



Submission to the UN Special Rapporteur on Freedom of Peaceful Assembly and of Association

Submitted by Adalah – The Legal Center for Arab Minority Rights in Israel

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Adalah is submitting this brief report in response to the UN Special Rapporteur's (SR) call for submissions on freedoms of peaceful assembly and of association, in contribution to his thematic report for the upcoming session of the UN Human Rights Council. Specifically, the submission addresses the second question raised in the call, namely, identifying the most pressing and/or new threats and challenges in your country for the enjoyment of the rights to freedom of peaceful assembly. Israel has persistently violated Palestinians' right to peaceful assembly over the course of decades, both Palestinian citizens of Israel (PCI) and those residing in the occupied Palestinian territory (OPT).¹ This report focuses on Israel's extensive violations of the rights of PCI to peaceful assembly since 7 October 2023, amidst Israel's military assault on Gaza, part of a broader, nearly four-month-long crackdown on PCI's free speech and freedom of assembly.²

In a 23 November 2023 statement, UN experts, including the SR on freedom of peaceful assembly, expressed deep concern over stifling free expression concerning Israel/Palestine. The UN experts emphasized a concerning trend of criminalizing and categorizing pro-Palestinian protests as 'hate protests,' leading to their preemptive banning.³ While the statement was global in scope and did not specifically address the situation in Israel, it is important to stress that within Israel, almost all protests by PCI or anti-war demonstrations have either been entirely banned or heavily restricted. Israel pursues policies that create a chilling effect, dissuading individuals from protesting against its brutal offensive on Gaza. Since the beginning of the war, protests that require police permits in Palestinian towns and villages in Israel have been almost entirely banned, and even when permits were granted, the police have imposed overly-stringent restrictions related to time, place and manner. Protests not requiring permits are consistently suppressed. So far, this policy has resulted in the arrest of at least 31 individuals, with some demonstrators facing serious criminal charges, as detailed below.

Unlawful Directives from the Police Commissioner and National Security Minister

On 17 October 2023, the Israeli police shared a video on its Arabic TikTok account featuring the Police Commissioner making a series of racist remarks, and issuing an unlawful directive to deny all permits for

¹ The persistent violation of the freedom of peaceful assembly, along with the consistent targeting and suppression of Palestinian protesters, is outlined in an attached report submitted by Adalah to the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel, in late 2022. Available [here](#).

² For further details, refer to Adalah's briefing paper, [Crackdown on Freedom of Speech of Palestinian Citizens of Israel](#) dated 23 October 2023, updated 16 November 2023.

³ See the statement by UN experts, [Speaking out on Gaza / Israel must be allowed: UN experts | OHCHR, 23 November 2023](#).

protests “on matters of foreign and security policy”, clearly targeting any Palestinian political protests in solidarity with the Palestinian people in Gaza and other anti-war protests. The Commissioner stated, “***There will be no authorizations for protests (...) Anyone who wishes to express solidarity with Gaza is welcome; I will arrange for them to be placed on buses headed there and assist them in reaching there [to Gaza].***”⁴

The Commissioner’s directive not only constitutes a severe violation of the rights to freedom of assembly and expression of PCI, but is also contrary to Israeli law. There is no legal provision empowering the Commissioner to issue a directive that prohibits demonstrations in such an arbitrary and sweeping manner, as was acknowledged by the Supreme Court in response to a petition brought before it (see below).

