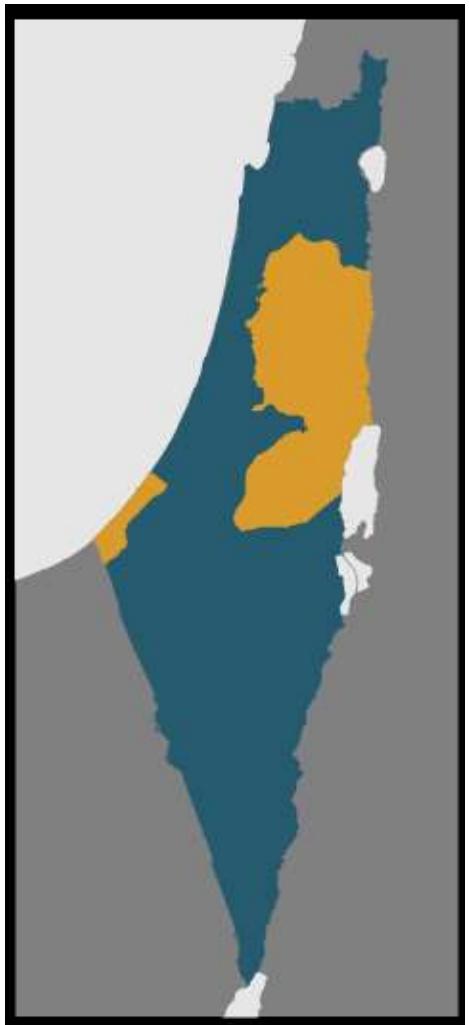


# The State of Israel Vs Palestinians

IN THE OCCUPIED PALESTINIAN TERRITORIES AND ISRAEL

# The territory, the people and the law



# Going online in the OPT prior to 2014

- ▶ Charges of conspiracy, contact with the enemy, membership of illegal organizations – Based on confessions in interrogations.
- ▶ Evidence of online surveillance classified as secret evidence.
- ▶ Military surveillance, no need for court order or justification. No official right to privacy or freedom of speech.

# The Events of 2014

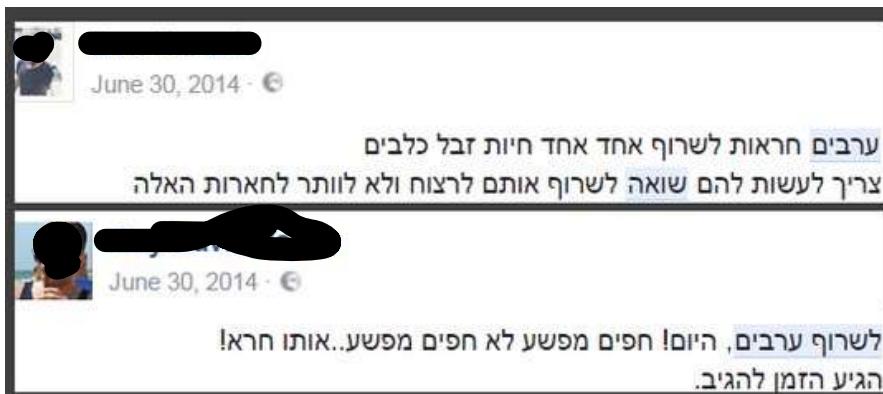
12. 06.14 – 3 teenagers from an Israeli settlement are kidnapped and murdered by Hamas terrorists.

4

The Israeli Army, conduct a massive operation in the West Bank in an attempt to find them. Hundreds of Palestinians are arrested and interrogated.

Israeli rightwing sites and especially Facebook pages call for direct revenge.

On 30. 06.14, the bodies of the 3 teenagers are found. The following two days are full of online rightwing incitement, specifically with direct calls to “burn Palestinians”.



# The Events of 2014

- ▶ Two days later on 02.07.14 three Israeli settlers kidnap a Palestinian teenager from East Jerusalem and burn him to death.
- ▶ Massive protests break out in response in the West Bank and Jerusalem. Hamas, in Gaza, fire missiles to the south of Israel which marks the beginning of the 2014 Gaza war.
- ▶ During the war, incitement on the net reaches new heights and pressure is mounts on the police to react.

