

An aerial photograph of Beersheba, Israel, in 1946. The image shows a mix of urban development, including a grid-like street pattern in the lower right, and surrounding agricultural fields and natural terrain. The text is overlaid on the left side of the image.

Report Truth Commission on the Responsibility of Israeli Society for the Events of 1948-1960 in the South

تقرير
لجنة الحقيقة حول
مسؤولية المجتمع
الإسرائيلي عن أحداث
1948-1960 في جنوبي البلاد

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Truth Commission on the Responsibility of Israeli Society for the Events of 1948-1960 in the South

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Introduction: Transitional Justice without Transition

The First Truth Commission on The Nakhba Tammy Pustilnick Arditi and Jessica Nevo

The Jewish-Israeli community which formed in Palestine in the late 19th and early 20th century had two aspects: national and colonial. Founded in Europe in the latter half of the 19th century, Zionism was significantly influenced by European national models and sought to apply them to the Jewish community. Another source of influence was the European colonial project in Asia and Africa, which reached its apex at the time. The solution offered by Zionist leaders to the hardships suffered by the Jews was national, but its realization in Palestine had a significant colonial dimension: the immigration and settlement of tens and hundreds of thousands of Jews eventually transformed the country's demography and landscape. The justifications offered for the Jewish settlements were many: European anti-Semitism; the biblical roots of Jewish national identity; and the modernization they brought to the Middle East. But the result followed the familiar colonialist pattern: dispossession, displacement and refugeehood.

This demographic transformation swept the entire country, including the Naqeb/Negev area in southern Palestine, where 14 Jewish settlements were established as early as the 1940s. This report exposes and analyzes the radical changes experienced in this area during the 1948 war and its aftermath, when the majority of the local Bedouin Palestinian population was displaced.



*Listening to witnesses at the public event of the Truth Commission, December 10, 2014, Beersheba /
photo by: Ruty Ferera StudioSoft*

On the heels of British colonialism and after the three-decade mandate of Palestine designed to promote the establishment of a Jewish national home at the expense of the country's indigenous population, On November 29, 1947 the UN voted in favor of a plan to partition the mandated territory between the indigenous Palestinians and the Jewish immigrants. This, and the subsequent establishment of the State of Israel on May 14, 1948, spelled national disaster for the Palestinians. Called the Nakba, it involved the expulsion of 700,000 refugees and internal displacees, the dispossession of their lands and properties and the subsequent denial of return and restitution.

Previous attempts to expose the responsibility of Jewish fighters to the events of the ongoing Nakba have been largely anecdotal and limited in scope, lacking in the impact required to persuade Jewish-Israeli society to acknowledge its wrongdoings. This process of recognition and accountability, followed by practical steps such as the return of refugees and the restitution of their status and property, is known in other postcolonial societies as transitional justice.

The Israeli NGO Zochrot promotes innovative transitional justice mechanisms to expose information about the Nakba events – to a large extent still silenced and denied in Jewish-Israeli society – and encourages Israeli society to take responsibility for its part in the Palestinians' national disaster. The present endeavor is a natural outgrowth of this conceptual framework – a civil society initiative to create the first (unofficial) Truth Commission on the Responsibility of Israeli Society for the Events of 1948-1960 in the South.

In recent decades, official and unofficial truth or truth-and-reconciliation commissions have been active in multiple countries and regions transitioning from dictatorial or colonial rule to expose and acknowledge past human rights abuses and large-scale atrocities in order to contribute to long-term reconciliation and democratization of societies in need of healing, and to offer remedies to the victims according to restorative justice principles.

While transitional justice practices have begun as formal initiatives in the context of a clear political transition, the present unofficial Commission is informed and inspired by other civil society initiatives promoted successfully before the conflict has ended – as in Guatemala, Brazil and more recently also Colombia.

This ongoing conflict context poses tremendous difficulties in collecting testimonies and archival evidence and in reaching out to a society still ensnared in a settler-colonialist regime and a nationalist ideology – a society which profits both materially and symbolically from the perpetuation of the conflict. Nevertheless, we believe this initiative is essential to promote truth-telling and expose the lies that have blinded broad sections of Israeli society. Allowing the truth to come to light will not only promote acknowledgement, accountability, and redress. As José Zalaquett says in his Introduction to the Final Report of the Chil-

ean Truth and Reconciliation Commission, it is also “at the same time a means to heal the wounds, one by one, and thus to contribute to the building of a lasting peace”.¹

This Truth Commission is specifically designed to unconceal the truth, silenced by the Israeli regime for over 67 years, about the role played by the State of Israel and Jewish settler society in displacing and expelling some 90,000 Bedouin Palestinians from their homes in the Naqeb/Negev. Also silenced are the subsequent internal displacement of the remaining Bedouin population and its concentration in an enclosed area subject to martial law. Although outside the purview of this Commission, the Nakba continues to this day in the form of massive house demolitions and the denial of land and other rights.

Following a two-year preparation period the commissioners were appointed in October 2014. The Commission's mandate was to expose the injustices committed against the Palestinian population in the Naqeb/Negev, especially from 1948-1960, and publish a conclusive report that will facilitate public discussion of Israeli society's moral, political and legal responsibility and provide recommendations for redress.

To this end, the Commission heard testimonies by Palestinian displaced persons and refugees, as well as Jews who lived in the south and Jewish fighters who took part in displacement and expulsion operations in the area. The Commissioners also heard testimonies by four experts and perused relevant archive materials. On International Human Rights Day, December 10, 2014, the Commission held an open public hearing in Be'er-Sheva/Bi'r a-Saba', featuring seven Bedouin and Jewish witnesses. We concluded our work by December 2015.

We are taking the liberty of stating that we have undertaken this honorable task knowing that ours is but a preliminary, partial step towards the clarification of the circumstances of the Bedouins' expulsion from the Naqeb/Negev. Considerable efforts remain to be made before these circumstances and those of the ongoing Nakba in general could be exposed.

The current truth commission believes that through a comprehensive transitional justice approach, Israelis and Palestinians can overcome the past. When the Israeli society and state acknowledge the crimes and injustices involved in the ongoing Nakba and when the state is ready to redress the victims of human rights violations according to international human rights standards, peace will be possible.

