

Normalization of Racist Cruel Punishments Disguised as Counterterrorism**Zulat's Position on Extreme Right's Counterterrorism Bills**

The extreme right has recently been advancing four draconian bills in the Knesset under the pretense of combating terrorism. Leading the initiative is the Otzma Yehudit party, a senior partner in the government, which has been campaigning on the issue and pushing the far-right's agenda under the cover of the ongoing war.¹

Zulat's position is that these bills aim to normalize for Israeli society the arbitrary, cruel, and massive denial of basic human rights of Palestinians. They violate the right to equality and propose racist cruel punishments that would apply only to Palestinians, be they Israeli citizens or residents of territories occupied by Israel, that resemble the law enforcement methods in apartheid regimes in southern Africa, and that legitimize Jewish terrorism. Even if the bills are ultimately not enacted, the orchestrated campaign to raise these ideas on the public agenda is intended to create public pressure and radicalize the discourse in a bid to normalize racist far-right positions under the guise of counterterrorism.

These are the four bills promoted by the extreme right:

1. **Deport Terrorists' Families:** Following a hearing, the Interior Minister would be empowered to order the deportation of the immediate family members of a terrorist if any of them learned in advance of the plan to commit an act of terrorism, expressed support or identified with it, published words of praise, sympathy, or encouragement, drew inspiration from or were proven to identify with a terrorist-supporting organization. The bill suggests that the destination would be a location outside Israel or any territories under its control.²

The bill does not elaborate on the manner of the deportation (where and how), nor does it address the question of who would see to the needs of deportees, thereby imposing living conditions deliberately intended to cause physical devastation. The bill violates

* English-language reference. All other references in this document are in Hebrew.

¹ [Minister Ben-Gvir's Demand From Netanyahu: 'Advance Death Penalty for Terrorists and Other Deterrent Laws](#), Otzma Yehudit, 10 October 2024.

² [Bill on Deportation of Terrorists' Families-2023](#), Knesset's National Legislation Repository. It should be noted that the aforementioned bill, originally submitted in December 2023 by Otzma Yehudit MK Almog Cohen, was combined in June 2024 with [Bill on Revocation of Citizenship or Residency of Anyone Encouraging or Inciting Terror \(Legislative Amendments-2024\)](#).

the prohibition on collective punishment and infringes on such rights as due process, freedom of movement, a person's right to enter their country, dignity, health, housing, family life, and the special rights of children, which are recognized in Israeli law and court rulings and in international law.

2. **Revoke Citizenship/Residency of Anybody Encouraging or Inciting Terrorism:** This bill would enable the revocation of citizenship/residency and prison sentencing of anyone committing an offense under Article 24(b) of the Counterterrorism Law during a war or a major military operation.³

The bill infringes on the right to citizenship, recognized in Israeli law and court rulings and in international law as a fundamental right, given that it is a prerequisite for the exercise of all other basic human rights. As of October 2024, the current version of this bill, endorsed not only by Otzma Yehudit MKs but also by members of Likud and the opposition's Yisrael Beiteinu party, is being prepared for its second and third readings.

3. **Impose Death Penalty on Terrorists:** This bill would mandate the death penalty for anyone who intentionally or recklessly causes the death of an Israeli citizen through an act motivated by racism or hostility, with the intent to harm the State of Israel and the rebirth of the Jewish people in their homeland.⁴

The bill violates the total prohibition on torture and infringes on the right to life, as recognized in Israeli law and court rulings and in international law.

4. **Demolish Homes of Terrorists Who Are Israeli Citizens:** For several years, the extreme right has sought to advance legislation on punitive home demolitions targeting the homes of Palestinian terrorists who are Israeli citizens.⁵ At this stage, the exact wording of the bill that Otzma Yehudit wishes to pass in the Knesset is unclear, but Prime Minister Netanyahu announced that the matter would be discussed in an upcoming session of the Security Cabinet.⁶ It should be noted that the demolition of terrorists' homes is already practiced in the West Bank, with the endorsement of the Israeli Supreme Court. Contrary to claims on the right and far-right, the Supreme Court did

³ [Bill on Revocation of Citizenship or Residency of Anyone Encouraging or Inciting Terror \(Legislative Amendments-2024\)](#), Knesset's National Legislation Repository.