# The First Facebook Arrest

- ▶ On the 28.08.14, two days after the Gaza war ends, the Israeli police arrest, a 33 years old Palestinian from Hebron for 3 comments he posted during the Gaza war.
- ▶ “Shfar’am son, Ghassan Alian, is responsible for the massacre of children in Gaza... People of Shfar’am you are killing us, you who speak Arabic and live in Palestine and agreed to let your sons murder us... the massacre of the Gaza children, signed by a Druze man from Shfar’am, would go down in history. ”
- ▶ “To the honorable people in Shfar’am, who know the family of criminal Israeli officer Ghassan Alian who is responsible for the massacre of the children in Gaza. You should call us and send us their telephone numbers. Thank you.”
- ▶ “Tonight is the big demonstration at 10:30 to support our brothers and sisters who suffer in Gaza. Tonight is the night of the Molotov”



# The Legal Proceedings

7

- ▶ First arrest in Israeli civil court – Questions of jurisdiction.
- ▶ Transfer to the military court – More questions of jurisdiction.
- ▶ The indictment includes five counts : threatening a soldier, insulting a soldier, an attempt to solicit others to throw an ignited object, calling for a political rally without a permit and publishing a political announcement without a permit.
- ▶ Released on bail. Sentenced to six month suspended sentence and fine two years later.

# The Knifes/ Lone Wolves Intifada

- ▶ On the eve of the Jewish New Year 2015, a group of rightwing organizations supported by rightwing parliamentarians, orchestrate a high profile visit to the grounds of Al the Aqsa mosque in Jerusalem.
- ▶ Palestinian social media floods with calls to protect the mosque because the Jews want to conquer it.
- ▶ This starts a period of a year and a half of mostly solitary knife attacks by young Palestinians answering the call.
- ▶ The Israeli Security services having difficulties stopping the attacks as most of its intelligence is based on Palestinian organizations informers, while most of the attackers are not affiliated with the organizations and decides to commit their actions on the day of the attack.

# The Legal Response

- ▶ Most of the attackers are killed during the attack but those who aren't are investigated. Lawyers getting input that army psychologists are present in the investigations and are allowed to ask question of their own.
- ▶ A couple of month later a wave of arrests begins (About 300 cases a year) related to content published on the internet. Some of them are prominent figures in Palestinian society with thousands of online followers but most are young Palestinians who publish posts supporting the dead attackers.
- ▶ They are all charged with the felony of incitement:



# The Legal Response

- ▶ “A person who:
  - ▶ (1) tries, whether verbally or otherwise, to influence public opinion in the region in a manner that is liable to harm the public peace or the public order,
  - ▶ or
  - ▶ (2) does any act or holds any object with the intent to either facilitate the implementation of an attempt to influence public opinion in the region in a manner that is likely to harm the public peace or public order, or publish statements of praise, sympathy or support for a hostile organization, its activities or objectives, or acts in an act of identification with the hostile organization, its activities or its objectives or sympathy for them, or symbol or a password, or an anthem or a slogan, or any act of similar disclosure that clearly reveals such identification or sympathy, and all in a public place or in a way that people are in a public place can see or hear such a manifestation of sympathy -
- ▶ Shall be sentenced to ten years' imprisonment.”

# The Legal Response

- ▶ The military courts started to ask questions:
  - ▶ Someone that writes online that “god will keep the soul of ...” a dead terrorist - are they inciting?
  - ▶ Someone who praises a terrorist on Facebook and who has 30 friends, who are all his family, and they get 8 likes on the post, all from their family – are they inciting?
- ▶ The problem for the military was that the psychological model that was built showed that those were exactly the people they were looking for...
- ▶ The court started to question the model:

# Military Court of Appeals – The Military Prosecutor Vs Naaman Hamed

"In my opinion, the Shin Bet report requires a number of "warning remarks": While it sounds reasonable, it points to a link between Internet publications and attacks, but it does not prove an unequivocal causal link. It is necessary to avoid the cognitive bias of "framing", which is where things appear to be more severe or more common than they are because of the way they are presented. If 70% of the 73% of terrorists (which constitutes 46% of the terrorists) write "extremist" content on Facebook before leaving to attack, then more than half of the individual hazards (54%) did not write any extreme expression on Facebook.