Guided by these principles, the current truth commission submits its report to the Israeli society.

¹ José Zalaquett, Introduction to the English Edition, in *Report of the Chilean National Commission on Truth and Reconciliation Vol. I* (Phillip Berryman trans., 1993); available at

http://www.usip.org/library/tc/doc/reports/chile/chile_1993_introeng.html.

Chapter 1

Model Rationale and Development

This Truth Commission is the first of its kind in Israel. It is the first application of the transitional justice paradigm in the context of the Israeli-Palestinian conflict. The idea of producing and developing the Truth Commission was raised in Zochrot in 2012. According to the UN definition, transitional justice is the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.² Transitional justice initiatives are usually pursued in periods of transition from dictatorship to democracy and from war to peace agreement. This project is implemented as a pilot in the midst of an intractable conflict. As such, although not the first of its kind globally, it is unique in Israeli reality, which seems to be unable to take the plunge and part from its painful past.



Truth Commission public event, December 10, 2014, Beersheba / photo by: Rutu Ferera StudioSoft

² http://www.unrol.org/files/TJ_Guidance_Note_March_2010FINAL.pdf

A key inspiration for the application of the Truth Commission paradigm to the context of the Israeli-Palestinian conflict was *Towards a Common Archive* by Eyal Sivan and Ilan Pappé. This exhibition, launched in Zochrot's gallery in October 2012, presented testimonies by thirty Jewish fighters from the 1948 War and highlighted the need for a public presentation of such evidence in the context of a Truth Commission, together with testimonies by the victims.

Stage 1: The Steering Committee and Fundamental Dilemmas

First, Zochrot established a steering committee of ten experts on transitional justice and volunteer activists from the Russel Tribunal for Palestine. Together, they developed a preliminary model for the Truth Commission based on truth projects from around the world. From the beginning, Zochrot worked towards the development and implementation of a public event, to be followed by a final report containing the testimonies heard in the public event as well as recommendations for redress focused on the geographical area of the Negev/Naqeb.

After the commissioners had been appointed, Zochrot realized that the process of the Commission should be expanded beyond the public event. It became clear that the discussions of the commissioners will continue in private following the event. In that sense, the public event and the final report should not be seen as end results, but as key milestones in an ongoing process, in the course of which unique training courses for collection of testimonies for volunteers were developed, as well as techniques for supporting witnesses in cooperation with psychologist Dr. Judy Roth.

During the initial stage, the steering committee had to deal with several dilemmas. Should we bring witnesses from today to expose the ongoing Nakba? Would this serve our purpose or detract from the focus on 1948? Additional issues were raised in the aftermath of the public hearing (see below), where three Zionist fighters testified, but were reluctant to fully disclose what they had shared in previous sessions with the commissioners. Should they have been pressured to say more in public? Conversely, what guarantees can we give witnesses who are willing to come forward despite the difficulties, but are afraid to go all the way?

Regarding the Palestinian testimonies, we wondered whether they should talk before, after, or at the same time as the Zionist fighters – that is, discuss events witnessed by testimonies from both sides? And most crucially, what can we do with their expectations which could certainly not be met under the current conditions?

We also addressed questions regarding the Commission's composition. How will the commissioners be selected? Is there a set of specific criteria such as agreement on basic issues? For example, is accepting the Right of Return a prerequisite? What if there is a dispute within the Commission during the public event and in the recommendation phase? What if some are willing to go in a more radical direction than others? Do we then write a joint report or separate reports?

Stage 2: Appointing the Commission and Preparing for the Public Event

Once the steering committee completed its work, an operational team was established in the beginning of 2014, composed of 30 activists, most of whom members of civil society organizations in the south, who helped collect testimonies from Zionist fighters and Palestinian displacees, write the terms of reference, develop the model for the public event, and recruit the commissioners for the project.

The project was postponed three times during the two years, as a result of the long process and research it required. The attack on Gaza in the summer of 2014 also disrupted the Commission's work because the public event could not be held while Bedouin and other refugees were being killed in refugee camps in Gaza.

The commissioners started their work in October 2014, and the public event followed three months later. Seven distinguished members were appointed, including Israeli Jews, Bedouins from the Negev/Naqeb and other Palestinians, all active in civil society and academia. They were selected based on criteria of proven integrity, deep involvement in the human rights discourse and the local conflict, and sincere commitment to the values of truth, equality and justice. The commissioners selected were:

- Huda Abu Obaid, Director of the Palestinian NGO Sidreh-Lakiya in the Negev,
- Prof. Avner Ben Amos, Tel Aviv University Department of Education, board member of Negev Coexistence Forum for Civil Equality
- Dr. Wasim Baromy, psychologist and former board member of Zochrot
- Adv. Shahda Ibn Bari, activist and expert on the dispossession of Bedouins
- Dr. Munir Nuseibah, AlQuds University, expert on transitional justice and humanitarian law
- Dr. Nura Resh, Hebrew University of Jerusalem Department of Education, expert on inequality in education
- Dr. Erella Shadmi, feminist sociologist and activist

Additionally, two expert witnesses testified in the public event:

- Dr. Safa AbuRabia, Bedouin anthropologist, shared the results of her research on Bedouin women's Nakba memories
- Prof. Oren Yiftachel, Jewish geographer, presented testimonies regarding Bedouin land claims which he and his colleagues use in their ongoing legal battles

Several questions were raised immediately: Who determines the Commission's mandate? With whom should it collaborate? How will we define an unofficial truth project that takes place while the conflict is still ongoing, initiated by NGO and as such unable to guarantee that its recommendations would ever be implemented? How can we protect the victims participating in the public event?

Why was the public hearing held in the south?

