



KEY CONCERNS REGARDING THE HUMAN RIGHTS OF PALESTINIAN CITIZENS OF ISRAEL

Adalah - The Legal Center for Arab Minority Rights in Israel

November 2017

This paper lists key concerns of Adalah regarding the human rights of Palestinian citizens of Israel. Notably, many of these concerns also apply to Palestinians living under occupation in the Occupied Palestinian Territory (OPT). The five main issues highlighted in this paper are:

- I. Revocation of Citizenship and the Ongoing Ban on Palestinian Family Unification
- II. Forced Displacement of the Bedouin in the Naqab (Negev)
- III. Erosion of the Rule of Law
- IV. Settlements and the Annexation of the West Bank
- V. Shrinking Space for Human Rights Organizations

I. Revocation of Citizenship and the Ongoing Ban on Palestinian Family Unification

Adalah is gravely concerned by recent steps taken by Israel to revoke the citizenship of Palestinian citizens of the state. Adalah fears that Palestinians may face revocation of citizenship much like Palestinians in East Jerusalem face revocation of residency status. This new revocation policy may pose the most serious threat to the Palestinian community since the military regime of 1948-1966. It sends a threatening and degrading message to Palestinian citizens that their citizenship is conditional and their status is second class.

For the first time ever, an Israeli court rules to strip citizenship from a Palestinian citizen of Israel

The Haifa District Court ruled in August 2017 to revoke the citizenship of Alaa Zayoud, a Palestinian citizen of Israel who was sentenced to 25 years in prison after being convicted of attempted murder, leaving him stateless. This case marks the first time that an Israeli court has ruled to revoke an individual's citizenship. Adalah, together with the Association for Civil Rights in Israel (ACRI), have appealed this decision to the Israeli Supreme Court (SCT).¹ The human rights organizations (HROs) asked the SCT to reject the Interior Minister's request to revoke Zayoud's citizenship due to "breach of loyalty" and to cancel the 2008 amendment to the Citizenship Law on which it is based. Adalah and ACRI argue that the new law is being applied solely to Palestinian citizens in a discriminatory manner; that there is no need for an additional punishment beyond that imposed by the criminal law; that "breach of loyalty" is too vague to stand as a justification for revoking an individual's citizenship; and that the law violates international law since it stands to leave some citizens stateless. On 26 October 2017, the SCT issued a temporary injunction delaying the revocation of Zayoud's citizenship pending a decision on the appeal.²

The arbitrary revocation of citizenship from thousands of Bedouin citizens of Israel

The state is summarily revoking the citizenship of up to 2,600³ Bedouin citizens in the Naqab (Negev) desert region. This draconian practice dates back until at least 2010. The revocations occur while

¹ Appeal on Administrative Issues (before the Supreme Court) 8277/17, *Alaa Zayoud v. The Minister of the Interior*, filed on 26 October 2017 (case pending).

² See joint press release of Adalah and ACRI: <https://www.adalah.org/en/content/view/9283>

³ During the course of correspondence between Member of Knesset Aida Touma-Suleiman, the Chairperson of the Knesset's Committee on the Status of Women and Gender Equality, and the Interior Ministry, the ministry

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Bedouin citizens are undertaking routine procedures at the Interior Ministry, such as filing requests for a new passport or registering a change of address. At this time, officials have informed them that their citizenship is invalid because of historical errors made by the Interior Ministry in awarding citizenship status to their parents or grandparents. The policy is discriminatory as it is being used exclusively against Bedouin citizens. It violates basic provisions of international law that proclaim the right to a nationality and the right not to be arbitrarily deprived of one's nationality.⁴ Further, no Israeli law allows the Interior Ministry to revoke an individual's citizenship due to an error made by the state.⁵ This policy has grave consequences for those individuals, men and women, whose citizenship has been revoked, as well as for their families. This practice raises grave concerns that Israel is further marginalizing Bedouin citizens by leaving them more vulnerable as non-citizens/residents.

