



Joint Urgent Appeal

Joint Urgent Appeal to the United Nations Special Procedures on the Imminent Risk of Deportation of Palestinian Resident Omar Barghouti as Israeli Interior Minister Initiates Proceedings to Punitively Revoke his Residency Status for ‘Breach of Allegiance’

Date: 6 November 2019

To the attention of:

- The UN Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Mr. S. Michael Lynk;
- The UN Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst;
- The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. David Kaye;
- The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Clément Nyaletsossi Voule; and
- The UN Independent Expert on human rights and international solidarity, Mr. Obiora C. Okafor.

1. Introduction

Al-Haq, the Cairo Institute for Human Rights Studies, BADIL Resource Center for Palestinian Residency and Refugee Rights, and Community Action Center at Al-Quds University (hereinafter ‘our organisations’) address this joint urgent appeal to the United Nations (UN) Special Procedures on the imminent risk of deportation of Palestinian resident Omar Saleh Barghouti, 55, following the initiation by the Israeli Minister of Interior of proceedings to punitively revoke his residency status for so-called ‘breach of allegiance’ to the State of Israel. In particular, this joint urgent appeal is addressed to the UN Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Mr. S. Michael Lynk, the Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. David Kaye, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Clément Nyaletsossi Voule, and the Independent Expert on human rights and international solidarity, Mr. Obiora C. Okafor, in addition to other relevant UN Special Procedures mandates who may be seized of the matter.

2. Facts of the case

On 6 October 2019, Israeli Interior Minister Arye Deri announced that he is working towards revoking the residency status of Palestinian resident and human rights defender Omar Barghouti. According to the announcement, the Israeli Interior Minister had “instructed the legal department of the Population, Immigration and Borders Authority to prepare the legal framework to revoke Barghouti’s resident status,”¹ placing him at imminent risk of deportation. Prior to this announcement, Israel’s Attorney-General, Dina Zilber, had confirmed that the Minister of Interior has the prerogative to revoke the residency status of a person who is accused of ‘breaching allegiance’ to Israel (*see Annex 1*).² Barghouti is a resident of Israel, a status he received in 1994, following a process of family unification with his wife, who is a Palestinian citizen of Israel.

According to the Interior Minister’s announcement, he plans to act quickly to revoke Barghouti’s resident status, because “[h]e is a person who is doing everything to hurt the country, and therefore, he cannot enjoy the privilege of being a resident of Israel.”³ As a Palestinian human rights defender and co-founder of the nonviolent Boycott, Divestment and Sanctions (BDS) movement for Palestinian rights, Omar Barghouti has been targeted by Israel for his calls for freedom, justice, and equality for the Palestinian people in accordance with international law. Accordingly, the threat to revoke Barghouti’s residency status amounts to a clear assault on his right to freedom of expression, including his work as a human rights defender and his calls for accountability for Israel’s widespread and systematic human rights violations committed against the Palestinian people.

The statement made by Interior Minister Deri, dated 6 October 2019, is only the latest manifestation of Israel’s State-led repression of Omar Barghouti for his human rights work. To date, several Israeli ministers, including Deri, have targeted Barghouti, frequently delaying the renewal of his travel document, which in effect bans him from traveling, threatening his right to family life by calling for the revocation of his residency status, and making statements containing threats to his life and personal safety.⁴ The threatened revocation of Barghouti’s residency comes during a time of ongoing and systematic efforts led by the Israeli Government to create a coercive environment designed to silence human rights defenders and activists promoting the rights of the

¹ See tweet by Israeli Interior Minister, Arye Deri, dated 6 October 2019, at 7:34 pm, stating: “[t]onight, I instructed the Population and Immigration Authority to prepare an opinion to revoke the residency in Israel of Omar Barghouti, founder of the boycott movement against Israel. This is a man who works to harm the country... so he must not enjoy the right to be a resident of Israel” (informal translation from Hebrew original), available at: <https://twitter.com/ariyederi/status/1180884050749382656>.

² See the response by Israel’s Attorney-General to the Ministry of Interior in relation to the application to cancel Omar Barghouti’s permanent residency status (Hebrew), as reproduced in Annex 1. The document is also available at: <https://www.kipa.co.il/userFiles/files/1475c7aebd9515ce59bf964572c931c2.pdf>.