The Commission's focus on the south had several important reasons. First, it had been decided early on not to establish a commission to study and expose all the events of the Nakba, due to the extent of the materials involved and the project's preliminary and semi-experimental nature. Second, the choice of that area was motivated by the desire to empower activists in the Palestinian as well as Jewish periphery. The Palestinian Nakba is usually associated in the public mind – particularly among Jewish Israelis – with the displacement and destruction of villages from more northern areas, whose ruins are familiar to travelers and whose stories are more readily accessible. The displacement of Bedouins is not even recognized as such since they have not been considered as legal landowners to begin with – part of the Zionist divide-and-conquer strategy and the attempt to present the Bedouin case as unique by mischaracterizing them as a nomad society without permanent attachments. As part of this strategy, the Bedouins' very Palestinian-ness was questioned, so that in a certain sense they were doubly dispossessed.

Moreover, the Bedouins in the Negev have been subject to ongoing expulsions and house demolitions comparable only to practices in the Occupied Palestinian Territories, so that holding the event in the Negev was also a way of acknowledging and supporting their struggle.

Finally, given the recurring Israeli attacks on Gaza, holding the event in the south was seen as a response to the hegemonic Israeli discourse which refuses to acknowledge the regime's responsibility for the continued presence of refugees from that area in Gaza, and for their consequent resistance.

Chapter 2

Expert testimony

The Conflict Shoreline – Climate Change as Colonization in the Negev by Prof. Eyal Weizman



Prof Eyal Weizman testimony at al-'Araqib , January 3, 2016

Eyal Weizman's *The Conflict Shoreline – Climate Change as Colonization in the Negev*³ was submitted as evidence to the Commission. In this book, Weizman unfolds the story of the struggle for al-'Araqib, a Bedouin village in the Negev/Naqeb that has been destroyed and rebuilt more than ninety times since 2010 as part of ongoing Israeli efforts to uproot the Bedouins from the northern desert threshold. Unlike other frontiers fought over during the Israel-Palestine conflict, this threshold is not demarcated by fences or walls, but advances and recedes in response to cultivation, colonization, and climate change.

The fate of the Bedouin villages along the desert threshold or “aridity line” is bound up with profound environmental changes. But whereas even the most committed environmentalists today conceive of climate change as an accidental and inadvertent side effect of modernity, Weizman argues that from the point of view of colonial history, climate change has never been

³ Published by Steidl in association with Cabinet Books, 2015

simply collateral damage. It has always been a stated goal: the old Zionist slogan of “making the desert bloom” means, in effect, changing the climate.

Maps typically demarcate the desert threshold at the 200mm rainfall per annum line. This decision, like every other cartographic decision described in Weizman’s book, is a profoundly political one: by deeming the land south of the 200mm line impossible to cultivate, Israel has been able to consistently deny Bedouin property rights in this area – “an act of cartographic and territorial violence”. Tracing the line east and west, Weizman highlights instances of violence along its edges, arguing that “existing tensions have been aggravated by climate-related shifts in the aridity line, and, in turn, continued conflict in these areas has caused... processes of desertification”.

The State of Israel accepted the designation of the desert threshold proposed by German-Russian scientist Wladimir Köppen in 1918. Köppen’s classification established the aridity line at the 200mm isohyet.⁴ The rationale for this definition was the supposed inability to cultivate cereals on a flat surface beyond that line. This has never been true, as Weizman shows, since in fact the aridity line is not only a meteorological designation, but also one that depends on the agricultural methods and seed types used. That 200mm threshold connects cereal cultivation with certain ideas of culture and permanent human habitation, with urbanization, economy, and the state.

The isohyet that crosses al-‘Araqīb is located on the same colonial meteorological shoreline that connects South Waziristan in Pakistan and the lower Atlas Mountains in Algeria. There are different kinds of conflicts all along this line — most of them with colonial roots. In Israel, the land law has never recognized private land ownership by people living beyond this line. Israeli legal experts have developed an inescapable circular logic: it is impossible to cultivate south of this line, therefore the people living there must be nomads (which they have not been for generations), and nomads have no land rights. The Bedouins have cultivated lands in the area for centuries, but colonialism has been conveniently blind to that fact.

The ongoing dispossession of the Bedouins has been meant to uproot the Bedouins from the fertile northern threshold of the desert, seclude them in purpose-built “concentration towns” located mostly in the desert’s more arid parts, and hand over their arable lands for Jewish fields, forests, and settlements.

Weizman argues that this settlement has involved the engineering of climate change as a colonialist project – again: it is not than a byproduct. From Australian and American texts about the frontier to more recent French colonial texts about Algeria, as well as Italian Fascist writing about Libya and Zionist texts about the Negev/Naqeb, colonization is shown to be a two-stage

4 Isohyets are lines connecting all points with the same average annual rainfall.

process: grabbing land and then making it productive. The latter objective involves a deliberate attempt to transform the local weather.

Related colonial efforts to scientifically define, measure, and map the desert threshold have been important because imperial and later national governments—whose laws have never recognized property rights in the desert—aimed to push this threshold back as they tried to expand the cultivated area and bring the “nomads” under state control. In the Naqeb/Negev, the displacement of the weather has dovetailed with that of the Bedouins. But while the desert edge, and the Bedouins, have been driven further and further south global climate change today acts as a major counterforce. Predictably, the Bedouins are caught in the middle.

As Israel has never recognized any Bedouin tenure south of the 200mm line, the line operates like a knife, cutting across maps and hearts. Beyond it there is only state land that could be leased to Jewish settlements, military training grounds and waste facilities, among other uses. Where there are no land rights the state can do as it pleases. Climate has thus become a political tool in the hands of Zionists seeking to displace indigenous Bedouin from their homes.

Chapter 3

Circles of Silence: On the Difficulties of Collecting Testimonies from Jewish Fighters in 1948

Ami Asher, Zochrot

Based on my personal experience and that of others, collecting testimonies from Jews who fought in 1948 involves a series of difficulties. This article will review the most notable ones. For the sake of brevity and simplicity, it will not discuss generic difficulties pertaining to collecting testimonies or to interviewing older witnesses, or the difficulties in obtaining the interview in the first place. Rather, it will address the defense mechanisms used by the witnesses in terms of circles of silence that surround the secret they wish to keep.

