

CORNERSTONE

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Grant Me Justice

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The Role of the Prophet

by Jonathan Kuttab

In ancient times, the common form of government was an oriental king, or sovereign, whose subjects were no better than personal slaves, and whose territory he considered to be personal property, and who ruled by fiat. Whether the king was benevolent or despotic, his commands were law, with no appeal or restriction. The Lord God warned the people of Israel that they did not know what they were asking for when they demanded to have a king “like all other peoples”. He warned them that such a king would rule with an iron fist, and take their sons to his wars, and their daughters as his concubines and slaves.

» In times like these, when the law plays the role of pandering to the worst of the masses, the role of the prophet becomes ever more vital to call attention to the evil and oppression of the powerful.

Into this formula, Judaism brought the two correctives of the Law and the Prophets: The law being a series of divinely inspired mandates which restrict the utter discretion of the king, and the prophets reminded the king of the requirements of the law and the justice demanded of them by the Lord Jehovah- a thankless task, as both kings and ordinary people preferred to follow their selfish desires and interests, and did not care to be constantly reminded of these restrictions.

In a modern state, where the people, through democratic processes are expected to be the true sovereign, there is still the danger that through the ballot box, they may pass laws that violate the interests and freedoms of the individual or the minorities living among them. For these purposes, a constitution, provisions of international law, and a critical independent judiciary have often been thought of as necessary restriction on the arbitrariness of the masses, who, through their elected representatives, are often tempted to trample the rights of individuals and minorities and to pursue the interest or ideology of the majority, or their temporary caprices.

The current state of affairs in Israel provides a perfect example: Threatened by outside enemies, and greedy for more land, the current government, clearly the most right wing in Israel's history, has gone on a virtual binge of legislation, passing and proposing new laws that would have been unthinkable a few years ago in their blatant racism, discrimination, and pandering to the fears of the masses. Israel has no constitution, and its consecutive governments have not shown great respect for international law, either. Its High Court, even in the best of times, has been quite compliant and reluctant to reverse the decisions of the government in issues pertaining to land or Arab rights, or "security" matters. Yet some of the new and proposed laws were specifically intended to circumvent the Israeli High Court, and restrict its authority of oversight.

The situation is exacerbated by the fact that the Arab minority in Israel has been largely marginalized and is effectively cut off from the political process, while the inhabitants of the

occupied territories are not even nominal participants in Israel's political process as they have no vote for the Knesset. And while Israel does not have a Constitution to restrict the excesses of the Knesset, it is curious that some of these laws deliberately set out to deny recourse to the High Court for fear that they may use legal or constitutional principles to strike down these excesses.

This issue highlights a number of these new laws, or proposed laws. Some of them are intended to highlight the "Jewishness" of the state, to the detriment of its non-Jewish citizens, or to limit or restrict the participation in political life of their Knesset representatives, or to take additional lands, and further dilute the rights of those perceived to be "enemies" of the majority.

In times like these, when the law plays the role of pandering to the worst of the masses, the role of the prophet becomes ever more vital to call attention to the evil and oppression of the powerful. It is also the right time to emphasize international law and human rights principles dealing with occupied territories and the protections that need to be afforded to those who live under the rule of an occupying power.

Also for those who consider Israel a democratic country, it is time to remind them that democracy does not consist of allowing a 51% majority, through its elected representatives to oppress minorities or to take away the rights of individuals. Without proper restrictions, a majority, acting "democratically" can legislate a very oppressive regime.

Palestinians who fight these oppressive measures would do well to maintain a nonviolent stand, and deprive the oppressor of the excuse of "security" and "self defense" which is often used to justify the most blatant racism and oppression. Christians, on the other hand, whether local or international, have a definite duty to remember God's requirements of justice, and their duty to stand with the weak and oppressed, and to perform the prophetic function of calling attention to the injustices perpetuated.

The fact that the majority of Israeli Jews, acting through their duly elected representatives are the architects of these laws does NOT exonerate the practices as being the results of democracy, but instead, implicates the whole population in the injustices inherent in them. For the Israeli Knesset and Israeli courts to properly claim respect as institutions of the "only democracy in the middle east", they would need some courageous voices of Jewish Israelis, and of their true friends and allies to prophetically challenge them, and demand the repeal of these laws, and the creation of new ones that aim at justice, fairness and equality.

Jonathan Kuttab is a Palestinian lawyer, advocate for Human Rights, and renowned Christian Speaker.



Anti-Democratic, Anti-Arab Legislation in Israel

Currently, there are at least 35 laws which discriminate directly or indirectly against Arab citizens of Israel. Moreover, human rights organizations, specifically Arab organizations, have been under attack for the past three years from extreme-right wing groups that are leading public smear campaigns and Knesset legislation that aims to curtail freedom of speech and association. The approval of discriminatory bills by the Knesset shows a deep crisis in values in the Israeli political leadership that is resolute in advancing and deepening structural and institutional discrimination against the Arab citizens.

A raft of discriminatory legislative proposals has been passed since the 2009 election and more are expected to follow. These legislative measures targeting the Arab minority do not come as a surprise given the anti-Arab nature and ethno-nationalistic tendencies of the party platforms of various parties in the current coalition government. Furthermore, many of these legislative measures are wholly unnecessary as the Israeli government already limits and controls the existence and operations of Civil Society Organizations (CSOs) in Israel through the Registrar of Association, which is responsible for registering CSOs, collecting content and funding reports, and conducting investigations.

The key legislative measures targeting the rights and freedoms of the Arab minority, and the existence and operations of CSOs are:



Extension of the Citizenship Law:¹ On 31 July 2011, the Knesset approved for the tenth time an extension of the *Nationality and Entry into Israel Law (Temporary Order)* that prevents Arab citizens of Israel acquiring permanent residency or citizenship status for spouses from the occupied Palestinian territories (oPt) or “enemy states” as defined under Israeli law. The Citizenship Law was first passed in 2003, but has been annually renewed. Although this law theoretically applies to all Israelis, it disproportionately affects Arab citizens because of the evident fact that they are far more likely to have Palestinian spouses, or spouses from Arab countries. It is estimated that the law directly impacts the family life of over 25,000 Arab families who are forced to live apart, or in fear of the threat of separation. This law clearly violates the right to family life and is discriminatory as it prohibits family reunification on the basis of nationality. Despite a resolution unanimously adopted by the UN Committee on the Elimination of Racial Discrimination, which states that the law violates international human rights law, the Supreme Court has upheld its constitutionality, most recently in January 2012.

