



## **New Discriminatory Laws and Bills in Israel**

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The elections in February 2009 brought in the current 18<sup>th</sup> Knesset and saw one of the most right-wing government coalitions in the history of Israel come to power. Members of Knesset (MKs) immediately introduced a flood of discriminatory legislation that directly or indirectly targets Palestinian Arab citizens of Israel, as well as Palestinians in the Occupied Palestinian Territory (OPT) and the Palestinian refugees. These new laws and bills, which continue to arise on a very frequent basis, seek, inter alia, to dispossess and exclude Arab citizens from the land; turn their citizenship from a right into a conditional privilege; undermine the ability of Arab citizens of Israel and their parliamentary representatives to participate in the political life of the country; criminalize political expression or acts that question the Jewish or Zionist nature of the state; and privilege Jewish citizens in the allocation of state resources leading to the widening of social and economic gaps between citizens of the state. Some of the legislation is specifically designed to preempt, circumvent or overturn Supreme Court decisions providing rights protections. Another new trend in the legislation is the state's use of budget allocation in order to limit constitutional rights (e.g., cutting state support to programs based on political or ideological views). Discriminatory state practices and policies against Arab citizens of Israel are not new; they have existed since the establishment of the state. However, under the current government, a large number of these policies are now being legislated into law.

This paper lists 30 main new laws and currently-tabled bills that discriminate against the Palestinian minority in Israel and threaten their rights as citizens of the state, and in some cases harm the rights of Palestinian residents of the OPT. It also documents a series of bills that have been introduced to drastically restrict the foreign governmental funding and activities of human rights organizations; Arab human rights organizations in Israel would be particularly affected by this legislation. While this paper does not cover the entire body of discriminatory legislation currently pending in the Knesset, it lists key bills, including those that have been approved by the Ministerial Committee on Legislation. Adalah is following these troubling developments very closely, and in many cases has filed petitions to the Israeli Supreme Court challenging the constitutionality of these discriminatory laws. This legislative trend that stifles freedom of association and expression, and generally discriminates on the basis of national belonging, unfortunately is an accurate reflection of the public and political discourse in Israel that views Palestinian citizens of the state and their political representatives as threats to the nature of the State. As such, the legislation accompanies a series of criminal indictments and Knesset-instigated punitive measures pursued against Arab Members of Knesset (MKs).

## **Land and Planning Rights**

### **New Laws:**

#### **1. The Israel Land Administration (ILA) Law (2009)**

The law, enacted by the Knesset on 3 August 2009, institutes broad land privatization. Much of the land owned by the Palestinian refugees and internally-displaced persons (currently held by the state as “absentees’ property”), some of the lands of destroyed and evacuated Arab villages, and land otherwise confiscated from Palestinian citizens, can be sold off to private investors under the law and placed beyond future restitution claims. This land, which totals an estimated 800,000 dunams, includes refugees’ properties now located in the mixed Arab-Jewish cities and land that has been developed or that is zoned for development in master plans. The new law also gives decisive weight to representatives of the Jewish National Fund (JNF)<sup>1</sup> (6 out of 13 members) in a new Land Authority Council, to replace the Israel Land Administration (ILA), which manages 93% of the land in Israel.

[Position Paper](#) | [Press Briefing](#) | [The Law in Hebrew](#)

#### **2. Amendment no. 3 (2010) to The Land (Acquisition for Public Purposes) Ordinance (1943)**

This British Mandate-era law allows the Finance Minister to confiscate land for “public purposes.” The state has used this law extensively, in conjunction with other laws such as the Land Acquisition Law (1953) and the Absentees’ Property Law (1950), to confiscate Palestinian-owned land in Israel. The new amendment, which passed on 10 February 2010, confirms state ownership of land confiscated under this law, even where it has not been used to serve the original confiscation purpose. It allows the state not to use the confiscated land for the original confiscation purpose for 17 years, and prevents landowners from demanding the return of confiscated land not used for the original confiscation purpose if it has been transferred to a third party, or if more than 25 years have elapsed since the confiscation. The amendment expands the Finance Minister’s authority to confiscate land for “public purposes,” which under the law includes the establishment and development of towns, and allows the Minister to declare new purposes. The new law was designed to prevent Arab citizens of Israel from submitting lawsuits to reclaim confiscated land: over 25 years have passed since the confiscation of the vast majority of Palestinian land, and large tracts have been transferred to third parties, including Zionist institutions like the JNF. This law circumvents the Supreme Court’s decision in the *Kirsik* case which obligated the authorities to return confiscated land that has not been used for the original purpose for which it was confiscated.

[Press Briefing](#) | [The Law in Hebrew](#)

#### **3. Amendment no. 4 (2010) to the Negev Development Authority Law (1991): Individual settlements**

“Individual settlements” are a tool used by the state to provide individual Jewish Israeli families with hundreds and sometimes thousands of dunams of land for their exclusive use, and keep it out of the reach of Arab citizens of Israel in the Naqab (Negev). There are around 60 individual settlements in the Naqab, stretching over 81,000 dunams. Often, these settlements were established without permits and in violation of planning laws. The amendment, passed in July 2010, provides legal tools for the recognition of all individual settlements in the Naqab, and gives the Negev Development Authority the power to recommend that the Israel Land Administration allocate lands for individual settlements. The amendment followed an Israeli Supreme Court ruling in June 2010 that allowed for the recognition of individual settlements in the Naqab covered by the “Wine Path Plan.” The court delivered the ruling on a petition filed against the Wine Path Plan by Adalah, Bimkom and the

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<sup>1</sup> See HCJ 9205/04, *Adalah v. Israel Land Administration (ILA), et al.* (case pending). Adalah submitted a Supreme Court petition in 2004 demanding the cancellation of an ILA policy permitting the marketing and allocation of JNF-controlled lands by the ILA (a state agency) through bids open only to Jewish individuals.

Negev Coexistence Forum in 2006.<sup>2</sup> While the amendment affords official status to the individual settlements, which have always been provided with all basic services, the neighboring unrecognized Arab Bedouin villages in the Naqab are denied status and their inhabitants, though all citizens of Israel, live without the most basic of services. In its judgment, the court did not address the petitioners' arguments concerning the unequal land distribution and discrimination against the unrecognized villages entailed by the plan.

[Press Briefing](#) | [The Law in Hebrew](#) (pp. 591-593)

#### **4. The Law to Amend the Cooperative Societies Ordinance (no. 8) (2011) (“The Admissions Committees Law”)**

Enacted on 22 March 2011, the ‘Admissions Committees Law’ legalizes “admission committees” that operate in nearly 475 small community towns (up to 400 family units) built on state land in the Naqab and Galilee. The law gives admission committees full discretion in accepting or rejecting applicants, thereby controlling who is eligible to live there. The committees are composed of five members, one of whom must be either a representative of the Jewish Agency or the World Zionist Organization. Both institutions are quasi-governmental entities which openly declare that they work exclusively for the benefit of Jewish people. The law allows these committees to reject applicants deemed “unsuitable to the social life of the community... or the social and cultural fabric of the town,” thereby legitimizing the exclusion of entire groups. The ILA instituted the arbitrary and exclusionary criterion of “social suitability” in order to bypass the landmark Supreme Court decision in *Ka’adan* from 2000,<sup>3</sup> in which the court ruled that the state’s use of the Jewish Agency to exclude Arab citizens from state land constituted discrimination on the basis of nationality. The law also authorizes admissions committees to adopt criteria determined by individual community towns, based on their “special characteristics”, such as communities which have defined themselves as having “Zionist vision.”

