



“Day of Rage”: Deprivation of Freedom of Speech of the Bedouin Community in the Negev-Naqab

Text: Michal Rotem

Research: Ori Tarabulus, Ratb Abo Krinat and Michal Rotem

English Translation: Rachel Ben Porat

English Editing: Yehudit Keshet

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Cover photo: 3 protesters handcuffed during the “Day of Rage” demonstration in Hura. Photography: Activestills



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Activestills Collective site: Activestills.org

Haim Schwarczenberg's Facebook page: Facebook.com/Schwarczenberg

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Introduction

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

(Universal Declaration of Human Rights, 1948: article 19)

The pursuit of freedom of expression is a human right and one of the basic principles of democracy. In Israel this right is not embedded in a law but various verdicts of courts at different levels of the legal system, have established freedom of expression as a constitutional right. Freedom of expression is even of more importance in case of minorities, especially when their point of view is different from that of the majority. The Knesset (Israeli Parliament) is currently deliberating discriminatory laws relating directly to various groups in the country. Members of these groups must retain the basic right to voice their opinions, to protest and demonstrate.

In 2007 the government of Israel already decided to appoint a committee to recommend a settlement policy for the Bedouin of the Negev¹. Based on this decision, different committees worked throughout these years, culminating in the "Program for Regulation of Settlement of the Bedouin in the Negev" also called the "Prawer Plan" which was approved by the government in September 2011². As the legislation process of the plan evolved, the protest against the plan grew amongst the Bedouin population as well as in the public at large. The demonstrations which were organized by the Bedouin community in the Negev known as "days of rage" were forcefully suppressed by the authorities. Instead of carrying out their task of ensuring the right to freedom of expression, the police response to the community's protest against a plan which will destroy their villages and forcefully transfer tens of thousands of citizens, was cracking down on demonstrations.

¹ Government decision No. 2491, 28.10.2007

² Government decision No. 3707 dated 11.09.2011

The report will show the practices used by the authorities such as warning talks, lengthy detentions, indictments and means of dispersing demonstrations, in order to suppress the protest of the Bedouin community against the Prawer Plan.

The report will concentrate on the “day of rage” demonstration in Hura on November 30th 2013. No doubt that this was an exceptional demonstration which also represents a turning point since the Prawer Plan was tabled after this demonstration. Amongst others, the report will deal with the demonstration itself, the practices used by the police before, during and after the demonstration, as well as testimonies of participants in the demonstration. It should be noted that the police used violence and arrests in previous demonstrations in the Negev and throughout Israel against the Prawer Plan. This report however focusses on the central “day of rage” on November 30th.³

The ‘Day of Rage’ Demonstration in Hura

The third “day of rage” demonstration took place on Saturday November 30th 2013, in a field close to the entrance of the Bedouin town of Hura. The demonstration was advertised for weeks in the social networks and eventually about 1000 people attended. The demonstration was approved by the police the day before and started as planned at 15:30⁴.

Although the demonstration was legal, the police used means (before, during and after) which usually are not used in demonstrations with permits and even in demonstrations which at a certain point are declared illegal.

³ All data in the report are valid to 23.06.2014

⁴ Session of the interior and environment committee dated 13.12.2013, protocol no. 155



Demonstrators chanting slogans against the Prawer Plan at the beginning of the demonstration. Photo: Activestills

Warning Calls

In the days prior to the ‘days of rage’ in the Negev, several prominent activists were summoned by the police. When questioned by the Knesset Committee for Internal Affairs, Deputy Superintendent of Police Ilan Peretz, deputy chief of the Negev region, answered that he learned about the demonstration on Facebook. According to him the purpose of tracking the organizers was to coordinate “the location for the demonstration, parking, transportation and scheduling, in order to ensure the safety of the public as well as the safety of the demonstrators”⁵.

The activists who were summoned to the police or were visited in their homes by the police didn’t see it as a way of coordinating their demonstration but rather as a

⁵ Note 4

means of sabotaging it. Most of the activists chose not to come to the police station but two of them who did so were questioned by the intelligence officer of the Bedouin towns' police, the advisor and deputy for Arab affairs in the region and another operational office, to call off the demonstration or at least to postpone it. These activists were charged with being the main organizers and were asked to take responsibility for the demonstration.

