



May 19, 2016

To:
Avichai Mandelblit
Attorney General

Re: Breaking the Silence – Request for Order to Hand Over Testimonies

ACRI is greatly concerned about the request of the State Attorney's office that the Magistrate Court compel 'Breaking the Silence' to provide the Military Police Criminal Investigation Division with raw documentation of testimonies from soldiers, regarding incidents that took place during Operation Protective Edge. Our request to join the proceeding as amicus curiae was submitted today and is attached herein.

While there is public interest and will to advance investigations into the isolated incidents that are under review, it appears that the State Attorney's office has ignored the substantial public interest in not disrupting the work of human rights organizations and civil society.

This grave step threatens to undermine the very existence of 'Breaking the Silence' and could have an impact on other civil society organizations in Israel in general and on human rights defenders in particular.

This threat is especially troubling considering that civil society organizations and human rights defenders have been under attack over the past year. The violent and inciting campaign was surprisingly synchronized between senior government officials and affiliated institutions, along with a riled up public mob and extreme propagandists. Their reckless use of slogans is reminiscent of darker eras that have proved their effectiveness in fostering hate and violence that knows no bounds.

Among the organizations being targeted by this hate, 'Breaking the Silence' stands out: its members and anyone who dares to come in contact with the organization are labeled as "traitors," and "despicable" people with whom a total war must be waged. Such statements are heard not only from extremists on the streets but from leading government officials, including the prime minister, defense minister and justice minister.

'Breaking the Silence' makes a unique contribution to Israeli society, and this is of great importance. Most human rights organizations in the Occupied Territories rely primarily on their relations with the Palestinian population in the West Bank. They have almost no direct access or ways to communicate with soldiers or officers.

האגודה לזכויות האזרח בישראל
جمعية حقوق المواطن في اسرائيل
The Association for Civil Rights in Israel



'Breaking the Silence', which was founded and is run by former IDF combatants, bases its operations on its relationship with the Israeli military. The organization does not work to incriminate combatants – in Israel or abroad – nor to push law enforcement authorities to open criminal proceedings.

Its objective is to create a space in which soldiers can make their voices heard. It seeks to tell the same public which sent them to serve in defense of our country about their experiences as soldiers whose task it is to maintain military control over a civilian population. This premise underlies a deep commitment of 'Breaking the Silence' to the soldiers who provide testimonies, under the guarantee of confidentiality; and its focus on voicing criticism of the political elite and decision makers.

'Breaking the Silence's endeavor to collect and report what goes on in the Occupied Territories by relying on trust and the guarantee of immunity is comparable to the work of a journalist. Neither can function without the capacity to protect its sources and content.

'Breaking the Silence's work is unique as it collects many soldiers' testimonies in order to paint a broad picture that provides information and insights that are otherwise impossible to obtain. This is the reason why every report the organization has published since its foundation has made an impact and encouraged debate. 'Breaking the Silence' clearly provides a much-needed service for soldiers who wish to "break their silence", and now the floodgates have opened and the public is being exposed to the voices and experiences of these soldiers.

'Breaking the Silence's work nurtures public debate in Israel. While their role is not to bring people to justice in specific court cases, their contribution is in pointing to trends in human rights violations and systemic problems that should be addressed, or at least recognized by the appropriate authorities.

In light of their important work, ACRI requests that the State Attorney's office rescind its request and allow 'Breaking the Silence' to continue its critical work.

Sincerely,

Attorney Dan Yakir

Chief Legal Counsel
The Association for Civil Rights in Israel

Cc: Mr. Shai Nitzan, State Attorney
Brigadier General Sharon Afek, Military Advocate General