

**Adalah** The Legal Center for Arab Minority Rights in Israel  
عدالة المركز القانوني لحقوق الاقلية العربية في اسرائيل  
עזאלה המרכז המשפטי לזכויות המיעוט הערבי בישראל



## Adalah's NGO Report to the United Nations Human Rights Council's Universal Periodic Review of Israel

3 October 2022

**Adalah** ("Justice" in Arabic) is an independent human rights organization and legal center located in Israel. Adalah works to promote human rights in Israel in general, and the rights of Palestinian citizens of Israel, in particular. Our work also includes defending the human rights of all individuals subject to the jurisdiction of the State of Israel, including Palestinians living under occupation in the OPT). Adalah has special consultative status with ECOSOC.

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1. Adalah's report raises three key issues: (I) The Jewish-Nation State Law – 2018; (II) The Citizenship and Entry into Israel Law (Temporary Order) – 2022 banning family Palestinian unification, and a 2008 amendment to the law permitting the revocation of citizenship for a "breach of loyalty"; and (III) The use of excessive police violence against Palestinian citizens of Israel (PCI) and the associated lack of accountability.

### **I. The Basic Law: Israel - The Nation-State of the Jewish People: The absence of the right to equality for PCI, self-determination for Jews only**

2. In the course of its 2018 UPR, Israel **accepted** the following recommendations regarding the principle of equality:
  - 118.47: Ensure equal treatment for all persons within its territory and subject to its jurisdiction, regardless of their national or ethnic origin (Romania);
  - 118.59: Abolish all measures, laws, and other types of rules that validate racial discrimination and racism (Cuba);
  - 118.128: Intensify efforts to advance the rights of its Arab minority populations (Norway).
3. Although it accepted these recommendations, Israel has still not addressed **the absence of a Basic Law** that constitutionally guarantees the right to equality. To the contrary, the Knesset enacted the Jewish Nation-State Law (JNSL) on 19 July 2018, legislation that constitutionally enshrines Jewish supremacy and the identity of the State of Israel as the nation-state of the Jewish people only.
4. Numerous states issued recommendations during the 2018 UPR review that explicitly called on Israel to enshrine the principle of equality into its basic laws and legislation, and to ensure non-discrimination in law and practice in all fields of life, including Bolivia (118.54), Brazil (118.55), Honduras (118.56), Thailand (118.57) and Portugal (118.58). Israel **did not accept** these recommendations.
5. The JNSL has distinct characteristics of apartheid. It guarantees the ethnic-religious character of Israel as exclusively Jewish, despite the fact that 20% of the state's population are non-Jewish PCI, and entrenches the privileges enjoyed by Jewish citizens. It simultaneously anchors discrimination against PCI into law and legitimizes systemic inequality, exclusion and racism against them. Specifically, the JNSL provides that:

- “The State of Israel is the nation state of the Jewish people” and that the realization of national self-determination in the State of Israel will be exclusively for the Jewish people (Art. 1);
  - Immigration to Israel leading to automatic citizenship is exclusive to Jews (from around the world) under the Law of Return (Art. 5);
  - “The complete and united Jerusalem is the capital of Israel” (Art. 3);
  - Hebrew is the official language of the state, while Arabic is downgraded from an official language to one with “special status”, (Art. 4);
  - The State views Jewish settlement as a “national value” and will promote the establishment of new Jewish settlements (Art. 7)<sup>1</sup> (this provision refers to new Jewish-only towns in Israel and settlements in the OPT); among other provisions.
6. The JNSL is the “law of laws”, capable of overriding any ordinary legislation. It alters the constitutional framework of the state, making changes that violate established international norms: there is no democratic constitution in the world that designates the constitutional identity of the state on racial grounds, as serving a single ethnic group. The law affords constitutional legitimacy to discriminatory policies against Palestinians and requires the executive, judiciary and other state authorities to implement them under the rule of law. Despite the foundational nature and far-reaching scope of the JNSL, it contains no commitment to democratic norms, any guarantee of the right to equality, or a prohibition of discrimination on the basis of race, nationality, ethnicity or any other category for all people living under Israeli sovereignty. The law denies collective rights to PCI, who constitute a homeland minority group under international human rights law. The JNSL is in breach of absolute prohibitions in international law.
  7. In July 2021, the Israeli Supreme Court rejected 15 petitions, including one filed by Adalah on behalf of the Palestinian political leadership in Israel,<sup>2</sup> challenging the constitutionality of the JNSL, in a 10-1 decision, with the only Palestinian justice in dissent. The Court did not require the Attorney General to address any of the international law violations created by the JNSL.
  8. In its 2022 concluding observations on Israel, the UN Human Rights Committee became the latest UN human rights body to express its deep concern about the JNSL, finding that it “may exacerbate pre-existing systematic and structural discrimination against non-Jews”. The Committee recommended that Israel “review and amend the law in order to eliminate its discriminatory effect on non-Jewish people and to ensure the equal treatment of all persons within its territory