1 Nationality and Entry into Israel Law (Temporary Order) 5763-2003

- **Law to legalize discrimination in housing:**² This law, approved in March 2011, allows communities to reject applicants for houses and lands if the admission committee feels that the applicants do not ‘fit’ socially into the community. The law applies to communities of up to 400 families, many of which have been built on government-allocated land. The Knesset debate on the law indicated that its aim is to make it legal to bar Arab citizens from communities in the Galilee and the Negev. Knesset members who promoted the bill declared that it will prevent implementation of the 2000 Supreme Court decision in the Qadan³ case, where the Court ruled such discrimination against Arab citizens illegal in the community of Katzir. Human rights organizations opposed the law, asserting that it will deepen housing discrimination against Arabs and other groups such as single women, Russians, Mizrahim, Ethiopians, and the disabled.

2 Law to Amend the Communal Societies (Admission Committees in Galilee and Negev Communal Settlements) – 2011

3 H.C., 6698/95, Qadan et. al. v. Israel Land Administration, PD 54 (1), 258.

- **“Nakba” Law:**⁴ In March 2011, the “Nakba” bill, which was introduced by the extreme right-wing party Yisrael Beiteinu, was passed by the Knesset. The law denies public funding to organizations that commemorate the Palestinian “Nakba” as a day of mourning when hundreds of thousands of Palestinians were expelled and forced to leave their homes during the War of 1948. The law infringes on the freedom of expression and the right of Israel’s Arab citizens to tell their own cultural and historical narrative. This has had a severe impact on Arab institutions and organizations, such as Arab local councils, that are already subject to discrimination by governmental bodies and will further delegitimize them.
- **Law on Disclosure Requirements for Recipients of Funds from Foreign Entities:**⁵ This bill was passed in February 2011 and places stringent reporting rules on NGOs that receive funding from public sources, such as the EU or the US. Harsh penalties will be imposed on NGOs that violate the law. There are already adequate transparency laws in place, and compliance with these additional requirements will be prohibitively expensive for many small Arab NGOs. The law does not place similar requirements on private funding from abroad, much of which funds illegal settlement activities in the Occupied Palestinian Territories (oPt).

Parallel to the government’s efforts, several semi-governmental organizations are also attempting to restrict freedom of speech and association of human rights CSOs. The most active of these, *NGO Monitor*, has been regularly publishing erroneous reports on CSOs since 2003 that are riddled with misleading and falsified information. More recently, other radical right-wing organizations have initiated virulent campaigns against human rights CSOs. One of these, student-based movement *Im Tirtzu*, publishes reports in which it accuses CSOs of betraying the State, delegitimizing the existence of the State and inciting against the Israeli army.

At a time when nations across the Middle East are moving toward freer and more democratic governments, Israel seems to be going in the opposite direction, instead rejecting pluralism and equality. This legislation is part of the larger effort to restrict civil rights in Israel and to intimidate civil

4 Law to Amend the Budgets Foundations Law, Amendment No. 40 - 2011

5 Law on Disclosure Requirements for Recipients of Funds from Foreign Entities – 2011

society, a dangerous trend that can lead only to further conflict. These actions undermine the role of civil society in a robust democracy and the legitimacy of the Arab community as equal citizens in the State of Israel, thus hampering the possibility of internal reconciliation, compromise and a shared future between the Jewish majority and the Arab minority.

Written for ‘Cornerstone’ by Mossawa, the advocacy center for Arab citizens of Israel. HYPERLINK «<http://www.mossawa.org>» www.mossawa.org

When Justice Implies Injustice

For many people, justice has come to mean an impartially administered system of settling grievances under law. Law, however, can hold many ambiguities. In the Palestinian experience with the State of Israel there are two ambiguities, one concerning those who established the law and the other concerning how the law is administered.

Law is established by the people in power. It is they who enact legislation creating new laws. Problems arise here because such laws tend to favor one segment of the population -those in power- over another. Paul Tillich expressed this well:

The justice of a system of laws is inseparably tied to justice as conceived by the ruling group, and this justice expresses both principles of right and wrong and principles by which the ruling group affirms and sustains and defends its own power. The spirit of a law inseparably unites the spirit of justice and the spirit of the powers in control, and this means that its justice implies injustice.

Naim Ateek

“Justice and Only Justice” 1989, p. 119

An open letter to foreign missions

Dear Sir,

Today, on behalf of all Palestinian families who became the victims of Israel's Supreme Court Decision of January 2012 as part of the Citizenship Law, I am writing this letter to call upon your support and understanding.

The so-called "Nationality and entry into Israel Law" was originally promulgated in 2003 and prohibits Arab spouses of Israeli citizens to seek permanent residence in Israel. As such, the law explicitly discriminates on the basis of race. Furthermore, the Israeli Supreme Court of Justice, two weeks ago, rejected a final appeal against the law. As a result, hundreds of families were separated, including my own, when my wife, who is a Palestinian from the city of Jenin in the Occupied Palestinian Territories, (oPt) will soon be denied the right to live with me, a Palestinian with Israeli citizenship, and our two children in my home-town of Akka inside Israel. We are not alone, around 30,000 Palestinian-Israeli families are under a similar threat of separation. Many are already living apart from their spouses and children. They have no voice in Israel; and they have now been effectively silenced by this law.

