



Documents and Source Material

16 FEBRUARY–15 MAY 2016

This section comprises international, Arab, Israeli, and U.S. documents and source materials, as well as an annotated list of recommended reports. Documents and source materials are reproduced without editing to conform to JPS style or spelling. Along with PDFs of recommended reports, they are available in full at www.palestine-studies.org.

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INTERNATIONAL

A1. MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, LETTER TO ISRAEL STATE ARCHIVES ON DIGITIZATION, 19 APRIL 2016

In 2012, the Israel State Archives (ISA) began the years-long process of digitizing its collection and housing it online for researchers. So far, of the archives' 400 million documents, around 10 million (2.5%) have been digitized and the remainder will be scanned and uploaded over the next 15 years. As part of the project, the ISA also built a new website, launched in April of this year, where the documents are searchable in Hebrew, Arabic, and English. While researchers and academics have welcomed the digitization project, the ISA did not notify the public that access to paper files would be revoked and that digitized files would be subject to review by the military censor with the launch of the new website. When the ISA announced the changes in late February, researchers, academics, and civil rights groups began protesting the new policies.

One of the many groups concerned with the policy changes was the Middle East Studies Association of North America (MESA). MESA's Committee on Academic Freedom submitted a letter to Israeli minister of higher education Naftali Bennett, State Archivist Yaacov Lozowick, and the Council for Higher Education of Israel calling on them to allow researchers access to the archives during the digitization process. The coauthors of the letter highlight the military censor's power to reclassify and redact previously available documents as a violation of freedom of information.

In a fiery response, Lozowick argued that the digitization process in fact promotes academic freedom and openness in an unprecedented way. He notes the fact that researchers can request documents to be scanned and uploaded to the digital archive, and asserts that accepting requests for in-person viewing would overburden the limited ISA staff. He concludes by stressing that 95% of the

archives will never be submitted to the military censor. That would still leave 20 million documents vulnerable to censorship.

Presented below is the letter from MESA published on 19 April. The letter and Lozowick's 21 April response are available at mesana.org.

Dear Sirs,

We write on behalf of the Middle East Studies Association (MESA) of North America and its Committee on Academic Freedom to register our concerns regarding the ongoing digital transfer of the Israel State Archives (ISA). While we acknowledge the importance of digitization, the procedure followed at the ISA is being conducted in haste. Moreover, the new guidelines for accessing primary documents present several obstacles and serious constraints for academic research. Whatever their purposes, the guidelines, when followed, could easily result in violations of academic freedom, whether intentional or not. It is imperative that Israeli officials reconsider the digitization procedures, as well as the new guidelines for access so as not to restrict the ability of scholars to conduct thorough primary research, make new discoveries and share them with the wider communities of researchers.

MESA was founded in 1966 to promote scholarship and teaching on the Middle East and North Africa. The preeminent organization in the field, the Association publishes the *International Journal of Middle East Studies* and has nearly 3,000 members worldwide. MESA is committed to ensuring academic freedom and freedom of expression, both within the region and in connection with the study of the region in North America and elsewhere.

Within the next week, the ISA will end its policy of offering researchers access to paper files in the viewing rooms as the archive is being digitized. The change to a digital archive is being advertised as a modernizing project. However, the process of digitizing vast amounts of material, as well as new restrictions related to access suggest that more than a benign upgrade is intended. Based on the objections of many Israeli students, faculty, deans, and others, the problems lie in the details of the digitizing process.

There are roughly 400 million documents in the ISA's possession. About 100,000 documents can be scanned per day. The number of documents that have already been scanned is disputed. According to some reports, the scanning of 10 million documents have been completed. This represents 2.5 percent of the entire archive. *Ha'aretz* is reporting that only 5.5 million pages have been completed. Based on the most optimistic projections, the ISA is promising that the completion of the digitization will take 15 years. Yet, glitches and other technical difficulties are already slowing the transfer process.

More troubling is the fact that as the documents are being transferred, researchers will not have access to the paper files in the archive. Only documents that have been scanned will be available to researchers. Ironically, this is tantamount to the ISA's taking the archive offline as it goes online. Furthermore, according to the new guidelines for access, the military censor will now have to approve every document before it can be released to a researcher. Additionally, the censor will have the right to re-classify documents that had previously been declassified. As others have noted, these changes will make it increasingly difficult and restrictive to conduct historical research in Israel.

What the ISA is proposing in terms of its digital transfer program and the access to documents, as well as the specific requirement that the military censor approve every document requested by researchers, represents a grave abuse of academic freedom. Current and future researchers working in the Israel State Archives will be deprived of rich materials buried in a digital repository either because the original paper versions are no longer accessible or because they remain under the purview of military censors.

For many whose scholarship is dependent on archival research, an unfettered digital database that replicates the experience of paper files in an archive is the only kind of digital transfer that should be pursued. CAF welcomes the efforts to digitize the ISA's holdings, but the current process and new restrictions will limit the ability of researchers to carry out their scholarly inquiries. We urge you to reconsider this initiative before the ISA blocks the freedom of information, which remains a basic tenet of democratic society.

Thank you for your attention to this matter. We await your reply.
Yours sincerely,

Beth Baron
MESA President
Professor, City University of New York

Amy W. Newhall
MESA Executive Director
Associate Professor, University of Arizona

A2. UN SPECIAL RAPPORTEUR MAKARIM WIBISONO, FINAL REPORT TO UNHRC ON HUMAN RIGHTS SITUATION IN THE PALESTINIAN TERRITORIES, MARCH 2016 (EXCERPTS)

After less than two years as UN special rapporteur on the situation of human rights in the occupied Palestinian territories, Makarim Wibisono announced earlier this year that he would be leaving his post due to Israel's unwillingness to cooperate with his mandate as an "impartial and objective observer." Wibisono's repeated requests for travel visas to the occupied territories were ignored by Israel, leaving him unable to fully report on the human rights situation in the West Bank and Gaza.

Wibisono presented his final report to the UN Human Rights Council (UNHRC) in March. In the report, the special rapporteur criticized Israel's harsh treatment of Palestinians and lack of commitment to the peace process. He also commented on the recent surge in violence, arguing that the excessive use of force employed by the Israeli military and continuing settler violence are part of a "pre-existing context" wherein the occupation and rights violations have created an "atmosphere of despair" for Palestinians. He concludes by calling on Israel to lift the Gaza blockade, end the practice of administrative detention, and cease punitive home demolitions and land confiscation, among other things.

Featured below are excerpts from Wibisono's final report. The full report is available at ohchr.org.

1. Introduction

1. The present report examines the need for effective protection of the rights of Palestinians living under Israeli occupation since 1967. Since assuming his mandate in June 2014, the Special Rapporteur has been struck by the abundant amounts of information and reports on violations of international human rights law and international humanitarian law, on the one hand, and the seeming inability of the international community to match what is known of the situation with more effective protection of Palestinians in the Occupied Palestinian Territory.
2. The Special Rapporteur emphasizes the importance of Palestinian, Israeli and international civil society organizations, human rights defenders, United Nations actors and other international bodies working tirelessly to improve the situation of human rights and provide a protective presence for Palestinians against the effects of Israeli policies and practices related to the occupation. However, year after year, violations of international humanitarian law and of civil, political, economic, social and cultural rights continue to be reported. Key recommendations to the Government of Israel presented by the Secretary-General, the United Nations High Commissioner for Human Rights and independent mandate holders, such as the Special Rapporteur, to the General Assembly and the Human Rights Council remain largely unimplemented. In the present report, the Special Rapporteur examines the outcome of the second universal periodic review of Israel and discusses key recommendations made by States regarding areas of broad, ongoing concerns in the Occupied Palestinian Territory, on the issues of settlements, the blockade, Palestinian prisoners and detainees and accountability, and responses by the Government of Israel.
3. As an occupied people, under international humanitarian law, Palestinians in the Occupied Palestinian Territory are “protected persons.” Yet there is a disconnect between the rights and protections afforded to them under international humanitarian law, and international human rights law in particular, and actual protection. Israel, as the occupying Power, holds the primary responsibility for addressing this disconnect. [. . .]
4. While the mandate of the Special Rapporteur is focused on investigation of violations by Israel of the principles and bases of international law (see Commission on Human Rights resolution 1993/2 A), the Special Rapporteur has previously noted the fact that both Palestinians and Israelis have been victims of the protracted Israeli-Palestinian conflict. The scale of the impact, however, whether in terms of casualty figures or wider impacts, differs significantly in that the daily lives of Palestinians are affected by the Israeli occupation. The destructive impact of the Israeli-Palestinian conflict is particularly clear in times of active hostilities, such as in the summer of 2014 in Gaza, or as has been witnessed particularly in the fourth quarter of 2015, especially in the West Bank, during escalations in violence.
5. According to the Office for the Coordination of Humanitarian Affairs, in October and November 2015 the escalation of violence resulted in the deaths of more than 100 Palestinians and some 11,300 injured, and 17 Israeli fatalities and some 170 injured. The Special Rapporteur wishes to reiterate two points, related to the current violence, which are interlinked. The first is that any wanton act of individual violence, whether committed by Palestinians or Israelis, is unacceptable and must be investigated and prosecuted in accordance with international standards. The second

is that the upsurge of violence with serious concerns of excessive use of force by Israeli security forces in the context of attacks and alleged attacks by Palestinians and during clashes, and ongoing settler violence, is arising within a pre-existing context. Anyone seeking to quell the unrest would, notwithstanding the unequivocal position that individual perpetrators of crimes must be held responsible, need to look to the context and related root causes of the overall heightened tension. To simply condemn individual attacks does not offer any viable way out of the violence rolling over the Occupied Palestinian Territory.

