

# War crimes and 'unpleasantness': Israel's censorship list

The list of historical documents reveals suspicions that Haganah soldiers committed murder, torture, theft and looting during the War of Independence

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On the morning of April 9, 1948, some 130 fighters from the Etzel and Lehi pre-state underground militias raided the Arab village of Deir Yassin, with the aid of the Haganah, as part of Operation Nahshon to break the blockade on Jewish Jerusalem. Over 70 years later, exactly what happened after the forces entered the village remains unclear.

Most historians say that 100 residents of the village, including women, children and elderly people, were killed by fire from the Jewish fighters. The question of whether a massacre occurred at the site, or whether it was a fierce battle, remains controversial to this day. Few have seen the pictures documenting the horrors.

The fog that continues to surround the affair is partially due to the work of the Ministerial Committee on the Matter of Permission to Examine Classified Archival Material, which is under the auspices of the Prime Minister's Office. While few people have even heard of this body, in contrast to its name, it acts to censor documents – especially those that the government considers to be sensitive, and ones that deal with the heart of the Israeli-Palestinian conflict. Now, the full list of censored documents is being exposed for the first time. The list includes material related to the expulsion of Arabs in 1948 and the commission of war crimes.

According to the Archives Law, examination of documents preserved in the Israel State Archives can be restricted for a period of 15 to 90 years from the date of its creation, depending on the document's content and source. For example, minutes of confidential meetings of Knesset committees are made available after only 20 years, while materials from the cabinet, Defense Ministry and IDF are restricted for 50 years. Materials from the Shin Bet security service and the Mossad are closed for 90 years from the date of their creation.

In the case of documents that are thought to be a "danger" to national security or Israel's foreign relations, it is possible to extend the prohibition on their release with the approval of the ministerial committee.

The committee, which meets very rarely, has no members at the moment. It was last composed of former-ministers Miri Regev and Yuval Steinitz. In spite of its very limited activities, the committee's work has great importance and influence.

The list of documents was received in response to a Freedom of Information Law request from the Akevot Institute for Israeli-Palestinian Conflict Research. Akevot noted that behind many of the committee's decisions stood "political and image considerations, which are not based on factual and legitimate reasons." In a new report documenting the committee's work, the



Arab refugees leaving the nascent Israeli state via the Lebanon Road in 1948.

Jim Pringle/AP

executive director of Akevot, Lior Yavne, and senior researcher Adam Raz say that the documents continue to be censored "under the pretext of concern for national security and the state's foreign relations." The committee's actions have "caused a distortion of the history of the founding of the state, and harm the public and political discourse in the State of Israel," Akevot said.

## In opposition to the archivist's position

The Ministerial Committee on the Matter of Permission to Examine Classified Archival Material was established under the government of Menachem Begin. On the newly-formed committee's agenda was a request by

the Prime Minister's Office to seal dozens of files from the now-defunct Ministry of Minority Affairs, which operated during the early days of Israel. The Prime Minister's Office claimed that it was because "they mention the expulsion of the Arab population, confiscation of its property and brutal acts conducted by soldiers."

The then-state archivist, who was involved in the matter, wrote that the expulsion was conducted "by commanders with stature in our political field." The archivist also noted that "many times the contents are unpleasant." Nonetheless, the archivist supported releasing the documents and could not find justification for sealing them to the public. Instead of implementing



Etzel soldiers in Jaffa.