The ongoing illegality of the Citizenship and Entry into Israel Law (Temporary Order) – 2003

The Citizenship and Entry into Israel Law bans family unification in Israel between Palestinian citizens of Israel and Palestinians from the OPT, affecting thousands of families. This temporary order, which violates Palestinian citizens' right to equality, dignity and family life, has now been in effect for 14 years, and is renewed perfunctorily by the Knesset each time it expires. While officially a temporary measure, Israel is using the law to create a permanent ban on Palestinian family unification in Israel, despite the severe violations of human rights entailed. Over the years numerous UN human rights treaty bodies have called on Israel to cancel the law.⁶

II. Forced Displacement of the Bedouin in the Naqab (Negev)

Israel is aggressively continuing its campaign of home demolitions against the Bedouin; in 2016, as many as 1,158 structures were demolished in Bedouin villages, around 500 of which were houses.⁷

The state seeks to demolish the Bedouin village of Umm al-Hiran and to forcibly evict its residents in order to build a town solely for Jewish citizens of Israel

The year 2017 began with renewed attempts by the state to destroy the unrecognized Bedouin village of Umm al-Hiran (c. 500 residents). These acts follow two flawed decisions by the Israeli SCT in 2015 and 2016 to uphold the state's plan to demolish the village and forcibly evict its Bedouin residents – based on their ethnic belonging – in order to build a new town named "Hiran" solely for Jewish citizens, on the ruins of Umm al-Hiran.⁸ This plan constitutes blatant discrimination against Arab Bedouin citizens of Israel and violates their basic human rights.

On 18 January 2017, hundreds of police forces arrived in Umm al-Hiran to carry out demolition orders on homes. Eight homes and seven agricultural buildings were razed. During the violent demolition operation, a 50-year-old villager and mathematics teacher named Ya'akub Abu Al-Qi'an was shot dead

confirmed this practice and stated that it could affect up to 2,600 Bedouin citizens. It has already revoked the citizenship of hundreds of Bedouin (no precise official figures are available). Correspondence on file with Adalah.

⁴ Articles 15(1) and 15(2) of the Universal Declaration of Human Rights; see also the Convention Relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness, signed by Israel in 1961.

⁵ See Adalah's press release, at: <https://www.adalah.org/en/content/view/9238>

⁶ See, e.g., The UN Human Rights Committee (CCPR/CO/78/ISR, para. 21, 2003; CCPR/C/ISR/CO/3, para. 15, 2010; CCPR/C/ISR/CO/4, para. 21, 2014), the Committee on the Elimination of Racial Discrimination (Special Decision 2/63, 2003; Special Decision 2/65, 2004; CERD/C/ISR/CO/13, para. 20, 2007; CERD/C/ISR/CO/14-16, para. 18, 2012), and the Committee on the Rights of the Child (CRC/C/ISR/CO/2-4, para. 50, 2013).

⁷ Negev Coexistence Forum for Civil Equality, "'Negotiation' Under Fire, House Demolitions as a central tool of dispossession and concentration of the Bedouin community in the Negev/Naqab," August 2017, p. 11:

<http://www.dukium.org/wp-content/uploads/2017/08/HDR2017Eng.pdf>

⁸ (Supreme Court) Appeal 3094/11, *Ibrahim Farhood Abu al-Qi'an, et al. v. The State of Israel* (decision delivered 5 May 2015). See also (Motion): Further Civil Hearing 3959/15, *Ibrahim Farhoud Abu al-Qi'an, et al. v. The State of Israel* (decision delivered 17 January 2016). See Adalah's press releases on these decisions, at:

<https://www.adalah.org/en/content/view/8729>

by police who opened fire on his car. During the same incident, Knesset Member (MK) Ayman Odeh (The Joint List) sustained wounds to the head during an attack on him by police.⁹

In a related development, new information reveals that the new town of Hiran will be ethnically exclusive, open to Jewish residents only, contrary to the state's representations before Israel's SCT. The state emphasized in response to an appeal filed against the planned demolition and evacuation of the village that, "Hiran is planned as general community into which any Israeli of any background or religion may integrate."¹⁰ According to a document uncovered by Adalah, however, Hiran's cooperative association bylaws state as follows: "An individual may be approved by the admissions committee and become a member of the Hiran cooperative association if they meet the following qualifications: a Jewish Israeli citizen or permanent resident of Israel who observes the Torah and commandments according to Orthodox Jewish values ..."¹¹

Meanwhile, the state has drawn up plans¹² to relocate the people of Umm al-Hiran to an area of land located between the Bedouin township of Hura and the neighboring Jewish town of Mitar for a period of up to 10 years, following their planned expulsion from the village in which they have lived since 1956. Due to its temporary nature, this project will not involve permanent residential structures, and the plan makes no specifications to ensure that minimal standards of housing or infrastructure are met.

