



THE ISRAEL POLICY CENTER

ISRAEL DEMOCRACY WATCH

VOLUME 3, ISSUE 2

NISAN 5766 / APRIL 2006

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The Israel Policy Center wishes its readers and supporters a happy Passover Holiday.

ISRAEL'S ELECTIONS 2006: IMPLICATIONS FOR DEMOCRACY, THE ECONOMY, AND ISRAEL'S JEWISH CHARACTER

Ehud Olmert led Kadima to a victory in Israel's elections, though its results—less than ¼ the vote—were significantly below its members' expectations. The surprise of the elections, the Pensioners' Party, received a protest vote that entitled it to seven seats. The Labor party, with 19 seats, is widely expected to be Kadima's chief coalition partner. The chief bond between Kadima and Labor is agreement on performing another, much larger disengagement from most of Judaea and Samaria, displacing 60-80,000 Israeli Jews from their homes. Amir Peretz, Labor's head, campaigned on a social welfare platform, an issue on which he could find more support from Israel's religious parties than from Kadima. However, the disengagement issue is expected to determine the eventual shape of Israel's next government.

The prospect of another disengagement is of grave concern. Disengagement is a massive violation of the civil rights of those displaced, and another disengagement would signal a further serious erosion in respect for civil rights within Israeli society. Even if one were to countenance the violation of civil liberties involved, it seems impossible to imagine Israel's government providing adequate housing, social services and compensation for so large a number of displaced people in a reasonable period. Nevertheless a majority of Israelis voted for a policy that involves callous cruelty to a large number of fellow citizens.

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ELECTIONS 2006 CONT.



Candidate selection in Israeli politics, 1988 style

During the election campaign Kadima leaders Olmert and Tzippi Livni expressed interest both in preserving Israel's Jewish character—supposedly a motive for further disengagements—and for a constitution. In our last issue we reported on an initiative by the Kadima party, now the victor of Israel's elections, to adopt a Presidential system of government, and we pointed out the dangers such a change would involve without additional changes to shore up the Knesset's power. Kadima probably has no consensus in favor of judicial reform. The composition of Labor's Knesset faction and electoral constituency makes it unlikely that Labor will support a constitution with adequate safeguards for Israel's Jewish character.

Political parties themselves have changed and become less democratic.

While Labor and Kadima together are strong enough to form the core of a governing coalition, they probably are not strong enough to pass a draft constitution on which both would agree. Any constitution would have to draw support either from the Arab parties or from right-wing and religious parties. Kadima probably cannot support a draft that would win Arab support, and neither Kadima nor Labor are likely to support a constitution that right wing or religious parties would agree to.

Voter participation in Israel has declined precipitously this decade, a worrisome indicator of declining public morale. Participation in the 1999 elections was 78.7%, in line with the previous two decades. In 2001 participation was 62.3%, but these elections were held for the Prime Minister only and not for the Knesset, so that voters were not motivated to come out and vote for their own special representatives. In 2003, however, elections were held for the Knesset, and participation was 67.8%—a decline of about 10% in four years. In 2006 voter participation was 63.2%. A large proportion of voters express disgust with what they perceived as corruption and cynicism in all parts of Israel's political system. Many simply refused to vote for anyone.



Candidate selection in Israeli politics 2006 style

Political parties themselves have changed and become less democratic. In the 1988 Knesset elections, parties who selected

their candidates by means of direct or indirect elections by party members won 97 seats, or over 80% of the total vote. In 2006 Likud, Labor, Meretz and NRP selected their candidates through direct or indirect election by party rank and file. These parties won 38 seats, less than a third of the total. In large parties such as Kadima, Shas, Yisrael Beitenu (Avigdor Lieberman), as well as Aguda and most of the National Union (total: 65 seats, almost 55% of the Knesset) candidates are selected by strongmen or small and unrepresentative "councils" dominated by strongmen.

Since 1985 Israel has experienced sharp swings in economic policy. For a number of years governments outspend their resources; taxes rise, outlays rise even faster, inflation and currency devaluation threaten, and a serious contraction in spending becomes necessary. This contraction stabilizes the situation while causing significant economic pain. Then the pattern of spending begins again.

