

Israel imposes heavy sentence on whistleblower Anat Kam to protect the guilty

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An Israeli court has sentenced Anat Kam, a 24-year-old former conscript, to four-and-a-half years for leaking documents implicating Israel's top military commanders in war crimes.

The whistle-blower has already served two years under house arrest.

The decision is expected soon as to whether *Ha'aretz* journalist Uri Blau, to whom she gave the 2,000 documents, will be charged with "holding classified information without authorisation and without intention to harm the security of the state" under article 113-c of the criminal code on espionage. If he is to face charges, it would mean that any reporter in Israel who has seen or held a secret document could face indictment.

The nature of the charges sets a legal precedent. It constitutes a stark warning to those soldiers and journalists who feel a deep disgust with the criminal executions, frame ups, and intimidation of Palestinians carried out by the state: soldiers must acquiesce in the face of their superiors' criminality, while journalists must not report anything the authorities do not want published.

Kam was accused of copying 2,000 documents onto a compact disc between 2005 and 2007, 700 of which were classified as "top secret" or "secret" and came from the General Staff and Chief of Staff's Office where she worked as a clerk during her military service. She later handed them to Uri Blau, a journalist whose specialism lies in military affairs and exposing corruption.

Kam has been described in the media as a typical young Zionist. Her motive was justice, not espionage. She said in an earlier court appearance that she had copied the material to expose "certain aspects of the IDF's [Israel Defence Forces] conduct in the West Bank that I thought were of interest to the public... If and when the war crimes the IDF was and is committing in the West Bank would be investigated, then I would have evidence to present."

"When I copied the materials I thought that as far as history is concerned, people who have warned of war crimes were forgiven," she continued. She felt that she hadn't "changed enough of the things that were important to me at the time of my army service and I thought exposing them would bring about change."

Kam was arrested in December 2009 and the circumstances of her arrest, and the arrest itself, were subject to military gagging orders. She was kept under house arrest and faced prosecution for espionage and passing on classified information, with the intention to harm state security, charges which carry sentences of a maximum of life imprisonment and 15-years imprisonment. In the past, the Israeli state dealt with such cases as military insubordination, which carries a far lighter penalty than espionage with its implication of treason.

While Kam pleaded guilty to lesser charges of "unauthorised holding and distributing of classified information" as part of a plea bargain, the Attorney for the State Prosecutor's Office, Hadas Forer-Gafni, said earlier this year that the state would push for a stiff sentence. He said, "The plea bargain is lenient compared to the original indictment, but not in its outcome. These are two very serious offences."

Forer-Gafni remarked after conviction, "You heard today in court how seriously we view this case, and the court has also pointed out its severity. This verdict should be taught at every school and during every basic training so that soldiers know what punishment awaits them if they pass on classified information."

The judges held up Kam as a warning to other soldiers who might consider leaking information, remarking during the sentencing, "If the IDF cannot fully trust its soldiers, it will not be able to function as an army... The transfer of documents while violating basic duties constitutes a violation of the most severe criminal norms".

Blau, the *Ha'aretz* journalist, used the material from Kam to write a major exposé, headlined "Licensed To Kill" in November 2008. He showed how the IDF had planned and then assassinated two leaders of Islamic Jihad in the West Bank in June 2007, in breach of international law and the IDF's own procedures which had been revised after a 2006 Israeli High Court ruling requiring security forces to arrest not kill suspected Palestinian militants.

Blau described incidents and quoted conversations of then Chief of Staff Gabi Ashkenazi, the head of GOC Central Command Yair Naveh, Head of the Operations Unit Brigadier General Sami Turjeman and Head of Operations Directorate Tal Russo, showing that they had all sanctioned the executions.

At the time, the IDF claimed that the militants had fired on the security forces before they were shot.

In December 2008, a week before the launch of Operation Cast Lead against the Gaza Strip, he wrote another expose, detailing the plans and orders for the military invasion. After the official censor reversed his original approval, *Ha'aretz* agreed to withdraw the story.

