

Political Monitoring Program

Israel and the Palestinian Minority: Mada's Bi-monthly Report

*MTANES SHIHADAH**

This brief report continues our initiative since 2002, of monitoring the attitude of the state and its majority group toward the Palestinian population, and documenting the policies and statutes that impair the civil, political, and legal status of this community. The findings regularly raise fundamental questions regarding “democracy” in Israel – questions that must be directed to the government institutions, to the Jewish population, and to the Jewish political parties. These questions are not new to the Arab population – they have existed since the founding of the State of Israel – but their urgency has grown since the outbreak of the al-Aqsa intifada, in 2000.

That same year, an additional dimension was added to the inferior political, civil, and legal status of Arabs in Israel – the real threat to their citizenship. For example, the amendment to the Nationality and Entry into Israel Law, of 2002, almost completely prohibits unification of Arab families in which one of the spouses is a resident of the Occupied Territories, and indirectly prohibits Arab citizens to marry a resident of the Occupied Territories. Further examples are the failure to implement the recommendations of the Or Commission of Inquiry into the events of October 2000, in which thirteen Arab youths were murdered by members of the Israel Police Force, and the decision of Mahash (Ministry of Justice's Police Investigation Unit) to close the investigation files, a decision that the Attorney General ratified.

The policy and statutes that have been established since 2000 have been documented in detail for almost seven years in Mada al-Carmel's political monitoring reports. The present report differs from the previous reports, in that it is, for the first time, being published bi-monthly and not annually. The report has two principal parts: 1) monitoring of Knesset legislation, government policy, and the Jewish treatment of Arabs, and 2) positions of the Jewish population toward the Palestinian population as reflected ***in the statements of leaders*** and decision-makers. Subsequent reports are likely to focus on various matters, as dictated by events.

The Legislative Branch

The process for enacting laws or amending laws that impair the civil and political status of Palestinians in Israel depends to a large extent on the temperament of the Jewish population, as previous monitoring reports have shown. Sometimes, one gains the impression that certain laws are intended to “take revenge” against the Palestinians because of a Palestinian position or political behavior that conflicts with the Zionist consensus. For example, following the outbreak of the al-Aqsa intifada, the state began to initiate legislation intended to weaken, overtly or covertly, the civil status of Palestinians and further restrict their already narrow sphere of political action. Blatant examples in this context are amendments to the Nationality and Entry into Israel Law,

and to the Basic Law; which established verbal or actual support of armed conflict against Israel as grounds for disqualifying party lists wanting to run in elections to the Knesset.

Also following the Second Lebanese War, and in light of the position of the Palestinian population in Israel toward it, which was not to the taste of the government and the Jewish majority, we witnessed another example. Among other legislative enactments, the Knesset passed statutes prohibiting an Israel citizen visiting a country defined as an enemy state from running for the Knesset. Most of the countries defined as an enemy state (see the list below) are Arab and/or Muslim countries, and many Arab citizens have relatives living in those countries, especially in the Gaza Strip and Lebanon.

The Nationality (Amendment No. 9) Law, 5768 – 2008

On 28 July 2008, the Knesset approved, on second and third reading, the Proposed Nationality (Amendment No. 9) Law.¹ By means of this amendment, the state is permitted to revoke the citizenship of any citizen who is accused of disloyalty to the State of Israel. According to the amendment, “a Court for Administrative Matters may, at the request of the Minister of the Interior, revoke the Israeli citizenship of a person who commits an act that is a breach of loyalty to the State of Israel, provided that following revocation of Israeli citizenship, the person is not left stateless.”² Under the amendment, “breach of loyalty to the State of Israel” is any one of these:

- (a) an act of terrorism as the term is defined in the Prohibition on Financing of Terrorism Law, 5765 – 2005, assisting in or soliciting for an act of terrorism or taking an active part in a terrorist organization as the term is defined in the aforesaid law;
- (b) an act that constitutes treason or aggravated espionage under the Penal Law;
- (c) acquiring citizenship or right to permanent residence in a state or area specified in the Schedule.

The amendment enables revocation of citizenship for an act of disloyalty, which is defined extremely broadly, including, inter alia, “living permanently in a state or territory” specified in a schedule to the law, in which nine Muslim and Arab countries (Iran, Afghanistan, Lebanon, Libya, Sudan, Syria, Iraq, Pakistan, and Yemen) and the Gaza Strip are listed. Furthermore, the amendment also enables revocation of citizenship if the person is not convicted for the said act, and allows a hearing on an application to revoke citizenship in the person’s absence in deviation from the rules of evidence, while allowing the admissibility of privileged evidence.³ The amendment grossly violates the right to due process, a breach aggravated by the fact that denial of a fundamental right is involved. Under the amendment, “the Court may, for reasons that it shall record, deviate from the rules of evidence, admit evidence when the citizen whose matter is being heard is not

¹ The Proposed Bill and Explanatory Notes, which were placed on the table of the Knesset on 10 October 2007 by Knesset Member Gilad Erdan (Likud), is available, at The Knesset website: <http://www.knesset.gov.il/privatelaw/data/17/1708.rtf>

² Ibid.