My name is Taiseer Khatib, I am a Ph.D student in Anthropology at the University of Haifa and a teacher at Western Galilee College in northern Israel. Lana, my wife, is originally from Jenin in the occupied Palestinian territories (oPt). She has a diploma in economics from Al-Najah University in Nablus. Since 2005 we are one family living in Israel with our two children, four and three years old. Lana's residency has so far been possible only through yearly extensions of her permission to stay in Israel. Yet, these extensions have been entirely subject to the arbitrary discretion of Israel's Interior Ministry and its security services. She has no legal or social rights, nor the possibility of obtaining health insurance or social security. She is not allowed to hold a job or drive a car. She is a well-educated and independent woman who is denied the opportunity to utilize her talents for the development of herself, her family, and Israel.

The recent Israeli Supreme Court decision deprives our family of the hope we seek, however tenuously, to acquire citizenship, or even permanent residency for Lana. At best, she might obtain further extensions of her present status. Meanwhile, the threat of those extensions now being suspended will hang all the more ominously over our heads. It is important to point out that we cannot choose to live in Jenin, according to the laws introduced after the 1993 Oslo Accords banning Israeli citizens such as myself from residing or visiting Palestinian cities in Palestinian Authority-administered areas of the Occupied Territories. We, and our compatriots, are caught in a truly Kafkaesque dilemma with the fear of being torn apart as a family which has become a daily part of our lives.

We see the new "Citizenship Law" as an ominous regression for Israeli society. It is clear, and explicitly acknowledged in the Israeli public arena, that the purpose of this law is to further compound the difficulties confronting the country's Arab minority, to make that community ever less viable; ultimately to severely diminish the number of the Arab population within Israel. Such language starkly reminds us. -Israel's Palestinians- of the violence which evicted our parents and grandparents from their homes, and turned us into a minority. It should remind Jews in Israel of dark times in their own history, when they were themselves separated from their families, never to see them again.

I beg you to do all that is in your power to allow our family and other families to remain united, to raise the issue of this law in the international arena, to question its compliance with internationally accepted norms and treaties, to which Israel is in some instances a signatory. I urge you to call on Israel to promulgate a law that guarantees equality for all of its citizens, regardless of their religion, or ethnicity.

Taiseer Khatib

A Jewish Voice for Peace

Hear O Israel

by David Glick

Hear O Israel intoned our forefathers
swaying back and forth in their crowded shtetls
to the beat of thousands of years of history
to countless arguments
petitions
and prayers of gratitude
addressed to the Holy One.

But what O Israel
Have you become?
The Nazis made me fearful to be a Jew
but you have made me ashamed.

Over thousands of years
you grew and matured
from the fierce tribalism of our youth
to the universal teachings of our revered prophets
the uncompromising demand
for justice and peacemaking.

With deaf ears you've turned your back on them.
Yours is a different calling
a tearing apart rather than a gathering together.
Your bulldozers demolish Palestinian homes
and unroot ancient olive trees.
Your young soldiers humiliate old men and women
at your horrid checkpoints.

Your rubber bullets maim
your tanks and F16s and Apache helicopters
terrorize and brutalize
a people yearning to be free
and to live in dignity.
The Star of David is stained with blood.

A tortured past
can harden and disfigure.
But sadly it must be said
you drew the wrong lesson
from our long history of oppression
from forced conversions and ethnic cleansing
programs and genocide.

What happened to us
must never be the fate of another.
This is the scared lesson to be learned

this is the stern obligation to be carried
into this sad and broken world.

It is time now for truth telling
time for courage
time to look in the mirror
time to confront the darkness we have become.
With the Holocaust it is Never Forget
but with Deir Yassin it is Never Mind.
This must never be.

The Star of David emblazoned
on your tanks and fighter planes
has become a badge of shame.
This wretched war over land and identity
belongs in the dust bin of history.

Hear me O Israel
you claim to speak for me
but you don't.
Yet still I carry your shame in my bones.
I long to be proud of my heritage once again.

It is time now for healing
time to set right what is wrong
time for justice and compassion
time to heed the cries of those you have oppressed.

Hear me O Israel
do it for Amos and Micah and Isaiah
do it for all the beautiful Palestinian and Israeli children
who yearn to laugh and play together as cousins.
Do it before a new generation is saturated
in this madness of hatred and fear.

Do it before
one more home is toppled
one more tree felled
one more innocent child is maimed
and scarred for life.
Do it because it is right.

David Glick is a Bay Area activist whose poetry often reflects his passion for justice. His work, which he sees as a way to "build bridges of understanding," has appeared in two anthologies. He is a member of Jewish Voice for Peace and the Marin Peace and Justice Coalition and works as a counselor with adults and couples.

Anti-Democratic Legislation Initiatives

Update: February 5, 2012

In recent years, the Association for Citizen's Rights in Israel (ACRI) has been increasingly troubled by expanding assaults on Israel's democratic values. Of great concern is the fact that one of the key arenas in which this takes place is the parliament itself – the very heart of democracy. Furthermore, the Knesset plenum and committees have frequently served as platforms for offensive and inciting discourse, mostly targeting ethnic and political minorities.

The attacks on Israel's democracy are mainly characterized by attempts to silence social or political minorities' views or public criticism; attempts to delegitimize political rivals, human rights organizations, and minorities; attempts to restrict parties with positions that do not coincide with the political majority's views; and by presenting minorities as enemies of the State, in an attempt to legitimize the infringement on their civil and political rights.

ACRI closely monitors these legislation initiatives and works to stop them. **Below is a list summarizing some of the top anti-democratic bills in the current Knesset – updated until 5 February 2012.**

Law Preventing Harm to the State of Israel by Means of Boycott (MK Ze'ev Elkin et al.)

This law, officially titled "Preventing Harm to the State of Israel by Means of Boycott," enables the filing of civil lawsuits against individuals who call for boycott of settlement products. The law also includes several sanctions that would primarily hurt NGOs or companies participating in a boycott: the loss of the NGOs' "public institution" status and with it the tax-exempt status of donations made to these organizations, as well as the cancellation of benefits to companies or ventures participating in a boycott.



