



صندوق المدافعين عن حقوق الإنسان
הקרן למגיני זכויות אדם
HUMAN RIGHTS DEFENDERS FUND

1. Does your Government accept that corruption is a human rights issue?

In the spectrum of the events described in this report, we believe that this is not the case. Human Rights Defenders Fund (HRDF) does not submit here that individuals working on corruption issues have been targeted as such. However, peaceful protesters demonstrating against alleged corruption and abuse of power at the highest level of government - involving the Prime Minister at the time - have been violently attacked and repressed as a collective. Therefore, this submission presents information on how the Government of Israel (GoI) and the Israeli police handled peaceful protests, including the ones against corruption, during the reporting period. This information is relevant for two main reasons: first, because many of the violently repressed protests were indeed against corruption; second, because freedom of expression and the right to protest are instrumental to the work of all HRDs, including the ones working against corruption.

Interviewed HRDs¹ believe that politicians' corruption has a direct impact on human rights because it means, among other things, using public funds for individual interests instead of using them to realize human rights. Consequentially, governmental corruption creates mistrust in institutions and corrupts society.

Therefore, we believe that regarding the events described in this report, the GoI does not accept that people protesting corruption are HRDs and should be protected as such. We could not find any official statements or documents or other proof that the GoI recognizes the connection between corruption and human rights.

2. How does your Government support and protect human rights defenders working against corruption?

While there are laws protecting whistle-blowers in the workplace, the 2020 Report of the Israeli Ombudsman shows a decline in the number of protective orders granted by the State Comptroller. According to the information gathered on the ground and described in this report, the GoI was actively persecuting HRDs working against corruption. For instance, some HRDs report harsher enforcement against protesters, as well as a feeling of intentional harassment,

¹ HRDF conducted a number of interviews of HRDs to compile this report. Their names are kept confidential, but can be obtained upon request, pending their consent.



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directed by the highest political ranks; officials incited the public against the protesters, calling them “anarchists” and associating them to the political left (though the protesters were ideologically diverse); the GoI used the worldwide Covid-19 crisis to repress freedom of speech.

3. Has your Government ratified the UN Convention against Corruption?

Yes. Israel signed the convention on 29 November 2005 and ratified it on 4 February 2009. Further, in March 2009, Israel joined the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. In July 2008, article 291a was added to the Israeli Penal Code to criminalize “bribery of a foreign public official”, as a concrete implementation of the two above-mentioned conventions.

However, while there are some bribery felonies in the Israeli Penal Code, the UN Convention against Corruption remains mostly unimplemented in internal legislation.

4. If yes, what, specifically, has your Government done to implement its Article 13 including “...to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption...”?

The Israeli Parliament Research Centre conducted a study on corruption in general (in Hebrew) and a specific one comparing governmental institutions in the World involved in fighting corruption (in Hebrew).² It seems that this remained at the research level only – as there is no such institution in Israel, or any GoI plans to prevent corruption or to involve civil society in its prevention. We believe that the information brought in this report shows quite the opposite – not only that the GoI does not implement Article 13, but it also actively works against any civil and public work against corruption in the political leadership.

5. If your government has not ratified the Convention yet, are you carrying out any advocacy work in support of its ratification?

² Governmental Corruption, 9 August 2005 [שחיתות בממשל \(knesset.gov.il\)](http://knesset.gov.il); Institutions fighting Corruption in Different Countries, 16 November 2015, [גופים להתמודדות עם שחיתות ציבורית במדינות שונות, \(knesset.gov.il\)](http://knesset.gov.il).



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HRDF's purpose is to defend and protect HRDs in Israel and the Occupied Palestinian Territories (OPT). As our mission does not directly relate to corruption, and as we act only in the international advocacy field, it is not in our mandate to carry out such advocacy work. It is important to note that a 2016 UNODC Country Review Report already recommended the GoI to consider, *inter alia*, including all felonies from the convention in its penal code.³

6. Have there been any cases of human rights defenders working on anti-corruption issues physically attacked, including killed, in your country between 1 January 2020 and 30 June 2021? What action has been taken to bring the perpetrators to justice?

Beginning in November 2016, every Saturday night groups of HRDs gathered under Israel's Attorney General (Avihai Mandelblit)'s residence, to protest his decisions regarding Prime Minister Netanyahu's investigation. First, the protesters demanded that the General Attorney would order to initiate a criminal investigation against Netanyahu; in August 2017, the protests grew and began to spread all over the Country. Later, as the legal procedures were progressing, the protesters demanded Mandelblit to press charges against Netanyahu, which happened in January 2020.