³ Haneen Na’amnih, “New Anti-Arab Legislation,” *Adalah Newsletter*, Volume No. 50, July 2008.

present. . . If, following consideration of the evidence or hearing of arguments, it is convinced that disclosure of the evidence is liable to harm state security or its foreign relations and that lack of disclosure is preferable to disclosure in order to do justice. . . hearing under this section shall be held *in camera*, unless the Court orders otherwise in the matter.”⁴

The Explanatory Notes to the Proposed Bill clearly indicate that the law is aimed primarily at the Arab population, which strongly objected to the Lebanon war in 2006, a position that did not conform with the Zionist-Jewish consensus regarding the reasons and results of the war.⁵ The Explanatory Notes state, *inter alia*: “Both in the conflict with the Palestinians and in the last war in Lebanon that was forced on the State of Israel, we encountered time and again open identification of Israeli citizens with the enemies of the state and with the terrorist organizations attacking it, and the legislator must give the enforcement authorities effective tools to combat this phenomenon.”⁶

Even prior to enactment of the amendment, the organization Adalah sent a letter to all Knesset members, describing the amendment’s blatant violation of the right to citizenship and to other fundamental rights protected by Israeli constitutional law and international human rights law.⁷ Especially grievous is the provision that living permanently in Gaza is grounds for revocation of Israeli citizenship, this at a time that Israel has prohibited for more than six years family unification of Palestinians in Israel with their relatives in the Gaza Strip, forcing many citizens to choose between family separation and moving to the place where the spouse is living (for further discussion on this provision, see below). The amendment enables revocation of citizenship of persons, who are denied the possibility of exercising their constitutional right to family life in Israel (by the Nationality and Entry into Israel Law, 5763 – 2003), and compels them to live with their spouse in Gaza.⁸

Extension of the validity of the Nationality and Entry into Israel (Temporary Provision) Law, 5763 – 2003.

On 1 July 2008, the Knesset adopted, by a vote of 21-8, the extension of validity of the Nationality and Entry into Israel (Temporary Provision) Law for an additional year, until July 2009. The amendment to the statute, which was enacted in 2003, states: “A permit to reside in Israel shall not be given to a resident of Judea and Samaria and the Gaza Strip if the Minister of the Interior or the commander of the region, as the case may be, in accordance with the opinion of the competent security officials, that the resident of the region or a member of his family is liable to constitute a security threat to the State of Israel.”⁹

⁴ See footnote No' 2.

⁵ A survey conducted after the war clarified the position of the Palestinian population in Israel regarding the reasons and results of the war, a position that was opposite to the consensus in Israel during the war. The results of the survey are available at: http://www.mada-research.org/arabic/sru/press_release/lebwat2.shtml

⁶ See footnote 1.

⁷ The letter is available at www.adalah.org/eng/features/citizenship/letter.doc. [Arabic]

⁸ *Ibid.*

⁹ For the text of the law, see Mtanes Shihadeh, *Israel and the Palestinian Minority* (Haifa: Mada al-Carmel, 2006), 24 (Available in Arabic).

Although the statute is defined as a temporary provision, that is, as a provisional law, it has been extended [??typo in the Hebrew??] eight times since it was enacted, as noted, in 2003. In July 2008, the Knesset extended its validity, despite a decision of the High Court of Justice indicating that the statute is unconstitutional. The Court had issued an order to show cause, in May 2008, following a petition from 2007 filed by Adalah and other human rights organizations against extension of the law and expansion of its application. In the order to show cause, the Court demanded the state to explain why the Nationality Law should not be nullified, given it was unconstitutional.¹⁰

According to the amendment to the Nationality Law, Palestinians from the Occupied Territories who are married to Israeli citizens are not entitled to receive any legal status in Israel, i.e., they are not allowed to become a citizen or resident, even if they are married to an Israeli citizen. The law prevents Israel's citizens, who, practically speaking, are almost all Palestinian citizens, to exercise their right to family life in their country. In March 2007, the Knesset amended the law, expanding its application to prevent family unification also to citizens married to nationals of "enemy states" – Syria, Lebanon, Iran, and Iraq – or to any person who lives in an area from which, according to Israeli security services, actions "threatening the security of Israel" are carried out.¹¹

Adalah described the recent extension of validity of the law the last link in the chain of measures taken by Israel to bring about racial separation on the basis of nationality. The law violates fundamental rights, among them to the right to family life. International law prohibits violation of the rights of minorities to establish and maintain, without discrimination, relations with nationals of other countries with whom they do not have national, ethnic, religious, or language ties. It should be emphasized that no other country in the world denies the right to maintain family life on grounds on national or ethnic grounds.¹²