In March 2011, Adalah and ACRI filed petitions to the Supreme Court seeking the cancellation of the law.<sup>4</sup> In his response to the petitions in January 2012, the Attorney General (AG) asked the Court to dismiss the cases on the grounds that they are premature and theoretical, as the law itself has not been used to bar any applicant from these small communities thusfar. The AG added that the Law permits the towns to screen applicants based on their "suitability to the community" makeup and whether they meet the social-cultural fabric of the town as it currently exists (all Jewish communities). The state also argued that the law forbids exclusion based on race, religion, gender, or nationality. The AG's position is extremely problematic as it justifies discrimination against people who wish to live on public land; these towns compose 46% of all communities in Israel and 65% of all rural communities. This law will inevitably lead to discrimination against Arab citizens, as well as the exclusion of other marginalized groups such as gays, the disabled, single parents, and the Mizrahim.

[Press Briefing 1](#) | [Press Briefing 2](#) | [English translation of the law](#) | [The Law in Hebrew](#) (pp. 683-686) | [Data Paper](#)

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<sup>2</sup> HCJ 2817/06, *Adalah, et al. v. The National Council for Planning and Building, et al.* (decision delivered 15 June 2010) available at: [http://www.old-adalah.org/newsletter/eng/jun10/docs/decision2817\\_06.pdf](http://www.old-adalah.org/newsletter/eng/jun10/docs/decision2817_06.pdf) (Decision in Hebrew). For more information, see Adalah’s Press Briefing, 28 June 2010. [http://www.adalah.org/eng/pressreleases/pr.php?file=27\\_06\\_10\\_2](http://www.adalah.org/eng/pressreleases/pr.php?file=27_06_10_2).

<sup>3</sup> HCJ 6698/95, *Ka’adan v. The Israel Land Administration, et al.*, P.D. 54(1) 258, decision delivered March 2000, available in English at: [http://elyon1.court.gov.il/files\\_eng/95/980/066/a14/95066980.a14.pdf](http://elyon1.court.gov.il/files_eng/95/980/066/a14/95066980.a14.pdf)

<sup>4</sup> HCJ 2504/11, *Adalah, et al. v. The Knesset, et al.* (case pending). The next hearing is scheduled for 6 December 2012. Adalah represented the Zubeidat family in a separate petition, filed to the Supreme Court in 2007, challenge the policy and operation of admissions committees. The Zubeidats, an Arab family, were rejected from living in the community town of Rakevet after the admissions committee disqualified them on the humiliating grounds of “social unsuitability.” In September 2011, following a new decision by the ILA, the Supreme Court ordered Rakevet to admit the Zubeidats. See HCJ 8036/07, *Fatima Ebriq Zubeidat, et al. v. The Israel Land Administration, et al.* See Adalah’s Press Briefing, 14 September 2011. [http://www.adalah.org/eng/pressreleases/pr.php?file=14\\_09\\_11](http://www.adalah.org/eng/pressreleases/pr.php?file=14_09_11).

## **5. Amendment no. 3 (2011) to the Israel Lands Law (1960)**

The law, passed in March 2011, prevents any person or party, public or private, from selling land or renting property for a period of more than five years or from bequeathing or transferring private ownership rights in Israel to “foreigners.” Under the law, foreigners are any persons who are not residents or citizens of Israel, or Jews, who have the automatic right to immigrate to Israel under the Law of Return (1950). Under the law, Palestinian refugees – the original owners of the land, who are entitled to the return of and to their properties under international law – are classified as “foreigners,” along with all other persons who do not hold Israeli citizenship or residency, with the exception of Jewish people. In the past, Israeli law had considered the Palestinian refugees as “absentees,” whose property and property rights Israel undertook before the international community as a “custodian” to preserve until the conclusion of a political solution to the conflict between Israel and the Palestinians.<sup>5</sup>

[English translation of the law](#) | [The Law in Hebrew](#) (pp. 754-756)

### **Pending Bills:**

## **6. The Memorandum of Law for Regulation of the Settlement of the Bedouin in the Negev (2012)**

The proposed ‘Praver Plan Bill’ was released on 3 January 2012, following the approval of the report of the government-appointed Praver Committee.<sup>6,7</sup> The bill, if passed, will lead to the forced displacement of tens of thousands of Arab Bedouin citizens of Israel from their homes and lands in the unrecognized villages. In some cases, Arab Bedouin have been living in these villages since before the State of Israel existed; in other cases the villages were established following the expulsion and relocation of Arab Bedouin by the military government imposed following Israel’s independence. The Bedouin citizen affected by this latest bill will be concentrated in government-planned townships unsuited to their way of life and offered unjust compensation. The bill has three main components: firstly, it determines the eligibility requirements for submitting land ownership claims and receiving compensation, albeit minimal; secondly, it sets planning arrangements for permanent Arab Bedouin settlement within a clearly demarcated area in the Naqab; thirdly, it sets forth a socio-economic development plan for existing recognized towns to absorb the displaced population. After the bill was released, the government initiated a public hearing period supervised by Minister Benny Begin. Adalah and the Association for Civil Rights in Israel (ACRI) submitted a legal objection against the bill in April 2012.

[English summary of the law](#) | [The Bill in Hebrew](#) | [Press Briefing about the objection](#)

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<sup>5</sup> For a commentary on the law, see Adalah Attorneys Haneen Naamnih and Suhad Bishara, “The Law of the Promised Land 2011 – Between Absentees and Foreigners,” Adalah’s Newsletter, Vol. 82, May 2011: [http://www.adalah.org/upfiles/2011/Haneen\\_Suhad\\_Promised\\_Land.pdf](http://www.adalah.org/upfiles/2011/Haneen_Suhad_Promised_Land.pdf)

<sup>6</sup> The government approved the recommendations on 11 September 2011. Adalah’s overview and analysis of the recommendations is available at: <http://www.adalah.org/upfiles/2011/Overview%20and%20Analysis%20of%20the%20Praver%20Committee%20Report%20Recommendations%20Final.pdf>

<sup>7</sup> For all of Adalah’s publications, analysis and documentation regarding the forced displacement of Arab Bedouin citizens, see our Special Report at: <http://adalah.org/eng/?mod=articles&ID=1589>.

## **Economic, Social and Cultural Rights**

### **New Laws:**

#### **7. The Economic Efficiency Law (Legislative Amendments for Implementing the Economic Plan for 2009-2010) (2009)**

##### **a. National Priority Areas**

One chapter of this law concerns the “National Priority Areas” (NPAs). This law continues to grant the government sweeping discretion to classify towns, villages and areas as NPAs and to allocate enormous state resources to them, even without declaring criteria for or against their inclusion. This section was passed in spite of a landmark Israeli Supreme Court decision delivered in 2006,<sup>8</sup> where the court ruled unconstitutional a government decision from 1998 which classified 553 Jewish towns and only four small Arab villages as NPAs with “A” status in the field of education.<sup>9</sup> In June 2010, after four years of non-compliance by the state and additional litigation, Adalah filed a new petition and a motion for contempt of court to the Supreme Court against the Prime Minister,<sup>10</sup> In February 2011, the Supreme Court dismissed the petition after the Attorney General’s office announced that the government was no longer using the prohibited governmental decision, and that the new law did not extend its validity.<sup>11</sup>

[Press Briefing](#) | [Motion for contempt](#) (Hebrew) | [The Law in Hebrew](#) (pp. 261-264)

##### **b. Child Vaccinations and Child Allowances**

A further section of the law stipulates that children who do not receive the vaccinations recommended by the Ministry of Health will no longer be provided with financial support in the form of “child allowances.” This provision mainly affects Arab Bedouin children living in the Naqab (Negev), since most of the children who do not receive the vaccinations belong to this community due to the inaccessibility of health care. The provision therefore discriminates against them on the basis of their national belonging. In 2010, the Ministry of Health closed down “mother and child” clinics in three Arab Bedouin towns which provide these vaccinations and only reopened them after Supreme Court litigation by Adalah.<sup>12</sup> Adalah submitted a petition to the Israeli Supreme Court on 7 October 2010, demanding the annulment of the amendment, which came into effect on 15 December 2010.<sup>13</sup>

