

August 2018

## Ad Kan's smear campaign against Akevot Institute

On July 24, 2018, Ad Kan, an Israeli far-right NGO, posted a 40-page report entitled "[Akevot – Occupation Archives: A Study on Actions taken by Switzerland and Norway to Expose Israel's Classified Archives](#)" (the report has not been released in English). The report accuses Akevot of a litany of serious offenses, from false representation to revealing security secrets. **Every last one of these allegations are false.**

Ad Kan's report's release was preceded by a public relations campaign which included several news stories and interviews. Ad Kan continues the campaign at its Facebook page. None of the media outlets that relied on Ad Kan's materials contacted Akevot to get our response to the serious accusations. Ad Kan itself never contacted Akevot to get a response to the allegations it made against us. This document is intended to present the facts on Ad Kan's sloppy smear campaign.

### About Akevot Institute

Akevot Institute for Israeli-Palestinian Conflict Research is a center for documentation, research and promotion of human rights. Akevot is an independent, non-partisan civil society organization, conducting archival research to enrich public discourse about the conflict and to promote human rights. Akevot locates, digitizes and catalogues documentation on the Israeli-Palestinian conflict. We promote the rights of victims of human rights violations, their relatives and communities to receive information regarding the circumstances of the violation. We investigate the mechanisms, actions and the policies that lead to the violations of human rights in the conflict and address incidents that have shaped narratives and collective memories that play a role in the development of the conflict. We work to expand the public's access to and use of documentation about the conflict held in government and private archives. We promote the realization of human rights within the framework of the conflict by providing professional assistance in our field of expertise to human rights struggles of organizations, communities and individuals.

Our policy and operations are determined by the institute's management and staff, without any external intervention. Our work on digitization and declassification of archival records is carried out according to the provisions of the Archives Law and its Access Regulations using channels that are open to any person in Israel.

### About Ad Kan

Ad Kan is a defamatory organization intent on delegitimizing human rights organizations whose work relates to the Israeli-Palestinian conflict. In a recent crowd funding campaign Ad Kan defined its objective as fighting human rights organizations, whose "main objective", according to Ad Kan is "one, to undermine the legitimacy of the State of Israel", and whom it calls a "fifth column".<sup>1</sup> Ad Kan refers to itself as a "commando force" operating against "organizations that work relentlessly to harm the State of Israel, under the guise of human rights organizations."<sup>2</sup>

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<sup>1</sup> See: <https://www.giveback.co.il/project.aspx?id=2868> (March-April 2018) (In Hebrew)

<sup>2</sup> Ibid.

## About Ad Kan's smear campaign against Akevot

Ad Kan's smear campaign has two targets. One is Akevot institute itself and our activities. Ad Kan goes to great lengths to portray our work in human rights research as compromising national security in the service of foreign countries.

Ad Kan's also targets the public campaign to increase public access to government archives in Israel. Recent years have seen growing public demand for access to materials kept in government archives, most of which inaccessible to the public without justification. The public campaign to open the archives is taking root in all segments of the public and in all relevant professions, including associations of archivists, journalists, documentary filmmakers, academic researchers, groups involved in struggles to access archival records on their own histories as well as activists and groups working for freedom of information and civil and human rights. The Ad Kan campaign attempts to undermine all of these efforts, painting them as a criminal conspiracy between Akevot, the Chief State Archivist and others.<sup>3</sup> In doing this, Ad Kan does injustice to the many individuals and groups who are fighting to release public information in their own and in the general public's interest.

The Ad Kan report is a sloppy, superficial and fallacious document. It is riddled with factual mistakes. It reflects the fact that its anonymous authors have no knowledge on the practices of archival research and the declassification of archival records for public access and no understanding of Israeli law on public access to the archives and the roles and powers of the Chief State Archivist and the Higher Archives Council. This smear campaign intends to undermine the general public struggle to expand public access to the archives, all for one purpose – Ad Kan's efforts to curtail human rights work.

Ad Kan makes six main claims, all of which are false. In this brief document, we address the main allegations incessantly repeated in the Ad Kan campaign - the report, press interviews and social media posts - and refute them one by one.

