

Yedioth Ahronoth, 7 Days • 06.06.2018

Ground Exercises

Regavim, which receives public funding, has been fervently fighting for years to eradicate illegal construction on Israeli land, with a focus on the Arab sector. However, an investigation conducted by Yedioth Ahronoth reveals that a long list of Regavim leaders and activists have illegally built homes, some of which have been issued demolition orders. And how does all this relate to the campaign run by the organization and MK Bezalel Smotrich, in favor of the Regulation Law and against the High Court of Justice? Regavim: tendentious information intended to harm our struggle

Shahar Ginosar

It's not pleasant to lose a job at your workplace. But this is what happened to a Druze construction inspector in the north, as a result of a harsh legal petition filed by Regavim against his employment, and against state bodies that paid his salary.

His name was Sand Hassisi, and Regavim's lawyer demanded that he be fired as he lived in an illegal house for years that did not have a permit upon construction. The unpleasantness reached its peak when the inspector collapsed during the legal proceedings. The typist wrote in the protocol that "Respondent 2 fell from the bench to the floor, apparently lost consciousness, a guard paramedic arrived. An ambulance was called for evacuation."

His lawyer, Ayman Fro, explained the circumstances to us this week: "He took it very hard. We raised many claims, including discrimination against the Druze sector in the field of construction, but unfortunately it was ignored."

Despite the fainting and the ambulance, sometimes there's no escape. Enforcement against crimes is important, and in this case, as in other cases, the people of Regavim are finally introducing law and order into the field of construction, as their lawyer, Boaz Arzi, explained to the judge. "We work in places in which, in our eyes, the enforcement of laws regarding land seem to be serially defective," he said before the inspector fell to the ground. "Our organization works in accordance with proper administration."

Indeed the court was persuaded by Boaz Arzi's words, and ruled that the inspector against whose home a demolition order was previously issued, should cease his work. "As long as the preexisting demolition order has not been carried out, he will not be able to serve as an active supervisor on behalf of the local planning and building committee," ruled Judge Rivi Lemelshtrich Latter.

The decision is deserving, of course. Regavim rightly refuses to accept a situation in which construction lawlessness is handled by someone red-handed. And this isn't the only case. Recently they also operated in the Negev, and brought about the dismissal of a resident of Aroer, who also violated the law through living in a house without a permit.

Still, there seems to be something peculiar about this story. Among other things, because attorney Arzi himself lives in an illegal house. A house against which a demolition order was issued immediately after he purchased it. An enforcement body that addressed the matter informed us this week that "these are illegal acts against which an enforcement order has been issued."

"I had no idea," says attorney Fro, who represented the inspector. "We thought that this lawsuit contained some absurd matters, but we didn't know about Arzi's story."

Regavim is the organization from which MK Bezalel Smotrich came. "He's the director and he turned to me," Arzi explained to the judge in a hearing that took place before Smotrich was elected to the Knesset.

The Regavim movement declares its goal is to influence the system of government in order to preserve the lands of the Jewish people and the natural resources of the land of Israel. It works to increase enforcement and punishment against building offenders throughout the country - what its activists define as "proper administration and integrity in public service," in land and planning laws. Its activities focus on the Arab sector primarily. Over NIS 20 million has been invested in Regavim in recent years, whose residents live in Judea and Samaria.

Although the movement is considered Smotrich's baby, it is not only dear to him, but also to many of his colleagues in the coalition: this is the body leading the handling of tangled land in Judea and Samaria - an issue that led to the proposal of bills that would bypass the High Court of Justice, which have inflamed the current Knesset.

The Cessation Clause - a bill designed to overrule High Court of Justice rulings when it invalidates human rights legislation - was promoted by Smotrich shortly after he passed another sensitive law, the 'Regulation' [Law], to settle the status of houses in Judea and Samaria built on private land. "For years we have been begging on all fours in the rooms of legal advisers and courtrooms," Smotrich explained.

Against this backdrop, the Regavim movement, which specializes in land matters, is now investing efforts in attacking the High Court of Justice, as well as Prime Minister Benjamin Netanyahu. A month ago, for example, it published a video entitled 'The Cessation Clause Now,' in which it raised all the sensitive issues imaginable: bereaved families, infiltrators in south Tel Aviv, and more. What cannot be found in the video is data on some of the people behind Regavim, who also take issue with the High Court of Justice's policy regarding their personal assets.

