

## **October 2000: Defined Goals and New Mechanisms<sup>1</sup>**

**By Dr. Marwan Dwairy<sup>2</sup>**

*Unlike our previous responses in the Land's Day 1976 and Kufr Qasem massacre 1956, this time we were satisfied with protest and keeping the memory of the victims alive, but will work to secure the punishment of the guilty*

*The "triangle" of the Follow-up Committee for Arab Citizens in Israel, Adalah: The Legal Center for Arab Minority Rights in Israel, and the Committee of the Victims' Families forms a new mechanism of response, which contains the necessary components*

The victims of October 2000 were not the first Arab citizens to be martyred in Israel. Before them victims died in Kufr Qassem in 1956 and on Land Day in 1976, among others. It is apparent from the conduct of Mahash (The Ministry of Justice's Police Investigation Unit) and its report published on 18 September 2005, in which it refrained from sending any individual to trial, that the police continue to deal with Arab citizens according to the mentality of Kufr Qassem, following which the leader of the massacre was fined one piaster. In the face of the Israeli establishment's adherence to this manner of dealing with Arab citizens, which disdains the blood of our martyrs, how can our response be different from how it was in Kufr Qassem and on Land Day?

### **We will not be satisfied with protest and keeping the memory of the victims alive**

The response of Arab citizens in the years that followed the massacre of Kufr Qassem and the confrontations of Land Day took the form of keeping the memory of those killed alive on the one hand, and protesting on the other. This reaction entailed the mass mobilization of our Arab general public in strikes, demonstrations and annual popular meetings. It contributed to the creation of national awareness, threw the Arab public heavily into the battle of general opposition to the state's policy of oppression, and achieved tangible gains in various issues including land. As for our response to the deaths of the victims of October 2000, it differs qualitatively from our previous responses in terms of mechanisms and goals. In addition to the continuation of the general struggle against national defined goals: the holding of those responsible to account and the punishment of the guilty.

### **The "triangle" of the Follow-up Committee for Arab Citizens in Israel, Adalah, and the Committee of the Victims' Families**

Coordination between the Follow-up Committee and Adalah began from the first moment after the deaths of the victims of October 2000, and for the first time a committee of the martyrs' families was established. This "triangle" constituted an constructive equation in the response, with the Follow-up Committee and the political parties it represents providing the representational-national cover and political rationality, Adalah the professional experience, and the Committee of the Victims' Families the human aspect, continuing to carry the torch, luminous and burning.

This triangle formed a new mechanism of response containing the necessary ingredients for achieving progress. Indeed, this mechanism was able to make unprecedented achievements, beginning with the order to appoint an official commission of inquiry – the Or Commission – and later the publication of its report, which, despite our criticisms of it, contains a new, positive position

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towards Arab citizens. Recently, this mechanism brought about confusion and inconsistency in the position of the Attorney General and Mahash.

The battle is still at the outset, and it therefore must be clear that none of the "sides" of this triangle can attribute these accomplishments to itself, deny the importance of the role of the others or continue the journey alone. The Follow-up Committee, in spite of its importance, would not have been able to achieve what has been achieved without the professional, sound work of Adalah, or in the absence of the vital role played by the Committee of the Victims' Families. The same applies for Adalah and the Committee of the Victims' Families. We in Adalah believe that popular and political work reinforces legal work, and for that reason have operated and continue to operate in complete coordination with the other sides of the triangle, in order for our work to be accompanied by popular and political action. The division of labor between the sides of this triangle must be clear, and no side should interfere in the work of the others, take their place or dispense of them, for each has its own specific role in the equation and complements the roles of the other two. Consequently, I call upon all to carry on the discussion over the continuation of the journey within the triangle, and over the preservation of the triangle as an effective mechanism for pursuing the battle.

### **The legal, popular and international levels**

In contrast to our previous responses, this time the triangle devised a strategic response on three coordinated pathways: the judicial pathway, involving the police, Attorney General and Supreme Court; the popular pathway, through hard-hitting media campaigns to rally the Arab public and democratic Jewish forces; and the international pathway, which remains open after the exhaustion of all legal avenues in Israel. This time, these pathways complement each other, since we know that the investigations and decisions of the Israeli judicial apparatus are influenced by the level of popular pressure and by the existence of the possibility of taking the issue out into the international arena. A discussion has taken place in recent weeks over whether or not the protest demonstration in Jerusalem, the three-day hunger strike undertaken by members of the Follow-up Committee, and the marches of allegiance from Jatt to Arrabe were at the required level in response to the report of Mahash, which cancelled legal proceedings without sending any individual to trial. There were voices calling for the declaration of a general strike. Following the announcement made by Mr. Shbiro, the current Head of Mahash, in coordination with the Attorney General, that the investigation was to be reopened, a debate ensued over the meaning of this retreat from their previous stance in support of Mahash's report, and whether or not this retreat was influenced by the protest activities.