6. It is part of the current context that there seems to be an atmosphere of despair, particularly among the Palestinian youth, at the prolonged interference by Israeli authorities in every aspect of Palestinian life, the general absence of accountability for violations and abuses committed against them and the absence of any immediate prospects of an improvement in the situation. [. . .]

II. Non-cooperation by Israel with the Mandate

10. The Special Rapporteur deeply regrets to report that he has been obstructed in his ability to fulfil his mandate by the lack of cooperation of Israel. The Special Rapporteur assumed the mandate as an impartial observer and has from the outset made great efforts to engage in dialogue with the Government of Palestine and the Government of Israel. He has repeatedly signaled that his only interest, as an independent expert, lies in the effective and even-handed implementation of the mandate.
11. The Government of Palestine has extended full cooperation with the mandate holder. The Special Rapporteur has met with several Palestinian officials, including during his two missions to the region, graciously facilitated by the Governments of Jordan and Egypt, in lieu of in situ missions, in September 2014 and June 2015.
12. In a letter dated 13 October 2015, the Special Rapporteur formally renewed his request to the Government of Israel to grant him access to the Occupied Palestinian Territory by the end of 2015. This followed similar letters dated 12 August 2014, 13 February 2015 and 13 May 2015. No formal response has been received from Israel to these requests.
13. The Government of Israel has repeatedly sought to justify its non-cooperation by referring to its reservations regarding the mandate. Consequently, despite assurances of access made upon his appointment, and the duty of Israel, as a Member State, to extend cooperation to a special procedure mandate holder, the Special Rapporteur has effectively been denied access to the Occupied Palestinian Territory.
14. The Special Rapporteur has consistently sought to be an effective voice for the victims of violations committed under the occupation, but regrets that the policy of Israel has hampered him in fulfilling this role to the full. As noted in his report to the General Assembly presented in October 2015 (A/70/392), without access, the Special Rapporteur has had to reconsider how he can best serve the mandate (*ibid.*, para. 7). Critically, for the current incumbent, having access to the Occupied Palestinian Territory and meaningful dialogue with both sides was the premise upon which he accepted the mandate.
15. All previous holders of this mandate since its establishment in 1993, but for the Special Rapporteur's immediate predecessor, have been permitted by Israel to access Israel and the Occupied Palestinian Territory (see A/69/301 and Corr. 1, sect. III). It has always been the intent of the

current Special Rapporteur to fulfil this mandate by gathering information during missions to the Occupied Palestinian Territory and through face-to-face meetings with victims and witnesses, civil society representatives, United Nations representatives and Palestinian and Israeli government officials.

16. The Special Rapporteur expresses his appreciation for the broad support for his access to the Occupied Palestinian Territory by Member States. He considers it of the utmost importance that the international community, in particular the Human Rights Council, redouble political pressure to insist that Israel return to the level of cooperation extended when the mandate was first established and, at the very least, ceases to obstruct the mandate holder's access to the Occupied Palestinian Territory. [. . .]

ARAB

B. AL MEZAN, ADALAH, LPHR, "JOINT WRITTEN SUBMISSION TO THE UN HUMAN RIGHTS COUNCIL'S 31ST REGULAR SESSION," GAZA CITY, 21 MARCH 2016

In March, Al Mezan Center for Human Rights, Adalah, and Lawyers for Palestinian Human Rights (LPHR) submitted a joint report to the UN Human Rights Council (UNHRC) upon its review of Israel. In the report, the Palestinian human rights organizations critique Israel's internal investigatory mechanisms, pointing to a culture of impunity among Israeli military and police. The organizations call on the UN to assess Israel's internal investigatory procedures and demand that Israel remove barriers to Palestinians' access to courts and redress. They also argue that the lack of international response to Israel's violations of International Human Rights Law (IHRL) and International Humanitarian Law (IHL) only encourages the state to conduct repeated military assaults on Gaza and continue its occupation. Echoing Special Rapporteur Mark Wibisono's report (see Doc. A2 above), the groups call on the 47 UNHRC member states to condemn Israel's noncooperation with the Council.

The joint report is presented below, and the full document including endnotes is available at www.mezan.org.

As independent human rights organizations working to protect the rights of Palestinian residents of the occupied Palestinian territory (oPt), we welcome the opportunity to contribute to the Human Rights Council (HRC), particularly Agenda Item 7. We are deeply concerned, and request intervention by the HRC to effectively address:

- The ongoing lack of domestic accountability in Israel for serious violations of International Humanitarian Law (IHL) and International Human Rights Law (IHRL), such as those committed in the context of repeated Israeli military operations in the oPt, particularly the Gaza Strip, but also in the occupied West Bank (including East Jerusalem);
- Israeli forces' use of excessive and intentional force without justification against Palestinian civilians in the oPt, including journalists and medical crews. Alleged cases of the deliberate fatal shooting of individuals who posed no imminent danger to life amounts to an appalling pattern of apparent systematic unlawful killings;

- Israel's prolonged military occupation of the oPt comprising many illegal aspects, including the eight-year closure/blockade of the Gaza Strip, which is the root cause of recurring violence and ongoing violations of the human rights of Palestinians;
- Israel's persistent non-cooperation with independent international investigations, including relevant UN Special Procedures and especially the Special Rapporteur on the human rights situation in the oPt, and commissions of inquiry.

Between July and the end of August 2014, 2,219 Palestinians were killed during "Operation Protective Edge" (OPE); Israel's massive military operation in the Gaza Strip. Between June and August 2014, 27 Palestinians, including five children, were killed in "Operation Brother's Keeper" in the occupied West Bank, including East Jerusalem.

The UN-established Commission of Inquiry (COI) found the possible commission of serious international law violations, characterized as widespread and systematic, in the course of these Israeli military operations. It concluded that impunity prevails across the board for violations of international law committed by Israeli forces, whereby Palestinian victims are systematically denied their right to effective remedies and reparations. In July 2015, the HRC adopted a resolution on ensuring accountability and justice for all violations of international law in the oPt. The resolution received overwhelming support by HRC member States, including unanimous support of EU members. The resolution called for the implementation of all the recommendations in the COI's report.

A November 2015 briefing by Al Mezan Center for Human Rights in Gaza (Al Mezan) outlines that as of 31 May 2015 a total of 1,248 civil compensation notifications were filed to the compensation officer at the Israeli Defense Ministry; and that as of July 2015 a total of 354 criminal complaints were submitted to the Military Advocate General (MAG) and the Israeli Attorney General.

However, the vast majority of these civil and criminal complaints remain unanswered or have already been closed, indicating that, as in the past, the perpetrators will not be held accountable for serious IHL and IHRL violations against Palestinians. The case of the four Bakr children killed on Gaza beach was opened for an investigation, but was quickly closed in June 2015, without interviewing key witnesses. The case of Israel's attacks on Mebarat Palestine that killed two people with disability, injured others, and destroyed the center, was also promptly closed without a criminal investigation.

The long-standing significant concerns about Israel's investigatory mechanisms, and the lack of will to effectively remedy it, are underscored by the August 2015 report of the government-appointed Ciechanover Commission. The mandate of this Commission was to recommend practical steps towards implementing the recommendations of the Turkel Commission. However, it refrained from advocating for the adoption of domestic legislation defining the offenses of war crimes, including liability for command responsibility, in a manner that conforms with international law. The substance of its report has cemented our very significant concerns relating to the basic issue of genuineness of national proceedings in Israel concerning alleged laws of war violations, due to, a) the absence of an adequate legislative framework for investigations and prosecutions, b) the deliberate focus of proceedings on low-level or marginal perpetrators despite evidence on those

more responsible, and c) more general issues relating to the “dual role” of the MAG and a lack of political will.

In addition, domestic Israeli investigations continue in practice to deviate substantially from international law requirements, including:

- Lack of an independent investigatory mechanism (independence/impartiality): The Israeli military’s newly established Fact-Finding Assessment Mechanism (FFAM) belongs to and is under the authority of the military, and is still within the hierarchy and internal organization of the army;
- The MAG fosters an incorrect and extremely concerning interpretation of the IHL principles of proportionality, distinction, and precaution, which led, during OPE, to thousands of civilian casualties, and to the widespread destruction and damage of civilian objects, including an enormous number of family homes;
- Lack of a time frame for examinations and investigations and long delays in responding to complaints (promptness);
- Unwillingness of the MAG to disclose information on witnesses and testimonies, and other evidence (transparency): In many responses, the MAG emphasized that all investigative material is classified or “secret,” including the identity of the witnesses, which raises suspicion regarding the reliability of the evidence; and
- Unclear circumstances under which the MAG will open an investigation.

Palestinians, in particular residents of the Gaza Strip, also face severe barriers to access redress in Israel. Due to the severe restrictions of movement imposed by Israel’s eight-year blockade of the Gaza Strip, which limit exit permits to exceptional and urgent humanitarian cases, Palestinians are denied the right to appear at hearings in cases against the Israeli military, which leads to their cases being dismissed. In addition Israel also imposes numerous barriers such as a shorter statute of limitations and high financial guarantees that essentially prevent Palestinians from Gaza from receiving civil remedies and compensation for their injuries by the military from Israeli courts.