The broadest of those circles circumscribes the entire Jewish-Israeli society. So long as there is no peace, reconciliation and a permanent solution to the problems inherent to Zionism – and this relates of course to the unique mission of the Truth Commission – only few will be



Jewish fighter Amnon Newman testifies at the Truth Commission public event, December 10, 2014, Beersheba \ photo by: Ruty Ferera StudioSoft

willing to stick their necks out and testify to acts which practically all of society denies; acts, moreover, that form the very building blocks of that society. In other words, so long as Zionism reigns supreme its authors and agents may not be expected to find fundamental fault in it, particularly so long as “the other side” does not fulfill the ultimate Jewish-Israeli fantasy of being forgiven for past wrongs.

In some testimonies, this circle has been partially ruptured: the witnesses report transgressions of their own doing and the shock of witnessing crimes committed by others. The testimonies before us suggest that one way of achieving such partial progress – partial, because as a rule, witnesses never fully and truthfully report even what they have seen with their own eyes – is to hold the interview within a protective framework. One such framework that has made a significant contribution to the historiography of the Nakba is an extensive series of interviews by Ezra Grinbaum and Iza Dafny with Palmach fighters, which are kept in Yigal Alon Museum at Kibbutz Ginosar. These interviews convey a general sense of comfort: the interviewee feels at ease when the interviewer is cut from the same cloth, a former Palmach fighter with intimate knowledge of the period. One can only assume that this feeling has contributed to the significant revelations contained in these interviews, despite the fact that exposing wrongdoings was far from being their main objective.

It is no coincidence that the most voluminous corpus of testimonies has been collected out of this second circle of silence: that of Palmach veterans. Attempts to glean details about past crimes from members of other militias such as Etzel (Irgun) or Lehi (Stern Gang), or even non-Palmach army units, have met with little success. Beyond the obvious factor of their extremist ideology, a key reason for their almost total silence is that these fighters have not been raised in the tradition of cathartic confession and self-flagellation of the ostensibly socialist Hashomer Hatzair youth movement, a tradition which subsequently received the apt appellation “shooting and crying”.

Nevertheless, one disadvantage of the Palmach circle as far as the interviewer is concerned is that it is well-knit and intimately connected to the social network of the kibbutzim, whose members still feel personally committed to one another. Accordingly, any Palmach member who is willing to testify would think twice before divulging information liable to entrap other members – whether alive or dead. I have often heard statements such as “some things are better left unsaid”, or “some of the people involved are still alive”, or even, “these people have families, children, I have nothing more to say”. In some cases, when they conceal information or even lie outright, I assume this is one of the motives.

Moving on to the narrowest circle, naturally, one of the considerations foremost in the witness’s mind is his or her good reputation. Thus, even when discussing painful experiences and even when the interviewee refers to them of his own initiative, it is difficult to avoid the frustrating sense that the entire country was shaken to the core by a terrible tragedy, with masses of refu-

gees on the move across land and sea, and somehow those at the very front managed to see very little. The witnesses make the most of the defense mechanisms available to them, and one's eyes are overflowing with tears as one layer after another of the proverbial onion is peeled without ever reaching the kernel of truth. I never saw it with my own eyes, but I heard rumors. When I did see, I was too far away to be sure, and it was all over in seconds, and so on.

One of the key difficulties in this individual circle is that its protective walls have been erected since as early as the immediate aftermath of the incidents in question – on the way back from the Palestinian village, and over long hours of nocturnal discussions with the friends from the kibbutz, which have regrettably not been recorded but presumably led to some conclusion that enabled their participants to go on with their lives. The fact, mentioned in nearly every interview, that they were concerned above all with their own survival and preoccupied with the loss of childhood friends must be taken at face value. At the same time, it clearly served as a readymade defense mechanism.

The perimeter walls have been growing ever taller in the years after 1948. Even the least known fighters have already been interviewed countless times – rarely for the purpose of exposing war crimes or crimes against humanity, of course – causing their narrative to fossilize and turn into stony clichés. Thus for example, we hear time and again how the horror is described using almost the exact same words, almost without any personal, emotional input. When I entered the house, the plates were still on the table, I could still smell the recently brewed coffee. When I stood on the hill, I saw this black mass of people, winding like a river. Even Holocaust-related musings are standard in this genre: they reminded me of my grandfather, with their pitiful belongings. This narrative standardization makes it difficult to faithfully reconstruct the past, as the limited descriptive range offers the witnesses another escape route from the truth.

To return to the broadest, societal circle, this descriptive range is restricted even more by the frequent use of what I call “excluding symbols”. By that I mean key events which captured contemporary headlines, but instead of being perceived as representative of a general pattern – if we heard of a young girl raped in the village Burayr, for example, we may assume many more were raped in many other places – they exclude all other events from mind. In effect, they act as the exception which silences the rule. Thus, almost every attempt to find out about massacres runs into the thick walls of Deir Yassin: yes, it happened, I heard about it, everybody knows about it, and in fact I can't tell you anything beyond what is already written in the books.

Deir Yassin is related to another defense mechanism – one of the most effective. Since each witness is interviewed individually – and until such time as systematic research is undertaken to build a coherent mosaic out of all the pebbles we have collected – witnesses find it easy to “drop it” on somebody else. Obviously, the Haganah had nothing to do with the Deir Yassin massacre. But even when the interviewee admits to witnessing a crime, he often qualifies this admission by saying that somebody else had a better view, because he was closer, and he can probably

provide more information. Have you seen the refugees? No, I arrived at the village after everyone had left (and then took a souvenir – the crime that is easiest to confess to). When you took the village, did you see what happened to its inhabitants? No, once the shooting started they all ran away. But you must have seen the refugees? Not our unit, we attacked at night and I could hardly see the guy next to me.

And if somebody did commit a crime, he was not one of us. This outgroup includes (1) Etzel and Lehi members and the units in which they subsequently served in the Israeli army (such as Battalion 89 which perpetrated the massacre in al-Dawayima – another excluding symbol – or the units charged with guarding the internment camps for Palestinian men of military age); (2) fighters from “ordinary”, non-Palmach army units: for example, when the occupied Palestinian villages around Mishmar HaEmek were handed over to the Carmeli Brigade, terrible atrocities ensued because “they did not know the Arabs like we did”; and (3) non-European Jews, particularly Yemenites, reported to have mutilated corpses, robbed golden teeth, etc. Perhaps the harshest form of blaming the Other is reserved to (4) Holocaust survivors, considered not only numbed by their recent trauma but also expert in frisking refugees for valuables by virtue of their personal experience.

