



**Adalah Report:**

# Silencing the Opposition

*Israeli Law Enforcement's Restrictions on Freedom of Expression in Israel during  
"Operation Protective Edge" in Gaza, 8 July – 26 August 2014*

**11 August 2015**

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## **A. Introduction**

On 8 July 2014, Israel launched an extensive military offensive in the Gaza Strip dubbed "Operation Protective Edge," which became one of the largest and most widespread operations in the 47 years of Israel's occupation and control of the Gaza Strip. A ceasefire was declared on 26 August 2015 after 51 days of bombardment and shelling from air, land and sea. The operation led to the deaths of 2,251 Palestinians, 1,462 of whom were civilians, including 551 children and 299 women, and the injury of 11,231 Palestinians, including 3,436 children and 2,088 women, according the UN Office for the Coordination of Humanitarian Affairs in the OPT (OCHA-OPT).<sup>1</sup> The scope of the devastation to the Palestinian civilian population was unprecedented: extensive damage was caused to homes, factories, commercial centers and infrastructure, with OCHA-OPT also reporting the destruction of 18,000 homes.

During the military offensive, thousands of Palestinian Arab citizens of Israel took to the streets en masse to protest the mounting death toll and grave atrocities occurring against Palestinians in the Gaza Strip on an almost daily basis. They were joined by many Israeli-Jewish anti-war activists, who also sought to exercise their right to publicly oppose the deadly assault being carried out in their name, and to demonstrate solidarity with its victims.

The response of Israel's law enforcement authorities – the police, the state attorney's office, and the courts – to this protest movement amounted to an all-out repressive war, particularly against Palestinian citizen demonstrators. These authorities adopted a "zero tolerance" approach to citizens

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<sup>1</sup> OCHA: OPT – [Key figures on the 2014 hostilities](#), June 2015.

opposing the war, which was reflected in the vast number of protestors who were detained during the course of the war – around 1,500 people, nearly all Palestinian citizens, from demonstrations that primarily took place in Arab communities in Israel, and most of which were nonviolent.<sup>2</sup> The Israeli authorities exploited the detention process and used it unlawfully as a means to punish and intimidate protestors, and to prevent prospective protestors from taking part in lawful protests to exercise their right to publicly criticize government policy.

Other serious violations of the rights of Palestinian citizens of Israel were also reported from the outset of the war on Gaza. Common incidents included the dismissal of Arab employees for posting comments on Facebook against the war,<sup>3</sup> disciplinary proceedings were threatened against university students who condemned the war, and various public utilities companies denied service provision to Arab communities in Israel.

These and other such incidents raise serious questions about the restrictions imposed on the Palestinian minority's freedom of expression by the state as well as private individuals, particularly against the backdrop of the widespread racist incitement that was broadcast in the Israeli media and on social networking sites against Palestinians during the war. The violent and threatening manifestations of this incitement caused many human rights defenders to warn against the grave damage to freedom of expression and the danger to democratic principles as a result of these trends.<sup>4</sup>

This brief report will present in detail the topics raised above, as well as Adalah's legal critiques, based on cases that Adalah pursued during the war in this regard. The cases presented here are only a few examples of many similar cases that occurred throughout the war.

## **B. Police Brutality and Misconduct towards Anti-War Demonstrators**

### ***Violence and mass arrests aimed at deterrence***

The Israeli police's conduct towards anti-war demonstrations during the war on Gaza were dominated by serious violations of Israel's Criminal Procedure Code (Enforcement Authorities – Arrests) – 1996 (hereafter: "CPC") and the Youth Act (Adjudication, Punishment and Means of Treatment) (Amendment No. 14) – 2008 (hereafter: "Youth Act"). The police exhibited a complete disregard for the principles and criteria that apply to its authority for preventing and dispersing demonstrations, which are stipulated in rulings of the Israeli Supreme Court as well as Guideline 3.1200 issued by the Attorney General (hereafter: "Attorney General's Guideline") regarding the right to protest.

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<sup>2</sup> Nir Hasson and Yaniv Kubovitz, [Israel Police's war against Arab protestors](#), Haaretz, 16.08.2014. Another large group of protestors who were arrested en masse were Palestinian youth, who demonstrated in occupied East Jerusalem.

<sup>3</sup> John Brown, Noam Rotem, [Imprisoned for Incitement on Facebook? Only if you're Arab](#), +972 Mag, 10 July 2015.

<sup>4</sup> See for example: Ofra Edelman, [Quiet, we're fighting | "Protective Edge" new high-water mark in the silencing of criticism of war](#), Haaretz, 8.8.2014 [Hebrew].

