party) commented that "*there is a [left-wing, liberal, and universalist](#) bias in civic studies.*"

Sources: The Institution for Zionist Strategies, Meeting of the Education, Culture and Sport Committee of the Knesset on the Subject of the IZS Position Paper Concerning Civics Studies: <http://www.izsvideo.org/papers/education3.pdf>

Education, Culture and Sport Committee of the Knesset, November 25, 2009 (Hebrew):

<http://portal.knesset.gov.il/Com8chinuch/he-IL/Messages/25112009.htm>

- In 2010, the Ministry of Education [revised the country's main civics textbook](#), due to some parts considered by chairman of the ministry's pedagogical secretariat, Zvi Zameret, as too critical, focusing on conflicts and social division rather than history of the state. Zameret was previously involved with the [report by the Institute for Zionist Strategies](#) criticizing civics studies in Israel for damaging Zionist and patriotic education.

Source: Or Kashti, Education ministry revising textbook for being too critical of Israel, Ha'aretz, August 29, 2010: <http://www.haaretz.com/print-edition/news/education-ministry-revising-textbook-for-being-too-critical-of-israel-1.310751>

- On May 2011, the Education Ministry have terminated Prof. Yedidia Stern's post as chairman of its professional advisory committee on civics, along with another panel member Prof. Suzie Navot, [supposedly due the committee's opposition](#) to changes in the civics curriculum being pushed by the head of the ministry's pedagogical secretariat Zameret. According to Stern, Zameret wanted about half the study time to be devoted to Israeli and Zionist history – an idea the panel rejected. Prof. Asher Cohen, another member of the committee and a fellow at the Institute of Zionist Strategy, was [appointed to head civics committee](#).

Sources: Or Kashti, Battle over civics ends in ouster of two critics, Ha'aretz, May 26, 2011: <http://www.haaretz.com/print-edition/news/battle-over-civics-ends-in-ouster-of-two-critics-1.364081>

Asaf Shtull-Trauring, Professor Asher Cohen to head civics panel at Education Ministry, Ha'aretz, June 13, 2011: <http://www.haaretz.com/print-edition/news/professor-asher-cohen-to-head-civics-panel-at-education-ministry-1.367342>

- The ministry has decided recently to [exclude the subject of "political-ideological split"](#) from civics curriculum. Teachers say the subject did not appear in recent years also in the matriculation civics exam.

Source: Or Kashti, Educators: Ministry must fight against racism, Ha'aretz, May 19, 2011 (Hebrew): <http://www.haaretz.co.il/news/education/1.1174456>

- On April 2012, ministry banned civics textbook already been approved and used in schools, following a special session of the Knesset Education, Culture and Sports Committee dedicated to discussing civics instruction. The book, "Starting Out in Citizenship", has been criticized for some factual errors and specifically for its treatment of the Goldstone report on Operation Cast Lead, right-wing violence in Israel and its depiction of immigration from the former Soviet Union. [Authors of the book claimed](#) it was targeted by right-wing legislators because of its criticisms of Israeli policy and society, and alleged the Knesset committee for a scathing political intervention.

Source: Talila Nesher, Israel's Education Ministry disqualifies civics textbook, Ha'aretz, April 18, 2012: <http://www.haaretz.com/news/national/israel-s-education-ministry-disqualifies-civics-textbook-1.424946>

- On August 2012, the Education Ministry [dismissed supervisor of civics instruction](#) Adar Cohen, despite [calls by of hundreds of teachers and academics](#) to reject right-wing demands that he will be ousted. The Ministry has argued for a professional decision which was associated mainly with faults made in the approval procedure of the above controversial civics textbook; but [critics of the decision](#) claimed that Cohen was ousted for political reasons (such as his support of the textbook said to be teaching post-Zionism), and that his dismissal was actually about moving away from an influential position a person perceived as being promoting liberal and pluralistic values.