[Press Briefing](#) | [Petition in Hebrew](#) | [The Law in Hebrew](#) (p. 211-215)

#### **8. Law to Strip Payments from a Current or Former Member of Knesset due to a Crime (2011)**

In February 2011, the Knesset approved the “Law to Strip Payments from a Current or Former Member of Knesset due to a Crime.” Under this law, the Knesset may withhold salary and pensions from current or former MKs declared by the Attorney General to be alleged suspects or defendants

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<sup>8</sup> HCJ 2773/98 and HCJ 11163/03, *The High Follow-Up Committee for Arab Citizens in Israel v. The Prime Minister of Israel*. Decision delivered February 2006, case brought by Adalah. The Supreme Court’s decision is available in English at: [http://elyon1.court.gov.il/files\\_eng/03/630/111/a18/03111630.a18.pdf](http://elyon1.court.gov.il/files_eng/03/630/111/a18/03111630.a18.pdf)

<sup>9</sup> For more information on the earlier litigation, see Adalah’s Press Briefing, 12 March 2006:

[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_03\\_12](http://www.adalah.org/eng/pressreleases/pr.php?file=06_03_12)

<sup>10</sup> HCJ 4788/10, *The High Follow-Up Committee, et al. v. The Government of Israel* (case dismissed 2 February 2011).

<sup>11</sup> See Adalah Press Briefing, 11 August 2010:

[http://www.adalah.org/eng/pressreleases/pr.php?file=24\\_02\\_11](http://www.adalah.org/eng/pressreleases/pr.php?file=24_02_11)

<sup>12</sup> HCJ 10054/09, *Wadad El-Hawashly, et al. v. Ministry of Health*. For more information, see Adalah Press Briefing, 24 November 2011: [http://www.adalah.org/eng/pressreleases/24\\_11\\_11.html](http://www.adalah.org/eng/pressreleases/24_11_11.html).

<sup>13</sup> HCJ 7245/10, *Adalah v. Minister of Welfare and Social Affairs* (case pending, order to show cause granted). For more information, see Adalah’s Press Briefing of 15 September 2011: [http://www.adalah.org/eng/pressreleases/pr.php?file=15\\_09\\_11](http://www.adalah.org/eng/pressreleases/pr.php?file=15_09_11).

or persons convicted of crime that is punishable by at least ten years' imprisonment, and who do not appear at a criminal trial or investigation against them, including for reasons of being outside the country. The alleged crime should have been committed in full or in part during the period in which the suspect or defendant was an MK. The law was drafted in response to the exile of former Arab MK Dr. Azmi Bishara (Balad/Tajammaa), who left Israel in March 2007 after police announced he was suspected of giving information to Hezbollah during the Second Lebanon War. However, the state has never filed an indictment against Dr. Bishara or pointed to any clear evidence against him. These facts indicate the arbitrary nature of the law; even MKs against whom there is no clear evidence could be harmed and lose their pensions.

[The Law in Hebrew](#) (pp. 350-352)

### **9. Amendment no. 12 (2010) to the Absorption of Discharged Soldiers Law (1994)**

According to the law, enacted in July 2010, any registered university or college student who has completed his or her military service and is a resident of a designated "National Priority Area" such as the Naqab, the Galilee or the illegal Jewish settlements in the West Bank will be granted a "compensation package" including: full tuition for the first year of higher academic education; a year of free preparatory academic education; and additional benefits in areas like student housing. This benefits package goes far beyond and adds to the already extensive educational benefits package that is enjoyed by discharged soldiers in Israel. The overwhelming majority of Palestinian Arab citizens of Israel are exempt from military service, and they are thereby excluded from receiving these state-allocated benefits and discriminated against on the basis of their national belonging. This law follows a 2008 amendment (Amendment No. 7)<sup>14</sup> to the same law that anchors the use of the military service criterion in determining eligibility for student dormitories in all higher education institutions into law, and grants broad discretion to these institutions to grant additional economic benefits to discharged soldiers, regardless of the benefits provided to them under any other law.<sup>15</sup>

[Press Briefing](#) | | [The Law in Hebrew](#) (pp. 604-606)

### **Pending Bills:**

### **10. The Rights of those who Performed Military or National Service Bill (2010)**

This bill,<sup>16</sup> which passed preliminary reading in the Knesset on 5 July 2010, grants additional benefits to individuals who performed military or alternative national service. These benefits add even more to those already legislated in Amendments No. 7 and 12 to the Absorption of Discharged Soldiers Law, detailed above. The bill relates to a number of benefits, including payment of tuition for higher education, the right to employment, and the right to purchase property or land. For example, under the bill, a person who has served in the military would be entitled to financial support to help cover study at an institute of higher education, and would be exempted from paying fees to the state for a year after completing his or her service. Discharged soldiers and persons who performed alternative national service would also receive assistance in purchasing a first home. In addition, if passed, the bill would provide for plots of land and housing units to be allocated specifically to former soldiers. Under this legislation, the aforementioned benefits are provided based on the premise that military service and alternative national service demonstrate

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<sup>14</sup> Amendment no. 7 (2008) to the Absorption of Discharged Soldiers Law (1994). Available at [http://adalah.org/Public/files/English/Legal\\_Advocacy/Discriminatory\\_Laws/Absorption\\_of\\_Discharged\\_Soldiers\\_Law\\_\(1994\)\\_Amendment\\_No\\_7\\_Benefits\\_for\\_Discharged\\_Soldiers\\_\(2008\).pdf](http://adalah.org/Public/files/English/Legal_Advocacy/Discriminatory_Laws/Absorption_of_Discharged_Soldiers_Law_(1994)_Amendment_No_7_Benefits_for_Discharged_Soldiers_(2008).pdf)

<sup>15</sup> The 2008 amendment was passed in order to circumvent a precedent-setting decision by the Haifa District Court, which accepted a petition filed by Adalah on behalf of three Arab students from the University of Haifa. The court ruled that the use of the criterion of military service in determining eligibility for student dormitories discriminates against Arab students. The petition argued that the university is not authorized to add benefits to discharged soldiers that exceed those granted to them by the Absorption of Discharged Soldiers Law. Civil Lawsuit (Haifa District Court) 217/05, *Naamnih et al. v. University of Haifa*, decision delivered August 2006.

<sup>16</sup> Legislative bill no. P/18/2405.

loyalty to the state, which is rewarded through the additional benefits. Since the majority of Arab citizens of Israel are exempted from performing military or national service for historical and political reasons, discriminating against those who do not enlist is an effective proxy for denying benefits to the Arab minority.

[Letter \(Appendix 2\)](#) | [The bill in Hebrew](#)

### **11. Civil Service Law (Appointments) – Amendment (Affirmative Action) Bill (2009)**

Under this bill,<sup>17</sup> which passed preliminary reading on 26 January 2011, persons who have served in the Israeli army or performed alternative national service will be given preferential treatment in hiring for state civil service positions. According to the proposed legislation, if two otherwise equally-qualified persons apply for a civil service position, one of whom performed military or alternative national service and one who did not, preference should be given to the former candidate, regardless of whether the service performed is relevant to the position in question. Thus the bill grants additional benefits to former soldiers, in contradiction to Article 15A(a) of the Civil Service Law (Appointments) – 1959 (as amended in 2000), which stipulates that every governmental minister should ensure adequate representation for the Arab minority in Israel in its offices. The law discriminates against members of the Arab minority, the vast majority of whom do not perform military service for historical and political reasons. Arab citizens of Israel are already underrepresented in the civil service and virtually never promoted to decision-making positions.<sup>18</sup> The Attorney General has announced his opposition to this bill.