Despite the security-reasons cited to excuse the statute, its real purpose is to treat the "demographic demon" that worries the Israeli establishment. These fears were clearly reflected in the comments of then-prime minister Ariel Sharon and other decision makers, who stated openly that the objective of the law is to prevent an increase in the number of Arabs in Israel.¹³

Amendment 39 to the Basic Law: The Knesset

On 30 June 2008, the Knesset plenum approved on second and third reading the Basic Law: The Knesset (Candidate who Unlawfully Stayed in an Enemy State), Amendment 39 to the Basic Law.¹⁴ The amendment was submitted on 16 June 2007 by Knesset

¹⁰ "Adalah: Extension to Citizenship Law's Validity is Latest in a Series of Israeli Policies of Racial Separation," *Adalah Newsletter*, Volume No. 50, July 2008. For further discussion on this matter and a survey of the history of the amendment to the Nationality and Entry into Israel Law, see Nimmer Sultany: *Citizens Without Citizenship* (Haifa: Mada al-Carmel, 2003); Nimmer Sultany, *Israel and the Palestinian Minority, 2003* (Haifa: Mada al-Carmel, 2004), 21-25; Nimmer Sultany, *Israel and the Palestinian Minority, 2004* (Haifa: Mada al-Carmel, 2005), 17-22; Mtanes Shihadeh, *Israel and the Palestinian Minority, 2005* (Haifa: Mada al-Carmel, 2006), 21-29 (Available in Arabic).

¹¹ "Adalah: Extension to Citizenship Law's Validity is Latest in a Series of Israeli Policies of Racial Separation," *Adalah Newsletter*, Volume No. 50, July 2008. "Adalah: Extension to Citizenship Law's Validity is Latest in a Series of Israeli Policies of Racial Separation," *Adalah Newsletter*, Volume No. 50, July 2008

¹² See the references in footnote 10.

¹³ Mtanes Shihadeh, *supra*, 21-27 (Available in Arabic).

¹⁴ http://www.knesset.gov.il/privatelaw/data/17/3/231_3.rtf (in Hebrew).

members Esterina Tartman (Israel Beitenu), Zevulun Orlev (National Union – National Religious Party), Elchanan Glazer (Pensioners), and others.

The amendment, which passed by a vote of 52-24, revokes the right of Israeli citizens to compete in elections to the Knesset if they visited, without the approval of the Minister of the Interior, in the seven years preceding the candidacy, a state defined in Israeli law as an enemy state. Under the relevant statute, enemy states are only Arab and Muslim states, such as Syria, Lebanon, Iraq, and Iran. Consequently, the law is aimed at preventing visits of Arab citizens – at least those who wish to run for the Knesset or who are members of the Knesset – to states that the Arab population does not deem enemy states. It should be noted that, in many instances, Arab citizens have a first-degree family relationship with residents of Arab countries defined as enemy states.

The text of the amendment states:

1. In the Basic Law, The Knesset, in section 7A, following subsection (a) shall come:

- a)(1) For the purposes of this section, a candidate who unlawfully stayed in an enemy state in the seven years preceding the date of official submission of the candidacy will be deemed a person whose acts support armed conflict against the State of Israel, unless otherwise proven.

Commencement

2. The provisions of the Basic Law: The Knesset in the text of this Basic Law shall come into force regarding staying in an enemy state that took place on the day of the entry into force of this Basic Law and thereafter.

Attorney Haneen Na'amnih, of Adalah, contends that,

The new amendment to the Basic Law constitutes a flagrant violation of the constitutional right to be elected. It also circumvents prior judicial rulings, including the Supreme Court's decision that overturned the decision of the Central Election Committee to disqualify the candidacy of MK Azmi Bishara because of his visits in Syria, his political speeches, and other claims. The Supreme Court's decision emphasized the importance of the constitutional right to run and be elected.¹⁵

Following passage of the law, Knesset member Zevulun Orlev (National Union-National Religious Party), one of the initiators of the law, said: "From today, Arab Knesset members will have to decide: either the Syrian parliament or the Israeli parliament. The statute will stop the infiltration of Trojan horses into the Knesset. The Arab leadership must be required to give unreserved loyalty to the State of Israel as a Jewish and democratic state, in the same way that every enlightened state demands of its elected officials."¹⁶ Knesset member Esterina Tartman (Israel Beitenu) said that, "From now on, citizens of Israel, relax – enemies will no longer sit in the legislature. . . This law will return somewhat our dignity, which has been trampled on as a people, and will give us good reason to stand up straight."¹⁷

¹⁵ Haneen Na'amnih, "New Anti-Arab Legislation," supra.