Sources: Talila Nesher, Civics teachers slam 'smear campaign' against Education Ministry supervisor, Ha'aretz, April 17, 2012: <http://www.haaretz.com/news/national/civics-teachers-slam-smear-campaign-against-education-ministry-supervisor-1.424690>

Talila Nesher, Israel Education Ministry fires civics studies coordinator attacked by right, Ha'aretz, August 6, 2012: <http://www.haaretz.com/print-edition/news/israel-education-ministry-fires-civics-studies-coordinator-attacked-by-right-1.456182>

Talila Nesher, Education Ministry suspends dismissal of civics supervisor, Ha'aretz, August 23, 2012: <http://www.haaretz.com/news/national/education-ministry-suspends-dismissal-of-civics-supervisor-1.460132>

Co-existence

- In summer of 2008 the Minister of Education Prof. Yuli Tamir set a ministerial public committee to recommend policy for the educational system to advance coexistence with Arab citizens of the state of Israel in view of the ongoing tension between the minority and majority. The report entitled ['Education to Shared Life for Jews and Arabs in Israel'](#) with the

recommendations were submitted to the Minister in January 2009. The report explained its central concept of “shared life” as including equality between Arabs and Jews; positive and decent relations; shared responsibility; mutual respect and legitimization; and a common desire for peace. The report recommended a series of important steps to reform the education system in order to reinforce education to shared life between the two peoples. However, the present Minister of Education Gideon Sa'ar demanded that the report will not be approved by the Ministry and he never allowed implementing its wide scope recommendations.

Sources: Brenda Gazzar, Former education minister Tamir says government not interested in promoting Arab-Jewish relations, The Jerusalem Post, April 27, 2009:

<http://www.jpost.com/Israel//Article.aspx?id=140361>

Executive summary of the report:

http://peach.haifa.ac.il/images/2/2b/English_Executive_Summary.doc

- The Ministry of Education ordered the [removal of its logo](#) from the website '[Common Denominator](#)', a web 2.0 learning environment developed by the Center for Educational Technology and the Abraham Fund Initiatives to promote Jewish-Arab coexistence. The website offers students and teachers instructional material and guides, and also encourages teachers and educational NGO's to share their initiatives of teaching democratic values, human rights and multiculturalism. Education Ministry's logo was removed after an item on the Nakba was posted on the website by Zochrot, an NGO that seeks to raise awareness in Israel of the plight of the Palestinian Arabs in 1948.

Source: Or Kashti, Ministry: Remove our logo from coexistence Web site, Ha'aretz, March 18, 2010: <http://www.haaretz.com/print-edition/news/ministry-remove-our-logo-from-coexistence-web-site-1.264934>

Democracy and Human Rights

- The Education Ministry [reprimanded the Arab Arara High School](#) and demanded clarifications after the school participated in a human rights march in Tel Aviv sponsored by the Association for Civil Rights in Israel.

Source: Talila Nesher, Education Ministry blasts Israeli Arab school for taking students to human rights march, Ha'aretz, December 30, 2011: <http://www.haaretz.com/print-edition/news/education-ministry-blasts-israeli-arab-school-for-taking-students-to-human-rights-march-1.404479>

- Ministry of Education inspectors ordered the [cancellation of the distribution](#) of children's books containing an illustrative presentation of the articles of the UN Declaration of Human Rights, claiming it had "problematic content".

Sources: Efrat Zemer, Education Ministry disqualified the declaration of human rights, nrg Ma'ariv, March 16, 2010 (Hebrew): <http://www.nrg.co.il/online/1/ART2/082/219.html>

Higher Education

- On September 2012, the Subcommittee for Quality Assessment of Israel's Council for Higher Education recommended the suspension of student registration to the Department of Politics and Government at Ben-Gurion University for the 2013-2014 academic year, even though the recommendations of the international evaluation committee for changes to the faculty and curriculum of the department were followed, due to what appears to be [disagreement with the political views](#) of a majority of the faculty members in that department.