Regardless of the form taken by the protest activity, be it a demonstration or a strike, I believe that what produced this reversal in the stance of the Attorney General and Mahash and raised the voices of some democratic forces against them was the insistence of the triangle on continuing along the journey through the three pathways described above with clear vision and clear goals. Taking steps of protest, including a general strike or hunger strike, would not have caused any retreat without the correct mechanism of response and a resolute insistence on the achievement of clear goals, however long it takes. Thus, the strikes and popular meetings which followed Land Day of 1976 could not secure the initiation of any investigation. While it is true that the context was different, part of the difference was the absence of the triangle and of defined goals. While it is true that our mass struggle after Land Day threw its weight behind our battle against land expropriation and made important gains, it did not result in any of those responsible being brought to justice. This time, we will not be satisfied with a general struggle but will strive to ensure that those responsible pay the price.

I believe that the announcement made by Adalah and others of their emulation of the example of the legal representation of the families of the 13 Irish victims of the "Bloody Sunday" massacre,

which took place in Ireland in 1972, has had a great impact on the Israeli establishment as well as on public opinion. Following the massacre, the British authorities cancelled legal proceedings, as the Israeli authorities did in the case of October 2000. However, the continuation of the popular, legal and cultural struggle forced the British authorities after the passage of 26 years to accept a commission of inquiry, which reopened the investigation in 1998. The existence of the triangle, the launching of a battle on three pathways, and the insistence on continuing along the journey, guided by the Irish experience, forced the Attorney General to retract his absolute support of Mahash's report.

The triangle interpreted this retreat as a point of weakness and crack in the defenses of the police and the Attorney General. It is not, though, a step towards the just treatment of the victims' case or the achievement of justice; rather it is intended to keep Mahash's report in the quarters of Mahash and the State Attorney, out of fear of the anticipated opposition in the Supreme Justice and in the international arena. Therefore, the insistence on pursuing the guilty until the end is what brought about this inconsistency.

### **Calling those responsible to account and punishing the guilty**

The public, political and national struggle is hugely important, but in addition defined goals in the battle over October 2000 have been put in place: the calling of those responsible to account and the punishment of the guilty. Work towards the achievement of these goals began with a demand for the appointment of an official commission of investigation immediately after the crimes, thereafter during the investigations of the Or Commission, and later in response to the report of Mahash. The battle will continue to get the investigation away from State Attorney Shendar, to take the case to the High Court of Justice, and if necessary to international fora.

We do not merely have ambitions to secure the punishment of the police officers who opened fire in October 2000 and Alik Ron, who gave the orders to the snipers, but also of those responsible at every level. We must stand together to prevent former Prime Minister Barak, former Minister of Internal Security Ben Ami and the Chief of Police, among others, from returning to any official position in the state apparatus. We demand that Shendar, the Head of Mahash in 2000, who, rather than being removed from his position owing to his negligence, was appointed State Attorney in the Attorney General's Office. We rejected the reopening of the investigation in the offices of State Attorney Shendar and demanded a new investigation within the framework of a neutral committee. However, this will not suffice. We further demand that Shendar be removed from his post as punishment for his failures. What, then, were his failures? As the Head of Mahash, he had the ability to open an investigation immediately after the killing of the first victim in October 2000, to prevent Alik Ron from using snipers, to prevent continued use of shooting, and thereby prevent the deaths of the remaining victims. He was capable of launching an investigation and gathering evidence in the immediate aftermath of the killings and injuries, which could have included the conduction of autopsies on the bodies of the dead prior to burial. He had several weeks before the Or Commission began its work in which to complete the investigation and bring the guilty to justice. However, instead of meeting his responsibility, he came out five years after the crime in support of Mahash's latest report and claimed that it is impossible to obtain evidence to determine the identity of those who opened fire. The Israeli security apparatus, which is aware of the movement of every militant in the Occupied Territories and eliminates them without trial, claims, with absolute insolence, that he could not have known the conduct of his men in October 2000. This time we will not be satisfied with continuing to protest and keep the memory of the victims alive, but will continue the battle to secure the dismissal of Shendar and to bring the guilty to justice, however long it takes.