In addition to those specific categories of otherness, there is also the abstract, general Other, that who is not me. The one who spread the rumor, who was more vicious than the rest, overcome by grief, too young or too old to handle it. Most revealingly, witnesses often tell stories that portray them in a positive light, opening a window through the wall of silence and into the horror. For example, one of the Yigal Alon Museum interviewees tells us about a refugee teenager who returned to his former home (“infiltrator”, in the parlance of the time) and was caught by a military patrol in the Naqeb/Negev shortly after the war: “Tell your father you are fortunate to have been caught by humane soldiers”.

When they do confess to wrongdoings – and to the best of my knowledge there is no exception to this rule nor would there be until reconciliation is achieved – the fighters find refuge in the order. Although it is obvious that ethnic cleansing of such proportions could not have been carried out without the active, if not enthusiastic participation of all those involved, everyone says they were just obeying orders. Moreover, since the interviewee population is by definition far from representative – given that it is made up of those whose acts were not as loathsome as to prevent them from confessing in the first place – many refer to orders which they did not approve of and followed under protest, or even refused to follow. These admissions provide an indirect glimpse into the types of orders given and the ones soldiers were willing to follow. In one extreme case – the poisoning of the Gaza wells – the witness tells us his commander refused to give him a written order and found other people willing to act without one. This raises an important question for future study: are the concepts of the military order and formal hierarchy at all relevant to understanding these crimes? The good soldier is not the one who follows orders to the letter, but the one who seeks to please his commander – who fears the judgment of history –

by not waiting for explicit instructions. This simple truth has been immortalized by Gabriel García Márquez in *One Hundred Years of Solitude*: “His orders were being carried out even before they were given, even before he thought of them, and they always went much beyond what he would have dared have them do”.

This leads me, by way of conclusion, to a glaring contradiction arising from the testimonies. The Israeli ethos often describes the Jewish fighter as lacking in discipline. Ben-Gurion is known to have admired the British military discipline and to have sought to impose it on his newfound army, as part of his power struggle with the unruly Palmach. At the same time, all Palmach witnesses without exception talk about the immense value of discipline. Secrets must not be shared even with one’s closest kin, and the order is akin to a divine imperative. So it happened that a bunch of rowdy youngsters who had nothing but contempt for rank and ceremony acted as a ruthlessly efficient machine of displacement and destruction. Disobedience and independence of mind were a source of pride on the internal front, but when it came to enemy combatants and civilians discipline was so harsh that not only fear of the terrible truth, but fear of breaking ranks still weighs heavily on the witnesses, serving as the binding thread of the array of difficulties described.

Chapter 4

Testimonies

The Truth Commission was exposed to testimonies of Jewish fighters and Bedouin Palestinian refugees from different sources:

- Public Hearing testimonies on International Human Rights Day, on December 10, 2014 at Beersheba
- Zochrot Archives www.zochrot.org
- Zionist Archives documents and visit to the Palmach Museum
- Tour on the history of the Nakba in Beersheba.

The full testimonies of the Public Hearing in English and the names of the witnesses can be found at <http://zochrot.org/en/keyword/45328>

4.1 Excerpts from Testimonies of Jewish Fighters

The analysis of the Testimonies of Jewish fighters revealed recurring patterns of human rights violations, war crimes and crimes against humanity during 1948-1960. We believe that herein lies the unique contribution of the Commission, given the difficulties of collecting testimonies from perpetrators prior to the transition to a just society. The following excerpts are organized by themes and provide a glimpse into the extensive oral history material collected by and for the Commission.

Expulsion

What the state policy was, everybody knows. What the government decided at the time, everyone knows, yes? To expel as many as possible! It was in the north as well as here. That was the government's policy. And at the time I saw nothing wrong with it. We were not mature people. We were kids, and did what we were told. We were also in constant danger. If you don't win, they told us, you won't survive.

Plan D [of March 1948] says no less and no more: Areas included in the map of the Jewish State that are inhabited by Arabs... who harass or prevent the brigades and battalions from protecting Israel can be expelled... The villages will be evacuated and their fields set on fire. And that was completely clear-cut, it was black on white... So what did we do? In the Negev Brigade they started giving orders related to Plan D. Because Israel's underbelly [was] in the Negev...

The last evacuations of the war in our area were in the spring of 49. From the locals' stories I know that someone from our unit shot without hitting anyone, probably to just scare them, and then the next day they were told they had to evacuate our territory. These are the Bedouins who lived here where we live. And this was already after the [1949] Rhodes [Armistice] Agreements, and the entire tribe was moved to the other side. Without resistance.

On the eve of the 1956 war, part of the Bedouin population in the western Negev that still remained in Israeli territory was ordered to evacuate the Negev, [the entire area west of] the Beersheba-Hebron highway. Every Bedouin who was located west of this road (Highway 60) was ordered to move. Where? Across the road. They never told anyone, even when they transferred them after the 1948 war, they never told them where to go. They only said: "This is your border – from here on you can look for a place to live".

And of course our group participated in all these events, including the attacks against Arab villages that were hostile, especially those along the main roads. We had no doubt in our hearts that this had to be done! We didn't do it because we were coerced. And while we were at it, also to expel the population because we had to ensure that the main roads in the Negev would remain open for supplies and evacuating the wounded for any purpose whatsoever... We had to ensure that by... Cleaning up the territory!

The difference was that we didn't do anything bad [sic] without an order. And after that the orders began to arrive from the top level. To evacuate this village, destroy that village, and we did that... Yes, we were told that they had to be expelled. So we came and kicked them out. There weren't any men there.... And we told them, go to Gaza. And the women and children went.