According to the original version of this law, anyone initiating, promoting, or publishing material that could serve as an informational basis for a boycott against Israeli products or interests would be guilty of a criminal and a civil offense. The offender would be liable for damages and would have to recompense parties injured by the boycott, as well as being subject to punitive damages of 30,000 NIS without proof of damage. If the offender were a foreign national, they would be barred from entering Israel for 10 years and from conducting business in Israel. As for foreign countries violating the law – Israel would not transfer monies owed to them, and could even compensate damaged parties through these frozen assets. To make matters worse, the law would apply retroactively one full year prior to its passage.

The Ministerial Committee on Legislation debated the bill and rejected the provisions relating to foreign nationals and states, apparently out of concern for Israel's international relations, as well as the retroactive application of the legislation (Articles 5, 6, and 8). The revised bill was approved for first reading on 15 February 2011. A request for revision was heard on 28 February 2011, where an alternative text of the bill (prepared in conjunction with legal counsel and the Justice Ministry) was accepted. In this new text, reference to "criminal offense" was removed from the bill, and only someone actually calling for a boycott would be subject to the bill's provisions, not people merely participating in it. An article was added to the bill stating that the government could disqualify companies participating in a boycott from taking part in government tenders. This new text of the bill passed its first reading in the Knesset plenum on 7 March 2011. In the explanatory notes to the bill, the sponsors declared that they would seek to expand the scope of the legislation and reintroduce the criminal offense provision into the text of the law.

On 27 June 2011, the bill was debated in the Knesset's Constitution, Law and Justice Committee in preparation for its second-third reading. Bill sponsors and supporters added a new section containing a series of sanctions that would primarily hurt NGOs or companies participating in a boycott: the loss of the NGOs' "public institution" status and with it the tax-exempt status of donations made to these organizations, as well as the cancellation of benefits

to companies or ventures participating in a boycott – benefits established by law encouraging capital investment in companies, support for R&D, and state-sponsored loan guarantees. For example, a business publicly declaring that it would not buy supplies manufactured in the territories would be subject to lose its state-sponsored benefits.
Status: *Passed final reading on 11 July 2011.*

Revoking Citizenship for Persons Convicted of Terrorism or Espionage (MK David Rotem)

The law authorizes the Minister of Interior and the courts to revoke citizenship of persons convicted of terrorism, espionage, or disloyalty. When citizenship is denied, a series of basic rights that follow from it are denied too. The bill was approved by the Knesset Interior Committee with two amendments: First, that it will not be permissible to leave a person state-less. Second, that the decision to revoke citizenship will require the approval of the Attorney-General. Israel's General Security Services have expressed opposition to this bill.

This law infringes on the basic rights of Israeli citizens, since when citizenship (a basic right in and of itself) is denied, a series of basic rights that follow from it are denied as well. This, when Israel's criminal law already includes legal tools for dealing with persons convicted of terrorism or espionage.

Status: *Passed final reading on 28 March 2011.*

Extending Arrest of Persons Suspected of Security Offenses (government)

This law extends (by one year) the temporary order, which enables arresting suspects in security related offenses for longer periods without judicial oversight, as well as extending their arrest without their presence. The arrangement anchored in this temporary order, part of which was already disqualified by the Supreme Court in 2010, severely infringes on the right to due process and on the basic principles of Israeli criminal law. Because this law denies the most basic guarantees required for a fair interrogation, it opens the door to mistreatment of prisoners and even to the conviction of innocent people.

Status: *Passed final reading on 20 December 2010.*

Pardoning Protesters of Gaza Disengagement (MK Reuven Rivlin et al.)

Though legislation that eases punitive measures against persons who exercised their right to political protest is welcome in principle, this particular bill is problematic because it makes a distinction between political and ideological activists of

various groups. Instead of promoting general principles of “going easy” on protesters, this bill was promoted by the current political majority in favor of their electorate alone. A petition filed against the inequality that is at the heart of this law is currently being deliberated in the High Court of Justice.

Status: *Passed final reading on 25 January 2010.*

Theological dilemmas of power and justice

Power, like law, is a force closely related to justice; it is meant to enhance the establishment of justice in the world, but it is all too often abused. The blessing that law and power should bestow on people can easily be turned into a curse in situations of conflict. My intention is to point out the theological dilemmas of power in the State of Israel.

By power I simply mean the ability of a person or a group to initiate action, to bring about change, and to try to achieve a desired end. There are different types of power. The most obvious in the world today are military, political, and economic power. Theologically, God, who is the God of justice, is also the God of power and might. In God, justice and power are harmonized completely as God's justice and love. God, the source of all power, gives power to humans in order to fulfill the divine purpose of justice and peace in the world. Power is, therefore, entrusted by God to people; but like all other trusts, it can either be used responsibly or abused terribly. It can carry with it a blessing or it can become a curse.

Naim Ateek “Justice and Only Justice” 1989, p. 123



Bills Being Promoted with Government Support

Bill to Prohibit Use of the Word “Nazi” and Third Reich Symbols

This bill seeks to prohibit the use of the word “Nazi” or similar-sounding words, epithets associated with Nazism and the Third Reich, and symbols related to the Nazis or to the Holocaust.

According to ACRI, it is precisely because of the importance and gravity of the Holocaust that the attempt to dictate how and in what contexts it can be discussed is particularly egregious. This bill aims to forcibly control the public discourse in Israel, its content, and its tone – by way of criminal prohibitions and threats of detention.

Status: *On 9 January 2012, the Ministerial Committee voted to support this bill.*

Libel without Proof of Damages (MK Yariv Levin and MK Meir Sheetrit)

These were two separate proposed amendments to the Anti-Defamation Law, which were later united into one proposed bill. The first bill authorizes the court to order those who have published libel, including media outlets, to pay punitive damages of NIS 300,000 even without proof of damages – instead of NIS 50,000 as is the amount in current Israeli law. The second bill sets the amount of compensation without proof of damages at NIS 500,000 – instead of the current NIS 50,000 stipulated by the law.