The Israeli police's overall conduct at demonstrations indicated a failure to respect the right to protest, the legally permissible grounds for arrest, and the legal rights of detainees, minors as well as adults. The police often hastened to disband demonstrations, protests or vigils even when there was no danger to public order. The police engaged in various practices including improper, arbitrary and baseless mass arrests of demonstrators; preemptive arrests of citizens prior to their attending demonstrations; interrogations of minors late into the night and without parental supervision as required by law; and the imposition of harsh and disproportionate conditions for the release of detainees from police stations. In cases of alleged incitement to violence, the police refused to disclose to defense attorneys the statements that were supposedly made by the accused. Moreover, in many cases, the police used violence against protestors, which at times even resulted in individuals' hospitalization.

The scope of the police's arrests during the war in Gaza cannot be ignored. In fact, the conduct of the police during the demonstrations indicated that mass arrests were deliberately employed as a tactic to quell protest activity. Within one month, around 1,500 protestors were arrested, the vast majority of them Arab, including a significant number of minors. In subsequent interrogations, the police often asked detainees about their political views and the contents of their protest slogans, even though political speech is legally protected.

For example, during a series of protests in Nazareth between 8 July and 22 July 2014, the police arrested almost 50 protestors, 19 of whom were minors aged 12 to 18. Most of the detainees, including the minors, were arrested after midnight and were forced to undergo interrogations without the presence of their parents (which is illegal in the case of minors). The police also conducted their questioning in Hebrew, which is the minors' second language and thus posed difficulties for them to fully understand the questions and charges being made against them. Furthermore, a significant number of the detainees noted that they were not actively participating in the protests at all, but were arrested because they were standing on the main street where the demonstrations were taking place. Some of the minors were kept in detention for several days after the protests, and were released with extremely harsh conditions including orders to stay away from their homes for several days or being put under prolonged house arrest, in contravention to the courts' rulings.<sup>5</sup>

At three other demonstrations that took place in Haifa between 15 July and 19 July 2014, the police arrested 45 protestors, four of whom were minors. The demonstration on Ben-Gurion Street on 18 July began as a protest vigil, which does not require a permit. With the approval of the Police Commander at the scene, the vigil became a protest march along an adjacent street. However, the police officers then attacked the demonstration, dispersed it by force, and arrested 29 protestors. All of the detainees noted that they had been arrested on the sidewalk, where they were standing in protest. Some reported that officers continued striking them even after they had been detained. The visible marks of the police's brutality on the protestors' faces and bodies, however, did not influence the judges' decisions: many were remanded in detention without sufficient grounds, and were even denied basic medical treatment.

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<sup>5</sup> Hagar Sheizaf, [Following wave of protests, Israel arrests scores of Arab activists, minors](#), +972 Magazine, 23.07.2014; Adalah Press Release: [AG must investigate serious violations in police practices against Palestinian Arab demonstrators during summer of 2014](#), Adalah's website, 18.09.2014.

At another police-approved protest at the Misgav Junction, police used similar dispersal methods and arrested 20 protestors, two of them minors. Most of the detainees suffered serious physical injuries, but were nonetheless held in detention even though no offenses were committed at the protest.

One of the justifications used by the police for their dispersion of demonstrations was that the protestors had failed to obtain necessary permits. However, the majority of the protests in question did not require a permit according to Articles 83-84 of Police Order No. 12.01.06 (hereafter: "Police Ordinance"), which determines the criteria pursuant to which the issuance of permits for gatherings and marches are required. These regulations stipulate that a permit is only needed when organizing a march of 50 or more persons, or a gathering of 50 or more persons where speeches on a political subject would be made. The Attorney General's Guidelines repeat this rule and emphasizes in Articles 7-8 that even a demonstration with more than 50 participants does not require a permit, so long as there are no marches and no political speeches.

### ***Courts' compliance with police requests against protestors***

At detention hearings, the Israeli courts often complied with the requests of the police and the state attorneys, and ordered detainees to remain behind bars until the conclusion of legal proceedings. This is the most severe form of pre-trial detention. The courts also often decided to delay hearings and extend detentions of protestors for long periods of time until a very untimely arrest report on the detainee's case was submitted by the police. This practice was also true in cases of some minors who had no previous criminal records. Many minors even received the same legal treatment as adults, in violation of Israeli law (including Supreme Court rulings) and international legal standards.

For example, Judge George Azulai of the Nazareth Magistrates' Court decided to accept the police's requests and extend the detention of nine detainees for two months, until the end of trial – even though none of the detainees had a previous criminal record.<sup>6</sup> The indictments against these protestors were issued following their participation in a police-authorized demonstration that was organized by the High Follow-up Committee for Arab Citizens of Israel on 22 July 2014. Most of these orders to remand detainees until the end of trial abandoned the basic principle of individualized determinations that characterize the entire system of criminal law. Instead, the courts decided to remand individuals as a collective group, based on the argument that they posed a possible danger to the state's security due to the sensitive atmosphere during a state of war. Through this method, the police, the state attorneys and the courts effectively worked in unison to prevent the release of protestors.<sup>7</sup>

The police and state attorneys appealed every Magistrates' Court decision to release detainees, making exaggerated descriptions of the protests as public disturbances that endangered lives during the hostile

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<sup>6</sup> See for example: M.T. [Detention until the Conclusion of Legal Proceedings] 49030-07-14 **State of Israel v. Mahmoud Khateeb and others** (unpublished, 27.07.2014).

