

May 19, 2016

To:
Adv. Avichai Mandelblit
Attorney General

**Re: State Attorney's demand to compel Breaking the Silence to expose the
identity of testifiers**

Dear Attorney General,

It's not every day that the State Attorney initiates legal action that, if it succeeds, will achieve for the political echelon what the unbridled attacks by government ministers and their various right-wing cronies have not yet managed to do: to silence Breaking the Silence.

As you know, Breaking the Silence has been under a fierce political onslaught in recent months that includes well-orchestrated, rampant incitement by Israeli government ministers, Knesset members and right-wing organizations, who are all determined to eradicate the organization because its positions and impact in Israel and abroad do not sit well with their worldview. From the defense minister and education minister labeling Breaking the Silence members as "traitors," to moles planted in the organization by a group financed by settler committees that benefit from public funding, to a bill whose entire purpose is to outlaw the organization – it seems as if every possible effort is being made to harm the organization. In such a hostile atmosphere, it is hard to ignore the timing of the State's Attorney's legal proceeding against Breaking the Silence.

If the State Attorney's plan works, it means government authorities will be able to seize the materials Breaking the Silence collects, expose its sources and use them to incriminate the testifiers themselves. This means members of Breaking the Silence will no longer be able to collect testimonies or appeal to soldiers to provide testimonies - essentially muzzling the organization. As this regards only investigations against junior soldiers, the lack of proportionality regarding the damage to democracy and the silencing of a human rights organization in Israel is abundantly clear. This kind of muzzling will be detrimental not only to Israel's democratic character and to the spreading of information that comprises the core of public debate, but also to the country's investigative and law enforcement mechanisms themselves. It is important to realize that without the organization's work and the publication of testimonies, the State Attorney would have no knowledge of the matter at hand and thus there would be no ensuing investigation. Silencing the organization through this current legal proceeding would mean that law enforcement authorities will no longer be informed of the many incidents to which they are currently privy with sole thanks to the testimonies published by Breaking the Silence.

You can admire the organization's work or have reservations about it, but certainly, as attempts to damage the organization demonstrate, you cannot ignore it. Breaking the Silence constitutes a unique source of information in the Israeli landscape, one that enriches Israeli society with information not only about our control of the territories, but also of the way in which soldiers and officers experience what goes on in the occupied territories. The information distributed by the organization constitutes the basis for public discourse, and public discourse is a necessary condition of free speech and democracy. Unfortunately, instead of nurturing the public discourse and protecting Breaking the Silence's freedoms, the State Attorney is choosing to send a clear message to every soldier who served in the territories: whoever dares to break their silence could find himself exposed, persecuted and investigated by the authorities.

The work conducted by civil society organizations in Israel is not restricted to handing out food to the hungry and charity to the poor. Organizations that work toward social change are obligated to bravely examine the reality in which we live, identify problems and injustices and work to repair them. It is the obligation of the state in general, and the legal system in particular, to allow organizations the space in which to operate freely and securely, even – and especially – those organizations with political positions that challenge the government. We believe there are serious policy considerations that must be taken into account before this legal proceeding against Breaking the Silence moves forward. These considerations regard the critical significance that this legal proceeding has on the organization's continued ability to operate.

We, human rights organizations in Israel, call on you to instruct the State Attorney to rescind its request for this proceeding and to reconsider not only the legal consequences, but also the widespread public consequences that such a legal step against the organization will have; consequences that will not only damage the organization, but also and primarily infringe upon the country's freedom of assembly, freedom of expression and its democracy.

Sincerely,

Amnesty International - Yonatan Ger, Executive Director

B'Tselem – Hagai El-Ad, Executive Director

Bimkom – Planners for Planning Rights - Hedva Radovanitz, Executive Director

The Public Committee Against Torture in Israel – Rachel Stroumsa, Executive Director

HaMoked – Center for the Defense of the Individual – Dalia Kerstein, Executive Director

Hotline for Refugees and Migrants – Reut Michaeli, Executive Director

The Human Rights Defenders Fund – Executive Director, Alma Biblash

Combatants for Peace – Uri Ben-Assa, Executive Director

MachsomWatch – Raya Yaron

Ir Amim – Yehudit Oppenheimer, Executive Director

Emek Shaveh – Yonatan Mizrahi, Executive Director

Akevot: Institute for Israeli Palestinian Conflict Research – Lior Yavneh, Executive Director

Physicians for Human Right – Ran Goldstein, Executive Director

Rabbis for Human Rights – Rabbi Amy Klein, Chairman; Rabbi Arik Ascherman, President and Senior Rabbi

Yesh Din – Neta Patrick, Executive Director