[Press Briefing](#) | [Letter to AG](#) | [The bill in Hebrew](#)

## **Civil and Political Rights**

### **New Laws:**

### **12. The Regional Councils Law (Date of General Elections) (1994) Special Amendment No. 6 (2009)**

The law, enacted on 16 November 2009, grants the Interior Minister absolute power to declare the postponement of the first election of a Regional Council following its establishment for an indefinite period of time. The law previously stipulated that elections must be held within four years of the establishment of a new regional council. The Knesset passed the law shortly before elections were due to take place to the Abu Basma Regional Council, which includes ten Arab Bedouin villages in the Naqab (pop: 25,000) and was established over six years ago. The result of the law is that no elections have been held and local people have no right to elect their own representatives. The current government-appointed council, which is comprised of a majority of Israeli Jewish members and appointed by the Interior Minister, remains in place. On 27 April 2010, Adalah and the Association for Civil Rights in Israel (ACRI) petitioned the Supreme Court of Israel to demand the cancellation of the amendment and ask the court to order the Interior Minister to announce the holding of democratic elections in the regional council immediately.<sup>19</sup> The organizations argued that the law represented a grave infringement of democratic values and the state's duty to ensure regular transparent and democratic elections. At a hearing on the case held in February 2011, the Supreme Court ordered that elections to the Abu Basma Regional Council should be held no later than 4 December 2012.<sup>20</sup>

[Press Briefing 1](#) | [Press briefing 2](#) | [The law in Hebrew](#) | [Petition in Hebrew](#)

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<sup>17</sup> Legislative bill no. P/18/1823.

<sup>18</sup> See Adalah, "[The Inequality Report](#)," March 2011, p. 27

<sup>19</sup> HCJ 3183/10, *Hussein Rafeea, et al. v. The Minister of the Interior, et al.* See Adalah's Press Briefing, 27 April 2010. [http://www.adalah.org/eng/pressreleases/pr.php?file=27\\_04\\_10](http://www.adalah.org/eng/pressreleases/pr.php?file=27_04_10)

<sup>20</sup> See press briefing on the Supreme Court hearing at: [http://www.adalah.org/eng/pressreleases/pr.php?file=22\\_02\\_11](http://www.adalah.org/eng/pressreleases/pr.php?file=22_02_11)

### **13. Amendment no. 10 (2011) to the Citizenship Law (1952)**

Enacted on 28 March 2011, the law allows courts to revoke the citizenship of persons convicted of treason, espionage, assisting the enemy in time of war, and acts of terrorism as defined under the Prohibition on Terrorist Financing Law (2005), if asked to do so by the Minister of the Interior, as part of a criminal sentence delivered. Citizenship can only be revoked if the defendant has dual citizenship, or resides outside of Israel (in which case the law creates an assumption that such a person has dual citizenship). If a person does not have dual citizenship or reside abroad, then he or she will be granted residency status in Israel instead of citizenship, a downgrading that severely restricts his/her rights to political participation. In 26 October 2010, Adalah wrote to the Chair of the Knesset's Internal Affairs and Environment Committee asking him not to support the law. Adalah argued that the legitimate path for dealing with such alleged crimes is the criminal law, and that the proposed law targeted Arab citizens of Israel and makes their citizenship conditional, in line with the right-wing political rallying cry of "no citizenship, no loyalty." This new amendment follows a prior amendment made to the Citizenship Law in 2008 which provides that citizenship may be revoked for "breach of trust or disloyalty to the state".<sup>21</sup> The revocation of citizenship is one of the most extreme punitive measures at the disposal of states, and may result in cruel and disproportionate punishment, particularly when pursued against a particular group of citizens.

[Press Briefing](#) | [English translation of the law](#) | [The law in Hebrew](#) (p. 733)

### **14. Amendment no. 40 (2011) to the "Budgets Foundations Law (1985) - Reducing Budget or Support for Activity Contrary to the Principles of the State" ("The Nakba Law")**

The 'Nakba Law', enacted on 22 March 2011, authorizes the Finance Minister to reduce state funding or support to an institution if it holds an activity that rejects the existence of Israel as a "Jewish and democratic state" or commemorates "Israel's Independence Day or the day on which the state was established as a day of mourning." Palestinians traditionally mark Israel's official Independence Day (15 May) as a national day of mourning and organize commemorative events. The law also violates the principle of equality and the rights of Arab citizens to freedom to express their opinion and to preserve their history and culture. On 4 May 2011, Adalah, ACRI, the parents of school children and school alumni filed a petition against the law to the Supreme Court, requesting that it find the Nakba Law unconstitutional. The Supreme Court rejected the petition in January 2012, ruling that the case was premature, as the law had not been used against any specific institution.<sup>22</sup>

[Press Briefing 1](#) | [Press Briefing 2](#) | [English translation of the law](#) | [The law in Hebrew](#) | [English excerpts from the petition](#) | [Supreme Court decision](#)

### **15. Law for Prevention of Damage to the State of Israel through Boycott (2011)**

The 'Anti-Boycott Law,' passed on 11 July 2011, prohibits the public promotion of boycott by Israeli citizens and organizations against Israeli institutions or illegal Israeli settlements in the West Bank. It enables the filing of civil lawsuits against anyone who calls for boycott; it creates a new "civil wrong" or tort. The law also provides for the revocation of tax exemptions and other legal rights and benefits from Israeli associations, as well as academic, cultural and scientific institutions which receive state support, if they call for or engage in boycott. The court may also award compensation, including punitive damages, even if no actual damage is proved. Furthermore, the law provides that Israeli businesses, which publicly declare that they would not buy supplies or goods

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<sup>21</sup> See, e.g., Amendment No. 9 (Authority for Revoking Citizenship) (2008) to article 11 of the Citizenship Law (1952). "Breach of trust" is broadly defined and even includes the act of naturalization or obtaining permanent residency status in one of nine Arab and Muslim states which are listed by the law, and the Gaza Strip. The law allows for the revocation of citizenship without requiring a criminal conviction.

<sup>22</sup> See press briefing at: [http://www.adalah.org/eng/pressreleases/5\\_1\\_12.html](http://www.adalah.org/eng/pressreleases/5_1_12.html). See also Sawsan Zaher, "The Prohibition on Teaching the Nakba in the Arab Education System in Israel," *Adalah's Newsletter*, Volume 74, August/September 2010:

<http://www.adalah.org/newsletter/eng/sep10/docs/Sawsan%20Nakba%20English%20final.pdf>



manufactured in the OPT could have their state-sponsored benefits revoked. As such, the law severely restricts freedom of expression and targets non-violent political opposition to the Occupation.<sup>23</sup> Adalah and ACRI submitted a petition to the Israeli Supreme Court in March 2012 on behalf of leading human rights organizations and Israeli and Palestinian groups affected by the law seeking its cancellation.<sup>24</sup>

[Press Briefing 1](#) | [Press Briefing 2](#) | [English translation of the law](#) | [The law in Hebrew](#) | [The petition in Hebrew](#)