During the years 2001-3 Israel suffered a particularly painful contraction in economic activity, accompanied by rising social spending, inflation, and an incipient currency crisis. This was followed by a sharp and exceptionally painful government retrenchment, indispensable to maintain fiscal stability, but which hurt many poor families. For the first time since 1985 a significant drop in government spending and taxation was achieved, which stimulated growth and job creation during 2003-2005 and could have provided growth for many years. Alas, Israeli voters' memory of the contraction Of 2001-3 remains strong, and in all probability the coalition forming this spring will once again adopt a tax-and-spend policy that will undo the hard-won gains of the most effective economic reform in two decades.

Elections are supposed to make policy choices for society and there is no question that the elections of 2006 have done just that. At the same time, however, we are concerned that underlying trends in the erosion of democratic values, fundamental rights, and Israel's Jewish character over the last two decades remains worryingly unchecked.

After Israel's Elections: IPC Will Continue to Uphold Liberty and Democracy in Israel

The willingness of governments headed by Kadima (we include the former government headed by Ariel Sharon) to make use of extralegal measures to implement its policies is frightening. This was reflected in the widespread use of illegal arrest against disengagement opponents last year, as well as the use of massive, illegal, government-sanctioned violence against nonviolent protesters in Amona in early February (IPC report on the Amona events is nearing completion; see page 4). We believe it is critical to challenge illegal government-sponsored violence against Israeli citizens as well as other illegalities in the courts, and to mobilize public opinion in favor of bringing those high officials responsible to justice.

MISSING GRANDPA

The surprise of Israel's election was the emergence of the Pensioners' Party, which garnered 7 seats. Senior citizens' issues are, as a rule, invisible in Israeli elections and the pensioners figured in nobody's election predictions as recently as a month ago. The vote for the pensioners was a protest vote—a large proportion of their votes came from first-time voters—and, together with the unprecedentedly low turnout for a Knesset election, indicates significant voter disillusionment.

On television commercials the pensioners' candidates appeared as decent, respectable people, advocates of a deserving group. Voters knew nothing about them, which gave them an advantage over traditional candidates about whom the voters knew too much.

It turns out though that the Pensioners' Party is very much Old Establishment in

Israeli terms. Its head, Rafi Eitan, was a Mossad operative for many years and had the dubious distinction of "running" Jonathan Pollard. After the Pollard fiasco he was forced to leave the Mossad and developed extensive business connections in Cuba. His colleagues in the Pensioners' Party are all secular, largely Ashkenazi, and organization people, the heads of powerful unions or pensioners' organizations, such as the pensioners of Israel Electric Corp. or the Municipal Workers' Union. They are hardly representative of the majority of Israeli senior citizens who have no pension. In social and economic profile and probably in outlook, they can be considered Kadima's Senior Citizens Organization.

Of all the heads of parties running in the 2006 election, Rafi Eitan, in age, background, and personal presence, probably bears greater resemblance to the absent Ariel Sharon than any other candidate.



Rafi Eitan, head of Pensioners' Party

Rafi Eitan, in age, background, and personal presence, probably bears greater resemblance to the absent Ariel Sharon than any other candidate.

ISRAEL LIBERTY MONITOR

IPC INVESTIGATES AMONA VIOLENCE



Knesset member Yuval Steinetz, chairman of the Parliamentary Committee investigating the events at Amona

On February 1, 2006, 1600 Israeli police confronted approximately 4,000 protesters at the settlement of Amona in Samaria. The police had come to enforce a demolition order against 9 houses. The protesters were there to oppose the demolition.

The outcome was one of the most severe instances of police violence against unarmed civilians in Israeli history. Hundreds of civilians, most of them juveniles, were hurt. Scores wound up in the hospital with club wounds to the head. Mounted troopers rode down protesters and trampled them under the hooves of their horses. Some protesters responded with stones and even cinderblocks.

An event in which the state sends scores of unarmed citizens to the hospital is a challenge to Israel's democratic fabric. It is crucial for Israeli democracy and Israeli liberties to establish what happened at Amona, whether it was avoidable, and whether it constituted a legitimate or illegitimate use of force by the state.

IPC began investigating the Amona catastrophe just days after it happened (Our tentative conclusions are summarized on p. 5). We collaborated with two organizations, the Association for Civil Rights in Judaea, Samaria and Gaza and the Legal Forum for Eretz Yisrael, who took depositions from hundreds of witnesses. We interviewed the heads of the protest movement at Amona in the Council of Judaea, Samaria and Gaza and the Benjamin Regional Council (where Amona is located). Our primary concern in the initial stages of the investigation was to establish the reasons for the breakdown in negotiations between the two sides and, insofar as the available evidence permits, to determine who was responsible for the violence.