Sources: Talila Nesher, Left-leaning Israeli university department again threatened with closure, Ha'aretz, September 11, 2012: <http://www.haaretz.com/news/national/left-leaning-israeli-university-department-again-threatened-with-closure-1.464137>

Or Kashti and Talila Nesher, The politics of closing the department of Politics and Government at Ben-Gurion University, Ha'aretz, October 5, 2012 (Hebrew): <http://www.haaretz.co.il/magazine/1.1836327>

- The Judea and Samaria Council for Higher Education decided to [recognize the Ariel Academic Center](#), an Israeli institution in the West Bank, as a full-fledged university, despite opposition by Israel's Council for Higher Education. The heads of Israel's other universities recently filed a petition with the Supreme Court against upgrading Ariel's status. [The measure was completed recently](#) after Israel's attorney general ruled that there was no reason to prevent the institution from being recognized as an accredited university. Israeli Defense Minister Ehud Barak ordered the Israel Defense Forces' central commander in the West Bank, Maj.-Gen. Nitzan Alon, to officially recognize Ariel University Center as a university. Minister of Education and Chairman of the Council for Higher Education, [Gideon Sa'ar, harshly criticized British condemnation of the](#)

[college upgrade](#) commenting that the Ariel University is not an obstacle to peace, and during the festive ceremony in honor of its transforming into full university status [called upon the other universities](#) to "embrace the little sister newborn".

Sources: Talila Nesher, Ariel academic center recognized as first Israeli university beyond Green Line, Ha'aretz, July 17, 2012: <http://www.haaretz.com/news/diplomacy-defense/ariel-academic-center-recognized-as-first-israeli-university-beyond-green-line-1.451782>

Talila Nesher, Israel decides to recognize West Bank college as accredited university, Ha'aretz, December 24, 2012: <http://www.haaretz.com/news/national/israel-decides-to-recognize-west-bank-college-as-accredited-university.premium-1.489712>

Barak Ravid, Israel's education minister: British condemnation of West Bank college upgrade 'baseless', Ha'aretz, December 29, 2012: <http://www.haaretz.com/news/diplomacy-defense/israel-s-education-minister-british-condemnation-of-west-bank-college-upgrade-baseless.premium-1.490680>

Gideon Sa'ar's official website, Education Minister and Head of The Council for Higher Education to the universities: "Embrace the little sister newborn", January 2, 2013 (Hebrew): <http://www.gideonsaar.com/177059>

- The Council for Higher Education approved recently turning the Shalem Center, a conservative-leaning research institute in Jerusalem, [into an academic institution](#), with the backing of Gideon Sa'ar. The Shalem Center was founded in 1994 by Dr. Yoram Hazony, a close associate of Prime Minister Benjamin Netanyahu, in an effort to emulate the success of U.S. neoconservative think tanks in dominating the public discourse. It supports academic work in the fields of philosophy, political theory, Jewish and Zionist history, Bible and Talmud, Middle

Eastern Studies, archaeology, economics and strategic studies, and starting this October will award a bachelor's degree in the liberal arts.

Source: Talila Nesher, Israel recognizes Shalem Center as academic institution, despite initial criticism, Ha'aretz, January 3, 2013: <http://www.haaretz.com/news/national/israel-recognizes-shalem-center-as-academic-institution-despite-initial-criticism.premium-1.491543>

Effects of Religiousness in the State of Israel

Israel is one of the few states of the democratic world where there is no separation between religion and state. As a background, an official report submitted by Israel to the Human Rights Committee in 1998 described the complicated relationship between the state and religion in Israel.

"There is no established religion in Israel, properly so-called. Nor, however, does Israel maintain the principle of separation between matters of religion and the institutions of Government. Rather, the law and practice of Israel regarding religious freedom may best be understood as a sort of hybrid between non-intervention in religious affairs, on the one hand, and on the other hand the interpenetration of religion and Government in several forms, most notably by legislation establishing the jurisdiction of religious courts of the different faiths in specified matters of „personal status“; by government funding of authorities which provide religious services to several of the religious communities, and by a series of legal institutions and practices which apply Jewish religious norms to the Jewish population. While it may be said that Israel has been quite successful in guaranteeing the freedom of religious practice and the use of sites to the three monotheistic faiths, particularly for the non-Jewish communities, it is more difficult to claim that "freedom from religion" is fully protected, particularly for the Jewish population" (Israel HCR report, p. 532)¹⁰.