<sup>7</sup> See for example: the request for remand of detention until conclusion of legal proceedings filed in M.T. [Detention until Conclusion of Legal Proceedings] 49002-07-14 **State of Israel v. Ziad Barakeh and others** (unpublished, 27.7.14).

events of the war in Gaza. The courts accepted all of these appeals.<sup>8</sup> In addition, many judges expressed their sympathy for the war and their anger at protestors, who were viewed as hindering the police's fulfillment of their duty to maintain order and security during a highly sensitive period.<sup>9</sup>

Nearly 350 criminal indictments were filed against citizens who participated in demonstrations, with accusations of allegedly violating public peace, congregating unlawfully, acting unruly in public or acting violently. The large number of indictments speaks volumes about the state's attitude towards anti-war protestors and illustrates the extent and severity to which this method was used to suppress freedom of expression. The number is also significant because the courts' reviews of police conduct towards the protestors eventually found that the police in fact had little to no grounds to make the arrests.<sup>10</sup>

### ***Unlawful preemptive arrests***

Another common phenomenon was the police's use of unlawful "preemptive arrests" for the purpose of preventing and intimidating citizens from participating in or organizing protest activities. The police exploited and abused its authority in carrying out these arrests, which were made without any grounds or arrest warrants. Instead, the police justified these arrests based on charges against protestors for participating in past demonstrations. For example, the police arrested two protestors, K.V. and G.M., as they arrived in the Old City of Akka, where they had planned to participate in a protest that was to be held several hours later.<sup>11</sup> These arrests, like other "preemptive" ones, were made in violation of Articles 23 and 67 of the CPC, which stipulate that an arrest without a warrant may only be made if there is a reasonable suspicion that the individual has committed or is about to commit a crime.

Such preemptive arrests constitute a violation of the rights to liberty and freedom of expression, which are basic civil rights that cannot be restricted solely due to an assumption of a future 'offense'.<sup>12</sup> These arrests are also contrary to the Attorney General's Guidelines, specifically the section concerning "Police authority regarding unlawful congregation,"<sup>13</sup> which details the steps an officer is authorized to take if he or she has "reasonable grounds to presume that an unlawful congregation has taken place." Preemptive arrests are not among the actions authorized by this section. These arrests instead prevent

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<sup>8</sup> See for example: A.M.Y. [Preliminary Detention Appeal] 46090-07-14 **Israel Police – Honaah Coastal Region v. Muhammad Issa** (unpublished, 23.07.14); A.M.Y. [Preliminary Detention Appeal] 46085-07-14 **Israel Police – Hona'ah Coastal Region v. Ahmed Abu Katif** (unpublished, 23.07.14).

<sup>9</sup> See for example: A.M.Y. [Preliminary Detention Appeal] 41141-07-14 **Amir Jabareen and others v. Coastal Region Police / Headquarters Coastal Region – Haifa** (unpublished, 12.07.14).

<sup>10</sup> See for example M.Y. [Preliminary Detention] (Hadera) 10719-07-14 **State of Israel v. Muhammad Mahamid** (unpublished, 8.7.14); M.Y. [Preliminary Detention] (Hadera) 15546-07-14 **State of Israel v. Munir Abu Agbariyah** (unpublished, 8.7.14); B.S.A. [Request for Release on Bail] (Akko) 14995-07-14 **State of Israel v. Kial and others** (unpublished, 8.7.14); M.Y. [Preliminary Detention] (Haifa) 28416-07-14 **State of Israel v. Bar and others** (unpublished, 15.7.14); A.M.Y. [Preliminary Detention Appeal] (Haifa) 41151-07-14 **State of Israel v. Bar and others** (unpublished, 21.7.14).

<sup>11</sup> See: B.S.A. [Request for Release on Bail] (Akko) 14995-07-14 **Israel Police Akko Station v. Kial and others** (unpublished, 8.7.14).

<sup>12</sup> On this matter see: **B.A. [Request for Release]** 84/96 Sapiro v. State of Israel (1996).

<sup>13</sup> Paragraph 22.

*a priori* the exercise of the constitutional right to protest and to freedom of expression by deterring protestors from participating in lawful demonstrations.