Though an event like Amona clearly calls for an official Committee of Inquiry empowered to subpoena witnesses and draw authoritative conclusions regarding

both policy and persons, the government of Acting Prime Minister Olmert refused to convene such a committee. The Knesset thereupon established its own investigative committee, which does not however have the legal authority to force witnesses to appear and to testify. The Ministries of Defense and Internal Security (police) refused to allow officers who had been present at Amona to appear before the committee, though Defense Minister Shaul Mofaz, Internal Security Minister Gidon Ezra, Chief of Staff Dan Halutz and Chief of Police Moshe Karadi did testify.

IPC attended the sessions of the committee in which public figures testified and has examined the protocols of all the sessions (except one, closed to the public, in which the General Security Service testified). We also sent requests to the Defense Ministry and the Ministry of Internal Security to interview officers who had been in command during the event. Internal Security Minister Gidon Ezra called IPC's Director, Dr. Klein, and after a short conversation, to our surprise and pleasure, he authorized us to speak with people in his department (see next page).

The Knesset's Investigative committee published its interim conclusions (in Hebrew) on March 19. (<http://www.knesset.gov.il/committees/heb/docs/bitachon.htm>) It determines:

"The Committee received the impression that, in general, the objective of [the state] at Amona was to deter [further protests] . . . Deterrence stands in opposition to the democratic principle of using only the force necessary to implement the law, leaving deterrence to the courts. . . . The Committee criticizes government ministers and senior commanders for failing to intervene at any stage of the event, despite the steadily rising number of injured . . ."

IPC concurs with this aspect of the Committee's analysis.

"Deterrence stands in opposition to the democratic principle of using only the force necessary to implement the law, leaving deterrence to the courts."

IPC'S INVESTIGATION OF AMONA: PRELIMINARY CONCLUSIONS

1. There is no evidence to substantiate allegations that the government of Acting Prime Minister Olmert sought to create a confrontation with its political opponents because it thought a well-televised, violent confrontation would serve its electoral campaign. The two sides were negotiating prior to the event and we believe that if a mutually acceptable solution had been found the government would have been willing to implement it.

2. The Council of Settlements of Judaea, Samaria and Gaza proposed what we regard as an acceptable solution—it offered to dismantle and remove to another place 9 houses in Amona against which a demolition order had been issued, or else to destroy them itself. However it made this offer only 48 hours before the legal deadline for the demolition. Army authorities were skeptical about the proposal's technical feasibility and refused to accept it. In our opinion they ought to have accepted it, because a failed attempt to move the buildings would have meant their de facto destruction, fulfilling the terms of the demolition order. However this becomes clear only in retrospect. Had the Council of Settlements made its proposal a week or a month earlier, its implications could have been fully appreciated.

3. Once Israeli authorities decided they had a confrontation on their hands, the picture changes entirely. It is quite clear from numerous statements recorded in the press and, on the part of the Chief of Staff

and Chief of Police, explicitly confirmed before the Parliamentary Committee to investigate Amona, that a primary purpose of the police action at Amona was to deter further protests of any character and not just to enforce a demolition order.

4. The Army and Police prepared exclusively for a violent confrontation. Their preparations *excluded* the possibility of dealing appropriately with large numbers of nonviolent protesters, whose presence was anticipated and who, as interinternal police directives show, would have required a far greater police presence in order to conduct a nonviolent evacuation. The rights and safety of the overwhelming majority of protesters, who were nonviolent, received no consideration. Plans for Amona were designed and approved at the very highest level, including the Army Chief of Staff, the Chief of Police, and Defense Minister Mofaz. Acting Prime Minister Olmert appears to have preserved deniability regarding actual plans for the Amona operation, though his involvement in negotiations regarding Amona was direct and he received clear warnings about the anticipated nature of the event.

5. Leaders of the government's political opponents at Amona made extensive and serious attempts to prevent all violence, as a result of which many potential troublemakers were induced to leave the day before the event. These attempts were, however, far from completely successful.

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IPC QUESTIONS COMMANDER OF THE JUDEA AND SAMARIA POLICE DISTRICT ABOUT AMONA

In response to IPC's request, Minister Ezra and Chief of Police Karadi authorized IPC to interview the Chief of the Judaea and Samaria Police District, Yisrael Yitzhak, and his deputy (who actually commanded the forces at Amona), Deputy Chief Meir Bukovza.

IPC met with Yitzhak for an hour and a half on Monday, March 27. Though the interview passed off pleasantly (for the most part), IPC is not satisfied with

Yitzhak's response to several hard questions. We were shown a film of the events from the police' perspective, which raised more questions than it answered.