This lack of separation has very meaningful implications for Israeli society members. One of them relates to aspects of personal life, especially marriages and divorces because civil marriage is prohibited.

Marriage and Divorce

¹⁰ Human Rights Committee (April 9, 1998) Civil and Political Rights, Human Rights Council Consideration of Initial Report of Israel”, U.N. Doc. CCPR/C/81/Add.13

The State recognizes the jurisdiction of the Rabbinical courts over all Jewish inhabitants in matters of personal status, deciding these issues according to Halakha. Thus, marriage and divorce laws remain an area that is almost exclusively controlled by religious law and interventions by civil law are minimal (Fogiel-Bijaoui, forthcoming)

¹. At present the following categories of citizens cannot get married in Israel: 300,000 Israeli citizens from the former Soviet Union (FSU) who are classified as being without religious affiliation, secular people seeking civil marriage, members of different religions (interfaith marriages), male *Cohens*—descendants of Jewish priests—wishing to marry divorcees, *mamzerim* (persons born from certain forbidden relationships or the descendants of such people), *agunot* (women whose husbands refuse or are unable to grant them a *get*, the Halachic bill of divorce), and a small category of people unaffiliated with any religion. These policies violate the UN Universal Declaration of Human Rights.

The Spousal Covenant Bill that passed in 2010 meets the needs of only a small portion of the Israeli population that cannot get married- those "that are lacking of religious affiliation". This means that only 60,000-70,000 of the 300,000 Israeli citizens from the former Soviet Union—those who define themselves as Christians—are able to marry and divorce in Israel. Non-Halachic Jews, who are unable to marry neither other non-Halachic Jews nor Halachic Jews, are excluded from the Jewish-Israeli collective. The Chief Rabbinate in Israel supervises these marriages through lists that define Halachic and non-Halachic Jews. Non-Halachic Jews are forced to get marry abroad in order to bypasses these lists. The bill also does not give adequate consideration to other groups that are not able to married in Israel, such as *agunot* and same-sex couples¹¹.

¹¹Trigger, Z. (2012). Freedom from religion: Civil marriages and cohabitants of Jews enter the rabbinical courts. *Israel Studies*, 27(2), 1-17.

In addition, the monopoly of the jurisdiction of the Rabbinical courts over all Jewish inhabitants in matters of personal status has very serious implications for divorce. A Jew in Israel cannot divorce but in the Rabbinical court, even if a couple had a civil marriage abroad. Legal proceedings regarding the consent to divorce and the issuing of the *get* itself take place in rabbinical court exclusively. According to Jewish law, a man has to agree to grant the divorce of his own free will before the legal separation can proceed. This system unfairly discriminates against women because there are men who do not agree to grant divorce. Women who do not get a divorce cannot remarry.

Who is a Jew

In the Israeli model, the Jewish religion is linked to the nationality of the nation. This linking of religion and nation unexceptionally grants the right of immigration to Israel to all Jews. Moreover, to be Jewish is a legal definition in Israel (Tzines 2012, Korinaldi 2012)². This definition has many expressions such as the rights to marry and to buy land. Consequently, the definition of one's Jewishness is central. Originally, the category of "Jew" was not defined in Israeli law. The understanding and interpretation of the meaning of being a Jew was under the authority of the Israeli court. However, in 1970 an amendment to this law stated: "a Jew is an individual who was born to a Jewish mother, or who converted to Judaism, and who does not belong to another religion" (Lamberger 2012)³. This definition intensified the disagreement, as it leaves the question of who has the authority to convert non-Jewish individuals. The religious parties demand that only Orthodox rabbis have the authority to convert (Sharvit and Tesler 2010)⁴.