An investigation by Yedioth Ahronoth reveals that attorney Arzi is not the only one who lives in an illegal home or has purchased such a property. Along with him are the executive director of Regavim, the former executive director, field coordinators, the spokesperson, lawyers, members of the audit committee, and more. Some of the cases are not relevant to the Regulation Law, and yet there are 14 organizational activists and managers, past and present, including Smotrich himself, who own an illegal house or purchased property built without a permit.

Somehow, all this doesn't prevent the movement and its representatives from appealing to the High Court of Justice in dozens of petitions, and to successfully act as the guarantors of law and order to eliminate construction violations. Among other things, Regavim operates in sensitive areas of international interest, such as a legal proceeding following which 76 members of Congress recently demanded that the government not demolish Palestinian homes.

Apart from awe at this strange situation, it turns out that we don't know everything about Smotrich and his friends' project. Attorney General Avihai Mandelblit, and others warn of its results: the danger of Israel being dragged to the International Criminal Court in The Hague.

"Learning from the left"

Regavim, established in 2006, presents itself to the court as an 'apolitical movement.' Upon commencing their activities, Smotrich gracefully explained, the idea of petitioning the High Court of Justice was taken from their ideological rivals. "We learn from Peace Now," he said, "learning from leftist movements that operate in similar ways... We are actually demanding that the state carry out its duty."

In order to detect construction violations, the movement employs field inspectors, and also calls on the public to report. "You've always dreamed of handing out tickets? Now you can do so without leaving your home," the website notes.

In its first petitions, Regavim referred to "criminal neglect of law enforcement," including statements against construction offenses, according to which "anyone who acts for themselves harms the overtly clear manner through which the law is enacted." And despite the piercing words, key activists have reached Regavim, who in some cases are able to demonstrate lenient attitudes when it comes to offenses and violation of building codes.

Take for example, the first executive director of the organization, Yair Ben David, who invaded private land, was expelled from it following police intervention, and for which eight demolition orders were issued against the place in which he currently lives. A demolition order has also been issued for the home of the current executive director, Yehuda Eliyahu. An enforcement body informed us that the "building's frame was illegally constructed, and an order was issued against it." The movement's spokesperson, Avraham Binyamin, lives in a house that was established in territory to which entry was previously forbidden, according to IDF orders. Today

there is a demolition order against it, and we were told that "the foundations of the structure are illegal."

A person who receives a demolition order understands from its articulation that it's a real entanglement: "You are required... To cease these operations and their aforementioned use, and to restore the situation to its previous state. It is hereby clarified that insofar as you do not act as required by this notice and in accordance with the dates prescribed herein... All legal means will be taken against you, including the demolition of the building and all that is necessary to restore the situation to its former state at your expense." The people behind Regavim request not to carry out such demolition orders, but rather to legally regulate them.

Most of Regavim's founders come from settlements in the Mateh Binyamin Regional Council. They merged with the help of attorney Doron Nir Zvi. He is a jurist who specializes in matters of settlement and for years has been assisting the councils in Samaria along with many bodies. Nir Zvi handled the establishment of the organization, and also filed appeals on its behalf, in which he fought for proper administration and restraint from what he defines as "clear and blatant defiance of the rule of law," when he reports houses "built without a permit contrary to any law." In such cases, Nir Zvi demanded immediate demolition and warned in court that "the fatal blow that enforcement failures may bring about is the very existence of the rule of law."

Nir Zvi is an example that indicates how relation toward rule of law can be flexible. Not only because there are at least four demolition orders against his home in Yair Farm. But also in light of a document he articulated describing how he founded the settlement in which he currently lives through disputes with other settlers, and that he carries out not only building violations, but also a series of problematic actions, to say the least, against IDF soldiers, too.

Attorney Nir Zvi describes in a document from several years ago how "a plot" began to form in my mind," as he puts it, for the establishment of a settlement in the area he had located near the settlement of Yakir. He conducted a discussion with people from Yakir in which he discovered that some people thought differently from him. "One of the women's reactions is particularly memorable," he wrote, "who objected vehemently, claiming that "this will lead to the soiling of our good neighborly relations with the people of Deir Istiya." Nir Zvi did not finish replying "before a heart attack," as he described it, "I left the meeting in a rage."