¹⁶ Amnon Marnadeh, *Ynet*, 30 June 2008.

¹⁷ Ibid.

Arab Knesset members sharply criticized the amendment. Knesset member Muhammad Barakat (Hadash) said: “This is a law of terrorism for all intents and purposes. It comes to terrorize thought processes and political opinions. This statute is illegal, and it is impossible to categorize family visits and visits to promote peace as visits that support terrorism.”¹⁸ Knesset member Sa’id Nafa’ (Balad) filed a petition with the High Court of Justice. The petition states, inter alia:

Serious and essential defects are found in the provisions of the Law. . . . In recent years, members of the Arab minority in Israel have visited Syria, the purpose of the visit being in most cases to meet with family members relatives. . . . In the reality of the Middle East, families are divided among various countries, and their right to get together and meet is a fundamental human right that is protected in every democratic regime in the world.¹⁹

Amendment No. 98 to the Penal Law, 5768 – 2008

Shai Dromi owns an isolated farm near Meitar, in the Negev. On 13 January 2007, at three in the morning, he noticed two of the four burglars trespassing on his land. He fired at them with a rifle for which he did not have a license (the rifle belonged to his father). One of the trespassers was killed, one was wounded, and the others fled.²⁰ After the incident, it was found that the burglars were Arab citizens. Dromi was arrested and charged with manslaughter.

About a week later, Knesset member Israel Katz (Likud) and other Knesset members submitted a bill to amend the Penal Law. The bill proposed that a person who attacks a burglar found in his home be deemed to have done so in self-defense as the term is defined in the Penal Law. According to the initiators of the amendment, “In recent years, there has been an increase in the number of unlawful entry into the homes of citizens and farms in Israel, an example being the tragic case that led a farmer to fire at a band of burglars, and even kill one of them, this because of the lack of a suitable policy of deterrence and the inability of the Police to cope with the phenomena due to the lack of appropriate tools. The law should be changed to provide deterrence and sharply reduce these offenses.”²¹ In other words, the Knesset members who proposed the bill want to give citizens the authority to sentence the burglar, leaving the citizens with discretion in the matter, without due process, because of the failure of the law-enforcement authorities to cope with acts of theft.

On 24 July 2008, the Knesset plenum approved the bill on third reading, by a vote of 44-7, making it law. The amendment provides that, “a person shall not bear criminal responsibility for an act that was immediately necessary to repel a person who broke into or entered a residential dwelling, business, or farmstead that is fenced, his or of another, with the intention of committing an offense, or a person who attempted to break into or enter as aforesaid.”²²

¹⁸ Ibid.

¹⁹ Amnon Marnadeh, *Ynet*, 1 July 2008.

²⁰ Anat Broshkovsky: “Farm Owner in Negev Shoots to Death Burglar and Wounds Another,” *Ynet*, 13 January 2007.

²¹ www.knesset.gov.il/privatelaw/data/17/1997.rtf. (in Hebrew)

²² The text of the amendment is available at www.knesset.gov.il/privatelaw/data/17/1997.rtf (In Hebrew)

Ostensibly, this is an innocent, non-discriminatory law. However, it is hard to avoid the impression that the amendment comes to provide lenient treatment in the case of murder of burglars, and gives legal sanction to opening fire when burglars are Arabs, especially in light of the high percentage of crime in some Arab communities, and even more so in the Negev.²³ For example, on 27 October 2008, a member of the security forces (as the Police define them), a resident of Ben Shemen shot an Arab burglar who tried to enter the yard of the resident's house. The burglar was shot when he was twenty meters from the entrance to the house.²⁴ One of the neighbors told the media: "This whole story comes as no surprise. All the time, we suffer from burglaries. . . persons staying illegally [meaning Arabs] mull around here freely."²⁵ In response to the incident, and before all its details were known, Knesset member Israel Katz, one of the initiators of the Dromi Law, said that, "Assuming that the shooter acted in the framework of the law, he deserves a citation for what he did. There is no need to arrest him and harm him."²⁶

Political persecution

The security apparatuses, under the direction of the political echelon, do not settle for political persecution of some leaders of the Arab public. In recent months, the Police and the Israel Security Agency have taken action against a charitable organization belonging to the Islamic Movement (Northern Branch) in Umm el-Fahm. On 23 August, dozens of Police forces and ISA agents raided the office of al-Aqsa Institute, which is located in the city center. The security forces, an order from the Minister in Defense in hand, closed the Institute's offices and confiscated documents, much equipment, and money that had been donated for orphans in the West Bank. The pretext for the Defense Minister's order was the claim of "illegal association," and was based on information that the institution maintains contact with Hamas officials in Jerusalem and transfers money to the organization.²⁷

