

17 October 2017

27 Tishrei 5778

To:

Mr. Benjamin Netanyahu
Prime Minister
Prime Minister's Office
Jerusalem

Dear Sir,

Re.: **Establishment of a Parliamentary Committee of Inquiry into Foreign Funding Received by Left-Wing Associations**

We are writing to you following media reports that the coalition factions, under your leadership, are planning to establish a parliamentary committee of inquiry into the issue of foreign funding received by left-wing associations in Israel.

Just a few years ago, when a similar proposal was raised, you opposed the initiative, explaining that “we do not need investigations in the Knesset, we don't need committees of investigation.” You also clarified that you would vote against the proposal. **We urge you to act in the same manner now – to withdraw your support for the establishment of the committee of inquiry, and to clarify unequivocally and publicly that you and your government will not support such initiatives and will act to defend Israeli democracy against any danger, and particularly dangers in these present times.**

A parliamentary committee of inquiry whose true purpose is to interrogate organizations in civil society constitutes a show trial, if not a kangaroo court, conducted by politicians against organizations that do not share their own political worldview. In a show trial, the outcome is known in advance. It is clear to everyone that this process does not form part of the legal system and/or law enforcement; that this committee will lack the appropriate powers and tools to undertake substantive and genuine investigations, insofar as such an investigation is required (if at all); and certainly that it will be unable to do so in an egalitarian manner, subject to the legal requirements and restrictions.

Holding show trials for civil society organizations by means of political tribunals is a characteristic of overtly non-democratic states. Such trials are liable to damage freedom of expression and association, and as such undermine the foundations of democracy in Israel.

It should be recalled that Israel has broad-based legislation both for the supervision of associations and for addressing offenses relating to damage to state security or the state's interests. If any Ministers or Members of Knesset believe that the actions of civil society organizations constitute unlawful activities, it is sufficient to turn to the existing law enforcement authorities to demand investigation and prosecution.

As you are well aware, existing legislation – including several amendments introduced by governments headed by yourself over recent years – already regulates reporting and transparency regarding donations to associations, and even addresses specifically reporting on donations from foreign political entities. It is worth noting in this context that the countries referred to as “foreign entities,” as if they were enemy states whose goal is to harm Israel, are the friendliest nations in the world toward Israel, led by the United States, Great Britain, and Germany. We should also note that alongside hundreds of millions of shekels donated by these countries for a broad range of issues and goals in Israel, including health, security, education, and culture, the sums devoted to the activities of NGOs in general, and human rights associations in particular, are negligible relative to the total donation to Israel.

To the best of our knowledge, associations in Israel, including those the committee of inquiry seeks to “catch,” harm, and delegitimize, are required by law to report routinely on the sources and purpose of their donations. The Corporations Authority in the Ministry of Justice now has a website accessible to the general public detailing the donations received by all organizations, as the law requires. In particular, it should be emphasized that all the donations received by the associations are legal and have not been rejected by Israeli law as legitimate funding sources. Their declared and actual objective is to support activities to promote human rights and democracy.

Conversely, it should be recalled that private foreign donations may also have an extremely significant political influence on the State of Israel, as many of them do in practice. Among other examples, we might mention the full funding of the largest newspaper in Israel, distributed free of charge, by associations involved in promoting political views from the right wing of the political spectrum; the funding of settlements and acquisition of assets in the territories, and so forth. These, however, are not subject to investigation, since they serve activities whose content is acceptable to the government, as well as for the practical reason that it is harder for the government to distinguish between associations receiving private funding and catch only those in its target, whereas donations from foreign states are allocated solely for the purpose of promoting human rights and democracy.

In the context of selective initiatives by the government, it is also important to mention the new Associations Law currently being formulated under your leadership. This law seeks to harm and outlaw specific activities within civic society by framing certain political and ideological agendas as illegal and illegitimate. It does so despite the fact that such matters are subject to broad and diverse interpretation, and that the activities in question do not fall under any definition of illegality in accordance with criminal law and extensive security legislation in Israel.

The State of Israel takes pride in being a free and democratic country. In the Foreign Ministry’s reports to the United Nations institutions, the OECD, and other international bodies, the state clarifies that Israel maintains a free and diverse civil society, and goes to the trouble of detailing and taking special pride in the human rights organizations active in the country. The

reason for this is that democracies around the world are measured today, among other factors, by the extent of freedom of action they allow to civil society, regardless of political agendas. Accordingly, the organizations mentioned by the state in this context include those that are the target of the above-mentioned committee of inquiry.

Regrettably, in recent years the government has led both rhetoric and concrete legislative proposals that threaten to damage the democratic character of the State of Israel. This constitutes an orchestrated attack against all the institutions that ensure the existence of a democratic regime in Israel: from the Supreme Court, through the judicial institutions and the State Comptroller, and on to the media, civil society, and social and political activists in numerous fields.

Instead of addressing the burning and urgent social, economic, and political issues on Israel's agenda, the members of the government wish to waste valuable public time on a pointless and offensive action whose outcomes are known in advance. As noted, the sole purpose of this course of action is to delegitimize and silence those whose positions differ from those of the government.

We again urge you to withdraw your support for the establishment of the committee of inquiry and to clarify unequivocally and publicly that you and your government will not support such initiatives and will act to defend Israeli democracy against any danger at all times.

Sincerely,

Debbie Gild-Hayo, Atty.
Policy Advocacy Director

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Executive Director

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CC:

Speaker of the Knesset
Government Ministers
Members of Knesset
Attorney General
Legal Adviser to the Knesset