As can be seen today in the field, Nir Zvi did not give up. According to the document he wrote, after carrying out actions such as breaking through the fence and pretending to be a supervisor, a former yeshiva student was brought to the area and seized territory with a herd of sheep. When the sheep were stolen, Nir Zvi assumed that it was by a resident of the adjacent village and initiated an action that didn't really help with neighborly relations. "I rounded up guys from Yakir to carry out acts of revenge in the village of Deir Istiya," in the document he describes placing warning leaflets next to the residents' doors in the dark. "Of course we punctured a few car tires," he noted.

Later, according to the document, after trying to help set up caravans and carry out other actions, the police were summoned, and the brigade commander "took his rage out on me." When other caravans were brought in, Nir Zvi decided to "distract" IDF soldiers from reporting a security incident. "I called the Ariel station and reported stone throwing at Immanuel Junction... In parallel I ensured that other people would report it," he described in a document on how he operated so that soldiers would be deployed to another area.

Later, Nir Zvi was assisted by one of the "crazy drivers" who was recruited for the operation, and as he described in the document: "He zoomed past us on the shoulder of the road... The soldiers stepped out of the jeep frightened and I took advantage of the uproar to change the [two-way radio] frequency in the back of the jeep... When the commander reported, no one heard."

In response, Attorney Nir Zvi told us that the acts have statutes of limitations, and that what he wrote is incorrect. Of the demolition orders issued against his house, he said: "Let all the leftists jump out at me with bulging eyes. The dogs bark and the procession moves on."

"They won't step on us"

With considerable personal experience in the field of law and construction, Regavim invests in legal proceedings, called "mirror petitions," based on the reversal of claims made by lawyers who assist Palestinians.

The Binyamin Regional Council has been channeling millions of shekels to the movement for years. Less than a year ago, the state comptroller's report raised serious complaints about the nature of regional councils' distribution of funds to support Regavim. Smotrich denied the connection between these findings and his actions to pass a new law that would limit the comptroller's authority.

Thus, with budgets and determination, Regavim's people are reaping success in a sense that "is reflected in the judges' rulings, as well as in the State's position," as the movement's executive director, Yehuda Eliyahu, recently explained. Over the years complaints have been raised about Regavim's motives. Against this backdrop, the movement's official goals were carefully articulated, changing no less than four times. Today, they do not mention, for example, the initial declarations relating to addressing "illegal construction in the Arab sector."

At first glance, Regavim's actions may seem illogical. Not only because of their 'red-handedness' - but also because the success in increasing enforcement may also harm some members of the organization, whose homes are also threatened by demolition orders. And not solely them, but also others in Judea and Samaria who live in illegal structures. According to Regavim's data, 2,026 structures in the settlements are located on private Palestinian land - the problem that the movement is attempting to resolve.

A Civil Administration official told us this week that he spent time trying to understand the paradox. "I thought it didn't make sense for them to act this way. It's about the same as [Shalom] Domrani turning to the Israel Police demanding increased crime-fighting," he explained by means of a colorful metaphor.

But the movement's members do not hesitate, and their activity primarily focuses on the Arab sector, with the goal of bringing to the court, "balance from the nationalist Zionist side," as defined by the executive director.

The result, more than once, involves anger from unexpected directions. Just recently, MK Salah Sa'ad of the Zionist Camp wrote to the attorney general that "Regavim has filed numerous petitions against Druze residents." MK Akram Hasson of Kulanu spoke in the Knesset about feelings of frustration: "I saw that my friend Smotrich was the head of an organization called Regavim. It persecuted a resident of the Othman family, a disabled IDF veteran. Two sons who are officers built on their own land. The organization went there, photographed the house and filed a lawsuit... I ask Smotrich, why don't you treat us like Amona? I want to say: 'Be warned, we will not let you step on us anymore.'"

The Othman family file looked like a lesson on double standards. The family from the village of Rama built on land it owns, despite the lack of a plan allowing for legal construction there. The person who demanded the demolition of the house in the name of the movement is attorney Arzi, whose house, as we described, has a demolition order.