### ***Conditional release including restraining orders, house arrests***

Another common tactic used by police during the war was to summon protestors who were released (without being brought before a judge) to return to the police station in order to sign an ostensibly routine document setting out their conditions of release, such as a promise to appear for an interrogation at a later date, even when there were no grounds for the arrest from the outset. Article 27(d) of the CPC details the conditions under which an officer in charge of a case may release a suspect with conditions, which may include the substitution of detention in prison for house arrest instead. According to the CPC, a suspect may be conditionally released only when there are reasonable grounds for suspecting a crime may have been committed, and that there were serious grounds for the detainee's initial arrest. Otherwise, the police are required to release the suspect without any conditions.<sup>14</sup>

In other cases, the release of detained protestors was subjected to disproportionately restrictive conditions. For example, a number of protestors were ordered to stay tens of kilometers away from their homes, while others were forced to stay under house arrest for lengthy periods of time. These restrictions were clearly disproportionate based on the alleged offenses and most individual's personal circumstances. In most cases, individuals were not charged with any serious crimes or posed any credible threat to public safety. The police could have instead imposed alternative conditions of release that would not have caused such substantive harm to the individuals' liberty. The conditions were thus not only overly severe, but served no purpose other than to harass protestors.

Other protestors who were conditionally released were interrogated only once by the police and were not required to return for a second interrogation. For example, on 15 July 2014, the police arrested S.T. at his home in Ar'ara and took him for interrogation at the I'ron Police Station regarding a protest that he had participated in. After he was ordered to remain in detention for up to 24 hours, the officer in charge decided to release him pending three conditions: that he commit to appear for an interrogation when asked, that he pay bail, and that he stay away from the "Wadi 'Ara area" for ten days. The final condition amounted to a temporary restraining order from his own home, despite the fact the police had no grounds for his arrest or any reasonable suspicion that a crime had been committed.<sup>15</sup>

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<sup>14</sup> On this matter see Rinat Kitai, **Detention: Removal of liberty before the verdict**, 212, 231-2 (2011) [Hebrew]. The **Hershkovitz** Case likewise addressed the question of the reasonableness and propriety of restricting conditions under the circumstances of a particular case, and found that the reasonableness of the conditions is to be examined by weighing the derogation of the rights of the detainee against the objective the police hopes to achieve: "One must be certain that the conditions stand in appropriate and suitable proportion to the actual danger the suspect represents, as well as the level of danger, and that they be examined in accordance with the nature of the restriction, which is to be weighed against the rights of the suspect, the nature of the rights and the degree of their derogation. This interpretation accords with the principles laid down in Basic Law: Human Dignity and Liberty." See B.S.P. [Various Criminal Requests] 2712/96 **Yosef Hershkovitz v. State of Israel** Piskei Din 30(2) 705, 711 (1996) [Hebrew].

<sup>15</sup> A.K. [Appeal of Officer's Decision] 38841-07-14 **Taher Siff v. Israel Police – I'ron Station** (unpublished, 23.7.14).

### ***Secret evidence in cases of alleged incitement to violence or terror***

During the war, Adalah was approached by numerous citizens who were arrested for comments they had posted on Facebook and Twitter, under the claims that they were inciting to racism or violence. Because of the sensitivity of opening investigations into such cases, which could have a chilling effect on citizens' freedom of expression, the Attorney General's Guidelines require that such investigations be conducted only when the individual in question has granted their permission to do so (Guideline No. 14.12 – Launching an investigation into a matter of great public sensitivity).

According to Article 34(24) of the Penal Code, any primary evidence for cases of racist or inciting remarks must be made available during the legal proceedings. However, in many cases, the police refused to allow the defense to review the remarks that formed the basis of the alleged offense for which the arrest had been made; the courts, meanwhile, frequently accepted the police's refusal to disclose the secret evidence.

One example is that of Raja Agbariah, who was arrested at his home in Umm al-Fahem on charges including alleged incitement to violence or terrorism on the basis of remarks he posted to Facebook.<sup>16</sup> As observed in many other cases, the supposed remarks for which he was arrested were not made available to his defense attorneys. In none of the similar cases Adalah encountered did the police provide a justification for the confidentiality of the alleged remarks for which the defendants were arrested. The refusal to provide these materials as evidence for the charges effectively undermined the very basis of the criminal proceedings in question, including the individual's right to due process, which should have subsequently rendered the entire arrest process itself as unlawful.

