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Archbishop Pizzaballa: the law to 'silence' mosques would represent a "dangerous precedent"

Agenzia Fides (20.12.2016) - <http://bit.ly/2i12ZX5> - Archbishop Pierbattista Pizzaballa OFM, Apostolic Administrator of the vacant see of the Latin Patriarchate of Jerusalem, expressed his disapproval regarding the project supported by the Israeli government to take away the speakers from Israel mosques used to spread the Adhan, the call to Islamic prayer, usually made by the muezzin five times a day from the minaret. "I believe that this is a dangerous precedent. I hope that this bill does not go ahead. There are other ways to solve the problem of noise pollution", said Archbishop Pizzaballa on the occasion of the pre-Christmas press conference held yesterday, Monday, December 19, at the headquarters of the Latin Patriarchate of Jerusalem.

The bill, approved by the Ministerial Commission for legislation in mid-November and now under consideration of Parliament, was motivated by the need to protect Israeli citizens from the "noise". The legislative initiative was defined by Palestinians as a provocation, which - according to Palestinian President Abu Mazen - is likely to "make the region plunge into an abyss".

During yesterday's press conference Archbishop Pizzaballa also cited the story of the Cremisan Valley, where the separation Wall wanted by the Israeli government was built "despite our numerous appeals to the Israeli authorities". The expropriation of the lands of Christian families designed to build the wall - added the Archbishop - "represents a seizure of their heritage". Outlining also the assignment guidelines received by the Pope as Apostolic Administrator of the Latin Patriarchate of Jerusalem, Pizzaballa stressed that "our local church here in the Holy Land also recognizes its own need for spiritual renewal, and is entering a period of reform in terms of administration, organization and pastoral work".

In Israel, public policy and unmet promises may put Christian schools at risk

By Antonio Anup Gonsalves

Catholic News Agency (01.06.2016) - <http://bit.ly/22xtAM9> - The Israeli government's policies for Christian schools and unfair education budget cuts put them at risk of collapse, the Office of Christian Schools in Israel has charged.

Fr. Abdel Masih Fahim, general secretary of the Catholic Church's Office of Christian Schools in Israel, urged the Israeli government to recognize the importance of continued Christian education in Israel. These schools are a "vital component of the Christian presence in the Holy Land," he said in a May 23 statement.

"Christian schools in Israel are now in immediate danger of collapsing financially," he warned.

Fr. Fahim voiced concerns to the office of the Israeli Prime Minister, the Minister of Finance, the Minister of Education, the Minister of Social Equality and others. These concerns focused on three imminent issues.

He called on the government to fulfill immediately the transfer of 50 million shekels, about \$13 million. He said the government must decide on a fixed annual sum to be paid to Christian schools to "compensate for the drastic cuts."

He called for new legislation to "create a new status for the Christian schools that will ensure sufficient funding and take into consideration their uniqueness and long service in the land."

The statement said that about 47 Christian schools educate around 33,000 Christian, Muslims, Druze, and Jewish students around Israel. These schools are owned by various groups from the Catholic and Orthodox Churches, as well as the Anglican Church of Scotland, Christ Church, and the Baptists.

The Christian schools criticized the Israeli government, saying it drastically reduced the budget allocation for Christian schools. Over the past six years the national budget allocation for the schools has been cut by 45 percent. Furthermore, the education ministry has issued regulations to restrict the limit on the collection of school tuition fees from parents.

In September 2015 Christian schools made a continuous 27-day protest about the measures, and constraints on their ability to raise funds. The demonstrations ended after the government promised an agreement with the Christian schools, and to supply the \$13 million by the end of March 2016 to compensate for budget cuts in previous years.

This promised agreement has remained unfulfilled.

A special commission has been established to deliberate on proposed changes and to make recommendations for the Christian schools.

The commission recommended that the schools join the Israeli public school system, but the Christian schools have expressed their reservations about the proposal.