³ Lahav Harkov, “Arye Deri Moves to Deport BDS Founder Barghouti,” (7 October 2019), available at: <https://www.jpost.com/Israel-News/Arye-Deri-moves-to-deport-BDS-founder-Barghouti-603889>.

⁴ Amnesty International, “Israel: End the Arbitrary Travel Ban on Human Rights Defender Omar Barghouti,” (7 February 2019), available at: <https://www.amnesty.org/download/Documents/MDE1598112019ENGLISH.PDF>.

Palestinian people and challenging Israel's widespread and systematic human rights abuses, including suspected crimes. It is within this repressive context that the Israeli authorities have increasingly resorted to smear and de-legitimisation campaigns against human rights defenders, activists, and civil society organisations advocating for the rights of Palestinians and calling for justice and accountability.

In addition, Israel's practice of punitive residency revocation on the basis of so-called 'breach of allegiance' to the State of Israel,⁵ has been used as a tool to suppress Palestinians' activism and to restrict their right to freedom of expression when challenging Israel's systematic violations of international law. On 17 October 2017, in response to a request based on the Freedom of Information Act, Israel's Interior Ministry acknowledged that it had, at that time, revoked the residency status of 13 Palestinians on the basis of 'breach of allegiance' to Israel.⁶ Using overbroad and vague criteria, the Ministry of Interior may widely interpret 'breach of allegiance' as encompassing the right of Palestinians to freedom of expression, including the right to voice opposition to Israeli policies and practices.⁷ Israel's policy of silencing opposition through threatened deportations and punitive residency revocation stands in clear violation of international human rights standards and treaties, which Israel is bound to respect, protect, and fulfil towards the Palestinian people on both sides of the Green Line.

3. Punitive residency revocation for 'breach of allegiance'

Barghouti is not the first Palestinian to have been threatened with punitive residency revocation on the basis of 'breach of allegiance' by the Israeli authorities, despite the illegality of the practice. Following a request sent to the Ministry of Interior based on the Freedom of Information Act, the Interior Ministry acknowledged on 17 October 2017 that it had revoked the residency status of 13 Palestinians on the basis of 'breach of allegiance' (*see Annex 2*), in violation of international law and with no basis in Israeli law itself. Since then, it is unclear how many Palestinians have had their residency status punitively revoked on the same ground. Seven of the thirteen cases mentioned in the response of the Ministry of Interior are discussed below.

The first punitive residency revocation carried out by the Israeli authorities dates back to June 2006, when the Minister of Interior revoked the residency status of three elected members of the Palestinian Legislative Council (PLC), in addition to the former Palestinian Minister of Jerusalem, claiming they had 'breached allegiance' to Israel. The parliamentarians filed a petition (HCJ 7803/06, *Abu Arafah et al.*) with the Israeli Supreme Court challenging the authority of the Minister of Interior to revoke the permanent residency status of Palestinians. While the case

⁵ Al-Haq, "Residency Revocation: Israel's Forcible Transfer of Palestinians from Jerusalem," (3 July 2017), available at: <http://www.alhaq.org/advocacy/6331.html>.

⁶ Al-Haq, "Punitive Residency Revocation: the Most Recent Tool of Forcible Transfer," (17 March 2018), available at: <http://www.alhaq.org/advocacy/6257.html>.

⁷ *Ibid.*

remained pending, the Israeli occupying authorities forcibly transferred the former Minister of Jerusalem and the three parliamentarians to the West Bank in 2013.

In January 2016, without awaiting the decision of the Israeli Supreme Court on the matter, the Minister of Interior revoked the residency status of three East Jerusalem Palestinians accused of throwing stones at an Israeli vehicle near Sur Bahir on 13 September 2015 which, according to the Israeli authorities, led to a car accident in which the driver died. Abed Dwayat, Mohammad Abu Kaf, and Waleed Al-Atrash, were charged, on 15 October 2015, with manslaughter, stone throwing at a vehicle, and the infliction of severe injury. All three are currently serving prison sentences ranging from 13.5 to 18 years.

On 13 September 2017, more than eleven years after the petition was filed by the three parliamentarians and the former Palestinian Minister of Jerusalem, the Israeli Supreme Court rendered its judgment, in which it acknowledged the absence of any legal grounds in Israeli legislation allowing for the punitive revocation of residency rights on the basis of so-called ‘breach of allegiance’ to Israel. Despite this conclusion, the Israeli Supreme Court upheld the revocation of the petitioners’ residencies for six months, allowing the illegality to continue, and gave the Israeli Parliament (the Knesset) this period of time to change the law in order to legalise punitive residency revocation on the basis of ‘breach of allegiance’ to the State of Israel.