## **16. Termination of Proceedings and Deletion of Records in the Disengagement Plan Law (2010)**

The ‘Pardon Law,’ enacted by the Knesset on 25 January 2010,<sup>25</sup> exempts anyone who was convicted in relation to their opposition to Israel’s 2005 Gaza disengagement plan from legal sanction, provided they have not received a prison sentence. This expanded the early amnesty granted by the Attorney General, when he terminated proceedings against first-time offenders accused of minor offenses. Under this law, charges will be dropped and offenses will be deleted from any criminal records, at the offender’s request.<sup>26</sup> This law establishes a different legal process for those who were charged when demonstrating against the disengagement plan, separate from those who were charged at other political demonstrations, effectively discriminating based on ideological grounds. Palestinian Arab citizens, in particular, are subjected to severe physical and verbal abuse when demonstrating, especially at events related to their political or ideological beliefs. On 23 February 2012, the Supreme Court rejected a petition calling for the cancellation of the law.<sup>27</sup>

[Media Coverage](#) | [The Law in Hebrew](#) | [Supreme Court Decision in Hebrew](#)

### **Pending Bills:**

## **17. Bill to amend the Citizenship Law (1952): Loyalty Oath (2009)**

This proposed amendment<sup>28</sup> to the Citizenship Law would require all persons seeking citizenship in Israel via the naturalization process and all Israeli citizens applying for their first ID cards (which is obligatory at the age of 16) to declare an oath of loyalty to Israel as a “Jewish, Zionist, and democratic state, to its symbols and values, and to serve the state in any way demanded, through military service or alternative service, as defined by law.” It would replace the text of the current declaration: “I declare that I will be a loyal citizen of the State of Israel.” Requiring such an oath marginalizes the status of Arab citizens of Israel by deeming Israel a state for Jews only. The enactment of the amendment may prove to be a slippery slope as, according to numerous other bills introduced in the Knesset, declarations of allegiance to a Jewish and democratic state could

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<sup>23</sup> In its original form, the bill targeted Israelis, the Palestinian Authority, Palestinians and foreign governments and individuals, and sought to impose heavy fines, economic sanctions and entry bans on supporters of boycott activities. However, when the bill passed the preliminary vote by the Knesset on 14 July 2010, the application of the prohibition to foreign citizens and foreign political entities was cancelled, leaving only a prohibition and fine on Israeli citizens and residents. See, *JNews*, “Antiboycott bill passes preliminary reading in the Knesset”, 14 July 2010: <http://www.jnews.org.uk/news/antiboycott-bill-passes-preliminary-reading-in-the-knesset>

<sup>24</sup> HCJ 2072/12, *The Coalition of Women for Peace, et al v. The Minister of Finance, et al.* (case pending). The next hearing on the case is scheduled for 5 December 2012.

<sup>25</sup> The bill, Legislative bill no. L/17/2797, with the author’s explanatory footnotes, is available at: [http://adalah.org/Public/files/Hebrew/Legal\\_Advocacy/Discriminatory\\_Laws/pardon\\_law\\_bill.pdf](http://adalah.org/Public/files/Hebrew/Legal_Advocacy/Discriminatory_Laws/pardon_law_bill.pdf)

<sup>26</sup> For media coverage of the law, see [Fadi Khoury](#), “Uprooted settlers pardoned by court – why not Palestinians?” +972 Mag. 26 February 2012; [Chaim Levonson](#), “Court rejects left-wing petition against disengagement amnesty,” Ha’aretz, 24 February 2012.

<sup>27</sup> HCJ 1213/10 *Eyal Nir et al. v Speaker of the Knesset et al.* (decision delivered 23 February 2012)

<sup>28</sup> Legislative bill no. P/18/102. This bill is an identical resubmission of Legislative bill no. P/17/3046, which was submitted to the 17<sup>th</sup> Knesset

soon be required of all ministers, Knesset members, civil service employees, etc.<sup>29</sup> Adalah sent a letter to the Prime Minister, Attorney General, and Justice Minister on 7 October 2010, arguing that the bill specifically targets Palestinian Arab citizens, whose “non-Jewish” spouses – Palestinians from the OPT and other Arab states – are those who would have to swear the oath. The bill received the government’s endorsement on 10 October 2010 on condition that certain changes be made to its provisions, but does not currently enjoy the support of a Knesset majority.

[Press briefing](#) | [The bill in Hebrew](#)

#### **18. Bill (2009) to amend the Basic Law: Human Dignity and Liberty and limit the judicial review powers of the Supreme Court to rule on matters of citizenship**

This bill<sup>30</sup> was proposed in May 2009 and seeks to limit the judicial review powers of the Israeli Supreme Court on citizenship issues.<sup>31</sup> It was supported initially by 44 MKs. The bill was put forward in the context of Supreme Court hearings on petitions filed against provisions of the Citizenship and Entry into Israel Law (Temporary Order) – 2003 (amended 2007) that prohibit entry into Israel by Palestinians in the OPT and other “enemy states,” as defined by Israel (such as Syria, Lebanon, Iran and Iraq) for purposes of family unification with Israeli citizens, overwhelmingly Arab citizens of Israel.<sup>32</sup> Adalah sent a letter to the Justice Minister and Attorney General on 18 December 2009 requesting that they reject the bill on the grounds that it violates the right of access to the courts, as well as the principle of the separation of powers, and thus the rule of law. On 12 December 2009, the Ministerial Committee on Legislation rejected the bill.

[The bill in Hebrew](#)

#### **19. Bill to Amend the Basic Law: The Judiciary (Public Petitioners) (2011)**

This bill,<sup>33</sup> initiated by MKs Yariv Levin and Danny Danon in February 2011, threatens to severely restrict the ability of “public petitioners,” such as human rights organizations and other public interest NGOs, from submitting legal petitions to the Supreme Court. Firstly, the bill would prevent organizations which are registered outside Israel or whose main activities are not in Israel (e.g., Palestinian human rights organizations in the OPT) from submitting petitions. Secondly, it would prohibit organizations in Israel from filing petitions in their own names alone; an affected individual must also join the case as a petitioner. Thirdly, it would require petitioning organizations to report to the court on any foreign funding that they receive so that the court is aware of what the bill refers to as “irrelevant motives of interested or hostile groups” behind the petition. The Ministerial Committee on Legislation rejected the bill on 27 November 2011.<sup>34</sup>

[Press Briefing](#) | [The Bill in Hebrew](#)

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<sup>29</sup> See, e.g., a currently-proposed amendment to The Basic Law: The Government – Loyalty Oath (Legislative bill no. P/18/5), which stipulates that upon taking office, all ministers must make an oath to the state as a “Jewish, Zionist and democratic state” and to the values and symbols of the state. Ministers are currently required to make an oath only to the state. Two similar bills seeking to amend *The Basic Law: The Knesset* propose to impose loyalty oaths on MKs. The first (Legislative bill no. P/18/7) requires all MKs to make an oath to the state as a “Jewish, Zionist and democratic state” and to the values and symbols of the state. The second (Legislative bill no. P/18/226) requires MKs to swear allegiance to the State of Israel as a “Jewish and democratic state.” These bills place severe restrictions on the rights of Arab citizens of Israel of political participation.

<sup>30</sup> Legislative Bill no. P/18/1078

<sup>31</sup> A series of bills pending in the Knesset seek to amend The Basic Law: The Judiciary in order to cancel the power of the Supreme Court to invalidate laws enacted by the Knesset.

<sup>32</sup> The Supreme Court upheld this law in January 2012. See H CJ 466/07, MK Zahava Galon v. The Attorney General, et al. (decision delivered 11 January 2012). Adalah’s Press Briefing is available at: [http://www.adalah.org/eng/pressreleases/12\\_1\\_12.html](http://www.adalah.org/eng/pressreleases/12_1_12.html).

