

איתי מק, עו"ד  
**Eitay Mack, Advocate**

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November 15, 2022

**To:**

**Ambassador Thomas R. Nides**

**U.S. Ambassador to Israel**

**Re: A request to add Ben-Zion Gopstein, MK Bezael Smotrich and MK Itamar Ben-Gvir to the U.S. sanctions list**

1. I appeal to you on behalf of Human Rights organizations, movements and activists which support the Palestinian people and their struggle for freedom and equality:

The Israeli organizations and movements:

Combatants for Peace, Mothers Against Violence, Windows – Channels for Communication, Machsom Watch, Your Neighbor as Yourself, and Looking the Occupation In the Eye.

The Israeli activists:

Raya Yaron, Aharon Segoly, Nadav Arnon, Elie Avidor, Katty Bar, Alice Krieger, Nuni Tal, Dr. Gilad Liberman, Dr. Tzvia Shappira, Oded Efrati, Prof. Mira Balaban, Nira Efrati, Rivka Vitenberg, Ofta offer Oren, Dr. Hagar Gefen, Dr. Ran Shauli, Haim Shafmi, Maayan Ben Hagai, Amnon Lotenberg, Dani Danieli, Svetlana Reingold, Naftali Sappir, Avital Toch Bar-Haim, Nora Bendersky, Dr. Diana Dolev, Yigal Bronner, Prof. Amiram Goldblum, Moty Canaan, Dr. Amir Pansky, Yehudit Keshet, Annelien Kisch-Kroon, Roshdi Khalaily, Dvoraka Oreg, Zahi Elayan, Dr. Joseph Oreg, Noa Sadka, Dalia Kerstein, Udi Gur, Dr. Hannah Safran, Dr. Gad Velan, Orit Zacks, Nurit Bar Shalom Agmon, Shirli Nadav, Eszter Koranyi, Dr. Aied Khoury, Marc Marcus, Zohar Roy Alon, Dr. Eva Talila Kosh-Wollner, Dr. Gali Hendin, Neomi Ben Yaacov, Miriam Shlesinger, Tal Haran, Ruth Tuval, Tova RibíAre, Yossi Gurvitz, Menachem Golan, Tali Bronshtein, Nina sebba, Dr. Einat Adar, Dr. Abu el hajja badran, Reut Stoler Ezra, Talya Ezrahi, Varda Heled, Dalia Migdal, Jude Liemburg, Oded Paporisch, Avner Reshef, Roy Shtayim, Naomi Benzer, Netta Golan, Ronit Marian Kadishay, Sara Miron, Dr. Leora Sack, Tamar Yaron, Dr. Yuval Yung, Dr. Naomi Benbassat, Jerome Hillel Bark, Orna Dale-Eliashiv, Nirit Veiga, Neta Ben Porat, Ada Bilu, Talia Tsemel, Dr. Yonat

Ivzori, Noam Ben Zvi, Pnina Inbar, Reut Kristal, Orly Avraham, Amit Fitzer, Marina Banai, Smadar Shani, Hadar Ahuvia, Omer Karp, Prof. Rachel Abramovitz, Yifat Ben Moshe, Rabi Dani Danieli, Nadav Finebooch, Udi Raz, Dr. Moshe Shalit, Silvia Cabib, Dr. Salim Abbas, Michal peleg, Amir Noham, Karen Saar, Bat-El Galor, Tzvi Markovitz, Linda Jelinski, Sharon Huderland, Sigal Shukron, Michal Brody Bareket, Eli Shagam, Ronen Skaletzky, Dr. Nurit Budinsky, Dr. Warda Sada, Zacharia Wolf, Leora Shakked, Dr. Boaz Rosenan, Prof. Motty Perry, Michal Razin, Suhad Elias, Dan Shaish, Nava Levin, Elchanan Blumenthal, Tamar Lehahn, Nimrod Shapir, Reuben Klein, Naama Yaari, Rivka Braun, Ido Eitan, Arza Kuttner, Miri Barak, Dror Tabory, Vardit Goldner, Katz Hadas ,Ofar Neiman ,Michal Shelef, Or Goren, Marit Shalem, Ortman Hava, Natalie Ginsburg, Regula Alon, Rivka Sum, Sharon Orit, Dov Caller, Roy Talmon, Yotam Jacobson, Lilach Shamir, Yael Gur, Idit Heichal, Oded Elish, Sandy Geva, Edith Breslauer, Ferial Sabbagh, Hamutal Sadot, Ruth Arkush, Shaked Oskar, Alec Yefremov, Sima Sason, Betty Perry, Amir Perry, Ofra Goren, Dr. Mintzer Arlette, Erna Kidron, Orna binur, Dr. Or Negev, Nava Toledano, Anat Idelson, Dr. Tzvia Shappira, Valentin livshitz, Nashed Hag Yahia, Ramy Zaatry, Yossi Lidsky, Itai Nevo, Shir Idelson, Tom Idelson ,Angela Godfrey-Goldstein, Gilad Bashan, David Glassman, Dr. Michael Moris-Reich, Rosi kedar, Shaul Amir, Rachel Amir, Ofra Amit-Cohen, Pnina Raphael, Hadara Oren, Osnat Levi, Miriam Lahat, Bilha Golan Zundermann, Anat Michael, Gonen Ben Itzhak, Dr. Sara Benninga, Haim Trivax, Yossi Navon, Rosemary Kaplun, Ruti Kantor, Yohanan Darom ,Lea Darom ,Yaniv Shachar, Deana Yasour, Rotem Barber Avraham, Dr. Mayera Glassman, Dr. Einat Lichtinger, Anat Levin, Noga Murdoch, Dr. Galit Weidman Sassoon, Efrat Freimann, Lily Yudinsky, Yotam Dobrin, Yam Schteinberg, Dr. Neta Bargai, Lior Algranati, Dr. Roe Kibrik, Baruch Velleman, Shoshana Lavan, Ronit Levin, Yael Levin, Yosepha Nachshon, Nurit Kat ,Seri Gomberg ,Erelah Gafni, Jonathan Salomon, Michelle Salomon, Assia Leshem, Sarah Hirsh Meydan, Hertz Ifat, Efrat Berman, Lea Itkin, Sharon ben basat, Rona Strauss, Dafna Alexandrovitch, Omri Hadari, Dr. Barbara Tomaszewicz, Tali Ilan, Judith Levinsohn, Arnon Harel, Itamar Feigenbaum, Prof. Gal Kober, Prof. Hedy Kober, Lily R. Kober, Ofra Hlperin, Michal Zinn, Abu Shelzer, Sara Miron, Hedva Adiri, Ruti Kantor, Dubi Moran, Osama Aljabri, Raghad Rezik, Amir Abu Al-Saoud, Rutie Atsmon, Yuval Gal Cohen, Naela Meilad, Michal Ronel, Chaya Ofek, Guy Butavia, Tamar Hacoen, Vered Bitan, Amir Bitan, Raya Rotem and myself.