On the morning after our interview with Chief Yitzhak, his office called us to cancel all further meetings with other officers under his command. Our attempts to follow up and learn the reason for this decision have received no response.



Army Chief of Staff Dan Halutz stressed that "deterrence" was the object of the operation

The Army and Police prepared exclusively for a violent confrontation.



Police Chief Yisrael Yitzhak

AMONA: PRELIMINARY CONCLUSIONS CONT.

Chief of Police Moshe Karadi drew no distinction between violent and passive protest

Policemen in the field behaved as if violent abuse was expected of them

6. Films of the event produced by both the government and its political opponents show clearly that the police encountered violent opposition. This violence was offered however by a small minority of those present and was confined to specific times and locations. Police made no attempt to gauge the opposition they faced at different points in time and space and to implement appropriate responses to nonviolent civil disobedience.

7. Police and Army commanders made no serious attempt to follow their own directives calling for opening a dialogue with leaders of the protest at Amona in order to prevent or mitigate violence prior to or during the commencement of the operation. This was in stark contrast to the evacuation of Gush Katif. Police and Army claims to the contrary do not appear credible.

8. Police behavior at Amona constituted a massive, deliberate violation of the civil rights of the protesters. Police directives regarding the treatment of both nonviolent and violent demonstrations—not to mention the law—leave no place for the kind of behavior exhibited. Evidence of violence applied wholesale to nonviolent protesters and protesters who ceased resisting is overwhelming. Evidence of

widespread verbal abuse of many protesters, and the sexual harassment of women and girls, is overwhelming. Residents of Amona and nearby Ofra were warned by individual policemen during the days prior to the event to expect this behavior. Pro forma declarations by police and army commanders that policemen were instructed to obey the law are inconsistent with the evidence from the field. Policemen in the field behaved as if violent abuse was expected of them and that they would not have to render account for it.

9. There is grave suspicion that the police force employed in Amona was informally instructed to behave in the manner they did, a manner beyond the sanction of law. This must have been known to senior military and police commanders and may have been known to government ministers. Senior commanders and ministers definitely bear public responsibility for the events in Amona and may bear criminal responsibility as well.

10. The Parliamentary Committee to investigate the events at Amona concluded that deterrence rather than law enforcement was a primary purpose of the operation at Amona and that this purpose was an illegitimate use of police power. We concur.

WHAT AMONA MEANS

Amona represents a grave escalation of the conflict between the government and its political opponents. The government's strategy, at Amona as during the treatment of protest against disengagement, was to unofficially sanction violence and set aside the law in order to intimidate and deter its opponents. This is not only illegal and immoral but also extremely foolish. The government seems to believe that it is more important to appear strong than legitimate, and that sufficient force is the answer to all challenges. It is rapidly eroding its own legitimacy and the legitimacy of the State of Israel in the eyes of a large number of young people.

By using violence to ram its policies through, the government is also destroying the prestige of moderate leaders among its political opponents, whose ability to restrain the violence of their own supporters is evaporating. Unless the government backs off from further escalation—a choice only it can make—the consequences may be incalculable and horrible.

POLICE COMPLICITY IN ELECTORAL FRAUD?

Six polling places located in Arab towns in the north of Israel are being investigated by the Central Election Commission on suspicion of electoral fraud. In an election in which the average turnout was 63.2%, these polling places reported turnouts of 85% to 99%. There is disturbing evidence that high-ranking police officers abetted the fraud.

On election day morning activists from the right-wing *Ihud Leumi* party took their places as official pollwatchers in a large number of Arab polling places in the Galilee. Almost all reported that polling was proceeding without incident. Since balloting went on from 7 am to 10 pm, it was planned to replace them with fresh pollwatchers during the midafternoon. Two buses with replacement pollwatchers left the Jerusalem area for the Galilee around midday, headed for a shopping mall in the town of Upper Nazareth, where they would receive their official commissions as pollwatchers and disperse to polling places.

At 1:30 pm one of the buses was pulled over to the side of the road by police patrol cars from the 'Eiron police station and detained for nearly two hours. Soon more police arrived, commanded by Inspector Yaakov Shabtai, commander of the 'Eiron police station, who charged that those aboard were coming north to engage in "provocations." At 3:15 the police received directions from the regional election committee to let the people on the bus proceed.

very slowly, not to the polling places but to the Upper Nazareth police station, where the pollwatchers were again detained.