Al-Fur'a: Demolitions, environmental hazards and no planning despite 11 years of recognition

The Bedouin village of Al-Fur'a (c. 6,000 residents) received official recognition from the state in early 2006, but its residents continue to live in conditions that are comparable to, and in some cases inferior to, those in the unrecognized villages. Over 11 years after recognition, the village still lacks a general outline plan, a fact that precludes any building or development, including basic infrastructure such as paved roads, water pipes, electricity and communication cables, sewerage, and any public service buildings. The village has not been assigned to any regional council, leaving its residents unable to register for services or to vote in local elections. They are ineligible to apply for building permits for their homes and there are no development plans in process for the village.¹³

The ongoing lack of planning for the village and the simultaneous advancing of industrial/infrastructure plans that directly harm its residents are combining to threaten the future integrity and sustainability of the village. Al-Fur'a – which has recognition in name only – is at risk of being hemmed in on all sides and unable to develop. Eventually, it may become unviable in whole or in part, resulting in the forced displacement of its residents. Plans that are being expedited by the state that will have a detrimental impact on the village, including the following:

New phosphate mine adjacent to the village: In December 2015, the National Council for Planning and Building approved a plan to allow for the mining of phosphate in an area directly adjacent to Al-Fur'a.¹⁴ If implemented, the plan requires the demolition of several homes in the village and will pose a serious health risk to residents who live in the proximity of the minefield. Adalah sent two letters to the Council

⁹ See Adalah's press release at: <https://www.adalah.org/en/content/view/9001>. Although more than ten months have passed, the Ministry of Justice's Police Investigation Department (PID) has still not issued its decisions on complaints and demands for investigation submitted by Adalah and our partners.

¹⁰ See footnote 7.

¹¹ For the original document, see Adalah's press release at: <https://www.adalah.org/en/content/view/9186>. The Attorney General has not yet responded to Adalah's letter in this regard.

¹² Master Plan 625-0496000, "Temporary residential buildings for the community of Umm al-Hiran." Adalah is currently preparing an objection to the plan on behalf of the residents of Umm al-Hiran.

¹³ Adalah sent a letter on 23 June 2017 to the Southern District Planning and Building Committee, and to the Regional Planning and Building Committee of the Abu Basma Regional Council, demanding that they act to complete the planning procedures for the Al Fur'a. See Adalah's press release at: <https://www.adalah.org/en/content/view/9142>

¹⁴ National Master Plan 14/5, "Mining and Quarrying of Industrial Minerals."

following its approval of the plan and is following the plan's expected final approval by the government, and will consider further legal action in the case.

New Arad-Yaroham Railway: The construction of this railway as currently planned will affect seven Bedouin villages, one of which is Al-Fur'a, by necessitating the confiscation of land, the demolition of 80 homes, the preclusion of planning in specific areas involving 110 homes, in addition to widespread pollution, noise nuisance, etc. Al-Fur'a stands to be badly affected by the planned railway, with dozens of homes marked on the plan for demolition, placed in a "restricted zone" within in which future development will not be permitted, or within an "affected area" where residents will be severely affected by pollution and other adverse effects. The railway also entails cutting off the only paved road in the village, which was built following an earlier legal intervention by Adalah. This road is the only way for people to enter/exit the village safely, including for children to access the village school. Adalah and Bimkom submitted an objection to the plan on 10 August 2017 to the District Committee of Planning in the South; a hearing is scheduled on 27 November 2017.¹⁵

III. Erosion of the Rule of Law

The erosion of the rule of law in Israel continues to threaten the ability of Adalah and other human rights defenders to challenge violations before the Israeli courts. It further emboldens the state to pursue discriminatory and anti-democratic policies and the Knesset to legislate discriminatory laws, with the reasonable expectation that the anti-constitutional and anti-human rights aspects will not be annulled by the judiciary, including the SCT.

State bodies acting without legal authority

In 2017, several state institutions made decisions in which they clearly exceeded their legal authority. Egregious examples are the Knesset's enactment in February 2017 of the Settlements Regularization Law, which retroactively "legalizes" settlement out-posts built on private Palestinian land in the West Bank, despite the fact that this move grossly violates international law and the Knesset does not have the authority to legislate about the OPT. In August, the SCT froze the law's implementation following the Attorney General's (AG) request and Adalah and partners' demand in our petition to the SCT challenging the law.¹⁶ The AG's decision is a clear indication of the flawed nature of the legislation.