Status: *The combined version of the bills passed its first reading on 21 November 2011.*

Prohibition of Support from a Foreign State Entity (MK Ofir Akunis)

This bill stipulates that “political organizations” would be allowed to accept donations from a “foreign state entity” not exceeding 20,000 NIS per year. An amended version of the bill restricted it to “political organizations” – intending to target peace organizations and human rights groups.

Status: *United with another bill, see below.*

Bill on Taxation of Foreign State Funding (MK Fania Kirshenbaum)

Seeks to deprive nonprofit organizations receiving money from a “foreign state entity” of their legal right to be exempted from income tax and sets their taxation rate at 45%. The bill’s provisions would exclude organizations receiving funding from the state.

Status: *United with another bill, see below.*

Bill on Foreign Funding of NGOs – Hybrid Version (MKs Ofir Akunis and Fania Kirshenbaum)

This bill combines the prior two NGO foreign funding bills (see above) into one larger bill with several new addenda. This hybrid bill divides all NGOs receiving funding from foreign state entities into three categories: (1) Those that will be completely banned from receiving it; (2) Those that will be allowed to receive it by virtue of being also funded (now or in recent years) by governmental sources in Israel; (3) All the rest – which will be taxed (on this kind of income) at a 45% rate, unless they get a waiver from the Knesset.

Status: *Bill presented on 30 November 2011. Not currently being promoted, due to harsh local and international criticism.*

Defamation of Public or State Authorities Bill (MK Yaacov Katz et al.)

This amendment to the Anti-Defamation Law would allow libel suits and even criminal prosecution against anyone slandering the State of Israel or any of its official bodies. Additionally, it would allow any person belonging to a particular slandered public to bring a civil suit against the accused slanderer. In the explanatory notes, the sponsors of

the legislation do not hide the fact that their intention is to enable lawsuits and even criminal prosecution against NGOs that provide information on human rights violations and alleged war crimes committed by Israeli soldiers.

Status: *Approved by the Ministerial Committee on Legislation on 11 July 2011, but later objections were submitted.*

Preference in Civil Service for Those who Served in Military (MK Hamad Amar)

According to this bill, Israeli citizens who have completed military or national service will be given preference when applying for positions in the public service. The bill discriminates against ethnic minorities and other individuals exempt by law from military service, and stands in contradiction to the value of equal access to employment.

Status: *Passed a preliminary reading on 26 January 2011.*

Following the intervention of the Attorney-General, the bill has been frozen for the time being.

Pledge of Allegiance to the State, the Flag, and the National Anthem (MK David Rotem)

According to this bill, any foreigner seeking to become an Israeli citizen will have to pledge allegiance to the State of Israel as a Jewish, democratic, and Zionist state, and serve a term of military or national service.

Status: *In October 2010 the government endorsed this bill, but it has since then not been promoted.*

Anti-Incitement Bill (MK Zevulun Orlev)

An amendment to the existing Penalty Code, according to which persons publishing a call that denies the existence of the State of Israel as a Jewish and democratic state shall be imprisoned. This is an extension of an existing criminal offence, and it intends to incriminate a political view that another political group does not accept.

Status: *Passed a preliminary reading on 27 May 2009. Might reach the Knesset Constitution Committee in preparation for its first reading.*



Tribunal for Foreigners (government)

The bill, an amendment to the Entry to Israel Law, seeks to establish a tribunal for immigration and status matters within the Ministry of Justice for non-Jewish foreigners seeking to obtain legal status in Israel. The judges of this court shall be employed by the executive branch, and will be allowed to rule without holding any public debate. The authorities will be exempt from presenting various documents to the court and will be allowed to demand ex-parte hearings.

Matters of immigration and the status of non-Jews are not currently regulated by a clear immigration policy. Therefore, once this tribunal is established, all the executive, legislative, and judicial powers pertaining to the immigration and status of non-Jews will be in the hands of the Ministries of Justice and Interior. The ministries will determine the policy, introduce procedures, execute them, judge them, and pass judgment on whether their policy and its execution are even legal. This will lead to an infringement on the most basic rights of many individuals, including: partners of citizens and residents, children in East Jerusalem, migrant workers, persons with no status, and so on.

Status: *Passed its first reading on 20 December 2010, currently discussed in preparation for its second-third reading.*

Bill to Protect Israel’s Values (MK Uri Ariel)

According to this bill, organizations whose activities “harm the State of Israel as a Jewish state” shall not be permitted to operate in Israel and will be shut down.

Status: *The bill was debated in the Ministerial Committee on 7 November 2010 and sent to the Ministry of Justice for review and revision. A revised version has not hitherto been returned to the Ministerial Committee.*

Government-Initiated Bills Intended to Restrict the Knesset’s Opposition (government)

Seven MKs may split from a Knesset faction to establish a new faction – instead of the current one-third of the original faction members; increasing the quorum needed for budget-related bills to 55 MKs; if a vote of no-confidence is endorsed by a Knesset majority, but the new candidate for Prime Minister fails to form a coalition-based government, then the ousted government will regain its seat; a cabinet

member who quits the Knesset shall be replaced by another on his faction list.

Status: *Passed their first reading. Not being promoted at present.*

Bills the Government Has yet to Endorse or Reject

Declaration of Loyalty Bill (MK Danny Danon)

According to this bill, as a condition for receiving any official document of the state – such as an identity card, a passport, or a driver's license – citizens would be required to declare their loyalty to the State of Israel and to its values as a Jewish and democratic state.

According to ACRI, a state that requires citizens to declare their loyalty and monitors their beliefs, views, and opinions – is not a democracy. This bill will infringe on a range of basic rights of Israeli citizens, not only their freedom of expression and freedom of opinion, since it might lead to revocation of necessary documents, as well as revoking the right to the realization of civil rights of persons who refuse to declare loyalty to the state and its institutions.

Status: *Bill tabled on 23 January 2012, and not yet discussed by the Ministerial Committee on Legislation.*

Basic Law: Israel the Nation-State of the Jewish People (MK Avi Dichter et al.)