### ***Police violations of the Youth Act while arresting and detaining minors***

The enactment of Israel's Youth Act was intended to bring Israeli law into compliance with the UN Convention on the Rights of the Child and Israel's Basic Law: Human Dignity and Liberty. The norms and rules for the detention and interrogation of minors as stipulated by the Act were meant to improve the protection of the rights of minors, and to ensure that the minors' treatment would be distinct from that afforded to adult detainees. However, in the course of the anti-war demonstrations, dozens of minors were arrested in violation of Article 10a of the Youth Act, which forbids their arrest if the purpose of the arrest can be achieved by less harmful means. As noted earlier, in several cases, the police prevented the parents or relatives of the arrested child from being present in the interrogation room, thus obstructing the minor's right to consult his or her parents before questioning and further breaching the police's obligations under the Youth Act.

A number of minors were also arrested, held or brought in by the police for interrogation late at night or during the early morning hours, in violation of both Article 9 of the Youth Act, which prohibits the interrogation of minors at night, and in violation of the Police Ordinance, which mandates that a planned detention take place only during daytime. The law forbids the interrogation of minors at these

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<sup>16</sup> A.M.Y. [Preliminary Detention Appeal] (Haifa) 16410-07-14 **State of Israel v. Agbariah** (unpublished, 8.7.14); see also M.Y. [Preliminary Detention] (Hadera) 14475-07-14 **State of Israel v. Agbariah** (unpublished, 8.7.14).

hours, except in extremely unique cases, as such interrogations increase the danger of false confessions. In addition, in a number of cases, minors were temporarily barred from returning to their parents' homes as an alternative to detention, despite there being no appropriate consideration given to the possible consequences on the minors' welfare as a result of such decisions.

The police's frequent use of the "unique case" exception to the Youth Act also contravenes the intent of the law and has a discernible, harmful effect on the psychological welfare of the minors involved. Instead of treating minors with the sensitivity that their age demands, police officers preferred to ignore the provisions of the Youth Act time and again. The police did not consider the still-early stage of emotional and physical development of the minor, or the potential consequences of the minor's interaction with law enforcement authorities, or the minor's rehabilitation or reintegration into society after their experiences at the hands of the authorities.

### ***No accountability or protection from violence***

As previously noted, many demonstrators were subjected to police violence, both from the brutal protest dispersal methods used by the police and from being struck by officers during individual arrests. Further, the police falsely charged numerous protestors with assaulting police officers. The incitement and intolerance in the Israeli public discourse during the war also led to numerous assaults against anti-war protestors by organized groups of right-wing activists. For instance, at several protests in Haifa and Tel Aviv, right-wing activists cursed anti-war demonstrators, made threats against them, tore their signs, pelted them with eggs, stones and bottles, and even assaulted and beat them.<sup>17</sup> Although the duty of the police officers on the scene should have been, at least partly, to safeguard the protestors against such violence, the police rarely intervened and instead largely watched these assaults with indifference.

One of the primary causes for the police's brutality towards citizens in general and demonstrators in particular is the failure of the Ministry of Justice's Police Investigation Unit ("Mahash") to investigate and prosecute officers who have committed offenses. Adalah recently documented this failure of accountability based on official statistics acquired following a Freedom of Information Act request. Adalah found that out of 11,242 complaints filed to Mahash between 2011 and 2013, 72% were closed without opening an investigation, and 21% were closed after investigations – totaling 93% of complaints that were ultimately dismissed. 3.3% of complaints led to disciplinary actions against officers, and only 2.7% led to criminal prosecutions.<sup>18</sup> The state must take immediate action to ensure accountability for police violence against citizens and to end the culture of impunity provided by Mahash.

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<sup>17</sup> See for example: Roy Chicky Arad, [Right-Wingers Beat Haifa Deputy Mayor During Anti-War Protest](#), Haaretz, 20.7.2014; Yael Marom, [Once Again: Left-Wing Activists Assaulted After a Demonstration Against the War](#) [Hebrew], Sicha Mekomit, 27.7.2014.

<sup>18</sup> Adalah report, [Mahash: The Green Light for Police Brutality](#), September 2014.



## **C. Punishing Anti-War Views in the Workplace and at Universities**

### ***Firing of employees and pressure from employers***

Israel's labor laws – and in particular, the Equality of Opportunities in Labor Law of 1988 – prescribe and regulate the boundaries of permissible practices and behaviors in employer-employee relationships. Legal protections that are afforded to employees under Article 2 of the Equality of Opportunities in Labor Law include the prohibition of discrimination on the basis of race, nationality, religion or party affiliation with regards to hiring, working conditions, advancement, training or professional education, dismissals and severance payments. These laws prohibit employers from taking direct or indirect actions against their employees (e.g., dismissals) based solely on their national affiliation or political identity. This prohibition derives from the understanding that workers must be protected from their employers' possible heavy-handed abuses of power, and that without such protections, the employees' freedom of occupation and right to human dignity could be harmed.

During Operation Protective Edge, many Israeli employers took harsh measures against Arab workers on the basis of their political expressions. Such actions included summoning the employees for hearings or reprimands, imposing unfavorable working conditions, temporarily suspending the employees from work, and at times, full termination of their employment. The backdrops for most of these cases were strikingly similar: the employees had shared comments criticizing the state or its military operation in Gaza on their private Facebook accounts.