It is also necessary to examine the connection between the violence and the inciting publications. First of all, it is necessary to examine whether this connection is real and significant, and this, as stated, has not yet been proved. It is not clear whether the arrest and prosecution of young people who wrote a furious "post" is indeed helping in reducing the phenomenon of lone wolf attackers, or is it about "searching for the coin under the light," dealing with an easy-to-handle strategy that could lead to neglecting the search and dealing with other risk factors. It is also necessary to examine whether it is correct to limit the expression of Palestinians on social networks, which are also likely to serve as a valve for dispelling feelings of frustration and anger, and whether the criminal punishment of overt expressions of anger will not lead to diverting the discourse on social networks into even more secret and dangerous channels."

# From Criminal to Administrative Law

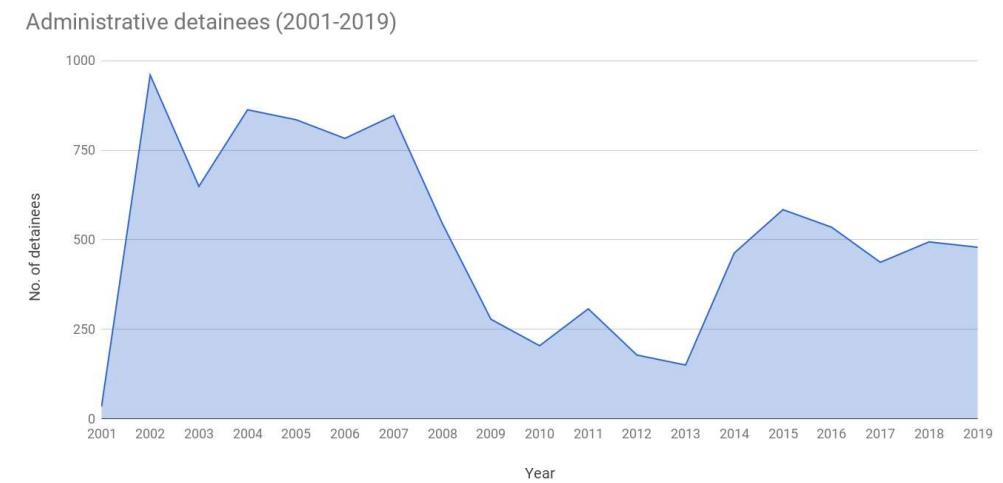
## Administrative law :

Doesn't require  
criminal  
evidence

Based on secret  
evidence not  
shown to the  
defense

Preemptive  
justice  
justifications

**50% rise in administrative  
detentions since 2015, most of  
them cases that were released  
from the criminal law path.**



# Online Extremism and Terror Attacks by Israeli citizens

- ▶ Israeli citizens are involved in around 5% of all terror attacks in Israel and the OPT.
- ▶ Since 2014, there has been an increase in the involvement of Israeli Palestinians and right-wing Israeli Jews in terror attacks.
- ▶ Incitement and radicalization attempts online have reached new peaks during that period.
- ▶ The law in Israel allows the indictment of a person on the felony of incitement only with the approval of the Attorney General.
- ▶ Since 2015, the Israeli prosecution has filed over 250 indictments against Israeli citizens. Out of them, only 8 were against Israeli Jews.

# Israeli Rightwing Incitement

- ▶ The “Hate Report”, a project of the Berel Kazanelson Fund, monitoring online incitement in Hebrew, has found that 90% of online incitement in Hebrew is directed against Arabs, African asylum seekers, and leftists. In 2016, it identified 170,000 such comments, a third were direct calls to murder.