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### 1. Smear: Akevot's work causes leakages of classified documents

**Facts:** Akevot engages in independent research and provides research support for human rights work relating to the Israeli occupation of the West Bank in particular and the Israeli-Palestinian conflict in general. To this end, we locate and digitize records that are relevant to our subject matter in various archives. The scanned records are catalogued in an internal, digital archive.

Ad Kan repeatedly describes these activities as leakage of security secrets. This allegation reflects ignorance regarding archival research and access. Any records opened for public access in government archives, including the ISA and the IDEA, undergo proper review and declassification procedures by competent officials. This process covers issues relating to national security, foreign relations and privacy. The records are opened the general public after details deemed damaging to said public interests are redacted or removed.

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<sup>3</sup> In addition to the slander aimed at Akevot Institute, the Ad Kan reports makes allegations with respect to two other individuals, outgoing Chief State Archivist Dr. Yaakov Lozowick and Prof. Gadi Algazi who serves on the Higher Council of Archives for the past year. This document does not generally address accusations against the two, other than where the Ad Kan campaign connects them to Akevot.

Moreover, any archival materials we seek to publish that may have any bearing - even minute - on issues related to the military or national security are first submitted to the Israeli Military Censor's Office for review, and we follow whatever instructions it gives.

Ad Kan claims European countries are using our work to gain access to archival records. This is another lie. We have never provided an archival document to any foreign government entity, nor have we ever been asked to do so.

#### **Selection of representative allegations made by Ad Kan:**

**Allegation:** *"The chief state archivist has given Akevot classified information that is banned from publication"*<sup>4</sup>

This is a lie. All archival materials opened for access – for us or anyone else – first undergo a review and declassification process by competent officials. All access to archival records opened at our request at the ISA were provided in the regular ISA service channels after being properly reviewed by the competent officials. The Chief State Archivist has never provided to Akevot any archival records or otherwise "classified information".

**The allegation:** *"[The chief state archivist] gives them access to the archives of the GSS, the Mossad, leakage of [intelligence] sources used by Israel, [IDF] general staff discussions classified top secret, and everything just flows out to Akevot [...]"*<sup>5</sup>

Akevot Institute has never contacted the General Security Service (GSS, Shin Beth) or Mossad archives with a request to access their records, nor has it made such a request to the chief state archivist either directly or indirectly. There would, however, be nothing wrong with making such a request (in fact, the Access Regulations require the GSS and Mossad archives (as well as other archives) to institute procedures for public access to records that are 50 years old or older<sup>6</sup>, and we may well ask these institutions to follow the provisions of the law with regards to public access to their archives in the future. Regardless, the fact is that we have never asked to access GSS and Mossad archives, and clearly, the Chief State Archivist did not handle requests we have never made. This is another Ad Kan lie.

Ad Kan goes to great lengths to describe ordinary archival research as a national security threat and access to archival material that was properly reviewed and declassified as "leakage" of classified material. This is a false depiction.

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<sup>4</sup> Gilad Ach interview at Erel Segal Radio Show, 103FM, 16 July 2018.

<sup>5</sup> Recorded interview with Gilad Ach, shared as a post on Ad Kan's Facebook page, 24 July 2018.

<https://www.facebook.com/adkanheb/videos/2003449719689459/>

<sup>6</sup> Regulation 8(e) of the Access Regulations.

## 2. Smear: Akevot enjoys a special status with the Israel State Archives compared to the rest of the public, achieved in collusion with the Chief State Archivist.

**Facts:** Akevot has no special status in the Israel State Archive (ISA); the claim is baseless. Akevot makes its applications to access records in governmental archives through channels available to every member of the public under the Archives Law,<sup>7</sup> its Access Regulations<sup>8</sup> and the working protocols of the archives themselves.

Akevot devotes a substantial part of its resources to removing obstacles to public access to government archives. Some of the ways we pursue this goal include filing applications under the Freedom of Information Act for information and statistics on the policies employed by the Israel State Archive and the IDF and Defense Establishment Archive (IDEA); professional publications; participating in the professional and media debate on the issue; holding open public meetings regarding the state of access to government archives and the legal tools available to access records. Hundreds of archive users have taken part in these meetings and many others are partnering with us in the campaign to open government archives.