In September 2009, Blau was summoned to attend to the offices of Israel's security service, the Shin Bet, who demanded he hand over all the files relating to the articles. Instead of defending its sources and journalistic freedom, *Ha'aretz* reached a cowardly deal with Shin Bet, agreeing to hand back the documents and Blau's computer. Such a deal made it inevitable that Shin Bet would be able to trace the source of the leak to Kam, despite *Ha'aretz's* claim that part of the deal was that the papers would not be used to identify Blau's source or used in evidence in any legal proceedings against the source.

With international criticism of Israel's blockade and military assault on Gaza in 2008-09 mounting, Shin Bet used the documents to track down and arrest Kam, then studying history and philosophy while holding down a part-time journalist job on an internet website. Blau, out of the country at the time, fled to London where he remained until October 2010.

While Kam is now serving a lengthy jail sentence, and Blau is likely to do so, none of those named in Blau's articles as planning and approving the illegal assassinations, in contravention of the Supreme Court ruling, have ever been reprimanded, let alone brought to justice. Some—like Naveh and Turjeman—have been promoted. Former Chief of Staff Ashkenazi, who retired from the IDF earlier this year, is living a well-heeled life secure in the knowledge that his past crimes will not return to haunt him.

The past year has seen a steady erosion of press freedom in Israel. The most basic constitutional freedoms have been undermined as the government and IDF have asserted the power to arrest, detain and attack journalists.

Earlier this month, Israel arrested five journalists aboard two aid ships, chartered in Turkey and carrying Irish and Canadian flags, bound for Gaza, and seized their equipment. Three were deported the next day while two—Jihan Hafiz, an American of New York-based Democracy Now! and Hassan Ghani, a Briton from Iran's Press TV—are still being held because they refused to sign a document written in Hebrew recognising that they had entered Israel illegally and were banned for returning for the next 10 years.

Reporters without Borders (RWB) are particularly concerned about Ghani, as no information is available about his whereabouts. He was also one of more than 60 journalists aboard the May 2010 aid flotilla who were arrested, taken back to Israel and then deported. Israel's brutal use of military force to intercept the unarmed flotilla in international waters resulted in the deaths of eight Turkish citizens and one holding dual

American-Turkish citizenship and the wounding of another 36.

In August, RWB listed numerous arbitrary arrests and abusive treatment of Palestinian journalists by the IDF in the West Bank over the summer, with cases of reservist soldiers deliberately firing on media personnel, wearing clearly marked vests carrying the words "Press" or "TV", covering Palestinian demonstrations. In May, a photojournalist was shot and seriously wounded by an Israeli soldier at the Erez crossing in Gaza when covering clashes between Palestinian youths and Israeli soldiers during the Nakba, commemorating the displacement of Palestinian citizens after the establishment of the state of Israel.

The Israel authorities issued a blanket threat to all the journalists, including one from Israel, seeking to join this year's June flotilla to Gaza, saying they would be denied entry to Israel, banned from re-entry, their equipment could be impounded and they might be subject to "additional sanctions".

Israel banned foreign journalists from entering the Gaza Strip during its murderous assault during 2008-09 for "security reasons". Six journalists were killed during the conflict, two in the course of their work, and an additional 15 were wounded.

Israel has particularly targeted *Al-Jazeera* journalists following Qatar's closure of Israel's trade office in Doha in the aftermath of the assault on Gaza, refusing to renew or issue visas and accreditation for its journalists. Two *Al-Jazeera* journalists aboard a Gaza-bound aid ship were arrested in June 2009 and deported a few days later.

The assault on press freedom is justified on the grounds of the "existential" threat to Israel posed by the Palestinians and Israel's Arab neighbours. But the real target is the emergence of any opposition to the illegal and reactionary policies of the financial aristocracy that controls the political system. The refusal of most of the liberal press in Israel and internationally to denounce the case against Kam signifies their complicity in the crimes of their own ruling elites.



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