For example, in one case, an Arab maintenance worker in Safed was fired from his position after he shared a post on his Facebook account that included phrases condemning Israel's military operation in Gaza (the post was not even written by the worker, but shared from someone else's page).<sup>19</sup> The Mayor of Safed stated that, "Such utterances during wartime and while soldiers are fighting for their lives are unacceptable to me, and won't be tolerated on my watch. During such a time, one must sit quietly and not come out with such harsh statements." In a second case, an Arab worker in Beilinson Hospital was fired from his job after he posted on his Facebook page, "The Prime Minister of Israel, Benjamin Netanyahu, is the killer of Palestinian children", alongside a picture of Netanyahu appearing as a vampire with teeth dripping blood and a blue Star of David on his forehead.<sup>20</sup> The employee was summoned for a hearing and then fired.

In a third case, G.A., a psychologist who worked for the Lod Municipality, was fired after she expressed her opinion on her Facebook page following a deadly incident during the military operation. The Municipality stated that G.A. was fired, "for a disciplinary infraction bordering on criminal conduct, and for conduct that is improper for a public employee."<sup>21</sup> In a fourth case, an Arab physiotherapist who worked for the Bnei Yehuda football team was also fired from his position after writing on his Facebook

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<sup>19</sup> Documentation and identity of Facebook post confidential, on file with Adalah.

<sup>20</sup> Documentation and identity of Facebook post confidential, on file with Adalah.

<sup>21</sup> Documentation and identity of Facebook post confidential, on file with Adalah.

page, in response to the killing of the four Palestinian children in Gaza, that “these children were intentionally murdered” and that “some people in this country have become worse than monsters.”<sup>22</sup>

The media also covered additional cases that Adalah subsequently collected and documented. For example, the international accounting firm Ernst and Young conducted a disciplinary inquiry into the conduct of H.A.N., an accountant with the company, on the basis of a post she made to her Facebook account which read: “Until now I was silent. At work, too. Because it is forbidden. I’m an Arab woman who works with Jews, and there are clients. But as far as I’m concerned, let them fire me. A discussion on Channel 2 with 6 Jews against one Arab. They don’t let him speak, including the broadcasters. They don’t want to hear. Attacking. Stupid Nazis. Calling for murder, hate and occupation. And this is the Israeli problem. They aren’t interested in hearing the other side. And then they talk about further economically choking the Gaza Strip, because it isn’t working. Motherfucker. And anyone who says it’s not Nazism, don’t talk to me, delete me from your Facebook. I hate. Hate a lot. And you are shocked that there is Hamas and that rockets are fired.”<sup>23</sup> Following the disciplinary inquiry, the employee apologized and removed the post from her page.

A number of companies also chose to explicitly demand that their workers not express their political opinions on social networking sites. For example, the Vice-President for Human Resources at the telecommunications company Bezeq sent out a statement to workers demanding that they “conduct themselves with extra care, sensitivity and dignity towards others and towards the state while using social networking sites.” The statement further warned that, “the company will consider taking action against any employee who conducts themselves improperly, who incites, or who harms security and order within the state and the company, and who does not conduct themselves in accordance with the above description.”<sup>24</sup> Likewise, the CEO of Cellcom released a statement to employees demanding that they refrain from expressing political views on their private Facebook pages. The statement added that those who chose to express their views in spite of the company’s warning would be forced to remove any affiliation with Cellcom from their Facebook accounts.<sup>25</sup>

The examples above illustrate the general atmosphere that prevailed in many workplaces, which severely limited employees’ freedom to express opinions outside of the Israeli mainstream views and in opposition to the war in Gaza. In the majority of cases, the targeted employees were Arab citizens of the state, although in some cases Israeli-Jewish employees were also harmed after expressing anti-war views. Furthermore, the negative actions taken against employees who posted their opinions also led to self-censorship by thousands of other Arab workers out of fear that they would be fired if they expressed their opposition to the war.

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<sup>22</sup> Documentation and identity of Facebook post confidential, on file with Adalah.

<sup>23</sup> Documentation and identity of Facebook post confidential, on file with Adalah.

<sup>24</sup> Statement on file with Adalah.

<sup>25</sup> Statement on file with Adalah.

### ***Disciplining students and faculty members***

Like many employees whose freedom of expression was curtailed and who feared termination from work, many university students and faculty members also felt threatened and feared that expressing a dissenting political view would result in sanctions by their universities, or lead to aggression from other students or colleagues. Several students who did express these opinions on social networking sites were summoned for disciplinary hearings by their academic institutions, and in some cases faced sanctions including expulsions from campus or demands to remove their postings.