A further example is provided by the Israeli police, which withheld the bodies of Palestinians killed by the Israeli security services, despite having no legal authority to do so. In response to Adalah's petition for the release of the body of Abu Al-Qi'an of Umm al-Hiran, the SCT ordered the police to immediately release the body to his family for burial, and set no conditions on the conduct of the funeral.¹⁷ In July 2017, in the context of another petition filed by Adalah, the SCT finally issued a written decision declaring that the police had no legal authority to hold bodies.¹⁸

Meanwhile, the Israel Prison Service (IPS) sought to block hunger-striking prisoners from meeting attorneys, without legal authority. In April and May, around 1,500 Palestinian prisoners undertook a hunger-strike to protest the inhumane conditions of their detention in Israel. The IPS was compelled to halt the illegal practice of denying them access to legal counsel only after Adalah, together with the

¹⁵ Road Plan 652-0203216, "Arad Railway."

¹⁶ HCJ 1308/17 *Silwad Municipality et al. v. The Knesset, et al.* (case pending). See Adalah's press release at: <https://www.adalah.org/en/content/view/9030>

¹⁷ HCJ 708/17 *Rabea Issa Abu Al-Qi'an v. Israel Police* (decision delivered 23 January 2017). See Adalah's press release at: <https://www.adalah.org/en/content/view/9012>

¹⁸ HCJ 5887/17 *Ahmed Musa Jabareen, et al. v. The Israeli police, et al.* (decision delivered 25 July 2017). See Adalah's press release at: <https://www.adalah.org/en/content/view/9172>

Commission of Detainees and Ex-Detainees Affairs, filed a petition to the SCT.¹⁹ Common to all of these cases is the arbitrary use of state power.

The Supreme Court further entrenches discrimination

The Supreme Court continues to be highly averse to delivering rulings and/or favorable rulings in human rights cases and other controversial matters. The court often pressures the parties to reach agreements between themselves in clear cases of rights violations, and/or delays hearings and the issuance of decisions in certain cases for many years, allowing rights violations to persist. The SCT also frequently dismisses cases on procedural grounds or fails to respond in written decisions to arguments of clear discrimination, both of which result in the sanctioning of discriminatory and racist policies.

For example, the SCT avoids issuing rulings that may draw criticism of it from right-wing MKs and the mainstream Jewish Israel public by cancelling petitions on procedural grounds of “prematurity” or “un-ripeness”. The court took this route in the case of petitions challenging the “Nakba Law”,²⁰ which cuts state funding to entities that commemorate the Nakba (the Palestinian catastrophe), and the Admissions Committee Law,²¹ which authorizes such committees to reject candidates to live in small towns built on state land on the basis they are “not suitable for the social life of the community.” However, the SCT’s approach in these cases disregards the fact that such laws have a “chilling effect” even before their application in concrete cases. Further, the court’s insistence on ruling only after a specific individual case has been brought before it changes the nature of the determination from one of principle to that of an individual case of discrimination, which may be resolved without dismantling the discriminatory policy, law or system itself.

Furthermore, issuing decisions without ruling on the substantial issues of discrimination they raise has resulted in the sanctioning of discriminatory and racist policies. An example is the SCT’s decision in 2014 to approve regulations that ban Palestinians from Gaza from entering Israel in compensation cases that they brought against the Israeli military.²² This ban on the entry of Palestinian complainants and their witnesses repeatedly led to the dismissal of these cases in the lower courts. However, in its decision, the SCT did not address the grave rights violations of the complainants, including of their rights to compensation for damages. Instead, Justice Rubinstein stated that the case should not be viewed “from a constitutional perspective, but a practical perspective...” adding that the filing and pursuit of lawsuits must not “harm security”. While the court repeatedly stated that Israeli courts were open, the AG was unable to provide one example of a case, pursuant to the regulations, in which a Palestinian from Gaza had been able attend his/her court hearing. The court’s judgment, in fact, denies Gaza residents the right to access courts in Israel in order to gain an effective remedy.

