

Racist Election Propaganda Disguised as Legislation

The Bill Echoing Otzma Yehudit's Messages

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Bill To Designate Muslim Brotherhood and Southern Branch of Islamic Movement as Terrorist Organizations and To Remove Terrorism-Supporting Parties from Register of Political Parties, 2026,¹ introduced by Otzma Yehudit MKs Tzvika Fogel and Limor Son Har-Melech, is particularly extreme and baseless, and in effect amounts to racist election propaganda and to an incitement manifesto disguised as ordinary legislation.

The bill is intended to serve two main purposes, both external to the proposed law itself. First, it seeks to delegitimize the Ra'am party, which is perceived as a direct threat to the post-election survival of the current coalition. Second, it continues to use democratic mechanisms to undermine democracy. It is a blatantly anti-democratic bill which, if enacted, would almost certainly be struck down by the High Court of Justice, thereby providing Otzma Yehudit with the pretext to go on delegitimizing the judiciary and the Supreme Court.

The bill combines two unrelated provisions, both extreme and anti-democratic. Besides constituting improper personal legislation, the first clause designates the Muslim Brotherhood and the Southern Branch of the Islamic Movement as terror organizations, bypassing the procedures established under the Counter-Terrorism Law of 2016. The second clause requires the Registrar of Political Parties to remove from the register any party whose goals or actions, explicitly or implicitly, support "the armed struggle of an enemy state or a terrorist organization against the State of Israel," without providing any mechanism for appeal or review of the decision. The combination of these two provisions is intended to erase Ra'am from the register of political parties and prevent it from running for election, as explicitly stated in the explanatory notes accompanying the bill.

§ All references in this document are in Hebrew.

¹ [Bill To Designate Muslim Brotherhood and Southern Branch of Islamic Movement as Terrorist Organizations and To Remove Terrorism-Supporting Parties from Register of Political Parties](#), *Knesset National Legislation Repository* (19 Jan 2026).

These "explanatory notes" are, in fact, campaign propaganda. They consist largely of a lengthy quotation from a speech delivered in the Knesset in 2021 by then-MK and current National Security Minister Itamar Ben-Gvir, containing inflammatory accusations against MK Mansour Abbas and portraying both him and Ra'am as supporters of murderers and terrorists, followed by a series of unsubstantiated claims regarding the Islamic Movement, the Muslim Brotherhood, and their alleged links to terrorism, culminating in the statement: "If it looks like a terrorist organization, swims like a terrorist organization, and quacks like a terrorist organization, then it probably is a terrorist organization." However, slogans and unsupported allegations are plainly insufficient grounds for designating a group as a terrorist organization, and in any event such a designation cannot be made through a personal act tailored to a specific entity.

The Counter-Terrorism Law

A balanced, quasi-judicial mechanism for making such designations exists under the Counter-Terrorism Law, a relatively recent piece of legislation enacted in 2016. Because it is a drastic measure that severely infringes upon the rights of an organization and its representatives, the law establishes safeguards and restrictions intended to prevent abuse of its provisions. Although the designation is formally proclaimed by the Minister of Defense, it may only be initiated following a reasoned request by the head of the Shin Bet and with the approval of the Attorney General in order to ensure that though the formal authority rests with a political officeholder, the process itself is initiated by the professional echelon.

Moreover, with respect to Israeli organizations, the law requires that they be provided advance warning and an opportunity to modify their conduct before a designation request can be submitted.² Furthermore, any such designation initially takes effect only as a temporary measure and before a final decision is made, the organization is entitled to a hearing before an advisory committee chaired by a retired judge. Finally, even after such a designation becomes permanent, it may be challenged at any time through an application to the Minister of Defense seeking its revocation.³

² Where doing so would not hinder the ability to take action against the organization (Section 3(c) of the Counter-Terrorism Law).

³ For further discussion of the law, see: Lila Margalit, [Policy Paper No. 162: Who Is a Terrorist? The Mechanism for Designating Terrorist Organizations Under the Counter-Terrorism Law](#), *Israel Democracy Institute* (2021).

The Provisions of the Bill

The first provision of the bill is designed to circumvent the framework established by the Counter-Terrorism Law to enable exactly that which the law seeks to prevent: the designation of a group as a terrorist organization by a political actor for the purpose of harming political opponents, without any factual basis or input of professional security authorities. Moreover, this constitutes improper personal legislation and therefore lacks legal validity.⁴ There is little doubt that such legislation would not survive any judicial scrutiny.

The second provision is likewise objectionable and anti-democratic. As noted, it requires the Registrar of Political Parties to remove from the register any party whose goals or actions, explicitly or implicitly, support "the armed struggle of an enemy state or a terrorist organization against the State of Israel." In practice, this provision is intended to bypass Section 7A of Basic Law: The Knesset, particularly its controversial subsection 7A(a)(3). Section 7A authorizes the Central Elections Committee – a political body controlled by the governing coalition – to disqualify a party list or candidate on certain grounds, subject to the approval of the Supreme Court.⁵

Subsection 7A(a)(3), which was added to Basic Law: The Knesset in Amendment No. 35 in 2002, provides that a party may not participate in Knesset elections if its objectives or actions, explicitly or implicitly, support an armed struggle by an enemy state or a terrorist organization against Israel. Since its enactment, it has been used almost exclusively as a political tool to disqualify Arab parties and candidates, often without any substantial evidence and in defiance of legal opinions. However, based on a narrow interpretation of this clause, the Supreme Court has consistently overturned these disqualifications.⁶

The second provision of the anti-Ra'am bill adopts this controversial ground to stipulate that the Registrar of Political Parties, rather than the Central Elections Committee, is required to disqualify any political party on that basis, thereby endowing with substantial quasi-judicial powers an administrative official who is appointed by the Minister of Justice

⁴ [Supreme Court Case HCJ 5119/23 Movement for Quality Government v. Knesset](#), *Supreme Decisions* (26 Oct 2023).

⁵ Section 7A(b) of Counter-Terrorism Law.

⁶ Gil Gan-Mor and Yaniv Roznai, [Retrospective on Section 7A of Basic Law: The Knesset, Forty Years After Its Enactment](#), *Israeli Constitutionalism* (Nov-Dec 2025).

and reports to the Director General of the Ministry of Justice (a political appointee). Moreover, such a disqualification would require no Supreme Court approval, nor providing an explanation for the decision or establishing a mechanism for appeal or judicial review despite the fact that it would severely infringe upon the right to stand for election, which is a cornerstone of democracy. The clause therefore creates unnecessary duplication of existing legislation while doing away with even the most elementary safeguards. As such, it clearly fails the test of reasonableness and proportionality.

Conclusion

The sponsors of the bill are fully aware that its provisions do not meet any legal test and that it is thus unenforceable, will not survive judicial review by the High Court of Justice, and is highly unlikely to be enacted in its current form. In fact, although formally presented as a piece of legislation, it essentially boils down to nothing more than election propaganda.

By introducing it to the Knesset, Otzma Yehudit does not seek to secure its passage, but rather to amplify the message that there is a connection between Ra'am and Mansour Abbas and terrorists and terror organizations. This is particularly ironic given that the leader of Otzma Yehudit was himself convicted of supporting a terrorist organization, and that party members are using the democratic tool of legislation to undermine democracy and the rule of law and to incite against political opponents and Israel's Arab citizens.