⁴ [Bill on Penal Code \(Amendment: Death Penalty for Terrorists-2023\)](#), Knesset's National Legislation Repository, 16 January 2023.

⁵ See, for example, [Bill on Amendment of Prevention of Terror Act \(Demolition of Terror Activist's Home-2008\)](#), Knesset's National Legislation Repository, 30 July 2008.

⁶ Avraham Friend, [Prime Minister Announces Demolition of Israel Terrorists' Homes To Be Discussed Soon](#), *Behadrey Haredim*, 11 October 2024.

not rule that the law permitting these demolitions applies only to Palestinians. On the contrary, the judges affirmed that Regulation 119 of the Defense (Emergency) Regulations of 1945 applies to both Arab and Jewish terrorists, depending on the circumstances and the standards established in legal precedents.⁷ Justice Noam Sohlberg dismissed the claim about discrimination between Palestinians and Jews on the part of the military commander of the West Bank, stating that "in the Jewish sector, there is no need for the same amount of deterrence that house demolitions are intended for."⁸ However, the question of discrimination is still pending in the Supreme Court (which merely asserted that the petitioners had not presented a sufficient factual basis for their argument).

The bill violates the prohibition on collective punishment and infringes on the rights to due process, dignity, property, housing, family life, and special rights of children recognized in Israeli law and court rulings and in international law.

All these bills aim to normalize for Israeli society the arbitrary, brutal, and widespread denial of fundamental human rights of Palestinian citizens and residents, such as collective punishments, killings, severe physical and psychological injury, destruction of families and children, violation of freedoms and dignity, torture, and living conditions deliberately intended to cause physical devastation.

From Rabbi Meir Kahane and Kach's schemes to Minister Bezalel Smotrich's "Decisive Plan,"⁹ the far right in Israel had for years called for the execution, deportation, and revocation of citizenship/residency of Palestinians. However, now it is exploiting the harsh public atmosphere in the aftermath of the Hamas massacre of 7 October 2023 and the ensuing prolonged state of war to push for the realization of these extreme measures. Although at this point the proposed laws are targeted at specific individuals ("terrorists" and their immediate next-of-kin), they normalize for Israeli society extreme and brutal punishments for people not directly involved in the offense, such as children, and future amendments could expand the circles they would apply to. For instance, the death penalty and revocation of citizenship/residency could be extended to additional offenses, and

⁷ [Supreme Court Ruling 5376/16 Hussein Abu-Khdeir v. Minister of Defense](#), Nevo, 4 July 2017.

⁸ [Supreme Court Ruling 7040/15 Fadl Mustafa Fadl Hamed v. Military Commander in West Bank](#), Nevo, 12 November 2015.

⁹ Bezalel Smotrich, ["Israel's Decisive Plan"](#), Hashiloach, September 2017.

deportation could be broadened to include more family members, neighbors, friends, and residents of the same community.

Furthermore, these bills violate the right to equality, propose extreme and cruel punishments based on racial discrimination, and would apply only to Palestinians and not to Jewish citizens/residents. This much is evident both from the text of the bills, Knesset deliberations, and pronouncements by the MKs promoting them. For instance, the bill on deportation of family members stipulates that a "terrorist" is "a person who is a terror operative as defined in the Law on Freezing Revenues Designated for the Palestinian Authority passed in 2018." Similarly, the bill on the death penalty proposes to define an act of terror as one "aiming to harm the State of Israel and the rebirth of the Jewish people in their homeland." National Security Minister Itamar Ben-Gvir affirmed in a Security Cabinet discussion that the proposed house demolitions would only apply to homes of non-Jewish citizens.¹⁰ Thus, it comes as no surprise that two of the proposed laws should resemble the "law enforcement" methods used by apartheid regimes in southern Africa.