In the days that followed, police officials reiterated a similar position, with the Israeli police spokesperson stating, “Anyone who dares [...] to seek approval for holding a demonstration in support of Gaza or a Nazi terrorist organization that committed a Holocaust here – we will arrive and will not allow it. Those who dare to protest without permission – we will reach and deal with the demonstration by all means.”⁵

The Minister of National Security, Itamar Ben-Gvir, leader of the far-right political party Otzma Yehudit (Jewish Power), has also made several statements to the same effect. The Minister has direct authority over the police under a law passed in December 2022 that subordinated the police to his authority and authorized him to determine police policy, further politicizing the police.⁶

In a comment made on X (Twitter) on 17 November 2023, Minister Ben-Gvir stated that, “Based on my instructions, the Israel Police have so far prevented demonstrations of solidarity with the Nazis from Hamas. Unfortunately, the State Prosecutor’s Office forced the police to permit the demonstration”.⁷ The minister referred to a protest in Tel-Aviv organized by the Hadash (Jabha) political party, calling for “a ceasefire, the release of hostages, and the promotion of peace.” In the police’s initial denial of the protest, it cited its lack of manpower during wartime, the potential for clashes affecting public security, and “the impact on the emotions of families displaced from the south currently residing in Tel-Aviv.”⁸ The police’s decision was reversed with conditions following a petition to the Israeli Supreme Court by the Association for Civil Rights in Israel (ACRI). Minister Ben-Gvir’s statement explicitly communicates to all police officers that protests by PCI and other anti-war protests are to be considered synonymous with support for Hamas and Nazis. This rhetoric signals to law enforcement that such protests should be suppressed by all means.

⁴ In response, on 18 October 2023, Adalah sent a [letter](#) to the Police Commissioner and to Israel’s Attorney General (AG) to demand the immediate cancellation of the Commissioner’s illegal directive. Additional information is available in Adalah’s press release [Israel’s Police Commissioner Threatens Palestinian Citizens Protesting Against Israel’s Atrocities in Gaza](#), 18 October 2023.

⁵ A radio interview (Hebrew) with Israeli police spokesperson Eli Levy is accessible [here](#).

⁶ The law was introduced pursuant to a coalition agreement between Otzma Yehudit and the ruling party Likud, and was a condition set by the former party to enter the government. Adalah and the High Follow-up Committee for Arab Citizens of Israel later petitioned the Israeli Supreme Court against the amendment. The petition remains pending. Additional information is available in Adalah’s press release [Adalah and the High Follow up Committee Petition the Supreme Court against the amendment subordinating the Police to National Security Minister Ben Gvir](#), 20 April 2023.

⁷ Minister Ben-Gvir’s comment on X (Twitter) can be found [here](#) (Hebrew).

⁸ See more in the press release by ACRI - [Allow a Demonstration in Tel Aviv Calling for a Ceasefire and the Return of the Abductees | Association for Civil Rights in Israel](#) 17 November 2023.

On 27 November 2023, ACRI filed a motion for an interim order in a Supreme Court case challenging the 2022 law which gives authority to the Minister of National Security over the police (as noted above). The petitioners sought a court order obliging the National Security Minister to “refrain from providing general or specific instructions, directly or indirectly, on any matter related to the exercise of the right to demonstrate and freedom of protest”.⁹ On 10 January 2024, the Supreme Court granted an interim order, directing the minister to refrain from issuing instructions and operational directives to the police concerning the exercise of the rights to protest.

While this development is significant, the court’s intervention is very belated and inadequate: police officers have already received explicit directives and general instructions from the Minister, the Police Commissioner and other police officials to suppress all Palestinian and anti-war protests. Moreover, over the past four months, the Israeli Supreme Court has refused to intervene in matters involving PCI’s right to peaceful assembly (more information below).

Suppression of Demonstration in Haifa

On 18 October 2023, the police violently dispersed a demonstration in Haifa which was held under the slogan of: “We will not be silent about Zionist massacres and streams of blood in Gaza”. Hours before the planned protest, the police issued a public statement that the demonstration had not received a permit and that it “will not allow any demonstration of support or identification with the Hamas terrorist organization, or on matters of foreign and security policy”.¹⁰ The police made this announcement despite the fact that the protest did not require a permit. Under the Israeli Attorney General (AG)’s guidelines and Supreme Court caselaw, protests that do not involve marches or speeches do not require police permits.¹¹