2. As we'll explain below in detail, our request to add Ben-Zion Gopstein, MK Bezalel Smotrich and MK Itamar Ben-Gvir to the U.S. sanctions list, complies with its guidelines, policy directives and other sanctions decisions.

### **Ben-Zion "Bentzi" Gopstein**

3. Ben-Zion "Bentzi" Gopstein is the leader of the Israeli organization Lehava (in Hebrew, the acronym for "Prevention of Assimilation in the Holy Land").

4. While a religious view opposed to assimilation is a position protected by freedom of expression and freedom of religion, the Lehava organization is the sophisticated and current version of the 'Kahane Chai' (a.k.a. "Kach") movement (which was added to the U.S. list of terrorists (FTO) in 1997<sup>1</sup> and removed from this list only on May 2022<sup>2</sup>, but is still on the specially designated global terrorist (SDGT) list<sup>3</sup>.
5. Under Gopstein leadership, Lehava promotes an agenda of complete racial segregation which is similar in many ways to neo-Nazi movements. Extreme agendas similar to those of Lehava have already led to massacres and genocides around the world.
6. Among other things, Lehava activists were convicted of setting fire to the bilingual school in Jerusalem and spraying graffiti in which they described the school as a place that causes assimilation, called for the death of the Arab students and emphasized that "there is no coexistence with cancer"<sup>4</sup>.
7. Lehava activists hold marches throughout the State of Israel, and in Jerusalem in particular, and verbally and physically attack passers-by who are identified by them as non-Jews<sup>5</sup>. For example, at a march of the right-wing in the Muslim quarter of the old city of Jerusalem, on May 29, 2022, activists of Lehava sang "Your village will be burned"<sup>6</sup>. These are shocking events that are similar to the marches of extreme right-wing and racist organizations in Europe that prey on immigrants and refugees in the streets.
8. An indictment was filed against Gopstein for inciting violence, racism and terrorism<sup>7</sup>. In a long series of well-documented statements Gopstein called for and encouraged physical harm to non-Jews and their religious institutions. For example, Gopstein said that churches should be burned<sup>8</sup>. This indictment against Gopstein was filed after the involvement of Lehava activists and their leadership in violence and incitement were discussed at the Israel High Court of Justice (No. 5430/17)<sup>9</sup>.
9. This is how it was determined in Israel Supreme Court's decision to disqualify Gopstein from running in the elections for the 22nd Knesset (paragraphs 11 and

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<sup>1</sup> <https://2009-2017.state.gov/documents/organization/45313.pdf>

<sup>2</sup> <https://www.timesofisrael.com/us-removes-radical-jewish-group-kach-4-others-from-list-of-terror-organizations/> ; <https://www.state.gov/foreign-terrorist-organizations/>

<sup>3</sup> <https://www.treasury.gov/ofac/downloads/sdnlist.pdf>

<sup>4</sup> [https://www.nevo.co.il/psika\\_html/elyon/16004010-i08.htm](https://www.nevo.co.il/psika_html/elyon/16004010-i08.htm)

<sup>5</sup> <https://www.haaretz.co.il/news/politics/2017-06-29/ty-article/.premium/0000017f-aaa8-dc91-a17f-fead1e6d0000>

<sup>6</sup> <https://www.ynet.co.il/news/article/h1czhzzd9>

<sup>7</sup> [https://www.haaretz.co.il/embeds/pdf\\_upload/2019/20191126-133331.pdf](https://www.haaretz.co.il/embeds/pdf_upload/2019/20191126-133331.pdf)