Prior to that, in 52 or the end of 51, before we came here, the al-Sana'a tribe located around Lakiya was transferred. Already during the war they had been moved from the western Negev to the Lakiya area because... in December 49 the IDF suspected that some of them were working for the Egyptian intelligence.... The entire tribe went and crossed the border but the Security Council, under Jordanian pressure, forced Israel to let them go back. And then they were not allowed to return to their former areas. Whereas their center used to be in Lakiya before they were returned, they were returned to the area where today the settlement of Meitar is being established. They remained there for several months and in the autumn of 52 they were told to leave the area where Meitar is today and move to the Tel Arad area. And they moved and settled there. Of course, not on their own lands but on the lands of the Jahalin Tribe evacuated [to the West Bank] in 49.

Prevention of Return

They told us that the peasants were returning. And we surrounded the village, I was the mortarist, I used the mortar, and the others also shot a bit. And they really ran away, it was at night.... They had tried to go back!... We received all our orders from our platoon commander – our company commander... So that everything done was not done by the soldiers. Done by the soldiers, but based on strict orders. By the political level, by that time there was a state apparatus. And this must be understood – this must be emphasized! A soldier does what he's told, yes?

I'm talking 52-54 where there was tremendous hardship in the [Gaza] Strip. People had nowhere to go. The Egyptians prevented them from going down to Egypt – and there was no

point in doing that anyway – and then people heard there was some hope in the east. You could go to Jordan and from there to the countries in the east or Syria where they could be accepted and start a new life. And so there started this movement from the area... where you could make the crossing [to the West Bank] in one night.... usually we didn't let them go through... Yes, we had our orders because we were considered soldiers and we were told either to kill them or prevent their passage, and they did get killed, families, children.... Most did manage to infiltrate and we would come out in the morning to cultivate our fields and find traces of their nightly march.

This was something that continued throughout the war and after. First of all, there was one key motive for that: When leaving the villages, not everybody took their possessions. They took whatever they could take, so some would infiltrate back to take what they had left behind. Then there was another phenomenon... When some of the villages were abandoned, the fruits were on the trees. Or the fields were not yet harvested. So they would go back for the harvest, but not only the first time – also after several months. So there was a return to the villages... This may [also] be attributed to... emotional attachment to the land... Did I shoot? I didn't. Did others? Maybe. Mostly they would infiltrate at night.

Disobedience

We know that battalion or company commanders in the Negev, after receiving the orders included in Plan D, actually said, we don't want to, we won't do it. By the way, eventually they all complied. But it wasn't like, "yes, Prime Minister". There was a vehement debate among some people. Because they thought it was inhumane.

Disavowal

I was in the Negev Brigade, in the Negev Animals company if you've heard of it, and we fought against the Egyptian Army – strictly against the Egyptian Army... I understand there's an issue here, as though we've expelled the Arab inhabitants from their locations... And I totally dispute this! Because we, at least our brigade in the Independence War, fought strictly against the Egyptian Army!

This is what I want to emphasize in this place. Not because I need to justify or argue that we're so compassionate. But in this war... the entire brigade I was in... We were not aware of any people being expelled.

Looting

I arrived at the conquest of Beersheba, in which I took little part but what I can say about it is that after the occupation... there was tremendous looting... The Jews looted Beersheba! Absolutely.... people came from all over Israel, from everywhere. People heard that there was total lawlessness in Beersheba. No inhabitants and the city is empty. People came with trucks and loaded whatever they could.

In Beersheba there was looting. It was the first time I actually witnessed looting. At least some of the people were court-martialed... But there were more serious lootings: homes – private homes of rich people: you would enter houses where the tablecloths and food were still on the table...

Rape

This guy came who was not a native of this country. He said: “I raped her and shot her”. And we ran quickly – we saw them, he killed her... a villager... She was 17-18, I don’t know.

Massacre

On a school, in Burayr?... I was no longer there! They told me they placed a machine gun and shot everyone.... Sixty-seventy people.

We had reliable information that there would be a counterattack against us soon to retake the city [of Beersheba]. And our mission was, with our machine guns, to shoot into the riverbed and prevent people from fleeing the city westwards... we shot because there were no more [Egyptian] soldiers [in the city]. The soldiers took off their uniforms and escaped. And you couldn’t tell who was a soldier and who was a civilian... the battle was raging, the city was not yet taken, it wasn’t over. And a battlefield is no place for a pacifist – this I can assure you. We shot and we killed!

I think we took about 100-150 prisoners in uniform. I can’t tell you if they were soldiers or officers, but they were in uniform. And they were held in the courtyard of the great mosque [in Beersheba]... two of the Negev Brigade soldiers... The French [Commando volunteers], since they had lost several men on this battle, took two grenades and threw them [into the mosque courtyard] – a few were killed. Not one hundred or two hundred like they’re saying now. Not even ten, maybe four, maybe three... these two were court-martialed.

Detention

They built a kind of detention facility south of Beersheba... because we found out that quite a lot of them were actually in uniform but only... They were trying to transfer intelligence and stuff. So they took them out of the city... also women... a few dozen of those were brought every day back to Beersheba in order help clear the ruins...

4.2 Testimonies of Bedouin Palestinian Refugees

For all testimonies from the Public Hearing and Zochrot Archives – see <http://zochrot.org/en/keyword/45328>

Testimony of a Bedouin Palestinian Woman

Below is a testimony by a Bedouin woman.⁵ Based on a study conducted by expert witness Dr.

⁵ Simultaneously interpreted Bedouin testimonies at the public hearing are available at zochrot.org/en/keyword/45328

Safa Abu-Rabi'a, women's testimonies are different than men's in that they tend to present the disaster in its full naked power, without necessarily making distinctions between the different types of crimes used to facilitate their expulsion. Accordingly, the testimony below is brought almost in full, to best illustrate the women's perspective on the Nakba.

The Jews came, took our lands by force, and told us that there was nothing left for us here. They closed down the mosque and barred anyone from entering. The Arabs did not have weapons to defend and fight like the Jews did. Later we lived in Laqiya for three years, and then they expelled us to Tel Arad.

On the day the Jews conquered Beersheba, my father went there. He wanted to drink water from a faucet near his house, but the Jew who lived there would not let him do so. My father said to him, "You foreigner, I installed this pipe with my own hands, and I have documents that prove that these houses are ours". So the foreigner agreed to let my father drink water. How unfortunate that they took over this country and would not even let people drink the water from their own houses.