Following the general elections and the Corona state of emergency declaration in March 2020, an unprecedented and disturbing chain of anti-democratic events occurred. The Israeli transition Government prevented the Parliament from monitoring and supervising the Government's actions (which include invasive military and technological surveillance methods); ordered to shut down the entire legal system and close the courts, cancelling the Prime Minister's indictment hearing; and caused a constitutional crisis after refusing to follow a binding decision of the High Court of Justice to gather the Parliament. As a result, protests happened around the country for or against the Government and the Prime Minister; for or against the law enforcement system and the Attorney General. The main protests happened in what is known as "Balfour" Street – in front of the Prime Minister's residence in Jerusalem. These protests

³ UNODC, Country Review Report of Israel, 2016, https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_08_Israel_Final_Country_Report.pdf



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were specifically against then Prime Minister Netanyahu, after his indictment on several corruption counts, and the protesters demanded his immediate resignation as well as legislation against a scenario in which an indicted person receives the mandate to form a government. This protest was, in many ways, a continuation of the protests which began in 2016, and the same HRDs were present this time too.

At these events, the police often used extreme and brutal methods against the anti-corruption demonstrators. It is important to emphasize that this is not a new phenomenon. For many years, the police have adopted a hard-line policy toward protestors from minority groups – particularly Palestinians with Israeli citizenship, members of the Ethiopian-Israeli community, people of *Mizrahi* (Asian) appearance, and *Haredim* (ultra-orthodox Jews) – who are automatically regarded by the police as a threat requiring a harsh response and the use of force.

In addition, in 2020 the police have introduced new illegal methods of repression against demonstrators, including false arrests, disproportionate and improper use of water cannons and horses, “kettling” of protesters, the use of undercover police agents at demonstrations, the conditioning of release from detention on removal from the centres of protests, as well as unjustified fines. Further, police officers refused to identify themselves, to document their actions, and to accept responsibility. HRDs who work both on corruption issues and on human rights issues in the OPT, reported that authorities used renowned methods used in the OPT by Israeli authorities, including targeting journalists and photographers, using intelligence espionage, and recruiting collaborators. HRDs also claimed that it was obvious that these harsh orders came from the highest ranks in the police and the Government. For example, the Public Security Minister, Amir Ohana, encouraged the “Balfour” neighbourhood residents to file complaints about the noise caused by the protests, so that the police would have more grounds to stop them immediately. HRDs also mentioned how the police enforcement was biased; for example, when there was a counter protest by Netanyahu’s supporters, the Balfour protestors were asked to cover their signs and evacuate some of their permanent tent and belongings.

Police brutality was accompanied by the exceptional and extreme restriction of the freedom of demonstration through legislation, under the guise of the struggle against the epidemic. For instance, for a period of several weeks, starting 30 September, regulations established that people could not move more than one kilometre from their home. Attending protests and



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demonstrations was not excluded from this restriction. As a result, activities at the main centers of protest in Jerusalem and Tel Aviv were severely curtailed.

Protests that happened at the beginning of October 2020 and afterwards were violently repressed. Evidence shows that mounted officers rode horses into the crowd, officers on motorcycles punched protesters, undercover officers randomly attacked protesters who were documenting the events, and protesters, including elderly people, were forcefully pushed to the ground. Videos also show protesters brutally beaten and choked while arrested. Some journalists were also attacked by police although they identified themselves as reporters. The police continued its use of “kettling”, and confined a few dozen protesters for over an hour on a small and crowded street by blocking them with fences and purposefully putting them at risk of contagion as well as physical harm. Some reported that after their arrest they were held in the police detainees’ truck for almost eight hours and were denied medical care, water or exit to use the bathroom. At the police station, the protesters were asked to sign release terms which included five-days house arrest and two weeks ban to attend central protest locations. Those who refused to sign the release terms and requested to go to court instead, were released by the police with limited release terms or none.

Bringing the perpetrators to justice: HRDF cooperates with other HR organizations in a Forum for Freedom of Expression and protest. We used this forum’s mechanisms to refer cases which included police violence to The Public Committee against Torture in Israel. This NGO monitors police violence and supports complaints to the Department of Internal Police Investigations.

7. Have cases of attacks, intimidation and harassment of anti-corruption activists been investigated and prosecuted? Please provide details of cases is available.