N1

בוקר עם הרבה אנרגיות לשחות ערבים!!!



cosa אמא שלו עוד ערבי מתחנגל לפעם הباء שילמדו לפני שורפים מתעללים נוטנים לסופי ליאו אותו מתחת חותכים לו כמה אכבעות עוקרים לו את העניים ואז שופכים עליו דיק ונוננים לו לrox בשדה בעור ואז שמיס את הגופה בחומצה שלא יהיה דין אי זהה !! יש בעיה לשמאלנים המתאפיינים מה איתם מוחמנים לבוא אליו בכיר אחד !! אני יmani קיצוני וגאה בזה !!!

Like · Reply · 7 hrs

אתם מבנים למה אני תמיד כותב שrok תא' גדים לחישול המוני יציל את ישראל מאנשי השמאלי המזווינים ?? אם אמא של מחבל הייתה מאושפצת אז צה"ל היה מביא את המחבל מעצר כד' שיגידו שאחננו מוסריים ... זין על המוסר של צה"ל המוסר של צה"ל זה הכח של המחבלים . ואיפה המוסר כשבא של חיל זוקן לו ? ... שמאלנים זונות בני זנות

Like · Reply · 8 hrs

וואי איזה חלום היה לי ,, אני נכנס לבית חולים למחלקה يولדות ויש שם את כל הקופסאות עם התינוקות בפנים ואז אני מוציא סכין שחיטה מהמעיל ועובר ליד כל תינוק ואיפה שיש תינוק ערבי אני שורף לו את הראש ואיפה שיש תינוק יהודי אני שם תיקון הכללי,,, החלום הכי ורוד שהוא ל' עד היום



הצעת חוק חדשה: במקום תרגול כפרות צריך לשחות ערבים



אני חזדר ואומר אנחנו צריכים ללקחת את החוק לידיים היום צריך להתחיל לשחות ערבים בכל הארץ כי זה לא יגמר עם כל הממשלה הפחדנית שלנו היום זה צריך להתחיל

**N1**

Nery, 11/06/2019



Like Page

כל האויב הוא עם שלם, על זקניו ונשי, ערוי וכפרין, רכשו ותשתיותין. נוטני המחסה, מספקיו הרכב, וכל מענקיו הכבוד והתמייקה המורלית. ככל לוחמי האויב וכולם דם בראשם. עכשו זה כבר כולל גם את האמהות של השआהדים, שלוחות אוטם לגיהינום בפרחים ונשיקות. הן צריכות לכת בעקבות בנינה, אין דבר צדק מוה. הן צריכות לлечת, וגם הבית הפיזי שבו הן גידלו את הנחש. אחרית יגדו שם נחשים קטנים נוספים.

# Indictments Against Israeli Palestinians

- ▶ The indictments are divided into two kinds:
  - ▶ Cases against those who glorify dead terrorists online.
  - ▶ Cases against those who call for resistance – Intifada.

Most of the cases are against people with a large number of followers

# The case of Dareen Tatur

Resist, my people, resist them.  
In Jerusalem, I dressed my wounds and breathed my sorrows  
And carried the soul in my palm  
For an Arab Palestine.

20

I will not succumb to the “peaceful solution,”  
Never lower my flags  
Until I evict them from my land.  
I cast them aside for a coming time.  
Resist, my people, resist them.  
Resist the settler’s robbery  
And follow the caravan of martyrs.  
Shred the disgraceful constitution  
Which imposed degradation and humiliation  
And deterred us from restoring justice.  
They burned blameless children;  
As for Hadil, they sniped her in public,  
Killed her in broad daylight.  
Resist, my people, resist them.  
Resist the colonialist’s onslaught.  
Pay no mind to his agents among us  
Who chain us with the peaceful illusion.  
Do not fear doubtful tongues;  
The truth in your heart is stronger,  
As long as you resist in a land  
That has lived through raids and victory.  
So Ali called from his grave:  
Resist, my rebellious people.  
Write me as prose on the agarwood;  
My remains have you as a response.  
Resist, my people, resist them.  
Resist, my people, resist them

Thank you