When requests made by Akevot to declassify archival material are met with a negative response in breach of the Archive Law and the Access Regulations (or receive no response at all), we appeal to the the chief state archivist and ask him to use his authority to review the response we received.<sup>9</sup> This course of action is open to anyone who uses the archive and believes their request was not properly addressed. We encourage all archive users to know the Archives law and stand up to their access rights.

Ad Kan's campaign sends the message that anyone who insists on exhausting the options the law provides for accessing materials stored in government archives somehow has "special status", or enjoys improper preferential treatment. The "conspiracy" to access government archives described by Ad Kan is a professional dialogue between the state official in charge of this field (the Chief State Archivist) and archive users. In parallel, the wider public is increasingly demanding that government archives provide access to materials as per their legal obligations and that serious flaws afflicting access to materials stored in government archives be resolved. These records are the property of the public. They were created by civil servants in their public capacity using public funds. The Archives Law and Regulations provide the tools for public access to these records.

### Selection of representative allegations made by Ad Kan

**Allegation:** "[Akevot] staff [...] maintain close communications with the chief state archivist and have caused him to defy the directives of his superiors with respect to declassifying materials"<sup>10</sup>

In July 2017, Attorney General's Office gave instructions to revise the policy on reviewing declassification of materials stored in the ISA. For many years (before Akevot was established), the ISA's policy on reviewing materials ahead of

<sup>7</sup> Archives Law - 1955. See full text: [https://www.nevo.co.il/law\\_html/Law01/028\\_001.htm](https://www.nevo.co.il/law_html/Law01/028_001.htm) (Hebrew).

<sup>8</sup> Archives Regulations (Access to Archival Records Deposited in the Archive) – 2010. See full text: [http://www.archives.gov.il/wp-content/uploads/2016/03/%D7%AA%D7%A7%D7%A0%D7%95%D7%AA-%D7%94%D7%90%D7%A8%D7%9B%D7%99%D7%95%D7%A0%D7%99%D7%9D\\_%D7%A2%D7%99%D7%95%D7%9F\\_2010.pdf](http://www.archives.gov.il/wp-content/uploads/2016/03/%D7%AA%D7%A7%D7%A0%D7%95%D7%AA-%D7%94%D7%90%D7%A8%D7%9B%D7%99%D7%95%D7%A0%D7%99%D7%9D_%D7%A2%D7%99%D7%95%D7%9F_2010.pdf) (Hebrew)

<sup>9</sup> See sample appeals we submitted: Appeal on a decision to withhold access to five files deposited by the Israel State Archives on Privacy grounds (<https://akvt.in/Arar2-17>)(Hebrew); Appeal on a decision to deny access to Israel State Archives File GL-17005/6 (<https://akvt.in/Arar3-17>)(Hebrew).

<sup>10</sup> Ad Kan report, p. 3.

declassification required representatives from the bodies that originally deposited the materials (e.g. the Ministry of Foreign Affairs, the Government Secretariat, the Israel Police), to conduct the review. With respect to materials deposited by organs that did not appoint a representative, ISA declassification department staff conducted the declassification review process. In July 2017, Deputy Attorney General Adv. Raz Nizri issued instructions to have declassification reviews done only by representatives of the depositing agencies, unless the depositing agencies directly empower the archive to carry out the declassification review of their records.

Akevot Institute, its staff and its work have nothing to do with how the ISA operates (or operated for years before Akevot was established, as noted) or the instructions issued by Adv. Raz Nizri to change how the declassification department operates. Akevot Institute did not cause the Chief State Archivist to defy his superior's instructions: this allegation is a lie. The ISA provides a description of changes to declassification policies on their website: [Changing Declassification Policies](#) (Hebrew).

**Allegation:** *"... In a Knesset hearing [Deputy Attorney General] Raz Nizri said he had never seen such a thing in the civil service, having to tell a senior government official to follow the law, because he constantly releases information to Akevot"*<sup>11</sup>

Deputy Attorney General Raz Nizri has never made any claim regarding Akevot. On January 31, 2018, the Knesset's Special Committee for the Transparency and Accessibility of Government Information (the Transparency Committee) held a discussion on ISA declassification policy changes. The Chief State Archivist and Adv. Raz Nizri were among the participants. No one attending the session, including Adv. Nizri, made any claims, either expressly or indirectly, about Akevot Institute and/or the services we receive at the ISA. This is another false presentation by Ad Kan. For the full transcripts of the committee session see [here](#) (in Hebrew).