According to information gathered by ACRI and HRDF, over the years, over 80 percent of complaints submitted to The Department of Internal Police Investigations on account of police violence were not even investigated. The proportion of indictments served against officers is less than three percent of the complaints. The disciplinary process, which is supposed to provide a solution in cases that do not meet the criminal threshold, is marred by impotence and a lack of deterrence. Every year only some 20 officers face disciplinary action for offenses relating to



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the use of force, and the sanctions imposed on them are very lenient (at most a severe reprimand or a demotion equal to just a few months' service).⁴

While the full statistics regarding complaints against police officers regarding these events are unknown to us – the Committee against Torture filed fifteen complaints, and from our experience, their statistics most likely accurately represent the situation. Out of fifteen complaints that were filed, thirteen were closed; none of them was passed on to the Police Disciplinary Unit; only four cases were passed to the Israeli Police Ombudsman. Two appeals were filed on the decision to close the cases – one was accepted and returned to be investigated by the Department of Internal Police Investigations. The Committee also mentioned that in some cases a disciplinary punishment was recommended, however the Police Disciplinary Unit is very hard to reach and get data from. To our knowledge, punishment recommendations were never implemented.

We know of one case only where the perpetrator was prosecuted: police officer Niso Guetta, deputy assistant chief of operations in the Zion police district in Jerusalem, was prosecuted for attacking a protestor and a journalist. Even after he was indicted, Guetta was still present in the Balfour protests, on active duty. His trial began in February 2021.

8. Could you please share good practices (evidence-based) that have proved effective in protecting human right defenders working on anti-corruption issues?

During protests in general, legal aid and emergency mechanisms (e.g. legal hotline) have been proving effective in preventing and mitigating risks for HRDs. Specifically, HRDF used specialized defence lawyers for consultation with arrested and detained protesters.

Furthermore, HRDF provides pre-emptive legal trainings about what is legal and what is not during protests, as well as insights on authorities' practices.

Overall in 2020 HRDF provided legal aid to 500 Israeli protesters against corruption. All the detained protesters supported by HRDF were released after no more than 2 arraignment hearings.

⁴ ACRI-HRDF, [Violent Enforcement and Violation of the Right of Protest: The Conduct of the Israel Police during Demonstrations in 2020](#), December 2020, p. 21,



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9. How has your Government publicized and celebrated the work of human rights defenders working against corruption in your country?

Over the reporting period, the GoI has not celebrated or publicized HRDs working against corruption. Rather, in the last months of 2020, the Prime Minister and other officials, referred to the anti-corruption demonstrators as “anarchists,” lawbreakers, and spreaders of the coronavirus.

Many protesters across Israel reported they were attacked by Netanyahu supporters. Some were injured and hospitalized. On 1 October, a driver ran over and injured a protester in Tel-Aviv and was later arrested. None of the attacks were condemned by Netanyahu or the Likud Ministers.

On 10 October 2020, a police chief superintendent spread false information on the evening news, quoting a Facebook post of one of the protest groups, allegedly calling for protesters to gather tear gas and electric shockers to attack officers. The same false statement was also released in an official police announcement. An hour after the broadcast, the police published a clarification explaining that this was in fact fake news. The fake post was written by right wing activists before it was enthusiastically embraced and published on national TV by the police, without even checking its credibility.

It is no surprise that an escalation in brutality occurred on 1 October, after Public Security Minister, Amir Ohana, criticized and condemned the Tel-Aviv police on his twitter account, for enabling the protest. Earlier in June, Ohana requested the police to bar the Balfour protests and was later recorded in a meeting with the temporary Police Inspector General, saying that the police are being too “gentle” on the protesters, and handle them better than it would “Arabs, Ultra-Orthodox or Ethiopian” protesters. According to media reports, high ranking officials in the Israeli police claim that Ohana pressured police district commanders to implement a “zero tolerance” policy.

Police brutality during protests and its encouragement harms demonstrators, deters others from joining and has a broader chilling effect on the right to protest. Many citizens who would like to participate in demonstrations refrain from doing so because of the physical and emotional cost of confrontation with the police, or for fear of fines, arrests and criminal charges.



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10. What more could your Government do to help protect human rights defenders working on issues of anti-corruption?

This question should be constructed in a different way, in the sense that the Government should first respect the law and put in place mechanisms to prevent corruption at all levels. Then, there would be no need to protect anti-corruption HRDs.

- On a broader level, the GoI could encourage the work of HRDs and accept peaceful protesters as a positive symptom of a functioning democratic society.
- Police procedures established in 2015 on how to handle protests became harsher in 2018. A possible immediate step would be to return to lighter regulations.
- With regards to police brutality, the Ministry of Justice must make sure that the Department of Internal Police Investigations has the needed abilities and means (budgetary, human resources, professional etc.) to investigate and prosecute violations of the right to protest.
- In addition to taking deterrent actions against individual officers, the police, as an institution, must also recognize that violence committed by its officers is indeed a systemic problem and should address it accordingly. This would require guidance, training, and a clear message by senior commanders regarding the obligation of the police to protect the right of protest.