- **The bill on deportations resembles South Africa's apartheid-era banishment policy:** In the Knesset House Committee session on 15 October 2024,¹¹ the Knesset's legal counsel, Attorney Sagit Afik, said that the wording was problematic both on the constitutional and practical level: "The offenses in question warrant low-level punitive measures, yet you are seeking deportation. The law would thus be stricter with the relative than with the terrorist, because the latter would be brought to trial whereas the relative would not.... As it is worded now, it is not clear where to and how the deportation would be carried out, which government agency would be in charge, and what would be the duration of the deportation. As the proposal does not include revocation of citizenship, deportees would seemingly retain their rights." South Africa's apartheid regime invoked Section 5(1)(b) of the Native Administration Act denying due process to deport Black men and women to remote areas of the country (the Israeli bill proposes to empower the Interior Minister to order the deportation). Many of these deportees lived in abject poverty and were forbidden to communicate with any person other than security forces. The freedom of movement of men and women was restricted to limited areas and they were forbidden to contact others, to be active in political organizations, or to participate in a meeting of more than one person. The

¹⁰ Avraham Friend, [Prime Minister Announces Demolition of Israel Terrorists' Homes To Be Discussed Soon](#), *Behadrey Haredim*, 11 October 2024.

¹¹ [Knesset House Committee Discusses Bill To Deport Terrorists' Families](#), *Knesset News*, 15 October 2024.

banishment was intended to isolate regime opponents from society and prevent them from making a living. A famous internal deportee was Nelson Mandela's wife Winnie, who was banished for eight years, forced to live with her children in a small house with no water or electricity, and kept under constant surveillance and control.¹²

- **The bill on the death penalty resembles the laws enacted by the apartheid regime in Rhodesia and applied only to Blacks:** The white minority's dictatorial regime in Rhodesia enacted the Law and Order (Maintenance) Act in 1960 as part of the "fight against terrorism." Article 37 stipulated the death penalty for arson and use of explosives for ideological reasons. The law was amended in 1967, extending capital punishment to the crime of carrying a weapon with the purpose of committing an ideologically motivated crime. In 1974 the law was amended yet again, this time extending the death penalty to the offense of recruitment to the liberation movements.¹³ A total of 210 death sentences were carried out in 1968-1979.¹⁴

In addition to hurting Palestinian citizens and residents, the bills legitimize Jewish terrorism. In a letter to Prime Minister Netanyahu, cabinet ministers, and the Attorney General sent in August 2024, Shin Bet Chief Ronen Bar warned that Jewish terrorism was jeopardizing the existence of the Israeli state.¹⁵ Nevertheless, the far right deliberately decided that the aforementioned bills would not apply to Jewish terrorism due to its view negating the definition of "price tag" actions and Jewish nationalist crime as "terrorism." For example, Minister Smotrich claimed that "the murder in Duma [of three members of a Palestinian family, including a toddler, in an arson attack by Jewish settlers in late July 2015], with all its severity, is not a terror attack. Period."¹⁶ Minister Itamar Ben-Gvir, whose living room was for many years adorned with a picture of Baruch Goldstein, the man who massacred 29 Palestinian worshippers and wounded 125 others in the Cave of the Patriarchs in Hebron in February 1994, stated that he considered Goldstein "a man who acted for the love of Israel."¹⁷ Therefore, it is no wonder that MKs from the extreme right, who themselves

¹² *[The Ugly Truth About Banishment](#), Rhodes University, 26 November 2023; *[Truth and Reconciliation Commission of South Africa Report, Volume Two](#), South African History Archive (SAHA), 29 October 1998.

¹³ *[Rhodesia/Zimbabwe](#), Amnesty International Briefing, 1 March 1976.

¹⁴ Andrew Novak, *[Abuse of State Power: The Mandatory Death Penalty for Political Crimes in Southern Rhodesia, 1963-1970](#), *Fundamina: A Journal of Legal History*, Volume 19, Issue 1, January 2013.

¹⁵ Jonathan Lis, *[Shin Bet Chief Warns PM and Ministers: Jewish Terror Is Jeopardizing Israel's Existence](#), *Haaretz*, 22 August 2024.

¹⁶ Marissa Newman, *[Jewish Home MK: Fatal Duma Firebombing Not Terror Attack](#), *The Times of Israel*, 10 December 2015.

¹⁷ Amit Slonim, [Itamar Ben-Gvir Opens Up About Everything: '27 Years Have Passed But You Will Never Forgive Me'](#), *Walla*, 15 September 2023.

encourage and incite Jewish terrorism, should support a bill to revoke the citizenship/residency of anyone who encourages or incites terrorism. This goes to illustrate the fact that the purpose of these bills is to promote punishment on a racial basis, under the guise of fighting terrorism.

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