**Allegation:** *"Over the last two and a half years, a process developed where the chief state archivist collaborates with this organization and gives them, um, in fact, gives them preference over other citizens [...]"*<sup>12</sup>

Ad Kan's allegation that some official gave us exclusive access to classified material is a lie. Any records government archives open for public access as a result of an application made by the public (applicant's request, as it is referred to in the Access Regulations), is open to the public at large. That is the law and the practice, and this is naturally what happens to records that are declassified or otherwise opened for public access following Akevot's requests.

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<sup>11</sup> Gilad Ach interview at Erel Segal Radio Show, 103FM, 16 July 2018.

<sup>12</sup> Recorded interview with Gilad Ach, shared as a post on Ad Kan's Facebook page, 24 July 2018. <https://www.facebook.com/adkanheb/videos/2003449719689459/>

**3. Smear: Akevot Institute is not independent. It was established by Switzerland and Norway to work at their behest in Israeli archives. An alternative allegation is that the institute is a “subsidiary” of other organizations.**

**Facts:** Akevot is an independent, non-partisan organization funded entirely by donations. Our goals were established when the organization was founded. They have never changed, nor will donors ever dictate changes. We receive contributions from individuals and foundations in Israel and abroad, as well as from governmental and public institutions in democratic countries that are willing to support our projects, particularly around the removal of obstacles to public access to governmental archives (“access to archives”) and the building of a human rights digital archive. Individuals and groups on the far-right have, for years, been trying to create automatic parity between receiving financial support and serving foreign interests. This slander is effective but false.

Ad Kan’s other claim that members of Akevot’s board serve as representatives of other human rights organizations is also a lie. Members of Akevot’s board of directors, some of them are its co-founders, are professionals in the field of human rights. We are proud of the contribution our board makes to our work, but every one of its members serves on their personal capacity and does not represent any other organization, including their work places.

**Selection of representative allegations made by Ad Kan:**

**Allegation:** *“In 2013 the embassies of Switzerland and Norway in Israel gave some 400,000 ILS to several radical left-wing activists from Ta’ayush, B’Tselem, Breaking the Silence; Yesh Din, Zazim and more. The object was for them to establish an organization devoted to “researching archives” in Israel and then gaining “access to archives”. These activists did establish an organization named “the occupation archives” and then changed its name to ‘Akevot’”<sup>13</sup>*

Akevot registered as a non-profit under the name “occupation archives” in October of 2013. Over the following year, we studied the needs in our area of work and designed two projects: building a digital human rights archive and identifying obstacles to public access to governmental archives. The projects were presented to various potential donors, and two of them, the Swiss foreign ministry and the Norwegian embassy in Tel Aviv agreed in late 2014 to contribute to these two projects. In 2015 we changed Akevot’s name to better reflect our mission.

Ad Kan’s description is both sloppy and deceiving. The donors did not donate to “several radical left-wing activists”, but to a lawfully registered organization, founded by known human rights professionals and established months before any donors were found. The donations were not given in order “to establish an organization”, as Ad Kan falsely claims, but to support projects run by an existing organization. “Archive research” and “access to archives” are not the goals of Akevot, but titles for specific projects it runs.

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<sup>13</sup> Ad Kan report, p. 3.

#### 4. Smear: Akevot got Prof. Gadi Algazi into the Higher Council on Archives and attempted to gain special status through him.

**Facts:** Ad Kan claims that Akevot somehow got Prof. Gadi Algazi appointed to the Higher Council on Archives, and that he then tried to secure “Akevot researchers and researchers working on their behalf” unauthorized access to archival material that is not open for public access. Both allegations are lies and completely fabricated.

Akevot has never had any connection to the appointment of any individual – including Prof. Algazi – to the Higher Council on Archives. Akevot Institute has never intervened in any way in the appointment of any individual to this body. Members of the Higher Council on Archives are appointed by the prime minister, on the recommendation of the chief state archivist, as provided for in the Archives Law.

Additionally, The Higher Council on Archives has no legal powers to instruct the declassification of any archival records, or the provision of special access rights to anyone;<sup>14</sup> This is another false claim Ad Kan campaign repeatedly makes.