Israel wanted lands without people. The British are the ones who brought the Jews and sold them the land. The Jews would come and inspect the land, and we thought that they were looking for water. We didn't know that they wanted the land. They would come to a particular site, put up tents, and then leave. We would see the markings left by the tents. Only in hindsight did we understand that they were planning to conquer the country....

One night we suddenly saw that the Jews had entered Beersheba. They started hauling people on trucks and sending them to Gaza. After they expelled the people they settled in the area, and told us: "Go to the mountain. If we find anyone left by 8 o'clock tomorrow, we will kill him". People started getting on buses and going to Gaza, and there were those who chose to move and live in the desert....

We stayed in al-Laqiya because we had land and houses there, and because Gaza was far away from us. The rest went abroad. Then the mukhtar [village elder] came and said: "Stay where you are, give up your land... no harm will be done to those who surrender. If you surrender, we will give you identity cards. Surrender for the sake of your homeland and for the sake of your children".

Once they brought a woman and put her in a chair in order to take her photograph and give her an identity card. My father came and said to them, "A woman may not be photographed", and asked her to get up from the chair. And from then on they started giving women identity cards without photographs. I never had my picture taken except when I needed to so I could go on Hajj [pilgrimage to Mecca]. After they gave us identity cards we stayed in Laqiya for three years. In those years there was tremendous anger at the Jews... the officers told my

father that he must move to Tel Arad.... They took my father out of the house by force and destroyed the house. The sky was red from the fire and shooting. And all this was to frighten the people. They started beating people and forcing them to take their belongings on their backs. Once, they broke someone's arm and... forced him to carry his belongings with a broken arm. And that is how they transferred us from Laqiya to Tel Arad...

They burned houses, burned fields, killed men and started to expel people to the riverbeds, and that is how people became afraid and left. My father had a new house with stone facing, and the Jews burned it, and all that remains of it today is two pillars. They also destroyed the palace of Hajj Hassan who fought against the Jews, and expelled him to Gaza. They shot my uncle, Khalil, after he had already lost both hands, and there was another one who died while trying to fight. My brother together with Abu al-Walid from Gaza and my uncle, 'Abed Rabbo, were together in the resistance. My father lost two fingers, but he managed to escape the shooting...

They pulled us out by force, forced us onto buses, and shot anyone who resisted. They beat us with clubs and killed women and men near the eastern road. The eastern road is the one that leads to Beersheba from the Hebron junction. There were people who left without a single item from home. There was a family that left their son at home because they were so afraid, and fled.



Testimony of Yousif al-Usaybi, Refugee from Abu Samara - Negev / photo by: Ruty Ferera StudioSoft

Twenty days after we moved to Tel Arad my father died there. He died of grief. And we stayed to sow and reap the land. We suffered terribly just to get some water in Tel Arad. We had to go long distances and to climb hills to search for water. They cut off our water and destroyed our wells. The soldiers would come in with tanks and aim them at us, and the people were afraid. I remember that they would enter our houses at night looking under the young children to see if there were weapons in the houses.

They waged a total war against us. Everything was forbidden: onions, oil, chicken... they did not permit anything, and we had to smuggle things in from the West Bank. But when they caught someone smuggling they would kill him. Even sugar was forbidden. I swear, when I gave birth to my son, 'Abed al-Rahman, my father went to ask for permission from the officer to bring oil to anoint the child. When people saw the tanks coming closer to the area, they would throw the oil away so that they wouldn't see it. They would even hide the dates in the chicken coops, because it was forbidden....

I wish they would return our lands and houses. The Jews tried to bargain with us over their lands and ours, but we refused....there is no justice. The government wants territory without people. There is no equality. The Jews are liars. They only want the country. They want to erase us. Today they strangle our communities and villages so that we won't build and expand the villages. We will not be able to fight the Jews. The Jews can expel us and kills us, and we cannot do a thing about it.

Chapter 5

Recommendations

The Commission's recommendations have been formulated based on testimonies by Jewish fighters and Bedouin-Palestinian victims of the Nakba, as well as testimonies by expert witnesses on the Negev/Naqeb and its population, and the ongoing reality of dispossession, discrimination and human rights violations of its indigenous inhabitants. These and other sources of information have led us – members of the Truth Commission – to formulate recommendations regarding (1) the relations between the State of Israel and Jewish-Israeli society on the one hand and the Bedouin victims of the ongoing Nakba on the other; (2) raising awareness of the Nakba and in Israeli society and future truth commissions; (3) the particular victimhood of women; and (4) innovative forms of awareness raising and protest on the ground. These recommendations have been informed by current conceptions of transitional and restorative justice that emphasize taking remedial steps to facilitate mutual existence and reconciliation between the parties to the conflict.

(1) Israeli State and Society and the Victims of the Nakba

1. Israel and Jewish-Israeli society must acknowledge their responsibility for the injustices and crimes of the 1948 war and its aftermath towards the civilian Bedouin population and their extreme suffering and denial of basic human rights as refugees and internally displaced persons – a status that has remained unchanged ever since. This responsibility taking and acknowledgment must be publicly and explicitly articulated in the form of sincere and official apology and comprehensive redress including the right of return, restitution of property as well as compensation, based on international law.



Launching Event of the Final Report of the Truth Commission, panel of Commissioners, al-'Araqib January, 3, 2016

2. As indicated by the testimonies and other materials in this report, an estimated 85%-90% of the Naqeb/Negev's indigenous Bedouin inhabitants were expelled or forced to escape from their lands and homes due to deliberate intimidation – both during the 1948 war and in the decade or so after it – and today they and their descendants live in neighboring countries. Most are subject to Israeli occupation in the West Bank and Gaza Strip, while others live in the Sinai Peninsula and in Jordan and Lebanon, many of them in refugee camps. This population is included in the Palestinian refugees of the Nakba, and any sustainable solution of the conflict would have to include them and be based on the restorative justice principles of return, restitution of property as well as appropriate compensation and redress, material and symbolic, as well as guarantees against future recurrence.
3. Ignoring and denying the wrongdoings of the Nakba serves an ongoing policy of excluding, discriminating and denying basic civil rights to the Bedouin population in the Naqeb/Negev that we are seeing before our very eyes on a daily basis. The “solutions” implemented or suggested hitherto for the so-called “Bedouin problem” are all informed by discriminatory approaches that represent a non-democratic if not outright racist policies towards these inhabitants, whose status as Israeli citizens is often little more than an empty formality.
4. As a first step, we recommend a clear and official revision of the current policy, involving recognition of the Bedouins' property rights, the return of Bedouin lands that have not been settled by others and compensation for any property that cannot be returned. At the same time, or as part of the comprehensive compensation, the 2012 Master Plan for Recognizing the Unrecognized Bedouin Villages in the Negev⁶ formulated by the Regional Council for the Unrecognized Villages must be implemented.