The lack of accountability in Israel for its repeated severe violations of IHL and IHRL fosters a culture of impunity that ensures the repetition of its devastating military assaults, and the continuation of its prolonged occupation of the oPt. Further, Israel’s refusal to cooperate with independent international mechanisms, such as the COI, has profound implications for the protection of human rights worldwide. Accordingly, we call on the HRC and member states to:

1. Condemn Israel’s persistent non-cooperation with UN Mechanisms, including Special Procedures;
2. Insist that Israeli forces’ apparently excessive and intentional use of force against Palestinian civilians in the oPt is subject to independent and credible criminal investigations;
3. Demand that Israel immediately lift the closure/blockade of the Gaza Strip and cease collective punishment of Palestinians in the oPt, including East Jerusalem;
4. Reiterate that Israeli violations of IHL and IHRL are rooted in Israel’s prolonged military occupation of the oPt, the inherently discriminatory features of which thwart the pursuit of justice for Palestinian victims;
5. Demand that Israel remove all barriers for Palestinians to access Israeli courts to pursue civil claims against the Israeli military’s unlawful actions that include killings and damages;

6. Conclude that, to date, Israeli domestic investigations demonstrate an unwillingness and inability to genuinely carry out investigations or prosecutions in compliance with international standards;
7. Urge the High Commissioner to conduct a comprehensive review of the implementation of the COI-Gaza report's recommendations and to suggest possible mechanisms that could be established to ensure their implementation, including the consequences of non-compliance with international law and the report's recommendations and to present a report therein to the Council at its next session.

ISRAEL

C1. ADALAH, "ISRAEL: NEW DISCRIMINATORY AND ANTI-DEMOCRATIC LEGISLATION," HAIFA, 1 MARCH 2016 (EXCERPTS)

In this policy paper, Adalah, the Legal Center for Arab Minority Rights in Israel, summarizes ten pieces of newly enacted legislation or proposed bills that would gravely affect Palestinian citizens of Israel, as well as Palestinians in the West Bank and Gaza. Most of the bills were introduced at the height of the latest Palestinian revolt (habba in Arabic) in late 2015 and early 2016, reflecting the current Israeli government's attempt to criminalize dissent and protest. Adalah presents the legislation in two categories: bills related to the habba and bills targeting activists and organizations supporting human rights and/or the Boycott, Divestment and Sanctions (BDS) movement.

Featured below are excerpts from the paper. The full text with footnotes is available at www.adalah.org. For more on Israel's discriminatory legislation, see "Constitutionalizing Sophisticated Racism: Israel's Proposed Nationality Law," by Amal Jamal, in JPS 45 (3).

A. Legislation Related to the Ongoing Round of Violence in Israel and the OPT

1. Law imposing a mandatory minimum sentence on convicted stone-throwers

Enacted by the Knesset on 2 November 2015 as Amendment No. 120 to the Israeli Penal Code

This new law imposes mandatory minimum prison sentences on persons convicted of stone-throwing or similar acts. The minimum sentence is set at "one-fifth of the maximum sentence"—either 10 or 20 years—which equates to either two or four years. Mandatory minimum sentences fail to account for the individual circumstances of each case. The new law essentially targets Palestinians (the alleged stone-throwers) who are either citizens of Israel or residents of East Jerusalem, and who are all brought before Israeli civil courts. The law is officially a "temporary order" and is valid for three years. Very few Israeli criminal laws contain mandatory minimum punishments as they remove judges' discretion in imposing punishment; thus, this new law is a severe measure. In addition, although the majority of the stone-throwers are young people, the law does not allow judges to give reasonable weight to the option of rehabilitation. The new law follows the earlier enactment of a related law that added a new 10-year maximum sentence for persons convicted of stone-throwing or similar acts *without requiring proof of intent to cause harm*. The pre-existing maximum sentence of 20 years applies in cases in which the courts rule there was such proof of intent.

2. Law revoking child allowances from parents of children convicted of security offenses

Enacted on 2 November 2015 as Amendment No. 163 to the National Insurance Act

This new law strips child allowances from the parents of a child convicted of criminal charges that are classified as security offences. It targets Palestinian minors who are either citizens of Israel or residents of East Jerusalem, and who are all brought before Israeli civil courts.

The National Insurance Law states explicitly that child allowances belong to the children, even if their parents actually receive these payments. By stripping child allowances from the child and his/her parents, the law creates arbitrary discrimination between minors who are convicted of security offenses (mainly Palestinians), and other minors convicted of other criminal charges, in breach of the fundamental principle of equality.

3. Law imposing fines on the parents of stone-throwers and others

Enacted on 2 November 2015 as Amendment No. 20 to the Youth (Care and Supervision) Law

This new law allows for direct fines to be imposed on the parents of minors convicted of committing an offense listed in the Israeli Penal Code. It provides the offense of stone-throwing as an example, and this fact, combined with its timing during the current round of violence, gives rise to fears that it will be deployed in a discriminatory manner against the parents of Palestinian children—citizens of Israel or residents of East Jerusalem—convicted of stone-throwing and similar acts who are brought before Israeli civil courts.

4. The “Stop-and-Frisk” Law

Enacted on 7 February 2016 as Amendment No. 5 to the Power for Maintaining Public Security Law

The law expands the powers of the police to stop and frisk individuals. Previously, the police were permitted to stop and frisk a person only where there was a reasonable suspicion that he or she was carrying a concealed weapon or other object intended for use in criminal activity. The new law allows police to stop and frisk people in case of a reasonable suspicion that he or she is about to commit a violent act. It therefore significantly expands police powers to stop and frisk individuals based on far more general suspicions. The law also authorizes police to frisk any person present in an area declared temporarily as a “stop-and-frisk zone” by a district chief of police, for reasons including potential security threats [suspicion of terrorism]. The law was originally tabled in 2011 but did not pass into law at that time. It was revived during the recent round of violence. This context adds to fears that the law will create greater scope for the discriminatory use of these sweeping powers by the police to conduct arbitrary and invasive searches of Palestinians, particularly in East Jerusalem, as well as against members of other marginalized groups.

5. Order stripping essential procedural safeguards from “security” detainees

Enacted on 28 December 2015 as Amendment No. 4 to the Criminal Procedure Law (Detainee Suspected of Security Offence) (Temporary Order)

The order re-extended a law from 2006 that removes a number of essential procedural safeguards to detainees suspected of security offenses that are provided to criminal suspects. The law is officially

classified as a “temporary” order, but has now been in effect for close to 10 years. Its validity was due to expire in December 2015, but the new order extended it for a period of one year, until 31 December 2016. The order allows for the detention of a security suspect for up to 96 hours before being brought before [a] judge, versus 48 hours in other cases, and for up to 35 days without being indicted, versus 30 days in other cases. The order also allows for the suspect not to be made present at hearings to extend his or her detention or in appeal hearings against the detention if the interruption of an ongoing investigation to attend the hearing is deemed highly likely to thwart efforts to safeguard human life. It also allows security suspects to be denied access to a lawyer for up to 21 days, versus 48 hours in other cases. While neutral on its face, in practice the law is used almost exclusively against Palestinians, who make up the overwhelming majority of detainees classified as “security” detainees.

6. The “Suspension of MKs” Bill

This bill allows a majority of 90 Knesset Members (MKs) to oust a serving MK on the following three grounds, as enumerated in Section 7A of the Basic Law: The Knesset: (1) denial of the existence of Israel as a Jewish and democratic state; (2) incitement to racism; and (3) support for armed struggle of an enemy state or a terrorist organization against Israel. It would therefore allow an elected representative to be suspended by their peers on ideological grounds. In case of a criminal offense, standing MKs can already be expelled from the Knesset for a conviction with moral turpitude under existing provisions of the Basic Law: The Knesset.

[. . .] The bill came in direct response to a recent visit by three Arab MKs to the family members of Palestinians killed by Israeli security forces while allegedly carrying out attacks, as part of efforts to secure the return [of] their bodies, which are being withheld by Israel, to their families. The bill was drafted by the Chair of the Knesset’s Constitution, Law and Justice Committee, MK Nissan Slomiansky, and was approved by the Committee on 29 February 2016. It is expected to be brought to the Knesset plenum for a first reading in the coming week.

7. The “Counter-Terrorism” Bill

The Knesset is currently considering a related bill, the “Counter-Terrorism” Bill, which sprawls over 104 pages. It contains broad and vague definitions of terrorism and terrorist organizations, which may be exploited by the law enforcement authorities to criminalize legitimate political action by Palestinian citizens of Israel and Palestinian residents of the OPT. The bill seeks to entrench many emergency regulations, which are currently in effect, and which date back to the British Mandatory period. The government has recently used the emergency regulations to arbitrarily outlaw the Islamic Movement in Israel.

The bill includes draconian measures for investigating detainees accused of security offenses; provides for the extensive use of secret evidence in court; limits detainees’ access to judicial review; lowers the evidentiary requirements of the state in such cases; creates new criminal offenses, including for any public expression of support for or sympathy with a terrorist group; and sharply increases the maximum sentences for people convicted of security offenses. It is liable to result in serious human rights violations and to further undermine democratic principles in Israel.

The bill would substantially strengthen and expand the powers of the police and the General Security Services (GSS, or *Shabak/Shin Bet*) to suppress legitimate protest activities by Palestinian citizens of Israel and Palestinian residents of the OPT. It would add to a pre-existing system that provides fertile ground for the security agencies to employ illegal methods in the interrogation room, which includes a “temporary order” that exempts the security agencies from producing audio or visual documentation of interrogations of security detainees. The Knesset extended this order, which creates conditions that may facilitate the torture of security suspects during interrogation, in July 2015, for the third time.

The bill was first introduced in July 2011. It has been re-tabled several times since, including before the current Knesset. The Knesset approved the bill in its first reading on 2 September 2015. It is currently being further discussed in the Knesset’s Constitution, Law and Justice Committee.