The commission proposals suggested an additional three hours per class be dedicated each week to "strengthen and preserve the Christian identity and the special style of living in Christian schools."

The collection of tuition fees in Christian schools will be determined by the committee from the ministry of education.

Fr. Fahim decried the way the education department has handled these concerns, saying the recommendations do not solve the financial crisis and further force Christian institutions to join the public school system.

Legal analysis of the Draft Law "For the Handling of Harmful Cults"

By Attorney Patricia Duval

HRWF (27.04.2016) - On 14 April 2016, attorney Patricia Duval (Paris), who is specialized in international human rights law, sent the "Committee on Law, Constitution and Justice" of the Parliament of Israel a legal analysis of the Draft Law "For the Handling of Harmful Cults" under both Israeli constitutional standards and International human rights norms that the State of Israel has committed to. See the text of the Bill at <http://bit.ly/1rho2s8>.

The 24-page of the legal analysis is available on request at Human Rights Without Frontiers. See below a summary of it.

The Law Proposal for the Handling of Harmful Cults (Draft Law), submitted to the Knesset Committee on Law, Constitution and Justice gives a definition of "harmful cults" and provides six articles of law designed to fight against groups deemed to fall within the ambit of the definition. The Draft Law would seriously impair the rights of members of religious communities, not only minorities but also traditional religions. It cannot be countenanced in light of Israeli Basic law and principles, and international human rights standards committed to by Israel.

It would also create serious problems for the application of Israeli criminal law, in particular by sanctioning the concept of "mind control" which would allow individuals to escape personal criminal liability.

No Need for a New Law

There is no need for the Draft Law to be enacted. Abuses by "harmful cults" have been punished by Israeli Courts in the past and existing law has proven sufficient to repress harmful activities.

Under recent developments and media coverage, the issue of the Lev Tahor community and its children has been used in an attempt to have the Legislature circumvent Israeli Courts' jurisprudence. However, the Law on Legal Capacity and Guardianship as well as the Youth Law (Treatment and Supervision) currently provide for the adoption of draconian measures to protect children in danger.

The actual purpose of the Draft Law has nothing to do with children's well-being. It has everything to do with: 1) the possibility of circumventing the consent of followers to be in groups deemed to be "cults" by invalidating their consent by reliance on the discredited mind control theory; and 2) getting rid of these undesired minorities by creating a presumption of guilt in order to convict their leaders without any evidence of crimes, confiscate their properties, and declare their followers legally incompetent so they may be "treated".

Articles 2 and 3 of the Draft Law, which provide for the conviction of group managers to ten years imprisonment and the confiscation of properties, are strikingly similar to the existing provisions of the law on criminal organizations, which applies when real crimes

are demonstrated. The proposed legal provisions are therefore unnecessary to repress actual criminal activities.

Additionally a draft Bill introduced in the Knesset provides for sanctions against ministers or self-proclaimed spiritual leaders who abuse their followers' faith to have sexual relations with them. These provisions should be fully sufficient to respond to the on-going concerns in Israel about sexual exploitation of adult women by so-called "cult leaders".

I. Mind Control or Undue Influence

The Draft Law defines a "harmful cult" as a group organized to exert mind control or undue influence over its followers, "acting in an organized, systematic and ongoing fashion while committing felonies". These general terms imply that the criminal activity is inherent to the usual activities of the group and no actual crime or offense is identified or evidenced; the criminal activity of the "harmful cult" is primarily the sort of mind control exerted over individuals.

Undue influence is described as the exploitation of a "relationship of dependence" or "authority" using "methods of control over thought processes" over the group members. However, dependence on a moral or spiritual authority is inherent in any Church affiliation and control over thought processes can be said of any religious guidance. This definition could be applied to any religion, especially those practices considered as very demanding and constraining, such as ultra-Orthodox faiths like Haredi Jews and others.

The theory of "mind control" applied to religious communities has been rejected by Courts and human rights institutions worldwide.