Another recent example is the SCT’s decision to approve the destruction of the Bedouin village of Umm al-Hiran. Here, the court was asked to rule in a case involving blatant racism, of Bedouin villagers being forcibly displaced from their land in order to build a Jewish town on it. However, the court never legally discussed the core issues of discrimination raised in the petition, but instead chose to focus on the technicalities of the planning process. Its decision approved the state’s racist plan to move the residents to another Bedouin town, despite the grave violations of the core constitutional rights of Umm al-Hiran’s residents.²³

¹⁹ HCJ3555/17, *Attorney Ashraf Khatib, et al. v. Israel Prison Service*. See Adalah’s press release at: <https://www.adalah.org/en/content/view/9091>

²⁰ HCJ 3429/11, *The Alumni Association of the Arab Orthodox School in Haifa, et al. v. The Minister of Finance, et al.*, decision delivered 5 January 2014).

²¹ HCJ 2311/11 and 2504/11, *Sabah v. The Knesset*, decision delivered 17 September 2014.

²² HCJ 7042/12, *Abu Daqqa, et al. v. the Interior Minister, et al.* (judgment delivered 16 December 2014). See joint press release of Adalah, Al Mezan and the Palestinian Center for Human Rights: <https://reliefweb.int/report/occupied-palestinian-territory/israeli-supreme-court-approves-regulations-ban-palestinians>

²³ For more information, see Adalah, “The dangerous implications of the Israeli Supreme Court’s decision to allow the forced displacement of Atir-Umm al-Hiran,” February 2016 (updated):

Attacks on the Supreme Court and the separation of powers

The SCT itself is a key target of those who wish to undermine the principles of the separation of powers and judicial independence in order to pursue their own political agendas unhindered. Knesset members, including the Justice Minister Ayelet Shaked, have introduced legislation that attacks the court and seeks to alter its composition. They include bills aimed at: restricting the authority of the Supreme Court to review and strike down laws; privileging Jewish religious law within the judicial system; and altering the system followed by the Judicial Appointments Committee.²⁴ Further, the Justice Minister is resorting to the tactic of intervening directly in the state's responses to the Supreme Court in petitions that relate to the Israeli settlements. Her intervention has involved hiring outside private legal counsel to redraft the state's official responses in such cases, bypassing the professional legal teams in the State Prosecutor's and AG's Offices.²⁵ The Justice Minister's unprecedented intervention is intended to further the interests of the settlers, despite the international law violations entailed, and to promote positions that go well beyond current Israeli laws and legal principles.

IV. Settlements and the Annexation of the West Bank

Over the past year, Members of Knesset have introduced numerous bills designed to annex parts of the West Bank to Israel, via the application of Israeli domestic law to these areas, similar in manner to Israel's annexation of East Jerusalem in 1967. The annexation of these areas, on which hundreds of thousands of Jewish Israeli citizens have settled, is taking place unilaterally, outside any process of negotiations with the Palestinians.

A major example is the *Law for the Regularization of Settlement in Judea and Samaria – 2017* ("Settlement Regularization Law"), passed by the Knesset on 6 February 2017. The law is designed to *de facto* expropriate land from Palestinians and to allocate it to Israeli settlers. It thereby "regularizes" – from the perspective of domestic Israeli law – settlements in the West Bank that were built on privately-owned Palestinian land. It instructs the authorities in the area to appropriate the land, or the rights to use and hold it, if there has been "settlement" on it that was carried out "in good faith" or "received the state's consent for its construction" (Article 3). It dispossesses Palestinians in the West Bank of their private property and strips them of their basic rights, leaving them without the protection of international law, in the pursuit of an ethno-ideological goal.

At least 20 bills seek to annex Palestinian land to Israel by applying Israeli law to specific settlements, settlement blocs or other areas of the West Bank. They include the Greater Jerusalem Bill²⁶ to annex settlements around Jerusalem that contain over 230,000 settlers; the Jerusalem and its Daughters Bill²⁷ to annex five settlements around Jerusalem; the bill to apply Israeli law to the Jordan Valley Settlements;²⁸ the Negev Development Authority Bill (NDA) to apply the authority of the NDA to settlements in the southern West Bank around the Hebron Hills;²⁹ the Jordan Valley Bill;³⁰ the Ma'ale Adumim Sovereignty Bill;³¹ the Gush Etzion Bill,³² the Ariel Bill,³³ and the Modi'in Bill.³⁴

<https://www.adalah.org/uploads/Dangerous-Implications-SCT-Atir-Umm-al-Hiran-updated-Feb-2016.pdf>

²⁴ See ACRI, "Overview of Anti-Democratic Legislation in the 20th Knesset," June 2017, pp. 14-15:

<http://www.acri.org.il/en/wp-content/uploads/2016/09/June-Overview-of-Anti-Democratic-Legislation-2017.pdf>

²⁵ See Revital Hovel, "Israeli Justice Minister Blasted for Intervening in Settlement Cases," *Haaretz*, 23 October 2017: <https://www.haaretz.com/israel-news/.premium-1.818564>

²⁶ Bill no. P/4158/20, dated 23 March 2017.