This debate about conversion has various implications. First, the Israeli Parliament—mainly the Right-wing coalitions—are operating to undermine the liberal decisions of the Israeli High Court of Justice. This court ruled in 1989 that every Jewish community outside of Israel (Orthodox, Reform, or Conservative) is allowed to convert individuals to Judaism (Ben Hayim 2004)⁵. In

1995, this court also rejected the state law that only Orthodox rabbis be allowed to convert individuals. As a result of this policy of the Israeli parliament, the Jewishness of various populations is endangered. For example, in a 2010 reply to an appeal made to the Israeli High Court of Justice, the state attorney claimed that conversions taking place in the army are "inferior", thus, they are not recognized in Israel. This claim destabilizes the "Jewishness" of 4600 soldiers — (who immigrated mainly from the FSU) —who were converted to Judaism in the Israeli army (Sharvit and Tesler 2010)⁶. Even when the Orthodox Sephardic Rabbi Ovadia ruled that the army conversions are in accordance with the Jewish law, it was not accepted by the Ashkenazi rabbis. This policy leads, for example, to some cases in which Israelis who were converted in the army are not able to marry because local rabbis do not accept these conversions (Nachsoni 2011)⁷.

Second, the struggle that the ultra-Orthodox parties and the Chief Rabbinate of Israel conduct, sometimes by means of the state authorities, against Conservative and Reforms rabbis is harming thousands of Jews who were already converted through the Reform and Conservative rabbinical system (Ibid). Thus, while the Israeli state acknowledges by formal statement its recognition of Conservative and Reform rabbis, the declarations and legislation of politicians and state authorities undermine this acknowledgment. For example, the Chief Rabbinate of Israel aggressively attacked this state acknowledgment. Israeli Prime Minister Netanyahu also promised to the religious parties to pass the "Law of Conversion" that grants only Orthodox rabbis the authority to convert. And indeed in 2010, MK David Rotem passed the conversion law—despite the protests of the U.S. Reform and Conservative movements—that grants Orthodox local rabbis expanded rights of conversion (Lis 2010)⁸. This Law bypasses the declaration of the state that grants Reform and Conservative rabbis the authority to convert, and, as a result, threatens the

Jewishness of Jews who are already converted and of individuals who are in the process of conversion.

Moreover, granting only Orthodox rabbis the authority to convert individuals reduces conversion rates within Israel because of the strictness of the Orthodox conversion courts of law. Only about 5 percent of the non-Halachic Jews have successfully completed an Orthodox conversion.

Third, this struggle over "who is a Jew" and the authority to convert has implications that violate social and human rights. For example, the conversion of children who are adopted from foreign countries includes religious cultural elements and practices that discourage secular, Reform, Conservative and even traditional couples from adopting children. Because the number of Jewish Israeli children up for adoption is limited, this limitation has serious implications for Israeli Jewish couples who are interested in adopting children (Fogiel-Bijaoui, forthcoming)⁹.

Theocratization of the Israeli Army

The influence of religion in the Israeli army has intensified in the last two decades (Gal 2010, Liebel 2010, Berainer 2010)¹⁰. This is the result of the growing number of observant soldiers in the army and the growing involvement of rabbis. Gal (See in Horowitz 2010)¹¹ found that in 1990 the rate of religious combat officers was 2.5 percent of combat units. In 2010 the rate of religious combat officers was almost 40 percent of combat units. The growing influence of the religious forces in the army has led scholars and high ranking officers to express their concern about this trend and point to the various implications of this development (Levy 2011)¹².

First, the growing influence of religion within the army led to the marginalization of female soldiers. Thus, in the beginning of 2000 the IDF passed the law of "proper integration." The law of "proper integration" allows observant soldiers, among other things, to resist service with women or

being under the command of women, supports separation between men's and women's residents, and allows the option to decline physical practice in shorts (Ibid, Shelach 2011). Under this law women soldiers' status and position in the IDF worsened. As part of this process, military base commanders refused to appoint women as staff officers. The number of women who serve in training and guidance positions was also reduced, and complaints of discrimination against women officers and soldiers increased (Harel 2011)¹³.