Regavim claims that issuing demolition orders against houses like Arzi's and others, stems from a planning failure on behalf of the state authorities. Therefore, Arzi himself told us in response that, like many others, he "hopes that the house issue will be settled." This is exactly what the committee asked in the north when it pleaded with the judge to spare the Druze family from Rama. But Arzi was determined, and the court was convinced that execution of the demolition should be advanced. "The fact that there is a planning problem in the area cannot justify breaking the law," ruled Judge Avraham Elyakim. "It is inconceivable that the committee should settle for the possibility that in the future the designation of the land may change... If, within two years, it is possible to build, the respondent (Othman - S.G.) will be honored and may legally apply for a permit."

This week, in conversation with us, Othman was astonished to learn that there was also a demolition order issued against Arzi's house. He asked not to express his opinion in public due to fear of further damage, but his representative, Anan Daguer, called it "an absurd situation."

Whom to believe?

After dozens of legal proceedings, the primary problem remains, as noted: the lack of settlement regarding a series of construction violations beyond the Green Line. At the start of 2017, MK Smotrich managed to convince coalition members of a fundamental resolution: through a tense

series of votes, he succeeded in passing the Regulation Law, which offers monetary compensation to Palestinians whose land was used by Jewish settlers. But from the very start it was clear that the deal was complicated: the attorney general objected, addressing the High Court of Justice directly and clarifying that the law was offensive and unacceptable. Indeed, the law has currently been suspended by the High Court of Justice.

In the backdrop of this entanglement, among other things, we have made our way to the Cessation Clause, which has currently inflamed the Knesset. Smotrich announced that he would draft a law to bypass the High Court of Justice, and his colleagues in Regavim joined the struggle, adding a significant element: in the backdrop of concerns about claims filed by Palestinian landowners, financial damage could be caused to the settlers due to "making an asset in which they invested so much, worthless" they wrote.

Regavim's statement referred directly to the judges, and the headline was: "The time has come for the High Court of Justice to understand: annulling the Regulation Law will cost us all dearly." As stated, when Regavim warns that "it will cost us all dearly," it is also addressing the private assets of some members of the organization, or others associated with it. For example, Smotrich himself, who lives in a house in the settlement of Kedumim, on territory for which there may be a problem of ownership, and is no legal plan. "Things have been done as required," Smotrich once commented on the matter. This week he didn't answer us.

Regavim's activity also has an impact on the State of Israel in the international arena. One of the claims initiated by the movement recently brought 76 US congressmen to send a letter to the prime minister, calling on him not to demolish Palestinian structures. The structures at hand were built illegally in the village of Susiya, and some were approved for demolition following Regavim's petition. Yishai Hemo, the movement's field coordinator in Judea and Samaria, found it hard to accept the partial decision, saying that "this is not enough" and demanded that the government act against the remaining structures and "not surrender to unacceptable external pressure."

Regavim may be satisfied with another process that ended this month. Again, the structures at hand were built without a permit, including an ecological school in a Bedouin village near Kfar Adumim. The court accepted Regavim's request, which it had already raised in 2009. In this case, it was Europeans who demanded not to demolish the structures that were built with Italian money. Atypically, dozens of settlers objected to the demolition for moral reasons, but it didn't really help. A law is a law - unless we're referring, for example, to the home in which Regavim's field coordinator, Yishai Hemo, lives - which was also, as it turns out, built without a permit.

In Hemo's case, Regavim did not demand demolition orders. Instead, attorney Nir Zvi helped him sue the mortgage company in Samaria for "the impossibility of expanding their home." Hemo indeed received financial compensation for the suit.

The nature of the movement's activity and its zeal to advance legislation, begs the question of whether it should be acceptable to embed economic interest and personal ties in such considerations. The Regulation Law will not assist in all types of building offenses, yet it will resolve a serious problem for those whose homes were built on Palestinian land.

About a month ago, Regavim intensified its struggle in favor of the Cessation Clause, describing the dangers the judges pose before the public. According to the movement's publications, on the day the Knesset passes the Cessation Clause, the sky will be the limit: not only for construction offenses, but also for visions like "fewer bereaved families," and "the bodies of our fallen soldiers who will be brought to Israel for burial," which will finally come true.