Following the Israeli Supreme Court judgment of 13 September 2017, and within the six-month period set by the Court, the Israeli Parliament amended the Entry into Israel Law of 1952, on 7 March 2018, thereby granting the Israeli Interior Minister the power to revoke residency rights of Palestinians based on the additional criterion of ‘breach of allegiance’ to Israel. According to the Law, as amended, ‘breach of allegiance’ is defined as committing, or participating in, or incitement to commit a terrorist act, or belonging to a terrorist organization, as well as committing acts of treason or aggravated espionage. By using this overbroad and vague definition of ‘breach of allegiance,’ the Israeli Parliament has made it possible for current and future Israeli Interior Ministers to revoke the residency rights of any Palestinian, based solely on their own interpretation that the resident “has committed an act which is considered a breach of loyalty to the State of Israel.” (*see Annex 3*)

While the 2018 amendment to the Entry into Israel Law still provides that Israel cannot revoke the permanent residency status of individuals who hold no permanent residency or citizenship elsewhere outside of Israel, including stateless Palestinians in occupied East Jerusalem, the Ministry of Interior has acknowledged that it has carried out 13 residency revocations so far. The revocation of permanent residency status is the most direct tool Israel has used, to date, to forcibly transfer Palestinians, in particular from occupied East Jerusalem, with the aim of manipulating the demography of the city and consolidating an Israeli-Jewish majority at the expense of the indigenous Palestinian people. Since 1967, Israel has consistently expanded the criteria for

revoking the residency status of Palestinians, leading to the revocation of the residency rights of more than 14,500 Palestinians from Jerusalem to date.⁸

The three Parliamentarians and the previous Minister of Jerusalem, whose residency revocation was confirmed following the amendment, continue to live outside of Jerusalem, banned from returning to their homes and property, their families, and their city. The revocation of the residency status of Palestinians in a punitive manner has thus already been used by Israel against politically active Palestinians, in a manner, which violates their rights to freedom of expression and of association. If the case of the three Parliamentarians and the previous minister of Jerusalem is the first example of forcible transfer on the basis of ‘breach of allegiance’, several other cases are likely to ensue as the three imprisoned Palestinians from Sur Bahir complete their prison sentences.

With the introduction of the ‘breach of allegiance’ ground for revocation of residency rights, Israel has made it possible to revoke the residency status of any Palestinian based on vague, overbroad, and subjective grounds, thereby escalating the crime of population transfer and demographic manipulation at the expense of the inalienable rights of the Palestinian people, including freedom of movement and residence and the right to leave one’s country and to return. Following the initiation of legal proceedings in the case of Omar Barghouti, our organisations fear that additional Palestinians will be targeted for exercising their right to freedom of expression and for challenging Israel’s widespread and systematic human rights violations.

4. Legal analysis

Israel’s policy and practice of revoking the residency status of Palestinians, including on punitive grounds for so-called ‘breach of allegiance’ to the State of Israel, is in clear violation of its obligations under international law, including under international human rights law applicable by virtue of Israel’s effective control over the Palestinian people on both sides of the Green Line, and as Occupying Power, under international humanitarian law applicable to the occupied Palestinian territory, comprising the West Bank, including East Jerusalem, and the Gaza Strip.

Notably, under Article 45 of the Hague Regulations (1907), constitutive of customary international humanitarian law, it is expressly prohibited “to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.” Furthermore, Article 68(3) of the Fourth Geneva Convention (1949), which is applicable in the occupied Palestinian territory, provides that “a national of the Occupying Power... is not bound to it by any duty of allegiance.” Accordingly, the criterion of ‘allegiance,’ adopted into Israeli law on 7 March 2018,⁹ is illegal and violates Israel’s obligations, as Occupying Power, to respect and to ensure respect for the rights of protected Palestinians in the occupied Palestinian territory. Overall, Israel’s policy of revoking Palestinians’ residency rights in East Jerusalem violates Article 43 of the Hague Regulations and Article 64 of

⁸ Al-Shabaka, “Residency Revocation: Israel’s Forcible Transfer of Palestinians from Jerusalem,” (3 July 2017), available at: <https://al-shabaka.org/releases/residency-revocation-israels-forcible-transfer-palestinians-jerusalem/>.