U.S. Courts: A review of U.S. jurisprudence shows that this theory, which was originated and defended by psychologist Margaret Singer, cited as the expert reference in both the 1987 Tassa-Glazer Report and the 2011 Ministry of Welfare and Social Services Report on cults, was rejected as not scientifically established and unreliable to the point where Singer was rejected as an expert in cases involving groups claimed to be "cults".

Israeli Courts: Israeli Courts rejected this theory in several cases, including the 2014 Supreme Court ruling against the followers of Elijah Chikhlinski, where it found that the theory of brainwashing was inapplicable and that "extending the limits of the insanity plea to include 'cult victims' might hinder the efficiency of Criminal Law".

The European Court of Human Rights: In a 2010 landmark decision *Jehovah's Witnesses of Moscow v. Russia* the Court found that "there is no generally accepted and scientific definition of what constitutes 'mind control'" and that "it is a common feature of many religions that they determine doctrinal standards of behaviour by which their followers must abide in their private lives".

International Human Rights Instruments: The vague concepts characterizing mind control in the Draft Law contravene Article 15 of the International Covenant on Civil and Political Rights ("Covenant"), which mandates that any actions subject to criminal charges must be defined in terms that are sufficiently clear, specific and foreseeable for citizens to know beforehand what actions or omissions would involve their responsibility and to preclude arbitrary prosecution.

The French Experience: France adopted a law with a similar concept of "psychological subjection" in 2001, in the Law for the Repression of Cultic Movements. Its provisions have been condemned as vague and discriminatory by the Council of Europe and the United Nations.

The Law has rarely been applied, Judges deeming it "difficult to establish the proof of a notion which remains vague and, at the least, far from legal concepts".

II. Difference Between Cults and Religions

The Explanatory Remarks in the Draft Law provide that the definition of "harmful cults" will allow "distinguishing between legitimate cults with religious characteristics and cults".

Classifying what communities should be considered true religions and what communities should not is discriminatory and has been explicitly condemned by the United Nations, the Organization for Security and Co-operation in Europe (OSCE), and the Council of Europe. It also infringes the principles enshrined in the Declaration of Establishment of the State of Israel.

The United Nations: The UN Human Rights Committee found that under Article 18 of the Covenant, the term "religion" is to be broadly construed and is not limited in its application to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. (General Comment 22)

The successive UN Special Rapporteurs for Freedom of Religion or Belief found that there is no "acceptable distinction" between sects or cults and religions and that apart from the legal courses available against harmful activities, "it is not the business of the State or any other group or community to act as the guardian of people's consciences and encourage, impose or censure any religious belief or conviction".

As concerns children of followers of religious minorities, the current Special Rapporteur stated that "empirical diligence is needed, inter alia, to avoid stereotypical ascriptions, possibly based on rumours, overgeneralizations or merely abstract, possibly far-fetched fears."

The OSCE and the Council of Europe: As an OSCE Partner, for Co-operation, Israel is committed to OSCE human rights standards, in particular the "Guidelines for Review of Legislation Pertaining to Religion or Belief" which were drafted by the OSCE Panel of Religious Experts together with the Council of Europe's Advisory Body on constitutional matters, the Venice Commission.

These Guidelines provide that "terms such as 'sect' and 'cult' are frequently employed in a pejorative rather than analytic way" and "to the extent that legislation includes definitions, the text should be reviewed carefully to ensure that they are not discriminatory and that they do not prejudge some religions or fundamental beliefs at the expense of others."

Condemnation of the French Anti-Cult Policy: Classification of cults resulted in the blacklisting of 173 minority communities as "sects" in a 1996 French Parliamentary Commission report. In her 2005 report on France, the UN Special Rapporteur for Religious Freedom found that the list had "negatively affected the right to freedom of religion or belief" and urged French "judicial and conflict resolution mechanisms to no longer refer to" the list.