One of the main centers of this marginalization is related to artistic performances by women on army bases. Army bands were prevented from performing at many bases because they included female performers. Rabbi Elyakim Levanon, head of "Alon More" yeshiva announced that rabbis should guide observant soldiers to abstain from military ceremonies in which women sing, even if they would be shot by the army (Nachshoni 2011)¹⁴. In 2012, nine observant cadets left a military ceremony that included women singers. The chief of general staff, Benny Gantz, ordered that women singing will continue. Rabbi Drukman, one of the senior rabbis of the national religious faction declared that the decision is baseless and immoral (Nachshoni 2011)¹⁵. The new law ruled that in official ceremonies observant soldiers need to stay, while in unofficial and local concerts they are able to leave (Ynet Editorial Board 2011)

¹⁶. In 2011 and in 2012, attacks on women performers in military ceremonies intensified. There were a few attempts to resolve the tensions during this debate. For example, in 2011, a report by major-general Yehuda Segev attempted to re-organize the integration of women in the army and reinforce the equality between women and men in the IDF. However, an aggressive attack by religious and military circles who argued that the report is the result of the influence of feminist and post Zionist circles within the army blocked this integration (Shelach 2011)¹⁷.

The second implication is related to the scholars' argument that the theocratization of the army is not only a cultural shift but also a major structural change that prevents the army elite from fulfilling the policies of the government. Liebel (2010) argues that the intensification of the influence of religion in the Israeli army is dangerous. This is because this process is changing the army structure from goal-oriented power into a value-oriented power. In other words, the missionary and ideological orientation that religion brings with it might lead to diversion from the original and central functions of the Israeli army. According to Kasher (2010)¹⁸, because of this threat the army needs to define clear boundaries for its soldiers. These boundaries should prioritize the army's security and goals over the religious views of its soldiers. According to Gal (2010) the deep and underground theocratization process is unrecognized by the state and the Army elites and, thus, is not resolved.

Other scholars point to the growing political pressure that religious parties and rabbis are directing towards the army. This pressure is enabled by the army's growing dependence on observant soldiers and especially observant combat officers (Levy 2011)¹⁹. The power of the Yeshiva and other religious leaders within the ranks of the army, together with the passivity of the army and state elites, enabled the religious leaders to influence army operations and policies, mainly those that deal with the occupied territories (Levy 2011, See also: Levy 2003 and Shelach 2003 for a broader perspective and analysis of the IDF)²⁰.

This political pressure reached its height during Israel's disengagement from the Gaza strip in 2005. During the disengagement operation, religious leaders threatened a mass refusal of observant soldiers, thus creating a severe crisis within the field units. Sixty three observant soldiers refused, during the disengagement, to take part in evacuating the settlers (Bender 2005)²¹. The IDF was then forced to distance observant units from the Gaza strip to the second circle of the operation.

Later there were a number of incidents in 2009 and 2011 in which soldiers demonstrated publically their unwillingness to evacuate Jewish settlements from the occupied territories (Sharon and Buchbut 2009)²² (Grinberg 2011)²³.

The attempts to change the Israeli Supreme Court.

The political relationship between the Right and Left since the 1980s turned the religious parties in Israel into a central part of the political coalitions (Doron and Kook 1999)²⁴. These parties joined forces with the right wing parties and established a right-religious block that threatens Israeli democracy. Two major disputes reflect this threat. First, the religious parties support a deeper theocratization of the state. They demand that the Jewish Halacha have higher involvement and domination in Israeli public life (Barzilay 2003)²⁵. Second, the religious parties most strongly supported by the Jewish settlers perceive religious laws as preferable over the state democratic laws (Ibid, p. 744). As a result there are orchestrated attempts supported also by the right wing parties to delegitimize the Israeli Supreme Court, to limit its activities and to change its composition (Meydani 2011)²⁶. These attempts are reflected in mass demonstrations by ultra-Orthodox factions, and in the public announcements and publications of religious, right wing, and ultra-Orthodox leaders.