Before the protest was due to begin, dozens of officers arrived at the scene, declared the protest unlawful, and used force to arrest five demonstrators. At the police station, Adalah attorneys were told that the detainees would be held overnight, at the direct order of the Police Commissioner. The Haifa Magistrates’ Court ordered all protesters to be released a day later.¹²

Violent Arrests in Umm al-Fahem

On 19 October 2023, the police brutally dispersed a protest in Umm al-Fahem, a Palestinian town in Israel, reportedly using rubber bullets and stun grenades, and arrested 11 protesters, including four minors, and

⁹ For additional information on the interim, refer to the Association for Civil Rights in Israel’s website - [Police Ordinance Amendment – Minister of National Security’s Authority \(“Ben Gvir Law”\) | Association for Civil Rights in Israel](#)

¹⁰ Adalah sent an urgent letter to the Haifa Police Commander, asserting that such a position is illegal. See the police’s statement reported in a Haaretz article: [Israel Police Commissioner: ‘Those Who Identify With Gaza Can Be Escorted There on Buses.](#)

¹¹ According to Attorney General Guideline number 3.1200. The guideline is available (Hebrew) [here](#).

¹² See Adalah’s Press Release: [Israeli Police Impose Sweeping Ban on Demonstrations Against Offensive on Gaza.](#) Following the dispersal of the protest, Adalah sent a letter to the Deputy AG, noting that the Commissioner’s directive appears to be implemented on the ground. Adalah demanded the AG’s intervention to cancel the unlawful directive.

detained a journalist for several hours.¹³ All but two of the detainees were released over the following three days without charges, underscoring the baselessness of the arrests.¹⁴

Two of the protesters, Ahmad Khalifa, a 41-year-old lawyer, and 31-year-old Mohammad Abu El Taher Jabareen, remain in detention – over three months after the protest – and are facing serious criminal charges. They have been indicted for “incitement to terrorism” and “identifying with a terrorist organization” under Article 24 of the 2016 Israeli Counter-Terrorism Law.¹⁵ Both Khalifa and Jabareen are well-known human rights defenders and activists. These charges are solely based on their participation in the protest and slogans they chanted during the protest, slogans that are commonly repeated during demonstrations by PCI against Israeli offensives on Gaza over the last years.

Since the state has indicted Khalifa and Jabareen under the Counter-Terrorism Law, they are being held in security wings of detention facilities that almost exclusively hold Palestinians, in extremely dire conditions. Since the start of the war, the already poor conditions have deteriorated alarmingly, including severe overcrowding, denial of family visits, prolonged delays for lawyer visits, and inadequate food and access to hygiene items. Khalifa has also reported experiencing verbal abuse, attempts to silence him by wardens, and he has witnessed other prisoners being subjected to physical violence.

The state is seeking to detain both men until the conclusion of legal proceedings against them, which can last for up to nine months under Israeli law, a period that may be extended with court approval. Adalah and the Human Rights Defenders Fund are presently attempting to challenge a district court ruling to detain Khalifa until the conclusion of proceedings to the Supreme Court; a hearing will be held next week. Based on the decision, Adalah will determine whether to file an appeal on behalf of Jabareen.

The impact of these cases goes beyond the individuals directly involved: They create a chilling effect on the wider Palestinian population in Israel. The arrests and detention of protestors and serious criminal indictments under the Counter-Terrorism Law not only infringe the rights of Khalifa and Jabareen, but also pose a threat to the exercise of free speech and peaceful assembly for all Palestinians in Israel. Indeed, since the protests at which they were arrested, there have been very few grassroots protests by PCI.

Adalah’s Supreme Court Petition against the Police’s Denial of Protest Permits

The police denied permits for numerous PCI protests, including two scheduled at the beginning of November, both organized by Hadash and Maki (The Israeli Communist Party) in Umm Al-Fahem and in the Palestinian city of Sakhnin in northern Israel.