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<sup>1</sup> See Adalah’s designated website page on the JNSL: <<https://www.adalah.org/en/content/view/9569>> and Adalah’s position paper, “The Illegality of Article 7 of the Jewish Nation-State Law: Promoting Jewish Settlement as a National Value”, March 2019:

<[https://www.adalah.org/uploads/uploads/Position\\_Paper\\_on\\_Article\\_7\\_JNSL\\_28.03.19.pdf](https://www.adalah.org/uploads/uploads/Position_Paper_on_Article_7_JNSL_28.03.19.pdf)>

<sup>2</sup> HCJ 5866/18 *The High Follow-up Committee for Arab Citizens in Israel et al. v. The Knesset, et al.* (decision delivered 8 July 2021).

and subject to its jurisdiction, and in conformity with the Covenant” (CCPR/C/ISR/CO/5, para 10-11). In 2018, four UN Special Rapporteurs expressed their “deep concern” that the JNSL Law is “discriminatory in nature and in practice against non-Jewish citizens and other minorities and does not apply the principle of equality between citizens, which is one of the key principles for democratic political systems”.<sup>3</sup>

## II. The ban on Palestinian family unification and the revocation of citizenship

9. On 10 March 2022, the Knesset enacted the *Citizenship and Entry into Israel Law (Temporary Order)*, 2022. Despite its supposedly ‘temporary’ nature, this new law built on a previous temporary law, enacted almost 20 years before in 2003, which was extended 21 times.<sup>4</sup>
10. The law bans the unification of Palestinian families in Israel by prohibiting the Interior Minister from granting residency or citizenship status to Palestinians from the West Bank and the Gaza Strip, as well as to individuals from four “enemy states” of Syria, Lebanon, Iraq and Iran, who are married to Palestinian citizens of Israel (PCI). The ban affects thousands of Palestinian families and tens of thousands of people.
11. The law is one of most discriminatory and racist of Israel’s laws. No democratic country in the world denies residency or citizenship to spouses of its own citizens on the basis of the spouse’s national, racial, or ethnic affiliation, while simultaneously labeling them as enemies. The law produces separate citizenship tracks for the spouses of Jewish Israeli citizens and of PCI. These separate and unequal tracks are an integral part of the state’s efforts to establish and maintain a system of Jewish supremacy, a process that was further cemented by the 2018 JNSL.
12. Unlike the earlier version, the newly-enacted law from March 2022 includes a section that explicitly states that the purpose of the law is to guarantee a Jewish demographic majority. The section (1) provides that:

**“The purpose of this law is to establish restrictions on citizenship and residence in Israel by citizens or residents of hostile countries or from the region, alongside irregular arrangements for residence licenses or permits to stay in Israel—all while taking into consideration the fact that Israel is a Jewish and democratic state, and in a manner that will ensure safeguarding of vital interests for the state’s national security.”**

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<sup>3</sup> Communiqué to Israeli Authorities, 2 November 2018, reference: OL ISR 12/2018: <[https://www.adalah.org/uploads/uploads/4\\_UN\\_Spec\\_Rapp\\_communication\\_02112018.pdf](https://www.adalah.org/uploads/uploads/4_UN_Spec_Rapp_communication_02112018.pdf)>. See also Adalah press release, 15 November 2018 <<https://www.adalah.org/en/content/view/9626>>

<sup>4</sup> See The Citizenship and Entry into Israel Law (Temporary Order) – 2022 in English at: <[https://www.adalah.org/uploads/uploads/The\\_Citizenship\\_and\\_Entry\\_into\\_Israel\\_Law\\_Eng\\_150322.pdf](https://www.adalah.org/uploads/uploads/The_Citizenship_and_Entry_into_Israel_Law_Eng_150322.pdf)>

13. Adalah petitioned the Israeli Supreme Court on 13 March 2022 on behalf of three Palestinian families challenging the law's constitutionality.<sup>5</sup> A hearing before an expanded panel of justices on the six petitions filed against the law is scheduled for 1 December 2022. The case marks the third time that the ban on Palestinian family unification law is being challenged before the Court.
14. In its 2022 concluding observations on Israel, the UN Human Rights Committee stated that it “strongly reiterates its previous recommendations that the State party revoke the Citizenship and Entry into Israel Law (Temporary Order), with a view to removing disproportionate and adverse restrictions on the right to family life” (CCPR/C/ISR/CO/5, para 44-45). All of the UN human rights treaty bodies have urged Israel to revoke or amend the law and to facilitate Palestinian family unification.