²⁷ Bill no. P/4386/20, dated 20 March 2017.

²⁸ Bill no. P/3598/20, dated 27 December 2016.

²⁹ Bill no. P/4014/20, dated 13 March 2017. See Adalah's press release at:

<https://www.adalah.org/en/content/view/9135>

³⁰ Bill no. P/4041/20, dated 20 March 2017.

³¹ Bill no. P/3244/20, dated 1 August 2016.

³² Bill no. P/4039/20, dated 7 March 2017.

³³ Bill no. P/4040/20, dated 30 March 2017.

Other bills currently at various stages of the legislative process seek to strengthen the position of the Israeli settlements/settlers in the West Bank, including the Income Tax Ordinance (Tax Benefits for Threatened Settlement in the Area [West Bank]),³⁵ which grants tax benefits to the settlements on the grounds that they are located in a dangerous area, and the proposed Basic Law: Referendum (Amendments – inclusion of the West Bank),³⁶ which stipulates that a decision by the government to cede any part of *Eretz Yisrael* must be approved by public referendum. A Bill to Amend the Law and Administration Ordinance (Legislation in the [West Bank] by Order)³⁷ aims to apply all Israeli domestic laws to the settlements in the West Bank as a whole, as does an additional, similar bill.³⁸ A bill to amend the 2005 Disengagement Law in the northern West Bank allows for the return of settlers to the area in order to revert to the pre-Disengagement situation.³⁹ This latter bill is currently high on the Knesset's agenda, alongside the Jerusalem and its Daughters Bill, and the Negev Development Authority Bill.

Many of these bills enjoy strong support from the pro-settler right, including the ruling coalition, which is in favor of annexing parts of the West Bank to Israel in perpetuity, leaving the Palestinians with disconnected areas under Palestinian Authority control, encircled by the settlements, settler roads, the Separation Wall, and other Israeli civilian and military infrastructure.

V. Shrinking Space for Human Rights Organizations

Legislation

The Israeli Knesset continues to enact discriminatory and anti-democratic laws restricting freedom of expression, opinion, assembly and association, many with a disparate impact on Palestinian citizens of Israel and Palestinian residents of the OPT, as well as the HROs that defend them. These laws and proposed bills demonstrate that civil society space in Israel is under serious threat.

The NGO Foreign Funding Transparency Law (2016) limits the operation and financing of HROs by requiring NGOs registered in Israel which receive more than 50% of their annual budget from foreign governments (not private sources) to declare their sources of funding in all publications, including letters to government and public officials, and reports to the registrar of Non-Profit Associations. As 25 of the 27 organizations that currently receive more than half their budget from foreign governments (including the EU and EU member states) are HROs, it is clear that the law targets these groups.⁴⁰ Further, Prime Minister Netanyahu has stated on a number of recent occasions that he intends to pass legislation that would cut all foreign government funding to NGOs, another clear move to try to close down HROs working to end the occupation and to achieve equality for Palestinian citizens of the state.⁴¹ The Israeli media also reported that the government coalition, under Netanyahu's leadership, is planning to establish a parliamentary committee of inquiry into the issue of foreign government funding received by NGOs in Israel;⁴² the Knesset's Legal Advisor nixed this inquiry. Currently-tabled bills include legislation that seeks to deny tax-exempt status to NGOs that criticize the State of Israel abroad,⁴³ and to outlaw groups seeking to try Israeli soldiers in international courts.⁴⁴

³⁴ Bill no. P/260/20, dated 7 May 2015.

³⁵ Bill no. P/2809/20, dated 27 July 2016.

³⁶ Bill no. P/3935/20, dated 28 February 2017.

³⁷ Bill no. P/3046/20, dated 20 June 2016.

³⁸ Bill no. P/2574/20, dated 2 February 2016.

³⁹ Bill no. P/3913/20, dated 20 February 2017.