⁹ Al-Haq, “Punitive Residency Revocation: the Most Recent Tool of Forcible Transfer,” (17 March 2018), available at: <http://www.alhaq.org/advocacy/6257.html>.

the Fourth Geneva Convention, which prevent the Occupying Power from exercising sovereign rights or extending its legislation to the territory it occupies.

Under international human rights law, binding on Israel on both sides of the Green Line, the revocation of Omar Barghouti's residency status would result in a violation of a wide spectrum of his rights, including his right to freedom of movement and choice of residence within the borders of the State, as enshrined in Article 12(1) of the International Covenant on Civil and Political Rights (ICCPR) and Article 5(d)(i) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), of which Israel is a State party. Moreover, if carried out, the punitive revocation of Barghouti's residency status would arbitrarily interfere with his right to family life, as it would separate him from his wife, a Palestinian citizen of Israel, in violation of Article 17(1) of the ICCPR, which Israel has an obligation to respect, protect, and fulfil without discrimination with respect to all individuals within its territory and subject to its jurisdiction. Notably, Article 5(d)(iv) of ICERD requires Israel to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction, to enjoy the right to marriage and choice of spouse.

While Israel's residency revocation practice has already been used against politically active Palestinians, it is now being used to threaten the residency status of Palestinians challenging Israel's widespread and systematic human rights violations and voicing legitimate calls for justice and accountability. Accordingly, the practice not only violates the right of the Palestinian people to freedom of movement and residence, including to leave and to return to their country, but further amounts to a grave assault on Palestinians' right to freedom of expression, as enshrined in Article 19 of the ICCPR and to freedom of peaceful assembly and of association, in line with Articles 21 and 22 of the ICCPR. This is evident in the threatened revocation of Barghouti's residency status on the basis of his work as a human rights defender and as co-founder of the Boycott, Divestment and Sanctions movement for freedom, justice, and equality, which peacefully challenges Israel's regime of settler colonialism, apartheid, and occupation over the Palestinian people.

The UN Declaration on Human Rights Defenders enshrines, in Article 13, the right of everyone "individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means." Yet, Israel has increasingly targeted human rights defenders, activists, and civil society organisations promoting the rights of the Palestinian people. As such, the threatened revocation of Barghouti's residency status on the basis of his human rights work, including his calls for justice and accountability, has grave implications for further repression, silencing, and intimidation by the Israeli Government of anyone advocating for the realisation of the UN-recognised rights of the Palestinian people and seeking to challenge Israel's institutionalised regime of racial domination and oppression. Critically, Article II(f) of the 1973 Apartheid Convention includes, as an element of the crime of apartheid, the "persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose *apartheid*," whereas Article 7(2)(h) of the Rome Statute of the International Criminal Court (1998) defines the crime of apartheid as "inhumane acts... committed in the context of an institutionalized regime of systematic oppression

and domination by one racial group over any other racial group or groups and *committed with the intention of maintaining that regime*” (emphasis added). Both instruments have been ratified by the State of Palestine and are applicable with regards to Israeli policies and practices in the occupied Palestinian territory.

Critically, international criminal law further prohibits the serious crime of population transfer, including through demographic manipulation, which may amount to a crime against humanity if committed as part of a widespread and systematic attack directed against any civilian population. As such, Israel’s discriminatory residency revocation policy and practice, which primarily targets Palestinians, must be considered in light of Israel’s systematic effort to erase and replace the indigenous Palestinian people on both sides of the Green Line and as part of an institutionalised regime of systematic racial domination and oppression over the Palestinian people, which amounts to the crime of apartheid. In this context, there is an urgent need for justice and accountability for widespread and systematic human rights violations committed against the Palestinian people, including the protection of human rights defenders advocating for the rights of Palestinians. Accordingly, our organisations urge the relevant UN Special Procedures mandates to recognise Israel’s policy and practice of residency revocation as illegal and to call on Israel to repeal its racist Entry into Israel Law, including the ‘breach of allegiance’ criterion used to threaten the residency rights of Palestinians.