Simultaneously, orders were issued freezing bank accounts of the Islamic Movement. Members of the Islamic Movement explained that these were some of the attempts of the Israeli establishment to stop actions to preserve and renovate al-Aqsa Mosque that the Movement was engaged in, and strongly denied claims they had ties with Hamas or engaged in illegal monetary transfers.²⁸ The Arab community's leadership said that the actions of the Police and the ISA were a "declaration of their intent to adopt a harsher policy vis-à-vis the Arab population, and a fatal blow to the right of the Palestinian minority to associate and establish organizations."²⁹

²³ See, for example, Mtanes Shihadeh, *Israel and the Palestinian Minority 2005* (Haifa: Mad al-Carmel, 2006), 63-71; Shlomo Svirsky and Yael Hasson, "Transparent Citizens: Government Policy toward Beduins in the Negev," *Information on Equality*, Volume 14, September 2005.

²⁴ Eli Senyor, "Ben Shemen: Resident Shot and Killed Burglar Who Entered the Yard of his House," *Ynet*, 28 October 2008.

²⁵ *Ibid.*

²⁶ Amnon Marnadeh: "Initiators of Dromi Law: The Shooter from Ben Shemen Deserves Citation," *Ynet*, 28 October 2008.

²⁷ Sharon Rofe-Ophir, "Police Close Institution of the Islamic Movement," *Ynet*, 24 August 2008; *Ha'aretz Online*, 24 August 2008.

²⁸ *Ibid.*

²⁹ *Arabs48 Online*, 24 August 2008.

Failing to prosecute policemen who murdered Arabs

Eight years after the events of October 2000 and five years after publication of the conclusions of the Or Commission, which found that it was possible to identify the policemen who fired the lethal shots,³⁰ and that they should be indicted, the attorney general decided not to interfere with the decision of the Department for the Investigation of Police (DIP) to close the file. In October 2008, the Monitoring Committee on Matters relating to Arab Citizens in Israel delivered to Prime Minister Ehud Olmert a petition signed by 250,000 persons, most of them Arabs, requesting that the persons responsible for the murders of the 13 young Arabs in October 2000 be prosecuted. In response to the petition, the prime minister said that he “cannot and does not intend to interfere in the attorney general’s decision.”³¹

It appears that the failure to enforce the law on the policemen accused of the murder of Arab citizens indirectly contributed to the trigger-happy attitude of the Police toward this community. Since October 2000, another 17 Palestinian citizens have been killed by Israeli security forces.³² In March 2008, two policemen brutally assaulted Sabri Jarjawi, from Shaqib Alsalam, in the Negev. Jarjawi died in July 2008 following a month-long coma.³³ Charges have not yet been brought against the policemen, and **Mahash** (the “Department for the Investigation of Police”) is still investigating the case.

The continuing Police assaults against Arab citizens are indirectly supported by the conduct and decisions of the attorney general, Meni Mazuz.³⁴ Mazuz accepted the State Attorney’s Office’s recommendation, and decided there were no grounds to challenge its conclusion that there was an insufficient evidentiary foundation to file indictments against the persons involved in the violent events, in the wording of the announcement. The decision was made despite the harsh criticism voiced by human rights organizations in 2005 against DIP’s conclusions, and notwithstanding the call of the Or Commission to prosecute the policemen who fired the fatal shots.³⁵ In response to the attorney general’s decisions, Adalah stated that, “Mazuz turned the failure of DIP in investigating the events in which 13 Arabs were killed in October 2000 into an excuse of ‘lack of evidence’; rather than order a serious investigation and suspend those responsible for the failure, the attorney general ordered closing of the files.”³⁶ The decision received stinging criticism also from the head of the Israel Bar Association, Yori Geiron: “The decision constitutes a grave threat to civil rights in Israel.”³⁷

Our treatment of the attorney general’s decision is not intended only to point out the severity of the act and the lenient attitude of the legal system to police officers who are accused of murdering Arabs. The decision also gives legitimacy to the murder of Arabs

³⁰ Quoted in Mtanes Shihadeh, *Israel and the Palestinian Minority*, supra, 50.

³¹ *Ha’aretz Online*, 12 October 2008.

³² For further discussion, see Mtanes Shihadeh, *Israel and the Palestinian Minority 2006*, supra, and the report of Mossawa Center, available at www.mossawacenter.org/files/files/File/051001.pdf. (In Arabic)]

³³ *nrg Ma’ariv Online*, 20 March 2008.

³⁴ Aviram Zino, “Mazuz: No Alternative to Closing the File on October 2000,” *Ynet*, 25 July 2008.

³⁵ For an extensive discussion, and criticism, of DIP’s decision, see Mtanes Shihadeh, *Israel and the Palestinian Minority 2005*, supra, 28-52.

³⁶ *Adalah Newsletter*, Volume No. 45, February 2008.