<sup>33</sup> Legislative Bill no. P/18/3134

<sup>34</sup> Jonathan Lis and Ophir Bar-Zohar, “Deputy PM threatens resignation over bill to limit Israel High Court,” Ha’aretz, 26 November 2011. <http://www.haaretz.com/news/national/deputy-pm-threatens-resignation-over-bill-to-limit-israel-high-court-1.397855>; and Jonathan Lis and Barak Ravid, “Ministerial committee rejects bill to limit Israel’s High Court,” Ha’aretz, 27 November 2011. <http://www.haaretz.com/news/national/ministerial-committee-rejects-bill-to-limit-israel-s-high-court-1.398027>

## **Prisoners and Detainees' Rights**

### **New Laws:**

#### **20. Amendment No. 2 (2010) to the Criminal Procedure Law (Suspects of Security Offenses) (Temporary Order)**

This law, enacted on 20 December 2010, is designed to extend the validity of harsh, special detention procedures for those suspected of security offenses. While neutral on its face, in practice the law applies to and is used mainly against Palestinians from Gaza and Palestinian citizens of Israel. The special procedures allow law enforcement authorities to delay bringing a security suspect before a judge for up to 96 hours after arrest (instead of 48 hours for other detainees). It also allows the courts to extend a security suspect's detention for up to 20 days at a time (instead of 15 days) and to hold extension of detention hearings in his/her absence. In this last respect the law seeks to bypass a February 2010 Supreme Court decision that struck down article 5 of the Criminal Procedure (Detainees Suspected of Security Offences) (Temporary Order) Law (2006),<sup>35</sup> which stipulated that security suspects could have their pre-trial detention extended in their absence.<sup>36</sup> The law removes a number of essential procedural safeguards from detainees, thus placing them at a greater risk of torture and ill-treatment.<sup>37</sup>

[Press briefing](#) | [The law in Hebrew](#)

#### **21. Law imposing severe restrictions on meetings between "security" prisoners and lawyers (2011) [Amendment – Israeli Prisons Ordinance – 1971]**

The new law,<sup>38</sup> approved by the Knesset on 3 August 2011, contains an overly-broad and unconstitutional article that allows the Israel Prison Service (IPS) to prohibit prisoners involved in "security crimes" from meeting their lawyers if the IPS "suspects" that this meeting may lead to the transfer of information relating to a terror organization. As of May 2012, there are over 4,600 Palestinian political prisoners being held as "security prisoners" in Israeli prisons: the law targets and discriminates against "security prisoners", who are overwhelmingly Palestinians, as well as their lawyers, who are also generally Palestinians.

Under the law, the IPS can prevent meetings with lawyers for 96 hours (previously 24 hours) a period that could be extended for up to as many as 14 days (previously 5 days), with the approval of the state prosecutor; a District Court can extend this prohibition for 6 months (previously 21 days) and up to maximum period of one year (previously three months); the Supreme Court can extend the ban for unlimited periods after one year (Supreme Court supervision was required after three months under the previous law). These sweeping restrictions further increase prisoners' isolation and prevent them from effectively accessing the courts, or obtaining redress.

An additional amendment to the law governing the Israel Prison Service (IPS) was passed on 14 May 2012, allowing for restrictions on access to legal counsel for security prisoners. Under the new law, the IPS Director may restrict the number of lawyers able to visit a prisoner for a period of three months, and to extend the period for an additional three months with the permission of the Attorney General. The law also allows the District Court to extend the period of prohibition for up to six months at a time, without examination of any evidence against the prisoner or the group.

[Press Briefing](#) | [The law in Hebrew](#)

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<sup>35</sup> Originally passed by the Knesset as a "temporary order" for 18 months, the law was extended in January 2008 for three years.

<sup>36</sup> HCJ 2028/08, *The Public Committee Against Torture in Israel, et al. v. The Minister of Justice* (petition withdrawn 24 March 2009). For more information, see Adalah news update, 23 February 2010: [http://www.adalah.org/eng/pressreleases/pr.php?file=23\\_02\\_10](http://www.adalah.org/eng/pressreleases/pr.php?file=23_02_10)

<sup>37</sup> Adalah sent a letter to the Knesset's Constitution, Law and Justice Committee on 21 October 2010 to demand that the bill be rejected.

<sup>38</sup> Legislative bill no. P/18/558, approved 3 August 2011.

## **Pending Bills:**

### **22. Bill to Amend the Criminal Procedure Law (Interrogation of Suspects) (Interrogation of Suspects of Security Offences) (2011)**

This bill,<sup>39</sup> raised in December 2011, attempts to render permanent an exemption made to the Criminal Procedure Law, which allows for interrogations of “security suspects” to not be recorded; almost all of the ‘security detainees’ are Palestinians from the OPT or Palestinian citizens of Israel. The law, passed in 2002, required the police to create audiovisual recordings of interrogations of suspects charged with crimes carrying a minimum sentence of at least ten years. The law established a schedule for its gradual implementation, with recordings of interrogations of “security suspects” to become mandatory beginning in 2008, under Article 17. That year, however, the Knesset passed a temporary order,<sup>40</sup> extending the exemption until 2012 – ten years after the law was originally enacted. Notably, the requirement to create audiovisual recordings of interrogations does not apply to the Israel Security Agency (ISA) (also known as the GSS or Shabak).<sup>41</sup> On 21 December 2010, Adalah, together with PHR-I, Al Mezan and PCATI, filed a petition to the Supreme Court requesting that the exemption be cancelled.<sup>42</sup>

Initial attempts to make this exemption permanent were rejected by the Knesset. Nevertheless, this bill has revived the effort. On 11 March 2012, the Ministerial Committee on Legislation endorsed the bill.<sup>43</sup>

[Press Briefing](#) | [The 2012 Memorandum in Hebrew](#) | [The Law in Hebrew as amended 2008](#),

### **23. The “Shalit laws”**

Several proposed bills, collectively known as the “Shalit laws,” are currently pending before the Knesset, and seek to impose further severe restrictions on Palestinian security prisoners held in Israeli prisons. The purpose of these restrictions was originally to bring pressure to bear on Hamas to release captured Israeli soldier Gilad Shalit. Following the release of Shalit and the prisoner swap deal in October 2011, the fate of these bills remains unclear. All of these bills have passed a preliminary vote in the Knesset plenum and enjoy strong, broad-based support among MKs.

- *The Preventing Visits Bill – 2009*<sup>44</sup> seeks to impose a blanket ban on prisoners who belong to an organization designated as a terror organization from receiving visits in prison.<sup>45</sup> [The bill in Hebrew](#)
- *The Restriction of Visitation for a Security Prisoner Bill – 2010*<sup>46</sup> proposes that any prisoner who belongs to an organization designated as a terror organization that holds an Israeli captive should be denied visits in prison and the right to meeting a lawyer. [The bill in Hebrew](#)
- *The Release of Captives and Kidnapped Persons Bill – 2009*<sup>47</sup> states that if an organization designated as a terror organization holds an Israeli captive and demands the release of a specific

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<sup>39</sup> More information on this legal memorandum is available on the Ministry of Public Security’s website, at: <http://mops.gov.il/about/memorandum/pages/suspectinquiryemorendum2011.aspx>.

<sup>40</sup> Amendment no. 4 (2008) to the Criminal Procedure Law (Interrogating Suspects). The original Hebrew text is available at: [http://www.nevo.co.il/Law\\_word/law14/law-2158.pdf](http://www.nevo.co.il/Law_word/law14/law-2158.pdf).

<sup>41</sup> For more information, see Adalah and partners’ submission to the UN Committee Against Torture, “List of Issues Prior to Reporting by the Committee Against Torture,” March 2012: pp. 5-6. Available at: [http://www.stoptorture.org.il/files/Israeli%20Organizations%20CAT%20LOIPR%202012\\_1.pdf](http://www.stoptorture.org.il/files/Israeli%20Organizations%20CAT%20LOIPR%202012_1.pdf)

<sup>42</sup> HCJ 9416/10, *Adalah, et al. v. The Ministry of Public Security* (case pending).