8. Bill to expand definition of “incitement to terrorism” – Amendment No. 123 of the Penal Code

This bill aims to expand the definition of “incitement to terrorism” in law. The bill differentiates between the charges of “incitement to violence” and “incitement to terrorism.” Under current law, both kinds of incitement are treated equally. Regarding the offense of “incitement to terrorism,” the bill eliminates the “near certainty” test, resulting in a situation in which a person could be convicted of “incitement to terrorism” simply for calling for an act that might be interpreted as an act of terrorism, even in the absence of a near certainty that such a call would in reality lead to the commission of such an act. It does not seek to remove the near certainty test from the charge of “incitement to violence,” leaving it unchanged. While not specified in the text of the bill, the large majority of terrorism charges are brought against Palestinians in the OPT and Palestinian citizens of Israel, and not against Jewish Israelis, including political leaders, even for statements or acts amounting to incitement. The bill has the support of the government and has been prepared for a first reading in the Knesset.

B. Legislation Targeting Human Rights Organizations and Supporters of the BDS Movement

9. New NGO “funding transparency” bill

This new bill targets human rights organizations. It would require NGOs that receive 50% or more of their funding from foreign governments to state that fact in various situations, including in all of their publications, written reports to Knesset members and decision-makers, and at any hearing or discussion involving a written protocol; and in any oral discussion held in a place where public officials work. An earlier version of the bill also sought to compel representatives of these NGOs to wear tags in the Knesset stating their names, organizations, and the fact that they receive funding from foreign governments; this provision was removed from the latest draft, dated 18 January 2016. Violations of the law will be punishable by a fine of NIS 29,200 (c. U.S. \$7,500).

The bill aims to mark out, harass and incite against human rights organizations that express views critical to the government’s policies, particularly policies that discriminate against or

otherwise harm Palestinians in the OPT and in Israel. [. . .] Significantly, the bill does not require transparency of donations received from private individuals, leaving right-wing, settler organizations, which are heavily funded by private U.S. donors, unaffected.

This newly-proposed law follows several previous unsuccessful bills that sought to clamp down on human rights organizations by threatening them with closure and/or taxing their income. The bill passed a first reading in the Knesset on 9 February 2016. The U.S., the EU, numerous members of the European and the German Parliaments, among others, have criticized the law and have called on the Israeli government not to support its passage.

10. New anti-boycott bill: Ban on entry to Israel and territories under its control for BDS advocates

The bill imposes a ban on persons, non-citizens and residents, who call for a boycott of Israel, and persons who represent an entity that promotes boycott of Israel, from entry into Israel and “regions under its control,” namely the OPT. If passed into law, the bill would target supporters of the boycott, divestment and sanctions (BDS) movement, including foreign citizens with Jewish ancestry, who would be barred from gaining any residency or citizenship status in Israel, regardless of the Law of Return–1950. The government has voiced its support of the bill, in a diluted form. The bill passed a preliminary hearing in the Knesset on 11 November 2015 and was subsequently endorsed by the Knesset’s Ministerial Committee on Legislation, and therefore has governmental support. Adalah is monitoring developments concerning the bill.

C2. ADALAH, “DISCRIMINATION IN LAND AND HOUSING AGAINST PALESTINIAN CITIZENS OF ISRAEL IN 2015,” HAIFA, 30 MARCH 2016 (EXCERPTS)

In this briefing paper, the Palestinian human rights organization Adalah outlines discriminatory housing practices in Israel. Examining 2015 data, Adalah compares the number of housing units planned for Jewish-only and mixed Arab-Jewish neighborhoods versus those planned for Arab communities. Adalah argues that the housing shortage in Palestinian areas is a result of the Israeli government’s systemic “Judaization” project. In analyzing Israel’s housing policies, the report also highlights the deepening of the relationship between the government and organizations like the Jewish National Fund (JNF) and the World Zionist Organization. New laws and agreements throughout 2015 gave these organizations a greater say in the state’s land policy, especially after the number of JNF representatives on the 13-person Israel Land Council tripled from two to six.

Presented below are excerpts of the briefing paper. The full paper with footnotes is available at www.adalah.org.

I. Overview

In view of the housing crisis in the Palestinian Arab community in Israel, and on the occasion of the 40th anniversary of Land Day today, 30 March 2016, Adalah conducted an analysis of the land marketing policy and the tenders published by the Israel Land Authority (ILA) and the Israeli Ministry of Construction and Housing in 2015. The data reveals that the marketing of land by the ILA, along with efforts to lower housing prices, are predominantly being carried out in Israeli Jewish and mixed Arab-Jewish towns/neighborhoods, while almost no effort is being invested in solving the housing shortage in 136 Arab communities in which over 91% of the Arab population

resides. An Annex is provided at the end of this paper listing the figures for tenders in 2015 throughout Israel and in the occupied West Bank, including East Jerusalem.

As Adalah emphasized in its report to the Israeli State Comptroller in April 2015, the housing shortage in Arab localities in Israel is not the result of specific failures or unintentional neglect on the part of state authorities. Rather, it is the product of a systematic and deliberate policy carried out by the state since 1948 that has viewed Palestinian citizens of Israel as enemies and aliens, while the state pursues its agenda to “Judaize” all parts of the country. [. . .]

The year 2015 was also characterized by the further deepening of the relationship between state authorities and organizations such as the Jewish National Fund (JNF) and the World Zionist Organization (WZO), making these inherently discriminatory organizations full partners in determining the state’s land policy and further violating the rights of Palestinian citizens of the state to equality and dignity. This trend was reflected in several developments including:

1. The enactment of Amendment No. 2 to the World Zionist Organization–Jewish Agency (Status) Law 5713-1952, which grants the government the authority to delegate some of its powers in the field of settlement to the WZO (by means of its Settlement Division);
2. The signing of an agreement that comprehensively regulates the relationship between the state and the JNF, and validates the agreement on principles concerning land exchange signed on 26 May 2009. According to the land swap agreement, the JNF would cede control of developed land in the center of the country, and in exchange, the ILA would give the JNF ownership of lands in the Naqab and in the Galilee. Whenever an Arab citizen wins a bid for land, the JNF would be “reimbursed” with alternative land.
3. The annulment of the government order to reduce the number of JNF representatives on the Israel Land Council to two persons, thereby keeping the number of JNF representatives to 6 out of 13 members as stipulated in Article 4a(a) of the Israel Land Authority Law 5720–1960.

II. Analysis of ILA and Ministry of Construction Tenders Issued in 2015

Adalah’s analysis of the ILA tenders published in 2015 for the construction and marketing of housing units reveals that, as in previous years, only a negligible share of these bids were allocated to Arab communities. According to the data, in 2015 the ILA published tenders to market lands for the construction of 38,095 housing units in Jewish communities and mixed cities, as opposed to only 1,835 units in Arab localities (4.6% of the overall marketed units).

Moreover, in 2015 the ILA marketed 27,539 housing units in Israeli Jewish and mixed communities in the framework of the “Occupant’s Price” program for lowering housing prices, in contrast with 729 housing units marketed in Arab communities under this framework. These figures prove that even a program described by the Ministry of Construction and the Ministry of Finance as the “spearhead” of government efforts to advance housing solutions to the public in fact overlooks Israel’s Arab communities.

Explicit discrimination towards the Arab population in Israel is not limited to the absence of construction and marketing of housing units. It also exists in the scant allocation of land for industrial, commercial, tourist and other zones, which could advance the economic development of Arab communities. In 2015, the ILA published tenders for the establishment of 18 industrial zones in Israeli Jewish communities, but only two tenders in Arab communities. Furthermore during the same period, the ILA published 37 tenders for commercial and/or office zones in

Israeli Jewish and mixed communities (11 of which are in West Bank settlements), compared to only five tenders in Arab communities in Israel.

III. National Priority Areas: Ongoing Discrimination

Another aspect related to housing benefits is the designation of national priority areas (NPAs). Both the Ministry of Construction and Housing and the ILA grant housing benefits to communities in NPAs. The Ministry subsidizes development costs for new housing in these communities by 20%–70%, according to their classification category, and the ILA’s benefits are implemented through discounts relating to land leasing fees (in priority areas A, the lease holder pays 31% of the land value; in priority areas B, the lease holder pays 51% of the value).

According to the Ministry’s data, there are only 30 Arab communities on the list of 558 rural localities classified as national priority areas, or only 5% of the total. Most of these Arab communities are entitled to the lowest level of aid. The discrimination is more evident when examining the communities that actually received the benefits *in practice* (and not merely listed as localities entitled to benefits). The data reveals that of the approximately 360 rural communities that actually received their benefits in practice from the Ministry, only 3 were Arab villages (or less than 1%).

Moreover, according to the ILA’s data, 122 Arab communities are included in the list of 456 communities classified as national priority areas (26.7%). This seemingly constitutes a high number of Arab communities, but like the Ministry of Construction and Housing’s list, the NPA classification does not guarantee the receipt of aid. Thus, in the absence of the marketing of land in Arab localities, the communities’ classification as NPAs is, in effect, immaterial.

IV. Construction in West Bank Settlements and the Sale of Palestinian Refugee Properties

The tenders issued in 2015 for developing Israeli Jewish settlements in the occupied West Bank including East Jerusalem demonstrate the State of Israel’s ongoing efforts to expand its settlements in violation of international law. The data compiled by Adalah reveals that in 2015, the ILA issued 14 tenders for the construction of 1,143 housing units in the settlements.

In addition, the ILA published 44 tenders throughout the country for the sale of properties belonging to Palestinian refugees (known as “absentee properties”), despite the exceptional legal, historical and political status of these properties, and despite the fact that selling these properties also violates international law.