For example, A.H., a student at Western Galilee College, was summoned to a disciplinary proceeding and forbidden from entering campus until the disciplinary committee issued its decision regarding a post he published on his private Facebook account about the kidnapping of Israeli soldier Shaul Oron. He also received threats on his Facebook page from Jewish students at the college.<sup>26</sup> In another case, G.M., a nursing student at Emek Yezreel Academic College, was summoned for a “conversation with the Dean,” at which the Chair of the Nursing Department and the official in charge of Arab students were also present. At the meeting, G.M. was forced to answer questions about his Facebook posts, and was eventually summoned to a disciplinary committee. G.M. asserted that he was not allowed to explain himself at the meeting, that the university officials attacked him, and that his Department Chair repeated several times during the meeting: “Oh, I can’t stand him. He is feigning ignorance right now.”<sup>27</sup>

Adalah was informed of other such cases by students directly, including the following three.<sup>28</sup> In one case, A.A.M., a medical student at the Technion Institute, was summoned to a disciplinary committee, where it considered expelling him from the institution after he posted the following on Facebook in Arabic: “The Palestinian team scored 3 goals despite not participating in the World Cup.” A.A.M. was threatened repeatedly after a screenshot of his post was widely shared on the internet. In a second case, M.S., a mechanical engineer at Atid College, was summoned to a disciplinary committee after he posted in Arabic: “13 dogs, may God be with Gaza,” referring to thirteen Israeli soldiers who were killed in an incident during the operation. The Committee decided that M.S. must publish an apology on his Facebook page. In a third case, M.W. was threatened by two female students at Ramat Gan College after she shared a photograph from a news headline as it appeared on the television screen, regarding a report on the three Israeli teenagers who were kidnapped and killed in the weeks before the military operation in Gaza. In this case, Adalah sent a letter to the relevant authorities at the college to request that action be taken to ensure the student’s safety.<sup>29</sup>

In addition to individual cases, several academic institutions released statements that were intended to deter students and faculty members from expressing themselves on social networking sites. For example, Tel Aviv University released a statement on its website under the title, “Tel Aviv University embraces the security forces and condemns harmful responses on social networking sites.” The

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<sup>26</sup> Documentation and identity of Facebook post confidential, on file with Adalah. Letter on file with Adalah, sent 3 August 2014 (no response received).

<sup>27</sup> Documentation and identity of Facebook post confidential, on file with Adalah.

<sup>28</sup> Documentation and identity of Facebook posts confidential, on file with Adalah.

<sup>29</sup> Letter on file with Adalah, sent 7 July 2014.

statement, which was signed by the University's Rector, President and Executive Director and also sent to all the university's students, read: "Tel Aviv University denounces and condemns in the strongest terms the harmful and extreme statements that have been spread on social networking sites in recent days and which are unsuitable for the public discourse." It added that: "the University will take action in accordance with the disciplinary codes which apply to students and employees whenever they are violated."<sup>30</sup> Another statement issued by Ben-Gurion University in the Negev and signed by its President read: "The University condemns extreme and harmful statements and denounces them. The University is following the discourse on the internet and if need be, it will take action on the basis of its disciplinary codes and even turn to the police."<sup>31</sup>

Following the release of these statements by the universities, Adalah sent a letter to the Israeli Minister of Education, the Chairman of the Council for Higher Education at the time, and the Vice Chairman of the Council for Higher Education requesting that they take immediate action to advise the heads of academic institutions and those responsible for disciplining students not to impose sanctions on Arab students for their comments, and to cease the issuing of statements aimed at limiting students' and faculty members' freedom of expression.<sup>32</sup> No response to this letter was received.

Notably, all of the students whose cases have been detailed above were Palestinian citizens of Israel, suggesting that this group was particularly vulnerable to university sanctions for expressing unpopular political views. Despite the fact that these views fall within the students' constitutional right to freely express their opinions, which academic institutions have no authority to curtail (especially when they are voiced off campus), the incidents described above indicate that academic institutions nevertheless asserted their authority not only to impose restrictions on their students' freedom of expression, but also to punish them for exercising that freedom.

### ***Entry to Arab communities and provision of essential services***

During the war, a number of service-providers forbade their representatives from entering Arab communities in Israel, which resulted in a collective cessation of service provision on the basis of nationality, in serious violation of the Prohibition of Discrimination in Products, Services, and Entry into Public Places Law – 2000.

For example, Bezeq, the largest and leading telecommunications group in Israel, forbade its technicians to enter Arab communities at the outset of Operation Protective Edge. Some Arab residents even received messages to this effect on their mobile phones, which read: "Following recent events and per the recommendation of the Israeli Police, Bezeq technicians will not be permitted to enter the communities of the Arab sector. Bezeq apologizes for the situation that has developed and will do everything in its power to provide services." Upon learning of complaints from residents of Arab communities in the Galilee, who said that Bezeq would not permit its technicians to enter communities

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<sup>30</sup> Statement by Tel Aviv University, issued 24 July 2014.