<sup>43</sup> Jonathan Lis, “Bill set to grant Israel Police immunity when quizzing suspects,” 18 March 2012. <http://www.haaretz.com/print-edition/news/bill-set-to-grant-israel-police-immunity-when-quizzing-suspects-1.419237>

<sup>44</sup> Legislative bill no. P/18/735, passed by the Knesset by a 52-10 majority, with 1 abstention

<sup>45</sup> In accordance with this bill, such prisoners would only be entitled to visits by the International Committee of the Red Cross (ICRC), and these would be limited to once every three months.

<sup>46</sup> Legislative bill no. P/18/2396, passed by the Knesset by a 51-10 majority.

prisoner held in an Israeli jail, then this prisoner should be placed in “absolute isolation and be prevented from contact with another human being.” [The bill in Hebrew](#)

- *The Imprisonment of Requested Prisoners – 2009*<sup>48</sup> states that any prisoner whose release is conditioned on the release of an Israeli held captive by an organization designated as a terror organization should be denied any right that could be restricted on security reasoning, held in isolation indefinitely and not be entitled to early release or parole. Once such prisoners have served their sentence, they should be declared a detainee and continue to be held. [The bill in Hebrew](#)

## **Freedom of Association**

The following series of laws and bills seek to curtail the freedom of association and expression rights of NGOs in Israel. This legislation was introduced mainly as a response to claims that the work of these NGOs in defense of the rights of Palestinians constitutes a deliberate campaign to “delegitimize” Israel following the publication of the Goldstone Report in September 2009.<sup>49</sup> In addition to these laws and bills, two separate proposals to establish parliamentary committees of inquiry into the funding and activities of human rights organizations were also put forward in early 2011. Due to local and international criticism, Netanyahu announced that he no longer supported these inquiries, and in July 2011, the Knesset rejected both proposals.

### **New Laws:**

#### **24. Law on Disclosure Requirements for Recipients of Support from a Foreign State Entity (2011)**

The Knesset passed the “NGO Foreign Government Funding Law” on 21 February 2011. It imposes invasive reporting requirements on NGOs, requiring them to submit and publish quarterly reports on any funding received from foreign governments or foreign publicly-funded donors, including information on any oral or written undertakings made to the funders. These details must also be publicized on the websites of the NGOs, the Ministry of Justice and the Registrar of Associations. While the law’s declared purpose is transparency, these provisions are superfluous since every NGO in Israel is already required under Israeli law to list its donors and other financial information on its website and to report annually to the government, specifying whether foreign governments have donated money.<sup>50</sup> Its purpose is rather to harm human rights NGOs, as these restrictions may discourage foreign government funding. By contrast, Israeli Jewish settler groups do not receive such funding; right-wing settler groups are privately funded and are therefore unaffected by the legislation. Furthermore, the law specifically exempts The World Zionist Organization, the Jewish Agency for Israel, the United Israel Appeal, the Jewish National Fund and their subsidiary corporations from its provisions. Thus the bill is inherently discriminatory. Arab NGOs in Israel and all NGOs that promote Palestinian rights are particularly vulnerable since they do not seek funding from Israeli governmental sources and have more limited access to private funding.<sup>51</sup>

[Briefing Paper](#) | [English translation of the law](#) | [The law in Hebrew](#)

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<sup>47</sup> Legislative bill no. P/18/829, passed by the Knesset by a 53-9 majority.

<sup>48</sup> Legislative bill no. P/18/758, passed by the Knesset by a 54-10 majority, with 1 abstention.

<sup>49</sup> See, e.g., The Reut Institute, *Building a Political Firewall Against Israel's Delegitimization*, March 2010:

<http://www.reut-institute.org/data/uploads/PDFVer/20100310%20Delegitimacy%20Eng.pdf>

<sup>50</sup> The Association for Civil Rights in Israel (ACRI) has cautioned against “misuse of (purported) transparency and reporting mechanisms for the purpose of negatively impacting the legal and legitimate activities of individuals, groups or bodies of various sorts, and against utilizing these tools to eliminate and silence political or ideological opponents.” ACRI position paper on the bill, 23 February 2010, available at: <http://www.acri.org.il/eng/story.aspx?id=706>

<sup>51</sup> For more information, see *JNews*, “MKs push for further pressure on human rights groups as restrictive legislation progresses”, 10 March 2011, available at: <http://www.jnews.org.uk/news/mks-push-for-further-pressure-on-human-rights-groups-as-restrictive-legislation-progresses>

## **New Bills:**

### **25. Bill on Income of Public Institutions Receiving Donations from Foreign State Entity (Legislative Amendments) (2011) (“Bill on Foreign Funding of NGOs“)**

This new bill, presented on 30 November 2011, resulted from the combination of two prior NGO funding bills,<sup>52</sup> threatens to close down NGOs, and especially human rights organizations, by severely restricting access to foreign government funds if their goals or actions ‘negate the existence of the State of Israel as a ‘Jewish and democratic State’; incite to racism; support armed struggle against the State of Israel; support the indictment of elected officials and IDF soldiers in international courts; call for refusal to serve in the IDF; and/or support a boycott of the State of Israel or its citizens’.<sup>53</sup> The bill divides NGOs registered in Israel into three categories: 1) Those that will be completely banned from receiving foreign government funding (if they are deemed to be “political organizations”); 2) Those that are not “political organizations” but do not receive funding from the Israeli government and so must pay a 45% tax on foreign funding; and 3) Those that do receive (or have received) funding from the government of Israel and thus they can continue to receive foreign funding. The bill violates the right of freedom of association and freedom of expression of human rights organizations in Israel which seek through democratic means to challenge discrimination, improve the political, legal, and social status of Palestinians in Israel, and promote the concept of Israel as a democratic state for all its citizens. The bill was frozen in December 2011, following harsh international criticism.

[Press Briefing](#) | [The bill in Hebrew](#) | [English translation of the bill](#) | [Akunis bill](#) | [Kirshenbaum bill](#)

### **26. The Associations (Amutot) Law (Amendment – Exceptions to the Registration and Activity of an Association) (2010) (“Universal Jurisdiction Bill”)**

This bill, introduced in April 2010, seeks to outlaw associations that provide information to foreigners or are involved in litigation abroad against senior officials of the Israeli government and/or army chiefs for war crimes.<sup>54</sup> The bill would prohibit the registration of any NGO if “there are reasonable grounds to conclude that the association is providing information to foreign entities or is involved in legal proceedings abroad against senior Israeli government officials or IDF [Israeli military] officers, for war crimes.” An existing NGO would be shut down under the proposed law for engaging in such activity. The text of the bill refers directly to the Goldstone Report to justify its provisions. Because it essentially seeks to conceal information or suspicions of a crime, it contradicts the customary norms of international criminal law and international humanitarian law. It constitutes a dangerous attack against human rights organizations and anyone opposed to war crimes. This private bill has not yet been approved by the government.

[Press Briefing](#) | [English translation of the bill](#) | [The bill in Hebrew](#)

### **27. Bill for Protecting the Values of the State of Israel (Amendment Legislation) (2009) (“Jewish and Democratic State Bill”)**

This private member’s bill would authorize the Registrar of Associations and the Registrar of Companies to close down associations or companies if their goals or actions are against the state as a “Jewish and democratic” state.<sup>55</sup> The bill, proposed in 2009, violates the right of freedom of association and freedom of expression of all Arab organizations in Israel which seek through democratic means to challenge discrimination, improve the political, legal, and social status of Palestinians in Israel, and promote the concept of Israel as a democratic state for all its citizens. It

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<sup>52</sup> The new bill combined Legislative bill no. P/18/2917, submitted by MK Fania Kirshenbaum, and Legislative bill no. P/18/3346, submitted by MK Ofir Akunis.