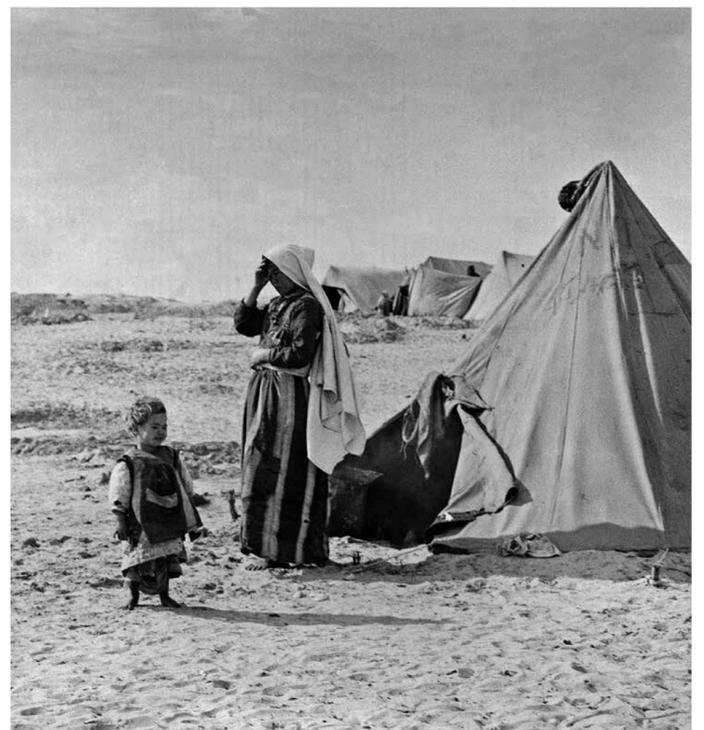
Jim Pringle/AP

his decision, the state archivist passed on the matter to the ministerial committee, which decided against him. The files remained sealed due to the fear that they would damage Israeli foreign relations.

The committee's decision exceeded its authority. Originally, the legislature granted it the authority to approve or reject decisions made by the archivist on censorship of archival materials. In this case, and in many of the cases that followed, the process was reversed: The committee censored documents, in opposition to the position of the state archivist.

A year later, the committee convened once again to censor historical documents. The meeting came in response to a request from historian Benny Morris, who asked to see a report from the end of 1948 written by the first attorney general, Ya'akov Shimshon Shapira, on the instructions of Prime Minister David Ben-Gurion. The report was meant to examine "if there had been injuries caused by soldiers and the army to the lives of Arabs in the Galilee and south, which were not in accordance with the accepted laws of warfare."

The state archivist at the time, Paul Avraham Elsbberg, wrote that the report included a "description of the shocking events." In his request to the ministerial committee, Elsbberg requested approval to classify the documents as "secret," due to potential harm to national security and the state's foreign relations. The committee approved his request and the report has not been released to this day.



Palestinian refugees outside their tent in Khan Younis, Gaza, in 1948.

UNRWA Archive/AP

**Akevot: 'The continued censorship is not meant to protect the state's external interests, but has concrete influence on internal political and public debate.'**

rial committee once again extended the confidentiality of the files for another five years. This period will end next year.

## Acts of revenge

In 2017, the committee came into direct conflict with the state archivist. The committee had decided – for the fifth time – not to lift the censorship of an archival document known as the Riftin Report. The report included details of a probe conducted at Ben-Gurion's request concerning suspicions that Haganah soldiers had committed murder, torture, theft and looting during the War of Independence. Then-Chief Archivist Yaacov Lozowick made a surprise decision, reversing the position of his predecessor. He backed the report's release, explaining: "The State of Israel is strong, Israeli society is strong, and there is no reason not to allow its citizens unfettered research in the documentation of its distant wars."

The committee rejected Lozowick's opinion. The report is still classified as secret, in part, the committee said, because its publication would cause a "storm and maybe even acts of revenge." In this case as well the committee exceeded its legal authority in censoring documents that the state archivist sought to release – the opposite of what the committee is entitled to do by law.

Another story, whose main contents were revealed in a Haaretz article in 2018 and whose full contents were discovered by Akevot at the beginning of this year, hides behind this document. Public uproar and acts of vengeance never materialized after

its publication, which was made possible after Akevot staff located a copy of the report in the archives of Yad Tabenkin, the Kibbutz movement's research and documentation center. The archive is not part of the State Archives, meaning that the law allowing the state archivist to convene the ministerial committee to censor the document did not apply. At the request of Akevot, the military censor also examined the report and determined "there is no censorship reason to prevent the report's publication." Akevot is currently fighting over the publication of 35 appendices to the report, which are still being kept under wraps.