Annex: Analysis of the Israel Land Authority Tenders in 2015

Comparative table 1. No. of housing units marketed in Israeli Jewish/mixed communities vs. Arab communities

	ISRAELI JEWISH AND MIXED COMMUNITIES	ARAB COMMUNITIES (AND PERCENTAGE OF OVERALL RATE)
Marketed housing units	38,095	1,835 (4.6%)
Number of units marketed in the framework of the “Occupant’s Price” program	27,539	729 (2.6%)

Comparative table 2. No. of housing units marketed in West Bank settlements vs. Arab communities

	SETTLEMENTS IN THE OPT	ARAB COMMUNITIES
Marketed housing units	1,143	1,835
Residents	Approximately 550,000	Approximately 1,200,000

Comparative table 3. No. of tenders published for industrial zones in Israeli Jewish/mixed vs. Arab communities

	ISRAELI JEWISH AND MIXED COMMUNITIES	ARAB COMMUNITIES
2015	18	2

Comparative table 4. No. of tenders published for commercial zones in Israeli Jewish/mixed vs. Arab communities

	ISRAELI JEWISH (NO. IN SETTLEMENTS) AND MIXED COMMUNITIES	ARAB COMMUNITIES
2015	37 (11)	5

Table 5. No. of Palestinian refugee properties ("absentee properties") sold in recent years

2015	2007-2015
44	Over 900

C3. ASSOCIATION FOR CIVIL RIGHTS IN ISRAEL, LETTER TO THE KNESSET CONSTITUTION, LAW, AND JUSTICE COMMITTEE ON THE SUSPENSION OF MKS, TEL AVIV, 18 FEBRUARY 2016 (EXCERPTS)

In February, Joint List Knesset members (MKs) Haneen Zoabi, Jamal Zahalka, and Basel Ghattas met with a number of East Jerusalem Palestinian families whose children had been killed by Israeli security forces in alleged stabbing attacks or as a result of clashes, in order to advocate for the return of the children's bodies for proper burial. In response, Prime Minister Benjamin Netanyahu spearheaded legislation changing Israel's Basic Law and targeting MKs on the basis of ideology and criticism of Israeli policies. Under the proposed changes to section 7A of the Basic Law, a majority of 90 MKs would have the right to suspend fellow MKs based on: 1) denial of Israel as a Jewish and democratic state; 2) "incitement" to racism; 3) support for armed struggle against Israel.

Prior to the discussion of the proposed changes to the Basic Law by the Knesset Constitution, Law, and Justice Committee, the Association for Civil Rights in Israel (ACRI) drew up a policy paper outlining the organization's stance on the issue. Addressed to the committee, the paper argues that the proposed law violates the right to vote and be elected, and that it is based on "ideological grounds." Outlining the differences between the bill and existing Supreme Court powers to suspend

MKs, the paper concludes that the proposed law would provide the Jewish majority in the Knesset with a tool to oppress minorities.

Presented below are excerpts from the policy paper. It is available in its entirety at www.acri.org.il. For more on the MK suspension bill, see Doc. C1 above.

[. . .] The Content of the Proposed Law

According to the reports, the proposed law constitutes an amendment to the Basic Law: The Knesset. The proposed law will include three grounds on which a Member of Knesset may be suspended from their position: Negating the existence of the State of Israel as a Jewish and democratic state; Incitement to racism; and Supporting an armed struggle against the State of Israel. The proposal establishes that a statement by a Member of Knesset will be sufficient to prove the grounds.

It must be emphasized that the proposed changes to section 7a of the Basic Law: The Knesset will also apply with respect to the disqualification of lists and candidates from participating in elections to the Knesset.

According to the proposal, the Knesset will be able to suspend one of its members if 90 members vote to do so. According to the proposed procedure, 61 Members of Knesset will be required to submit a complaint to the Knesset Committee. Three-quarters of the Knesset Committee will be required to approve a vote on the suspension of the Member of Knesset and to determine the period of suspension, which is unlimited. During the suspension, the Member of Knesset will be replaced by the next candidate in his/her party's list, who did not secure a seat in the Knesset.

It should be noted that the three above-mentioned grounds are included in the Basic Law: The Knesset regarding the disqualification of a list or candidate from participating in elections. However, the current procedure regarding participation in elections differs from the proposed procedure in several respects. Firstly, the decision on the disqualification of a candidate is subject to the approval of the Supreme Court. By contrast, the proposed law discussed here enables a procedure that is completely political, and not subject to approval in a judicial proceeding. Secondly, the procedure currently set out in the law involves the disqualification of a candidate or party on the basis of an extensive and principled examination of actions and ideology. The proposed law, however, relates to the examination of specific, political instances whereas in reality such a matter requires an in-depth examination similar to that in criminal law.

It should be emphasized that there is no room for comparison between the proposed mechanism and that which is already set out in law for the suspension of the president of the state and the speaker or deputy speaker of the Knesset; as the supporters of this proposal have claimed. The reason for this is that these positions are appointed by the political echelon. In any case, the speaker and deputy speaker are deposed from their positions but not from their office as Members of Knesset. [. . .]

Grounds for the Special Protection of the Right to Vote and to Be Elected

3. There are many grounds for the special protection of the constitutional right to vote and to be elected. All of these grounds are closely connected to ensuring the existence of a democratic regime and ensuring individual rights in a democratic regime. First and foremost, the right to

vote and to be elected expresses the right of individuals to be autonomous, to express themselves and their worldview, to associate to advance their ideas, and to express their ideas freely within the framework of their freedom of expression. Denying the right of an individual or group to elect and to be elected violates their rights and violates the equality between them and other citizens of the state who participate in the democratic process.

4. Moreover, a democratic regime must ensure in an egalitarian manner that all citizens can take part, participate, and exert political influence. The central way to do this is by creating the possibility to present the public with a full range of worldviews and opinions and by ensuring freedom of choice. Suspending Members of Knesset impairs the diversity of opinions. It may even lead to the exclusion of entire groups, both in terms of the presentation of their worldview and in terms of their actual participation in the democratic process; which they are unlikely to want to participate in when their position is not presented. [. . .]
6. Maintaining diversity of opinions is the basis for the existence of the freedom of expression and the basis for a true democracy—and without the possibility to express every opinion, to criticize opinions—including the government’s positions—and to act to advance positions, there can be no true freedom of expression and no true democracy. As is well known, the freedom of expression is manifested precisely in the ability to respect and inclusion of extreme positions that are difficult to accept and absorb; to protect the rights of speakers and to guard their legitimacy; and to refrain from excluding and delegitimizing them. A democratic and free society should contain the entire range of opinions in society, and afford them space and respect.
7. Furthermore, the suspension of Members of Knesset is contrary to the rules of the democratic game, as it excludes political rivals in an illegitimate manner. Indeed, this is a clear instance of the tyranny of the majority, whereby the political majority exploits its power against a political minority. It should be taken into account that in a country with a permanent Arab political minority, as well as numerous political rifts, the implication of this step is that entire groups in the population will be permanently excluded from the political system by the majority. They will not form part of the political system and will not be represented, which would seriously harm the democratic regime in Israel. [. . .]

The Disqualification of Candidates in Accordance with the Existing Law versus the Proposed Law

11. [. . .] The Supreme Court has established that the power of disqualification is to be used in an extremely restricted manner. It has been determined, for example, that the objectives (for requesting the disqualification) must be clear and unequivocal; they must be central and dominant; and there must be concrete action to advance them, in a recurrent and consistent manner, and with grave and extreme strength. The Supreme Court justices have reiterated in their rulings the importance of applying a restrictive interpretation to the various grounds for disqualification.
12. **Despite the above, the current proposed law** seeks to charge the Knesset Committee, without the review of the Supreme Court, with the authority to make decisions regarding the suspension of Members of Knesset. This is despite the fact that the Committee is a political body comprised of Members of Knesset, in a composition reflecting the structure of the Knesset. In other words, this body includes a clear and permanent majority of the “political majority” in Israel at any given

time. It must be remembered that the members of the Committee have political and electoral interests, as well as their own clear political worldviews, which form the basis of their decisions on the disqualification of Members of Knesset when they are asked to discuss this. Moreover, the Committee members do not take into account the legal considerations or the proper balances for the protection of democracy and individual rights, as is proper with respect to an issue of such great importance. The ramifications are that political minorities, including the Arab minority in Israel face a constant threat of the denial of their right to political representation, with all the grave implications and ramifications that this has for minority groups and for society in Israel in general. [. . .]

The Addition of “Statements” to the Acts Establishing Grounds for Suspension

This proposed amendment has particularly grave consequences. Clearly, the court may in any case interpret the “actions of a list or person” as including their statements. However, the explicit and distinct inclusion of “statements” in section 7a is serious for several reasons. Firstly, the freedom of expression is a basic right that enjoys special protection in Israeli law, not only as a basic right, but also in the procedures established in law for its protection. In this instance, attention to the freedom is overridden by a political procedure and the special protection otherwise afforded to the freedom is removed. Secondly, it would appear, *prima facie*, that this addition is intended to expand the “actions” included in section 7a in a manner that will distance them from concrete, explicit, and clear activities toward a broader and more vague definition. This constitutes a threat to the freedom of political expression not only in this context, but also more broadly regarding the scope of the protection afforded to the freedom of expression in Israel. [. . .]

C4. ADALAH AND THE ARAB CENTER FOR ALTERNATIVE PLANNING, MAP OF AREAS PERMITTED FOR OIL DRILLING IN THE GOLAN HEIGHTS, EILABOUN, 25 FEBRUARY 2016

In September 2015, Afek, an Israeli subsidiary of U.S. Genie Energy, announced the discovery of oil reserves in the occupied Golan Heights after months of exploratory drilling in the area. Then in February 2016, Afek was issued drilling permits for experimental wells in 11 locations in the Golan.