<sup>8</sup> <https://www.srugim.co.il/122672-%D7%91%D7%A0%D7%A6%D7%99-%D7%92%D7%95%D7%A4%D7%A9%D7%98%D7%99%D7%99%D7%9F-%D7%A0%D7%A9%D7%90%D7%9C-%D7%A6%D7%A8%D7%99%D7%9A-%D7%9C%D7%A9%D7%A8%D7%95%D7%A3-%D7%9B%D7%A0%D7%A1%D7%99%D7%95%D7%AA>

<sup>9</sup> [https://www.nevo.co.il/psika\\_html/kitvey/kt-17-5430-12.pdf](https://www.nevo.co.il/psika_html/kitvey/kt-17-5430-12.pdf)

15)<sup>10</sup>: "Contrary to Gopstein 's claims, the dozens of pieces of evidence presented by the appellants, in his case spanning about ten years, and from the totality of evidence presented, a clear, convincing and unequivocal picture emerges of a consistent and blatant incitement to racism on his part against the Arabs of Israel. The Attorney General representative described this well in the hearing before us by saying that this is a clear case of revelations and manifestations of racism in the most severe form... The picture that emerges from a review of the dozens of pieces of evidence presented to us is clear, unequivocal and obvious on its face: in horrifying shows of systematic incitement to racism directed against the Arab public. Gopstein presents this public in general as an enemy and that there should not be any contact with it that might be interpreted as coexistence. He does not shy away from statements that liken coexistence to a terminal illness by saying that they are a cancer which "sends metastases everywhere." He does not even hesitate to describe the Arabs in general as those who behave according to a "culture of murder, theft and rape".

10. In addition, under Gopstein leadership Lehava activists incite, terrorize and harass mixed couples who wish to marry or have chosen to start a family together, as well as non-Jewish workers and their employers - in a way that may encourage physical harm to them. Former Israeli President Reuven Rivlin referred to the incitement suffered by spouses following a Lehava campaign: "A red line runs between freedom of expression and protest and incitement. Mahmoud and Morel from Jaffa decided to get married and maintain their freedom in a democratic country. The revelations of incitement against them are outrageous and alarming, regardless of my position or the position of another in relation to the subject itself."<sup>11</sup>
11. It should be mentioned that since December 2009, 66 mosques, churches and monasteries were set on fire and/or vandalized in the State of Israel and the West Bank, when in most cases no suspects were caught<sup>12</sup>. It is also important to recall the shocking case of the kidnapping and murder of the boy Muhammad Abu Khadir<sup>13</sup>, as well as the horrific case of the murder of members of Dawabsha family in their sleep, including a helpless baby, by setting their house on fire<sup>14</sup>. In addition to the massacre at the Dawabsha family home, it is known about three other residences that were set on fire in recent years, but miraculously the Palestinian families managed to escape. These terror actions were all done by far-right activists who supported Lehava's extreme ideology.

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<sup>10</sup> [https://www.nevo.co.il/psika\\_html/elyon/19054870-V06.htm](https://www.nevo.co.il/psika_html/elyon/19054870-V06.htm)

<sup>11</sup> [https://www.facebook.com/permalink.php?story\\_fbid=801970376504322&id=128211737213526](https://www.facebook.com/permalink.php?story_fbid=801970376504322&id=128211737213526)

<sup>12</sup> <https://www.tag-meir.org.il/%D7%91%D7%99%D7%A7%D7%95%D7%A8-%D7%A1%D7%95%D7%9C%D7%99%D7%93%D7%A8%D7%99%D7%95%D7%AA-%D7%91%D7%9B%D7%A0%D7%A1%D7%99%D7%99%D7%AA-%D7%92%D7%AA-%D7%A9%D7%9E%D7%A0%D7%99%D7%9D/>

<sup>13</sup> <https://embassies.gov.il/eu/NewsAndEvents/Pages/Conviction-of-the-two-minors-in-the-Muhammad-Abu-Khadir-murder-case.aspx>

<sup>14</sup> <https://www.bbc.com/news/world-middle-east-52705466>

## **MK Bezael Smotrich**

12. Over the years, MK Bezael Smotrich has published statements that can only be construed as direct and public incitement to commit genocide against the Palestinian people, according to article 3(c) of the Convention on the Prevention and Punishment of the Crime of Genocide (1951):
- a) On May 2017, MK Smotrich explained in a conference his official plan for the Palestinian people, in which the Palestinians will have three possibilities to choose from: leave the territories, continue to live there with second-class status, or continue resisting, in which case “the Israel Defense Forces will know what to do.” When asked if he also intended to kill families, women and children, MK Smotrich said: "In war as in war."<sup>15</sup> As Prof. Daniel Blatman, a distinguished historian of the Holocaust and genocide at the Hebrew University of Jerusalem, wrote, this plan<sup>16</sup> unabashedly put on the table the option of genocide, if the Palestinians do not agree to emigrate or to life under an apartheid regime.
  - b) In an interview with Haaretz<sup>17</sup>, published on December 1, 2016, when asked "And those who do not go and do not accept you as the sovereign power – in my view, that’s most of the Palestinians?", MK Smotrich answered, "Those who do not go will either accept the rule of the Jewish state, in which case they can remain, and as for those who do not, we will fight them and defeat them." When asked "How? Be concrete" MK Smotrich answered, "With an army, with weapons. What do you mean, ‘how’? That’s what we did in 1948 – we fought and we won. We will fight, and we won’t fight with our hands tied, as they are today, the way the Israel Defense Forces has to fight, but in fact just continues to let the engine, the fuel, that drives terrorism, operate...".
  - c) On September 6, 2017, MK Smotrich published this plan for the Palestinian people, on the Hashiloach Magazine<sup>18</sup>. MK Smotrich explained: "It is likely, of course, that not everyone will adopt these two options, and there will be those who will insist on choosing the third "option" - to continue using violence against the IDF, the State of Israel and the Jewish population. Such terrorists will be treated with determination by the security forces, with greater intensity than we do today and on more favorable terms for us."