#### *Revocation of Citizenship*

15. On 22 July 2022, the Israeli Supreme Court upheld a 2008 amendment to the Citizenship Law, which gives authority to the Interior Minister, with court approval, to revoke citizenship from citizens of Israel if they are convicted of offenses that constitute a “breach of loyalty” to the state, even if they become stateless.<sup>6</sup> This decision came after Adalah and the Association for Civil Rights in Israel appealed a 2017 decision of the Haifa District Court that confirmed the Interior Minister's request to revoke the citizenship of Alaa Zayoud, a PCI, who was convicted of attempted murder.
16. In its ruling, the Supreme Court stated that there was “**no constitutional defect in the arrangement that allows the revocation of the citizenship of a person who committed an act that constitutes a breach of loyalty in the State of Israel.** This is so, even if as a result of the revocation of his citizenship, the individual becomes stateless, provided that if the individual becomes stateless, the Interior Minister must grant him a status of permanent residence in Israel or another designated status.” This decision is very dangerous, and may be used by the State in a selectively discriminatory manner, exclusively against PCI.

### **III. The use of excessive police violence against PCI and the lack of accountability.**

17. During its 2018 UPR review, Israel **accepted** the following recommendations regarding the use of excessive force against PCI and the impunity of Israeli security forces:

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<sup>5</sup> HCJ 1777/22 *Adalah – The Legal Center for Arab Minority Rights in Israel v. The Interior Minister and the Knesset* (pending). See the introduction of the petition translated to English at:

[https://www.adalah.org/uploads/uploads/Introduction\\_Petition\\_Family\\_Unification\\_160322.pdf](https://www.adalah.org/uploads/uploads/Introduction_Petition_Family_Unification_160322.pdf)

<sup>6</sup> (Supreme Court) Administrative appeal 8277/17, *Alaa Zayoud v. Interior Minister* (decision delivered 22 July 2022).

18. 118.66: Set up robust legislative measures aiming to prevent and punish excessive use of force, in line with international standards (Madagascar);
19. 118.155: Prevent the excessive use of force by the Israeli military and security forces, particularly against minors (Costa Rica);
20. 118.167: Combat impunity through in-depth, impartial investigations of all allegations of human rights violations, including those involving members of security forces or settlers (France).
  
21. Despite accepting these recommendations, Israeli police and other armed forces continue to use excessive and lethal force against PCI, as well as against Palestinians in the OPT, including East Jerusalem. In addition, Israel gives almost total impunity to its security force personnel, and in some cases even promotes or otherwise rewards them for illegal conduct.
  
22. Violence by Israeli armed forces against PCI has taken place since the *Nakba* in 1948, in an ongoing pattern of state violence that includes the Kufr Qassem massacre of 1956,<sup>7</sup> the Land Day protests of 1976,<sup>8</sup> and the lethal events of October 2000.<sup>9</sup> Over the last two years, major events of police violence have included:
  23. **The Umm el-Fahem Demonstration, February 2021**

On 26 February 2021, protesters in Umm al-Fahem marched towards the city’s main entrance carrying 21 mock coffins demonstrating against violence in Arab towns. Police forces met them with a “skunk” water cannon, that sprays a foul-smelling liquid, stun grenades and tear gas. Video footage shows illegal and excessively violent conduct by Israeli police,<sup>10</sup> with undercover forces beating individuals, alongside regular police officers. These weapons resulted in severe injuries to many protestors, including the mayor and MK Yousef Jabareen, and to an individual who later required surgery on his head. On 13 June 2022, Adalah filed an appeal to the State Attorney’s Office against the decision of the Israeli Police Investigations Department (PID or “Mahash”) not to open an investigation into the conduct of the Israeli police.<sup>11</sup>

#### 24. May 2021 Events

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<sup>7</sup> During the 1956 Kufr Qassem massacre, 50 Palestinians were killed by the Israeli army. For more information, see Miftah – The Palestinian Initiative for the Promotion of Global Dialogue and Democracy, “Kufr Qassem Massacre 45 years”, 29 October 2001:

<<http://www.miftah.org/Display.cfm?DocId=456&CategoryId=3>>

<sup>8</sup> Land Day marks Israel’s massive confiscation of land owned by PCI and the ensuing protests in 1976, which resulted in the killing of six PCI citizens, and the wounding and arrest of hundreds more by Israeli police forces.