This bill seeks to define Israel as “the national home of the Jewish people” – and uniquely of the Jewish people – legally subordinating the state's democratic character to its Jewish one as defined in this proposed bill. The bill further stipulates that Arabic will no longer be an official language of the state (rather a “special status” language), that Hebrew Law shall serve as a source of inspiration for the legislator, and enables the establishment of separate communal settlements for members of one religion or nationality, thereby cleansing, and even makes a statutory norm of, existing practices of racial discrimination in housing. In essence, much of what is being proposed is similar to what already exists today through various laws. The major differences are the emphasis on Israel as the national home only of the Jewish people, and the demotion of Arabic to a secondary

language. The most problematic element of this legislation is its discriminatory message, leaving no room for protection of minorities in Israel – particularly not the Arab minority.

Status: *Tabled on 3 August 2011. Not yet discussed by the Ministerial Committee.*

Denying Entry to Israel (MKs Yariv Levin and Yaacov Edri)

According to this bill, entry to Israel will be denied to foreign nationals involved in boycotts against Israel, filing lawsuits against Israeli military and government officials because of their military activity, or denying the Holocaust.

Status: *The bill was not yet promoted in the Knesset.*

Pledge of Allegiance for Civil Servants and Council Members (MK Lia Shemtov et al.)

According to this bill, members of local and city councils, as well as some other civil servants, will be required to pledge allegiance to Israel as a Jewish and democratic state.

Status: *Bill was presented in Knesset on 6 December 2010. Not yet discussed by the Ministerial Committee.*

Associations Law – Amendment (MK Ronit Tirosh)

According to this bill, an NGO that is involved in filing of lawsuits abroad against senior Israeli politicians and army officers will be shut down. An new organization of this type that wishes to register with the Registrar of Associations will not be allowed to register as a legal association.

Status: *Bill presented in the Knesset on 14 June 2010, not yet promoted.*

Bills Aimed at Weakening the Supreme Court

Restricting Public Petitions to the High Court of Justice (MKs Yariv Levin and Danny Danon)

This proposed amendment to the Basic Law: The Judiciary seeks to substantially limit the ability of human rights and social change organizations to file petitions to the High Court of Justice, thereby limiting the amount of sensitive



public issues that reach the Supreme Court. The bill seeks to restrict “public petitioners” – organizations and bodies that file petitions against state authorities even though they are not directly harmed in a certain matter.

Status: *Tabled on 28 February 2011, scheduled to be brought before the Ministerial Committee in the coming weeks.*

Bills Intended to Influence the Selection of Supreme Court Justices.

Several bills have recently been promoted with the intention of influencing the process of selection of Supreme Court:

The Courthouses Order (Proposed Amendment – Appointing a President) (MK Yaacov Katz):

Lowers the minimal tenure for a Supreme Court President – from three to two years, in order to enable the presidency of

Justice Asher Grunis.

Status: *Law passed its final reading on 2 January 2012.*

Transparency of Procedures to Appoint Supreme Court Justices (MKs Yariv Levin and Ze'ev Elkin):

Every judge and president appointed to the Supreme Court would have to undergo a hearing in the Knesset Constitution Committee, which can then veto the appointment.

Status: *The Prime Minister decided to not support this bill.*

Bill Regarding Representatives of the Lawyers' Bar Association in the Committee for Selection of Judges (MK Robert Illatov et al.):

Seeks to ensure that the head of the Bar Association will be one of the Bar representatives in the committee, in order to influence the (then upcoming) selection.

Status: Received government support but was not promoted due to harsh criticism; since the Supreme Court selection has, at this point, already ended – this bill is not likely to be promoted.

Bill to Defer High Court Rulings on Legality of Bills (MK Yaacov Katz)

According to this bill, if the High Court rules that a particular bill is unconstitutional and therefore should be annulled, the ruling will come into effect only after a year passes since the ruling was made.

Status: Tabled on 2 February 2010. The Ministerial Committee decided to not support the bill on 18 October 2010.

Bill Banning High Court from Ruling on Security-Related Matters (MK Yaacov Katz et al.)

According to the bill, the High Court may not set abiding rulings on matters related to security and threats to human life. It may state its position, which will not be binding to the government.

Status: Tabled on 25 January 2010. The Ministerial Committee decided to not support the bill on 30 May 2010.

Basic Law: Constitution Court (MK David Rotem)

The proposed bill aims at establishing a new Constitution Court through a series of acts, and stipulates that the justices be required to pledge allegiance to a Jewish state; that votes will be unanimous; and other criteria that will harm separation of powers, human rights, and democratic values.

Status: Tabled on 1 April 2010. Not being promoted due to lack of coalition agreement.

Bill to Disallow High Court from Ruling on Citizenship Law (MK David Rotem et al.)

According to the bill, the High Court will not be authorized to rule on the Citizenship Law (Temporary Order), which in its current form prevents Palestinians from the Occupied Territories from attaining citizenship through family ties to Israeli citizens and residents. This bill was devised in the wake of petitions to the High Court challenging this existing policy.

Status: Tabled on 5 November 2009. The Ministerial Committee decided to not support the bill on 20 December 2009.

Other Initiatives

Parliamentary Committees of Inquiry (MKs Danny Danon and Fania Kirshenbaum)

These were two separate proposals, which sought to establish parliamentary committees of inquiry into the financing of various NGOs.

Status: On 2 February 2011, both committees received their letter of appointment from the Knesset Committee. However, in the wake of local and international pressure, Prime Minister Binyamin Netanyahu announced that he no longer supports the establishment of these committees and allowed parliamentary freedom on the vote within the coalition. On 20 July 2011, the Knesset rejected both proposals.

Bills not Promoted due to Lack of Government Support¹

Bill on Dissolving Companies that Refuse to Operate in Any Part of the State (MK Yaacov Katz et al.)

According to this bill, any company that refuses to provide services or buy services from a specific region in Israel is causing harm to all Israeli citizens. If the company will sign a contract whereby it commits to not provide services or operate in a specific region (e.g. Israeli settlements in the West Bank), the court will be given the authority to dissolve the company.

