

Zulat's Position on Bill to Establish National Guard

- Zulat for Equality and Human Rights promotes protection of the rule of law and democracy. On 20 June 2022, we published a report titled *Pseudo Democracy: State of the Regime in Israel*,¹ which warned of the authoritarian processes that have taken place in the State of Israel over the years and which have accelerated since the establishment of the 37th Government on 29 December 2022.
- The draft resolution that will be put to the government's vote: Establishment of a national guard "subordinate to the Ministry of National Security," which will be "a dedicated, skilled, and trained force that will be used to handle emergency scenarios, nationalist crime, and fight terrorism, as well as to strengthen governance in areas where this is required,"² and promotion of the necessary legislative amendments and government decisions to anchor the powers of this national guard and its personnel. The draft further notes that "there is need for a skilled and trained dedicated force that can simultaneously operate in several arenas and deal with disturbances and emergency scenarios... to allow the Israel Police to concentrate on their day-to-day traditional core tasks, which are often compromised due to recurrent disturbances and emergency situations that cause harm to the citizens."³

Zulat's Position

- ☒ The proposal will enable the government to establish a private military militia typical of dictatorial regimes, as is evident from the role assigned to it to strengthen "governance." In democratic regimes, law enforcement is usually carried out by the police (responsible for internal security) and the army (responsible for security threats from external enemies). Non-democratic regimes establish a separate force that is personally managed by the regime leaders and is used against the opposition. In recent months, the prime minister, government ministers, and coalition members have repeatedly criticized the Israel Police for failing to stop the demonstrations against the regime revolution and allowing "anarchy." To the extent

¹ Eitay Mack, [Pseudo Democracy: State of the Regime in Israel](#), Zulat, 20 June 2022.

² National Security Minister Itamar Ben-Gvir, [Draft Resolution on Establishment of National Guard in Israel](#), Ministry of National Security, 29 March 2023 (Hebrew).

³ Ibid.

that the Israel Police refuse to violate the law and the directives of the courts and the Attorney General, the government will be able to send this national guard to stop such demonstrations. This strengthened "governance" is actually likely to strengthen the "government."

- ☒ The establishment of a national guard will weaken the Israel Police, which already suffer from a shortage of personnel, equipment, and budgets, and will therefore hinder the fight against crime and corruption. The Israel Police is charged with enforcing the law and preventing crimes, maintaining public order, preserving the safety of people and property, and upholding internal security. As repeatedly noted in State Comptroller reports, despite its important functions, the Israel Police suffer from a lack of personnel, budgets, equipment, and intelligence.⁴ Contrary to the claim that the establishment of a national guard will allow the police "to concentrate on their day-to-day traditional core tasks, which are often compromised due to recurrent disturbances and emergency situations that cause harm to the citizens,"⁵ the creation of a competing body that will also be responsible for internal security is likely to impede the solution of Israel Police's existing problems and even drain its depleted resources. Instead of fighting criminal gangs, the priority will be to wage war on opposition organizations and activists. Needless to say, this will suit the government and the coalition just fine, since it will reduce Israel Police's ability to investigate corruption crimes.
- ☒ The establishment of a national guard is likely to increase the politicization of the Israel Police and make them hesitate to investigate corruption. The government has not announced that it intends to reduce Israel Police's powers and duties (its Border Police unit is presently in charge of dealing with terrorist incidents and serious disturbances) concurrently with the establishment of a national guard. This effectively means that in order to remain relevant and receive budgets, the Israel Police will have to compete with this national guard, fulfill the government's political needs, and even abstain from investigating cases of corruption by politicians or their associates.
- ☒ The proposal will allow the government to choose the entire chain of command and recruits from among its loyalists. While recruitment to the Israel Police and

⁴ [Policing and Law Enforcement in Mixed Cities During May 2021 Incidents and in Normal Times](#), State Comptroller's Office, 27 July 2022 (Hebrew).

⁵ Minister Itamar Ben-Gvir, [Draft Resolution on Establishment of National Guard in Israel](#), 29 March 2023 (Hebrew).

promotion of officers is done according to long-standing professional criteria and is not subject to the approval of the political echelon (except for the appointment of the commissioner), the government will be free to choose the entire chain of command and recruits of this national guard from the ranks of its loyalists. In recent months, the public became aware of the importance of an independent and apolitical police force when, despite the amendment of the Police Ordinance subordinating the Israel Police to the National Security Minister and his attempts to intervene in the day-to-day running of the police, top officers allowed the demonstrations against the regime revolution to proceed and the use of force against protesters was infinitely less than what the minister had unlawfully demanded. Moreover, the Israel Police dismissed conspiracy theories spread by government ministers and did not launch any criminal investigations based on them.

- ☒ **The proposed resolution will enable the government to issue new instructions for the use of force and bypass the legal limitations currently governing the operations of the Israel Police.** The Israel Police use force in accordance with the law and the directives of the courts, the Attorney General, and the State Attorney. The establishment of a national guard will allow the government to bypass them all and issue new instructions for the use of forceful methods, such as riot-control equipment and surveillance systems. For decades the courts interpreted the provisions of the Police Ordinance and instructed the police on how to apply them legally. Now, the government is expected to claim that these do not apply to the new body. To the extent that the courts, the Attorney General, and the State Attorney attempt to restrain the activities of this national guard, the government is likely to claim that they are harming "governance" or the fight against "terrorism," similar to the "Rule of Clerks" campaign to undermine government ministry watchdogs.
- ☒ **The terms used to define the role of this national guard ("emergency scenarios," "governance," "terrorism," "disturbances") are a dangerous recipe that will allow selective, political, and racist enforcement.** While the Israel Police is only authorized to operate according to the law, court rulings, and Attorney General/State Attorney directives, the combination of these vague definitions is expected to allow this national guard to target the opposition and minority populations, in particular the Arab community. For example, the government and the National Security Minister could declare a "state of emergency" or "lack of governance" in a certain place, say the

unrecognized Bedouin villages in the Negev or Kaplan Street in Tel Aviv, and launch a special operation there. **Arguing that this is intended to strengthen governance, the government could also send this national guard to universities and cultural institutions or to stop labor strikes.**

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