The Israeli Institute for Democracy cited the long history of proposals for laws that have attempted to change the composition of the Supreme Court and the election procedure of the judges. Kremnitzer and Fox (2012)²⁷ argue that these proposals and laws that attempt to shift the supreme court's power back to the parliament seriously endanger Israeli democracy. For example, the Minister of Justice, Yaakov Neeman (an observant Jew), changed the composition of the Judicial Selection Committee, thus attempting to politicize the composition of the Supreme Court

(Lis 2011)²⁸. Neeman also passed a law that enabled a judge who lives in the occupied territories to become President of the Supreme Court. Neeman believes this appointment will create a more convenient atmosphere in the Supreme Court for the right-religious block. In another case, Yariv Levin and Zeev Elkin, the extremist MK of the right wing, tried to pass a law for the establishment of a public hearing committee for the appointment of judges to the Supreme Court. This committee, according to the suggested law, will have the right of veto. The law was designed by Levin and Elkin to create a "more balanced" composition of the high court. In other words, it was intended to support the appointment of right wing judges, but also to put political pressure on judges who are liberal (Bar Zohar, Lis and Zarhin 2012)²⁹.

In another case, MK Ben Ari announced that there is a need to "break the juridical elite" in Israel. Ben Ari claimed that the Supreme Court became a branch of the Arab parties in Israel, and that Beinisch, the president of the high court, chose only judges who agreed with her political vision. Ben Ari suggested then that there is a need to pass various laws that "will bring the voice of the people to the court, and thus decrease the power of the Supreme Court (Bender 2011)³⁰.

Attacks by various religious leaders, mainly those who live in the occupied territories against the Supreme Court and the Israeli democracy also became very prominent in the last decades. Beni Katzover, the head of the "Gush Etzion" council of the Jewish settlers (between Bethlehem and Hebron) called for the "end of democracy". According to Katzover, who was angry at the evacuation of settlers from illegal unauthorized settlements, democracy has an historic important role in the establishment of a Jewish state. However, because in current times democracy prevents the enhancement and strengthening of the Jewish state, its role has ended. Jews, according to Katzover, should move to a theocratic regime that will promise the Jewishness of the state (Levinson 2012

³¹.

The Israeli Institute for Democracy also cited the radicalization of the religious discourse against the Supreme Court. Rabbi Shach, who was the leader of the Lithuanian faction criticized the rulings of the Supreme Court, and lashed out against the Supreme Court's inclination to defend democracy: "Democracy is like a cancer, it is horrible disease that spreads" (Sheleg 2006)³². Rabbis also wrote public letters against the Supreme Court. Prominent rabbis ruled that Jews who applied to the court are not eligible for "eternal life" and are instead "sentenced to hell."

Footnotes

¹ Fogiel-Bijaoui, Sylvie. 2013. "The Spousal Covenant (*Brit Hazugit*): Or, the Covenant with the Status Quo". *Israeli Studies Review*. (Forthcoming)

² Tzines, Haim. 2012. "Who is a Jew: Ten Answers," in *Judaism: Essence and Content*.
www.success.co.il/Judaism/judaism-who-jew.html

Korinali, Micheal. 2012. "On the Question of Who is a Jew," in *Daat*. www.daat.ac.il/Mishpat-ivri/skirot/72-2.html

³ Lamberger, Dorit. 2012. "Who is a Jew," in the Ministry of Education internet site.
Lib.cet.ac.il/pages/item.asp?item=20363

⁴ Sharvit, Noam and Yitzhak Tesler. 2010. "The Conversion Law Endanger the Relationship with the US Jewry," in *NRG*. www.nrg.co.il/online/1/art2/131/593.html

⁵ Ben Hayim, Avishi. 2004. "Who is a Jew". In *NRG*. www.nrg.co.il/online/11/art/725/952.html

⁶ Sharvit, Noam and Yitzhak Tesler. 2010. "The Army Conversions are not Valid," in *NRG*.
www.nrg.co.il/online/1/art2/153/972.html

⁷ Nachshoni, Kobi. 2011. "The Rabbi Ovadia Yosef Approved the Army Conversions," in YNET.
<http://www.ynet.co.il/articles/0,7340,L-4013611,00.html>

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