The French policy on "cults" has also recently been condemned by the Parliamentary Assembly of the Council of Europe through the rejection of a proposed resolution recommending that the Member States adopt legislation on "psychological subjection" (mind control) similar to the French Law and now the Israeli Draft Law. Instead, the Parliamentary Assembly called on member States "to ensure that no discrimination is allowed on the basis of whether a movement is considered a sect or not", "when it comes to the application of civil and criminal law".

The French system has also been condemned internally in France by Judges and Prosecutors who have refused to solicit MIVILUDES in their cases, a government body which collects information on so-called "cultic" groups, "invoking secrecy of criminal investigations and the existing link between MIVILUDES, an agency placed directly under the Prime Minister and the Executive Power".

III. Violation of the Principle of Independence of the Judiciary

Similarly, the Draft Law provides for the formation of a data base on "harmful cults" by the Ministry of Welfare and Social Services (Article 4) including information on their heads and executives, so as to allow their conviction (Article 2).

Under *Israel Basic Law on the Judiciary*, judges are not supposed to receive any directions from the Executive on who should be considered a member of a "harmful cult" and should be prosecuted or convicted. These provisions also violate international instruments binding on Israel: 1) *Article 14 of the Covenant*, which guarantees the right to an independent and impartial tribunal; 2) the *UN Basic Principles on the Integrity of the Judiciary* which provide that Judges must be free from undue influence by the executive and legislative branches; and 3) the *UN Guidelines on the Role of Prosecutors*, which provide that Prosecutors must carry out their functions impartially and avoid any religious discrimination.

IV. Violation of the Right to Presumption of Innocence

Article 2 of the Draft Law provides for the conviction of individuals to a 10-year jail term for the mere fact of heading a group which has been labeled by the Executive as a "harmful cult". **No criminal actions have to be established and no violation of criminal law has to be characterized.** This violates the principles of presumption of innocence and personal accountability for precise criminal acts and charges under the Covenant.

Article 14, as interpreted by the UN Human Rights Committee in General Comment 32, "imposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt", and requires that defendants should not be "presented to the court in a manner indicating that they may be dangerous criminals".

Contrary to these provisions, the Draft Law establishes an **irrefutable presumption of guilt**, and allows for systematic convictions of the heads of "harmful cults" without a proper trial.

V. Guardianship and Treatment

The Draft Law also provides that members of "harmful cults" can be put under guardianship and treatment. Considering religious communities' members as incompetent due to their religious affiliation violates their right to freedom of religion in contravention of Israeli basic principles and international human rights standards. It also denies believers accountability for their actions, in spite of the Israeli Supreme Court's ruling to the contrary in the case of the followers of Elijah Cheloni. This provision would open the door to evasion of criminal liability and would seriously hinder the repression of crimes.

The Draft Law also lays out the creation of an infrastructure which would provide "mental care" to "harmful cults" members. The treatment would be "exit counselling" provided to followers by a mental care unit granted with "intervention methods in this area".

As detailed in the 2011 Report, these methods make use of "rehabilitated" former members to persuade the follower to leave his community. The Report refers to Rick Ross, an American deprogrammer who claimed to have intervened in hundreds of deprogramming cases but had to stop after a multimillion-dollar judgment for the injuries caused to a minority faith follower by "the oppressiveness of [his] actions" and the "incapability of appreciating the maliciousness of [his] conduct".

The Draft Law provisions on "treatment" would allow a "re-set" of condemned deprogramming practices of Ross under the label "exit counselling". Coercion of followers of religious communities to recant their faith by demeaning their religious beliefs under pressure is harmful, violates their right to freedom of religion or belief and is specifically prohibited under Article 18.2 of the Covenant.

Conclusion

The Draft Law does not comply with basic legal standards under Israeli and international human rights law and should be rejected.