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<sup>15</sup> <https://www.haaretz.co.il/opinions/.premium-1.4089732> ; <https://www.haaretz.com/opinion/.premium-why-religious-zionism-is-growing-darker-1.5472192>

<sup>16</sup> <https://www.haaretz.com/opinion/.premium-the-israeli-mk-heralding-genocide-against-palestinians-1.5475561>

<sup>17</sup> <https://www.haaretz.com/israel-news/.premium.MAGAZINE-the-face-of-israel-s-far-right-wants-to-abort-palestinian-hope-1.5468417>

<sup>18</sup> <https://hashiloach.org.il/%D7%AA%D7%95%D7%9B%D7%A0%D7%99%D7%AA-%D7%94%D7%94%D7%9B%D7%A8%D7%A2%D7%94-%D7%94%D7%9E%D7%A4%D7%AA%D7%97-%D7%9C%D7%A9%D7%9C%D7%95%D7%9D-%D7%A0%D7%9E%D7%A6%D7%90-%D7%91%D7%99%D7%9E%D7%99%D7%9F/>

- d) On October 13, 2021, MK Smotrich said in his speech to the Palestinian Knesset members<sup>19</sup>: "You are here by mistake because Ben-Gurion did not finish the job in '48 and did not throw you out."
- e) On November 2, 2021, MK Smotrich retweeted a tweet about the decision by the Palestinians families living in Sheikh Jarrah to reject the Supreme Court's compromise proposal that they recognize the settlers' ownership of their homes and in return be able to stay there for a few more years. MK Smotrich tweeted a quote from the Book of Joshua: "For it came of the Lord, to harden their hearts that they should come against Israel in battle to the intent that they should destroy them utterly, and show them no mercy, but that they should bring them to be exterminated: as the Lord had commanded Moses"<sup>20</sup>.



13. As Prof. Daniel Blatman explained in his article<sup>21</sup>, MK Smotrich relies on the biblical Book of Joshua as his model. Researchers of genocide in the ancient world have already determined that the Book of Joshua is an important document for examining the characteristics of genocide in the ancient world. Some of its components differed from the genocides of the 20th century, but the Book of Joshua describes actions that are explicitly defined as genocide in the Convention on the Prevention and Punishment of the Crime of Genocide.
14. The decision by MK Smotrich to connect between the Palestinian residents of Sheikh Jarrah and a biblical verse calling for the extermination of the enemies, speaks for itself.
15. On December 10, 2015, MK Smotrich already tried to downplay the severity of the incident in Duma village in the West Bank, in which, due to an arson attack, three family members died (18-month-old Ali Dawabsheh was burned alive, and both of his parents died from their injuries within weeks). MK Smotrich published a statement that the Duma incident should not be defined as a terrorist

<sup>19</sup> <https://www.srugim.co.il/607253-%D7%A1%D7%9E%D7%95%D7%98%D7%A8%D7%99%D7%A5-%D7%90%D7%AA%D7%9D-%D7%A4%D7%94-%D7%9B%D7%99-%D7%91%D7%9F-%D7%92%D7%95%D7%A8%D7%99%D7%95%D7%9F-%D7%9C%D7%90-%D7%92%D7%9E%D7%A8-%D7%90%D7%AA-%D7%94%D7%A2>

<sup>20</sup> <https://twitter.com/bezaleism/status/1455570680527851528>

<sup>21</sup> <https://www.haaretz.com/opinion/.premium-the-israeli-mk-heralding-genocide-against-palestinians-1.5475561>

action: "I seek to deny anything and everything in this equation. Terrorism is only violence perpetrated by an enemy as part of a war against us and only this justifies taking drastic measures. Everything else is a serious crime, a heinous crime, a nationalist crime, but not terrorism."<sup>22</sup>