**Selection of representative allegations made by Ad Kan Allegation:** *"It appears that the initiative [Chief State Archivist] Lozowick and Algazi took to create a new status of “researcher” who would get access to classified archival records based on personal trust alone was designed, in part, to allow Akevot staff and other researchers working for them to access classified materials that are banned from publication and are not accessible to the public at large.”<sup>15</sup>*

Ad Kan repeats the false claim that Akevot colluded with members of the Supreme Council of Archives to try and secure “special status” for its staff, allowing access to archival records that are not otherwise available to the public. Furthermore, this is presented as one of Akevot's "three methods of operation". The source for this allegation is a session of the Supreme Council of Archives on January 3, 2018, in which the council discussed declassification procedures at the ISA. In this discussion, Council member Prof. Gadi Algazi proposed archive users who are willing to provide written consent not to publicly disclose information that could violate privacy would be given access to archival records from which security-sensitive information has been redacted. Akevot was not party to this proposal, had no knowledge of it, and was never consulted about it by anyone prior to it being raised during the discussion at the Higher Council on Archives. Ad Kan uses this claim to repeat the slanderous accusation that Akevot is working to secure preferential access to “classified archival materials” through the Supreme Council of Archives. Read the Higher Council on Archives meeting minutes (and the following correspondence between Chief State Archivist and ISA Legal Advisor) in pages 116-121 of the Chief State Archivist report: [State of Access to Records at ISA and its Extensions](#) (Hebrew) on ISA website.

<sup>14</sup> Powers of the Higher Council on Archives are stated in section 3 and 10(c)(2) of the Archives Law. Nothing there can be interpreted as providing this body with powers to do as claimed.

<sup>15</sup> Ad Kan report, p. 24. See also, on Ad Kan report's page 8, the statement alleged to be one of Akevot's "three methods of operation: "The Higher Council on Archives: coordination with members of Higher Council of Archives members to promote special status for Akevot staff".

**Allegation:** “At the same time Akevot was founded, Prof. Gadi Algazi joined the Higher Council on Archives and began using this platform to promote an agenda that is very similar to the one dictated by Akevot, all in coordination with the chief state archivist”.<sup>16</sup>

Prof. Gadi Algazi was not appointed to the Supreme Council of Archives “at the same time Akevot was founded”, as Ad Kan claims, but in July 2017, about three and-a-half years after Akevot was founded. Either way, Akevot had nothing to do with Prof. Algazi’s appointment.

The repeated attacks on Prof. Algazi and on the chief state archivist seem to be part of an attempt to depict activism to increase public access to government archives as tainted by improper interests. These attempts are unseemly, cynical and fallacious.

### 5. Smear: Akevot Institute works inside archives under a false identity

**Facts:** Akevot staff always identify by name and organizational affiliation when working in the archives. The institute has amicable professional relationships with all archives where we work and Akevot staff is recognized as such. Akevot has never received a complaint from any archive regarding the conduct of any of its workers. We are well known in the archives where we work also because of our participation in the professional community of archivists in Israel. For instance, in 2016, Akevot researchers received the Alsberg Prize for Research on Archives awarded by the Association of Israeli Archivists.

Ad Kan claims that Akevot obtained leave to access records kept at the CZA unlawfully and under a false identity as students. In support of this serious accusation, Ad Kan printed a “request for leave to access archive collection” CZA form, signed by Guy Hirschfeld, Akevot staff member, on June 20, 2016. Contrary to Ad Kan’s claim, the form it reprinted in its own report clearly shows that Guy Hirschfeld noted in handwriting that the body for which the research is conducted is Akevot, which does not engage in academic studies whatsoever.

The copy of the document Ad Kan reprinted in its report does show a check mark in the box next to the title: “academic paper, MA masters”. **This mark was not added by Hirschfeld.** Either way, Hirschfeld did note in handwriting that he was visiting the archive on behalf of Akevot, such that there is no basis for Ad Kan’s claim that Akevot employees make false representations of their affiliations. This document is the only source Ad Kan provides for its fallacious allegation that Akevot works in archives under a false identity.