The Course of the Demonstration

The demonstration started at 15:30 with about 1000 participants who stood in a field close to route 31. The demonstrators called slogans against the Prawer Plan and held banners and flags. Hundreds of civil police faced the demonstrators and some of them took photographs of the participants. After about an hour, around 16:25, the policemen were replaced by a police special unit and by the paramilitary Border Police, all wearing battle helmets. At that time when the demonstration was still peaceful, two big water cannons started maneuvering in front of the demonstrators. Without any provocation or change on the ground, the police started to activate various devices for crowd dispersal. After these moves by the police, the demonstration heated up. The confrontation started around 16:30 after mounted police charged the crowd knocking people to the ground and the demonstrators reacted by throwing stones and other objects at them.

The police then used water cannons, spraying the crowd, harming children and elderly people. They followed this with tear gas and shock grenades fired into the crowd which was trapped In the field with no way of escape. Although a helicopter called the demonstrators to disperse, there was no way they could leave the field as it was smothered in tear gas.



Demonstrators escaping tear gas grenades in Hura junction. Photo: Activestills

The gassing continued even after it became dark which increased the danger for the trapped demonstrators since they could not see from where the gas and shock grenades were being thrown at them. Huge clouds of gas penetrated the vehicles and buses attempting to leave the site and even reached homes in the nearby Bedouin village of A-Sayyed. According to the media the confrontations continued until 23:00.

Devices for Dispersing Demonstrations

During the demonstration the police used a variety of devices for crowd dispersal which are not usually used against citizens within the green line. As soon as the confrontations started, mounted police charged the crowd and water canons were simultaneously deployed. This mode of operation is contrary to police regulations

whereby water cannons can be operated only after using mounted police⁶. Two water cannons were used, one spraying plain water and the other water with dye. Although police regulations state that “the water jet has powerful effect which can cause serious physical damage and therefore should be used with care”⁷, the water jets in the demonstration were used indiscriminately striking children and elderly people.



Mounted policeman strikes a protester during the demonstration. Photo: Haim Schwarczenberg

Subsequently, the police started using shock grenades and tear gas. A helicopter was also deployed. Shock grenades are not supposed to cause physical damage however during the explosion a fire flash of high temperature occurs which can cause damage or injury⁸. According to instructions a grenade should be thrown from

⁶ Israel Police, “Police Handling of Order Violation During Demonstrations”, procedure no. 90.221.012, page 13, article D(1)

⁷ Note 6, page 13, article D(4)

⁸ “Means for dispersing demonstrations in the occupied territories”, Btselem, December 2012, page 21

a distance of at least 5 meters from the target. However one of the demonstrators reported that while he was handcuffed and lying on the ground, a policeman threw a grenade at him which caused a burn on his back. The police sprayed enormous quantities of tear gas at the demonstrators. Tear gas is a chemical causing a sense of suffocation as well as severe stinging and tearing of the eyes. Inhalation of large quantities of tear gas may cause burns and damage to the eyes and lungs⁹. Even when it became dark the police continued firing tear gas at the hundreds of protesters who couldn't see the grenades raining down on them.

"My partner and I wanted to go home because we couldn't stand any more being in the field, we were suffocating from the tear gas but it was already dark and we couldn't find our car. The helicopter above us kept announcing that the demonstration is illegal and demanding that the crowd disperse. But we didn't have where to run to. Close to the road the mounted police acted wildly and gas and shock grenades were fired so we couldn't get out of there. We tried to run with our faces backward to make sure that nothing hits us but it was very dark and suddenly a tear gas grenade fell between us. We ran separate ways and suddenly I found myself alone in the field in the dark. I almost collapsed and couldn't go on, I was sure I was about to die in the middle of the field to be found dead in the morning. I walked slowly, slowly. Coughing all the time until I reached the nearby Bedouin village. Tens of protesters gathered there trying to catch their breath, no ambulance, nothing. It was a feeling of total helplessness".