16. On May 5, 2016, in comments marking Holocaust Remembrance Day, MK Smotrich justified (in a post on his Facebook page<sup>23</sup>) the murder of the youth Muhammed Abu Khdeir as part of "just revenge" and said that Jewish terrorists act not out of racism but because of a 'void' left by the state that is not carrying out reprisals "in legitimate ways"<sup>24</sup>: "One can assume that if the State of Israel had not erased, under the influence of twisted Christian morality, the word 'vengeance' from its lexicon and had done things in legitimate ways and deterred the enemy, we would not have been faced with these harsh incidents of private individuals taking the law and revenge into their own hands... The murder of the youth Muhammed Abu Khdeir and the murder in Duma (if it was carried out by Jews) are serious and forbidden, but they do not stem from racism – whose meaning is the hatred of the other only because they are different – or from the desire of someone in Israeli society to destroy the Arab people," Smotrich wrote. "They reflect anger and a desire for revenge, justified in their own right, on the basis of the hostility and war of annihilation the Arabs are waging against us...if the Arabs had not fought against us, not a single Arab would have been killed here," he wrote. "If the Arabs had not murdered us night and day, not a single Jew here would have wanted to harm them. War is a bad thing, and in it we are sometimes required to take unpleasant defensive measures. It happens sometimes that mistakes are made as part of it, and even grave mistakes that are almost criminal. But this is light years away from racism and apartheid."
17. On October 14, 2021, after MK Ahmad Tibi said that MK Smotrich made a neo-Nazi statement about the Palestinian Knesset members<sup>25</sup>, MK Smotrich responded that "People like him have no place in the country".<sup>26</sup>
18. MK Smotrich ran in the elections for the 25th Knesset on one list together with MK Ben-Gvir.

### **MK Itamar Ben-Gvir**

19. In his youth, in the 1990s, MK Itamar Ben-Gvir was the youth coordinator of the Kach movement, and he was even convicted in this context of supporting a terrorist organization and possessing materials of propaganda of a terrorist organization. The public in Israel especially remember how shortly before the

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<sup>22</sup> <https://www.maariv.co.il/news/politics/Article-517225>

<sup>23</sup> <https://www.facebook.com/Bezazelsmotrich/posts/607366762751038>

<sup>24</sup> <https://www.timesofisrael.com/far-right-mk-israel-must-take-just-revenge-for-palestinian-terrorism/>

<sup>25</sup> <https://www.srugim.co.il/607253-%D7%A1%D7%9E%D7%95%D7%98%D7%A8%D7%99%D7%A5-%D7%90%D7%AA%D7%9D-%D7%A4%D7%94-%D7%9B%D7%99-%D7%91%D7%9F-%D7%92%D7%95%D7%A8%D7%99%D7%95%D7%9F-%D7%9C%D7%90-%D7%92%D7%9E%D7%A8-%D7%90%D7%AA-%D7%94%D7%A2>

<sup>26</sup> <https://www.maariv.co.il/news/politics/Article-870667>

murder of Prime Minister Yitzhak Rabin, Ben-Gvir presented the emblem of Rabin's car to the media and declared, "Just as we reached this emblem, we can reach Rabin."<sup>27</sup>

20. Years after Kach was designated as a terrorist organization in Israel (March 13, 1994)<sup>28</sup>, in 2002, Israel's Supreme Court rejected an appeal (No. 8342/02<sup>29</sup>) that Ben-Gvir filed against the closing of the police offices that were connected to him. In the ruling it was stated, "The large amount of material seized in the offices and presented to the lower court clearly shows that there is complete identity between the activities of the "Kach" movement that was announced as mentioned above and the activities that took place in the offices. The material seized was identical in its content, and sometimes even in its form and colors, to posters, brochures and books that were distributed at the time by the "Kach" movement, and even pointed to an identity between the activists in the offices and the activists of the "Kach" movement. Thus, for example, cards were found in the offices, with the inscription "Kahana was right" and the telephone numbers of Itamar Ben-Gvir... A pamphlet supporting the act of murder committed by Baruch Goldstein entitled "Blessed Redeemer and Rescuer"; A lot of advertising material regarding the "Kach" activity and its ideology and more such materials. From all of this it appears that the offices were indeed used for the activities of the terrorist organization "Kach" and for spreading the teachings of this movement. It should be noted that this is not the first time that the police have revealed actions from which it emerges that the "Kach" and "Kahana lives" movements, although they were declared as terrorist organizations, did not stop their activities, but continued to exist under other names. Moreover, this is not the first time that the Commissioner of Police closed an office operated by the appellant due to the fact that it was found that this office is used for the activities of the "Kach" movement. It is difficult to see how it can be argued that the activity carried out in the offices that were closed - spreading racist, violent and dangerous messages, such as the call for a "government that will exterminate everyone", signed by "no Arabs, no terrorist attacks" or holding a pamphlet expressing support for Baruch Goldstein's actions - does not in itself directly harm public peace. Such activity, which manifests itself in the preparation of propaganda material whose messages incite violence and racism, prepares the ground for the germination of the violent activity itself. The message contained in the material seized from the appellant's offices and the risk inherent in the activities carried out in the offices should not be separated from the danger to public peace caused by the activities of a terrorist organization"<sup>30</sup>.
21. In the 18th Knesset, Ben-Gvir was a parliamentary advisor to far right MK Michael Ben Ari. Later, the Supreme Court decided to disqualify Ben Ari's candidacy for the 21st Knesset due to incitement to racism but decided to allow

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<sup>27</sup> <https://www.youtube.com/watch?v=JQ0sXLYOOeg&t=11s>

<sup>28</sup> [http://fs.knesset.gov.il/globaldocs/MMM/469ac3ed-8e32-e811-80de-00155d0a0235/2\\_469ac3ed-8e32-e811-80de-00155d0a0235\\_11\\_7679.pdf](http://fs.knesset.gov.il/globaldocs/MMM/469ac3ed-8e32-e811-80de-00155d0a0235/2_469ac3ed-8e32-e811-80de-00155d0a0235_11_7679.pdf)