### 6. Smear: “As far as we know [Akevot staff member] Hirschfeld received materials classified as “top secret” at the [Central Zionist Archives] and these were later posted to the Akevot website [...]”<sup>17</sup>

**Facts:** One of the archives in which we research is the Central Zionist Archive (CZA) in Jerusalem. Akevot has never published archival materials we digitized there. The Ad Kan report refers to two documents it alleges we have publicly released after they were copied at the CZA. The fact is none of these two documents was copied at CZA.

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<sup>16</sup> Ad Kan report, p. 23.

<sup>17</sup> Ad Kan's report, page 11.



One of Ad Kan's "evidence" is a military document the top section of which appears on the cover of Ad Kan report. Contrary to Ad Kan's claims, this document was not scanned at the CZA, but received from the IDF and Defense Establishment Archives (IDEA file 11-64/2010). The document was declassified for public access in keeping with the law and it is available to any member of the public. On September 29, 2016, before posting the document to the Akevot website, we referred it to the Israeli Military Censor for review and the censor approved publication without reservations.

A second Ad Kan's "evidence" to their false allegation is referred to in. Footnote 10 of Ad Kan's report claims to be "an example" for another document that Akevot allegedly published with no consent after digitizing it at CZA: a link to a page on the Akevot website which shows a scanned document from file A-7309/16 at the Israel State Archives, not the CZA. The reference for this document is prominently displayed next to it. We also note that the document was lawfully declassified for public access at the ISA. On September 29, 2016, before posting the document to the Akevot website, we referred it to Israeli Military Censor for review and the censor approved publication without reservations.

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### Results of Ad Kan's Smear Campaign

Comments responding to campaign posts on Ad Kan's Facebook page echo its defamatory accusations. Several examples follow:<sup>18</sup>

- AR wrote: "This gang of traitors! Of Israeli society's fringes! Get rid of them by any means!"
- LS wrote: "It's time to indict for treason anyone receiving foreign money to destabilize society and national security"
- SK wrote: "Traitors[,] this is obvious[,] But this has another term: espionage. These are spies in every sense of the term working for foreign governments with very bad intentions."
- LA wrote: "This is treason against the state and providing secret information to a foreign state. This is worthy of prison!!!"
- BM wrote: "Traitors are hanged or [given] a life sentence".

As part of their smear campaign, Ad Kan is reportedly acting to harm Akevot Institute's funding and operation. Israel Hayom online edition published that Ad Kan has approached Prime Minister Benjamin Netanyahu claiming that "Akevot – Occupation Archives activists are particularly radical anti-Zionist activists, and the organization is funded in large fortunes by the Swiss and Norwegian governments. Based on its false claims Ad Kan demanded the Prime Minister would "examine [Akevot's] conduct and its foreign government funding". It was also published that Ad Kan has approached the Swiss Embassy in Israel "requesting an explanation of the motives to fund [Akevot] and to instruct embassy staff to return to work in accepted diplomatic manner".<sup>19</sup> In an interview Ad Kan's Gilad Ach has claimed he approached Israeli archives demanding they prevent Akevot's staff entry to them.<sup>20</sup>

<sup>18</sup> Examples cited from user comments to campaign posts from July 24<sup>th</sup> and 31<sup>st</sup> on Ad Kan's Facebook page. None of these comments were removed by Ad Kan by the time of writing this document on August 7<sup>th</sup>.

<sup>19</sup> Israel HaYom website, 17 July 2018. <https://www.israelhayom.co.il/article/572207> (Hebrew).

<sup>20</sup> Recorded interview with Gilad Ach, shared as a post on Ad Kan's Facebook page, 24 July 2018. <https://www.facebook.com/adkanheb/videos/2003449719689459/>

**Concluding comments**

Maligning civil society organizations has become part and parcel of the Israeli public arena in recent years, as have incitement and division campaigns designed to undermine public struggles. Ad Kan's campaign against Akevot Institute, whose false allegations were debunked in this document one by one, is no exception. Ad Kan's slip shod conspiracy theory is an attempt to delegitimize the joint civic action to open government archives as required by law as a malicious project of espionage.

We are proud of our role in the struggle to release records kept in governmental archives and will continue to do our best to promote public discourse and historical research on the conflict and any other topic. We will continue our work to remove the illegal obstacles that impede public access to our shared past and history.