Status: Tabled on 7 February 2011, rejected by the Ministerial Committee but an appeal was later filed. The appeal was also rejected on 11 July 2011.

Bill on Funding for Cultural Institutions (MK Moshe Mataon)

The bill is intended to deny state funds from cultural institutions that employ artists, who did not served in the Israeli military.

Status: The Ministerial Committee rejected this bill on 13 February 2011.

Bill on Banning Veils in Public (MK Marina Solodkin and MK Miri Regev)

These are two separate bills, according to which it would be illegal to cover one's face in public and the offence will carry a penalty of imprisonment.

Status: Both bills were tabled in July 2010 and rejected by the Ministerial committee on 2 February 2011.

Bill on MKs' Pledge of Allegiance (MK David Rotem)

According to this bill, all MKs will be required to pledge allegiance to the State of Israel as a Jewish and democratic state, to its laws, symbols, and national anthem. This bill is intended to delegitimize and even actually exclude minority groups in Israel from taking part in Israeli democracy.

Status: On 6 June 2010, the Ministerial Committee rejected this bill.

Cinema Bill (MK Michael Ben-Ari et al.)

According to this bill, the entire crew of a film that seeks public funding will have to pledge allegiance to the State of Israel as Jewish a democratic state, its laws, symbols, and so on. This bill infringes on freedom of expression, freedom of protest, and freedom of artistic expression – of only one side of the political spectrum.

Status: On 9 May 2010, the bill was rejected by the Ministerial Committee. On 12 May 2010, the Knesset plenum voted against this bill in its preliminary hearing.

Bill to Bar Political Assassins and Terrorists from Voting (MK Moshe Matalon)

According to this bill, the assassin of an Israeli Prime Minister, as well as persons who committed acts of terrorism against Israeli citizens or sent others to commit acts of terrorism – will not be allowed to vote in the general elections.

Status: Tabled on 26 April 2010, rejected by the Ministerial Committee on 1 May 2010.

Bill on Ousting MKs (MK Danny Danon)

According to this bill, an MK may be ousted by a majority vote of 80 MKs if he or she expressed their opposition to Israel as a Jewish and democratic state, incited to racism, or supported an armed struggle against the State of Israel.

Status: Rejected by the Ministerial Committee.

Basic Law: Human Dignity and Liberty (Amendment: Citizenship and Entry to Israel Law) (MK David Rotem and 44 other MKs)

This bill was constructed in order to bypass the Supreme Court, following Supreme Court hearings regarding the Citizenship Law, for fear that the court will ban this law.

Status: Tabled on 11 May 2009, rejected by the Ministerial Committee on 20 December 2009.

In 2005 the CEDAW¹ Committee condemned the [above] law and in 2010 the Human Rights Committee reiterated its concern about the law, its discriminatory nature, and recommended that it should be revoked:

Recalling its previous recommendation in paragraph 21 of the preceding concluding observations (CCPR/CO/78/ISR)², the committee reiterates its concern at the Citizenship and Entry into Israel Law (Temporary Provision), as amended in 2005 and 2007, remains in force and has been declared constitutional by the Supreme Court. The Law suspends the possibility, with certain rare exceptions, of family reunification between an Israeli citizen and a person residing in the West Bank, East Jerusalem or the Gaza Strip, thus adversely affecting the lives of many families (arts. 17, 23 and 24).

The committee reiterates that the Citizenship and Entry into Israel Law (Temporary provision) should be revoked and that the State party should review its policy with a view to facilitating family reunifications of all citizens and permanent residents without discrimination.

The Convention on the Elimination of All Forms of Discrimination against Women.

Concluding observations of the Human Rights Committee.

- 1. The Convention on the Elimination of All Forms of Discrimination against Women.*
- 2. Concluding observations of the Human Rights Committee.*

¹ This is a very partial selection of anti-democratic initiatives presented in the current Knesset and not promoted due to lack of government support.

Testimony by Wafa'

from Anata / East Jerusalem

My name is Wafa'. I am 42 years old and I live with my husband and children in Anata in East Jerusalem. I have five children. The eldest is 19 years old and the youngest is 10 years old.

I am originally from Bethlehem and I carry a Palestinian identity card. My husband is a Jerusalemite and carries a Jerusalem identity card. When we first got married in 1990 and I moved to live with him in Jerusalem we submitted a family unification application to the Israeli authorities in order for me to be able to live in the city legally. My application was rejected. In the beginning they even refused to receive the application claiming that my husband and brothers were politically active and were jailed in the past.

Finally In 2004, and only after I appointed a lawyer, my husband received a letter from the Israeli authorities saying my application has been approved. They requested evidence that in fact I was living in Jerusalem, as a condition for processing my application. My husband and I had to submit copies of water and electricity bills, a house lease contract, evidence that our children went to schools in Jerusalem and proof that we paid the Jerusalem municipal tax, the Arnona. We provided everything they requested but for a whole year there was no answer from them.

During all this time and since I married and lived in Jerusalem I was almost under

house arrest. According to Israeli laws it is illegal to be living in Jerusalem with a West Bank identity card. I could not visit my family in Bethlehem and they could not visit me. I was totally isolated from them. I could not go shopping, I could not take my children to school or attend their school activities, I could not visit friends or get on a bus or a taxi without risking being stopped by Israeli soldiers and arrested or forced to cross the checkpoint back to Bethlehem. Life was very difficult and not normal at all. I constantly felt as if I had committed something seriously wrong. I could not have a job although I very badly needed to work for financial reasons. I could not have an affordable health insurance.

