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Analysis

How Israel handcuffed itself in the fight against Jewish terror

Preferring not to acknowledge the extent of the Jewish extremist threat, authorities did not empower investigators to use all the tools they employ to thwart Palestinian terror. After the killing of Ali Dawabsha, that's beginning to change

By [Judah Ari Gross](#) / August 3, 2015, 1:36 pm



In the early hours of Friday morning, Israeli security forces learned that masked men had thrown Molotov cocktails into two Palestinian homes, killing a baby and injuring the three remaining members of his family. The IDF, together with the Shin Bet security service, began searching the area in response to reports that two assailants had been seen fleeing on foot toward nearby settlements — but several critical hours had already been lost. Troops did not descend in large numbers on the settlements and illegal outposts in the area, and reports of the search quickly fizzled out, with the investigation itself subsequently placed under a gag order. As of this writing, more than three days later, no arrests had been made.

On March 11, 2011, two men broke into the home of the Fogel family in the settlement of Itamar and butchered the mother and father and three of their six children, including a 3-month-old infant. The IDF locked down the city of Nablus, arrested over 100 residents from the nearby Arab village of Awarta, and carried out a

series of nightly raids over the course of the next month. According to some Palestinian reports, every male in the village was questioned by Israeli security forces, until two Palestinian cousins were arrested and confessed to the crime.

The brutal slayings of the Fogel family and Friday's unconscionable murder of 18-month-old Ali Saad Dawabsha are dissimilar and distinct occurrences. What can be compared, however, is the Israeli security forces' response. The discrepancy between the defense establishment's reaction to alleged Jewish terrorism and its reaction to Palestinian terrorism is clear.

"It seems we have been lax in our treatment of the manifestations of Jewish terrorism," President Reuven Rivlin said Friday, in an anguished response to the overnight firebombing of the Dawabsha home, the death of the toddler and the critical injury to his parents and his brother.

A statistic highlighted by Channel 2 Friday reinforced the point: Of 15 investigations into arson attacks against Palestinian mosques, homes and other targets since 2008, none has resulted in conviction, it reported.



President Reuven Rivlin visits Ahmed Dawabsha, July 31, 2015. (Mark Neyman/GPO)

"Perhaps we have not internalized that we are faced with a determined and dangerous, ideological group, which aims to destroy the fragile bridges which we work so tirelessly to build," said Rivlin.

National security expert **Kobi Michael** agrees. **Michael** is a senior research fellow at the Tel Aviv University-affiliated **Institute for National Security Studies** think tank, who operated as a high-ranking intelligence officer in the West Bank for over 20 years and served as the deputy director-general of Israel's Office of Strategic Planning.

The difficulties in tackling Jewish terror — in apprehending its perpetrators and thwarting attacks — **Michael** told The Times of Israel on Sunday, stem from four interconnected sources: the overall approach to the threat, intelligence gathering practices, the legal infrastructure, and the general atmosphere in the country.

In the wake of Friday's firebombing, some of that is beginning to change.

Origins of the problem

The Israeli establishment has consistently misunderstood and under-internalized the threat posed by Jewish extremists, [Michael](#) explained, leading to an ineffectual law enforcement effort and an obstructive legal system. The Israeli public, meanwhile, has not been sufficiently critical and insistent on a push for that to change.



Illustrative: The scene of a price tag attack, with graffiti reading, 'A good Arab is a dead Arab' (Issam Rimawi/Flash90)

“There wasn’t a sharp enough awareness of the issue,” [Michael](#) explained. “And without that, there wasn’t an accurate appreciation of the scope of the threat.”

“As a result, when it came to making decisions about allocating the necessary resources, [the heads of the security establishment] decided to put fewer resources into this problem,” he said.

While some countries, including the United States, have designated anti-Palestinian, so-called “price tag” attacks as a form of terrorism, in Israel the groups have only been considered “unlawful organizations.”

Attempts by Defense Minister Moshe Ya’alon, former justice minister Tzipi Livni and former public security minister Yitzhak Aharonovich to legally designate those carrying out “price tag” attacks as terrorists were shot down by Prime Minister Benjamin Netanyahu.