850 Christians living in Gaza will be allowed to visit Jerusalem Easter Sunday for the first time

The Christian Post (21.03.2016) - <http://bit.ly/1ZwNHZw> - srael has granted approximately 850 Palestinian Christians who live in the Gaza Strip permits allowing them to visit Jerusalem for Easter.

"Muhammad al-Maqadma [spokesman for the Palestinian Ministry of Civil Affairs] said the permits were the result of 'dedicated efforts' by Minister of Civil Affairs Hussein al-Sheikh in order to enable hundreds of Christians to celebrate the holidays within a span of 45 days," reported the Middle Eastern publication Ma'an News.

"This is the first time such a large number of Christians from Gaza received permits to travel to the West Bank and Jerusalem," al-Maqadma told Ma'an Saturday.

For years Israel has garnered controversy for how it oversees access to Jerusalem on various holy days for Jews, Muslims, and Christians.

The U.K.-based publication the Catholic Herald ran a story Monday alleging that Israeli officials are purposely restricting Christians access to the holy city.

The Herald cited Yusef Daher, secretary-general of the Jerusalem Interchurch Centre, who argued that officials were not allowing sufficient access to sites such as the Church of the Holy Sepulcher.

"Over the past two years the Jewish Passover and Easter holiday have coincided and while the Jews entering the Old City have had complete freedom of movement, the movement of Christians celebrating Good Friday and the Orthodox Holy Fire ceremony have been restricted by the barriers, Daher said," noted the Herald.

In a press briefing last week, the rector of the Latin Patriarchate of Jerusalem, Father Jamal Khader contrasted the recent distribution of permits by Israel to past years.

"In previous years, permits (for Gaza Christians) were given randomly, and if they don't have them for the whole family, they cannot come," stated Khader.

"Can you imagine some members of the family coming to celebrate in Jerusalem and leaving behind their family? It's not in our traditions, we celebrate together. So we had the experience in previous years when very few came. This year I'm not sure."

According to Open Doors USA, Christians living in the Palestinian Territories face a "complex" situation regarding their religious rights.

"Christians are squeezed in the Israeli-Palestinian conflict, their ethnicity causing many restrictions from the Israeli side and their religion putting them in a minority position within the Palestinian community," noted Open Doors.

"The West Bank's ruling Fatah party is formally based on secular principles, and Christians enjoy several rights. Though Christians are largely tolerated by Islamist Hamas, the rights of Christians are neither upheld nor protected in Gaza. Apart from this discrimination, Christians face threats from radical Islamic vigilante groups."

Law Proposal for the Handling of Harmful Cults – 2015

(Proposal 1810/20/9)

Definitions:

1. In this law –

A "Harmful Cult" – a group of people, incorporated or not, coming together around an idea or person, in a way that exploitation of a relationship of dependence, authority or mental distress takes place of one or more of its members by the use of methods of control over thought processes and behavioral patterns, acting in an organized, systematic and ongoing fashion while committing felonies which are defined by the laws of the State of Israel as crimes or sexual offenses or severe violence as stated by the Law of the Rights of Victims of Felony – 2001.

"The Minister" – The Minister of Welfare and Social Services

Head of a Harmful Cult

2. The person who heads a Harmful Cult or a person who manages or organizes the activity in a Harmful Cult will be sentenced to 10 years in prison.

Confiscation of Property

3. Should a person be convicted in a felony according to article 2, the court will order, unless it reaches a different conclusion out of special considerations which it will then specify, that in addition to any punishment any property related to the offense and held by said person, under his control or in his bank account, will be confiscated; Said confiscation will be done under the directions of chapters C and E through G as stated by the Law for the Fight against Criminal Organizations – 2003.

Establishment of a Data Base

4. (a) The Minister will publish in the Ministry of Welfare and Social Services' website information on the subject of Harmful Cults which will include, inter alia, the following specified data:

- (1) Name of the head of the cult;
- (2) Name of person managing or organizing activity in the cult;

(3) Address where the activity of the cult takes place.