Testimony No. 1: an activist who participated in the November 30th demonstration¹⁰

⁹ Note 8, page 7

¹⁰ Date of interview : 23.06.2014

Deputy Police Superintendent Peretz, who commanded the police force in the demonstration, confirmed that a special undercover unit (policemen disguised as Arabs) operated in the demonstration but claimed that they acted only in the evening hours. Details of their operation were given in a confidential discussion to which we have no access. To Knesset member Ahmad Tibi's claim that an undercover policeman forcibly arrested a minor while pointing a gun at him, Peretz answered that this was an investigator in civilian clothes and not an undercover policeman¹¹. At the court hearing for extending the detention of some of the protesters, the police prosecutor said: "it is no secret that intelligence officers both in uniform and in civilian clothes participated in this demonstration"¹².

Detentions

50 demonstrators were detained during and after the demonstration. They were transferred to the nearby police station and most of them weren't told the reason for their detention, although this is required under Israeli law¹³. The demonstrators reported that the detentions involved violence, some of them reported physical and verbal violence that continued inside the police station and even at the hospital. During the court hearing regarding prolonging the detention of some of the protesters, the court noted in respect to one detainee: "it seems he was wounded in his face and head, the suspect has a hemorrhage and considerable swelling under his left eye"¹⁴. With regard to another detainee the note is: "the court has noticed a severe bruise in the lower back and the left arm"¹⁵. In spite of the massive detentions, only 17 indictments were made against some 34% of all the detainees.

¹¹ Note 4

¹² The State of Israel against N. Alkian (detainee) and others, No. 1755-12-13, page 8, 01.12.2013

¹³ Israeli Penal Code (Enforcement Authorities – Arrests), 1996, article 24(A)

¹⁴ Note 11, page 4

¹⁵ Note 11, page 30

"I left the demonstration with three of my children and went to drink something in Hura before going home. We were walking along the road when suddenly we heard a noise and policemen running. My children said right away: "Dad they are running at us". I told them to do nothing and just keep walking. But the policemen came right at us and started hitting us. We were handcuffed and pushed down with our faces to the ground and then the kicking started. About 20 policemen jumped on us and beat us up.

They argued among themselves whether I was dead or alive and my son asked me if I was alive. The policemen said "Why shouldn't we shoot each one of them in the head". One policeman said that I was dead while another one said: "Wake him up". Then they started the beating again. Suddenly they gathered around us and started singing 'happy birthday' and one of them peed on my head. They dragged us handcuffed for 350 meters to the police cars where there was light and their commander said: "From here on everything is filmed so no more beating".

They brought me for investigation to the police station and the policemen wanted to show the investigator that I am OK so they let go of me and I collapsed. Another detainee grabbed me before I fell to the floor. They took me in an intensive-care ambulance to the hospital and on the way they started kicking me again and making racist remarks about Bedouin and Arabs. In the emergency room I was shackled hand and foot behind a curtain and no one was allowed in. The nurse came in to give me a shot for pain so I asked for privacy because the policemen were there all the time. They started beating me saying: "You dirty Arab why do you need privacy?". The nurse said nothing.

They took me in a wheelchair for a CT and after that the nurse refused to put me in the ward and said I should stay in the corridor. She brought a flash light, looked at my broken and bleeding nose and said: "Everything is OK, take him". Then they took me to the ER and the doctor in charge signed the papers and said: "Take him for investigation".

The following night I was released by the court without charge. After my release I went to the health clinic which referred me to an eye specialist at the hospital. I had internal bleeding in the eye. For 2 months I stayed home and couldn't work. I filed a complaint with the department for the investigation of policemen, but so far I have received no reply. Each time I call I get the answer: "The matter is being dealt with".

**Testimony No. 2: a demonstrator who was detained together with his 2 sons
on November 30th ¹⁶**

¹⁶ Date of interview: 22.06.2014



The demonstrator who was detained with his 2 sons after being brought to the area of the police cars (testimony No. 2). Photo: Activestills.

Collective Indictments

In the stage that followed the detentions the police had difficulty presenting precise charges for each and every one of the detainees and therefore decided to present collective indictments. For example, 12 detainees were charged with endangering public safety, disruption of the investigation process, influencing witnesses and concealing evidence. The initial charges for these 12 detainees were: endangering life on a highway, willful damage by means of explosive materials, assaulting a policeman in the course of his duty, conspiracy and sabotage. While describing the offences other charges were added: willfully damaging police property, riotous behavior in a public place, obstructing a policeman in the course of his duty, traffic violations and abusing the security forces. During the hearing in court still more charges were added: conspiracy to commit a crime, damage to infrastructure, arson and injury in severe circumstances.