³⁷ *Ibid.*

by security forces, and to aggressive and brutal treatment of Arabs. An example of this was found also in the Police's aggressive handling of the procession marking Naqba Day in 2008, when Police assaulted the participants in the procession (for which they had received a valid permit) to the abandoned village Sapuriya.

The offensive against Acre's Arabs

Until 1948, Acre was an important Palestinian city. Following establishment of the State of Israel, most Palestinians left and Acre turned into a city with a Jewish majority. Since then, the Arab population has suffered from poor socioeconomic conditions and from institutional neglect. In recent years – particularly since the events of October 2000 and as a result of the wave of young Arab couples that moved to Acre due to the severe housing shortage in neighboring communities – state officials have imposed on Jewish communities in the north the task of “judaizing Acre.”

In 2002, a *hesder* yeshiva was established near an Arab neighborhood.³⁸ Also, former settlers moved into the city.³⁹ The movement of settlers to “strengthen Jewish settlement” was not limited to Acre; it occurred also in the mixed-population cities of Jaffa, Lod, and Ramle.⁴⁰ Since then, the offensive against Arab residents has grown sharply: torching of vehicles and houses of Arab residents, hurling of Molotov cocktails at homes, and spraying of “death to Arabs” graffiti on walls in the city.⁴¹ Rabbi Yossi Stern, head of the *hesder* yeshiva in Acre, declared in 2002 that, “Acre is a national test, Acre of today is the Land of Israel of ten years down the road. . . We are the front that gives dignity to the state. . . Coexistence is a slogan. Ultimately, Acre is a city like Ra'anana [a suburb of Tel Aviv], whose Jewish identity must be protected. We are here to protect the [city's] Jewish identity and raise the spirit and stand in dignity in the test facing the nation.”⁴² These events, together with the destruction caused by security forces and the leniency toward persons who attack or murder Arabs, laid fertile ground and provided legitimacy for the offensive against Arab residents on the eve of Yom Kippur 2008.

In a letter that Knesset members Abbas Zakur, a resident of Acre, sent to the Minister of the Interior the day before Yom Kippur (7 October 2008), he pointed out that, in previous years there had been incidents on Yom Kippur, and that he feared they would recur and bring about a tragedy. Thus, he demanded that Police patrol cars be placed at Jewish-Arab friction points in the city.⁴³ As is common knowledge, under Jewish Halacha, it is forbidden to drive on Yom Kippur. However, Israeli law does not prohibit driving on that day; it only prohibits the opening of shops and recreation places. Arab residents in the mixed cities experience, therefore, a kind of general curfew on Yom Kippur.

³⁸ In *hesder* yeshivas, the students carry out advanced Torah studies together with shortened army service. These yeshivas belong to the national religious stream, and the *hesder* program enables them to combine their religious studies with their commitment to service in the IDF and integration in Israeli society.

³⁹ Report of Activists on Behalf of Acre, *Chronology of the Events*, 2008.

⁴⁰ For extensive discussion on this subject, see *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*, 13.

⁴³ Sharon Rofe-Ophir, “MK Zakur: Protect the Arabs from Stones on Yom Kippur,” *Ynet*, 7 October 2008.

On Yom Kippur Eve, 8 October, Tawfiq a-Jamel, an Arab resident of Acre, drove with his eighteen-year-old son and a family friend to pick up his daughter, who had visited relatives in one of the mixed neighborhoods in the city. At the entrance to the neighborhood, most of whose residents are Jewish, the car was pelted by stones thrown by young Jews. A-Jamel went into the apartment of his relatives and called the Police. Meanwhile, a throng of young Jews besieged and threw stones at the house, which had some fifteen persons inside. The Police, according to those in the house, did nothing. The rumor was that one of the besieged Arabs had been killed. On loudspeakers throughout the Old City, a call went out to rescue the Arabs under siege. Simultaneously, the Police negotiated with the Jewish assailants in an attempt to rescue the Arab family, and after a few hours, they were rescued. Hundreds of young Arabs who had gathered to come to their aid returned to the Old City. On the way, some of them threw stones at Jewish-owned vehicles and shops on Ben Ami Street.⁴⁴

With the end of Yom Kippur, on Thursday, 9 October, throngs of Jew gathered in the area of the railway station in the eastern section of the city and in the northern section – areas with a larger number of Palestinian residents – and began to attack Arabs and Arab property – houses, vehicles, and shops. The offensive continued the next day as well, fading out on Saturday. The Jewish vandals torched twelve Arab-owned houses and a number of vehicles, and many Arabs were wounded.⁴⁵