Even in the wake of Friday’s attack on the Dawabsha family’s home in the Arab village of Duma, near Nablus, the Justice Ministry has retained the unlawful organization status for the so-called “hilltop youth” deemed responsible for a series of hate crime attacks — “religious anarchists,” according to Internal Security Minister Gilad Erdan, who “heed no laws” and seek to turn Israel into a state run in accordance with Jewish law.

Erdan said it was “virtually certain” that Jewish terrorists were responsible for Friday’s firebombing. The two assailants, who sprayed Hebrew graffiti at the scene, were reported to have fled on foot in the direction of nearby settlement outposts. (Erdan flatly dismissed as “false rumors” assertions in some social media posts that the firebombing was part of an internal dispute between families at Duma.)

The Justice Ministry insists that “in everything related to law enforcement, there is no practical difference between the two designations,” terrorist group or unlawful organizations. But there is — in terms of resources, procedures, and results.

Investigating Jewish terror

The Judea and Samaria Division of the Israel Police, responsible for the West Bank, for instance, has become a near constant source of embarrassment for the police department. In 2011, dozens of criminal cases were thrown out by the district courts for such basic mistakes in standard police protocol as forgetting to take the fingerprints of suspects or neglecting to check their alibis and follow up on their statements.

Last summer, the division was again under fire for its failure to respond effectively to the kidnapping and murder of three teenagers from the Alon Shvut junction south of Jerusalem. One of the victims made an emergency call as the abduction was taking place; it was ignored.

From 2005 to 2014, the Yesh Din human rights organization tracked 1,045 Palestinian complaints against Jewish settlers and found that only 7.4 percent resulted in indictments. From 2013 to 2014, of over 150 complaints filed by Palestinians, only two indictments were filed by the Judea and Samaria Police Division.



Elchana Finar, one of the Jewish settlers arrested for destroying an IDF outpost in the West Bank settlement of Yitzhar, following the demolition of illegal structures in the settlement, seen brought to Magistrates Court in Tel Aviv, on April 10, 2014. (Miriam Alster/Flash90)

The Jewish department of the Shin Bet Security Service, meanwhile, has been complaining for years about the difficulty it has faced in penetrating the hilltop youth.

It is easier, Shin Bet officials have said privately, to infiltrate Hamas and other Palestinian terrorist organizations than these groups.

Shin Bet officers have reported that the youth operate in cells, with little contact between them, making a widespread crackdown on the organization near impossible. They are also allegedly trained in how to stand up to Shin Bet interrogation techniques.

The Jewish department of the Shin Bet has the will, but it's not easy to act against settler extremists, insiders say. It's very hard to recruit agents/collaborators within the settler extreme hard-core.

Some of the hilltop youth are minors, further complicating the investigators' work.

As a result, even when security forces succeed in making arrests, suspects are often released within hours or days.

'We're a democratic society that is at war for its freedom'

In order to combat this problem in intelligence gathering, [Michael](#) offered, Israel must make some "uncomfortable" changes to its law enforcement system.

"A change in the legal and legislative infrastructure is not a simple thing," he said. "But there's nothing else that we can do. We're a democratic society that is at war for its freedom and its democracy."

To [Michael](#), who is also a senior lecture in Middle Eastern Studies at Ariel University, that means expanding the scope of enforcement to include those who support these "price tag" attacks.

"We need to deal with their support structure in a more determined and expansive way," [Michael](#) said, "with the rabbis who support them, with the communal structures that support them, with the familial support that they receive."

Putting more pressure on the support structure, [Michael](#) suggested, could convince the hilltop youth to abandon their violent methods.

Interviewed on Israel Radio on Monday, Minister Erdan highlighted the need to address both education and law enforcement. All too evidently, he said, those who "began by burning books" were now "burning babies." He blamed both the educational environment that allows extremism to flourish, and an overly forgiving legal system, where even convicted offenders are often inadequately punished.

One change to the legal infrastructure has already been made.

On Sunday, at an emergency security cabinet meeting, Prime Minister Netanyahu and Defense Minister Ya'alon announced that in the investigation of Ali Saad Dawabsha's murder, they would allow security forces to jail suspects without trial — administrative detention — and use any other means necessary to catch the killers.