"The continued censorship is not meant to protect the state's external interest, but is directed internally," states the report from Akevot. "The concealment does not only make it difficult for historians; it has a concrete influence on the internal Israeli academic, public and political debate in our times. It is intended to preserve a neutered and distorted state narrative about the foundations of the Israeli-Palestinian conflict, and from there – it has a concrete and decisive interest to maintain it," wrote Akevot.

Occasionally, the archives also attempt to cover up the concealment efforts themselves. This is what happened in the case of the document known as the Axes Document, which was written in 1988 by the IDF Archives, and was intended to outline directions "with security, diplomatic and personal sensitivity," which would determine which material should be censored.

Only recently, at the end of a long battle, was Akevot able to obtain the document. Officially, the document is no longer in effect and the State Archives and IDF Archives do not operate according to it. But in practice, in many cases, the reasoning behind censorship of materials – even if not officially acknowledged – are based on the same guidelines as in the document. One of these was described as "material that could well damage the image of the IDF as an occupying army lacking moral foundations."

## The censored documents

### Ministry of Minority Affairs files: 1948-1949

**Content:** Deportation of Arabs, "many times the contents are unpleasant."

**Status:** In 1985 the ministerial committee decided that the files would remain sealed. At the state archivist's request, 40 of the 80 documents were declassified. To this day it's unclear which files were intended for declassification, and it appears that most of them were never publicized.

### Riftin Report: 1948

**Content:** Details of a probe conducted at the request of Ben-Gurion, concerning a series of problematic incidents where there were suspicions that Haganah soldiers had perpetrated murder, torture, theft and looting during the War of Independence.

**Status:** The committee repeatedly decided to censor the document in question. The previous state archivist argued that the report should be declassified but the committee rejected his request and the report has been deemed

"secret" until 2022. Its main contents were revealed in a Haaretz article.

### Refugees' research: 1964

**Content:** Report initiated at the request of Ben-Gurion, concerning the "reasons the refugees fled in 1948."

**Status:** The state archivist supported declassification of the report but the IDF Archive rejected that idea. The document is being kept secret until 2022, due to the fear that its publication will damage Israel's international status and "affect future negotiations with the Palestinians or UN decisions regarding the Palestinian refugees."

### Deir Yassin file: 1948

**Content:** Haganah report on the massacre committed in the Arab village by the Etzel and Lehi pre-state underground militias during the War of Independence, which also includes photos of the victims.

**Status:** In 2000 the attorney general ruled that "there is no need to open for perusal materials relating to this painful and emo-

tionally charged affair." The ministerial committee accepted that decision and repeatedly extended the period during which the report was classified. In 2007 the panel determined that "problems involving Israeli foreign relations that concern the events occurring in 1948 have not been resolved, nor has the conflict reached its end." A petition submitted to the Supreme Court – by film director Neta Shoshani, her partner, journalist Gidi Weitz, and Haaretz newspaper – demanding that the report be declassified was rejected in 2010. In 2017 censorship of the materials in question was extended until 2022.

### 39 pages of minutes from government meetings: 1948-1949

**Content:** Deportation of Arabs, destruction of Arab villages, acts of looting, robbery, rape and murder by Haganah and IDF soldiers.

**Status:** Censorship of the minutes was supposed to have been lifted in 2007, but the contents have not been publicized.

### Ten IDF Archive files: 1948

**Content:** Military documents from the War of Independence, content unknown.

**Status:** Censorship of the documents was supposed to have been lifted in 2007, but the contents have not been publicized.

### Yaakov Shimshon Shapira report: 1948

**Content:** A report written by Israel's first attorney general on the instructions of Ben-Gurion. The report was meant to examine "whether injuries involving the lives of Arabs in the Galilee and the south had been caused by soldiers and the army, which were not in accordance with the accepted laws of warfare."

**Status:** The state archivist wrote in 1985 that the report included a "description of shocking events." He requested approval to classify the documents as "secret," due to potential harm to national security and the state's foreign relations. The committee approved his request and the report has not been released to this day.