(b) Before publication of data specified by article (a) above, the person will be notified about the intent to publish data which might lead to his identification, providing it will be possible to locate him with reasonable effort and under the circumstances of the matter, and he will be given a possibility to supply his arguments.

Establishment of a Treatment Infrastructure

5. The Minister will establish an infrastructure which will provide mental care for the victims of cults and their family members, as the Minister will see fit.

Correction to the Law of Legal Capacity and Guardianship

6. In the Law of Legal Capacity and Guardianship 1962, in article 33(a), after paragraph (6), will be added:

(7) For a person under the influence of a Harmful Cult as defined in the Law for the Handling of Harmful Cults – 2015".

Explanatory Remarks

In the last few years we have witnessed a number of cases of harmful cults in Israel. In some of the cases membership in the cult was, for the victim and members of his family, a deeply rooted crisis in the social, financial and mental aspects, which called for broad assistance.

The characteristics of the phenomenon, as viewed from the cases that were exposed, point to the fact that those recruited into cults undergo a conversion process that has as its purpose control, loyalty and complete commitment to the cult leadership. The gamut of possible injuries stemming from membership in a harmful cult is wide, and includes mental harm, physical harm, sexual harm, social harm and financial harm. In light of this, there is a need to formulate legislative policy on this subject.

The awareness of a need for a law to handle this phenomenon grew over the years. The conclusions of an Inter-Ministerial Committee, headed by Member of Knesset Miryam Tassa-Glazer, to investigate the phenomena of cults were published already in 1987. The committee was appointed by the Minister of Education at the time, the late Zvulun Hamer, and it investigated, for five years, 10 cults operating in Israel. The conclusions of the committee were that some of the cults are harmful and dangerous and that the unlawful activities taking place inside cults touches upon a number of areas, including tax evasion, violation of immigration laws, trafficking and consumption of drugs, stocking up and training in weapons without a license, fraud in the fundraising process and other monies, and violence used against those opposing the group or its members. Its recommendations focused on four main points: Collection, concentration and dissemination of information; helping at-risk populations; Education; and Legislation.

In 2011, Member of Knesset Itzhak Herzog, the Minister of Welfare and Social Services at the time, a ministerial team to formulate criteria to examine the subject of cults in order for a policy to be set on this subject. In line with the 1987 committee, the team reached conclusions that indicated a general policy needs to be formulated regarding several areas. The team recommended the establishment of a data base on the subject of cults that will concentrate all information regarding the phenomenon in Israel; the creation of a unit to treat the victims of cults and their family members; Legislation of a law against cults.

As oppose to other existing negative phenomena, the public discourse in Israel, including the political arena, third sector organizations and the media, hardly debated broadly and

consistently this phenomenon – due both to the difficulty of locating cults and victims and due to the lack of will on the side of cult victims to confront the cult leaders and their members.

This law proposal comes to order the legislation surrounding this undefined area of harmful cults, which often causes difficulty in proving the connection between the heads and leaders of organizations of this kind and the commitment of offenses. While doing so, this law proposal defines what is a harmful cult while balancing and distinguishing between legitimate cults with religious characteristics and cults characterized by relationships of control and authority and operate while committing legal felonies. In addition, due to the difficulty to prove the connection between the heads of the cult and the felonies committed in the framework of the cult, it is proposed that holding significant posts in the cult will in itself be defines as a criminal offense punishable with 10 years in prison. The law proposal also creates a mechanism of confiscation of property that was accumulated as a result of the activity within the harmful cult, similarly to the mechanism which exists in the Law for the Fight against Criminal Organizations, 2002.

It is further proposed that the Ministry of Welfare and Social Services establish a data base that will concentrate all the information surrounding the activity of Harmful Cults in Israel. This data base will include, inter alia, information regarding the heads and executives of the cult as well as information about its areas of operation. Further, as listed in the law proposal, the Minister of Welfare and Social Services will create an infrastructure for the treatment of the victims of the cults and their family members. This infrastructure will be responsible for formulating policy and prevention and intervention methods in this area, will accumulate information and knowledge on the subject of the treatment of victims of cults and will direct the field units in a way that will ensure professional and uniform handling on all levels.