One day, during the winter of 2006, I stepped out of the house with my husband to do some shopping for the house when an Israeli army jeep happened to pass by. The Jeep pulled over and asked to see our papers. When the soldier realized I did not carry a Jerusalem Identity Card he confiscated my Bethlehem Card and asked me to follow him on foot to the nearest checkpoint. When I got there he told me to cross to the other side of the checkpoint and to go back to Bethlehem. I was terrified and refused to do as he told me. I panicked and thought I would never be able to return home. I told him I had young children at home and needed to be with them. I told him I was married to a person from Jerusalem and my application

was being processed. I showed him the piece of paper that proved what I was saying. He refused and insisted on me going back to Bethlehem. He even asked me to sign a piece of paper in Hebrew which I didn't understand. In the beginning I refused but then I realized I had no choice but to do as he was telling me, I signed the piece of paper and crossed to the other side of the checkpoint. But instead of going to my parent's home in Bethlehem I climbed the nearby hills and found my way back to Jerusalem through dirt roads. It took me about an hour to get home when I was less than ten minutes away from my home. It was dreadful. Since that incident I have confined myself to the house and hardly ever left. When one day my youngest daughter fainted at school and had to be rushed to the emergency room I could not be with her. It was awful not to be with my sick daughter at the hospital.

We asked the lawyer to intervene. He finally was able to overcome the obstacle which the authorities claimed was the reason for the delay in processing my application. We were told it had to do with my husband's imprisonment for political reasons before our marriage. Ten days later, at the court, the lawyer was able to have them issue a permit that allowed me to be in Jerusalem. The permit did not allow me to be present or travel to any other place in Israel. Still, I felt this was a good temporary solution because it meant I could at

least move around freely within the city and do things with my family.

In 2007 I finally received the approval to reside in Jerusalem. This was not yet an approval for a Jerusalem Identity Card but a piece of paper, valid for one year that allowed me to apply for a permit to be in Jerusalem including an overnight stay. I had to first apply for a magnetic card which had all my personal information including a palm print. On the basis of that I was finally able to obtain a permit to be in Jerusalem 24 hours a day. This permit is valid for six months which means I can have two such permits for the duration of the temporary residency permit. This was good but not enough. This permit did not allow me to drive a car, to have a job or to be eligible for an affordable health insurance. It restricted my ability to leave and enter the city at specified checkpoints where the palm-scanners are placed. Still, I was pleased.

Everything seemed to be working fine until one day my husband went to renew the temporary residency permit which was due to expire soon. He is supposed to ask for an appointment to renew it at least three months in advance which he did. He was told that my temporary residency permit has been cancelled. They explained the reason to be the imprisonment of my two brothers and my brother-in-law. I was devastated. Just when I thought everything was going fine things got worse.

My daughter is getting married in a couple of months and there is so much to do in preparation for the wedding. My daughter needs me to go shopping with her, to visit relatives and to invite people to the wedding but it doesn't look like I will be able to do it. I don't understand the logic. What do I have to do with my brother-in-law? Why do they punish me for something he did before I even knew him? The same with my brothers. I am not responsible for what my brothers did in their lives. One of my brothers was interrogated for 20 days and was not found guilty of anything. He was released and was not jailed. My other brother was put under administrative detention without charge and without trial. They had no evidence against him. He was released without a charge. The absurd thing is that the Israeli authorities have recently issued permits for my brother to enter Jerusalem. I don't understand. They have no problem with him entering Jerusalem now but refuse to give me a permit to live with my husband and children because of him. It doesn't make sense.

I am very worried. I feel my life will come to an end soon when my current temporary residency permit expires. I feel it is going to be much worse for me now that I was able to move freely for nearly a year. It is a relapse.

My husband is very sick and sometimes loses consciousness all of a sudden. When that happens he needs to be

rushed to the hospital and I am the only person who can take him to the hospital since he is always at home and does not have a job. If I have no valid permit I won't be able to accompany him.

I feel anxious and worried all the time. It has been 20 years since I got married and I still am not allowed to live with my husband and children. It has been too long; I don't think I can take it any longer. Moving to another place in the West Bank is not an option. If we move to the West Bank the Israeli authorities will cancel my husband's residency rights and that of our children. I feel I am stuck. The situation is impossible. In a few months I will again be living illegally in Jerusalem with my husband and children. I will be under house arrest.

by kind permission from the Women's Center for Legal Aid and Counseling (WCLAC) www.wclac.org

Woe to those who devise wickedness and work evil upon their beds! when the morning dawns, they perform it, because it is in the power of their hand. They covet fields, and seize them; and houses, and take them away; they oppress a man and his house, a man and his inheritance.

(Micah 2:1-2)

Glimpses of Our Activities

Jerusalem & Nazareth



Participants at the Swedish Conference "Come and See". 25 -30 March 2012.



Rev. Dr. Donald Wagner's lecture "Bankrupting Justice" at the Sabeel office



Women's lent program at the foot of the "Mt. of Temptation"



"Via Dolorosa" procession using contemporary prayers



Clergy and wives' gathering in Jericho.



Sabeel youth walking the contemporary way of the Cross.



Youth meeting to discuss "Accepting the 'other' in a pluralistic society"



Ecumenical prayer for the peoples of the Middle East



Sabeel Nazareth Easter program



Trip to Nablus (West Bank) - Nazareth Community program



Mother's Day program



Children's Program

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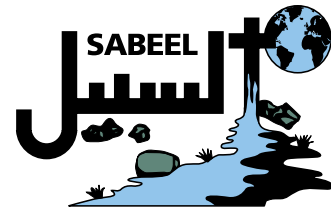
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Christ,
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and Creative
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PURPOSE STATEMENT *f* SABEEL

Sabeel is an ecumenical grassroots liberation theology movement among Palestinian Christians. Inspired by the life and teaching of Jesus Christ, this liberation theology seeks to deepen the faith of Palestinian Christians, promote unity among them, and lead them to act for justice and love. Sabeel strives to develop a spirituality based on justice, peace, non-violence, liberation, and reconciliation for the different national and faith communities. The word 'Sabeel' is Arabic for 'the way' and also a 'channel' or 'spring' of life-giving water.

Sabeel also works to promote a more accurate international awareness regarding the identity, presence, and witness of Palestinian Christians as well as their contemporary concerns. It encourages individuals and groups from around the world to work for a just, comprehensive, and enduring peace informed by truth and empowered by prayer and action.

For more information on Friends of Sabeel groups in your area please contact our international representatives or the Sabeel Center in Jerusalem.