<sup>9</sup> In October 2000, Israeli police shot dead 13 young unarmed Palestinian men, 12 PCI and one resident of the Gaza Strip, during street protests in Israel against the Israeli military’s killing and wounding of scores in the Occupied Palestinian Territory at the outbreak of the Second Intifada. For more information, see Adalah, “The October 2000 Killings (October Uprising)”: <<https://www.adalah.org/en/content/view/10127>>

<sup>10</sup> See Adalah press release, 4 April 2021: <<https://www.adalah.org/en/content/view/10287>>

<sup>11</sup> See Adalah press release, 15 June 2022: <https://www.adalah.org/en/content/view/10644>

During May 2021, there was a swift and deadly escalation in violence in Israel and in the OPT. Hostilities were sparked by Israel's violent repression of demonstrations against the imminent forced displacement of Palestinians from the Sheikh Jarrah; the attack on worshippers by Israeli police at the Al-Aqsa Mosque Compound, and later, the Israeli military's massive airstrikes on the Gaza Strip that killed 260 Palestinians, including 65 children, and injured another 1,950. In Israel, PCI who protested against this violence were faced with the use of excessive force by the Israeli police, special forces and Jewish settlers. Police violently dispersed peaceful demonstrations by PCI, without justification, heavily restricting freedoms of expression and assembly. Police also arrested and detained hundreds of PCI protestors, and used excessive, brutal force against many of them.<sup>12</sup> Adalah has filed a series of appeals to the State Attorney's office against the closure of complaints against the police for this brutal conduct.

25. The UN Human Rights Council voted in May 2021 to establish an ongoing independent, international Commission of Inquiry (COI) into these events, as well as the underlying root causes of recurrent tensions, instability and protraction of conflict, which include systematic discrimination and repression based on national, ethnic, racial or religious identity and all alleged violations and abuses of IHRL leading up to and since these events. The COI has submitted its first report to the Human Rights Council, and will present its second report to the General Assembly in October.<sup>13</sup>

**26. January 2022 protests in the Naqab (Negev)**

In January 2022, protests broke out throughout the Naqab in southern Israel in response to the planting of trees on land belonging to the Al-Atrash tribe in the Bedouin village of Sa'wa. Israel plants forests on Bedouin land in the Naqab through the Jewish National Fund (JNF) as a method of expropriating the land and preventing Bedouin residents from living on it and using it for their livelihoods.<sup>14</sup> The planting operations – by the Israel Land Authority (ILA) and the JNF – were carried out under cover of a heavily militarized police operation. Protestors were violently dispersed by the police and subjected to mass arrests and detentions.

27. Following the protests, Adalah demanded that Israeli police stop using violent, life-threatening means, including live ammunition and tear gas dropped from drones, to disperse demonstrators and allow the protests to continue. Adalah also demanded that the police remove roadblocks set up to prevent vehicles from entering Sa'wa, which severely restricted residents' access to their

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<sup>12</sup> See Adalah's statement, "The Deadly Events of May 2021, One Year On: No Accountability, No Justice for Palestinians", 31 May 2022:

<<https://www.adalah.org/uploads/uploads/The%20Deadly%20Events%20of%20May%202021%20One%20Year%20On.pdf>>

<sup>13</sup> See the Commission's website: <https://www.ohchr.org/en/hr-bodies/hrc/co-israel/index>

<sup>14</sup> See Meron Rapoport, "Gov't contract shows how Israel enlists forests to grab land from Bedouin citizens," +972 Magazine, 22 September 2022: <https://www.972mag.com/jnf-forests-israel-land-naqab>

homes and children's ability to attend school, and that they allow a protest tent, torn down by the police, to be returned.<sup>15</sup>

28. In its 2022 concluding observations on Israel, the UN Human Rights Committee expressed its concerns about "the excessive use of lethal force by the Israeli security forces against Palestinian civilians, including children, and the lack of accountability for these acts, resulting in a general climate of impunity." The Committee also stated that Israel should ensure that prompt, effective and independent and impartial investigations are launched into all incidents involving the excessive use of force by the Israeli security forces (CCPR/C/ISR/CO/5, para 26-27).

### **Recommendation**

29. Adalah calls on states to voice grave concerns to Israel about the laws and policies raised in this submission, and to take all available measures to stop these human rights violations.

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<sup>15</sup> See Adalah press release, 16 January 2022: <<https://www.adalah.org/en/content/view/10524>>