¹³ Adalah’s Press Release: [Israeli Police Impose Sweeping Ban on Demonstrations Against Offensive on Gaza](#). See also a Haaretz article (Hebrew) available [here](#).

¹⁴ The National Security Minister praised the police for these arrests, [stating on X \(Twitter\)](#), “A number of demonstrators in Umm al-Fahem who tried to demonstrate tonight were met with arrests and zero tolerance from police officers.”

¹⁵ Article 24 of the Counter-Terrorism Law, which can be found here, [relies](#) on vague and overly broad terminology, specifically the terms “terrorist act” and “terrorist organization.” Several UN committees and experts have warned about the Counter-Terrorism Law’s ambiguous and expansive language. E.g. the [2022 communication](#) from UN Special Rapporteurs and Working Groups, led by the former mandate-holder; the [Human Rights Committee’s 2022 Concluding Observations](#) (paragraph 18).

On 6 November 2023, Adalah submitted a petition to Israel's Supreme Court on behalf of the protests' organizers, demanding the invalidation of the police's decision to deny the permits, and the cancellation of the aforementioned Police Commissioner directive.¹⁶ The Court rejected Adalah's petition, asserting that although there is no sweeping ban on demonstrations, and that the Commissioner lacks the authority to impose such a ban, the request for the specific protests to proceed should be denied. The court accepted the police's claims that it lacked the manpower to ensure that the demonstrations did not disturb public order. The court also failed to question the police's racist assessments regarding the two Palestinian towns, which led to the police's conclusion that a significant police presence would be necessary to control the dispersal of the demonstrations, citing concerns about incitement.¹⁷

Suppression of Palestinian Protests not Requiring Permits

On 9 November 2023, the police detained several PCI political leaders in Israel in connection with a planned anti-war vigil protest in Nazareth. The individuals detained are six members of the High Follow-Up Committee for Arab Citizens in Israel (HFUC), including four former Knesset Members. The police claimed that the detained individuals sought to organize an unlawful protest, even though such protests do not require a permit. On 12 November 2023, the Nazareth Magistrate's Court heard Adalah's appeal against the restrictive conditions imposed on certain political leaders upon their release. During the proceedings, the police asserted that:¹⁸

“The use of democratic rhetoric and human rights can lead to incitement and the destruction of democracy. Generally, democracy defends itself against external enemies and must also defend against internal enemies trying to harm it. [...] the gathering [in Nazareth] was not about condemning the events in the Gaza Envelope, not the murder of women and children, but only to incite and lead to violence.”

This quote highlights the racist and distorted rhetoric employed by the police, which compares a peaceful anti-war assembly to incitement and violence. Following this hearing, the police repeatedly acted to prevent vigil protests that the HFUC sought to hold from going ahead. The measures used included deploying a substantial police force to the protest locations in advance, issuing threatening messages to the organizers, and surveilling the home of former MK Mr. Mohammad Barakeh, Chairman of the HFUC.

Adalah submitted two petitions to the Supreme Court on behalf of Barakeh. The first petition, filed on 30 November, argued that, since these planned vigil protests did not require a permit, the police could not block them in advance.¹⁹ The Supreme Court dismissed this petition outright, ruling that the petitioners had not adequately proven that the protest was not subject to permit requirements, despite the fact that the protest clearly falls within the category exempt from permit requirements according to the AG's guidelines.

¹⁶ H CJ 8007/23 *Hadash – Democratic Front for Peace and Equality et al. v. Police Commissioner Yaakov Shabtai et al.* (petition in Hebrew is available [here](#)), Adalah's Press Release - [Adalah, Hadash, and Maki Petition the Supreme Court Against Police Ban on Palestinian Political Protests During the War](#).