⁴⁰ See Adalah's press release criticizing the law at: <https://www.adalah.org/en/content/view/8848>

⁴¹ See e.g., Chaim Levinson, Netanyahu Seeks to Clamp Down on Human-rights Groups and Bar Funding From Foreign States, *Haaretz*, 11 June 2017: <https://www.haaretz.com/israel-news/1.795078><https://www.haaretz.com/israel-news/1.795078>

⁴² See ACRI's letter to the Prime Minister against such a move at: http://www.acri.org.il/en/wp-content/uploads/2017/10/parliamentary-inquiry-oct2017_updated.pdf

⁴³ Bill no. P/3667/20, dated 9 January 2017.

In addition to proposed bills and inquiries into HROs, other laws use various means to further stifle criticism of the government's policies. For example, the new Law Banning BDS Supporters from Entering Israel, enacted by the Knesset on 6 March 2017, bans the entry of foreign nationals and of Palestinians from the West Bank if they or the organizations they belong to have publicly expressed support for a boycott against the State of Israel or against Israeli settlements. It violates most basic tenets of democracy by making political opinions a consideration that may prevent non-citizens from entering Israel and the OPT. The EU and more recently the Netherlands, Ireland and Sweden have reaffirmed that the right to boycott, advocate for change, express non-violent opinions and similar activities are protected by the rights of freedom of expression and assembly.⁴⁵

Previously enacted laws that have a "chilling effect" on speech include the Anti-Boycott Law (2011), which makes the public promotion of boycott by Israeli citizens and organizations against Israeli institutions and illegal settlements in the West Bank a "civil wrong" or an actionable tort. It enables parties targeted by boycotts to sue those who call for boycott. The Nakba Law (2011) authorizes the Finance Minister to cut 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 a day of mourning." Further, the Anti-Terror Law (2016) contains broad and vague definitions of "terrorism" and "terrorist organizations", which may be exploited to criminalize political activities by Palestinian citizens of Israel in support of Palestinians living under occupation in the West Bank and Gaza Strip. The law establishes new criminal offenses such as public expressions of support or empathy for terror organizations, and significantly increases the potential sentences for such offenses, reclassifying the political activities and expression of Palestinians Arabs in Israel – including those of a social, humanitarian and charitable nature – as acts of terror.

De-legitimization campaigns by right-wing groups

Right-wing groups claim that HROs' engagement with international human rights mechanisms, including UN bodies, is by definition a form of de-legitimization of Israel by "foreign agents" or "traitors". Groups involved in smear campaigns against HROs include the NGO Monitor, Im Tirtzu, and the Institute for Zionist Strategies. The NGO Monitor is among the most vocal opponents of HROs. The group electively campaigns against HROs, including Adalah, and directly targets their donors abroad, accusing them of engaging in "anti-Israel propaganda" abroad.⁴⁶ The NGO Monitor, while portraying itself as a neutral watch-dog, issues false, inaccurate and biased reports that reveal its clear political agenda and is far from a balanced observer. Notably, the website of the NGO Monitor, which always deplores foreign influence on Israeli politics, reveals that the group is funded almost entirely by private American donors.⁴⁷

⁴⁴ Jonathan Lis, Israeli Minister Wants to Outlaw Groups Seeking to Try Soldiers in International Court, *Haaretz* 17 October 2017: <https://www.haaretz.com/israel-news/1.817667>

⁴⁵ See joint press releases of Adalah and ACRI: <https://www.adalah.org/en/content/view/9057> and <https://www.adalah.org/en/content/view/9043>

⁴⁶ For more information see statement, "Women Human Rights Defenders Speak Out: EU Must Act to Prevent the Further Closing of Civil Society Space in Israel," March 2017: <https://www.adalah.org/uploads/uploads/WHRDstatement2017.pdf>

⁴⁷ See, e.g., Uri Blau, "The organization that tracks leftist organizations doesn't want you to know who's funding it," *Haaretz*, 10 February 2012: <http://www.haaretz.co.il/magazine/1.1636887> (Hebrew). See also the NGO Monitor's website: <https://www.ngo-monitor.org/about/who-funds-ngo-monitor/>. The NGO Monitor's 2016 Audited Financial Report does not reveal the names of any donors: <http://www.ngo-monitor.org/nm/wp-content/uploads/2016/01/NGOM-Financial-Report-2016-ENG.pdf>