5. Conclusions and Recommendations

In light of the above, our organisations submit this urgent appeal for the immediate intervention of the relevant UN Special Procedures mandates and urge them to:

- i. Call on the Israeli Government to halt legal proceedings for the revocation of Omar Barghouti’s residency status, whether on the basis of ‘breach of allegiance’ or on any other ground, which, if carried out, will result in violations of his rights to freedom of movement and residence, freedom of expression, and freedom of association, and would contribute to Israel’s commission of the serious crime of population transfer under international law;
- ii. Call on Israel to immediately repeal its racist Entry into Israel Law, which has been used to systematically violate the right of Palestinians, including human rights defenders, to freedom of movement and residence, including the right to leave their country and to return; and
- iii. Call for international justice and accountability for the widespread and systematic human rights violations committed against the Palestinian people and urge the Office of the Prosecutor of the International Criminal Court (ICC) to open an investigation into the situation in Palestine, without any further delay.

Annex 1: Response by Israel's Attorney-General to the Ministry of Interior application to revoke Omar Barghouti's permanent residency status, dated 6 October 2019 (Hebrew)

**מדינת ישראל
משרד המשפטים**

ייעוץ וחקיקה (משפט ציבורי-מנהלי)
ירושלים: ז' תשרי תש"פ
6 אוקטובר 2019
תיקנו: 803-04-2014-001738
סימוכין: 803-99-2019-059868

לכבוד
ח"כ קטי (קטרין) שטרית
כנסת ישראל

ג.ג.

הנדון: פנייתך לביטול תושבות הקבע של מר עומר ברגותי
סמך: פנייתך מתאריך 15.9.2019

1. פנייתך שבסמך הועברה לטיפול ואני מתכבד להשיב כדלקמן.
2. בפנייתך, ביקשת כי המשנה ליועץ המשפטי לממשלה (משפט ציבורי-מנהלי), גב' דינה זילבר "תפעיל את סמכותה" ותביא לביטול תושבות הקבע של מר עומר ברגותי.
3. על פי סעיף 11א לחוק הכניסה לישראל, התשי"ב-1952, שר הפנים מחזיק בסמכות לבטל את תושבות הקבע של מי שעשה מעשה שיש בו משום הפרת אמונים למדינת ישראל. במקרים מסוימים, המנויים בסעיף האמור, נדרשת גם הסכמתו של שר המשפטים. "הפרת אמונים" מוגדרת בסעיף 11א(ד) לחוק הנ"ל כ"מעשה טרור כהגדרתו בחוק המאבק בטרור, התשע"ו-2016, סיוע או שידול למעשה כאמור, או נטילת חלק פעיל בארגון טרור או בארגון טרור מוכרז כהגדרתם בחוק האמור", או "מעשה המהווה בגידה לפי סעיפים 97 עד 99 לחוק העונשין, התשל"ז-1977, או ריגול חמור לפי סעיף 113(ב) לחוק האמור".
4. לכן, על אף שהייעוץ המשפטי לממשלה מסייע לבעלי התפקידים האמורים בהיבטים המשפטיים של הפעלת סמכותם, המחזיק בסמכות בנושא זה הוא שר הפנים.

בברכה,

ד"ר עמרין בן צבי, עו"ד
ייעוץ וחקיקה (משפט ציבורי-מנהלי)

העתק:
לשכת היועץ המשפטי לממשלה
הלשכה המשפטית, רשות האוכלוסין וההגירה

Annex 2: Response by Israel's Population and Immigration Authority to a Request for Information based on the Freedom of Information Act (unofficial translation of Hebrew original)

State of Israel

Freedom of Information Law

27th of Tishrei, 5778

17 October 2017

2017-00018112

To the Honourable:

Adv. Murad Khatib
'Aqabat Al-Khalidiyya 37
P.O. Box 38706
Jerusalem

Greetings,

Subject: Response to a Request for Information

With regard to Section 1 of your inquiry, I hereby state that the computerized system of the Population Authority does not have a feature of refusal in the case of an indirect security risk.

Response to Section 2: As mentioned above, we cannot provide you with data about the reasons for revocation since no such feature exists in the computerized system of the Population Authority. However, with regard to the reasons for revocation as a result of a breach of loyalty, we would like to state that, as a result of information which was passed on from the Legal Bureau, the last decade saw the revocation of several permanent residency permits as a result of a breach of loyalty (see below):

Four Parliamentarians from the Hamas government who are residents of East Jerusalem have made an appeal at the Supreme Court in legal proceeding number 7803/06 (hereby referred to as "Supreme Court of Justice – Abu-Arafah"). A court verdict was issued regarding this appeal on the date of 13 September 2017.

