

Israeli government uses emergency powers to authorize cellphone tracking of coronavirus patients

Kevin Reed
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The Israeli government voted unanimously early Tuesday morning to pass regulations allowing the country's intelligence agency to use cellphone location data to track the movements of people who test positive for the coronavirus and identify others with whom they have come into contact.

The unprecedented measure—which permits the Israeli internal security agency known as Shin Bet to use counterterrorism technology on the general public—was adopted by a vote of the cabinet with emergency powers, thereby avoiding a review by Israel's parliament, the Knesset.

Discussions had been underway since Saturday when Israeli Prime Minister Benjamin Netanyahu announced, “All means will be used to fight the spread of the coronavirus including technological means, digital means, and other means that until today I have refrained from using among the civilian population.”

As of this writing, according to the *Jerusalem Post*, there are 337 people in Israel who have tested positive for the coronavirus and there are no deaths reported. The Health Ministry reported early Wednesday that five people are currently in serious condition with COVID-19, while another nine are moderately ill and 11 have recovered. The World Health Organization also reports 41 confirmed cases of the disease in the Occupied Palestinian Territory with no deaths. There are 8.6 million people in Israel and 5 million people in the Palestinian territories.

The passage of the cellphone tracking regulations took place under extraordinary political circumstances. On Monday, while the outgoing Knesset was reviewing Netanyahu's proposal, its time expired at 4:00 p.m. and a new parliament was sworn in without a vote on the

measure being taken.

Despite the Justice Ministry's insistence that the measure go through the full parliamentary approval process, Netanyahu moved with his holdover cabinet—including the support of Attorney General Avichai Mendelblit—to implement the public surveillance operation anyway.

According to *Haaretz*, “The ministers approved regulations authorizing the Shin Bet to track all those who came into contact with individuals suspected of being infected with COVID-19 prior to being diagnosed with the illness. To track these people, the Shin Bet will use advanced technology, usually utilized in counter-terrorism.”

In other words, the Shin Bet tracking system includes cellphone location data that has already been collected and exists in a database such that the state can go back in time and retrace the movements and activity of anyone.

Haaretz also described the passage of the domestic intelligence regulations, “Published in the dead of night in the state records, despite initially being slated to be confidential, the regulations stated that there will be no need for a court order to collect the data. Normally, a court order is required for something like cellphone tracking, as it is considered a serious invasion of privacy if there is no basis for it.”

The blatantly undemocratic measure and procedure did not prevent Netanyahu from stating, “Israel is a democracy and we must maintain the balance between civil rights and the public's needs.” The prime minister would have been speaking the truth if he had said he was taking advantage of the public health crisis to make public a surveillance operation that has been in

existence for many years. An intelligence technology that has been used in the brutal suppression of Palestinian opposition to expanding occupation is now being rolled out against the entire population of Israel.

Netanyahu is also using the coronavirus epidemic and the implementation of the cellphone surveillance as a means of maintaining his political power. He has been unable to form a new government after three attempts. His trial on bribery, fraud and breach of trust, set to open on Tuesday, was postponed for two months after his Justice Minister Amir Ohana put the country's courts in a "state of emergency" over the coronavirus.

Shin Bet has been collecting cellphone metadata in Israel at least since 2002. Several Israeli laws give the prime minister the power to force telecommunications companies to allow government access to their facilities and databases, "as necessary to perform the functions of the security forces or to exercise their powers."

As in the US, the Israeli government passed Article 11 of the Security Agency Law in the aftermath of the terror attacks of September 2001. It permits the Prime Minister to determine what kind of information from cellphone subscribers is required by Shin Bet "to fulfill its purpose."

The spying of the Israeli government on the public has been an open secret for nearly two decades. As an anonymous former Israeli intelligence official told the *New York Times*, "we all laughed, that what the American intelligence community was trying to hide, and what caused such an uproar among the American public, is so clearly written in Israeli law."

The cabinet vote was criticized widely within Israel and internationally as following closely behind China, South Korea and Iran in the use of repressive methods in response to the spreading pandemic. The Association for Civil Rights in Israel said that authorizing Shin Bet with the new powers was a "dangerous precedent and a slippery slope that must be approached and resolved after much debate and not after a brief discussion."

Former Israeli deputy attorney general Malkiel Blass said that Netanyahu's cabinet had been operating since the dissolution of the Knesset in December without legislative oversight for too long. Blass told the *Times*, "Even in crises of this nature, the core of civil rights in a democracy must be preserved. ... it is inconceivable that because of the panic, civil rights should be trampled without restraint, at levels that are totally

disproportionate to the threat and the problem."

As the COVID-19 pandemic spreads, the ruling elites in every country are proving their incapacity and unwillingness to address the scale of the health crisis facing masses of people and also that they will use authoritarian, police and military measures as the class struggle intensifies internationally.



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