Regavim's campaign does not address the warnings of Mandelblit and others, according to which the Regulation Law raises "grave questions on the level of international law." In order to bypass Mandelblit, a creative idea was raised. Attorney Nir Zvi organized a petition from 100 lawyers who declared that the law would meet "international standards" and that they would "gladly fully volunteer to defend the law."

The government itself is using the services of a private lawyer instead of Mandelblit, while the stance of the law's supporters is that this is a one-time solution that provides financial compensation to Palestinians who lost land. The complication with this idea can be read, for example, in a document authored by the Knesset's legal advisor that explains that this is "an involuntary real estate deal belonging to others," while other "landowners are not part of the Israeli democratic process and are not represented in the Knesset, taking into account the rules of international law."

Another argument of those in support of the Regulation [Law] is that it's a correction of past mistakes and a solution for "processes that have taken place for years in good faith." But those who know the details do not believe that an international tribunal would be persuaded. "You can claim innocence when it comes to isolated cases," says Dror Etkes of the organization, Kerem Navot, which collects data on illegal construction. "It won't work with so many examples," he says, whipping out an internal document from the Ministry of Defense, written by Brigadier General (reserves) Baruch Spiegel. "Look at what is written about Arzi's neighborhood. '28 permanent structures on private land' belonging to Palestinians. And you'll see the houses of two members of Regavim's audit committee in neighborhoods in Beit El, who cannot have a legal building permit. It's written that the settlement was 'expanded on private lands, while trespassing.' In the village below the house of a member of the audit committee lives a Palestinian who holds a document with an Israeli stamp, [indicating] that it's his private land. Who do you think they will believe that this was in good faith, when the actions are the government's responsibility? With all due respect to Nir Zvi and the organizers of the petition, I don't believe that they will succeed in defending Israel in an international tribunal." •

Regavim: tendentious information intended to harm the struggle to implement the Regulation Law

The Regavim movement replied that "the information presented to you in a tendentious manner was intended to harm the movement's just struggle to implement the Regulation Law, which was passed by a democratic majority in the Knesset. In Regavim, there are those who hold positions like that of executive director, who live in communities to which the law doesn't apply, since they were established on state lands under the guidance of the political echelon, such that regulation applies regardless, long before the legislation. Therefore, any attempt to suggest that the law was advanced due to personal considerations, is unfounded.

"Regavim advances the enforcement of planning and building laws in an equal manner throughout the country. In the event of a severe failure in the State's conduct, we also act to regulate illegal construction - so long as vital interests are not harmed, as may be seen in Bedouin settlements in the Negev and the advancement of programs in Druze communities.

"The Regulation Law, as it is called: is intended to regulate the existing reality for thousands of housing units in the settlements in Judea and Samaria, built by the state or with its involvement, some preceding several decades. Following prolonged neglect on behalf of the authorities, it is clear that there is no practical or moral feasibility to destroy the homes and lives of thousands of families. The law provides a logical and just response for all parties, including appropriate compensation for landowners, Arabs and Jews alike. The fact that Regavim is one of the initiators of the law is a source of pride and satisfaction. Those who raise claims of legality, should learn of the position the government submitted to the High Court of Justice, which explains how the law meets the norms of international law. Enforcement bodies from which you received information undermined the decisions of the Knesset and the government, while presenting distorted information, and fear of criminal proceedings abroad against IDF officers and government officials is mere intimidation. Just as the public was afraid of the separation barrier and the demolition of terrorists' homes, which turned out to be untenable. It is interesting that your newspaper is conducting investigations on civil society organizations from the zionist side, we eagerly await similar investigations on left-wing organizations."

Two members of the audit committee did not respond to our outreach. Regarding one of them, Regavim reported that he recently moved on from his position.

Attorney Arzi's response: "With regard to information transferred to you by an enforcement body, this is abuse. Providing information to a third party constitutes a violation of the law. Regarding the matter of the house, following the acquisition of its rights many years ago, it became clear that it was built with profound state involvement on land that is not state land. Attorney Arzi did not construct illegally, and like many others in the settlements in Judea and Samaria, he requests that the housing matter be settled. Attorney Arzi does not work in Regavim, and does not have a 'personal issue' with anyone."

Former executive director David Ben Yair: "I invited the reporter to my home to prove the baselessness of the claims. I will not be able to respond by phone."