In response, the human rights groups Adalah and Al-Marsad protested to Israel’s minister of national infrastructures, water, and energy resources and the head of the ministry’s Division for the Northern District, calling on them to immediately cancel the permits in conformity with international law, which explicitly prohibits the extraction of natural resources by an occupying state in the area it occupies. While the letter is only available in Hebrew and Arabic, the two organizations also released a map showing the drilling locations.

*In the wake of the drilling permit announcement, human rights groups and political analysts expressed alarm at what they saw as part of a broader Israeli strategy to take advantage of the conflict in Syria and annex the occupied Golan Heights. Confirming their fears, Prime Minister Benjamin Netanyahu announced his intention to annex the area at a cabinet meeting that he held in Ma’aleh Gamla, an Israeli settlement in the Golan, two months later (see Doc. C5 and Geoffrey Aronson’s article in *Selections from the Press*).*

Presented in figure 1 is a map of the permitted drilling areas. It is available, along with Adalah and Al-Marsad’s joint letter, at www.adalah.org.

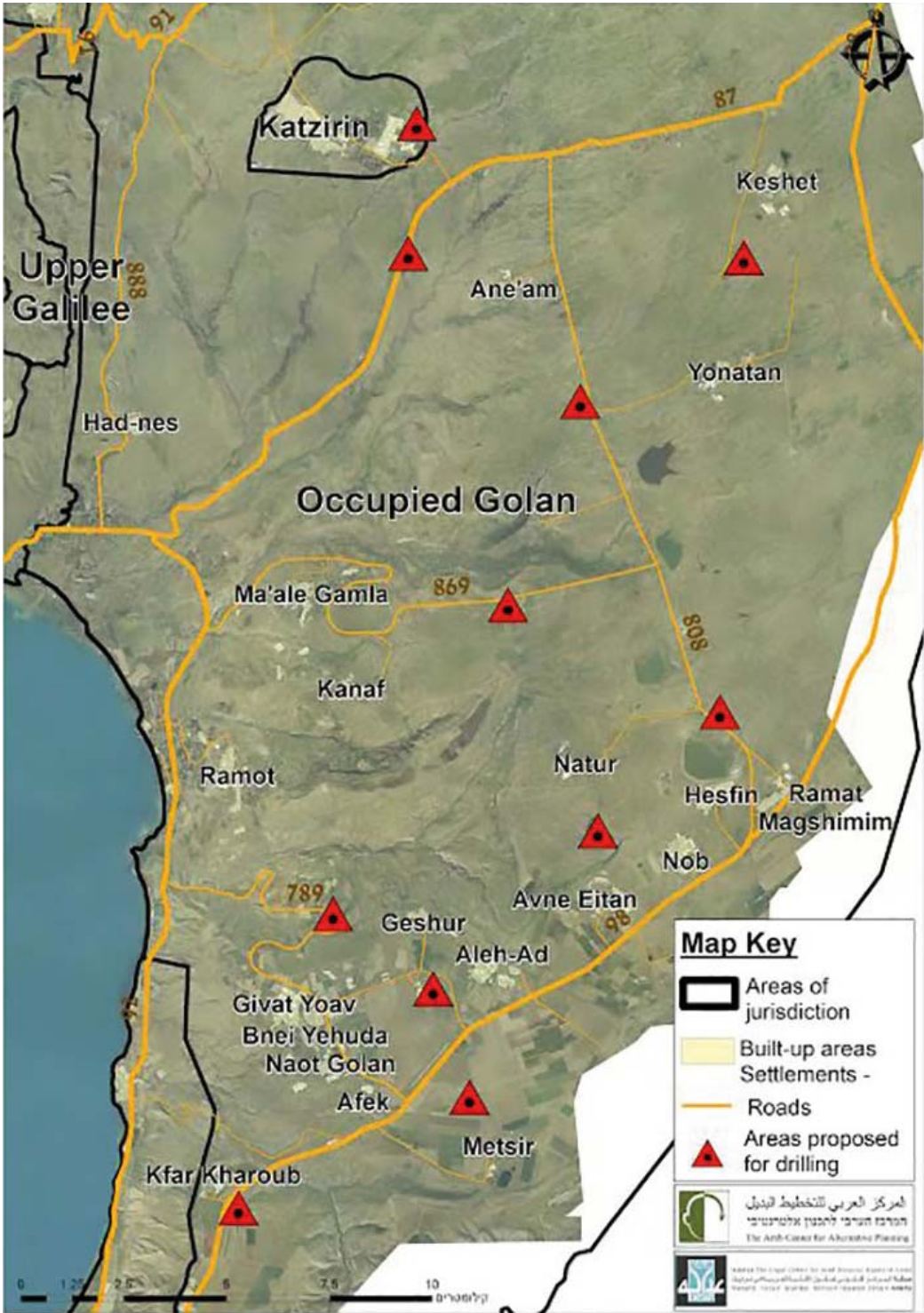


Figure 1. Areas permitted for oil drilling in the Golan Heights.

C5. PRIME MINISTER BENJAMIN NETANYAHU, REMARKS ON THE CABINET MEETING IN THE GOLAN HEIGHTS, MA'ALEH GAMLA, 17 APRIL 2016 (EXCERPTS)

In April, the Israeli cabinet held its weekly meeting in the Golan Heights for the first time ever. Commenting after the meeting, Prime Minister Benjamin Netanyahu stated that the occupied territory “will remain under Israel’s sovereignty permanently.”

As highlighted by Geoffrey Aronson (see Selections from the Press in JPS 45 [4]), it is clear that Israel plans to “join in the feasting on Syria’s decaying sovereignty.” In his remarks, Netanyahu also revealed that he had begun seeking U.S. and Russian approval for the move before the two powers had a chance to reach agreement on ending the conflict in Syria. Netanyahu’s annexation plans were first set in motion with the approval of exploratory oil drilling in the area last year (see Doc. C4 above) and they could set a dangerous precedent for other areas under Israeli occupation, especially the West Bank where more than 350,000 Jewish settlers reside.

Featured below are excerpts from Netanyahu’s remarks in the Golan. The full statement is available at www.pmo.gov.il.

We are here, on the Golan Heights. This is the first time that the Government of Israel has held an official meeting on the Golan Heights in the 49 years that they have been under Israeli rule. [. . .] The Golan Heights are an integral part of the State of Israel in the new era. During the 19 years that the Golan Heights were under Syrian occupation, when they were a place for bunkers, wire fences, mines and aggression, they were for war. In the 49 years that the Golan Heights have been under Israeli rule, they have been for agriculture, tourism, economic initiatives and building. They are for peace. In the stormy region around us, Israel is the stabilizing factor; Israel is the solution, not the problem. [. . .]

I chose to hold this festive Cabinet meeting on the Golan Heights in order to deliver a clear message: The Golan Heights will forever remain in Israel’s hands. Israel will never come down from the Golan Heights. The population on the Golan Heights grows year by year; today it numbers approximately 50,000 and there are thousands of families due to join them in the coming years. We will continue to strengthen the residents, the communities, the industry and the agriculture however we can, including through the decisions that we will make at this meeting.

While what is happening on the Israeli side of the Golan Heights is clear, one cannot say this about what is happening on the Syrian side. I spoke last night with U.S. Secretary of State John Kerry and I told him that I doubt that Syria will ever return to what it was. It has persecuted minorities, such as the Christians, Druze and Kurds, who are justly fighting for their future and their security. But it also has terrorist elements, especially Daesh, Iran and Hezbollah, and others, that want to impose radical Islam on Syria and the region, and from there continue to impose it throughout the world.

I told the Secretary of State that we will not oppose a diplomatic settlement in Syria, on condition that it not come at the expense of the security of the State of Israel, i.e. that at the end of the day, the forces of Iran, Hezbollah and Daesh will be removed from Syrian soil. The time has come for the international community to recognize reality, especially two basic facts. One, whatever is beyond the border, the boundary itself will not change. Two, after 50 years, the time has come for the international community to finally recognize that the Golan Heights will remain under Israel’s sovereignty permanently.

UNITED STATES

D1. PEW RESEARCH CENTER, U.S. VIEWS ON THE ISRAEL-PALESTINE CONFLICT, WASHINGTON, 5 MAY 2016 (EXCERPTS)

In April 2016, the Pew Research Center surveyed 2,008 U.S. adults about their stances on foreign policy issues, including on the Israel-Palestine conflict. In its data analysis, the organization highlights the partisan divide on Israel-Palestine and notes the increased support for Palestinians, especially among so-called Millennials. The survey includes graphs tracking U.S. views on the Israel-Palestine conflict over time.

Presented below are excerpts from Pew's report, Public Uncertain, Divided over America's Place in the World. The full report is available at www.people-press.org.

[. . .] 5. Views of Israel and Palestinians

As has been the case for decades, the American public expresses more sympathy toward Israel than the Palestinians. Just over half of Americans (54%) say that in the dispute between the two they sympathize more with Israel, while 19% sympathize more with the Palestinians; 13% volunteer that they sympathize with neither side and 3% sympathize with both.

These views are only modestly changed from July 2014. The share sympathizing more with Israel is little changed, while the share sympathizing more with the Palestinians has ticked up from 14% then to 19% today.

The partisan gap remains wide. Three-quarters of Republicans (75%) say they sympathize more with Israel (just 7% say they sympathize more with the Palestinians). And though a larger share of Democrats sympathize more with Israel than with the Palestinians, that margin is much narrower (43% vs. 29%). By 52% to 19%, independents express more sympathy for Israel than the Palestinians.