Four members of the Silwan branch [of Hamas], all of whom were East Jerusalem residents, are awaiting the decision of the Jerusalem District Court under legal proceeding number 303/06.

The person who helped the terrorist in carrying out an attack at the Tel Aviv Dolphinarium in 2001; his issue depends on the decision of the Jerusalem Court of Appeal.

Four terrorists from the recent wave of terror attacks: Their permanent residency permits were revoked in 2016, and all of them were East Jerusalem residents. They made an appeal at the Supreme Court under legal proceeding number 1635/16.

All of the aforementioned revocations were signed by the Minister of Interior himself.

Response to Section 3: The computerized system of the Population Authority does not have the feature of revoking ID cards under security grounds; and therefore, we cannot extract such data singlehandedly.

Response to Section 4: Your question is not understandable and it needs further clarification. What kinds of requests and permits are you referring to?

Best Regards,

Mali Davidian
Supervisor of the Freedom of Information Law

[Signature included]

According to Article (7) (f) of the Freedom of Information Law of 1998 [5758], it is possible to appeal against this decision in the Administrative Affairs Courts.

Annex 3: Entry into Israel Law (Amendment No. 30) of 2018¹⁰ (unofficial translation of Hebrew original)¹¹

An addition to Article 11 (a) 1. The following will be added after Article 11 of the Entry into Israel Law of 1952¹² [5712], (hereby referred to as the “Main Law”):

“Cancellation of Permanent Residency Permits due to a Breach of Loyalty

11a. (a) Without undermining the provisions of Article 11(a)(2), the Minister of Interior is entitled to cancel a permanent residency permit which was given according to this law (in this law – Permit), among other things, if it was proven, based on his/her opinion, that the holder of the permit has committed an act which is considered a breach of loyalty to the State of Israel, provided that this permit would not be cancelled for those who meet one of the below-mentioned conditions except with the approval of the Minister of Justice after consulting with the committee which was established according to Article 11(h) of the Citizenship Law of 1952 [5712]:

- (1) At the time of committing that act, a period of more than 15 years has passed since receiving the permit;
- (2) At the time of his/her birth, one of his/her parents were carrying a permanent residency permit.

(b) If the Minister of Interior decides to cancel a [permanent residency] permit according to this article’s provisions and sees that, after the revocation of the permit, that person will remain without a permanent residency permit outside of Israel and without being entitled to any citizenship or permanent residency outside of Israel s/he will be given (parallel to the decision of cancelling the permit) a residency permit in Israel whereas, according to this subsection, whoever resides permanently outside of Israel is not considered without the right to obtain a permanent residency outside of Israel and is not considered without a citizenship.

(c) If a person whose permit was cancelled based on this article filed an administrative petition at the Administrative Affairs Court regarding the decision of the Minister of Interior, the Minister will allow him/her to enter Israel until the final examination of the procedures which emanated from the Minister’s decision,

¹⁰ Approved by the Knesset on 7 March 2018 [20 Adar 5778], the bill and the explanations were published under the Bills of Governmental Law 1204 on 26 February 2018 [11 Adar 5778], p. 684.

¹¹ To read the Hebrew original, see here: https://www.nevo.co.il/law_word/law14/law-2698.pdf.

¹² Statutes Book of the [Hebrew] year 5712 [extends from 1 October 1951 until 19 September 1952], p. 354; and Statutes Book of the year 5778 [from 10 September 2017 until 9 September 2018], p. 220.

except if it was proven that his/her entry into Israel poses a real danger to the security of the state or the well-being of the public.

(d) In this Article, a “Breach of Loyalty to the State of Israel” can mean any of the following:

(1) A terrorist act as defined in the Counter-Terrorism Law of 2016¹³ [5776], or the assistance or incitement of terrorism, or the active participation in a terrorist group or a group which fits the definition of a terrorist group according to the aforementioned law;

(2) An act which constitutes treason within the meaning of Articles 97 to 99 of the Israeli Penal Law of 1977 [5737], or aggravated espionage according to Article 113(b) of this law.”

2. In the addition to the Main Law, at the end of clause (1) shall come the words “except for a decision made in accordance with Article 11(a).”

Benjamin Netanyahu

Prime Minister

Aryeh Makhoul Deri

Minister of Interior

Reuven Rivlin

President of the State

Yuli-Yoel Edelstein

Speaker of the Knesset

¹³ Statutes Book of the year 5776 [extends from 14 September 2015 until 2 October 2016], p. 898.