(2) Awareness Raising and Future Commissions

1. We recommend ongoing activities to raise the awareness – particularly of the Jewish society in Israel – of the Nakba events in the Negev. These should include, at the very least, (1) continuous collection and national and international dissemination of testimonies and other information about the events of 1948 and the following decade; (2) publication of this information in various media and formats; and (3) construction of both virtual and physical memorial sites.

Special attention must be devoted to collecting as many testimonies as possible about the war of 1948 and the policy of denying the return of refugees thereafter. Given the difficulties in accessing direct and candid testimonies by Jewish fighters, archival sources and even indirect second-generation testimonies must be used,

6 <http://bimkom.org/eng/wp-content/uploads/Bedouin-Negev-Alternative-Master-Plan.pdf>

together with research efforts to cross-reference and analyze the information available to reach valid and reliable conclusions on the basis of these diverse sources. These testimonies and related scholarly texts must be published and disseminated.

In the absence of a foreseeable solution for the conflict, we recommend creating a joint study group of Bedouin Palestinians and Jews from the area – and if possible, also refugees currently living in the Occupied Palestinian Territories – who will discuss and plan a mutually agreed solution for the ongoing refugeehood and internal displacement of the Naqeb/Negev's Bedouins. Such a solution will necessarily be based on the right of every refugee and internally displaced person to return to her place of origin or opt for another form of remedy of her own free choice.

2. Creating additional truth commissions for other areas in Israel affected by the Nakba. Based on the experience accumulated in the first commission, we recommend that in future commissions, members receive theoretical training with emphasis on the role and objectives of truth commissions (as opposed to legal tribunals), as well as practical training regarding the techniques, practices and ethics of interviewing witnesses, victims and perpetrators alike.

Given the special needs of both Palestinian and Jewish witnesses, a dedicated team will be available to support all witnesses. This team will include mental health professionals involved in the conflict (such as PsychoActive volunteers) who will have learned from global experiences of work with witnesses using transitional justice practices, and adjust their support services to the unique Israeli-Palestinian and regional context.

(3) Women's Perspectives and Gender Analysis

1. The experience of war, displacement and refugeehood is different for women in every conflict involving massive depopulation, including the Nakba in the Naqeb/Negev. For reasons related to gender power relations in Bedouin society and the silencing and denial of the Nakba by Israeli society, very few testimonies of Bedouin women are available in recordings, and even fewer in writing. Given that lacuna, the Commission recommends paying particular attention to collecting first- and if need be second-generation testimonies about the Nakba from Bedouin women. This recommendation is consistent with Zochrot's emphasis on non-hegemonic approaches to memory and applies also to other areas to be addressed by future commissions.
2. By extension, future research efforts should also pay more attention to the experience of Bedouins who have experienced the Nakba at a young age, given the fact that children of have often shared the experiences of women as a group separated from the men due to the events of the war or segregation enforced by occupying troops. Indeed, some testimonies heard and read by the Commission referred to direct threats and crimes perpetrated against that group.

3. Finally, the little evidence we have from both Jewish and Bedouin sources suggests that the Nakba in the Naqeb/Negev involved sexual harassment and violence against women and girls, including acts of rape. Although such crimes are indirectly corroborated by reports from other areas in Israel/Palestine and historical records of similar events elsewhere, the dearth of direct evidence – for obvious reasons – calls for the urgent establishment of a special team by Zochrot, perhaps in collaboration with other human and women’s rights organization, to collect further testimonies on this issue

(4) Innovative Forms of Protest

One of the expert witnesses, Oren Yiftachel, challenged the Commission and Zochrot during his presentation at the public hearing to plan three Bedouin settlements for internally displaced persons on their lands. Beyond offering at least symbolic justice for these victims of the Nakba, this would also represent an original form of protest against ongoing state efforts to build exclusively Jewish settlements on Bedouin lands – particularly the recent plans to build 18 new “villa settlements” in the Naqeb/Negev.

A precedent of sorts is already available in the form of the settlement built by members of the Tarabin A-Sane’ tribe expelled from the area used to build the Jewish settlement of Omer on the outskirts of Beersheba; they built their own settlement, albeit not on their own land. Naturally, no such plan could ever be materialized in the foreseeable future, but it will start a discussion. The first planned settlement should be al-`Araqib.

Conclusion

The Truth Commission was a preliminary attempt to imagine transitional justice in the difficult reality of an intractable conflict with no end in sight. Its recommendations address that challenge, despite conflicts of opinion among Commission members and the hostile national environment in which it operated. We believe that this bold step would offer an example and inspiration for future truth-seeking and other civil society efforts, along the lines of our recommendations and also in ways that cannot yet be imagined. We truly hope that the experience we have gained in this work would contribute to raising the awareness of the Nakba, assuming responsibility for it and redressing its consequences.

We conclude by thanking Zochrot for having invited us to participate in this project, the Bedouin victims who have placed their confidence in us and shared their heartbreaking stories and the Jewish fighters who in breaking their silence are helping to heal a broken society and contribute to the building of a lasting peace.

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For more information on Zochrot's Transitional Justice Program, data on testimonies and internship opportunities, please contact jessica@zochrot.org

Zochrot (www.zochrot.org) is active in promoting the Jewish Israeli public's acknowledgement and responsibility for the injustices of the ongoing Nakba. The Commission was preceded by two years of activity by multidisciplinary discussion, research and steering teams whose members included Jews and Palestinians, mainly activists from the Negev.