While independents are more likely to express sympathy toward Israel by a 52% to 19% margin, there is a large difference between those who lean toward the Democratic Party and those who lean toward the GOP. Republican leaners sympathize more with Israel by an overwhelming margin (72% vs. 9%), in line with the views of Republican identifiers. The sympathies of Democratic leaners, however, are divided: 34% say they sympathize more with Israel and 33% say the Palestinians, while another third either volunteer that they sympathize with both (3%) or neither (16%), or do not offer an opinion (13%). Democratic leaners are less likely than Democratic identifiers to sympathize with Israel.

There is also a wide ideological difference within the Democratic Party. By more than two-to-one (53% vs. 19%) conservative and moderate Democrats sympathize more with Israel. Liberal Democrats, on the other hand, are statistically divided in their views: 33% sympathize more with Israel and 40% sympathize more with the Palestinians.

Among Republicans, an overwhelming majority of conservative Republicans (79%) sympathize more with Israel, as do a slightly narrower majority of moderate and liberal Republicans (65%).

Notably, there are no differences in views by candidate support among GOP voters. By contrast, while Clinton supporters, on balance, are more likely to sympathize with Israel (47% vs. 27%),

Sanders supporters are divided (33% sympathize more with Israel, 39% sympathize more with Palestinians).

Over the past decade, the share of Americans saying they sympathize more with Israel has grown among most ideological groups—with the exception of liberal Democrats.

Today 33% of liberal Democrats say they sympathize more with Israel, a share that is little changed over the last 10 years. At the same time, the share of liberal Democrats who say they sympathize more with the Palestinians is now higher than it has been at any point in the last 15 years (40%), due in part to somewhat fewer liberal Democrats volunteering that they sympathize equally with both sides, or neither side, or that they do not know.

Conservative and moderate Democrats, by contrast, express more sympathy toward Israel (53%) than the Palestinians (19%) today. And the balance of opinion among conservative and moderate Democrats is little changed over the last decade.

Both moderate and liberal Republicans and conservatives in the party have become more sympathetic to Israel over the last 10 years.

There also are generational differences in sympathies in the Israeli-Palestinian conflict. Older generations tend to be more sympathetic toward Israel than younger generations.

Currently, 43% of Millennials report sympathizing more with Israel, while 27% are more sympathetic to the Palestinians. The share sympathizing with the Palestinians has risen significantly in recent years, from 9% in 2006 to 20% in July 2014 to 27% today. The share sympathizing with Israel is little changed over this period.

Among older generations, the balance of opinion is little changed over the course of the decade. Baby Boomers and those in the Silent generation sympathize more with Israel by about four-to-one. Generation Xers are somewhat less sympathetic toward Israel than older generations; still, by roughly three-to-one (54% vs. 17%), they say they sympathize more with Israel than the Palestinians.

Can Israel and an Independent Palestinian State Peacefully Coexist?

By a 50% to 42% margin, more Americans say that there is a way for Israel and an independent Palestinian state to coexist peacefully than say that there is not. More now say a two-state solution is possible than said this in [August 2014 \(43%\) shortly after the end of weeks of hostilities between Israel and Hamas](#).

Younger adults are the most likely to say a peaceful two-state solution is possible: 60% of those under 30 say this. Older adults are more skeptical than younger people; nearly half of those ages 65 and older (49%) say a two-state solution is not possible.

There also are partisan differences on this issue. Conservative Republicans are the most doubtful about the viability of an independent Palestinian state peacefully coexisting with Israel; 60% say it is not possible to find such a solution. On the other end of the ideological spectrum, two-thirds of liberal Democrats (67%) say a peaceful two-state solution is possible.

There are modest educational and racial differences. More-educated Americans are more likely to say the two states could coexist peacefully, while less-educated Americans are divided. And white Americans are divided while majorities of blacks and Hispanics say an independent Palestinian state could peacefully exist alongside Israel. Overall, more now say a two-state solution is possible than said this in 2014.

Democrats, in particular, are more likely now to say that a way can be found for two states to coexist than they were two years ago: Today 61% say there is a way for an independent Palestinian state to coexist peacefully with Israel, up from 49% in August 2014.

But Republican views are little changed from two years ago: 38% now say Israel and an independent Palestinian state could peacefully coexist, identical to the share saying this in 2014. [. . .]

D2. THE U.S. PRISONER, LABOR, AND ACADEMIC SOLIDARITY DELEGATION TO PALESTINE, "WE STAND WITH PALESTINE IN THE SPIRIT OF *SUMUD*," 16 APRIL 2016

From 24 March to 2 April, 18 U.S. anti-prison activists and scholars traveled to Palestine to learn more about political imprisonment, movement restrictions, and land confiscation policies affecting Palestinians under occupation. The delegation released a statement on the occasion of the International Day of Solidarity with Palestinian Prisoners calling for the release of some 7,000 Palestinian political prisoners in Israeli jails. The statement focuses particularly on child incarceration (see R1 below, for more) and Israel's crackdown on activists. The statement concludes by linking the issues of mass incarceration and labor rights in Palestine with those in the United States, and it urges the United States to end military aid to Israel.

Below are excerpts from the solidarity statement, which is available in full at www.freedomarchives.org.

At a moment of growing resistance to state violence and injustice the world over, a delegation of nineteen anti-prison, labor and scholar-activists from the United States traveled to Palestine in March 2016. Our delegation included former U.S.-held political prisoners and social prisoners, former Black Panther Party members, prison abolitionists, trade unionists and university professors. We are the first U.S. delegation to Palestine to focus specifically on political imprisonment and solidarity between Palestinian and U.S. prisoners. Our delegation also focused on recent labor struggles in Palestine for bread and dignity, and on the struggles of Palestinian intellectuals to assert the rightful claims of Indigenous Palestinians to their land, culture and history.

On this April 17, the International Day of Solidarity with Palestinian Prisoners, we demand freedom for the [7,000 Palestinian political prisoners](#) currently held in Israeli jails and all those fighting for justice everywhere, including political prisoners in U.S. prisons.

During our ten-day trip, we heard from diverse groups of Palestinians who daily resist summary executions, mass imprisonment, land confiscation, house demolitions, restrictions to water access and restriction of movement. In the face of Israel's system of racialized terror, Palestinians uphold their commitment to "*sumud*." This Arabic word has historical ties to the Palestinian anti-colonial liberation movement and is defined as "steadfastness," or standing one's ground with dignity—a form of resistance. We saw this resistance, and were inspired by it, over and over during our visit. [. . .]

Israel: A Colonial Carceral State

Aware that Israel is the only country in the world that [prosecutes children in military courts](#), our delegation observed the proceedings of three Israeli military tribunals against Palestinian youth. We witnessed a 16-year-old Palestinian boy tried as an adult and accused of running

an Israeli over in a vehicle. The boy faced two life sentences in an Israeli adult prison, and was being tried with evidence presented in the form of a video reenactment, constructed from the prosecution's theory of the act and with details likely coerced through torture, a routine practice of Israeli military prison administrators. [More than 99 percent of all cases tried in the military courts end in conviction.](#) [. . .]

The case of child prisoners is particularly harrowing. Human rights lawyers with whom we spoke shared the findings of international reports on the treatment by Israeli courts of Palestinian children, compared to the treatment of Israeli children. Israel's racist double standard exempts Israeli children from prosecution as adults until the age of 18, while Palestinian [children as young as 12](#) are tried as adults. Often charged with stone throwing, Palestinian children are subjected to lengthy sentences in adult prisons. Legal aid organizations Addameer and Defense for Children International (DCI) informed us that children are often taken from their families in the middle of the night, then handcuffed and blindfolded during their transport to torture sites, where they are denied legal representation or access to their parents for months. A former political prisoner told us that his own experience of torture behind bars was amplified when he heard, in a nearby cell, the voice of a child crying out for his mother.

For Palestinians of any age, the price of resisting the colonial apartheid order is often death. Between October 2015 and March 2016, approximately 200 Palestinians, including 41 children, have been [extra-judicially murdered](#) at the hands of Israeli military forces. We met Palestinian parents whose homes were demolished and who were levied heavy fines for their children's alleged actions. In blatant violation of international law and human decency, the Israeli military has refused to release their children's bodies, which they continue to hold in a state of suspension—literally frozen—for over 6 months. [. . .]

As in the United States, incarceration imposes collective punishment on communities. The families of the incarcerated in Palestine are forced to travel long journeys of up to 15 hours to visit their loved ones. At the prisons, visitors are routinely subjected to humiliating, full-body searches and sexual harassment by Israeli prison guards, a humiliation that has led some women to discontinue their visits. Once inside, relatives are allowed only a 30- to 45-minute visit: no contact, separated from the prisoner by Plexiglas walls.

In the face of repression, Palestinian prisoners have successfully employed [hunger strikes](#) to improve prison conditions and win the release of prisoners, including those held under administrative detention—prisoners held without charges, trial, or conviction. [. . .]

Our delegation builds on the long history of solidarity between anti-colonial and anti-imperialist movements in the United States and Palestine, expressed most recently in 2013 when thousands of prisoners in [Pelican Bay, Guantanamo and Palestine](#), all on hunger strike at the time, issued solidarity statements with one another. The presence and the histories of two former Black Panther Party members on our delegation served as a constant reminder of the years of solidarity between the Black liberation movement and Palestine. [. . .]