In the three days of rioting, the Police arrested fifty-four residents, half of them Jews and half Arabs. According to the report of the Committee of Activists on Behalf of Acre, “Systematically, when the young people were brought to court, most of the Jews were released, while the Arabs’ detention was extended.”⁴⁶ This even though “Jews were the dominant factor in the breach of the peace in Acre,” according to the Northern District Police commander, who was present in the city throughout the events.⁴⁷ The Minister of Public Security, Avi Dichter, visited the city on the second day of the events and chose to blame, albeit implicitly, the Arab residents for the situation: “The Arabs used loudspeakers of the mosques to call the public to action.”⁴⁸ Dichter and the Northern District Police commander were careful to contend that the Police had no intelligence information prior to the outbreak of the events in the city.⁴⁹

On Sunday, 12 October, a-Jamel appeared before the Internal Affairs Committee of the Knesset and apologized for the fact that his trip in the car led to the disturbances. “If something I did caused it,” he said, “I am willing to sacrifice myself here on this table. Take me to the gallows as well, just that there be quiet and tranquility in Acre, and that the coexistence return.”⁵⁰ Despite his apology, the Police arrested him on the charge of

⁴⁴ *Arabs48 Online*, 10 October 2008; Jacky Khouri, “Tawfiq a-Jamel: The Whole Matter in Acre Began because We are Arabs,” *Ha’aretz*, 10 October 2008; Ahiya Ravad and Yehonatan Weber, “The Night of Harsh Clashes between Jews and Arabs in Acre,” *Ynet*, 9 October 2008.

⁴⁵ See footnote 44.

⁴⁶ See the report of the Committee of Activists on Behalf of Acre, *Chronology of the Events*, 2008.

⁴⁷ The comments were made in an interview with *Ynet*, 10 October 2008.

⁴⁸ Ahiya Ravad, “Dichter in Acre: The Inciters and Attackers will be Prosecuted,” *Ynet*, 10 October 2008.

⁴⁹ Jacky Khouri and Yoav Stern, “Tzipi Livni: In Israel, We Don’t Take the Law into Our Hands,” *Ha’aretz*, 10 October 2008.

⁵⁰ Yoav Stern, *Ha’aretz*, 14 October 2008.

driving recklessly and endangering human life, and he was released a few days later to house arrest.⁵¹ Many Arab leaders in the city and many of its Arab residents interpreted the arrest as a Police surrender to the Jewish public in the city and its representatives in the Knesset.⁵²

Following the events, the Acre Municipality decided to cancel the Alternative Theater Festival that is held in the city every year during the intermediate days of the Sukkoth holiday. The mayor contended that the festival was cancelled out of concern for the safety of the anticipated visitors.⁵³ This measure was perceived as punishment of the Arab residents of the Old City, for whom the festival is an important source of income. The events in Acre led many Jewish leaders in the city to express racist and provocative comments against the Arabs. What was once spoken in secret now came out in public. The mayor, Shimon Lancri, said that, "Acre was ours and will remain ours forever. We won't let anybody touch this city. There are people who want to ruin it, but we won't let them."⁵⁴ In a similar spirit, racist expressions against Acre's began to appear, along with requests that Acre's Jewish residents boycott the city's Arabs. One Website that was established following the events wrote, "We won't buy from Arabs any more, won't respect any holiday, occasion, or place of the Arabs. Acre's Arabs, go and live in the villages. . . Whoever buys from Arabs – as far as we're concerned – is an Arab."⁵⁵

It is difficult to describe and understand the events that took place in Acre without considering the context in which they occurred and the increasing hostility to the Arab population that has surrounded Israeli Jewish society since the events of October 2000 and the outbreak of the al-Aqsa intifada. Some researchers argue that these events contributed to shape an Israeli consensus that seeks to enshrine in law the inferior civil and legal status of Arabs.⁵⁶ This is occurring in an atmosphere of ongoing threats to their citizenship and laxity of the law regarding racist comments and violence against Arabs.

On this point, Adalah states:

The attack by Jewish citizens on Arab citizens in Acre on Yom Kippur cannot be separated from the authorities' law-enforcement policies regarding nationalist violence when committed against Arab citizens. In October 2000, on the eve of Yom Kippur, Wissam Yakbak from Nazareth was killed after the Police opened fire on him; that same month a total of thirteen Arab citizens were killed by the police. . . Despite the existence of decisive evidence and the conclusions reached by the official Or Commission of Inquiry, Attorney General Mazuz decided in January 2008

⁵¹ *Arabs48 Online*, 15 October 2008; Yoav Stern, "MK Barakat: Arrest of Driver from Acre – At the Demand of the Extreme Right," *Ha'aretz*, 14 October 2008.

⁵² *Arabs48 Online*, 19 October 2008.

⁵³ Yoav Stern, "Acre after the Disturbances: More than Anything, The Fear in the Eyes is Conspicuous," *Ha'aretz*, 16 October 2008; Meron Benvenisti, "'Festival of Hate,'" *Ha'aretz*, 15 October 2008.

⁵⁴ Fadi 'Iadat and Yoav Stern, "Acre's Mayor: Acre was Ours and will Remain Ours Forever," *Ha'aretz*, 21 October 2008.