<sup>29</sup> [https://www.nevo.co.il/psika\\_html/elyon/0208342.htm](https://www.nevo.co.il/psika_html/elyon/0208342.htm)

<sup>30</sup> [https://www.nevo.co.il/psika\\_html/elyon/0208342.htm](https://www.nevo.co.il/psika_html/elyon/0208342.htm)

Ben-Gvir's candidacy with the "Otzma Yehudit" party (in Hebrew "Jewish Strength"). The judges accepted the Attorney General's position that, despite the fact that the accumulation of evidence in the case of Ben-Gvir is extremely troubling, and in a few of the statements attributed to him, of praise to Rabbi Kahana who founded and headed the Kach movement, he came dangerously close to crossing the forbidden line, beyond which he is prevented from running in the Knesset elections, there is no reason to order his disqualification (Case No.1806/19<sup>31</sup>).

22. In recent years MK Ben-Gvir tries to present his position regarding Rabbi Kahana with more nuances, but still keeps praising him. In an interview published on February 14, 2021, Ben-Gvir said<sup>32</sup> "Otzma Yehudit does not follow the path of Rabbi Kahana, lest there be any misunderstandings, I think that Rabbi Kahana was righteous, he was holy, fought wars for the people of Israel, was murdered for the sanctification of God, raised up the Jews of the Soviet Union, but I am not Rabbi Kahana word for word, I am not in favor of a law on separate seashores and not in favor of including all Arabs, by the way those who know Rabbi Kahana's books know that even if there were periods, there were periods when he did not speak about all the Arabs, I take a lot of good things from Rabbi Kahana, but I am not there. I try to act in my own way for the people of Israel"; In an interview published on December 8, 2021, MK Ben-Gvir said, "I don't agree with every word of Rabbi Kahana and I don't feel obligated to everything... I think he was wrong when he included all Arabs, and I am against his proposals such as separate beaches for Jews and Arabs. But on the other hand, he was a leader who gave his life for the Jews of the Soviet Union and was murdered because he was Rabbi Kahana. I connect with him more than Rabin and I would certainly like him to have the same Memorial Day like Rabin has"<sup>33</sup>.
23. Similarly, MK Ben-Gvir claims that his position has changed regarding the right solution for the Arabs, and in the last few years he claims to believe that a distinction should be made between those who are enemies and those who are not enemies, and that the enemies should be encouraged to leave. When he was asked in this interview published on December 8, 2021, how he would make the distinction, MK Ben-Gvir replied, "Those who are disloyal are those who want to harm Jews wherever they are Jews. Those who raise their hands at soldiers, throw stones at policemen, riot, incite or write on the networks that Jews should be eliminated. They are a seething enemy that is found here", but in the same breath he pointed to the elected representatives of the Arab population in the Knesset as enemies, "the proof that I'm not a racist is that the first person I want to throw out of here is MK Ofer Kasif (who is Jewish)... I would send them on the plane in the first seats... I see these enemies every day in the Knesset... I'm not just talking about Ahmed Tibi, Ofer Kasif and Ayman Odeh, but also about Mansour Abbas. Bennett (former prime minister) cooperates with enemies".

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<sup>31</sup> [https://www.nevo.co.il/psika\\_html/elyon/19018060-V04.htm](https://www.nevo.co.il/psika_html/elyon/19018060-V04.htm)

<sup>32</sup> <https://www.srugim.co.il/536823-536823>

<sup>33</sup> [https://www.mako.co.il/news-n12\\_magazine/2021\\_q4/Article-3d6249ebca89d71026.htm](https://www.mako.co.il/news-n12_magazine/2021_q4/Article-3d6249ebca89d71026.htm)

MK Ben-Gvir maintains ambiguity about how he intends to encourage the "enemies" to leave and claims that he will start by offering to pay a financial grant. He is careful not to say what will happen to those who do not want to take the money and emigrate voluntarily<sup>34</sup>.

24. As part of what appears to be building his new public image, in January 2020, MK Ben-Gvir announced that he would remove from the wall of his house the picture of Baruch Goldstein who committed a massacre in the Cave of the Patriarchs in Hebron, in 1994, in which 29 Palestinian Muslim worshipers were killed and 125 wounded. MK Ben-Gvir announced that he decided to remove the photo in order to "prevent the formation of a left-wing government", after MK Naftali Bennett, made it clear that he would not head a political list of which Itamar Ben-Gvir was a part, and stated that "I will not include in my list anyone who keeps in his living room a picture of a man who murdered 29 innocent people."<sup>35</sup> At an election event at the Belich high school in Ramat Gan, on September 6, 2022, MK Ben-Gvir added "I don't think Baruch Goldstein is a hero", but did not explain why then this picture hung in his house for about 26 years<sup>36</sup>.
25. MK Ben-Gvir tries to offer a new position with nuances regarding Gopstein , again unconvincingly. In this interview from December 2021, he said, "Benzi is a friend and I have enormous respect for him, but on the other hand I don't sign onto everything he says. For example, he doesn't go into restaurants with Arab waiters, and I do."<sup>37</sup>
26. Not only was Gopstein a candidate for the 22nd Knesset in the list of Otzma Yehudit, but MK Ben-Gvir has a long and close personal relationship with Goph=stein and Lehava, before and after Ben-Gvir was first elected to the Knesset in March 2021. Among other things, in August 2016, Ben-Gvir met with trainees at Lehava's training camp in the Hebron Hills<sup>38</sup>. For years, Ben-Gvir and Gopstein demonstrated together against the Pride Parade in Jerusalem (for example, at the parade on August 2, 2018<sup>39</sup>). In May 2021, MK Ben-Gvir set up his official "office" in a tent in the Palestinian neighborhood of Sheik Jarach and hosted Gopstein there regularly<sup>40</sup>, while riots broke out throughout Israel and East Jerusalem. Police Commissioner Kobi Shabtai told the government ministers that "the person responsible for this intifada is Itamar Ben-GvirGvir"<sup>41</sup>. On October 1, 2022, it was revealed that MK Ben-Gvir even