¹⁷ The Supreme Court Decision (Hebrew) can be found [here](#). See also Adalah's Press Release: [Israel's Supreme Court Rejects Adalah's Petition to Allow Demonstrations in Palestinian Towns: Umm Al-Fahem and Sakhnin](#)

¹⁸ The protocol from the hearing of 12 November 2023 can be found [here](#) (in Hebrew).

¹⁹ H CJ 8803/23 *Mohammad Barakeh et al. v. Police Commissioner et al.* Adalah's Press Release [Adalah and Chairman of the High Follow-Up Committee Petition Israel's Supreme Court to Prevent Police Obstructing Anti-War Protests in Nazareth](#)

By contrast, on 10 December 2023, the Supreme Court affirmed that no permit was required for such a protest in a separate petition concerning a similar vigil in Tel-Aviv.²⁰

On 13 December 2023, Adalah filed a second petition before another planned vigil. Adalah and Barakeh contacted the police beforehand, urging them to respect the participants' right to protest and permit the event to proceed. The police responded that it was “authorized to set conditions even on protests that do not require a permit”. Adalah argued that the police’s assertions were akin to making the right to protest contingent on obtaining a permit, and are therefore illegal. At a Supreme Court hearing, Adalah and the HFUC opted to withdraw the petition as the court pressed for the parties to reach a mutually agreeable time while the police insisted on severe restrictions, limiting demonstrations to weekday mornings—a move designed to significantly curtail participation in the protest.²¹

Despite withdrawing the petition, the Court issued a ruling, rejecting it due to the lack of agreement between the parties.²² The Court noted that the police had requested an *ex parte* review of classified intelligence material, alleging it supported its claims of public safety concerns. The petitioners vehemently opposed the police request, but the court held that, since the police did not have a chance to present classified evidence, its actions are presumed lawful. This decision imposes an undue burden on the petitioners, rendering it nearly impossible for them to challenge the legality of the police’s actions, as the evidence supporting the police’s claims remains classified—a clear violation of due process.

The police’s consistent suppression of PCI and anti-war protests starkly contrasts with its treatment of large protests organized by Jewish-Israelis advocating for the release of hostages. The latter generally obtain permits and face minimal disruption, even when expressing dissent towards Israel’s policies in Gaza.²³ In recent weeks, a limited number of mixed Jewish and Palestinian protests have been permitted, subject to stringent conditions on time, place and manner, with almost no protests allowed in Palestinian towns and villages in Israel. In Arrabe, a Palestinian town in northern Israel, an anti-war rally on 12 January 2024, with approximately 150 participants, marked the largest Palestinian-led rally in Israel since the war began.²⁴

As the above demonstrates, Adalah concludes that over the last four months, Israeli law enforcement authorities have illegally suppressed Palestinian and anti-war protests, and the Israeli courts have supported these policies. The Supreme Court, despite making strong statements about the importance of the freedom to protest, have granted the police unfettered discretion in quashing protest, including those not requiring a permit. These policies are fueled by racist rhetoric from the highest echelons of the Israeli police and political figures, including its Commissioner and the National Security Minister. These policies are blatantly discriminatory and violate the rights to freedom of assembly and expression of PCI. It therefore calls for urgent intervention by the Special Rapporteur and other members of the international community.

²⁰ HCJ 8680/23, *Shlomot v. Commander of the Tel Aviv District, Israel Police*. Decision (Hebrew) available [here](#).

²¹ The High Follow-up Committee eventually organized an anti-war vigil on 28 December 2023. The peaceful nature of the protest highlights the unjustified nature of the police’s opposition to such events, backed by the Supreme Court.

²² See Supreme Court decision (Hebrew) [here](#).

²³ In certain instances where the police rejected the protestors’ slogans, the police used violence to remove banners and disperse protesters. See, e.g. [Twitter video](#) where an Israeli police officer violently takes away a banner saying “stop the massacre”, claiming that it would “harm the feelings of the public”.

²⁴ See article by +972 Magazine [Israeli police repressing anti-war protests with ‘iron fist,’ say activists](#).