This law proposal is a first step in the formulation of a general policy and proper tools for dealing with this phenomenon, in all of its complexity.

An identical law proposal was handed to the 19th Knesset by Knesset Members Yariv Levin and Orly Levi-Abekasis (2246/19/5).

Law proposal handed to the Chairman of the Knesset and his Deputies
And put upon the Knesset's table on July 20th, 2015.

[Unofficial translation by Dr. Adam Klin-Oron]

The 20th Knesset

Originators: Members of Knesset

Orly Levi-Abekasis, David Amsalem, David Bitan, Ya'akov Margi, Karin Elharar, Ayelet Nahmias-Verbin, Zehava Gal-On, Oren Asaf Hazan, Merav Michaeli, Daniel Atar, Ksenia Svetlova, Nava Boker, Michal Rozin, Meirav Ben-Ari, Mickey Levy, Miki Zohar, Meir Cohen, Aliza Lavie

MEIDA Center's Position Paper on the Law Proposal for the Handling of Harmful Cults – 2015

MEIDA (17.01.2016) - The Law Proposal defines what is a "Harmful Cult", makes it an offense to lead a Harmful Cult, and offers a mechanism of confiscation of property of the head of the cult. In addition, the proposal initiates a data base on Harmful Cults and an infrastructure of mental treatment for the victims of the Cults and their family members. Finally, the proposal makes it possible to appoint a custodian to a person who is under

the influence of a Harmful Cult. As delineated below, it is MEIDA Center's position that **this law proposal is in discord with current academic research and with the positions of legislative bodies and courts in Israel and abroad, may cause unnecessarily harm to the personal autonomy and rights of individuals, and is not needed.**

The proposal defines a Harmful Cult as a group using "methods of control over thought processes and behavioral patterns". This definition relies on the theory of Mind Control, which is not accepted in the academic research and was rejected by legislative bodies and supreme courts in Israel and abroad. Moreover, **this concept negates the belief in the personal autonomy and responsibility of individuals and their accountability for their actions** (the Israeli Supreme Court dealt extensively in the case of the followers of Elior Hen).

Article 6 of the proposal allows for a custodian to be appointed to a legal adult who is under the influence of a Harmful Cult. **Appointing a custodian to a legal adult who has chosen freely to join a group, even if a harmful one, is a disproportionate violation of individual autonomy,** without any proper academic and psychological backing.

Our position is that **the existing laws in the Israeli legal corpus are sufficient, and the new law is unnecessary.** The State of Israel has no difficulty to indict cult leaders, and is equipped with a variety of fitting criminal offenses, as can be learned from the case of Goel Ratzon (who was sentenced to thirty years in prison) and D.A. (sentenced to twenty-six years in prison).

Therefore, MEIDA Center recommends not accepting the law proposal as it currently stands.

We will be happy to supply further information, provide references to the legislative state of affairs in Israel and abroad as well as to academic research on the subject, participate in meetings, and answer any question.

Cordially yours,

Prof. Boaz Huss, Dr. Rachel Werczberger, Dr. Tomer Persico, Dr. Adam Klin-Oron, Dr. Marianna Ruah-Midbar, adv. Masua Sagiv – members of the Board of Directors of MEIDA Center.

MEIDA Center at the Van Leer Jerusalem Institute collects reliable and objective information on contemporary religious groups in Israel, with the aim of providing it for the service of the State's organs and the public at large. The Center is operated by qualified researchers in the field, using scientific tools and maintaining strict academic standards.