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<sup>34</sup> [https://www.mako.co.il/news-n12\\_magazine/2021\\_q4/Article-3d6249ebca89d71026.htm](https://www.mako.co.il/news-n12_magazine/2021_q4/Article-3d6249ebca89d71026.htm)

<sup>35</sup> <https://www.ynet.co.il/articles/0,7340,L-5660727,00.html>

<sup>36</sup> <https://www.israelhayom.co.il/news/politics/article/13039149>

<sup>37</sup> [https://www.mako.co.il/news-n12\\_magazine/2021\\_q4/Article-3d6249ebca89d71026.htm](https://www.mako.co.il/news-n12_magazine/2021_q4/Article-3d6249ebca89d71026.htm)

<sup>38</sup> <https://www.ynet.co.il/articles/0,7340,L-4847632,00.html>

<sup>39</sup> [https://www.mako.co.il/news-israel/local-q3\\_2018/Article-993e322192bf461004.htm](https://www.mako.co.il/news-israel/local-q3_2018/Article-993e322192bf461004.htm)

<sup>40</sup> <https://www.ynet.co.il/news/article/ByZ2oFGd00> ; <https://www.inn.co.il/news/541518>

<sup>41</sup> [https://www.haaretz.co.il/news/politics/2022-11-02/ty-article/.premium/00000184-3897-d633-afff-3ff87240000?utm\\_source=App\\_Share&utm\\_medium=Android\\_Native&utm\\_campaign=Share](https://www.haaretz.co.il/news/politics/2022-11-02/ty-article/.premium/00000184-3897-d633-afff-3ff87240000?utm_source=App_Share&utm_medium=Android_Native&utm_campaign=Share)

donated NIS 1,800 to the campaign of the Lehava organization and added text "You deserve the Israel Award"<sup>42</sup>.

27. Although the Supreme Court invalidated Gopstein's candidacy for the 22st Knesset elections, he continued to be active in Otzma Yehudit and to assist in the political campaigns of MK Ben-Gvir. Ahead of the last elections on November 1, 2022, Gopstein distributed a video in which he called to vote for MK Ben-Gvir, "Let us not have mercy on the enemies and do what is necessary to them - and don't forget the ballot - Ben-Gvir"<sup>43</sup>. After the publication of the sample ballot of the elections on November 1, 2022, Anat Gopstein, one of the heads of the Lehava organization, said with a smile: "Lehava is back in power. I have a desire to outlaw the leftists, but we will not take revenge, we will not do to the left what they did to the right... Tonight the Arabs understand that Israel is first and foremost the state of the Jews." She said to journalists that her husband, Benzi Gopstein, was with the chairman of Otzma Yehudit, MK Ben-Gvir, in the hotel room where the celebrations were held. Later on the elections night MK Ben-Gvir gave a speech to his supporters and thanked Gopstein personally, "You know, it's not a secret, I don't always agree with Benzi on everything and every word, but my friend, my love and fighter for the people of Israel and the land of Israel"<sup>44</sup>.
28. In his victory speech, MK Ben-Gvir said, "We seek to separate those loyal to the State of Israel from those who undermine the existence of our dear country", again, without explaining what the criteria for filtering will be and what will be done to those who do not agree with his positions. Instead of thanking Rabbi Kahana, MK Ben-Gvir thanked Rabbi Dov Lior and mentioned him as his teacher and the greatest of the generation<sup>45</sup>. Rabbi Lior was the one who gave written consent to the book "The King's Torah", which against its authors a police investigation was opened, on suspicion of inciting racism. This book discusses, allegedly from a religious point of view, the possibility of killing non-Jews, and according to many of its critics it served as a source of inspiration for Jewish terrorist acts.
29. While MK Ben-Gvir is careful not to clarify what the criteria for filtering of the Arab population will be and what will be done to those who do not agree with his positions, he doesn't refrain from defining the elected members of the Arab population in the Knesset as enemies and terrorists, who should be removed<sup>46</sup>. For example, on July 7, 2022, after MK Ayman Odeh claimed that the IDF spokesman was covering up the case of the killing of journalist Shireen Abu

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<sup>42</sup> <https://www.kipa.co.il/%D7%97%D7%93%D7%A9%D7%95%D7%AA/1142841-0/> ;  
<https://www.ice.co.il/social/news/article/897384>