In his deposition the police prosecutor defined all 12 detainees as: "one group which organized to disrupt order"¹⁷. When asked about the relation of one of the detainees to the event, his reply was: "His presence at the scene makes him an accomplice to the offences"¹⁸. When asked about the connection of another detainee to the throwing of a petrol bomb, his answer was: "His mere presence at the scene [makes him guilty of an offence]"¹⁹. Throughout the hearing the prosecutor continued presenting the same kind of arguments whereby no specific evidence existed to connect the detainees to the offences, except their mere presence at the demonstration. If this is the case and participation in the demonstration is a cause for detention in itself, the police should have detained all 1000 demonstrators.

Judge Sara Haviv of the Be'er-Sheva Magistrates Court, criticized the handling of the police and explained in her ruling: "For each suspect there is different evidence and different acts are attributed to them, therefore presenting one joint plea for all of them makes the hearing difficult; It would have been more appropriate to separately discuss each one of the detainees"²⁰. The judge also pointed out that most of the charges are not relevant to most of the detainees. At the end of the hearing she decided to release 7 detainees and make do with alternative detention options in view of the evidence provided and lack of reasonable suspicion. The police asked for the suspension of the court's decision and appealed to the District Court²¹.

In view of the difficulty of confirming the accusations against the detainees, the police asked the court to issue a warrant to collect all photos and films taken by the photographers who attended the demonstration. In spite of the problematic nature of this request which jeopardizes the freedom of the press and the immunity of journalists, the court approved the order²². Widespread protests by journalists and the public led to the police withdrawal of its request although the order had already been approved.

¹⁷ Note 11, page 4

¹⁸ Note 11, page 3

¹⁹ Note 11, page 8

²⁰ Note 11, page 22

²¹ Note 11, page 42

²² Haaretz, "the police demands the media hand over all photos taken during the Bedouin demonstrations in the Negev", 02.12.2013

Lengthy Detentions

Indictments were issued against 17 protesters, including minors. After long periods of detention in which the police and prosecution refused to consider the alternatives to detention suggested by the detainees' lawyers, 16 were released to house arrest. 15 people are still under house arrest, some of them in villages distant to their own home and families. One protester is still in detention while another was released to house arrest and then released on very substantial bail. At least 3 of the people held under house arrest must wear an electronic leg cuff and some of them report frequent visits by representatives of the company in charge of the electronic cuffs.



Electronic leg cuff on a demonstrator who is still under house arrest. Photo: Negev Coexistence Forum

The lengthy detentions and the limited and stiff detention alternatives have put a complete stop to the life of the demonstrators. Most of them have had to quit their jobs since they were unable to go to work. On top of that they have to bear the high costs of legal representation, sums that amount to tens of thousands shekels. In their testimonies they recount loneliness, hardships of being away from their families, difficulties of their relatives to come and visit them and the months of enforced idleness.

"A day before the demonstration I was in Soroka Hospital because of pains in my leg. When the mess at the demonstration started, one of the police horses stepped on my foot. I couldn't move and was arrested on the spot. Several policemen came, beat me up and dragged me to the police car. They took me, together with another guy, to the police station. In the station the policemen kept beating me up, made unpleasant remarks about my family. They were racist and acted improperly. I asked to be taken to a doctor but they refused. I was transferred to Ohalei Keidar detention center where I was kept for 1 month and 27 days. I was released to house arrest in another village with an electronic cuff on my leg.

Since then I have been under house arrest for almost 5 months. I cannot work. I was planning to start my college studies next year but now I am not sure I will be able to do so. The police have brought 12 charges against me, although I was arrested right away when everything started. Until today I have not been allowed to file a complaint at the unit for the investigation of policemen".