Poverty, Economy and Palestinian Workers' Rights

[. . .]The exploitation of Palestinian labor is part and parcel of the ongoing colonization project. Palestinian trade unionists detailed this exploitation to our delegation historically

and contemporarily. They explained that the Histadrut—the Israeli labor federation that enjoys a fraternal relationship with the AFL-CIO—has been an integral part of the Zionist movement and the colonization of Palestine even before the creation of the state of Israel. The Histadrut exploits Palestinian workers in Israel by deducting a portion of their salaries for benefits they never receive.

Palestinian labor leaders also shared the findings of a draft report on the horrifying conditions of Palestinian women workers, including those who are employed in Israeli settlements on the West Bank and are subjected to long work hours, reduced pay, and sexual harassment at checkpoints. None of the Palestinian workers employed by Israeli businesses enjoy the protection of the Israeli labor federation or Israeli labor laws. Palestinian trade unionists called on us to wage a campaign among U.S. trade unionists to divest U.S. workers' pension funds from Israeli bonds. [. . .]

Public Intellectuals and Anti-Colonial Cultures of Resistance

[. . .] We participated in two conferences hosted by the [Institute for Women's Studies at Birzeit University](#) and the [An-Najah National University](#), both co-sponsored with the [Arab and Muslim Ethnicities and Diasporas Studies at San Francisco State University](#). We shared the platform with Palestinian academics who are engaged in the daily struggles of their people and who insisted on defining the academy as a site of struggle for the dignity of all Palestinians. We compared our respective analysis of the United States and Israel as settler-colonial regimes intent on destroying Indigenous life and the Third World movements that have arisen to challenge colonialism and imperialism.

Solidarity was forged as former political prisoners in Palestine and former U.S.-held political prisoners in our delegation discussed parallel experiences. Palestinian audiences at both conferences were moved by the messages we brought with us in a collection of letters from currently incarcerated U.S. political prisoners—some of whom have already served 40 years and more—to their Palestinian sisters and brothers. Our colleagues at Birzeit University's Institute for Women's Studies translated the letters into Arabic. The solidarity was palpable during the final plenary of Birzeit's conference, when the phone rang and we heard the voice of U.S. political prisoner [Mumia Abu Jamal](#). Mumia was calling from State Correctional Institution Mahanoy in Pennsylvania to express solidarity with and love for the people of Palestine.

We learned that Palestinian universities offer free tuition to former Palestinian prisoners and that every graduation ceremony honors Palestinian students, faculty and staff martyred or imprisoned by Israel during the academic year. In contrast, Israel has banned access to education for Palestinian prisoners, even denying some the possession of a pencil and paper. [. . .]

Conclusion

We were asked repeatedly to bring these Palestinian stories of dispossession and steadfast resistance back to the United States. Much of what we saw in Palestine called up images of life in the United States. [. . .] Significantly, the United States funds Israel to the tune of \$4 billion annually and supports the distorted ideology of Zionism.

We therefore feel an urgent sense of responsibility to pressure the United States to stop funding Israeli crimes against humanity. We express our support for the struggle for a free Palestine as a central struggle in the worldwide movement against U.S. imperialism. We are committed to employing a variety of tactics in solidarity with Palestine, including Boycott, Divestment and Sanctions, and we condemn Israeli and Zionist attacks against advocates for justice for/in Palestine in our communities and on our campuses. We connect prisoner and labor movements across the borders; and apply the spirit of *sumud* to all our struggles for liberation within the United States.

- Support Palestinian people's just struggle for self-determination, return and sovereignty, and the struggle against settler colonialism in the United States, Israel and elsewhere
- Release Palestinian and all political prisoners, including those in the United States
- End all U.S. military and financial support of Israel
- Support Boycott, Divestment and Sanctions (BDS) of Israel
- Reject the new Israeli and Zionist McCarthyism that seeks to intimidate, harass and silence advocacy for justice in Palestine

In Joint Struggle, [. . .]

RECOMMENDED REPORTS

R1. DEFENSE FOR CHILDREN INTERNATIONAL–PALESTINE, *NO WAY TO TREAT A CHILD: PALESTINIAN CHILDREN IN THE ISRAELI MILITARY DETENTION SYSTEM*, RAMALLAH, 14 APRIL 2016

In this 76-page report, Defense for Children International–Palestine (DCIP) presents testimonies collected from children detained in Israeli military or police prisons in the West Bank between January 2012 and December 2015. Around 75% of the children reported experiencing some form of physical violence under arrest, and in 97% of cases the children had no parent present during interrogation or access to legal counsel. DCIP examines how these conditions force many children to give false confessions, resulting in the prosecution by military courts of some 500–700 children annually. The report is available at www.dci-palestine.org.

R2. ASSOCIATION FOR CIVIL RIGHTS IN ISRAEL, *ARRESTED CHILDHOOD: THE RAMIFICATIONS OF ISRAEL'S NEW STRICT POLICY TOWARD MINORS SUSPECTED OF INVOLVEMENT IN STONE THROWING, SECURITY OFFENSES, AND DISTURBANCES*, TEL AVIV, 21 FEBRUARY 2016

In 2008, an amendment was added to Israel's Youth Law in order to meet the provisions of the International Convention on the Rights of the Child. The amendment calls for minors to be treated with "compassionate justice," taking into account the age of minors in sentencing. The 35-page report by the Association for Civil Rights in Israel argues that the amendment has lost its relevance in the case of children accused of stone-throwing and similar offenses. The report provides a detailed review of legislative and policy measures on the sentencing of minors since 2014, with an emphasis on East Jerusalem where Palestinian children have been particularly vulnerable. It is available at www.acri.org.il.

R3. PHYSICIANS FOR HUMAN RIGHTS AND THE INTERNATIONAL NETWORK FOR CIVIL LIBERTIES ORGANIZATIONS, *LETHAL IN DISGUISE: THE HEALTH CONSEQUENCES OF CROWD-CONTROL WEAPONS*, NEW YORK, MARCH 2016

In March, Physicians for Human Rights and the International Network for Civil Liberties Organizations released a comprehensive 102-page report on the use and health impacts of crowd-control weapons worldwide. Israel is a predominant focus of the report, especially because of its use of rubber-coated bullets and skunk water. The two organizations call for a ban on using skunk water, an Israeli invention, as a crowd-control mechanism. The report also calls for the Israeli government to extend its prohibition of rubber-coated metal bullets beyond Israel to the occupied Palestinian territories. The report is available at physiciansforhumanrights.org.

R4. AL MEZAN, AL-HAQ, PCHR, AL DAMEER, *OPERATION PROTECTIVE EDGE IN NUMBERS: A STATISTICAL REPORT ON CIVILIAN CASUALTIES AND DESTRUCTION OF PROPERTY BY THE ISRAELI OCCUPATION FORCES BETWEEN 7 JULY AND 26 AUGUST 2014*, GAZA CITY, 5 APRIL 2016

In this joint report, four Palestinian human rights organizations provide statistical data on the impact of Israeli attacks in Gaza during Operation Protective Edge. The 53-page report documents the material damage caused to residential buildings and civilian infrastructure—educational, health, agricultural, and commercial facilities—as well as the psychosocial impact on victims. The report criticizes Israel’s systematic violation of international law in Gaza and calls on the international community to support their independent investigation by the United Nations and the International Criminal Court. The report is available at www.mezan.org.

R5. BADIL, *NO SAFE PLACE: CRIMES AGAINST HUMANITY AND WAR CRIMES PERPETRATED BY HIGH-LEVEL ISRAELI OFFICIALS IN THE COURSE OF “OPERATION PROTECTIVE EDGE,”* BETHLEHEM, 21 MARCH 2016

Based on the submission of Palestinian legal advocacy group BADIL to the International Criminal Court, this 13-page report outlines the war crimes and crimes against humanity allegedly committed by high-level Israeli officials during Operation Protective Edge (OPE). With a foreword by former UN Special Rapporteur on Palestine Richard Falk, the report analyzes 90 interviews conducted with Palestinians displaced by OPE, underlining the various ways in which Israel forced Palestinians to leave their homes. The report concludes that Israel targeted humanitarian shelters and civilian escape routes, making it impossible for Palestinians to seek safety. It is available at www.badil.org.

R6. PALESTINIAN CENTER FOR DEVELOPMENT AND MEDIA FREEDOMS (MADA), *THE VIOLATIONS OF MEDIA FREEDOMS IN PALESTINE: ANNUAL REPORT 2015*, RAMALLAH, MARCH 2016

In its annual report, MADA documents the violations of media freedoms in Palestine, indicating that these reached a new peak in 2015. MADA reported 599 violations last year compared with 465 in 2014, making it the worst year since the organization began monitoring such events about a

decade ago. The 148-page report includes violations by both Israel and Palestinian authorities, and it highlights the murder of a Palestinian journalist in Gaza as the worst violation of 2015. The report is available at www.madacenter.org.

R7. PEW RESEARCH CENTER, *ISRAEL'S RELIGIOUSLY DIVIDED SOCIETY*, WASHINGTON, 8 MARCH 2016

This 236-page Pew Research Center report presents the findings of a survey of 5,601 Israeli citizens, aged eighteen and older. The sample includes 3,789 Jews, 871 Muslims, 468 Christians, and 439 Druze citizens. Participants were surveyed on their religious identification and political beliefs. The survey documents increasing polarization among Israeli Jews on issues ranging from the religiosity of the state to Zionism, with almost half of the Jews surveyed expressing the view that Israel's Palestinian and Arab citizens should be expelled from the country. The survey also reflects the mutual doubts held by Jewish and Arab citizens concerning the sincerity of both Israeli and Palestinian leaders involved in peace talks. It is available in English, Hebrew, and Arabic at www.pewforum.org.