<sup>43</sup> <https://www.srugim.co.il/707874-%D7%9C%D7%9E%D7%A8%D7%95%D7%AA-%D7%9E%D7%A8%D7%96%D7%9C-%D7%92%D7%95%D7%A4%D7%A9%D7%98%D7%99%D7%99%D7%9F-%D7%9C%D7%90-%D7%A0%D7%95%D7%98%D7%A9-%D7%91%D7%A7%D7%9C%D7%A4%D7%99-%D7%91%D7%9F>

<sup>44</sup> <https://mobile.twitter.com/JoshBreiner/status/1587570789125062656>

<sup>45</sup> <https://www.youtube.com/watch?v=ODu1vWr-RKQ>

<sup>46</sup> <https://www.youtube.com/watch?v=AyHnVL3xKUs>

Akleh, MK Ben-Gvir stated that, "the terrorist Ayman Odeh accuses our heroic IDF soldiers of murder. The man who embraces terrorists and calls for Arab policemen to revolt is a shame and a danger to the security of the country. Anyone who attacks the country and harms IDF soldiers has no place here. Go away, Ayman - to Syria!"<sup>47</sup>. As part of Otzma Yehudit's election campaign for the 25th Knesset, on September 23, 2022, signs were hung with the text "May our enemy be gone" with photos of the candidates of the Hadash-Ta'al list to the Knesset MK Ayman Odeh, MK Ahmed Tibi and MK Ofer Kasif. MK Ben-Gvir responded: "The blessings that every family will say on Rosh Hashanah night, I intend to act to realize. Odeh, Tibi, Kasif and the other supporters of terrorism from the Arab parties serving in the Knesset are enemies of the State of Israel - and have no place here. Their place is in Syria". MK Ahmed Tibi posted on Twitter that this was incitement to murder<sup>48</sup>.

### **Now is that time to take action**

30. On December 10, 2021, Antony J. Blinken, the U.S. Secretary of State, stated, "We are determined to put human rights at the center of our foreign policy, and we reaffirm this commitment by using appropriate tools and authorities to draw attention to and promote accountability for human rights violations and abuses, no matter where they occur"<sup>49</sup>. This should also apply to the State of Israel and Israeli citizens.
31. On April 18, 2016, the U.S. Congress legislated the Global Magnitsky Human Rights Accountability Act<sup>50</sup>, that allows for imposing sanctions on any foreign person based on credible evidence that he is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals in any foreign country who seek to expose illegal activity carried out by government officials, or to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections.
32. As detailed above, MK Smotrich seems to support genocide. Gopstein repeatedly incites terrorism and racism, and he is an important activist in Otzma Yehudit. While MK Ben-Gvir claims that he has changed, as described above in detail he continues to "play with fire", and his ongoing relationship with Gopstein and Lehava is a good example of the danger in him. The three of them incite for the denial of human and civil rights recognized in international law of those they see as "enemies", like the elected politicians of the Arab public or anybody who seeks to expose illegal activities carried out by Israeli government

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<sup>47</sup> <https://www.ice.co.il/media/news/article/867542>

<sup>48</sup> <https://www.srugim.co.il/715363-%D7%97%D7%B4%D7%9B-%D7%98%D7%99%D7%91%D7%99-%D7%91%D7%A2%D7%A7%D7%91%D7%95%D7%AA-%D7%A7%D7%9E%D7%A4%D7%99%D7%99%D7%9F-%D7%A9%D7%9C-%D7%97%D7%B4%D7%9B-%D7%91%D7%9F-%D7%92%D7%91%D7%99%D7%A8-%D7%B4>

<sup>49</sup> <https://www.state.gov/the-united-states-promotes-accountability-for-human-rights-violations-and-abuses/>

<sup>50</sup> <https://www.congress.gov/bill/114th-congress/senate-bill/284/text>

officials and security forces, or to obtain, exercise, defend, or promote internationally recognized human rights and freedoms for the Palestinian people.

33. On November 10, 2022, MK Ben-Gvir gave a speech at Kahane Memorial. Responding to Ben-Gvir's speech, U.S. State Department spokesperson Ned Price said that "celebrating the legacy of a terrorist organization is abhorrent. There is no other word for it. We are concerned by the use of Kahane's legacy and rhetoric by extremist and violent right-wing activists."<sup>51</sup>
34. Under these circumstances, all three should be sanctioned in accordance with Article 3(b), including inadmissibility to the U.S. and blocking their property.
35. The Global Magnitsky Act requires the President to report to Congress annually, by December 10, on designations made over the previous year. According to the December 2019 report, the U.S. prioritizes actions "that are expected to produce a tangible and significant impact on the sanctioned person and their affiliates, to prompt changes in behavior or disrupt the activities of malign actors."<sup>52</sup>
36. Especially now, when Prime Minister Benjamin Netanyahu is considering appointing MK Ben-Gvir and MK Smotrich to senior minister positions, there is a real fear that they will have enormous power to realize their dangerous plans, as they will be able to hold Netanyahu by the throat for fear that if he refuses their racist demands, his government will fall.
37. We appreciate your urgent forwarding of this letter to the responsible officials in President Biden's administration.



Eitay Mack, Adv.

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<sup>51</sup> <https://www.haaretz.com/israel-news/2022-11-10/ty-article/.premium/he-was-about-love-israels-ben-gvir-to-take-part-in-kahanes-memorial/00000184-6192-da1f-afd5-efd677e00000>

<sup>52</sup> <https://crsreports.congress.gov/product/pdf/IF/IF10576>