The other bus made it to the rendezvous point in Upper Nazareth. Here six police patrol cars converged on the bus and refused to allow the pollwatchers—who had received their commissions—to go to the polling places, on the grounds that the police were "responsible for their safety" and that their lives would be in danger if they tried to enter polling stations in Arab towns (this, while the first shift of pollwatchers was fulfilling its duty without incident).

The situation was not resolved until 6 pm on election day, when the Chairman of the Central Election Committee, Supreme Court Justice Dorrit Beinisch, called the Chief of Police, Commissioner-in-Chief Moshe Karadi, and ordered him to tell the police in Nazareth to let the pollwatchers go. By that point some of the pollwatchers had returned home, and as a result some polling places remained unsupervised during the last few hours of balloting.

It is clear that police officials on a very high level, probably at the level of the Galilee Police District Command, had to have authorized the interference with the pollwatchers. Senior commanders at two police stations—'Eiron and Upper Nazareth—collaborated in detaining the pollwatchers, and their activities had to have been coordinated. Complaints have been filed with the Central Election Committee.



Israeli police stop a bus full of pollwatchers.

Photo by Baruch Gordon

... it is clear that police officials on a very high level ... had to have authorized the interference

ATTY. GENERAL MAZUZ TRIES TO "TAKE BACK" AGREEMENT ON SOUK IN HEBRON

As recorded in our previous newsletter, the old wholesale market ("*souk*") in Hebron is Jewish property. Though formally administered by the IDF civil administration, it has belonged since the 19th century to the Sefardi community of Hebron.

The *souk's* owners want it to become homes for Jews. The IDF's local zoning board recommended that this be done. Several Jewish families moved into the buildings some years ago. The city of Hebron sued to have them expelled. Rather than respect the property rights of the *souk's* owners, Attorney General Mazuz insists on interposing the IDF's formal authority over the property to uphold the suit of the Hebron municipality and ordered the Jews removed.

Last January the Jewish community of Hebron signed an agreement with Maj. Gen. Ilan Nave, COS of the Judaea and Samaria division, stipulating that the Jewish families, who moved into the *souk* without IDF authorization, would voluntarily evacuate. The IDF would then approve the arrangement recommended by the zoning board and let other families move in.

On March 31st, Atty. General Mazuz declared the agreement between the Hebron Community and the IDF "void," claiming that Gen. Golan had exceeded his authority. It will now be tested in court whether a written commitment by a responsible IDF authority can be voided retroactively by the Attorney General.



Hebron souk

THE ISRAEL POLICY CENTER

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OUR MISSION:

Israel exists to defend the interests of the Jewish people. This view is not adequately represented in many of Israel's most powerful institutions.

Israel's Supreme Court, the most activist in the world, blocks policies and appointments to public office that do not suit the justices' politics. The Court, rather than the Knesset, controls all judicial appointments — including to the Supreme Court itself.

The civil service, academia, and the state-owned media are nearly uniform in their views, making it exceptionally hard for elected officials to resist "politically correct" decisions.

Large organizations funded from abroad spend millions of dollars annually to promote a post-Zionist agenda within Israel and undermine its Jewish identity.

Power in Israel needs to shift away from unelected, post-Zionist elites, back to the people's elected representatives in the Knesset. The Israel Policy Center is the only organization working directly within the political system to make this happen.



OUR ACTIVITIES:

Drafting laws to reform judicial and civil service appointments.

Key players in the Knesset's project to draft a "constitution by consensus"; official advisors to the Knesset Constitution and Law Committee. Regarded by MKs as *the* authority on legislative proposals intended to preserve Israel's character as a Jewish state.

Providing Knesset members from a broad range of parties with professional legislative research they cannot get anywhere else.

Conducting seminars and briefings for key decision makers and opinion leaders — Knesset members, legislative aids, political activists, journalists — on the policies needed to preserve and strengthen Israel's Jewish character and democracy.

Keeping score on how Knesset members and government ministers vote on crucial constitutional and national security issues as well as issues affecting Israel's Jewish identity — and publishing the results.

HELP KEEP ISRAEL A STRONG JEWISH DEMOCRACY

The Israel Policy Center is known and respected by elected official and academic organizations in Israel concerned about reinforcing Israel's democracy, national security and Jewish character.

The Israel Policy Center can be *your* agent for making Israel more democratic and more Jewish. Your support will enable us to pass legislation that will put the Jewish people, through its elected representatives, in charge of Israel once more.

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