Administrative detention, in which a suspect can be held for an extended period without charge, has become a mainstay of Israel's fight against Palestinian terror, but have thus far not been employed against Jewish terror suspects.

Without the resort to administrative detention, authorities face a higher legal requirement for evidence of a crime in order to make an arrest, which means that even if police or Shin Bet officers believe a suspect was involved in a crime or plans to carry one out, they cannot always hold them.



Yinon Reuveni (right) and Yehuda Asraf, suspected of vandalizing the church of the Multiplication of the Loaves and Fishes in Tabgha, on the shore of the Sea of Galilee, are seen at the Nazareth Magistrate's Court on July 29, 2015. (Photo by Basel Awidat/Flash90)

Due to a lack of sufficient evidence, for example, only three of the five suspects in June's arson attack on the Church of the Multiplication in the Galilee have been indicted; Shin Bet officials admitted on Tuesday that they did not have sufficient evidence to detain the other two.

'Just because Israel uses them wholesale against Palestinians, doesn't mean it should now start doing the same against Israelis.'

While the new security cabinet-approved measures may expedite the hunt for the Dawabsha killers, opposition to the use of administrative detention has come from an unlikely source — the human rights organization B'Tselem, a vocal critic of Israel's occupation of the West Bank and Gaza.

These detentions are intended to be a stopgap measure, the group's spokesperson Sarit Michaeli said, not a long-term solution to the problem. "An administrative detention cannot be a replacement for actual, good police work or serious investigations," she said.

"Just because Israel uses them wholesale against Palestinians, doesn't mean it should now start doing the same against Israelis," she added.

But ex-intelligence officer [Kobi Michael](#) insisted that such measures were vital for an effective campaign against Jewish terrorism.

"We have no choice," he said. "We have to change the criteria and lower the thresholds [for arrest], in order to save the democracy."

An atmospheric change

The response of the Israeli leadership and public to the death of 18-month-old Ali Saad Dawabsha, the grave injuries to his parents and brother, and the destruction of their home has been unequivocal and clear.

Politicians from across the spectrum condemned the act. Demonstrations against violence — called also in response to the killing of 16-year-old Shira Banki in a stabbing attack at Thursday's Jerusalem Pride Parade — were held in cities around the country. President Reuven Rivlin and his predecessor Shimon Peres warned in impassioned speeches Saturday night that flames of hatred threaten to consume the

country. (Rivlin had to call in the cops after his public denunciations of Jewish extremism and empathy for the Palestinian victims led to death threats.)

Erdan invoked the Holocaust on Friday: “A nation whose children were burned in the Holocaust needs to do a lot of soul-searching if it bred people who burn other human beings.”



Sheikh Ibrahim Ahmad Abu el-Hawa (center), with Rabbi Yaakov Nagen (left) and Rabbi Benjamin Kalmanzon, both from the Otniel Yeshiva, along with other rabbis, during a prayer vigil for the Dawabsha family at the Gush Etzion Junction, August 2, 2015. (Nati Shohat/Flash90)

On Sunday evening, over 300 residents of the Etzion settlement bloc attended a vigil for the Dawabsha family. Prominent rabbis from the settlement community spoke out against the violence, and other speakers at the event called for a harsher response by the Israeli government.

Netanyahu noted that “every society has extremists and murderers on the fringes,” while the test of a society is how “the center, the leadership” deals with that extremism.

That is indeed the test now, as Israel grapples with what former IDF Central Command chief Avi Mizrahi called a “cult” of several hundred messianic extremists “that doesn’t believe in Israeli sovereignty and law, in Israeli courts. And they can bring catastrophe upon us.

“We made a mistake in calling them ‘hilltop youth’ and describing their actions as ‘price tag’ attacks,” he said in a Channel 2 interview at the weekend. “It’s terrorists and it’s terrorism.”

And plainly, if the Israeli security forces are to thwart it, Israel’s security and legal framework need to treat it as terrorism.

<http://www.timesofisrael.com/how-israel-handcuffed-itself-in-the-fight-against-jewish-terror/>