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Conscientious objector age 19 refuses military service – Sent to military prison for 20 Days



War Resisters' International (11.01.2016) - <http://bit.ly/1BJBaaM> - My name is Tair Kaminer, I am 19. A few months ago I ended a year of volunteering with the Israeli Boy and Girl Scouts in the town of Sderot, on the Gaza Strip border. **In a few days, I will be going to jail. An entire year I volunteered in Sderot, working with children living in a war zone, and it was there that I decided to refuse to serve in the Israeli military.** My refusal comes from my will to make a contribution to the society of which I am a part and make this a better place to live, from my commitment to the struggle for peace and equality. The children I worked with grew up in the heart of the conflict, and went through traumatic experiences from a young age. In many of them, this has generated a terrible hatred - which is quite understandable, especially in young children. Like them, many of the children living in the Gaza Strip and the rest of the Occupied Palestinian Territories, in an even more harsh reality, learn to hate the other side. They, too, cannot be blamed. **When I look at all these children, at the next generation of both sides and the reality in which they live, I can but see the continuation of trauma and pain. And I say: Enough!** For years now there's no political horizon, no peace process anywhere in sight. There's no attempt of any kind to bring peace to Gaza or to Sderot. As long as the violent military way holds sway, we will simply have further generations growing up with a heritage of hate, which will only make things even worse. We must stop this - now! This is why I am refusing: **I will not take an active part in the occupation of the Palestinian Territories and in the injustice to the Palestinian people** that is perpetrated again and again under this occupation. I will not take part in the cycle of hatred in Gaza and Sderot. My draft date was set for January 10th, 2016. On that day I will report to the Tel Hashomer Induction Center, to declare my refusal to serve in the military - and my willingness to do an alternative civil service. In conversation with some people I care about I've been accused of undermining democracy, though my refusal to abide by the laws which were enacted by an elected Parliament. But the Palestinians in the Occupied Territories live under the rule of the Government of Israel, though they had no voice whatsoever in electing that government. I believe that as long as Israel continues to be an occupying country, it will continue moving further and further away from democracy. **Therefore, my refusal is part of the struggle for democracy - not an**

anti-democratic act. I have been told that I am avoiding my responsibility for the security of Israel. But as a woman who regards all people as equal - and all their lives as equally important - I cannot accept the security argument as applying to Jews only. Especially now, as the wave of terror continues, when it becomes clear and evident that the military cannot ensure protection to the Jews, either. It is very simple - one cannot create an island of security in the midst of an oppressive occupation. True security can be created only when the Palestinian people live in freedom and dignity, in their own an independent state alongside Israel.

There were those who worried about my personal future in a country in which performing military service is held to be of supreme importance in the fabric of daily social intercourse. Caring for my future prospects, they suggested that I do serve in the army, regardless of my opinions - or at least that I don't make my refusal public. But through all the difficulties and worries, I chose to declare my refusal openly, for all to hear. **This country, this society, are too important to me - I cannot and will not agree to keep silent. That was not the way I was brought up - to care only for myself and my private concerns. The life I had until now has been about giving and social responsibility, and such I want it to continue.**

Even if I must pay a personal price for my refusal, this price will be worthwhile if it helps place the occupation on the agenda of Israeli public discourse. Far too many Israelis don't directly feel the occupation, and they tend to forget about it in their daily lives - lives that are eminently safe in comparison with those of Palestinians, or even of the Israelis who live in the Western Negev (Gaza border area).

We are told that there is no way other than the violent military way. But I believe that this is the most destructive way, and that there are others. I wish to remind all of us that there does exist an alternative: negotiations, peace, optimism, a true will to live in equality, safety and freedom. **We are told that the military is not a political institution - but the decision to serve in the military is a highly political one, no less so than the decision to refuse.**

We, the young people, must understand the full implications of such a choice. We need to understand its consequences for our society. **After having deliberated these issues, I took the decision to refuse. I am not scared of the military prison - what truly frightens me is our society losing its humanity.**

For further info see: Amnesty International Video:
<https://www.youtube.com/watch?v=kqkgHUI2d4o>