Testimony No. 3: a demonstrator arrested November 30th who is still under house arrest²³

"I was arrested at Shoket junction while driving with a friend. They didn't ask my name, just stopped our car and moved us to the police vehicle. I was put in the back of the car with two detectives, one on each side of me. My friend was placed in another police vehicle. We were brought to the station and were interrogated and from there transferred to Ohalei Keidar detention center. The following day we were brought to court and charged with many crimes, none of them true.

I was in detention for 2 months and one week, doing nothing. At least in the first month we were together in one cell with people from the demonstration but not later on. My friend who was detained with me is still in detention until today. I was released to house arrest in a village far from my family. I am not allowed to go out. I have stopped working and my next hearing is in 6 months' time. I will lose at least one year of work.

I suffer very much under house arrest, I sit at home all day doing nothing. I have an electronic cuff on my leg and the company who makes the cuffs comes here often, bothering me even in the middle of the night".

Testimony No. 4: a protester who was arrested several days after the demonstration and is still under house arrest²⁴

²³ Date of interview: 22.06.2014



Policeman firing means for dispersing demonstrations. Photo: Haim Schwarczenberg

Summary

The freedom of expression, of speech and assembly of the Bedouin community has suffered a critical blow following the demonstration in Hura. The conduct of the police, as shown in this report, not only doesn't encourage citizens to fulfill their right to demonstrate and voice their standpoint, it threatens citizens by showing the high price they will pay if they decide to exercise their right to these freedoms.

The use of warning calls before the demonstration in an attempt to provoke its cancellation, the severe charges, the lengthy detentions and the high legal costs the detainees have had to bear, are all jeopardizing the ability of the Bedouin community to exercise their rights to freedom of speech and assembly.

²⁴ Date of interview: 21.06.2014

Most of the charges were against protesters with no criminal background and needless to say, none of them pose any threat to the public. The decision of the judicial system to sentence them to such harsh detention alternatives not only harms their freedom of movement and livelihood, it causes others to flinch from attending demonstrations in the future seeing the high price to be paid for such an act.

As shown in the report and as claimed by many people attending the demonstration, the police and its conduct played a major role in the escalation of events during the 'day of rage' demonstration. Placing masked policemen in helmets in front of a quiet demonstration, operating water cannons against people calling slogans and waving banners and flags, replacing the civilian police with more militarized units such as the Border Police in the middle of the demonstration, all these contributed immensely to the start of the clashes.

Moreover, there is no doubt that in spite of the regulations, the police did not succeed in avoiding injuring the large crowd of demonstrators. The mounted police, the water cannons, the shock grenades and tear gas hurt everyone who was in the place. Many couldn't leave the place because the means for dispersing the demonstration were deployed continuously. Children and the elderly were injured by this conduct.

The means used by the police in the demonstration are usually used by the IDF and Border Police in cracking down on demonstrations in the West Bank. In civilian protests in the center of Israel even when main roads were blocked, it would have been unthinkable to use shock grenades, tear gas and mounted police. The means used by the police in Hura indicate to the Bedouin community, as well as to their supporters, that when they go out to protest it is not considered a legitimate civil demonstration but rather as a security event.

It is worth noting that the demonstration was organized to protest against a draconian plan, designed by different committees appointed by the government with no dialog with the population affected by the plan. It would have been only

proper if the authorities would have let the community protest freely and express their opposition to the plan which aims to demolish their villages and forcibly move them from their homes, a plan which already passed first reading in the Knesset.

Several days after the demonstration the government announced a freeze of the Prawer plan. Whether it was the demonstration which lead to the change, or the opposition to the plan by the right wing in the Knesset, the participants in the demonstration achieved their goal. Nevertheless, the price paid by the protesters as well as by the Bedouin community as a whole, is high.

Almost 7 months after the demonstration, 15 demonstrators are still under house arrest and one demonstrator is still in custody. Feelings of pain and humiliation resulting from the physical and verbal violence exercised by the police, still run high among those detained and released without charge. Also those demonstrators who were not detained carry with them strong feelings about the conduct of the police.

פורום דו-קיום בנגב לשוויון אזרחי
منتدى التعايش السلمي في النقب من أجل المساواة المدنية
Negev Coexistence Forum For Civil Equality



Phone: +972-50-770-1119, +972-50-939-1299

Website: dukium.org

E-mail: info@dukium.org