<sup>31</sup> Statement by President of Ben-Gurion University, issued 27 July 2014.

<sup>32</sup> Adalah Press Release, [Adalah demands that Israeli academic institutions and employers retract punitive measures against Arab students and workers for anti-war opinions on Gaza](#), 06.08.14; letter on file with Adalah, sent 31 July 2014.

where anti-war demonstrations were taking place, Adalah urgently contacted Bezeq, the Minister of Communications and the Attorney General demanding the cancelation of the company's policy.<sup>33</sup> The response to Adalah's letter explained that Bezeq had not reached any formal decision to cease the provision of services to all communities in the Arab sector, but that the cessation of the company's services was subject to the instructions of the state's security authorities.<sup>34</sup>

In addition, Adalah received reports indicating that Partner-Orange Communications similarly forbade its technicians from entering Arab communities and providing services. Adalah again sent an urgent message to Partner-Orange Communications, the Minister of Communications and the Attorney General asking that the company cancel its decision.<sup>35</sup> In response, Partner Communications denied the allegations and insisted that its services were continuing as usual.<sup>36</sup>

Moreover, the Ministry of Health headquarters for the Hadera District ordered the closure of its Mother and Child Clinics in the Arab town of Umm al-Fahem, which provided services under the National Health Insurance Law – 1995, Adalah learned of these closures from media reports that indicated that the clinics would be closed due to the demonstrations being held in the town. Adalah responded by writing to the Minister of Health and Attorney General urgently requesting that they order the cancellation of the clinic closures and order the Ministry of Health in Hadera not to engage in collective punishment.<sup>37</sup> Adalah was informed that the Mother and Child Clinics in a number of other communities had also been closed under orders from the Israeli police and the Security Division of the Ministry of Health.<sup>38</sup>

## **D. Conclusion**

Throughout the summer of 2014, Israeli law enforcement authorities united under the banner of “zero tolerance” of opposition to Operation Protective Edge. This policy was manifested in the suppression of non-violent anti-war demonstrations, mass arrests and detentions of 1,500 protestors, the filing of 350 criminal indictments, wide-ranging police brutality and violence, and unlawful preemptive arrests. Ordinary citizens with no prior criminal records who wanted to express their opposition to the war suddenly found themselves behind bars for prolonged periods of time with no legal justification. Minors with no criminal records were also imprisoned with no consideration for their age and or personal circumstances.

The Israeli authorities vigorously suppressed the rights of detainees, opposing their release and failing to conduct any criminal investigations into violations committed by the police against protestors. Despite the vast number of arrests and the high rate of minors among those arrested, no criticisms were heard from other bodies entrusted with supervising the law enforcement authorities. On the contrary, those

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<sup>33</sup> Letter on file with Adalah, 7 July 2014.

<sup>34</sup> Response of Bezeq on file with Adalah, 13 July 2014.

<sup>35</sup> Letter on file with Adalah, 7 July 2014.

<sup>36</sup> Response of Partner-Orange on file with Adalah, received 8 July 2014.

<sup>37</sup> Letter on file with Adalah, 7 July 2014.

<sup>38</sup> Responses of MOH on file with Adalah, received 8 July 2014 and 26 August 2014.

bodies complied with or openly supported the subjugation of demonstrations and the violent conduct of the police towards protestors. The Israeli courts during the war supported the requests of the police and the state attorneys and used their powers (and in some cases even superseded those powers) in severe and/or illegal ways against Palestinians citizen protestors and other anti-war activists.

In view of these serious trends during the war, Adalah concluded that the attitude of the Israeli law enforcement authorities has not changed since the grave events of October 2000, nor since the police's gross misconduct against protestors during Israel's previous military offensive in Gaza in 2009.<sup>39</sup> Further, the incidents described in this report indicate that a public atmosphere of intolerance, racism, persecution and incitement characterized the most recent war. Social networking sites became a frontier for targeting individuals opposed to the war on Gaza, with employees harassed and followed by co-workers and sometimes fired for online posts or statements. The situation was just as severe for students and faculty members, whose political activities were closely monitored by universities and who faced disciplinary measures for speaking out against the military operation. Altogether, the widespread phenomenon of Israel's restrictions on the freedom of expression of Palestinians citizens reached a point to which that freedom was almost rendered non-existent, all with the aim of silencing opposition against a devastating war.

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<sup>39</sup> Adalah Special Reports, [The October 2000 Killings and the Or Commission](#); Adalah report, [Prohibited Protest](#), September 2009.