<sup>53</sup> JNews. “New bill restricting foreign funding to Israeli NGOs back on agenda.” 1 December 2011: <http://www.jnews.org.uk/news/new-bill-restricting-foreign-funding-to-israeli-ngos-back-on-agenda>

<sup>54</sup> Legislative bill no. P/18/2456.

<sup>55</sup> Legislative bill no. P/18/1220. The bill was discussed by the Ministerial Committee for Legislation on 7 November 2010.

asks them to express their loyalty to the Jewish state and therefore seeks to limit the rights of the Arab minority. The bill bears similarities to Section 7A of the Basic Law: The Knesset – 1985 asks every Arab political party list not to deny the existence of Israel as a “Jewish and democratic” state, an un-democratic provision that has been used in every election to attempt to disqualify the Arab political parties from running in elections. The bill seeks to undermine the daily operation of Arab organizations and put them under ultra-nationalist, ideological investigation, threatening their legitimate activities. The Ministerial Committee for Legislation decided in early November 2010 that the text shall be modified in coordination with the Minister of Justice.

[Press Briefing](#) | [English translation of the bill](#) | [The bill in Hebrew](#)

## **Occupied Palestinian Territory (OPT)**

### **Pending Bills:**

#### **28. Amendment No. 8 (2007) to the Civil Wrongs (Liability of the State) Law (1952)**

This bill seeks to exempt the state from its responsibility for injuries and damages inflicted on Palestinians in the OPT. While this bill was proposed in 2007, it is supported by the current government. The proposed law would apply retroactively to injuries and property damages sustained by Palestinians from 2000 onwards. It stipulates that even the victims of unlawful acts by Israeli security forces carried out outside the context of any wartime action will be left without a legal remedy in the form of torts. In the absence of the right to claim damages in such cases, the possibility of investigating incidents of wanton damage to property, theft and abuse by soldiers or other members of the security forces would be further diminished. The bill seeks to reverse a unanimous, nine-justice Supreme Court decision delivered in December 2006 to invalidate a similar law.<sup>56</sup> In that case, the court ruled that the law violated the rights to life, dignity, property and liberty and was in breach of the Basic Law: Human Dignity and Liberty. After submitting a position paper to the Knesset’s Constitution, Law and Justice Committee, Adalah participated in the Committee’s debate on the amendment on 16 November 2010.<sup>57</sup>

[Press Briefing](#) | [Position Paper](#) | [The law in Hebrew](#)

#### **29. Bill granting tax exemption on donations to institutions that encourage “Zionist Settlement” (2012)**

The bill, proposed in February 2012, will grant a 35% tax exemption on donations to institutions that promote “Zionist settlement”. The bill differentiates between public institutions on political and ideological grounds, contradicting the designation of tax benefits to serve social goals such as promoting education, culture and religion. This proposed distinction infringes on the principle of equality between public institutions, regardless of their basis of work. The benefit would apply to institutions that promote the establishment or expansion of settlements in East Jerusalem and the West Bank, which are considered illegal under international law.

[Press Briefing](#)

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<sup>56</sup> See HCI 8276/05, *Adalah, et al. v. Minister of Defense* (decision delivered 12 December 2006). An English translation of the Supreme Court’s decision is available at:

[http://elyon1.court.gov.il/files\\_eng/05/760/082/a13/05082760.a13.pdf](http://elyon1.court.gov.il/files_eng/05/760/082/a13/05082760.a13.pdf)

<sup>57</sup> See also, Ido Rosenzweig and Yuval Shany, Israel Democracy Institute, *Definition of “Combat Action” in Civil Tort Law (Liability of the State) – Amendment Bill (No. 8)*:

[http://www.idi.org.il/sites/english/ResearchAndPrograms/NationalSecurityandDemocracy/Terrorism\\_and\\_Democracy/Newsletters/Pages/10th%20Newsletter/2/2.aspx](http://www.idi.org.il/sites/english/ResearchAndPrograms/NationalSecurityandDemocracy/Terrorism_and_Democracy/Newsletters/Pages/10th%20Newsletter/2/2.aspx)

### **30. Bill preserving the rights of those who constructed buildings in Judea and Samaria [the Occupied West Bank] (2011) and Bill to protect those inhabiting property in Judea and Samaria [the Occupied West Bank] (2011)**

These two bills seek to retroactively legalize settlements constructed in Occupied Palestinian Territory (OPT), on private Palestinian land. All settlements in the OPT are illegal under international law. The proposed bills come in the wake of a number of judgments recently issued by the Israeli Supreme Court that ordered the dismantling of illegal settlements/outposts built on private Palestinian land.<sup>58,59</sup> The bills attempt to circumvent these Supreme Court decisions and undermine the rule of law. In the official explanatory notes, both bills openly criticize the Supreme Court's decisions.

The first bill,<sup>60</sup> initiated by MK Yaakov Katz and 14 other MKs, would legislate that any settlement construction which received state approval or state assistance – including developing infrastructure, providing incentives, or advertising the construction of new structures – would be considered to be on state land. It also declares that if a person thought "in good faith" that he was the owner of the land when he built the structure, that he should be considered as such.

The second bill,<sup>61</sup> known as the 'Settler Arrangement Bill' initiated by MK Zevulun Orlev and 19 other MKs, states prohibits evacuating or demolishing a settlement if more than 20 families live in it, and no one has claimed ownership in the four years following its establishment.

The bills were scheduled to be voted on in the Knesset on 23 May 2012, but were postponed due to fear of international condemnation and expected pressure in case of their approval. The 'Settler Arrangement Bill' was rejected in a Knesset vote on 6 June 2012.<sup>62</sup>

[Press Briefing](#) | [Bill 1](#) | [Bill 2](#) | [Adalah's Letter in Hebrew](#)

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<sup>58</sup> In one ruling, the court ordered the demolition of five homes in the neighbourhood of Ulpana in Beit El settlement. The court ordered the state to demolish the buildings by 1 May 2012. H CJ 9060/08, *Abdul Ghani Yasin Khaled Abdallah v Minister of Defense* (decision delivered 21 September 2011). On 7 May 2012, the Supreme Court rejected an extraordinary request by the state to cancel the decision and reopen the case, ordering the state to implement the decision by 1 July 2012. See Yesh Din, "Illegal Construction in the Ulpana neighborhood," <http://www.yesh-din.org/hotspotview.asp?postid=18>

<sup>59</sup> In August 2011, the Supreme Court ordered the demolition of the Migron outpost. H CJ 8887/06, *Yousef Musa Abdul Razek al-Nabut et al v Minister of Defense et al* (decision delivered 2 August 2011). In March 2012, following an attempt to evade implementing the ruling, the court rejected a revised arrangement promoted by the government. See Chaim Levinson, "Israel Supreme Court rejects compromise deal on West Bank settlement of Migron," *Ha'aretz*, 25 March 2012. <http://www.haaretz.com/news/national/israel-supreme-court-rejects-compromise-deal-on-west-bank-settlement-of-migron-1.420631>

<sup>60</sup> Legislative Bill no. P/18/3643, submitted to the Knesset on 14 November 2011

<sup>61</sup> Legislative Bill no. P/18/3632. Submitted to the Knesset on 7 November 2011

<sup>62</sup> Jonathan Lis and Oz Rosenberg, "Knesset votes down bill to sanction illegal West Bank outposts," *Ha'aretz*, 6 June 2012. <http://www.haaretz.com/news/diplomacy-defense/knesset-votes-down-bill-to-sanction-illegal-west-bank-outposts-1.434762>