



Discriminatory Laws - Update April 2011

During its 2011 Winter Term, the Knesset passed at least six new discriminatory laws that directly or indirectly target the rights of Palestinian Arab citizens of Israel. In parallel, the Knesset enacted a [new law that imposes restrictions on foreign funding to human rights organizations](#) and voted in favor of establishing two parliamentary committees of inquiry to investigate such organizations, a tactic that is commonly used by authoritarian regimes to control the activities of these groups. The connection between attacking the minority and human rights organizations that defend the rights of vulnerable groups is clear: the mask of democratic norms in Israel today is off.

The most recent such law to pass is commonly known as the "[Nakba Law](#)". When first proposed, it banned and criminalized all commemoration of the *Nakba* in Israel in a blatant attempt to erase a seminal event in Palestinian history from the Israeli consciousness. As enacted, the Budget Foundations Law ("the Nakba Law") authorizes the Finance Minister to reduce funding to any institution if it holds an activity that contradicts the definition of the State of Israel as a "Jewish and democratic" state, or that commemorates Israel's Independence Day as a day of mourning." Therefore the law violates the rights of the Arab minority to preserve its history and culture. Adalah and the Association for Civil Rights in Israel (ACRI) will soon petition the Supreme Court to cancel this law.

Two new land laws are also worthy of special note. The first, the "[Admissions Committees Law](#)", permits committees in around 700 community towns built on state-controlled land to exclude applicants found to be "socially unsuitable", an arbitrary criterion used to exclude Arab citizens, among others. Adalah has been challenging this racist policy before the Supreme Court since 2007, and has filed a petition to the court against this new law last month (See HCJ 2504/11, *Adalah, et al. v. The Knesset, et al.*) The second, the [Israel Lands Law](#) (amendment no. 3), prevents any person from selling or renting property for over five years or from bequeathing it 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). This law amounts to illegal, direct interference in the private property of Palestinians, whose refugee relatives may never regain their land under this law.

Following on from the right-wing political rallying cry of "no loyalty, no citizenship", the Knesset passed an [amendment to the Citizenship Law](#) that permits the revocation of citizenship of persons convicted of espionage, assisting the enemy in time of war, and other acts defined under the Prohibition on Terrorist Financing Law (2005). While the legitimate path for punishing persons suspected of committing such acts is the criminal law, this new law renders citizenship conditional, targeting Arab citizens. At the same time, under a new amendment to the Criminal Procedures Law individuals suspected of security offenses – overwhelmingly Palestinian citizens of Israel and Palestinians from

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Gaza – face harsh restrictions on their due process rights. This law is specifically designed to overturn a Supreme Court decision delivered in 2010 in this regard (See HCJ 8823/07, *Anonymous v. The State of Israel* (decision delivered 11 February 2010)).

In the field of economic rights, the Knesset approved a new law to strip salary and pension benefits from members of Knesset declared by the Attorney General to be suspects of a crime that is punishable by at ten years imprisonment and who do not appear at a criminal trial or investigation. The arbitrary law was drafted in response to the exile of former Arab MK Dr. Azmi Bishara (Balad/Tajammaa), who left Israel in March 2007 following various allegations made against him, for which no indictment has ever been filed.

Adalah has already taken legal action against some of these laws, while for others Adalah will challenge their constitutionality if the law is used against an individual. Adalah will also issue an updated briefing paper on these new laws and their implications and consequences next month. Our previous briefing paper issued in November 2010 and entitled “New Discriminatory Laws and Bills” is available at:

<http://www.old-adalah.org/newsletter/eng/nov10/nov10.html>

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