⁵⁵ Eli Levy, "Racist Website: Boycott Acre's Arabs," *nrg Ma'ariv*, 23 October 2008.

⁵⁶ See, for example, G. Ben-Dor, A. Pedahzur, and B. Hasasi, "Anti-Liberalism and The Use of Force in Israeli Democracy," *Journal of Political and Military Sociology*, 31(1): 119-142 (2003); N. Rouhana and N. Sultany, "Redrawing The Boundaries of Citizenship: Israel's New Hegemony," *Journal of Palestine Studies*, 129(1): 5-22 (2003).

not to file indictments against any of the police officers or commanders responsible for these killings.⁵⁷

The poet and writer Yitzhak Lior well described the collective Jewish response against the Arab population following the offensive against Acre's Arab residents. In light of the importance of his comments, we quote his article at length.

Picture a Jewish driver entering a religious neighborhood on Yom Kippur, his auto is stoned, he is wounded, his family gets into a clash with the stone throwers, a rabbi comes from some yeshiva, and with some sweet talk ("love for the Jewish people") things quiet down. . . . Order, when Jews are involved, rapidly brings about stability.

. . . The discrimination in budget allocations, the gap in life expectancy, the gap in infant mortality, the gap in paved roads, all these are important, but they are insufficient to describe the manner in which the state neglects the security of its Arab citizens, who are ostensibly equal under the law, enabling them to vote and maybe also be elected, if they swear allegiance to the four sacred words, "Jewish and democratic state."

The time has come to speak seriously about this four-word refrain, and not to sweep again the blood and the broken rights under the verbiage of the "extremist minority on both sides." The time has come to recognize the fact that Israel permits the blood of its Arab citizens every time that the Jewish collective stands opposite the Arabs. It makes no difference if they are Arabs from outside (the Occupied Territories), or from inside. The right of the Jewish collective to protect its identity is obvious, and a sociologist on behalf of this ideology has been found and there are jurists on its behalf, who manage to provide a foundation for these excess rights of the Jews on the cognitive level, in addition to the excess rights in every sphere of life. Always, it is a matter of "protection of identity."

This is the key question that must again be asked: Why does the state act the way it does? . . . This is the logic of the violence against Arabs. . . Always, the incident becomes acts on behalf of the collective versus persons outside it, which endanger it... This is the logic that Israel absorbs daily: this place belongs to Jews. The Arabs are strangers. Some people think that strangers must act nicely. Some people think that strangers need to be removed. Here is the pus.⁵⁸

The Acre events and the Jewish collective response provided the opening for a mass offensive against the presence of Arabs residents in other mixed cities and in Jewish communities in which Arabs live. In Jaffa, "death to Arabs" was sprayed on walls in the Arab neighborhoods.⁵⁹ In Nazareth Illit, which was established in the 1960s on land expropriated from Arabs), Ze'ev Hirtman, who was a candidate for mayor, said that the presence of Arabs in the city was a serious problem that needed to be handled, and even proposed that Arab residents be allowed to exercise the "right of return to Arab Nazareth," that is, to leave their homes and move to the Arab city of Nazareth.⁶⁰ On 23

⁵⁷ *Adalah Newsletter*, Volume No. 53, October 2008.

⁵⁸ Yitzhak Lior, "The Collective Response," *Ha'aretz*, 17 October 2008.

⁵⁹ *Arabs48 Online*, 16 October 2008.

⁶⁰ *Arabs48 Online*, 11 October 2008.

October, a proclamation was distributed in Ma'alot, which was established on land expropriated from Arabs, in which the Ma'alot Religious Front declared that it would not be deterred from handling Arab residents in the city, and made a commitment to strengthen Jewish identity by reducing the sale and rental of houses to Arabs.⁶¹

In addition to the mixed-population cities, activists from the Right seek to taunt Arab residents also in the heart of Arab towns and villages. On 29 October 2008, the Supreme Court permitted activists from the extreme Right, Itamar Ben-Gvir and Baruch Marzel, to hold a demonstration on the streets of Umm el-Fahm. The court ruling came in a petition the two filed in the High Court of Justice after the Police rejected their request to march in the middle of the city while waving Israeli flags. The Arab population viewed this decision as approval of racism and granting of a prize to activists from the far-Right, whose declared purpose is to taunt the Arab residents.⁶²

* **Mtanes Shihadeh** is a Research Associate at Mada al-Carmel and a Ph.D. Candidate in the Political Science Department at the Hebrew University of Jerusalem.

⁶¹ *Arabs48 Online*, 23 October 2008.

⁶² Tomer Zarhin and Yoav Stern, "High Court Permits Marzel and Ben-Gvir to March in Umm el-Fahm," *Ha'aretz*, 29 December 2008.