

Addameer Prisoners' Support and Human Rights Association

Al-Haq – Defending Human Rights

Hurriyat- Centre for Defence of Liberties and Civil Rights

Jerusalem Center for Legal Aid and Human Rights

Ramallah Center for Human Rights Studies

Independent commission for Human Rights (Observer)

مجلس منظمات حقوق الإنسان الفلسطينية
Palestinian Human Rights Organizations Council



Al-Mezan Center for Human Rights

Aldameer Association for Human Rights

Defence for Children International – Palestine

The Palestinian Centre for Human Rights

Muwatin Institute for Democracy and Human Rights (Observer)

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New Israeli Legislation to Criminalize Anti Occupation Human Rights Work

In yet another attempt at disrupting the work of human rights organizations, Likud MKs Avi Dichter, Mattan Cohen and others proposed a bill to amend Article 114C of Israel's Penal Law, broadening the definition of foreign agents. Article 114A of the Penal Law imposes a 15-year prison sentence against anyone who knowingly contacted a foreign agent without providing explanations for that.

Article 114C defines a foreign agent as follows: "anyone who can be reasonably suspected to have engaged, or have been sent to engage, by or on behalf of a foreign state or terrorist organization, in the collection of secret intelligence or in other acts that might endanger Israel's security, or anyone who can be reasonably suspected of membership in a terrorist organization, of connection to it, or of being a proxy to it."

The bill suggests to change the terminology, replacing "foreign state" with "foreign political entity" as defined by Article 36A of the Organizations' Law, and which includes but is not limited to: any foreign state, including a union, organization, or group of foreign states; organization, authority, or a delegation of a foreign state or a union of foreign states; local or regional authority, a governing authority of a foreign state or a member of an alliance of foreign states.

A foreign body/entity includes: foreign union, organization or group of foreign entities; the Palestinian Authority; a corporation established under the laws of a foreign entity or the PA etc.

In their preliminary explanation, MKs argue that the definition of foreign state in the penal law is archaic and does not meet the characters of the shifting international landscape which Israel has to confront. "New actors have joined the international arena such as the Palestinian Authority (which is not a state nor is it defined as a terrorist organization), the European Union (which is not a state), and other

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international actors and corporations which represent foreign states or serve as their proxies."

The potential broadening of the definition of a foreign state and adopting the definition of the Organizations' Law as part of the Penal Law's terminology is a clear manifestation of the increasingly shrinking space in which human rights organizations are trapped. It explicitly targets , as stressed in the explanatory notes, organizations that cooperate with or receive support from the EU and the PA. It seeks to further curtail the work of human rights organizations through portraying our work as contacts with foreign entities.

Adopting this terminology as part of the Penal Law criminalizes the work of Palestinian human rights organizations and keeps them constantly under the radar of Israeli persecution, accusations and threats.

Seen in the context of the anti-BDS act and the so-called NGO funding transparency law, this bill, if enacted, is a dangerous escalation not only by reinforcing the shrinking space reality, but by turning human rights work into a criminal offence. Israel's definition of collecting secret intelligence or working on behalf of a foreign state/entity to threaten its security is already too broad and might now include attempts to expose its abuses and violations. The bill complements the already-aggressive efforts by pro-Israel groups to exert pressure on the EU and on European partners to cease or condition their support for human rights organization.

END

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Palestinian Human Rights Organizations Council comprising:



Addameer Prisoners' Support and Human Rights Association
Sahar Francis
General Director



Aldameer Association for Human Rights
Alaa Skafi
Acting General Director



Al-Haq
Shawan Jabarin
General Director



Al Mezan Center for Human Rights
Issam Younis
General Director



The Palestinian Centre for Human Rights
Raji Sourani
General Director



**Defence for Children International
Palestine Section**
Khaled Quzmar
General Director



Ramallah Center for Human Rights Studies
Khalid Nassif
General Director



Hurryyat - Centre for Defense of Liberties and Civil Rights
Helmi Al-Araj
General Director



Jerusalem Center for Legal Aid and Human Rights
Issam Aruri
General Director



Independent Commission for Human Rights (Ombudsman Office) - Observer
Ammar Dwaik
General Director



Muatin Institute for Democracy and Human Rights - Observer
Mudar Qasis
General Director